

City Council Chamber, City Hall, Tuesday, January 29, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 29, 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. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:55 p.m. Mayor Pro Tem Quan stated that they had various Council presentations and called upon Council Member Edwards for her presentation. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that it was her honor today to honor the work of the Gulf Coast Regional Blood Center which was located in District D at 1400 La Concha just north of the Astrodome, that present today were Ms. Mary Richards, Media and Events Manager, Ms. Felicia Smith, Corporate Consultant for the City of Houston, Mr. Bill Teague's, CEO and President of the blood center, and Ms. Robin Davidson, Public Relations Manager, that the service that blood centers provided were always important but became even more effective in times of crisis, that for example, they used more blood the week of Tropical Storm Allison than the week before and that was even with the hospitals closed, so that showed them the importance of a center that was there on an ongoing basis, and when there was a crisis they stepped up to the plate, that during the nine day period following the September 11, 2002 attack on the World Trade Center, the blood center collected over 13,000 units from generous citizens in Houston and the blood had already eased the shortage and saved many patients lives at the Texas Gulf Coast Region. Council Member Edwards read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed January 2002 National Volunteer Blood Donor Month in the City of Houston at the Gulf Coast Regional Blood Center in recognition of their ongoing efforts to service Houstonians in need. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Teague stated that they appreciated it a great deal and were very proud of the citizens of Houston and the surrounding area for their support of the blood program and shared that pride with them as Council, that Mayor Brown had been a great supporter of the program as had Council Member Edwards and knew that many of the Council Members had as well and they appreciated it, that he wanted to remind them that patients in the region that they served used 2,000 units of blood and blood components every single day, that over 700 individual blood donations were needed each day to meet that need and there was no substitute for it, in spite of all the modern medical miracles there was no substitute, it had to come from compassionate people, so they thanked them for the support and on behalf of the patients whose lives it would save they said thank you. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Alvarado and Parker absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Rodriguez stated that she wanted to thank Council Member Edwards for bringing it to their attention and honoring the blood center because it was indeed the gift of life, that she knew that Mr. Teague had served the community very long and hard and appreciated that very much, that she encouraged everyone to make a donation, if they were a candidate, and give something that nobody else could give, that they also had bone marrow transplantation at the blood center and that was something that people did not know much about, and Mr. Teague stated that was true, that they had an opportunity for people to sign up for the

bone marrow registry, it was an international registry and their program was certified in 1991 and they put about 60,000 registers in there and had 70 successful bone marrow transplants as a result of that. Council Members Tatro, Goldberg, Ellis, Alvarado and Parker absent.

Council Member Quan stated that as they saw from so many ceremonies they had before Council they always liked to memorialize them with photographs, that while they had Mr. Bradshaw, a very capable photographer, they also may have seen on many occasions, the work of Mr. Tony Morris, that Mr. Morris did it not because he was getting paid but because of a love for his City and he invited Mr. Morris to the podium to make a presentation to Mayor Brown. Council Member Ellis absent.

Mr. Morris stated that he enjoyed addressing City Council, in particular the Mayor and Mayor Pro Tem because he found that the City of Houston was one of the cities that got along very well on how they deliberated at the business at hand, that citizens of Houston a lot of times took for granted the work that they did, but he did not, that he was present because he was a photojournalist and wanted to record the moment in time because he thought that Houston had been going through a renaissance that was in disproportion to what the Country was going through, that he had been able to notice in the City of Houston the growth as well as the exuberance exhibited by City Council after City Council as well as the citizens of the City, as they watched the renaissance take place, that the picture that he decided best appropriately embodied the renaissance and a picture that he mistakenly took at the fist inaugural of Mayor Lee P. Brown, that he had an archive of each and every one of the individuals that participated in that event, but it was about three or four months ago that he went through his archives one night and looked at the picture and said he did not believe he got what he had there, that it was a picture of Mayor Louie Welch, Mayor Kathy Whitemire, Mayor Bob Lanier and Mayor Brown together on the same stage at that split moment of history and he captured it, that by capturing it he thought he had put a cap on why they were going through a renaissance, that the renaissance was not over because in the end he thought that Houston would stand above and beyond other cities, including New York, LA and Chicago as a city of growth, prosperity and people who had come together in a cosmopolitan way to put aside differences of race, color, creed and religion to do a job that had the best quality of life for its citizens, regardless of partisan belief, and he displayed the picture for all the Council Member to see, and Mr. Morris stated that he had given a copy of the picture to Mayor Brown and would give a picture to each Council Member and presented the framed picture to Mayor Brown to be hung in City Hall. Council Members Galloway and Ellis absent.

Mayor Brown stated that he wanted to express his thanks and appreciation on behalf of all the Mayors, that it was a very nice picture, that they appreciated Mr. Morris's interest in chronicling what went on in the City. Council Members Galloway, Ellis and Alvarado absent.

Council Member Robinson stated that his staff member Mr. Pete Parker, who arranged today's presentation, attended an oratorical contest for Martin Luther King Day at Antioch and during the course of his visit to the presentation he ran into two young men who were outstanding, as he described them, and invited Mr. Randell Reedy, a student from Thompson Elementary and Mr. Edward Stewart, a student at Lockhart-Technology Academy, to the podium and they both recited their Martin Luther King/Black History Month presentations, Mr. Reedy and Mr. Stewart received a standing ovation for their presentations.

Council Member Vasquez requested a point of personal privilege to recognize some artists who were joining with him to celebrate Black History Month, that on February 10, 2002 at the Wortham Theater from 6:30 p.m. to 8:30 p.m. his office along with the Houston Urban League, the Wortham Theater, Aramark, Channel 13, KCOH AM1430, Magic 102, Kox Printing and the Houston Chronicle were sponsoring an event entitled "Centuries of Triumph", that through

dance, song, music and other artistic performances they were going to celebrate the accomplishments of African Americans in the City of Houston, that present today were some of the presenters and artists and he wanted to introduce and recognize them, Pastor Dixon and Mr. Issac Boney, Good Gang Choir, Ms. Ann Lundy, Scott Joplin Chamber Orchestra, and Dr. Rosa Smith Williams, HSPVA, who had been doing Black History Month celebrations for the last 25 years. Council Member Robinson absent.

Mr. Boney stated that he was happy to be a part of the First Annual Black History Program, that the Good Gang Choir was an antidote and a vision from their pastor to take their kids back from the City streets and from things that were calling their names out of focus, so that they would not be candidates for prison, that they were going to sing their hearts out and step energetically and it was going to be a grand performance and thanked them for the opportunity. Council Member Robinson absent.

Ms. Landy stated that she was the conductor of a community orchestra called the Scott Joplin Chamber Orchestra, which was composed of African American instrumentalists, that they had gotten together and performed music, principally of African American composers, that they were going to be performing two numbers on that particular occasion. Council Member Robinson absent.

Dr. Williams stated that 25 students were present with them and asked that they stand and be recognized, that the students would be performing the Gospel According to Hip Hop, that they would journey through the time when the great singers and dancers and performers created Gospel and then they moved into Hip Hop, that they did the program in celebration of their students so that they understood who they were and where they came from and where they were going, and she invited them to come out and enjoy their performance.

Council Member Vasquez stated that they also had KUMBA House, The Sandra Organ Dance Company and Ryan and Burrell Elementary and the Community Art Collective, that it was going to be a great performance and invited all of the Council Members to attend. Council Member Robinson absent.

At 2:20 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Quan led everyone in the prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll.

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

Council Member Wiseman move to suspend the rules to hear Ms. Dawn Jahnke out of order, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0116 ADOPTED.

Ms. Dawn Jahnke, 12610 A. Ste., Lane, Houston, Texas (281-890-8394) appeared and stated that last week Pat Ogilve extended an invitation to her from the Mayor concerning the letter she had written to the Mayor and City Council and after a lot deliberation and anxiety she accepted on the good intent of which she felt the meeting was requested, however she missed that opportunity when the Mayor failed to attend, that Mr. Hollingsworth was very kind and conducted the meeting with the Mayor's intentions, she was sure, but her disappointment remained, that she had brought a copy of the item that she had asked Mr. Hollingsworth to give the Mayor, just in case he was unable to do so, that when she gave it to him she told him that in her life she had grown best with criticism and this was not intended to criticize but just to help

the Mayor aspire to continue to do great things, that in her past visits to City Council she had noticed that many people came to Council and ask for their assistance on many matters so today she wanted to ask their assistance on something, that as she tried to bring closure to some of the tasks she must do after her husband's sacrifice to the City she was repeatedly unable to complete anything to do the absence of one piece of paper, the death certificate, that last Friday she was told it would not be released because there was no evidence, so she was asking the Mayor if it was in his power to provide her with any assistance to help her understand why the process was taking so long, that her family was still hurting and would like to bring closure to the matter, and recited a saying by Booker T. Washington, and left an envelope for Mayor Brown. Council Member Galloway absent.

Mayor Brown stated that they would check into her request and see what the hold up was and get an answer for her as rapidly as possibly, and Council Member Vasquez asked if the Mayor would share that answer with him as well. Council Member Galloway absent.

Mr. Mike Staley, 2809 Wesleyan Dr., Houston, Texas 77027 (713-910-2977) appeared and stated that he was on the Stella Link Redevelopment Board, that he was present to support the naming of the new City library with the name of Dr. John P. McGovern, that Dr. McGovern had contributed to the City of Houston and to Stella Link for many years and was well known for his activities for philanthropy, that he had been a tremendous supporter of Stella Link for many years as they had worked to revitalize the campus park from a criminal element to one that was a community service corridor, that the library site was Stella Link's first purchase through funding from Houston Endowment and Dr. John P. McGovern's funding for a huge park of the Stella Link Campus Park, that it was only fitting that Dr. McGovern be named for the new City library, that the new library would contain the distance learning center which would be the first within the City of Houston and Harris County, that it was through a federal grant obtained by the City and Stella Link and spearheaded by Senator Kay Bailey Hutchinson and Congressman Ken Bentson, that even though the original budget money contained the federal grant and \$300,000 from County Commissioner L. Franco Lee, it was determined that the additional space would not be adequate and additional space would be very beneficial, that the library would now be 20,000 square feet instead of 18,000 square feet, and this was accomplished through the participation and support of Mayor Brown, Council Member Parker, Ms. Barbara Gubbin and her staff and Council Member Mark Goldberg, for his great support in supporting the naming of the new library after Dr. John P. McGovern, that the final contribution to make 20,000 square feet a reality came from Dr. John P. McGovern, that Ms. Harriet Lattimer, their fund raiser, graciously obtained the funding from Dr. McGovern, that Dr. McGovern could not be present for health reasons and he had named two representatives, Dr. Brian Bottwell, Health Center Associate Dean at the University Texas Health Center and Ms. Harriet Lattimer, fund raiser for Stella Link and had worked with Dr. McGovern many times, that he hoped they would unanimously pass the naming of the new Stella Link library in honor of Dr. John P. McGovern, that Dr. McGovern would like the Dr. to be removed and just called John P. McGovern Stella Link Branch Library, that he would like to tell Dr. McGovern, who was watching the broadcast, that Ms. Gubbin and her library staff, Stella Link and their board of directors, and the communities involved, and probably Council and Mayor Brown, that they really thanked him so much for his generous support of the Stella Link Campus Park and for his contributions for the new library. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Goldberg stated that he wanted to thank Mr. Stahley for being present and along with Ms. Lattimer for their work in obtaining additional funding for what was a City of Houston building and property from private sources so they could make the library even bigger and better for the use of the community in that area. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Sekula-Rodriguez stated that she wanted to support the naming of the library after Dr. McGovern and would like to give honor to a gentleman of his character and consistency, that he had been a tremendous supporter of Houston in all areas including medicine, that he was one of the prime founders of the Museum of Medical Science. Council Members Galloway, Vasquez, Berry and Robinson absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and proceeded to the podium and attempted to speak loudly out of turn and was escorted from the Council Chambers by police officers. Council Members Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Mr. Bob Barnes, 3611 Bellefontaine, Houston, Texas 77025 (713-285-2247) appeared and stated that he was a Director on the Board of the Stella Link Redevelopment Association and was present to echo Mr. Stahley's great words asking and requesting that they name the new library at Stella Link and Aberdine in honor of John P. McGovern, that he had been a wonderful supporter of the campus park over the years, both financially and morally, that this was a great opportunity to recognize a very distinguished Houstonian for his commitment to their community, that this was a wonderful opportunity for them to recognize the efforts of many citizens over a number of years, that the library started just as a thought, hope and remote possibility from a little neighborhood called Braeswood Place, that there was a committee of home owners who looked into the possibility of the library in 1988 and here it was 2002, that it had been many years and they would be able to see it a reality, a better, finer and larger library because of Dr. McGovern, that they would hope that Council would support it. Council Members Galloway, Wiseman and Vasquez absent.

Council Member Goldberg stated that this was a model for a way to do the park, that it was done almost exclusively with private funds, a ten acre park, that Mr. Barnes had done a tremendous amount of work in helping to finance and in the update that was handed out to Council they could see at the bottom left hand corner what the area once looked like, that Mr. Barnes was to be congratulated and commended for over a decade of work to get the project done, and Mr. Barnes stated thank you, and stated that he would have to share that praise with a number of other people who were with him in this battle. Council Members Galloway, Wiseman and Vasquez absent.

Mayor Brown stated that everyone would agree that Dr. McGovern had done a lot for the City and would certainly have his support. Council Members Galloway, Wiseman and Vasquez absent.

Mr. Rick Pattison, 1907 Freeman, Houston, Texas 77009 (281-814-2820) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman and Vasquez absent.

Ms. Barbara Hornbeck, 914 Main St., No. 703, Houston, Texas 77002 (713-249-8901) appeared and stated that she and her husband lived downtown, that they had been at the Rice Hotel for three years and just recently moved three blocks south to Commerce Towers, that she was present with a group of other residents from downtown and friends and visitors who tried to visit downtown, and asked them to stand and be recognized, that they were present to plead for their neighborhood, that they all believed that the best way to revitalize downtown was to move there, and that was why she and her husband did it three years ago, but they were finding that most of them seemed to think of downtown as a place to work and party and did not seem to be very interested or concerned about the people who lived there, that the conditions that the downtown residents and visitors were asked to endure were almost intolerable, that they called it a war zone, that no other neighborhood in the City would tolerate what they had to put up with,

that their neighborhood was literally being destroyed, that they wanted five items from the Council, that one, they would like City Council to pass a coordinated street repair ordinance so that planned projects were made public, the contractors, and the beginning and ending dates of the projects, that two, they would like enforcement of an old City ordinance, Chapter 40 Streets and Sidewalks, Article V, Excavation in Public Way Division Two Permits, Section 40-145, regarding newly constructed and reconstructed streets, that the ordinance stated that a newly constructed or reconstructed street could not be destroyed or torn up for five years, that she wanted to thank Council Member Parker for sending her the information, that three, they would like for them to enforce a new City ordinance with regard to noise, that people were kept awake at night with jackhammers and all kinds of noise, that they were told there was an ordinance but when they asked the police officers who were on the projects, they said that Metro could bypass the ordinance as they had a permit, but when she asked City Council Members about it they said it was not true, so they wanted to know who was in charge, that four, they would like to know who they should call, as residents, in the middle of night when there was a violation, that five, they would like to see some kind of safety campaign for the downtown residents, with crosswalks, signs and some kind of public education so that people knew there were people who lived downtown. Council Members Galloway, Goldberg and Wiseman absent.

Mayor Brown stated that he wanted to suggest that anytime she saw a problem to call 311, and that number was available 24 hours a day. Council Members Galloway, Goldberg and Wiseman.

Council Member Alvarado stated that she would like to get an update of the coordinated committee that Mr. Haines had working on, that what did it consist of, that she could not make the meetings but her staff would be attending them, that she called HPD and was told that the permits were issued and there was nothing they could do about it. Council Members Galloway, Goldberg and Wiseman.

Mayor Brown stated that he would ask Mr. Haines to be prepared to give an update next week, and Mr. Haines stated that they did meet and would be available to meet with any Council Member on this, that he believed that Council Member Quan had discussed possibly convening a public meeting and they were more than happy to and the Council Members were invited to go to their war room on the 4th floor, that they had the maps laid out on what they were doing, that they could call him also, that he wanted to clarify that they did enforce the noise ordinance. Council Members Galloway, Goldberg and Wiseman.

Council Member Quan stated that they were in the process of organizing a townhall meeting to discuss it with all of the stake holders in downtown Houston, that the Downtown Association had agreed to coordinate the meeting with them to make sure they had as much visibility as possible, that it was their effort to try to make sure that everybody on board understood what the plan was and provided input to make it an even more workable plan for the people, especially for those who lived downtown. Council Members Galloway, Goldberg, Ellis and Wiseman.

Council Member Sekula-Rodriguez stated that she was very interested in keeping up with the issue and understanding what they could do and since she was on the Housing Committee and not on Planning she would try to keep up with that and be a part of the issue and be in contact with her a little bit better. Council Members Galloway, Wiseman and Ellis absent.

Council Member Alvarado stated that she had been told that business owners had been given a phone number to call 24 hours but did not know if that had also been extended to home owners, and Mr. Haines stated that it was available to anybody who either lived, did work or ran a business downtown, particularly after hours, that Tom Davis of the Downtown Management

District coordinated that phone bank and would make sure she got that listing, that they had a person on that call down number 24 hours a day, seven days a week. Council Members Galloway, Wiseman, Ellis and Vasquez absent.

Council Member Alvarado asked what could be done about somebody issuing the permits and allowing them to construct and make all sorts of noises at all hours of the night, that it was hard for HPD to enforce if the contractor showed a permit that allowed them to be there at that time, and Mr. Haines stated that the permit allowed the contractor to be out there, but it did not supersede or override the Noise Ordinance, that if they would call his office they were more than happy to respond, that one of the things they had found when they got into this exercise, was that while everybody was out there focusing on their construction project there had not been a lot of responsiveness to those who worked, commuted, lived or had businesses downtown, that what they had attempted to do, and he had personally met with residents as well as business owners, was to try to advocate on their behalf, so if there was a problem, if there was somebody out there in front of their place or apartment at night they wanted to know about it because they would shut them down, they wanted to make sure it did not happen, that they had a permit but it was more than not likely time sensitive. Council Members Galloway, Wiseman, Ellis and Vasquez absent.

Council Member Tatro stated that he was told that a resident in his district called the police dispatcher, 713-222-3131, and with the Noise Ordinance the police dispatched got them to stop working or shut them down, that he thought an easier solution or perhaps an alternative was to make sure they informed the officers who patrolled that area of the Noise Ordinance and that her first phone call be to the police dispatch, because at that time of night they would be the enforcing arm. Council Members Galloway, Wiseman, Ellis and Vasquez absent.

Council Member Parker stated that as she understood it one of the difficulties of construction downtown the only window of opportunity to do it was in the late night hours because they were trying to avoid traffic and shutting down the many restaurants and night spots that had to operate and they were giving the contractors a midnight to 6:00 a.m. order to get things done, that they were constantly juggling the needs of the residents and the business owners with construction, and Mr. Haines stated that they were not just building rail on Main Street, they had a lot of utility work down by utility companies and when they had to move 270,000 plus everyday in and out of downtown, they had basically told the utility companies that they did not want them working and taking out lanes of traffic during the peak times of the day, that they also had to recognize, as they issued that warning that there were also residences in the area and they had to balance that with having that work done at night in that area, so they had granted exceptions as they had come to their attention, that he would make sure to follow up on the area that Ms. Hornbeck lived in. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Council Member Parker stated that in terms of the noise issue she knew that the noise ordinance made some exceptions for construction noise, would those exceptions hold after daytime hours, and Mr. Bibler stated that he believed there were some exceptions for emergency work, but did not think there was an emergency going on down there. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Mr./Coach Bobby Taylor, 2107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez 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 Members Tatro, Galloway,

Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Ms. Sabrina Clark, 514 Hohldale, Houston, Texas 77091 (713-742-8755) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Mr. Randy Sofar, 14019 Southwest Freeway, Ste. 301, Box 722, Sugarland, Texas 77478 (271-277-3309) appeared and stated that there had been a situation that caught him by surprise, that he came to find out that in the telecommunications in the City of Houston and the State of Texas there was no mandate requiring them to offer 911 service to customers in case they did not pay their bill or in case there was a human error on the telephone company's part, as happened in this case, that he sent in a check for \$430 to pay his telephone bill and a few days before Christmas his service had been cut off, that he had no way of calling out, except that he had a cellular phone, that needless to say he spent about 2 hours on the telephone calling the telephone company and his bank in California, that apparently somebody at the telephone company had entered \$43 instead of \$430, that it made him think what would have happened if his daughter had fallen and got hurt, he would not have been able to call 911, or perhaps an elderly, bed ridden person's house would catch on fire, and if the phone company had made a similar mistake, who would be held liable, would there be a case, that he had lived in California for 16 years and out there if the telephone was shut off they always had access to 911, they also let them call a 1-800 number to call the telephone company to clear the bill up, that the thought it would behoove the telecommunications company's to allow the customers to do that, that what concerned him the most was the inability to dial 911 or 311 if there was a situation that needed to be addressed, that he had called his telephone company and asked them about it and they said the reason it was not done was because there was no mandate, that he would like to know what the Council could do in order to do that. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado and Sekula-Rodriguez absent.

Mayor Brown stated that he would have their people look at the California model and see if they could do something, and Mr. Sofar stated that it was not only California, there were many other States in the Nation where it was mandated, and Mayor Brown stated that they would follow up on his suggestion and look at what other States were doing and see if it was applicable and take the appropriate steps. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez and Sekula-Rodriguez 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 Members Tatro, Galloway, Wiseman, Ellis, Vasquez and Sekula-Rodriguez absent.

Mr. Joseph Omuari, 15 Charleston Park, Houston, Texas 77025 (713-665-1929) appeared and stated that the Allen Parkway Village eviction had not been solved as of yet, that during the course of the election all of those people supported the Mayor during the election, so he guessed in the theme of politics, as one hand washed another, he thought the African American Community was looking for a favor, that what he found the most disturbing about the eviction was who was running the City, were the administrators running the City or were the people who they elected running the City, that if the Mayor, City Council or even Congresswoman Sheila Jackson Lee could not get the Housing Authority to reinstate those people, he was just wondering who was running the City and who had the power to reinstate them, that during the election the Mayor asked them to allow him to see what he had in store for Houston, that he wanted the Mayor's legacy to be was to make sure of the \$12 million that was designated for low income housing would happen, so they could say that the \$12 million project was Mayor Lee P. Brown's project, that the election and all of the things that had happened, they were still behind him and still supporting them and knew there would be another day where he would come and

see their support once again. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Parker and Sekula-Rodriguez absent.

Mayor Brown stated that there was a division of labor in regards to the Housing Authority, that as they knew the funds for the Housing Authority came from the Department of Housing and Urban Development and there was a board who set policy for the Housing Authority and there were rules and regulations that were put out by the federal government and in that instance the Mayor nor the City Council had the authority to overrule the rules and regulations of those who pay for those buildings, that he would not want to see anyone get evicted, that was from a personal standpoint, but the other element was that no one could arbitrarily disobey the laws and rules and regulations, that he would get him an answer on the affordable housing program. Council Members Galloway, Wiseman, Vasquez, Parker and Sekula-Rodriguez absent.

Council Member Edwards asked Mr. Omari that understanding that the City Council had no regulatory authority over the Housing Authority, what would he like to see, as a citizen, the City Council and the Mayor do, from the whole systemic issue of public housing, and Mr. Omari stated that the African American Community was up in arms and when they changed the complexion of the neighborhood they also changed the complexion of the representatives of that neighborhood, that there was a lot of vacant space in Fourth Ward that could be developed for lower income housing, that his suggestion was to see how much \$12 million could afford to build different types of low income housing across the City or the area of the Fourth Ward, and Council Member Edwards asked Mr. Omari what was his understanding of Congresswoman Sheila Jackson Lee's position or the federal position on this issue, and Mr. Omari stated that from his understanding the federal position on this particular issue was that they could not break the rules. Council Members Wiseman, Ellis, Vasquez, Parker and Sekula-Rodriguez absent.

Mayor Brown stated that Mr. Haines would meet with him and give him an update on where they were on the Fourth Ward, that as he knew there was some purchase of lots using City funds that were going to the CBC's and they were going to build the houses, but it was a free market out there and anybody who buys the land could build whatever they wanted and by virtue of the City getting involved they would have affordable housing there. Council Members Wiseman, Ellis, Vasquez, Parker and Sekula-Rodriguez absent.

Mr. Anthony Mindiola, 507 Canadian, Houston, Texas 77009 (713-494-6491) appeared and stated that he was not present as a disruption to City policy or business but he was present to seek advice and to enhance the quality of living for the electricians in the Department of Public Works, Traffic and Transportation Section, that in addition to the quality of living that one could obtain from working in the City of Houston he was eerily concerned with the quantity in terms of the value that an electrician's role was to the department and the City's mobility, to put it blunt a wage increase, that he believed the amount of both physical and mental effort played a major part in the position or title that one held or aspired to achieve, that he was a product of the HISD system and achieved the title of Journeyman Electrician from the City of Houston in 1986 from a recognized apprenticeship program, that in his 20 years as an electrician he had worked in several cities in the United States starting in 1986, and those present were aware of the economic conditions that the City was in 1986, and the administration whose responsibility it was to carry them through the hard times, that he was earning a decent wage and could have enjoyed some of the benefits of living in the City until that year, that the administration at that time chose no other option but to decrease the wages of the electrician and in his view, degrade the tradesman, that was the year that the livelihood of the electrician was taken away, the value and the work of the craftsman ceased or in other words the shoemakers kids could not afford the shoes he made, that along with the reduction of earnings, which equaled buying power, there was a reduction in self esteem, that as the years went buy he had no choice but to hit the road and make a living, as the Mayor once did, in search of employment, that the work he performed

was directly proportional to the amount of education he had in the field of electrical trade, that being employed with the City for over three years he had seen the advancement of only a selected few, that unfilled positions that left a void in supervision, that he had seen titled changes that allowed for a salary increase in someone else's pockets, that the electrician's in the Traffic and Transportation Department, along with the Fire and Police Department, paid a parallel role in the operation of the flow of traffic, that they were at the scene of their vision of the mobility of traffic and were working to become knowledgeable at the new technology in the traffic field, that they were overlooked and very often the unseen factor in traffic, which left the limelight for others to receive in the upper chain of command, and yet still 20% behind the average salary of an electrician, that he was not present with the local union, but had their support and they could be present, that he was not bringing facts and figures about other pay scales and comparable large cities, but he could bring them, that he was not bringing surveys or data to support the facts because they were obvious, that he read about the enormous salaries that heads of departments receive and the changes that would make Public Works better, that he was involved in every facet of the City, that he had heard the Mayor speak of a vision of Houston and had been to labor breakfasts, marches and parades that the Mayor was in support of, that how could they compensate for what had happened in the past years, that he would like to have a constructive effort on this very important matter. Mayor Brown, Council Members Wiseman, Ellis and Parker absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Alvarado, Mr. Mindiola stated that he was a member of Local 716, IBW, that he was currently employed by the City of Houston, Traffic and Transportation Department,

Council Member Edwards stated that she would like for him to meet with Ms. Martha Rivera, that she would like to talk with him about how they could be of assistance in trying to move this thing forward because it kept coming up day after day. Mayor Brown, Council Members Wiseman, Ellis and Parker absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he was hoping that there would be at least \$4 million in performance pay bonuses for the civilian workforce and not diverted to something else, that they needed to change the pay scale of the City, that they needed to look at those kind of issues in the City. Mayor Brown, Council Members Wiseman, Ellis and Parker absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he knew that the sentiments expressed around the table were shared by everyone, that there was grave concern for the civilian workforce as well as the public safety workforce. Mayor Brown, Council Members Wiseman, Ellis and Parker absent. Mayor Pro Tem Quan presiding.

Ms. Rhonda Johnson, 1219 Beech Bend, Missouri City, Texas (281-437-1888) appeared and stated that she was present on the same issue that she had addressed before concerning a citation that she felt was issued in error, that she did obtain an attorney and she did appeal it, and the same judge, Judge Timberlake, denied her appeal, that she was present again because she felt that she should not have been responsible for the citation. Mayor Brown, Council Members Ellis and Parker absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked Mr. Bibler what procedure did Ms. Johnson have to follow, and Mr. Bibler stated that what he understood what happened was that she received a citation, went to court and the court convicted her and it was his understanding that she did not pursue a further appeal as she could have, and Ms. Johnson stated that she did appeal it and had a stamped copy of her appeal with the County Court, and Mr. Bibler stated that it would be handled over there, and Mayor Pro Tem Quan stated that they would see about getting someone to

assist her. Mayor Brown, Council Members Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she would like for her to meet with Ms. Rivera to make an appointment because she would like to talk with her more in depth and see where they could go with it. Mayor Brown, Council Members Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Edwin Johnston, 3407 Graustark, Houston, Texas 77006 (713-523-0119) appeared and stated that he was a member of the group called Friends in Defense of Allen Parkway Village and voiced his personal opinions regarding Allen Parkway Village, the evictions and the replacement of the board of the Housing Authority until his time expired. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that this was an issue that they were still working on and appreciated his coming forward. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mr. Johnston stated that he was suggesting to do whatever they could to bring some justice and have the people put back. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (713-455-3823) appeared and stated that he was knifed on the job a number of years ago and chased by the same subject with a shovel, and he displayed the shirt he was wearing when he was knifed and stated that he had a copy of the hospital report, that the police were notified and an officer came out and took a statement from him and then went to the company and talked to the other parties involved, that the company tried to blame him for it, that the receptionist had called the police, that he was terminated some time after that and he sought the police report and there was no police report and he went before the City Council and the police responded that the incident had been reviewed and after a careful review of the entire file they found that standard operating policies were adhered to throughout and found no evidence of any form of negligence by any member of the department, that he felt that the City Council should enact an ordinance which would require the Houston Police Department to file reports on attempted murder and talk to suspects and witnesses. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that it was a good suggestion and they would take it under advisement and see what they could do. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Albert Coleman, 4707 Curly Oaks, Houston, Texas 77053 (713-430-0020) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and presented a handout to the City Council and stated that it was in reference to criminology and would like for them to take a look at it. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Veronica Leath, 5621 Aldine Bender, No. 2721, Houston, Texas 77032 (713-229-9497) appeared and stated that she had talked to Council Member Galloway and wanted to suggest that if they could open up more resources for felons upon release she thought the crime rate would go down in Houston quite a bit. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she wanted to thank Ms. Leath for being present and would meet with her and talk. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Lenwood Johnson, 29041 Fulton, No. 230, Houston, Texas 77009 (713-228-2109) appeared and stated that he was present on behalf of the Fair Housing Coalition and wanted to tell them that the Fair Housing Coalition had delivered to Council a complaint, that the Housing Authority had a special board meeting that lasted all day, probably in the company of Fullbright of Jaworski, and they told them that they upheld the evictions, that they were a federal agency and received federal funds and had to come to a finding of facts to reach a conclusion of law, and asked if the City Council had received an official word, and wanted to know about the inspection for Ms. Najeri. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they were working on Ms. Najeri's situation and they had not gotten the record as he had requested. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Johnson stated that the Mayor had not come forward to the community, that the evictions were still standing, that Ms. Neal was at a temporary facility for six months, that she would have to come up with her own money to pay for the rent, that they were present to get her back into affordable public housing, which was based on her income, and not a set \$600 per month that she would have to pay, that her income was at about \$500, that at her age they did not want to keep moving her around, that he did not know who was paying for her rent, that as to the community hearing regarding public housing it was still on the table, but they had not gotten anything scheduled as of yet. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the Housing Initiative Committee was continuing to look at HATCH and would follow up with those issues as well. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 3:41 p.m. upon motion by Council Member Tatro and seconded by Council Member Wiseman, City Council recessed until 9:00 a.m., Wednesday, January 30, 2002. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 30, 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. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; 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 9:12 Mayor Brown reconvened the meeting of the City Council.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 30

MISCELLANEOUS - NUMBERS 1 through 3

1. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2002:
Position 1 - **COUNCIL MEMBER ROBINSON**
Position 2 - **COUNCIL MEMBER KELLER**
Alternate Position 1 - **COUNCIL MEMBER TATRO**
Alternate Position 2 - **COUNCIL MEMBER VASQUEZ**
- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0117 ADOPTED.
2. RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in Houston - Galveston Area Council - \$78,245.24 - General Fund- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0118 ADOPTED.
3. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Third Ward Multi-Service Center, GFS D-0070-01-3 - **DISTRICT D - EDWARDS**- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0119 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 8

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,146,917.55 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Andover, Southview and Fairlawn Place Subdivisions, GFS S-0036-AP-3 (10492) - 09.83% under the original contract amount Water & Sewer Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0120 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,051,008.22 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sims Bayou Trunk Sewer Rehabilitation, GFS R-2002-03-3 (4707-3) 00.58% over the original contract amount - Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0121 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$350,568.25 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Construction of Westview Paving Project from West Belt to Shadowdale Drive, Phase I, West Belt to Lumpkin Road, GFS N-0549-01-3 (N-0549-01) 01.38% under the original contract amount - Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0122 ADOPTED.

PROPERTY - NUMBERS 10 through 12

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gregory W. Keith, Marcus & Millichap Real Estate Investment Brokerage Company of Texas, for abandonment and sale of Farnsworth Street, from Fairfax Street ±130 feet north to its dead-end, located in Dawnridge Addition, John S. Black Survey, Abstract 163 Parcel SY2-025 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0123 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karl A. Smith, for abandonment and sale of 703,250 square feet of excess, fee-owned West Tidwell Road Right of way, being part of Lots 7 and 8, Block 36, Third Subdivision of Fairbanks Suburban Townsite, Parcel SY1-054 **STAFF APPRAISERS - DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0124 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Martha Yanez, for abandonment and sale of Charles Street, from Stable Lane ±106 feet east to its dead-end, in exchange for the conveyance to the City of a 5-foot-wide utility easement, both located within Mixion Place Subdivision, Parcel SY2-028 and VY2-010 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0125 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 29

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide water line containing 21,616 square feet of land, more or less, and four (4) fire hydrant easements containing an aggregate of 500 square feet of land, more or less, all easements being located within Lot 1, Greenspoint Village,

Pierce Sullivan Survey, A-749, Harris County, Texas; vacating and abandoning said tracts of land to the Greater Greenspoint Management District of Harris County, the abutting owner, in consideration of owner's dedication of a 20-foot-wide water line easement containing 6,659 square feet of land, more or less and payment of \$12,418.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0057 ADOPTED.

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of seven sanitary sewer easements containing an aggregate of 12,583 square feet of land, more or less, Parcels SY0-076A through SY0-76F and SY0-029; all easements being located in John Austin Survey, A-1, Harris County, Texas; vacating and abandoning (i) Parcel SY0-076A through SY0-076F to American General Life Insurance Company, abutting owner and (ii) Parcel SY1-029 to Knickerbocker Corporation, abutting owner, in consideration of the owner's dedication of two easements for street right of way containing an aggregate of 5,064 square feet of land, more or less, and one easement for sanitary sewer purposes containing 4,009 square feet of land, more or less, and payment of \$7,100.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0058 ADOPTED.
19. ORDINANCE consenting to the addition of 13.0852 acres of land to Harris County Municipal Utility District No. 230, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0059 ADOPTED.
20. ORDINANCE consenting to the addition of 148.79 acres of land to Fort Bend County Municipal Utility District No. 23, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0060 ADOPTED.
21. ORDINANCE consenting to the addition of 10.9398 acres of land to Northampton Municipal Utility District, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0061 ADOPTED.
22. ORDINANCE consenting to the addition of 20.4791 acres of land to Brazoria County Municipal Utility District No. 18, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0062 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** proving up to \$1,264,000.00 in Housing opportunities for persons with AIDS ("HOPWA") funds for the administration of a short-term rent, mortgage and utility assistance project, which sum includes limitation of additional funding in the amount of \$632,000.00; making various findings and provisions relating to the subject - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0063 ADOPTED.
27. ORDINANCE appropriating \$39,200.00 out of Airport System Commercial paper Series A, C (AMT) and approving the purchase from Aldine Independent School District of approximately 1.143 acres of land out of the Amos Barber Survey, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport CIP A-0024, for a purchase price, including closing costs, which does not exceed the sum hereby appropriated; making various findings and provisions related thereto - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0064 ADOPTED.

28. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving authorizing professional construction management and inspection services contract between the City of Houston and **ESPA CORP.** for Water Projects GFS S-0035-89 (WA10724) - was presented. All voting aye. Nays none. ORDINANCE 2002-0065 ADOPTED.
29. ORDINANCE appropriating \$221,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional engineering services contract between the City of Houston and **COBOURN LINSEISEN & RATCLIFF, INC** for the Design of water line replacement in various underserved subdivisions CIP S-0700-CR-2 (10566); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0066 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director of the Library Department to name the New Branch Library currently in design, the Dr. John P. McGovern-Stella Link Branch Library - **DISTRICT C – GOLDBERG** – was presented.

Council Member Goldberg moved that the Stella Link Library be named John P. McGovern Stella Link Branch Library, seconded by Council Member Keller. Council Member Berry absent.

Council Member Goldberg stated that he wanted to thank the administration for getting the item on the agenda so quickly, that it was a very good cooperative effort with a lot of the community, that they had grants from the federal government through Kay Bailey Hutchinson, through the County, some neighbors and the Stella Link Campus Park group to make it happen, that it was a little community library that was now a big community library and a great deal of that had to do with why they were naming it John P. McGovern, that they had \$450,000 extra from John P. McGovern to increase the size of the library by 10% so they wanted to thank him for his contribution, and also to a lot of people in the community who made it happen, that he wanted to thank Ms. Gubbin, Director, Houston Public Library for her help in expediting the matter. Council Member Berry absent.

Mayor Brown stated that he also wanted to express his appreciation to everyone who worked on it, that it was a classic example of how government and neighborhoods could work together for the betterment of the neighborhood. Council Member Berry absent.

A vote was called on Item No. 4 as moved by Council Member Goldberg. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0126 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,488,328.33 and acceptance of work on contract with **INSITUFORM GULF SOUTH, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-10-3 (4250-82) - 00.47% under the original contract amount Water &

Sewer Consolidated Construction Fund - **DISTRICTS D - EDWARDS; G - KELLER; H - VASQUEZ and I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0127 ADOPTED.

9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,820,696.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program Bid Package No. 4, Bell, Cottage Grove, Gragg, Independence Heights and Woodland Parks, GFS F-0363-04-3 - 04.99% over the original contract amount Parks Consolidated Construction and Community Development Block Grant Funds - **DISTRICTS C - GOLDBERG; I - ALVARADO and H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Keller. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0128 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **GBS ENVIRONMENTAL, INC** for Mold Remediation Services for the Building Services Department - \$49,100.00 and contingencies in a total amount not to exceed \$51,550.00 - Disaster Recovery Fund - **DISTRICT I - ALVARDO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0129 ADOPTED.
14. **HOUSTON-GALVESTON AREA COUNCIL** for purchase of Two Excavators through the Interlocal Agreement for Cooperative Purchasing for the Department of Public Works & Engineering - \$374,435.43 - Street & Drainage Maintenance Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0130 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE authorizing issuance of City of Houston, Texas, Water & Sewer System Junior Lien Revenue Refunding Bonds, Series 2002A and City of Houston, Texas, Water & Sewer System Junior Lien Revenue forward Refunding Bonds, Series 2002B, authorizing the Mayor and City Controller to approve the amounts, the interest rates, prices and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain commercial paper notes and certain outstanding bonds; authorizing the execution and delivery of escrow agreements; authorizing the purchase of and subscription for certain escrowed securities; authorizing negotiation of an interest rate swap agreement with respect to the Series 2002A bonds; authorizing bond insurance, reserve fund surety bonds, escrow verification and engagement of escrow agents, a co-bond counsel agreement, and a special disclosure co-counsel agreement; authorizing execution and delivery of a paying agent/registrar agreement – was presented, and tagged by Council Member Edwards.

Council Member Ellis stated that he wanted to offer the following amendments, which were being passed out around the table, that the first amendment would affect paragraph two of page 2 for the specific explanation. Council Member Berry absent.

Amendment 1

“The Series 2002A Bonds will be issued through a negotiated financing with Siebert Brandford Shank & Co., LLC to serve as book running manager. Serving, as co-seniors on 2002A bonds are Salomon Smith Barney and Estrada Hinojosa & Co. Series 2002B bonds will be issued through a negotiated financing with Morgan Stanley to serve as book running manager. Serving as co-seniors the Series 2002 B bonds are Bear Stearns, and Loop Capital Markets, LLC. Apex Pryor Securities, Bank of America Securities LLC, Banc One Capital Markets, Inc., Dain Rauscher, Inc., Lehman Brothers Ramirez & Co., Inc. SWS Securities, UBS Paine Webber, and US Bancorp Piper Jaffray will serve as Co-managers on both 2002A and 2002B. Fulbright & Jaworski L.L.P. and Burney will serve co-bond counsel. Andrews & Kurth L.L.P. and Law Offices of Francisco G. Medina will serve as special disclosure co-counsel. Underwriters’ counsel will be Vinson & Elkins, L.L.P.”

Council Member Ellis stated that Amendment No. 2 would be an amendment to the last paragraph of page 2 and would basically amend the negotiating terms between the City and UBS Paine Webber and Banc One. Council Member Berry absent.

Amendment 2

“To achieve the maximum flexibility on the terms of the swap agreement City Council authorization is being requested to negotiate terms with UBS Paine Webber & Banc One. Once authorized by City council, the FWG will lock in the fixed payer rate when interest rates are favorable. At that time, the FWG will return to City Council to seek approval of the swap agreement and ratify the terms.”, seconded by Council Member Keller. Council Member Berry absent.

Council Member Keller asked Council Member Ellis if with the two amendments was he fine with the item and Council Member Ellis stated yes that with the two amendments he could move forward on it, that everything that he read from Coastal Securities he agreed with that he just wanted to add some additional firms to the bond underwriting because it was his understanding that it was the largest undertaking that they had in the City of Houston, and Council Member Keller asked if he knew what the fixed payer rate was, were they going to remain below the fixed payer rate and Council Member Ellis stated yes. Council Member Robinson absent.

Council Member Ellis moved to suspend the rules to hear from Dr. Philip Scheps, F&A, seconded by Council Member Keller. Council Member Robinson absent.

Council Member Keller asked if the cost of the different professional services were in line with the market, and Council Member Ellis stated yes they were, that it would not cost them additional funds for either one of the amendments, it would just broaden the playing field. Council Members Berry and Robinson absent.

Council Member Sekula-Rodriguez asked how were the choices made in who they utilized in terms of debt restructuring and refinancing. Council Members Berry and Robinson absent.

Mayor Brown asked Mr. Haines to respond to the questions that were being asked. Council Members Berry and Robinson absent.

Mr. Haines stated that the selection and recommendation of the deals came through what was called the finance working group, which was co-chaired between the Mayor and City Controller, which was by ordinance, that the ordinance prescribed the process by which banker selections were submitted to City Council based on transactions and financings that came forward, that members of the working group generally included the Director of Finance and Administration, the City Attorney or representative, the Deputy City Controller and then participants with the working group included the financial advisors and bond counsel, that depending on the originating department there would also be a representative of that department on the working group, that it changed depending on the item at hand, that was typically the case but the structure of the working group itself was very well defined under the ordinance, that typically because of the complexity of transactions, most were based on review of qualifications, the strength of the proposal itself from the various banking groups and assuming that all of the things were equal, they evaluated them typically on insuring that there was a strong and competitive pool of underwriters for repeat transactions or transactions through the course of the year, that typically the underwriting teams were selected a year in advance, as was the case with this one with one exception and that was that Merrill Lynch elected to get out of the public finance business and they inserted Bear Stearns, and Council Member Sekula-Rodriguez asked Mr. Haines if Siebert Brandford Shank and Co. had done business with the City before in this capacity, and Mr. Haines stated not in this capacity, that this would be their first time as book running manager; that in this case it was critical not for tax purposes but for water rate purposes and they believed a very significant component was to be able to get as much possible present value savings as they could to either hold on, defer or be able to mitigate against future rate adjustments in the Water and Sewer Fund and Council Member Sekula-Rodriguez asked how would they know that the people were doing their job, would they produce a report or would they hear from them that it was functioning properly, and Mr. Haines stated that when the authorization or the ordinance was approved for any transaction typically what would happen would be that a financial advisor, a representative, generally the Director of F&A and the City Controller or Deputy City Controller actually participate in what they call the pricing exercise on the deals, that they act as the conscious to the lead underwriter to make sure that the best interests of the City were being protected as opposed to the best interest of the underwriter trying to sell the bonds, that they then would do an evaluation of the performance of each one of the underwriting team members in terms of what they commit to take, what they commit to price and what they commit to sell books of business for, some do well, others do not, and they use that evaluation practice from the preceding issuance to make determinations as to future issues, and in this case they believed the recommendation they had in front of them from the working group represented the strongest, most effective approach to dealing with the transaction. Council Members Berry and Robinson absent.

Council Member Edwards asked Mr. Haines on the fixed of the floating swap process how often was that used by municipalities and was that a standard process used by municipalities, and Mr. Haines stated that it was actually a more standard practice in other cities than Houston, that this would represent the first that they had done in the City, the

swap, that they were recommending it judiciously and believed that the Controller would echo that position, that they would not recommend doing a swap, which was in the simplest terms, taking a fixed rate financing and turning it to variable rate, in this case the variable rate would generate a significant amount of interest savings by doing it, that they would not recommend it at this point for the General Fund, however in the case of the Water and Sewer Fund, which was a revenue or enterprise based fund and based on the transaction preceding, that was the other two pieces in the item, they believed in made a lot of sense, that in this case Paine Webber approached the City with a very strong proposal and the working group took that under advisement and they believed it was a significant savings potential, that almost every municipality across the Country, of any size, had participated in swap transactions before and continued to do that, that the liability was if the variable rate, which was typically tied to some kind of an index, if they saw inflationary pressure that variable rate would tend to go up and the risk was if the variable rate crossed the fixed rate that was already done, that in this case, if he recalled the presentation and assurances they would be able to fix those rates at Paine Webber's risk to below or to the current fixed rate amount, so there was a cap on that which essentially took any potential liability off of the City's shoulders and put it onto the banking community.

Council Member Edwards stated that she would like to tag Item No. 15 and the two amendments.

Council Member Vasquez asked what were the specific reasons that this was such a complicated issue that they waited until the last minute to come to Council and did not take it through the committee process, and Mr. Haines stated that they took it to the working group and typically they had not brought transactions through the Fiscal Affairs Committee, that the working group did meet on it, that generally there was a time sensitivity involved, because they were looking at windows and time, but he would be able to review it with him, that the issue of the swap, the working group just dealt with a week ago, and Council Member Vasquez asked Mr. Haines to get some answers for them, that was Morgan Stanley the one who actually brought the financial suggestion to the City as far back as May 1999, and he would also like some information on whether or not Siebert was under capitalized to perform the deal and perform the work, and Mr. Haines stated that they would be happy to report that back to them.

Council Member Robinson stated that he was at least glad to talk about swap as an idea, that he had talked about it at the Council table since he had originally gotten there, that he hoped they would continue to move down the road of innovation to reduce the debt burden of the City, that hopefully all of the Council Members would have their questions answered so they would be able to vote on the amendments and main item next week.

Council Member Vasquez asked Mr. Haines if he would also include the minutes of the finance working group so they could see what the actual recommendation of the group was, and Mr. Haines stated yes, and Council Member Wiseman requested a copy of the minutes also.

Council Member Tatro asked if the working groups recommendations were in the form of a letter or documentation, and Mr. Haines stated that he would have to go back and

check, but typically it went into a report, documented and recorded, that typically there was a report that was put together that identified the general transactions and the naming of the three levels of underwriters, that the chairman of the working group was the Mayor and in the absence of the Mayor the chairman was the City Controller. Council Member Robinson absent.

Council Member Ellis stated that he would like to look at the terms of the swap agreement between City Council and UBS Paine Webber, and Mr. Anthony Hall, City Attorney stated that it had not been drafted as of yet, and Mr. Haines stated that they could get some information as to the fundamental principals that were associated with it. Council Member Robinson absent.

Council Member Sekula-Rodriguez stated that they would like to have a group instruction at the Fiscal Affairs Committee, and Mr. Haines stated that if Council Member Parker was agreeable they could post it for next Tuesday and Council Member Sekula-Rodriguez stated that they deserved to have a little more information about the process and how they came to their conclusions and also that she wanted to add her tag to Item No. 15 and the amendments. Council Member Robinson absent.

Council Member Keller asked Mr. Haines if he felt that time was of the essence, that as much as one week could affect the interest rates, and Mr. Haines stated that was always the risk.

Council Member Tatro asked Mr. Haines if he said that Item 15 fully reflected the working groups recommendation, and Mr. Haines stated yes, that was his understanding.

Mayor Brown stated that both Item 15 and the amendments had been tagged.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 31 and 31a out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0132 ADOPTED.

31. RECEIVE nominations for Positions 7, 8 and 9 of the **MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS**, for two year terms to expire January 31, 2004 – was presented.

Council Member Alvarado nominated Mr. Al Luna for re-appointment for Position 7 of the Municipal Employees Pension System Board of Directors.

Council Member Vasquez nominated Mr. Ignacio Pujol for appointment for Position 7 of the Municipal Employees Pension System Board of Directors.

Council Member Vasquez moved to close nominations for Position 7 of the Municipal Employees Pension System Board of Directors, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0133 ADOPTED.

Council Member Robinson nominated Mr. Walter Davis for re-appointment for Position 8 of the Municipal Employees Pension System Board of Directors.

Council Member Ellis nominated Mr. James E. Bashaw for appointment for Position 8 of the Municipal Employees Pension System Board of Directors.

Council Member Ellis moved to close nominations for Position 8 of the Municipal Employees Pension System Board of Directors, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-0134 ADOPTED.

Council Member Quan nominated Mr. Robert Hu for re-appointment for Position 9 of the Municipal Employees Pension System Board of Directors.

Council Member Tatro moved to close nominations for Position 9 of the Municipal Employees Pension System Board of Directors, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0135 ADOPTED.

31a. Appointment from the nominees for Positions 7, 8 and 9 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS** (Subject to suspension of the City Council Rules for that purpose) – was presented.

Council Member Quan moved to suspend the rules to consider the appointment from the nominees for Positions 7, 8 and 9 of the Municipal Employees Pension System Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2002-0136 ADOPTED.

A roll call vote was called for Position #7.

ROLL CALL VOTE:

Mayor Brown voting Luna	Council Member Vasquez voting Pujol
Council Member Tatro voting Luna	Council Member Alvarado voting Luna
Council Member Galloway voting Luna	Council Member Parker voting Luna
Council Member Goldberg voting Luna	Council Member Quan voting Pujol
Council Member Edwards voting Luna	Council Member Sekula-Rodriguez voting Pujol
Council Member Wiseman voting Pujol	Council Member Berry voting Pujol
Council Member Ellis voting Pujol	Council Member Robinson voting Pujol
Council Member Keller voting Pujol	

Mayor Brown stated that the vote was 8 to 7 for Mr. Pujol.

Council Member Vasquez moved to confirm the appointment of Mr. Ignacio Pujol for Position 7 of the Houston Municipal Employees Pension System Board of Directors, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0137 ADOPTED.

Council Member Vasquez requested a point of personal privilege and stated that Mr. Luna had served the City with distinction and would continue to do so as a Sports Authority member and other various capacities and this particular nomination was in no way to suggest that Mr. Luna was not qualified or had done a poor job, but an effort to create more opportunities across the City and provide more access for Hispanics.

A roll call vote was called for Position #8.

ROLL CALL VOTE:

Mayor Brown voting Davis	Council Member Vasquez voting Bashaw
Council Member Tatro voting Bashaw	Council Member Alvarado voting Davis
Council Member Galloway voting Davis	Council Member Parker voting Bashaw
Council Member Goldberg voting Bashaw	Council Member Quan voting Davis
Council Member Edwards voting Davis	Council Member Sekula-Rodriguez voting Bashaw
Council Member Wiseman voting Bashaw	Council Member Berry voting Bashaw
Council Member Ellis voting Bashaw	Council Member Robinson voting Davis
Council Member Keller voting Bashaw	

Mayor Brown stated that the vote was 9 to 6 for Mr. Bashaw

Council Member Ellis stated that he did not have the opportunity to meet Mr. Davis but wanted to thank him for his service on the Municipal Pension Fund and from everything he had heard about him he seemed to be a good person, that as Council Member Vasquez stated this was more to just spread out and start to utilize other people within the community, that in no way was it a vote against Mr. Davis, but a vote for Mr. Bashaw.

Council Member Keller moved to confirm the appointment of Mr. James E. Bashaw for Position 8 of the Houston Municipal Employees Pension System Board of Directors, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2002-0138 ADOPTED.

Council Member Keller moved to confirm the appointment of Mr. Hu for Position 9 of the Houston Municipal Employees Pension System Board of Directors, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0139 ADOPTED.

16. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2001-0787 by deleting nine (9) Junior Fire Alarm Dispatcher Positions and by adding nine (9) Captain Positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2002-0067 ADOPTED.
23. ORDINANCE approving and authoring contract between the City and **JOE WINTERS INVESTIGATIONS CO.** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - \$479,062.00 - General Fund – was presented and tagged by Council Members Tatro, Sekula-Rodriguez and Keller.
24. ORDINANCE approving and authorizing contract between the City and **BOYD, SMITH AND ASSOCIATES, LLC** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - \$789,600.00 - General Fund – was presented and tagged by Council Members Tatro, Sekula-Rodriguez and Keller.

Council Member Keller stated that he wanted to know if Item Numbers 23 and 24 were already in the budget as far as the arson investigators and if it was, was there going to be a reduction in that amount across the line, and Mayor Brown stated that it was already budgeted, that those who were doing it now would go back to their regular duty which would be arson investigators, that this was part of the recommendation from Tri-Data and Chief Connealy recommended it, that they would have some one meet with him and answer any of his questions. Council Member Parker absent.

Council Member Alvarado stated that she had a chance to visit briefly with a representative of the Fire Department and some of the concerns she had were with the overall process, that

she understood that there was a thirty day wait to have an appeal and understood that it was being reconsidered to change that in the process with the new contract, that she also wanted to know what safeguards were put in place if the interviews were recorded. Council Member Parker absent.

Council Member Tatro stated that he would like to meet with somebody on the Item also, that his questions and issues were very similar to Council Member Keller's, how was it in the budget, was it outsourcing and creating literally a new expenditure and not seeing any decrease on the operating side as opposed to their going back and doing their duties, that he would be very interested to hearing from Chief Connealy on that, and Mayor Brown stated that Chief Connealy would come and brief him, that they did conduct a cost analysis and what was being proposed would ultimately save the City money.

Council Member Sekula-Rodriguez stated that she appreciated the Mayor's comment on that because it was a fundamental question of hers', that the other question was regarding the responsibilities of an arson investigator and asked if they normally did citizen based polygraphs and Mayor Brown stated no, that it was only for the new recruits that were hired by the Fire Department.

25. ORDINANCE approving and authorizing third amendment to Subrecipient Loan Agreement between the City of Houston and the **HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION** to extend the time to advance funds thereunder; making various findings and provisions related thereto – was presented. All voting aye. Nays none. ORDINANCE 2002-0068 ADOPTED.
30. ORDINANCE appropriating \$4,964,700.00 out of Water & Sewer System Consolidated Construction fund, awarding contract to **RWL CONSTRUCTION COMPANY, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for 84-inch water main along West 24th Street North Durham Drive to Ella Boulevard, GFS S-0900-67-3 (WA10640); 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. ORDINANCE 2002-0069 ADOPTED.

MATTERS HELD - NUMBERS 32 through 38

32. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Chief of Police for supplemental allocation of \$138,169.95 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund - **(This was Item 1 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-0140 ADOPTED.
33. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2001-746, 7/3/01, TO INCREASE** spending authority by \$527,056.00 from \$2,108,226.00 to \$2,635,282.00 for Scott Air Pak and authorize the exchange of used 30-minute air cylinders for new 60-minute air cylinders for Fire Department, awarded to **ORR SAFETY CORP.** - General Fund - **(This was item 14 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBERS TATRO and ALVARADO)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-0141 ADOPTED.

34. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HI-WAY EQUIPMENT CO., INC** for Rental of Asphalt Road-Patching Trucks for Department of Public Works & Engineering - \$202,500.00 - General Fund - **(This was Item 23 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-0142 ADOPTED.

Council Member Vasquez stated that he wanted to compliment Public Works, specifically Right-of-Way and Maintenance, that last week they were able to put out a mowing contract to clear up some of the back log and today this was a pilot proposal for a one man pot hole patching trucks.

35. ORDINANCE approving and authorizing ground lease agreement between **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, as tenant and the City of Houston, Texas, as landlord, for the Multi-Purpose Sports and Entertainment Arena located in Downtown Houston **DISTRICT I - ALVARADO** - **(This was Item 34 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBER TATRO)**

Council Member Tatro stated that this was the item for the interlocal agreement between the Harris County Sports Authority and the City of Houston for the ground lease for the new arena, specifically the section that dealt with a suite that was part of the agreement and was to go to the City of Houston to be under the direction of the Convention and Entertainment Department and the City, that he had spoken to members of the Sports Authority and they were considering moving the Sports Authority box at Enron Field to the bureau, to move it out from under the Sports Authority board, and offered the following amendment:

Substitute the following wording for the following section:

Section 6.5.2 **The Greater Houston Convention and Visitors Bureau Suite**. Tenant shall enter into an agreement with the **Greater Houston Convention and Visitors Bureau “the Bureau” (a “Bureau Suite License Agreement”)** prior to the Commencement Date under which Tenant grants the **Bureau** a license during the Term, excluding any portions of the Term during which a **Bureau Default** exists and has not been cured, to use a suite in the Arena (the **“Bureau Suite”**). **The Bureau Suite** will be of a size and in a location reasonably acceptable to the Director of the **Bureau** and Tenant; provided, however, that the **Bureau Suite** shall be located on either side of the Arena between the visitor and home NBA foul lines (and any suite so located automatically shall be deemed to be in a location acceptable to the **Director of the Bureau**) unless otherwise agreed by Tenant and the **Bureau**. The **Bureau Suite** will be used by the **Greater Houston Convention and Visitor Bureau or designee of the Director of the Bureau for promotional** and economic development activities and for other public and civic purposes only during Arena Events for the purpose of viewing such Arena Event. Such **Bureau Suite** License Agreement shall grant the same (but not any greater) privileges to the **Bureau**, and be on the same terms and conditions, as licenses Tenant grants to the majority of third parties for other similarly located suites in the Arena, including equivalent obligations with respect to concessions, except that, although the **Bureau** shall be obligated to pay for costs and expenses in connection with its use of the **Bureau Suite**,

including without limitation its share of food and beverage service charges, telephone expenses, maintenance and repair costs and other charges imposed on the majority of suite users for services, costs and expenses, the **Bureau** shall not be obligated to pay (a) to acquire the **Bureau Suite**, (b) any annual rent with respect thereto or (c) for tickets to home Games for the NBA Team, WNB Team and NHL Team (if such NHL Team is owned by Tenant or an Affiliate of Tenant). With respect to events other than those described in clause (c), to the extent there is no out-of-pocket cost to Tenant from third party promoters or users, the **Bureau** shall not be obligated to pay for those tickets to such events; however, Tenant shall use reasonable efforts to remove the **Bureau Suite** from the manifest for all Arena Events. The **Bureau** shall only be entitled to a number of tickets to any Arena Event equal to the number of seats in the **Bureau Suite**. Parking passes will be provided to the **Bureau** at no charge for such events in the same proportion and on the same terms that other third party suite holders in similarly located suites have parking rights.

Mayor Brown stated that he was going to ask Mr. Stephen Lewis to address the issue, that it was his understanding that what they had in the agreement was approved by the voters.

Mr. Lewis stated yes, that at the time the election was held there were letter and interlocal agreements in place that provided the base terms of the deal, which were reflected in the grounds lease and they included a suite to be made available to the City, that the voters would have been aware of that at the time of the election.

Council Member Robinson stated that he was not going first, that if the Sports Authority was going to shift it over, he wanted to see everyone shift it over, that he was not going to be leading the conga line, that he was going to tag the amendment.

Council Member Robinson moved to suspend the rules to hear from Mr. Gene Locke, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0143 ADOPTED.

Mr. Locke stated that Mr. Grover Jackson, Vice Chair of the Board was present, but there had been discussions between the Sports Authority and the Convention Bureau about utilizing some portion of the suite, that it was never contemplated in his mind that the entire suite would go over, that it was his further understanding that those discussions had not gone anywhere and were now dead.

Mr. Grover Jackson stated that to recall when they had the discussions about the Arena, the suite and the City dates and the amount for the naming rights was an integral part of the financial return, which at that time they were concerned about the City's direct contribution, there was also an integral part of the deal that went to the voters and he would say it was a material representation to the voters and a material aspect on which they helped base their decision pro or con, that he thought it was inappropriate to change that at this point, that there was no contemplation that he was aware of by the Sports Authority to move the suite at Enron Field to anybody, that the County which was financed by the Sports Authority had their own arrangement for the suite down there and he was not aware of any contemplations or discussions to move that away from the County, that it was his understanding that the County would retain its suite at the football stadium and the Sports Authority would retain control of the suite at Enron Field and it was important that the City retain control ultimately, that the Sports Authority owned the arena that was being build and would revert to the City in 30 years and he thought it was important that the City, through the Sports Authority, retain control of that directly. Council Member Weisman

absent.

Council Member Robinson asked why would they give up a revenue stream when they did not even have any kind of written agreement between the City and the Visitors and Convention Bureau about compensation to the City. Council Member Weisman absent.

Council Member Sekula-Rodriguez asked if the Sports Authority had a box that was separate from the box that was in question, and Mr. Jackson stated yes, that there box was at Enron Field, that the Sports Authority did not have and was not contemplating a suite at the Arena, that would be one "public suite" in the Arena for City use, and there was one "public suite" at Enron Field and was operated by the Sports Authority and one "public suite" in the Reliant Football Rodeo Stadium and was run by the County.

Council Member Tatro stated that there were no revenue streams, that it would simply be a box coming to the City, that the City funded the Bureau to the tune of \$9 million, that they received 23% of the Hot Tax in the City, that it was an organization that had the City's best interest at heart, that it was a tax funded organization and was an organization that would comply with the spirit and the letter of any agreement, that it simply removed the ability for the C&E Department to have control of it and put it under a truly marketing entity of the City. Council Member Quan absent.

Mayor Brown stated that the Bureau was not a City agency, that it was a non-profit. Council Member Quan absent.

Council Member Parker stated that she would tag the amendment. Council Member Quan absent.

Council Member Galloway moved to call the question on Item No. 35, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-0144 ADOPTED.

A vote was called on Item No. 35, Council Member Tatro voting no, balance voting aye. Council Member Quan absent. ORDINANCE 2002-0070 ADOPTED.

36. ORDINANCE approving and authorizing first amendment to professional services contract (approved by Ordinance No. 2000-328) between the City of Houston and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the provision of Drinking Water for the Houston Region - \$260,00.00 Enterprise Fund - **(This was Item 47 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBERS SEKULA-RODRIGUEZ, TATRO and KELLER)** – was presented.

Council Member Sekula-Rodriguez stated that she had tagged the item in order to find more information about the services provided by Mr. John Hall and the information that she discovered was that he provided excellent work for the City, that her only concern about Item No. 36 was that it indicated that they would be paying Mr. Hall \$10,000 per month to represent the City to the TNRCC but it narrowed it to drinking water, that as they knew the TNRCC covered air as well as land and asked if it was correct that the \$10,000 only bought them water representation or would it also buy them representation on air and land issues.

Mr. Anthony Hall, City Attorney, stated that he was advised that it was for water and one of the reasons that it was for water was that was where they got the funding for the contract, from the water fund, that they had another contract, with Mr. Hall, dealing with air, that they would find out what the air amount was.

A vote was called on Item No. 36. Council Member Keller voting no, balance voting aye.
ORDINANCE 2002-0071 ADOPTED.

37. ORDINANCE appropriating \$1,100,000 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC**, approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** for the construction of District-10 Water Well Collection Line, GFS S-0936-05-3 (10568) - **DISTRICT G - KELLER - (This was Item 51 on Agenda of January 23, 2002, TAGGED BY COUNCIL MEMBER SEKULA-RODRIGUEZ)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0072 ADOPTED.
38. 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 39 on Agenda of January 16, 2002, POSTPONED BY MOTION #2002-0076)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0073 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg asked the Mayor not give up his idea of a Mayor's mansion so quickly, and Mayor Brown stated that he did not give up on it, but after he gave his speech all the reporters wanted to talk about was the Mayor's residence, that with all the important information in the speech that was all they focused on, that he had not given up on it, he just did not want to spend a lot of time working on it because there were more pressing issues, but there were a lot of people in the City who would like to see it happen and was glad to see that Council Member Goldberg supported the idea as well.

Council Member Weisman stated that she was welcoming the Transportation, Technology and Infrastructure Committee Chairman, Council Member Robinson and many other colleagues to a public meeting in the Clear Lake area tomorrow at 6:00 p.m. at the University of Houston Clear Lake Campus, that they were having a public hearing on the proposed San Jacinto Rail line that BNSF and some other firms were putting together and understood that Mayor Brown had some interest in that and was concerned with respect to the proposed line that had been sent to the Surface Transportation Board, that the Surface Transportation Board held a scoping hearing recently and the public was not allowed to make their comments known at that time so Council Member Robinson was providing the opportunity to allow people to make their comments known and those comments would be forwarded to the Surface Transportation Board so she urged everyone to attend, that it would be held from 6:00 p.m. to 10:00 p.m. at the Bayou Building Theater at 2600 Bay Area Blvd. Council Member Keller absent.

Council Member Galloway yielded her time to Council Member Robinson. Council Member Keller absent.

Council Member Robinson stated that he understood that the staff would be briefing Mayor Brown on the San Jacinto Rail issue and they may have some additional information from his office along with the statement that the Mayor had already put out in terms of his position on the San Jacinto Rail and they would be distributing that information and any new information.

Council Member Keller absent.

Council Member Robinson stated that he received some interesting information from Mr. Charles Stamps, Director of the MLK Grand Parade, who advised him that as of January 22, 2002, Guinness Media Service, producers of the Guinness Book of World Records, had recognized the Houston Martin Luther King Grand Parade as the third largest parade in Houston's History, behind the Tournament of Roses Parade in California and the Macy's Thanksgiving Parade, that according to aerial footage from Fox 26, 43,750 people participated in this year's parade and it was so long, in terms of number of participants, that it took 3 hours and 27 minutes to travel the parade route, and complimented Mr. Stamps and the MLK Grand Parade for their listing in the Guinness World Record. Council Member Keller absent.

Council Member Robinson stated that on Friday they would start Black History Month and after four years on and off working on a booklet they would finally go to print early next week, that it was a booklet about Houston's Minority Members of City Government from 1870 to 2002, and reviewed a little bit about the history of the State and the City and the 37 people of color who had the opportunity to serve City government either on City Council, as Mayor and City Controller. Council Members Galloway, Goldberg and Keller absent.

Mayor Brown stated that he would hope Council Member Robinson would share his publication with all of them, and Council Member Robinson stated that he intended to distribute a copy to all the public libraries and schools for free. Council Members Galloway, Goldberg and Keller absent.

Council Member Edwards stated that she wanted to thank Council Members Vasquez and Robinson for their presentation of young people at City Council yesterday, that it really lifted her spirits because in the last 20 years a lot of her work with the young people had been on the dark side working with incarceration and problems with the youth and it was really refreshing to see two young men stand up and say those things. Council Members Galloway and Keller absent.

Council Member Edwards stated that in February there would be a national conference in Houston on HIV dealing with minorities, in particular African Americans and Hispanics, that despite all of the efforts that had been done in those two communities the HIV situation was still out of hand and going even faster from HIV to AIDS situations, that she would like to thank Council Members Parker, Robinson, Alvarado and Berry who had agreed so far to be a part of a leadership position of testing to show the emphasis that this was not a "you people need to get tested", that it was a "we people need to get tested", because they were all either affected or infected with the situation they were calling HIV, that she would encourage all of the Council Members to be a part of this in some manner because they were losing a very large segment of the population, that also at the conference there would be the discussion of other epidemics that were affecting the two communities, in particular Hepatitis C, Tuberculosis and Diabetes, that they could do all of the programmatic structuring that they wanted on the City Council, but if they had people who were sick and infirmed in their communities, especially the young people who were the future of the City, then they were at best blowing in the wind. Council Members Galloway and Keller absent.

Council Member Vasquez stated that he did not know who was responsible within the City over the Hobby Center but he had heard that the Theater of the Stars was having trouble getting their contract with the Hobby Center and their scheduled move in date was actually in March so he would like to get some information, and Mr. Tollett stated that it was controlled by the Hobby Foundation, and Mayor Brown stated that the appropriate person would contact him. Council Members Galloway and Keller absent.

Council Member Vasquez stated that he wanted to point out that they had gotten a call about sewage backup in their district and Public Works was able to come out and fix it all in the same day, that the homeowners were all very appreciative of Public Works, that this was the type of can do service that was possible from Public Works and Engineering, that it was Mr. Darryl Reed and his crew who had gone out there and taken care of it. Council Members Galloway and Keller absent.

Council Member Vasquez stated that he wanted to recognize Mr. Haines for his contribution and renovation for the Right-of-Way and one man pot hole filling vehicles, that it was a great idea and was glad that the administration was pushing forward on it. Council Members Galloway and Keller absent.

Council Member Vasquez stated that he again wanted to bring to Council's attention the Centuries of Triumph, a Black History Month event that they were co-sponsoring with the Houston Area Urban League, that it would be on February 10, 2002, 6:30 p.m. to 8:30 p.m. and invited everyone to participate. Council Members Galloway and Keller absent.

Council Member Vasquez stated that he wanted to thank Council Member Robinson for his comments and hoped that he would be able to contribute to history also with his election to Congress and hopefully his election would add to that history. Council Members Galloway and Keller absent.

Council Member Sekula-Rodriguez stated that on the Burling North Santa Fe Rail Issue, February 1, 2002 would be the last day for public comment and it was a very narrow window to allow the public to even recognize that there was such a proposal going to the Surface Transportation Board, that she was very pleased to thank Mayor Brown, Mr. Hall, City Attorney as well as County Judge Robert Eckels, who had agreed to request and support a 60 day extension on that public comment, that the rules of the game were such that if a train was not moving they could only be there for 10 minutes, but no one enforced it, that the conductor was supposed to disembark and separate the train and allow traffic to course by, that she had never seen it happen, and most of them had never seen a train break so that traffic could move, that it was the law but no one enforces it, so the City had a vested interest in making sure that they did not have a track placed in a disadvantageous position, that they had a vested interest in the citizens of all the neighborhoods and Ellington Field, that not only was there a townhall meeting at the University of Houston Clear Lake on January 31, 2002, but there was also going to be a press conference at Silvan Rodriguez Park at 4:00 p. m and people were invited to attend, that she wanted Mr. Hall to make a statement about the position that the City had taken regarding the train and what the intervening status was of the City. Council Members Galloway, Edwards and Keller absent.

Mr. Hall stated that as he had indicated to Council Member Sekula-Rodriguez about two months ago the City did file for party status in the proceedings before the Surface Transportation Board and as he understood it now the issue that was before the board and the issue that comment was invited on that would expire tomorrow was the scope of the EIS itself, that the Mayor had indicated that he was sending a letter asking for an extension of time for comments to be submitted regarding the scope, that the City, in an effort to protect their interest, was going to be filing their concerns and requests formally to meet that deadline should the extension not be granted. Council Members Galloway and Keller absent.

Council Member Parker stated that she had a minor issue about cost allocations, that at some point last year they had an upgrade in computer equipment in the Council offices and there was some discussion back and forth about how that had been approved and was part of a major technology upgrade across the City to try to standardize equipment and in fact Council offices

did not necessarily order the equipment it was just presented and her office turned some of it down because they had already purchased, out of their office budget, better monitors than were being provided, that she noticed recently that they got a memo in the Council office about Blackberry pager, electronic e-mail devices and assumed they were being paid for out of the technology fund but the costs were never billed back to the Council offices nor were the ongoing monthly costs ever billed back to the Council offices, which brought her to the question if they were truly capturing what it cost to run the individual offices or were they going to come out of the Pro Tem's office, which was the catch all for copies, for example, that she would like to know what happened to those initiatives, and Mayor Brown asked Mr. Haines to follow up and give an answer to those questions. Council Members Galloway and Keller absent.

Council Member Alvarado stated that she wanted to reiterate what her colleagues had talked about, the Burlington Northern San Jacinto Rail Line, that as someone who grew up in the Manchester area and had to deal with a lot of train traffic she could sympathize with the communities that were opposing it, that the existing rail line as it was now would impact about 7,000 school kids and the proposed rail line would impact about 18,000 school children, so she would urge the administration that along with asking for an extension of the deadline to urge Burlington Northern to seriously look at the alternatives that had been discussed, that she believed there were four of them. Council Members Galloway and Keller absent.

Council Member Alvarado stated that she wanted to thank Dr. Kendrick who came and visited with Council Member Edwards and herself to talk about the Third Ward Multi Service Center, that she felt a little bit better about the direction they were moving in and the time frame to have their programs in place at the Multi Service Center. Council Members Galloway and Keller absent.

Council Member Alvarado stated that tomorrow the Shape Up Texas Campaign kicks off, that it was a statewide campaign. Council Members Galloway and Keller absent.

Council Member Alvarado stated that tomorrow was Mr. Tollett's last day as Director of Convention and Entertainment and wanted to thank him for all of his years of service to the City and to wish him well. Council Members Galloway and Keller absent.

Council Member Berry stated that he wanted to thank Ms. Velma Laws, Affirmative Action Department, that he had made a comment last week about an issue that had been brought up to him on several occasions, prompt payment of contractors, and learned from her that it was on the Mayor's agenda and knew he had convened a task force to deal with it. Council Members Galloway and Keller absent.

Council Member Berry stated that he wanted to thank Ms. McGilbra in Building Services, that they had brought several things to her and received prompt responses and a lot of assistance and they appreciated that. Council Members Galloway and Keller absent.

Council Member Berry stated that he appreciated Mr. Haines sending Mr. Vanden Bosch, Acting Public Works Director, around to meet with the Council Member individually. Council Members Galloway and Keller absent.

Council Member Berry stated that he was sad to report that Mr. Yogi Gahunia, who was a real asset to the community, passed away on Sunday morning, that he was a leader not only in the Indian Community but in the community at large. Council Members Galloway and Keller absent.

There being no further business before Council, the City Council adjourned at 10:53 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. Council Members Galloway and Keller absent. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary