

City Council Chamber, City Hall, Tuesday, March 19, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 19, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Ada Edwards, Addie Wiseman, Mark Ellis, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office, Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Mark Goldberg and Bert Keller absent on personal business. Council Member Gabriel Vasquez absent on city business.

At 2:13 p.m. Mayor Brown stated they had several Council presentations with the first being Council Member Weisman. Council Members Galloway, Ellis, Alvarado, Berry and Robinson absent.

Council Member Weisman stated that she wanted to recognize the Clear Lake High School Cheerleaders and invited Ms. Amy Laroie and Ms. Kathy Thiessen to the podium and read a proclamation that stated that the Clear Lake High School Cheerleading Squad recently earned top honors at the National Cheerleaders Association National Competition in Dallas where they earned high marks for style, execution and energy and in addition the dynamic group had won first place at the American Spirit National Championship for the past three years and were the current Cheer Power National Champions in their division, and stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed March 12, 2002 as Clear Lake High School Cheerleading Day in Houston, Texas. Council Members Ellis and Alvarado absent.

Council Member Parker stated that they were also honoring an event that was coming up this weekend, the Bayou City Arts Festival in Memorial Park and invited some of their board members of the Colony Association Board to the podium, Mr. Mike Piano, President of the Board of Directors, Ms. Nadia Tratinko, past President, Mr. Richard Flor, Treasurer, Ms. Mary Paulette, Secretary of the Board and Carol Herrera, Board Member and read a proclamation that stated that held each year on the fourth weekend in March the Bayou City Art Festival of Memorial Park had earned a reputation as Houston's premier Spring outdoor fine art event, that this year's event on March 22 through March 24, would mark the Art Colony Association's 30th year as a Houston art tradition, that on this milestone occasion the City of Houston congratulates and commends the Arts Colony Association and its artists, volunteers and charity partners and extends best wishes to all for many years of continued success and that the proclamation was signed and declared by Mayor Lee P. Brown. Council Member Berry absent.

Mr. Piano stated that they wanted to thank the Council and the City for recognizing the 30th anniversary of their festival, that they started as a street festival and now they were recognized as one of the top 50 art festivals in the Country and they were very proud and pleased to be able to represent the City's park space where people could enjoy Memorial Park, downtown at City Hall and also they were very proud and pleased of the contributions that the festival had made to the local charities, that over the 30 years they had contributed almost \$2 million to 11 local charities in the City, that the current charity partners for this year were the Museum of Fine Arts, The Art League, Diverse Works, MECCA, Stephens House, the Spay and Neuter Assistance Program, Straightway, Bristow Resource Center, the YMCA Downtown Youth and Urban Services, Bering Omega Foundation and the Houston Park Board of Trustees, that there was no parking at Memorial Park, but they did have Metro shuttles at three locations, at Northwest Mall, Downtown Theater District and 610 at Braeswood. Council Member Berry absent.

Council Member Quan stated that he was pleased to recognize Ms. Marlies Fitch for her accomplishments as the new Miss South East Texas 2002, that she would be representing their

area in the Miss Texas Pageant and invited Ms. Fitch to the podium and stated that she would share with them her platform as Miss South East Texas.

Ms. Fitch stated that she was Miss South East Texas, which was part of the Miss America Organization which was the largest provider of scholarship monies for women in the entire world and last year they gave out \$40 million in scholarship's, which was a great thing for women across the Nation, that she was a local titleholder and would be competing in the Miss Texas Pageant July 6, 2002, on KPRC Channel 2, and stated that her platform was Youth Mentoring and Character Development, that she believed very strongly that youth needed mentors and had been working very hard with Big Brothers and Big Sisters across Houston and in Hawaii, where she went to visit two weeks ago, and proceeded to recite her platform for the Council.

At 2:26 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Quan invited Reverend Father Brendan Pelphrey, Annunciation Greek Orthodox Cathedral to lead everyone in the prayer and Council Member Quan led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Goldberg and Keller absent on personal business. Council Member Vasquez absent on city business.

Council Members Quan and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Goldberg and Keller absent on personal business. Council Member Vasquez absent on city business.

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

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (281-999-7675) had reserved time to speak, but was not present when his name was called.

Ms. Sheri Cortez, 8722 Sterlinggame, Houston, Texas 77031 (713-988-0772) appeared and stated that she was a representative of the Glenshire Community Association, that Glenshire was a subdivision located off of West Bellfort and the Sam Houston Toll Road, between West Bellfort and Airport, that the subdivision encompassed a west and east side and what she was present about was a potential problem on the east side of Glenshire, that Gateway Homes was planning to build a subdivision located on West Bellfort between Gatlinburg and Stanwood, that there were streets that ran into the Glenshire Subdivision, that the lot was a total of 15.7 acres and the developers were planning to build 89 homes in that very small space, that in order to develop the property it would be necessary to raise the topography of the land, which would potentially flood the subdivision behind the development, which was Glenshire, as well as cause a potential flooding problem for West Bellfort, that at this time there was not adequate drainage to date on West Bellfort when it rained, therefore the community as whole suffered flooding at Gatlinburg and West Bellfort, Stanwood and West Bellfort and the Beltway 8 and West Bellfort, that those three areas were hot spots for standing water, that today she observed that there were only two working storm drains on West Bellfort between Stanwood and the Sam Houston Toll Way, that her concerns were that the raising of the property would not only cause flooding for the Glenshire Subdivision but would indeed cause flooding on the City street of West Bellfort, that she would like to go on record to say that the subdivision as a whole was not against development, that as a matter of fact there was development going on all around them in the community, that the land was originally spotted for a shopping strip center and a shopping strip center would not encompass the magnitude of the equivalent of 89 homes, that Gateway's engineers, Brown and Gay, informed her they were building adequate drainage to suffice the City code, this meant they were building adequate drainage for the runoff water for their community and were not taking into account the surrounding areas, that she had spoken to many people at

various City offices, and Ms. Marlene Gafrick had informed her that the Planning Commission approves plans if there were not any objections by any other agencies such as Flood Control, that Mr. John Randolph's office, in the Flood Control District Office, said that they would not approve the plans if Public Works Department had an objection, that Mr. Gary Norman, in the Public Works Department stated that if Mr. Dwayne Kulp, Planning and Review section, had approved the plans and if Mr. Mike Luyex, Flood Drainage section of the City of Houston, approved the plans, then the subdivision would be built, that she wanted to go on record that she tried to speak with Mr. Luyex today and he was not interested in answering any of her questions and in fact he was excessively rude and hung up on her, that he went on to tell her that the water drainage from their subdivision into the vacant field was illegal and she told him she had heard that before but the reason the water drained into the field was because there was not adequate drainage in their subdivision as well as West Bellfort, that the concern of the community was another flood such as Allison, that no one saw it coming and no one could predict the future, that they would like to be prepared and since residents could not buy flood insurance they were at the City's mercy and implored that they take action and find out why the subdivision was being built without proper coverage by the City.

Council Member Robinson stated that he hoped they would run the traps to check to see what was going on, that he thought that one of the things they ought to do, and he had asked Public Works about it, was to have an in house system where they could plug in a project and see what the impact would be on flooding, and Ms. Cortez stated that she had asked for a drainage impact analysis and had not been afforded one, that the engineers for Gateway had told her it was not necessary.

Council Member Edwards asked who she had spoken with at the City and asked if she had spoken with her City Council Member and Ms. Cortez stated that yes, she had spoken with Council Member Goldberg, that she had spoken with Ms. Gafrick, Planning Commission, Mr. Norman, Public Works Department, who had been incredibly helpful, that she had left messages for Mr. Kulp but had not gotten a return call, and had also spoken with Flood Control, Mr. Randolph.

Council Member Sekula-Rodriguez stated that Ms. Cortez had mentioned some consternation with Mr. Luyex, and Ms. Cortez stated that he was with the Public Works Department, Flood District area.

Mayor Brown asked Mr. Norman if Mr. Luyex was one of their employees, and Mr. Norman stated he was with Planning and Development, and asked Ms. Cortez if Mr. Luyex was rude and Ms. Cortez stated yes, and Mayor Brown stated that it was unacceptable for any City employee to be rude to anyone who came for service, that it was all of their jobs to answer the questions she had and provide the best service they could and stated that he would follow up on it.

Upon questions by Council Member Tatro, Ms. Cortez stated that there were 89 homes for the new development, that right now it was a vacant field, that Trammel Crowe last year had wanted to purchase the land and build a strip center on it, but once they did soil samples they backed out and went across the beltway, which was a little bit more solid ground, that it was not in the 100 year flood plan, that they were not in the flood zone but her house did flood during Allison and her home sits in the center of the subdivision.

Mayor Brown stated that Mr. Norman, Public Works, would visit with her and work with her to see if they could get answers to her questions and see what they needed to do to take care of the problem.

Mr. Roger Gage, P. O. Box , Houston, Texas 77587 appeared and stated that this was the

second time he had been present in 26 years and believed in their administration and all of the things they were trying to do to Houston, that he knew it was expensive, but had been about 99% behind what they were trying to do, that he had been doing things off and on for the City and had roofed the City Hall Annex, that he bid a job for the Parks Department and rebuilt the pavilion on Fannin and was the general contractor and it worked well with the Building Services Department, that awhile back he had gotten a job at Hermann Zoo with Tejas Mechanical and started in October and found out in January that they had gotten paid in December but he did not get any money, that it was approximately \$140,000, that he had tried to see about getting paid and they kept saying they were going to pay him, that they got approximately another \$160,000, which was around \$300,000, that he bonded his part of the job to Tejas, because he could bond more than they could, that they had gotten approximately \$300,000 up to three weeks ago and he had gotten less than \$29,000 out of approximately \$280,000, that he had exhausted his finances and had borrowed money from the bank, which he had not done in 26 years and it looked like he was going to have to go back again, that he had lost all of his discounts from his suppliers, that he had two attorneys and about a week ago somebody sent him some papers in the mail and come to find out Tejas had filed bankruptcy, that he had been trying to chase this stuff and he knew the City had rules they had to go by, but Tejas was out of compliance, from what he understood, if they did not pay within 7 days to 10 weeks, if they did not pay when they got their money, so if they were out of compliance why could the City not do something with these contracts, that if he got out of compliance they would stop him, that Tejas insurance had expired and they were working without insurance, that they ran into his car while they were working at the zoo and he could not get paid for fixing his car, that what if somebody got run over at the zoo, then who would get sued.

Council Member Robinson stated that he knew they were in the process of going through some internal discussions relative to subcontractors, that he shared his frustration because he was trying to find some way they could pay people who were subcontractors in those deals without having them tied up in the business practices of the prime contractors, that he suggested they separate subcontractors monies from the prime and when their work was approved they pay them separate and distinct so they did not get tied up with them, and Mr. Gage stated that whenever they did construction on any of the other jobs they did they had to sign a release before they got their checks, that the City should make the prime sign a release when they got the check not at the end of the job, that if they did not pay their subcontractors on time then do not give them any more money.

Mayor Brown asked Mr. Bibler what recourse Mr. Gage had, and Mr. Bibler stated that State Law divided contracts into two category's, big and little contracts and for the little contracts, yes they could hold money, but for the big contracts it required the prime contractor to provide a payment bond with an insurance company and that was in addition to the performance bond that they give to the City saying that they would do the job right, the second bond, called the payment bond, was saying they would pay their subs and if they did not pay their subs then the subcontractors could go and get paid by the insurance company, but what he had understood from this case and was something that was enforcing it was that apparently Mr. Gage kind of co-signed for those bonds and so he was trying to collect from himself, and Mr. Gage stated that he had not co-signed the bond, that their agent called him and told him that Tejas wanted him to bond his part of the job, so he bonded his part to them, he did not co-sign anything.

Mayor Brown asked Mr. Bibler if Mr. Gage signed the bond for his part of the job what were the legal consequences of that, and Mr. Bibler stated that his understanding was that the City received a bond for the full amount from the general contractor, but they were given to understand, as commonly happens, various people co-sign or reinsure the bonds and the effect of what Mr. Gage had done was that he had reinsured the same bond that he was trying to collect on.

Mayor Brown stated that they were trying to find out what could be done and that was why he had asked Mr. Bibler what were the legal recourses they had, and asked Mr. Gage if he would be classified as a sub and Mr. Gage stated yes, that he was the major sub and was the only one who bonded, that he was some 50% of the contract, and Mayor Brown asked Mr. Bibler if that was part of the problem and Mr. Bibler stated that was what had been explained to him and of course the City did not see that, that it was transparent to them because they got a bond from the bonding company and they did not know who all out in the community may have reinsured or co-signed in order for them to get that bond and guessed the lesson was that it was kind of co-signing for a brother-in-law in order to buy a car, that they better hope that nothing happens.

Council Member Quan stated that they were trying to track to see if there was any money available still to try to freeze those monies to see how they could redirect them to Mr. Gage, that this was a problem that unfortunately they seemed to be running into more and more.

Council Member Quan moved to suspend the rules to hear from Mr. Issa Dadoush, Public Works Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Keller absent on personal business. Council Member Vasquez absent on city business. Council Member Weisman absent. MOTION 2002-0283 ADOPTED.

Mayor Brown asked Mr. Dadoush to tell them where they were and what recourse Mr. Gage had with the concern he had brought to their attention, and Mr. Dadoush stated that last week when they discovered that the contractor had filed for bankruptcy there was a check going to the contractor in the amount of \$225,000 and he personally called the accounting department and put a hold on that check, that they were also working with Mr. John Holmes in the Legal Department, to find a way to disburse those funds, that it occurred a week ago.

Upon questions by Council Members, Mr. Dadoush stated that under the Prompt Payment Act the contractor had to pay their subcontractor within 10 days from receipt of payment, that knowledge of contract between contractor and subcontractor did not exist, that they did not have any knowledge of the contract between the subcontractor and the general contractor, that they did not know the contents or terms of it and at the request and as directed by their legal counsel they were not obligated to even discuss issues with subcontractors, they had to deal directly with the contractor in all cases, that the only thing they could do to help the subcontractor was provide information on the payment bond, that the process was when they received notice from a contractor that he or she had not been paid they respond to the contractor within 10 days and give the contractor a copy of the statutory payment bond, that they ask the contractor to look to the surety or to the contractor for payment and not to the City.

Upon questions by Council Members, Mr. Bibler stated that he had never been involved in one of these situations where the prime did not say that the sub screwed up something or did not provide something according to spec and they had to get somebody else to come in and do the work, that there was always a dispute going on between the people in it and the Legal Department was not in the position to referee that dispute, they did not run a court system, that if they wanted to get some State laws changed they could try and do it but they had to think about the issue, like he stated, there was in evidently a dispute going on between the guys and they were not running a judicial system to resolve those kind of things, that unless Mr. Dadousch was going to watch who did the work, he might see that the roof looked perfectly fine but he did not know whether the sub, who was contacting him about the roof was the one who put it on or if someone else had to tear it off and put on a different one to get it to look like the specs, that was usually the story, that this may be the exception but there was usually a dispute going on; that he thought that municipalities and basically all public works came under what was called the McGregor Act, which was the law that essentially divided the contracts up into big and little

contracts, that they were rather picky about who they let be their bonding agencies and he had never heard of one that they accepted a bond from going bankrupt, that they had a process for insurance bonding agencies that they used; that if the prime contractor was bankrupt then the bankruptcy court would take over and handle the whole thing, that the bankruptcy court was in charge of the whole thing, that the State law establishes a procedure for the person who had the money, and in their case that was the Controller, to hold the money for people with Mr. Gage's complaint on jobs where there was no bond, but it sets a threshold amount at which there was a bond on the jobs above that they get the bond, on the jobs they do not get the bond and they could not hold the money, that this job was above the threshold; that they got two bonds, a performance bond saying they would do the job and a payment bond, but the payment bond they got was from Tejas, the contractor, and the surety company, some big insurance company, that they did not know what went on behind the scenes when people were buying bonds, but what he was told by someone at the Parks Department, and it seemed to be confirming, not that he put up the separate bond but he somehow helped to underwrite that bond and now the problem was that he kind of co-signed for the same bond that he was trying to collect on. Council Members Wiseman, Ellis, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she represented the Sierra Club, that she was following up on a visit that she made last month to discuss the Katy Freeway expansion, that as they knew a major investment study was conducted in 1995 to identify problems and potential solutions relating to congestion within the Katy Freeway corridor, that the process included discussions with State, local and regional agencies and local citizens, that the MIS determined that the modal alternative, which was more highway and no rail, and an arrangement of HOV, SOV and frontage lanes, that from this a draft environmental impact statement was prepared for three alternative right-of-way alignments and the environmental, social and economic impacts were analyzed for each of those alternatives, that the public again had an opportunity to review the draft and comment before the final environmental impact statement was released in August 2001, that the process involved about six years of analysis and many opportunities for public comment, how was it that now dramatically the plan was being revised with no public input or analysis of environmental, social or economic impact, that in the original proposal HOV lanes were to be managed by Metro and today they read in the Chronicle that the lanes would now go to the Toll Road Authority, there would be no HOV lanes, but buses might be allowed to use the toll roads, under what circumstances they did not really know and she did not think they really knew, that there were important environmental, social and economic ramifications at stake, that the Chronicle article indicated that the number of lanes were also in flux, were there going to be 22, 18 or 24, three frontage lanes or two frontage lanes, that these were not minor details to people that risked losing their homes and businesses to right-of-way acquisition, what about rail, were they leaving room for it in the center of the freeway, to the north or not at all, that the public needed to know, that a supplemental DEIS must be prepared that reflected these changes, that on April 26 there would be a vote by the HGAC Transportation Policy Council on a TIP amendment to allow federal funds to be used to control right-of-way acquisition on the freeway, she urged that right-of-way acquisition stop, no more homes should be purchased for bulldozing until a supplemental DEIS reflecting latest changes has been presented to the public for comment, that right now they did not even know how much land was needed, that City Council had tremendous influence within HGAC, please exercise it to insure a fair process for the residents of the City, that on April 26, 2002 the amendment to the TIB should not be allowed to pass. Council Members Galloway, Edwards, Ellis, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would have their representatives take a look at the issue she brought to their attention, that he shared her concerns and believed they could not build enough freeways to take care of their problems, that he believed in commuter rail and it was his understanding that Metro was doing a major investment study to determine the best mode of

transportation there, so they would take a look at what she brought to their attention and see what they could do. Council Members Galloway, Edwards, Ellis, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Charles Gibbs, 6113 Dryad, Houston, Texas 77035 (713-721-8610) appeared and stated that he had lived in Houston for 52 years and had owned property in Houston for 44 years, that he had owned a lounge for 32 years and it was located at 2615 Gray Street, that it had been open continuously for 32 years, that he had a concern for a City license approval to continue to operate the lounge, that the following events took place to stop the City from reissuing his license, that last April when the license expired he closed the facility for repairs and was closed for 6 months, that he applied for a license renewal, that he was located about 800 feet from a school and put him in the school free zone but was ignorant to the fact that he must apply for a renewal of license within three months in order to be eligible for the grandfather clause, that after talking to City officials he was told that perhaps he could get a variance from the City Council to make the lounge available for a license renewal due to the fact that he had been doing business at the same location for 32 years, that he respectfully asked them to consider his concern and grant him a variance for the license renewal. Council Members Galloway, Edwards, Ellis, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Gibbs stated to remain open under the grandfather clause he did not apply within three months, but he did not know that it was a three month period, he reapplied within six months and that was when it was brought to his attention that he no longer came under the grandfather clause, that he was asking the City Council to support a variance request to the Texas Alcoholic Beverage Commission, that he had been in business for 32 years, and Council Member Quan asked that Mr. Gibbs give that to them in writing to review so that they could look at that as a viable solution. Council Members Galloway, Edwards, Wiseman, Ellis, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that was the procedure and he did not make the request in a timely fashion and as a result of that he was still within 1,000 feet of the school and if he wanted to apply for a variance he had to submit it in writing to the City Secretary and that would facilitate getting the machinery moving to consider it. Council Members Galloway, Edwards, Wiseman, Ellis, Parker and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Gibbs stated that there was a name change, but no ownership change, that it was an upgrade of the facility, that he had done some significant repairs, that he owned the building and had owned it for 32 years, that after he repaired it he leased it out to a new operator, that he was the same owner but it had a new management. Council Members Galloway, Edwards, Wiseman, Ellis, Parker and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that when he submitted the letter to outline what had transpired and they would move from that point on. Council Members Galloway, Edwards, Wiseman, Ellis, Parker and Robinson absent. (NO QUORUM PRESENT)

Mr. Jay Malhotra, 122907 Westmere Dr., Houston, Texas 77077 (713-999-1357) appeared and distributed information to Council which described his situation and stated that he was present to represent the Harwin Drive wholesale district, that the material he handed out described the district and described the demographics and economic impact area issues, that essentially the district ran from Hillcroft all the way to Corporate Drive, that it was comprised of almost 1,000 wholesales and importers in the area, more than in all of the Galleria, that the area was known throughout the United States and had an overall annual revenue turnover of an estimated \$3 million, that he had a business in that particular area and the area was comprised

of probably 70% Asian, 10% Middle Easter, Hispanics, Africans and Anglos included, that there were many deliveries that went through that area, 18 wheelers and the like and a lot of other trucks, that on page 4 of the handout they would see some plans that were made, that there was a cement plant in that area as well as an electrical substation and an auto salvage place, a towing place, that essentially his issue was with the Westpark Toll Road Authority, that there was a speaker from the Sierra Club who dealt with the Harris County Toll Road Authority and it was the same 1,000 pound gorilla that he was dealing with, that they had in essence aired the schematics for the Westpark Toll Road Authority that would run from the Galleria all the way to Highway 6, that essentially they had taken it upon themselves to close one street, Osage, which ran through the hotel district, that it was a very important street and if they looked through the handout they would see some pictures that would tell them what kind of traffic went through the area, they would also notice that the whole subject had been talked about in the Chronicle twice at least, and finally they would see a petition of about 150 people who had signed it, that it was done in the last three days, that the reason he was present today was that he did not seem to be getting any satisfaction with their desire not to close Osage Street, that it seemed that it boiled down to a matter of dollars and cents, that there was a letter from Council Member Ellis's office that told him he was not in favor of maintaining Osage open because it essentially boiled down to about \$8 million worth of a bridge to go over Osage, that unfortunately what he discovered from talking to Mr. Lavachek in the Traffic Office and Mr. Doug Wierseg, there was never a traffic count done for that area until February 26, 2002, that the decision to close Osage was done 15 months ago, that Mr. Lavachek had the drawings in his office for review and approval three months ago, that he had been constantly reminding people since December to look into this particular situation and he found it totally deplorable that it had taken so long to come back with a traffic study and in turn to come up with a preposterous number of \$8 million, that he happened to be in the construction business and if they noticed at the last item in his handout, which he hoped they would look at later on, there was a plan to do an off ramp at Osage and an equipment shack, that it was possible to build a birm bridge across Osage, which was four lanes, fifty feet wide, he had dealt with the civil engineer contractor who had told him it would cost no more than \$1 million to do the work, that he did not know where that \$8 million came from, that it seemed that people were pulling numbers out of the sky, that they would notice that he mentioned that they did the traffic study and it showed that they had a total of probably 25,000 or 26,000 cars that went through Osage on a weekly basis. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado asked Mr. Malhorta if he had talked to anyone with the Toll Road Authority or Commissioners Court, and Mr. Malhorta stated that yes, that in fact Mr. Pew came to a meeting that was hastily put together by Council Member Quan's office to accommodate some of the concerns and he was adamant, that all he did was shake his head and say it was going to close, and Mayor Pro Tem Quan stated that it was Mr. Michael Strack, Executive Director of the Toll Road Authority, and Mr. Malhorta stated that he wanted it on record that there had been no public input requested for the closure, there were no other streets that the Westpark Toll Road was crossing that were being closed, there had been no billboard put up and no information to the citizens of imminent closure and a similar but smaller street called Royalton, east of Chimney Rock, which had less traffic was not being closed and was receiving a bridge, so it seemed that the criteria that was used in order to come up and decide on closing the particular street was not used for the other street, it seemed that it was simply a matter of convenience and certainly he would request that City Council look at an emergency appropriation of \$1.5 million to keep Osage open, that it would affect the lives and livelihoods and businesses of most of the people in that area to a great deal, that he also wanted to mention that Sundown Auto owned about 10 acres of land there and sixty tow trucks went through that street everyday and he could imagine to reroute those tracks through other streets which were already congested, but that particular business by itself probably paid in excess of \$100,000 in property tax, that he

got the bridge cost from a civil engineer at Jerdon Construction Company for a bridge over Osage. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the toll road authority had jurisdiction in the area and they stated they were willing to put a bridge there but their estimate was \$8 million because of a configuration they had as to Fondren being on one side and Gessner on the other and the way their ramp was formed it would block Osage and to move it over they felt it would cost \$8 million, that if the City would pay the \$8 million they would move it. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards asked Mr. Malhorta if he had a dollar figure on the impact on businesses if Osage was closed, and Mr. Malhorta stated that he did not but did try to indicate there would be additional inconvenience through rerouting of traffic but did not know how to put a dollar figure on that, but did know that 1,352,000 cars per year, according to the traffic study, would have to find a different route to go around, that one of the petitions was from a shopping complex which was about 600 yards away and everyone of them were concerned about it. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro asked if the City owned Osage and would there be a sale of property, and Mayor Pro Tem Quan stated that the City did own Osage and as far as the sale of property he was not aware of it, as they could see on the handout the plan was to make it a cul-de-sac at the end, that they bought the right-of-way from Metro and had the right to block the street, that he thought it was a matter of their design, as to whether they were willing to modify their design if they felt it was a safe manner in order to allow that street to go through; and Mayor Pro Tem Quan asked Mr. Malhorta if he had contacted Steve Radick or the County Judge since it did fall into the County's jurisdiction with the toll road authority, and Mr. Malhorta stated yes, that he had one of his people contact Mr. Radick and he was belligerent and when they mentioned the minority business he went a little bit crazy and they were not able to get anything positive out of him and he told them to go the toll road authority to voice their concerns, and that was a catch 22, and Mayor Pro Tem Quan stated that they would look at the materials he brought and see if there was anything they could do. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Darren Landry, P. O. Box 172, Hockley, Texas 77447 (281-686-1102) appeared and stated that he had a handout for the Council Members and stated that there was a program where a regular citizen could become a vendor at the entrance to the Houston Zoo, that the Parks Department issued permits called Novelty Vendor Permits to the public, that a non profit organization called Friends of Herman was probably going to take over the vending program and they would think he would object because he was a vendor at Herman Park, but the way the Novelty Vendor Program was being run it is ranked with corruption or at the very least extremely

unprofessional, that the crux of the problem was that some employees of the City received permits to sell at the park, also the law enforcement division of the park called the Urban Park Rangers, had their families receiving permits and selling in the park, that this created a huge conflict of interest, that he sold balloons in Herman Park, which was right in front of the zoo and his wife was an artist and she worked with him where they could both get permits, that she face painted and drew caricatures, that he had been selling balloons in the park since he was 17 years old and in order to do it he had to get permits from the Parks and Recreation located at 2999 South Wayside, which he did every two weeks, that recently he had to hire an attorney because other vendors who competed for the same spots used their family members, who were Urban Park Rangers, to harass him and discriminate against him, that he had spoken at length with Council Member Quan's assistant Rogene about the matter, that the park rangers could report them as vendors for doing something wrong, they report to Elliot Ruben who was the individual in charge of issuing permits to vendors, that he recently suspended him due to the inaccurate and fictitious reports of park rangers, one of whom was married to a vendor, that his attorney sent a letter to the Parks Department and they promptly removed him from suspension and they had a copy in their handout, however Mr. Ruben would not comply with obvious government regulation and continued to issue permits to City employees and their family members, that as his attorney stated in the letter it was a violation of the Local Government Code of the State of Texas for a government official to be engaged directly or through family in a competing business with any other citizen who chooses to do such business, that there were two City employees, one a court clerk and her husband a janitor for the City who received permits, as well as the wife and brother-in-law of a park ranger, that these individuals should not receive permits to compete in a program open to the public because it brought bias and discrimination against those truly competing from the public sector, that Mr. Ruben, in charge of permits and reservations, must be forced to comply with this obvious conflict of interest, that Mr. Ruben needed to be informed immediately to stop issuing permits to City employees and their family members, that he believed City Council should immediately amend the Concession Permit Application and state as in Rule Number 1 that City employees and their family members should not be eligible to participate in the concessions that were open to the public. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Landry stated that he was aware that the Friends of Herman's plans were to take over the vending and he did not have a problem with that, that if they took it over they might not allow them to work out there, but at least it would be fair; that right now the City employees were applying for a permit just like he could get, but they were City employees and should not be allowed to participate in a program that was designed for the public. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that Mr. Landry's lawyer did not cite any legal authority other than the Texas Local Government Code and did not know of anything in there that stated exactly as he said, that if someone was engaged in the actual decision making process or something like that, he did not know of a reason that a City employee with permission of their department director could not have a part time job selling balloons on the weekend at Herman Park if they got the permit on a fair and square basis as anyone else, that it was required for a City employee to get permission from their department head for a part time job. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she did not think it was right to have a City employee get a permit and go out and do this, that they had several issues with the Houston Zoo area to the Miller Outdoor Theater and asked if they could get a briefing from the administration to update

them on where they were, and Mayor Pro Tem Quan stated that it seemed like the whole procedure would be changing over very shortly with the Friends of Herman Park taking over the operations and asked if she wanted a briefing on Miller Outdoor Theater or vending at Herman Park and Council Member Alvarado stated that she wanted one on both. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Berry stated that yesterday they had a committee hearing on the vendor situation and there were some vendors present and asked if Mr. Landry had an opportunity to attend and if he knew about it and Mr. Landry stated that he did not know about it, that those were the mobile food vending which was separate from the novelty vending, that he believed that the Friends of Herman would do a good job and put more money into the zoo, that there was a lot of competition for the novelty vendors. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez asked if he had any objections to wearing some type of uniform and Mr. Landry stated that he would not have any objection to that, and Council Member Sekula-Rodriguez stated that she would like for Mr. Landry to come back in six months after the Friends of Herman took over the vending operations and would ask him and his friends to get back with the Council on how things were going. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro moved to suspend the rules to hear from Mrs. Landry, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Vasquez absent on city business. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT) (No vote recorded as no quorum was present)

Mrs. Landry stated that she knew the Friends of Herman were supposed to take over in April but they had been saying that for the past four years and they had been waiting and had been having problems. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they would love to have Mr. Landry be a part of the process because the effort was to get the vendors involved with the development of the new partnership. Mayor Brown, Council Members Galloway, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Brenda Flores, 2041 Marnel Rd., Houston, Texas 77055 (713-722-9258) appeared and stated that one of the things the City could do on the front end was checking out the consultants before they approved contracts at the Council table, that Agenda Item Number 14, 15, 71, 73, 74 and 75 on tomorrows agenda, none of them were registered at the State and two of them were registered out of State, one in Tennessee and one in Georgia, that they should make sure they were paying their State taxes and registered and franchise taxes, that on Agenda Item 94 it had been up for consideration since February 13, 2002 and it was a half million, that the RCA that was submitted to the Council said four new projects for design and all four of the projects had been designed and the first two were already constructed and fully occupied, that they were federal funds, for a department head to say no to a job it was her belief it was fraud and Council Member Keller would give them the rest of the information, that they had worked very hard for six weeks, but they had both physically been in the two buildings that had been completely and totally constructed, that she met with the Mayor on February 14, 2002 and brought him two concerns that had come to her from people in the public, that two years ago in 1999 they let a contract to name the City Hall Annex, the Margaret Helfrich Westerman Building

and it had not been done, that the contract was to have her name above City Hall Annex, that she did not know who the contract was let to, that her family members were all waiting for the naming and the Mayor told her it would be done, that while they did have several parks named for women the only building in the City named for a woman was the Julia Ideson Library, that Ms. Westerman gave 50 years of her life to the City, that during the renovations of City Hall all of their forefathers photographs were taken out of the rotunda and some of them were not in the hall of the basement and many of them sat in a box somewhere, that the Mayor told her he would see that this got addressed. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that some of them were being restored and if the Mayor agreed to follow up on it then he would follow up on it also. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Julian Cortinas, 4410 Navigation, Houston, Texas 77011 (713-228-2595) appeared and stated that he was President of the Second Ward Association and was present to voice his displeasure with the actions of the Chief of Police, that at the request of Mayor Brown's office, he and other community representatives met with the chief concerning the new South Central Police Station and the status of Operation Renaissance, that during the meeting the chief was untruthful to them and expressed the attitude of a lame duck, his words, that he also threatened to transfer the architect and manager of Operation Renaissance, Captain Mark Aguirre, commander of South Central, that he first met Captain Aguirre in 1999 shortly after he resumed command of South Central and was invited to serve with other community representatives to identify problems plaguing their community, that Captain Aguirre was quick to recognize their long standing problems and presented Operation Renaissance to address those issues, that as they knew Operation Renaissance incorporated the precepts of neighborhood oriented government and had been tremendously successful, not that success had come easily, that as they would recall they had to intervene early on to get other City government officials to lend their support, that they needed their intervention once more, that if the Chief of Police was allowed to perpetuate his lame duck attitude and remove Captain Aguirre from South Central he will in effect have dismantled Operation Renaissance, that the community knew what it was like before Captain Aguirre came to them and they did not want to return to those conditions, please help them to continue to improve Operation Renaissance and not sit idly by and watch it be destroyed. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Cortinas stated that within the very first few minutes of their meeting with Chief Bradford he indicated to them that he had already collected some baggage over the years and he was going to be leaving soon, that he was not in that meeting by himself, that there were two other community leaders, Dr. Ruth Ollison and ex City Council Member Felix Fraga; that Operation Renaissance was the beginning of cleaning up their communities of the Second Ward, Oak Lawn, parts of the East End area, the Third Ward area and the Midtown District, all of those communities had come together with the police interaction program at South Central, they were all well acquainted with each other and were all partnering together regarding those issues, that when the captain first came to the community the very first thing he did within the first couple of weeks was go to every community church to find out what the issues were that were plaguing the community, that they had previously asked, about 8 months before, for the removal of the previous captain, because he always had a "my hands are tied" type attitude, they were always being shined off, that Captain Aguirre had taken the issues very seriously and worked on the issues with integrity, always having time for the community, that it was their understanding, from what the Chief of Police had identified to them, that he had plans to transfer Captain Aguirre, that they explained to him that the community did not want

Captain Aguirre to be transferred, that he was the only captain that had worked with the community, that the community needed a captain like Captain Aguirre, that all five pillars of Operation Renaissance were because of Captain Aguirre's efforts and his partnering with the community, that from his understanding South Central only had about 225 officers, probably one of the smaller police stations throughout the City of Houston, that the larger police stations, Westside, Northwest and the Northeast were probably the three largest police stations throughout the City and totaling their arrest records in the last year and a half since Operation Renaissance had started, South Central had made more arrests and more efforts for police crime fighting to the statistics than all of those three stations put together, that without Captain Aguirre Operation Renaissance would be dismantled and he did not believe that the City had other management capabilities of being able to duplicate those services at this time; that Chief Bradford made the lame duck comment in the first couple of minutes of their meeting with him, that he said he felt that he had collected enough baggage to where people were after him, where people would like to see him removed from his position and that he felt he was a lame duck, basically on his way out the exit, out of the City as Chief of Police, that they were extremely surprised and very disappointed, that he made it very clear to them that he made it very clear that he had plans to transfer Captain Aguirre to another department and they told him they did not want Captain Aguirre transferred, that there were too many issues and too much work that needed to be done and two years was not enough time, that there had been issues put on hold but \$6.4 million was allocated through a bond for the new development of the new South Central Command Station and it was their understanding that the funds in that budget had been depleted, that they wanted their fair share that was voted for the South Central Station, that it needed to be a state of the art South Central Station like the other stations were, that if they went to the South Central Station they would see it was in deplorable conditions and he just announced to them how hard those officers were working and they needed one of the better facilities, that he thought somebody who was working hard needed to be recognized and those hard working officers had not been given any extra overtime for the Operation Renaissance program, not one dollar had been allocated for its budget or an increase of personnel or officers; that after they left Chief Bradford's office they thought that Captain Aguirre might want to be transferred so they went back to the captain's office and he made time to visit with them and they asked him if he was interested in being transferred or going to a different department and he stated he liked it very much at South Central, that he did not know if he had expressed that to Chief Bradford. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez stated that she would suggest that they put their concerns in writing to Chief Bradford and copy the Council Members so they could have the concerns in writing, and asked Mr. Bibler if people who were classified like Captain Aguirre were allowed to discuss with lay people like Mr. Cortinas what the inter workings of this were, was it something that would get Captain Aguirre in trouble if he took a position on it, and Mr. Bibler stated that he would ask Ms. Acosta, their chief labor lawyer to address that issue, that the other thing that occurred to him was that the chief may have some contemplation of promoting the captain that the captain did not even know about, that he was not sure that this was the place to address the issues and the suggestion that a letter be written and the chief clarify the matters would be much better, and Mayor Pro Tem Quan stated that when they write the letter to also inquire about South Central Command because it was their understanding that the project was not being delayed. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Pastor Ruth Ollison, 2620 Rosedale, Houston, Texas 77004 (713-522-2344) appeared and stated that she was present to talk about Operation Renaissance and how very important it had been to their community, that it had been in operation for about two and a half years and until that time their community was under a terrorist attack, crime, illegal dumping and all that kind of

thing, that she could attest to the fact that the attitude in South Central at the time was that “they could not do anything about it”, that it was anemic and puny and unacceptable to their community, that they worked with the Mayor and the chief in order to get a new captain and she would tell them that the attitude changed immediately and they began to see progress, that they were now seeing just after two and a half years some change taking place that was measurable, that they did not believe that two years was long enough to get a program like that established in the way that it ought to be, and as one who was on the front lines of doing what they needed to do in their community, their church was actually in a converted crack house, so they were aware of what went on, open air drug markets and that kind of thing, that she viewed herself as a foot soldier in the war and if they were to begin to change without a really good reason she would feel like she was a part of Operation Anaconda and all of a sudden the Defense Secretary decided to start moving around captains and left her out there while the bullets were still flying, that she wanted to urge them to do everything possible to protect the program, to protect the policies that were in place and in fact to look at it as a model of neighborhood oriented government, that she stood before them as a citizen and as a pastor, but did want them to know that there was already a coalition of groups coming together, that they did embrace the program and wanted to carry it forward and wanted to share it with other parts of the City so that they could be a greater City and have a better quality of life for their families. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Pastor Ollison had faced down drug dealers in that community one on one, stared them straight down and the work that she had done in that community was awesome and had turned around various positions in that community and asked Pastor Ollison to illustrate a vision of what they were talking about and asked if this was the area they were looking at 2012 for the Olympic Village, and Pastor Ollison stated that yes it was, that it was an area where the houses were basically run down and there were a lot of tax issues, but there were a lot of families and a lot of children in that area, they were in the process right now and not waiting for 2012, they were a church and a community beginning to reclaim the housing there and to try to make affordable housing within that area, that just a couple of years ago, before Operation Renaissance, literally children were playing on the tops of trash heaps, large trash heaps that stayed there for a long time and one component of Operation Renaissance that had been very helpful was that the captain was able to get from Public Works a heavy trash truck designated to South Central so that the trash was picked up, that there was also more enforcement in terms of officers out looking for it, ticketing and doing that kind of thing and making sure that it was out at the right time, but if it was not out at the right time making sure that it was picked up, and Council Member Edwards asked Pastor Ruth if they were looking at maintaining Captain Aguirre or were they looking at maintaining a dedication to Operation Renaissance, and Pastor Ruth stated that at this point she thought they were synonymous just because they worked with him to develop the project and after just two years she just questioned who would have the heart as a manager, because this was his vision and it was their vision together, that they had to have a police manager to drive it, that unless Captain Aguirre was going to be an assistant chief and drive this thing from a larger area, then her view was that they needed him to continue, if he was willing to do so. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Berry stated that he would like for Pastor Ollison to keep them informed as to what was happening and would find that some of the Council Members were committed to the cause as well and wanted to help her rebuild her community, that he wanted to visit with her one on one. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez asked Pastor Ollison what the name of her church was, and Pastor Ollison stated that it was Beluah Land Community Church on Beluah Street in Third Ward and Council Member Sekula-Rodriguez asked that Pastor Ollison be part of the letter that was coming from Mr. Cortinas. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Peter Tyler, 6110 Wister Lane, Houston, Texas 77008 (713-256-9205) appeared and stated that he was present to talk about some critical issues concerning transportation, that he represented an organization new to Houston called The Just Transportation Alliance of Greater Houston, that the mission of The Just Transportation Alliance was to organize people with disabilities, seniors, low income families and other Texans for equitable transportation, that they were a Texas nonprofit and were working in Houston to form a local alliance, that their vision was to advocate more resources for the many people whose transportation needs were not met, that in Houston it would probably mean more funding for public transit and other transportation alternatives, that they had a report of their organization which had been distributed, it described some key issues facing Houston as well as their organization, that he wanted to highlight a couple of points, that according to recent census data, 1 in 5 Texans did not drive or did not have reliable access to an automobile, that the numbers became more clear when one talked with the most disadvantaged of Houston and Texas, that these people were predominantly people with disabilities and seniors who were unable to drive a car or low income individuals and families who simply could not afford a car, that these people depended on alternative transportation, whether public transit, walking or relying on others to go to work, school or basic needs such as going to the store or doctor, that in Houston, during last year's debate over light rail, they often heard the argument or the question of how they could convince people to get out of their cars and on to public transit, that it was an important question but for the 1 in 5 who could not drive this was the wrong question, they simply did not have the option of a car, that contrast was the fact that only 1% of State transportation funds, TXDOT, went towards transit, that his organization, The Just Transportation Alliance, had begun the process of talking with Houstonians, especially in the special needs community, that one thing was already clear, they needed more resources for transit and for para transit services, that they needed more resources to make their community accessible, which meant things as simple as audible traffic signals so the blind and visually impaired could hear when to cross the street, that The Just Transportation Alliance was in the process of putting together its local coalition and establishing an advocacy agenda, that they looked forward to working with the Mayor's office and the City Council as they moved forward. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Rodriguez, Mr. Tyler stated that the coalition could be supported by the City Council in many ways, that first off what they were doing was definitely a community effort, that it was a model that had been followed by other cities like San Antonio, Fort Worth and down in the valley, that one thing they needed as this point was simply information, that getting information from Metro was not very easy, that more importantly was making sure that they had an ongoing dialog, that there were some efforts currently in place that they were now getting in touch with along various corridors, that there were many studies happening regarding what kind of transportation needs they had, that it was an obvious point that they were mostly looking at traffic issues, but this was the other side of the coin, what if they could not drive. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Tyler stated that they had been talking with the Center for Independent Living, TMO, Kim King of the Mayor's Office for Disabilities, that

she had been very helpful, that they had not talked with ACCORN, that they had been in Houston for two months. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Donnie Rodriguez, 8 Marsden, Houston, Texas 77011 (713-926-8189) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jane Darwin, 12011 Braesridge, Houston, Texas 77071 (713-729-5358) appeared and stated that she had passed out a copy of her comments, that she was a low income person who was trying to get some help for repairs to her house and she could not even get anything in writing, that there may be something in writing that said she had three months to appeal and she did not even know anything about it, that her roof rafters had separated and was afraid that the spring winds would take her roof off, that her insurance had canceled her based on not keeping her place repaired, that she did not have the money to keep some things repaired, that her house was paid for, but she did not feel that she should put her paid house up for equity to borrow money because she could not afford a monthly payment, to do the major repair, that she had insurance for her roof, but a structural engineer told her not to touch the roof until something was done to her foundation, that it was leaning out at all sides, that she had her insurance to check if there had been a water or sewer leak underneath and they said there was no leak, but yet the City of Houston had to replace all of the sewers in the neighborhood because of breaks in them, that at this point she just appealed to them to try to get on some emergency way to get her name up on the list because with no insurance on the house if her roof disappeared she would lose everything she worked for all her life. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Ms. Darwin had applied under Emergency Home Repair and they no longer worked with Sheltering Arms and saw that in her letter that Mr. Michael Halperin had been working with her and the Urban League was now taking on her case, and Ms. Darwin stated that was correct, that they did not even pick up her files until she called them, and Mayor Pro Tem Quan stated that Ms. Debra Dillard would talk with her and see what could be done. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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 Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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 Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and distributed information to Council and voiced his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved

time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:48 p.m. upon motion by Council Member Tatro and seconded by Council Member Edwards, City Council recessed until 9:00 a.m., Wednesday, March 20, 2002. Council Members Goldberg and Keller absent on personal business. Council Member Vasquez absent on city business. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 20, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 20, 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, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez absent on city business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Tatro, Edwards and Wiseman absent.

HEARINGS

1. **PUBLIC HEARING** on proposed designation of an area within the central business district of the City of Houston as the Downtown Scenic District – was called.

Mayor Brown requested the City Secretary to call the list of speakers. Council Members Tatro, Edwards and Wiseman absent.

Mr. Max Watson, 3338 Inwood Dr., Houston, Texas 77019 (713-526-7511) appeared and stated that he was representing the Quality of Life Coalition, that the Quality of Life Coalition was made up of 61 endorsing groups from around the greater Houston area who were committed to improving the quality of life for the citizens, visitors and employees of Houston, that they were very supportive of the work that the Council had done for the Downtown Scenic District, that they appreciated the hearing that was taking place today and believed they would find unanimous support for the scenic district downtown and they believed it was a major step forward in many of the works that needed to be done in making Houston a great place to live, work, for companies to relocate and for companies to grow, that they also looked forward to their rapid action in approving it hopefully as early as the next Council meeting on the 27th. Council Members Tatro and Wiseman absent.

Ms. Mary Lou Henry, 1656 Banks, Houston, Texas 77006 (713-627-8666) appeared and stated that she was a long term resident of the inner city and an urban planning consultant nationally recognized within her profession, that she was one of only 126 planners out of the 11,000 certified planners in the United States to be selected as a member of the College of Fellows and the first Chair of that body, that she was present to tell them how important the adoption of the scenic designation under the sign code was to the citizens of Houston and to Houston's image in the rest of the world, that their downtown skyline had an international reputation for its outstanding beauty in the modern world, that many of their downtown buildings

had received architectural awards, that as a community they were now spending millions of dollars on street scape improvements to enhance the close up view, that this was the soul of the region, the area that everyone considered their center, that survey's showed that all people across the board considered billboards to be ugly and offensive, they could not afford to let relocated billboards destroy the visual environment for the benefit of a few advertisers, that they had too much of their future invested in it, to please vote to adopt the scenic district proposed for downtown. Council Members Tatro and Wiseman absent.

Mr. Sanford Criner, 2925 Ella Lee Lane, Houston, Texas 77019 (713-881-0936) appeared and stated that he was representing Scenic Houston, of which he served as the president and as a downtown businessman, that he wanted to thank them all for the great deal of work they had put into the project over the last several weeks, that he wanted to thank them for listening to all sides and to encourage them to vote next week for the Downtown Scenic District which would protect the hundreds of millions of dollars that they were now spending in downtown development. Council Members Tatro and Wiseman absent.

Mr. John Breeding, 1918 Post Oak Blvd., Ste. 1580, Houston, Texas 77056 (713-621-2011) appeared and stated that he was President of the Uptown Houston District and was present to voice their support for the creation of the scenic district for the downtown area, that in 1984 a scenic district was created in the Uptown area, one of the very first created, and his message was to tell them that scenic districts were good for business, that an example of that would be if they would drive in on Westheimer, starting at Hillcroft into the Uptown area and as they drive down they would see the visual pollution looked something like driving through the yellow pages, each one of the signs screaming out for attention and all of them really failing in that in the chaos of all the visual pollution, that once they hit Chimney Rock they could see that it was clean and the signs were orderly and actually more effective than on the chaos elsewhere, that the other big point was that scenic districts prohibited the relocation of billboards, that he would hate to see their beautiful skyline and the environment that everyone had worked so hard to create was actually impacted by additional billboard relocation, that he encouraged them to vote yes on the scenic district. Council Members Tatro and Wiseman absent.

Ms. Jane Page, 2000 Post Oak Blvd., Ste. 1950, Houston, Texas 77056 (713-840-1170) appeared and stated that she was Senior Vice President of Crescent Real Estate and also on the board of Central Houston and the boards of the Greater Houston Partnership and the Uptown District, that she was present to voice support of the scenic district proposal before Council, that she especially wanted to thank Council Member Parker for her leadership in helping all of the parties in trying to come to a resolution, that she knew that she had been critical in the process, that in downtown over \$100 million had been invested in downtown to improve the scenic quality of the environment, that it was very critical to be able to control the relocation of more billboards in the downtown area from the surrounding areas, so she urged them to support and vote on behave of the scenic district proposal. Council Members Tatro and Wiseman absent.

Ms. Kay Crooker, 3711 San Felipe, Houston, Texas 77027 (713-621-4591) appeared and stated that she wanted to add her voice to the many they had already heard in support of the scenic district, that it was never too late to do the right thing and this was the right thing and the right time for Houston, that they all wanted a better future for the City and this was the right path and they needed to provide the means that they needed, the regulatory means that the scenic district would provide so they were not saddled with billboards and other large signs that would create the visual pollution and give them the visual blight that was so bad for business and so bad for the City's image, that they needed to turn on their high beams on these problems because once they did they just might not like what they see down the road, their beautiful skyline cluttered and obliterated by unsightly billboards and their streets cluttered by large signs, that it was not good for business or their image, that she urged them to act expeditiously in

passing the Downtown Scenic District, why should two or three mega corporations dictate the visual environment for their downtown and their City, that it was their City and they should have a voice in what they saw and they did not want to see billboards, that billboards were ugly and ugly did not sell, that change was undeniable and it would be in the future but they did not have to accept an institute of ugliness and the Downtown Scenic District would give them the means to be a more beautiful City, that beauty was also good for business and should go hand in hand with business, that additionally she wanted to point out that the residential community that they were trying to build for downtown needed a good view shed, a good scenic view, she could assure them that no one living downtown wanted to look out of their window and see a billboard that said "eat at the crab shack", "bud light" and so forth, that there were even more egregious billboards out there that they had all seen, that additionally the Buffalo Bayou Partnership was completing its master plan and knew they were familiar with it, and she could assure them the environment they were trying to promote along the bayou that could be a wonderful asset and create value to downtown, people would not buy into the bayou plan if they were going to see billboards and various tacky ugly signs, that she felt strongly about the issue and thousands of people in Houston did, that they could not compromise the future by actions taken today. Council Members Tatro and Wiseman absent.

Mr. Jim Short, P. O. Box 188, Fulshear, Texas 77441 (281-346-2100) appeared and stated that he was present representing Clear Channel Communications, that they appear today as they did a few days ago before Regulatory Affairs Committee to state that they did not oppose the district, notwithstanding statements by some of the proponents of the district, but what they did point out earlier was that there were some problems with the current ordinance which created the districts, that if the districts continued to be created in such ways that they blocked relocation to major highways then they could be facing some major issues in transportation funding, that secondly, the so called scenic districts were neither expected nor required to do anything to make an area more scenic when the proponents of the scenic districts admitted that they were sign control districts as they testified to before Regulatory Affairs, that moreover the sign controlled districts, which were called scenic districts, did not address 90% of the signage which were on premise signs, that according to the proponents that was because it would be politically too difficult to handle, that the publicly created districts, which could dramatically affect property rights were totally without public accountability, that they thought that some changes were needed to the ordinance which created them, but they did not come before Council today, nor before Regulatory Affairs, to oppose the downtown district. Council Members Wiseman and Keller absent.

Upon questions by Council Members, Mr. Short stated that it was correct that Clear Channel and the billboard industry's position was not to oppose the Downtown Scenic District, that they had a problem with the process of how they created the scenic district, that the downtown district was not an area which even had available sites, that they were aware of, that would be legally conforming sites for relocation, that in the survey they did recently there were only three sites in downtown that were legally conforming sites, that the issue was not downtown it was that the boundaries of the downtown proposed district involved a number of federal highways and if the Gateway District that was formed by Council last year also involved U. S. 59 from downtown to Loop 610 West, if they continued to form districts which included federal highway frontage and there were no legally remaining sites to relocate when TXDOT did a major highway reconstruction, as they did on the Katy Freeway, then they would have no place to relocate those billboards as required by law, so the only option left at that point was to buy them through condemnation, that he thought to make the process more fair, for one thing they presently initiated the process through a petition drive and that petition requirement was that they must get 1,000 signatures from anyone in the City or the City's ETJ, not within the designated boundaries of the proposed scenic district but from anywhere within the City or the City's ETJ, secondly they must get the affirmative signature of 20% of the effected land owners, and when

they were abridging property rights he thought it would be much fairer or appropriate if they had something in the neighborhood of the majority 51%; that a scenic district had an opportunity, in at least two districts through their taxing authority, to do dramatic things, that there were all totaled 21 scenic districts, but not all had taxing authorities, and of the 21 the overwhelming majority had not done anything, that their company would be supportive of the notion that they expand into doing beautification, in fact they had put forward a set of recommendations that prior to forming a scenic district that the proponents come up with a plan for what they intended to do to beautify an area, and that they come up with a method for funding that and furthermore that they report back to the City on their progress towards those goals, that regarding on premise signs, he had not surveyed the downtown proposed district, that the City as a whole was roughly 90% on premise and 10% billboards or off premise, so there was about a nine to one, but he did not know if that percentage held true just within that one small locale downtown, that by passage of the ordinance they were doing nothing to get rid of the visual pollution because everything that was already there was grandfathered, this only prevented the relocation of a sign into that area, that all premise signs were grandfathered as well. Council Member Galloway absent.

Mr. Bob Eury, 111 Bagby, Houston, Texas 77002 (713-650-1470) appeared and stated that he was the President of Central Houston, that Central Houston submitted a petition to the City on July 27, 2001 requesting the creation of a downtown scenic district, that the area proposed for the scenic district, and he believed they had copies of the map, was roughly 600 feet outside of the I-45, US 59 and I-10 ring around downtown and was defined by streets and railroad right-of-way's largely so they could be enforced, that the petition, which was in accordance with the City of Houston Building Code Chapter 46, included signatures of property owners of over 20% of the area within the boundaries of the proposed scenic district and well over 1,000 signatures from citizens over 18 years of age within the Sign Code Application area, that he thought it had already been discussed, it was the City and its ETJ, that in accordance with the Sign Code the signatures were collected in a 60 day period and were submitted to the City within 90 calendar days of the first signatures, that the signatures were collected between May 23, 2001 and July 23, 2001, that they believed the petition complied with Section 46.10 of Chapter 46 of the Houston Building Code, that they also believed that the proposed downtown area had scenic and historic significance, and thought that most everybody on the speakers list had touched on that point, that the image of the City in the eyes of the inhabitants and also the visitors, it was very much established by how the downtown was perceived, that great efforts had been made to make downtown more attractive and the scenic district designation clearly sort of fit the overall plan for improving the aesthetic, scenic and visual environment of the downtown, that through a number of different street and beautification projects they estimate about \$130 million was currently being spent on types of improvements and parks and public right-of-way's that would change the visual environment of the City, that as a result they believed that Council should determine that a district made sense and they would urge them to do so next week when the matter came before them. Council Member Galloway absent.

Upon questions by Council Members, Mr. Eury stated that he was the Director of the Downtown Management District, that part of the charge of the Downtown District was in fact what they called street scape, but was improving pedestrian environment of the downtown, that they charged an assessment on the property owners within downtown, 8.5 cents for operation and .04 cents for capital improvements, that the capital expenditures totaled, and some of it was yet to be assessed and yet to be spent, \$17 million, that they had two different things, a management district and were talking about creating a scenic district sitting on top of each other; that he personally did not think they should confuse what they were doing in terms of regulating signs with all the other capital improvements and get it too hung up there, that conceptually it sort of made sense to have it together but in terms of the details of how they really worked through that he thought a lot of work had to go into it to figure out how it got worked out, that the imposition of a scenic district did change and put some limits on premise signage as well and it

included the height of ground signs, the size of ground signs, the height of flag poles, prohibited the use of spectacular signs and limited the illumination being from an indirect source, so that both off and on premise signs were closely regulated in a scenic district, but not the grandfathered signs; that he did not remember very clearly back to the time where the concept of the scenic district was created in the Building Code, but thought it was an issue that as they got further into it that they were going to have to weigh and that was did they sort of call it what it was, and that was a sign restricted area.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0284 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 79

MISCELLANEOUS - NUMBERS 3 through 6

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **FIRE CODE BOARD OF APPEALS**, for terms expiring December 31, 2003:

Position Five - **MR. HAROLD ALEXANDER**, appointment
Position Eight - **MS. MARGIA BLANKENSHIP**, reappointment
Position Ten - **MR. J. H. BRAY**, reappointment
Position Eleven - **MR. REY DE LA REZA**, reappointment

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0285 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **RACING EVENTS COMMISSION**, for terms expiring December 31, 2003:

Position 2 - **MR. JOSE ADAN TREVINO**
Position 4 - **MS. PAT GEORGE-HENDRICKS**
Position 6 - **MR. JAY DAVIS**
Position 8 - **MR. EDWARD RAMMRATH**
Position 10 - **MR. TERRY CHENG**

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0286 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice in the amount of \$25,616.00 from the **ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES (AMSA)** for 2002 Membership Fee - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0287 ADOPTED.

DAMAGES - NUMBERS 10 through 12

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CLAUDE**

JOHNSON vs. Roland Nino and the City of Houston; in the 157th Judicial District Court of Harris County, Texas; Cause No. 99-26736 - \$28,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0288 ADOPTED.

11. RECOMMENDATION from City Attorney for settlement of lawsuit styled **RUBEN ORTIZ** v. City of Houston; in the County Civil Court at Law No. Four (4) of Harris County, Texas; Cause No. 724,381 - \$25,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0289 ADOPTED.
12. RECOMMENDATION from City Attorney for settlement of lawsuit styled **PATRICK N. PERRY** v. City of Houston, et al; in the 281st Judicial District Court of Harris County, Texas; Cause No. 2000-14276 - \$80,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0290 ADOPTED.

ACCEPT WORK - NUMBERS 14 through 18

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,275,344.72 and acceptance of work on contract with **N & S CONSTRUCTION CO., LLC** for Improvements at Various Wastewater Sludge Processing Facilities, Keegans Bayou, Metro Central and Upper Brays WWTP's, GFS R-0265-02-3 (4281-1) 04.93% over the original contract amount - **DISTRICTS E - WISEMAN; F - ELLIS and G- KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0291 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,547,453.08 and acceptance of work on contract with **PM CONSTRUCTION** for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-65-3 (4257-10) - 00.13% above the original contract amount - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0292 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,551,578.56 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** and **PM CONSTRUCTION** - a Joint Venture for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-69-3 (4257-12) - 01.53% under the original contract amount - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0293 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$457,176.78 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Alder Lift Station Replacement, GFS

R-0267-A2-3 (4728-2) - 02.31% under the original contract amount - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0294 ADOPTED.

18. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,090,863.00 and acceptance of work on contract with **TEXAN ELECTRIC CO., INC** for 69th Street Sludge Processing Facility Product Conveying System Improvements; GFS R-0509-05-3 (4289-3R) - 03.19% over the original contract amount **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0295 ADOPTED.

PROPERTY - NUMBERS 19 through 29

19. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Crescencio and Josephine Gonzalez, for abandonment and sale of (1) Herschell Street, from Romea Street to North Wayside Drive, and (2) ±3,614 square feet of excess North Wayside Drive right of way, consisting of portions of Lots 26 and 27, Block 6, in exchange for the conveyance to the City of a 25-foot-wide sanitary sewer easement, all located in Carver Terrace Addition, W. M. Black Survey, Parcels SY2-037 and DY2-013 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0296 ADOPTED.
20. ORDINANCE appropriating \$15,520.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Edmond D. Lorts, et al., to acquire Parcel Number C99-12, for the Hidden Echo Lift Station Project; GFS/CIP R-0267-36-3 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. ORDINANCE 2002-0155 ADOPTED.
- 20a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Edmond D. Lorts, et al, Cause Number 758,466, for acquisition of Parcel C99-12; for the **HIDDEN ECHO LIFT STATION PROJECT**; GFS/CIP R-0267-36-3 - \$11,000.00 - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0297 ADOPTED.
21. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Dorothy Brackman, et al, Cause Number 752,807, for acquisition of Parcel A95-80B and A95-99 for the **KIRKWOOD ROAD PAVING PROJECT (Bissonnet to Alief-Clodine)**, GFS/CIP N-0575-00-1 \$3,000.00 - **DISTRICT F - ELLIS** - was

presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0298 ADOPTED.

22. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Titus & Rejone Edwards, et al, Cause Number 736,675, for acquisition of Parcel G94-2 for the **SMITH BRANCH LIBRARY EXPANSION PROJECT**; CIP/GFS E-0078-00-1 - \$57,500.00 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0299 ADOPTED.
23. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #99-1913, 11/3/99**, which authorized purchase of Parcel A97-364, located at 7834 Ley Road, owned by Mt. Canaan Missionary Baptist Church, Samuel Compton, Sr., Pastor, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1; **TO AUTHORIZE** condemnation of said parcel - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0300 ADOPTED.
24. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-343, located at 7518 Ley Road, owned by Fern Fagan Arnold; Lila Fagan Clark; and Donald E. Fagan, Individually and as Trustee, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0301 ADOPTED.
25. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-344, located at 7525 Ley Road, owned by Marilyn Kay Ferrell Jenkins and Ethel Marie Ferrell, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0302 ADOPTED.
27. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A93-179, located at 6712 Wheatley Street, owned by Theodore C. R. Randle and wife, Nelna M. Randle, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546-01-1 - \$25,350.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0303 ADOPTED.
28. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A99-110, located at 6406 Wheatley Street, owned by Milton Taylor and

wife, Rose Marie Taylor, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - \$25,244.15 - Street & Bridge Consolidated Construction Fund **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0304 ADOPTED.

29. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-359, located at 7804 Ley Road, owned by J. C. Investment Company, a Texas corporation, Ed Romans, President, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-01-1 - \$203,580.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Members Keller and Parker absent. MOTION 2002-0305 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 31 and 32

31. **BLUE MOUNTAIN EQUIPMENT, INC** for Lawn Maintenance Equipment from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Parks & Recreation Department - \$29,558.35 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0306 ADOPTED.
32. **RECOVERY CONTRACTORS, INC** - \$64,175.00 and contingencies for a total amount not to exceed \$67,383.75, **ICE CONTRACTORS, INC** - \$39,170.00 and contingencies for a total amount not to exceed \$41,128.50, **CERTIFIED/LVI ENVIRONMENTAL SERVICES, INC** \$41,050.00 and contingencies for a total amount not to exceed \$43,102.50 and **FERNANDEZ AND SON** - \$41,240.00 and contingencies for a total amount not to exceed \$43,302.00 for Site Clean-Up and Demolition Services for Department of Public Works & Engineering - \$185,635.00 and contingencies for a total amount not to exceed \$194,916.75 Dangerous Building Consolidated Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - EDWARDS; E - WISEMAN; G - KELLER; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Parker absent. MOTION 2002-0307 ADOPTED.

ORDINANCES - NUMBERS 34 through 79

34. ORDINANCE approving and authorizing consent to encroach, allowing existing improvements owned by Cal-Tex Citrus Juice, Inc., the abutting owner, to encroach approximately 0.65 feet into Yale Street, adjoining the property at 402 Yale Street, being Lots 13 through 18, Block 300, Houston Heights Addition, John Austin Survey, A-1, Harris County, Texas; subject to the terms and conditions of the consent to encroach - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0156 ADOPTED.
35. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, containing 1143 square feet of land, more or less, and two 5-foot-wide aerial easements containing an aggregate of 1129 square feet of land, more or less all being located within Lots 69 and/or 70 and 71, Block

- 95, South Union Subdivision, Harris County, Texas; vacating and abandoning said tracts of land to Van A. Tennell and Bobbie Broussard-Tennell, the abutting owners, in consideration of owners' dedication of a 10-foot wide utility easement containing 1000 square feet of land, more or less, and payment of \$900.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0157 ADOPTED.
36. ORDINANCE consenting to the addition of 65.92 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0158 ADOPTED.
37. ORDINANCE consenting to the addition of 74.5206 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 104**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0159 ADOPTED.
38. ORDINANCE consenting to the addition of 133.601 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 304**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0160 ADOPTED.
39. ORDINANCE consenting to the addition of 1.402 acres of land to **INTERSTATE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0161 ADOPTED.
40. ORDINANCE consenting to the addition of 256.5345 acres of land to **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0162 ADOPTED.
41. ORDINANCE consenting to the addition of 4.01 acres of land to **SPRING CREEK FOREST PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0163 ADOPTED.
44. ORDINANCE approving a Dealer Agreement with respect to the issuance of City of Houston, Texas, Airport System Senior Lien Commercial Paper Notes, Series A and B; authorizing an update to Offering Memorandum relating to same; ratifying related Commercial Paper Program Documents; making certain covenants and agreements in connection therewith; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0164 ADOPTED.
45. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to disannex a certain area to be located within Clear Brook City Municipal Utility District and on a proposal by the City of Houston to annex such area for limited purposes; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES** -

WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002 - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0165 ADOPTED.

47. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FRY ROAD MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area located within Fry Road Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0166 ADOPTED.
48. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes all of the area in Greens Parkway Municipal Utility District and certain territory located in the vicinity of Greens Parkway Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0167 ADOPTED.
52. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **INTERSTATE MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes all of the area in Interstate Municipal Utility District and certain territory located in the vicinity of Interstate Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0168 ADOPTED.
53. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTH BELT UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area located within North Belt Utility District and on a proposal for the City of Houston to annex for limited purposes certain territory in the vicinity of the intersection of Aldine Westfield Road and Beltway 8 in Harris County, Texas; and certain territory in the vicinity of Lee Road and Beltway 8 in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0169 ADOPTED.
55. ORDINANCE changing the name of Maxwell Road to **ALAMO CROSSING - DISTRICT A- TATRO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0170 ADOPTED.

61. ORDINANCE approving supplemental allocation in the amount of \$14,224.00 for contract between the City and **ENSR CORPORATION** (approved by Ordinance No. 99-43), for Environmental Remediation of the 1801 Allen Parkway Site - **DISTRICT I – ALVARADO** had been pulled from the Agenda by the Administration and was not considered.
62. ORDINANCE appropriating \$1,600,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **DEREK CONSULTING GROUP** for Information Technology Management and Professional Consultation for Houston Airport System Expansion Projects, CIP A-0138 - \$1,200,000.00 Enterprise Fund - 3 Years for a total of \$2,800,000.00 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0171 ADOPTED.
63. ORDINANCE appropriating \$1,663,952.00 out of Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing Restatement of contract for Professional Architectural/Engineering Services between the City of Houston and **3D/INTERNATIONAL, INC** for Terminal C Improvements at George Bush Intercontinental Airport/Houston, Project No. 490; CIP A-0322 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0172 ADOPTED.
64. ORDINANCE appropriating \$32,206.00 out of Parks Special Fund and approving and authorizing professional architectural services contract between the City of Houston and **KNUDSON & ASSOCIATES** for Design Improvements and Upgrades at Stewart Park, GFS F-0502-01-2; providing funding for contingencies relating to design of facilities financed by the Parks Special Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0173 ADOPTED.
67. ORDINANCE appropriating \$705,325.00 out of Street & Bridge Consolidated Construction Fund and \$50,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC d/b/a SCIENTECH** for the Design of Bertner Bridge and Paving from Holcombe to South Braeswood, CIP N-0722-01-2 (SB9089); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0174 ADOPTED.
68. ORDINANCE appropriating \$690,647.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INC** for Design of Market Street from N. Wayside to Lockwood, CIP N-1306A-01-2 (SB9099); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0175 ADOPTED.
70. ORDINANCE approving and authorizing second amendment to professional services contract between the City of Houston and **J. F. THOMPSON, INC d/b/a THOMPSON, INC** for Plant Reliability Improvements and increase the firm capacity at the East Water

Purification Plant (EWPP) Complex, CIP S-0056-29-2 (10594) - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0176 ADOPTED.

72. ORDINANCE appropriating \$856,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC D/B/A PBS&J** for Design of the Gulf Freeway Area Relief and Lift Station Modifications, CIP R-2011-33-2 (WW4841); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0177 ADOPTED.
73. ORDINANCE appropriating \$1,745,431.17 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RELIANCE CONSTRUCTION SERVICES, L.P.**, and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P3-3 (WW4235-16); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0178 ADOPTED.
74. ORDINANCE appropriating \$2,677,798.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.**, and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** for Construction of Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-P2-3 (WW4257-30); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0179 ADOPTED.
75. ORDINANCE appropriating \$4,949,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HEYL CONSTRUCTION, LTD.** and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC** for 54-inch water line along Ella Boulevard from West 24th Street to West 43rd Street, GFS S-0900-68-3 (WA10641); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A- TATRO and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0180 ADOPTED.
76. ORDINANCE appropriating \$3,784,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ALSAY, INCORPORATED** and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** for Rehabilitation of Existing Water Wells, GFS S-0200-12-3 (10562-2); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0181 ADOPTED.

77. ORDINANCE deappropriating \$6,000,000.00 out of Funds appropriated from the Water & Sewer System Consolidated Construction Fund by Ordinance No. 00-249; appropriating \$14,000,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing master agreement and first amendment to the Master Agreement between the City of Houston, the **BRAZOS RIVER AUTHORITY** and the **TEXAS WATER DEVELOPMENT BOARD** for financing of the Allens Creek Reservoir Project, GFS S-0895 - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0182 ADOPTED.
78. ORDINANCE appropriating \$485,000.00 out of Storm Sewer Consolidated Construction Fund (M-0126-RE-1) and \$2,292,000.00 out of Street & Bridge Consolidated Construction Fund (N-0663-RE-1), authorizing payment to **TEXAS DEPARTMENT OF TRANSPORTATION** for Relocation Assistance Costs, for and in connection with the Central Street Grade Separation Project, and approving and authorizing purchase of easements and other interests in Real Property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the Capital Improvement Projects identified in the body of this ordinance - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0183 ADOPTED.
79. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund, and authorizing and approving the purchase of real property and the payment of costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with and finding a public necessity for the Fifth Ward Multi-Service Center Expansion Project - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0184 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **ELECTRICAL BOARD**, for terms to expire January 2, 2004:
- Position Two - **MR. ELIOT DOUCET**, reappointment
 - Position Four - **MR. THOMAS THIERHEIMER**, reappointment
 - Position Six - **MR. E. T. DICKERSON**, reappointment, and to serve as Chair
 - Position Eight - **MS. GEORGIANA GATES**, reappointment
 - Position Ten - **MR. JAVIER M. RAMOS**, appointment

- was presented, moved by Council Member Parker, seconded by Council Member Quan.

Council Member Parker stated that there was an incorrect posting on the item and offered an amendment to the above motion to delete Position Four and repost Position Four with the correct nominee, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on city business. VOTE ON MOTION TO AMEND CARRIED.

A vote was called on the main motion as amended. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0308 ADOPTED.

5. RECOMMENDATION from Director Finance & Administration for approval of Individual Fidelity Bond for **BARBARA R. SUDHOFF**, Acting Director of the Municipal Courts, in the amount of \$25,000.00 as required by Sections 2-37 and 2-40, Code of Ordinances, City of Houston, Texas \$87.50 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0309 ADOPTED.
7. RECOMMENDATION from Parks & Recreation Department for supplemental allocation increasing the spending authority by \$145,000.00 from \$1,419,748.23 to \$1,564,748.23 to the **UNISYS CORPORATION** for Hardware Maintenance - General Fund - was presented, and tagged by Council Member Robinson.
8. ORDINANCE appropriating \$281,326.00 out of General Improvement Consolidated Construction Fund as an additional appropriation for Municipal Courts Flood Repair and HVAC Retrofit, CIP D-0044A-01-3, under construction contract (approved by Ordinance No. 02-011) between the City of Houston and **SPAWGLASS CONSTRUCTION CORPORATION - DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0185 ADOPTED.
- 8a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 1 in the amount of \$574,326.00 on contract with **SPAWGLASS CONSTRUCTION CORPORATION** for Municipal Courts Flood Repair and HVAC Retrofit, CIP D-0044A-01-3 **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0310 ADOPTED.

DAMAGES

9. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SUSAN A. HARTNETT**, et al v. City of Houston, et al; in the United States District Court for the Southern District of Texas, Houston Division, Civil Action No. 00-1165 - \$130,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro and tagged by Council Members Alvarado and Berry.

ACCEPT WORK

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,688,949.21 and acceptance of work on contract with **PEDKO PAVING, INC** for George R. Brown Convention Center - Phase II Expansion Infrastructure Improvements, GFS B-0010-10-3 (CE2000) - 00.19% over the original contract amount **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0311 ADOPTED.

PROPERTY

26. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY1-053, located at 1710 Texas Avenue, owned by Kenneth R. Cunningham, Jr., Trustee, for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT from Rusk to Texas**, CIP B-0005-00-1 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All

voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. MOTION 2002-0312 ADOPTED.

30. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel N81-16, located at 700 Chenevert, AY1-049 located at 1707 Capital and AY1-052 located at 600 Jackson, owned by Monsignor James Golasinski, and his successors in office, as Pastor of Annunciation Catholic Church, for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT (Rusk to Texas)**, CIP B-0005-00-1 - \$2,371,688.00 Convention & Entertainment Fund 603 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. MOTION 2002-0313 ADOPTED.

PURCHASING AND TABULATION OF BIDS

33. **ANSELL HEALTHCARE PRODUCTS, INC** - \$223,140.50, **HENRY SCHEIN, INC** \$1,272,000.00 and **MEDTRONIC PHYSIO-CONTROL CORPORATION** - \$76,500.00 for Medical, Dental and Family Planning Supplies for Various Departments - General, Grant and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Sekula-Rodriguez. Council Member Berry absent.

Council Member Sekula-Rodriguez stated that she would like to ask someone from the EMS System to come and talk to her, probably Dr. Persee, because she would like to find out where the defibrillators were going and she had not been able to get that information, and Mayor Brown stated they would have someone visit with her. Council Member Berry absent.

ORDINANCES

42. ORDINANCE approving and authorizing lease agreement between **HOUSTON WAYSIDE BUSINESS CENTER, LTD.**, a Texas limited Partnership, as landlord, and the City of Houston, Texas, as tenant, for space in the building located at 4565 S. Wayside for use by the Parks & Recreation Department - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0186 ADOPTED.
43. ORDINANCE issuing permit to **TEXAS PETROCHEMICALS, L.P.**, for installing, maintaining, operating and repairing a ten-inch pipeline for the transportation of liquefied petroleum gases underneath Lawndale Avenue, within and being a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Members Robinson, Wiseman and Alvarado. Council Member Berry absent.
46. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **EMERALD FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to disannex a certain area to be located within Emerald Forest Utility District and on a proposal by the City of Houston to annex for limited purposes such area and an additional area to be located within Emerald Forest Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL**

10 & 17, 2002 - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0187 ADOPTED.

49. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area located within Harris County Municipal Utility District No. 191 and certain territory located in the vicinity of Harris County Municipal Utility District No. 191; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0188 ADOPTED.
50. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 346** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area located within Harris County Municipal Utility District No. 216 and all of the area in Harris County Municipal Utility District No. 346 and certain territory located in the vicinity of the intersection of Fry Road and Interstate Highway 10 in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0189 ADOPTED.
51. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 321 and certain territory located in the vicinity of Harris County Municipal Utility District No. 321; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability **HEARING DATES - WEDNESDAY - 9:00 A.M. - APRIL 10 & 17, 2002** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0190 ADOPTED.
54. ORDINANCE creating the **R&L CARRIERS REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Ellis, Alvarado, Sekula-Rodriguez, Tatro and Wiseman. Council Member Berry absent.
- 54a. ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas, **R.L.R. INVESTMENTS, LLC** and **R&L CARRIERS, INC** for certain property located within the **R&L CARRIERS REINVESTMENT ZONE - DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Ellis, Alvarado, Sekula-Rodriguez, Tatro, Wiseman and Goldberg. Council Member Berry absent.
56. ORDINANCE approving and authorizing contract between the City of Houston and **MAYER, BROWN, ROWE and MAW** for Legal Services in the matter of Vela v. The City of

Houston \$75,000.00 - Property and Casualty Fund - was presented, and tagged by Council Members Wiseman, Robinson, Tatro, Keller, Sekula-Rodriguez and Ellis. Council Member Berry absent.

Council Member Robinson asked that someone come and visit with him, that he had some questions, and Mayor Brown stated that they would have someone visit with him. Council Member Berry absent.

Council Member Keller stated that he would like a copy of the opinion of the 5th Circuit Court of Appeals, and Mayor Brown stated they would make sure he would get a copy of it. Council Member Berry absent.

Council Member Sekula-Rodriguez stated that she thought it was such an important concept that was not really explained too well in the ordinance, that it deserved some more consideration from all of them and asked how they could get that, and Mayor Brown stated they would have someone visit with her. Council Member Berry absent.

57. ORDINANCE approving agreement for Legal Services with **FULBRIGHT & JAWORSKI, L.L.P.** to represent the City in an appeal of Medicare Part B overpayment determination - \$75,000.00 General Fund - was presented, and tagged by Council Members Tatro, Sekula-Rodriguez and Alvarado. Council Member Berry absent.

Council Member Sekula-Rodriguez stated that she would like to have someone visit with her, and Mayor Brown stated they would have someone visit with her. Council Member Berry absent.

58. ORDINANCE amending Ordinance No. 98-37 to increase the maximum contract amount for Data Communications Maintenance Services for the Police Department under contract with **AVAYA, INC (formerly known as LUCENT TECHNOLOGIES, INC)** - \$70,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Berry absent. ORDINANCE 2002-0191 ADOPTED.

59. ORDINANCE approving and authorizing agreement between the City of Houston and **MISSOURI CITY** for the adjustment of a Mutual Boundary - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented, and tagged by Council Member Goldberg.

60. ORDINANCE awarding contract for property insurance to **ACE/WESTCHESTER FIRE INSURANCE COMPANY** and **AIG/LEXINGTON INSURANCE COMPANY**; providing a maximum contract amount - \$3,502,000.00 - General, Enterprise and Other Funds - was presented, and tagged by Council Members Ellis and Alvarado.

Council Member Ellis stated that he would like to have the insurance brokers come by and talk with him before the next meeting, and Mayor Brown stated they would have someone visit with him.

65. ORDINANCE appropriating \$546,369.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **TSC ENGINEERING COMPANY** for the Design of Neighborhood Street Reconstruction, CIP N-0362-02-2 (SB9079); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented, and tagged by Council Member Galloway.

66. ORDINANCE appropriating \$460,762.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **JNS CONSULTING ENGINEERS, INC** for the Design of Water Line Replacement in Westbury East Subdivision, CIP S-0035-97-2 (WA10738); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Galloway.
69. ORDINANCE appropriating \$402,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **C/E CONSULTANTS, INC** for Design of Water Main Replacements in the Heights Subdivision, CIP S-0035-94-2 (WA10733); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Galloway.
71. ORDINANCE appropriating \$366,255.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **QUADRANT CONSULTANTS, INC** for Design of Waterline Replacement Projects in Westbury West Subdivision, CIP S-0035-98-2 (WA10739); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Galloway.

NON CONSENT AGENDA - NUMBERS 80 through 87

MISCELLANEOUS

80. MOTION to set a date not less than seven (7) days from March 20, 2002 to receive nominations for Positions 6, 8 and 9 to the **BOARD OF REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** with terms to expire December 31, 2003 - was presented.

Council Member Robinson moved to set March 27, 2002 as the date to receive nominations for Positions 6, 8 and 9 to the Board of Reinvestment Zone Number One, City of Houston, Texas (St. George Place), seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0314 ADOPTED.

81. MOTION to set a date not less than seven (7) days from March 20, 2002 to receive nominations for the Chair to the **BOARD OF REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** for a term to expire December 31, 2002 - was presented.

Council Member Robinson moved to set March 27, 2002 as the date to receive nominations for the Chair to the Board of Reinvestment Zone Number One, City of Houston, Texas (St. George Place), seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0315 ADOPTED.

82. RECEIVE nominations for Positions One through Four of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL ADVISORY COMMITTEE** with two year terms to expire December 31, 2003

Council Member Parker stated that she wanted to nominate the following for the four positions, that they had been distributed to Council and to the City Secretary, for Position One, Harold Mark, DVM, Position Two, Raymond Harris, Position Three, Kathy Munzer and Position Four, Shaun Michael Hawkins.

Council Member Parker moved to close nominations for Positions One through Four of the Animal Shelter Advisory Panel of the Animal Advisory Committee, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0316 ADOPTED.

83. RECEIVE nominations for Positions A through I of the **COMMUNITY EDUCATIONAL OUTREACH PANEL OF THE ANIMAL ADVISORY COMMITTEE** for terms to expire December 31, 2003 – was presented.

Council Member Tatro moved to postpone nominations for Position A for one week, seconded by Council Member Weisman. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0317 ADOPTED.

Council Member Galloway moved to postpone nominations for Position B for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0318 ADOPTED.

Council Member Goldberg moved to postpone nominations for Position C for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0319 ADOPTED.

Council Member Wiseman moved to postpone nominations for Position E for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0320 ADOPTED.

Council Member Edwards moved to postpone nominations for Position D for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0321 ADOPTED.

Council Member Ellis moved to postpone nominations for Position F for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0322 ADOPTED.

Council Member Keller moved to postpone nominations for Position G and H for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0323 ADOPTED.

Council Member Alvarado moved to postpone nominations for Position I for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0324 ADOPTED.

Council Member Sekula-Rodriguez stated that her question on the particular committees was if they had an opportunity to review the need or the necessity that these committees exist, and Mayor Brown asked what information she wanted, and Council Member Sekula-Rodriguez stated that as new Council Members they saw a lot of committees come across the table and asked if they met, did people actually work and how much did each committee cost the City, were they paid, and Mayor Brown stated that they were not paid, that if there was a committee

she had a question on to let him know and they would have someone come and visit with her, that they actually met and were voluntary, they did not receive any compensation for their work.

Council Member Parker stated that the previous panel, the Animal Shelter Advisory Panel, was, she believed, something that the State law required them to have, that this committee she did not know that it continued to serve the function that it perhaps did at the beginning and it might be a nice idea to have some Council committee look at the number of advisory committees they had out there and sort them out a little bit.

84. RECEIVE nominations for Positions Six and Seven of the **CIVIC ART COMMITTEE** with terms to expire January 1, 2004

Council Member Robinson stated that he wanted to re-nominate Ms. Lana Smith for Position Six of the Civic Art Committee.

Council Member Goldberg moved to close nominations for Position Six of the Civic Art Committee, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0325 ADOPTED.

Council Member Goldberg stated that he wanted to nominate Chris Hageney for Position Seven of the Civic Art Committee and moved acceptance of the nomination, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0326 ADOPTED.

Council Member Tatro moved to close nominations for Position Seven of the Civic Art Committee, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0327 ADOPTED.

85. RECEIVE nominations for Positions Five and Seven of the **ETHICS COMMITTEE** with terms to expire December 31, 2003

Council Member Quan moved to postpone nominations for Position Five of the Ethics Committee for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0328 ADOPTED.

Council Member Quan stated that he wanted to nominate Jeff Steen for Position Seven of the Ethics Committee and moved acceptance of the nomination, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0329 ADOPTED.

Council Member Tatro moved to close nominations for Position Seven of the Ethics Committee, seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0330 ADOPTED.

PROPERTY

86. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest Roth of Terra Surveying Company, Inc., on behalf of Houston Independent School District (HISD), for abandonment and sale of (1) Oxford Street, from East 13th Street to East 14th Street; (2) a portion of East 13½ Street, from Oxford Street ±260 feet east; and (3) portions of two 15-foot-wide alleys, from Oxford Street ±260 feet east, and a right of entry for Houston Independent School District in exchange for the conveyance to the City of right of way for a

T-type turnaround at the dead-end of East 13½ Street, a 40-foot-wide utility easement, a 10-foot-wide utility easement, and a 25-foot-wide sanitary sewer easement, all located within Houston Heights Addition and/or Kutschbach Addition, Parcels SY1-046A through D, AY2-152, VY2-013A, VY2-013B and DY2-012 **APPRAISERS - DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Keller. Council Member Robinson absent.

87. RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the ±27,963-square foot, former Alief Road Water Plant Site, located at 8600 Westpark Drive, Tract 28, Block U, Jeanetta Addition, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount, Parcel S98-063 - **APPRAISERS - DISTRICT C - GOLDBERG**

Council Member Goldberg stated that he wanted to name Samuel Stewart and Shiela F. Stewart and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Robinson absent. MOTION 2002-0331 ADOPTED.

MATTERS HELD - NUMBERS 88 through 94

88. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Director Aviation Department to provide technical services to the **HAS DEVELOPMENT CORPORATION (HASDC)** for participation in proposed projects in China, Guatemala, Mexico and with the Port of Houston Authority (PHA) - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO - (This was Item 7 on Agenda of March 6, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and GOLDBERG)** - was presented. Council Member Tatro voting no, balance voting aye. Council Member Vasquez absent on city business. MOTION 2002-0332 ADOPTED.
89. ORDINANCE appropriating \$1,924,055.00 out of Public Library Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PROZIGN INC d/b/a PROZIGN ARCHITECTS** for Design Improvements and Renovations to Jesse H. Jones Central Library, Carnegie Branch Library, and Library Resource Center; GFS E-0011-01-2, E-0142-01-2 and E-0076-01-2; providing funding for the Civic Art Program and contingencies relating to design improvements and renovations of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I - ALVARADO - (This was Item 26 on Agenda of March 6, 2002, TAGGED BY COUNCIL MEMBERS KELLER and GOLDBERG)**

Council Member Keller stated that the projects were important but was concerned after reviewing some of the expenditures and the way they were written as to how efficient they were doing, that it was a tough situation because the need was great in the item, that they had some work to do to improve the process.

Council Member Tatro stated that this was a Building Services contract and not a Public Works contract, and they drafted up all the specifications for it, and Council Member Keller stated yes, that was correct.

Council Member Goldberg stated that he agreed with Council Member Keller and moved to postpone Item No. 89 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0333 ADOPTED.

90. ORDINANCE appropriating \$5,018,000.00 out of Houston Airport System Bonds 1998B AMT Construction Fund, CIP A-0141 and \$82,000.00 out of Airports Improvement Fund, CIP A-0422; awarding construction contract to **R. H. TONETTI CONSTRUCTION COMPANY** for the Southwest Airlines Tenant Improvements at William P. Hobby Airport (HOU), Project No. 417J; providing funding for the Civic Art Program financed by Airports Improvement Fund - **DISTRICT I - ALVARADO - (This was Item 30 on Agenda of March 6, 2002, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0192 ADOPTED.
91. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to Panel 3 of the **BUILDING AND STANDARDS COMMISSIONS**
- Position One - **MS. EILEEN SUBINSKY**, reappointment, to complete an unexpired term ending December 31, 2002
 - Position Two - **MS. RUBY MOSLEY**, reappointment, for a term to expire December 31, 2003
 - Position Three - **MR. ALPHONSO DELANEY**, reappointment, to complete an unexpired term ending December 31, 2002
 - Position Four - **MR. MICHAEL CRAMER**, reappointment, for a term to expire December 31, 2003
 - Position Five - **MR. MICHAEL CATRETT**, appointment, to complete an unexpired term ending December 31, 2002
 - Alternate Position One - **MR. WARD GRAY**, appointment, to complete an unexpired term ending December 31, 2002
 - Alternate Position Two - **MR. LOUIS CARRANZA**, appointment, for a term to expire December 31, 2003
 - Alternate Position Three - **MS. VIRGINIA L. DUKE**, appointment, to complete an unexpired term ending December 31, 2002
 - Alternate Position Four - **MR. R. C. JONES**, appointment, for a term to expire December 31, 2003
- (This was a portion of Item 36 on Agenda of March 6, 2002, POSTPONED BY MOTION #2002-0279)** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0334 ADOPTED.
92. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,886,252.03 and acceptance of work on contract with **AUSTIN FILTER SYSTEMS, INC** for Halls Bayou Bank Protection at FWSD No. 23 WWTP, GFS R-0265-05-3 (4429-2) - 02.20% over the original contract amount - **DISTRICT B – GALLOWAY – (This was Item 37 on Agenda of March 6, 2002, POSTPONED BY MOTION #2002-0281)** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0335 ADOPTED.
93. ORDINANCE appropriating \$61,171.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Agreed Final Judgment and appraisal expenses rendered in connection with the settlement of the eminent domain proceeding styled City of Houston v. the Burlington Northern & Santa Fe Railway Company, et al., to acquire Parcel Numbers A97-191B, A97-191E & A97-191F, for the West White Oak Bayou Hike & Bike

Trail Project (14th Street at White Oak Bayou - Crystell Street); GFS/CIP N-0420-09-1 - **DISTRICT A - TATRO – (This was Item 38 on Agenda of March 6, 2002, POSTPONED BY MOTION #2002-252)** - was presented.

Council Member Tatro stated that he delayed the item on a related matter, that it was the purchase of some property from Burlington Northern to put in the bike lanes along White Oak Bayou, which ran through his and Council Member Vasquez's district, that in discussions he had recently with Harris County Flood Control in their five year plan, they were going through a lot of analysis for the drainage along White Oak Bayou to enhance the drainage along White Oak Bayou and their best case scenario was to have the train trestles that were now over White Oak Bayou removed, that the dominating principal behind the use of the those trestles, he thought, should be what Harris County Flood Control needed to do to promote drainage along White Oak Bayou and believed they should turn over the jurisdiction of those bridges and if Harris County Flood Control believed leaving a bridge was beneficial for the drainage along White Oak Bayou, then great, but as of now they believed removing all, and he thought there were six in both districts, was beneficial, he thought what they needed to do was restructure their bike lanes and move them down to cross over existing bridges or just move them further down, that bike lanes could be rerouted, that he thought the dominating jurisdiction should be Harris County Flood Control, and Mayor Brown stated they would have Public Works work with him on that.

A vote was called on Item No. 93. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0193 ADOPTED.

93a. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from City Attorney to settle a lawsuit styled City of Houston v. the Burlington Northern & Santa Fe Railway Company, et al., in connection with eminent domain proceeding for acquisition of Parcel Numbers A97-191B, A97-191E & A97-191F and payment of appraisal invoice for **WEST WHITE OAK BAYOU HIKE & BIKE TRAIL PROJECT (14th Street at White Oak Bayou - Crystell Street)**, GFS/CIP N-0420-09-1 - **DISTRICT A – TATRO – (This was Item 38a on Agenda of March 6, 2002, POSTPONED BY MOTION #2002-252)** - was presented. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0336 ADOPTED.

94. ORDINANCE authorizing first amendment to professional services contract between the City and **LAY-SU & ASSOCIATES, INC** and amending Ordinance No. 2000-265 to increase the maximum contract amount by \$500,000.00 - Initial Allocation \$386,920.00 CDBG Funds – **(This was Item 43 on Agenda of March 6, 2002, POSTPONED BY MOTION #2002-251)** – was presented.

Council Member Keller stated that the Legal Department had helped draft a more correct and proper amendment for Item No. 94 and moved to amend Section 3 of the Ordinance for Item 94 to read as follows:

“The total allocation for the contract, agreement, or other undertaking approved and authorized hereby shall never exceed \$818,000 unless and until this sum is increased by City Council.”, seconded by Council Member Wiseman.

Council Member Ellis asked Council Member Keller if he was reducing the total amount from \$1.125 million to \$818,000 and asked if it was correct, and Council Member Keller stated that it was basically increasing the contract amount they currently had by \$193,000, and Council Member Ellis asked where was he able to find the cost savings, and Council Member Keller stated that by allocating the \$193,000 the money for Lay-Su, which was the intent in the contract,

would go directly to them for the projects, that the Building Services portion of it was not necessarily cut out or savings, it was an improper RCA and it had been very confusing and they had been working on it for weeks, that they would do an inter department transfer for the other funds, that he was just decreasing their spending authority.

A vote was called on Council Member Keller motion to amend Item No. 94. All voting aye. Nays none. Council Member Vasquez absent on city business. MOTION 2002-0337 ADOPED.

A vote was called on Item No. 94 as amended. All voting aye. Nays none. Council Member Vasquez absent on city business. ORDINANCE 2002-0194 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that he wanted to compliment several employees, Mr. Douglas Whitfield and Mr. Gary Hutchinson of Public Works and Ms. Carolyn Baptiste of Solid Waste. Council Member Robinson absent.

Council Member Quan stated that they had a good turnout at their Townhall Meeting last night, that they had good support from the City departments, Metro and others, that they had about 150 attend the meeting, that he wanted to thank Council Members Alvarado, Parker, Sekula-Rodriguez for also attending the meeting, that they were beginning a dialog with the downtown residents as well as businesses, that there were several concerns raised by the businesses and while they could not compensate them for the loss of business during the time one of the things that Metro was doing was a Metro Super Savings Book to publicize some of the businesses down there to help stimulate more activity for them during the time of distress, that he would hope the City would do something similar and work with the Downtown Management District and Downtown Association to show all of the positives of the downtown area even during the time of construction. Council Member Robinson absent.

Council Member Quan stated that this last weekend he and Council Member Goldberg were in Washington at the National League of Cities Conference and the City of Houston, through their Affirmative Action and especially Persons With Disabilities Department, received the Outstanding Award for Diversity Actions by any major City in the Country, that Ms. Kim King and Mr. John DeLeon were there and he thought it was another tribute to the efforts of Houston to recognize the value of all its citizens. Council Member Robinson absent.

Council Member Quan stated that this weekend they were having the Keep Beautiful Spring Cleanup, that he knew Mayor Brown had done a PSA regarding bandit signs, that they were going to be working on trying to clean up different parts of Houston, that all the District Council Members had areas and the At Large Council Members were looking at removing bandit signs from different parts of the City as well. Council Member Robinson absent.

Council Member Sekula-Rodriguez stated that there was a new treatment that had been discovered in the Medical Center by Dr. Rheim Galib, who worked at the Hepatitis Center at Baylor College of Medicine and also at Methodist Hospital, that what Dr. Galib had discovered was that by changing Interferon a little bit, he was able to double the rate of response in treating Hepatitis C patients, that for many years they did not really have any good treatments to suppress or reverse the virus and it usually went without recognition for about 20 to 30 years, that it was much better to catch it early and stop the progression of the virus, that what Dr. Galib did was to treat his patients with both the Interferon that was chemically altered as well as a drug called Ribovirin, which was somewhat expensive, that the new treatment was now once a week and it raised the response or remission rate from 30% to 60%; that the City Health Department did not have the resources to treat but they did help with diagnosis, although they had limited

funds for diagnosis. Council Member Robinson absent.

Council Member Parker stated that she wanted to tout the Keep Houston Beautiful Trash Bash on Saturday and for anyone that wanted to volunteer the phone number was 713-839-8855, that they all needed volunteers so she encouraged people to call their favorite Council Member or the favorite area of town where they wanted to work, that her crew was going to do sign busting. Council Member Robinson absent.

Council Member Alvarado stated that she wanted to thank the Planning Department and all of the City staff who contributed to their CIP meeting, they had a very successful meeting with a lot of community folks in attendance. Council Member Robinson absent.

Council Member Alvarado stated that their Downtown Townhall Meeting was a success and wanted to thank Council Member Quan for spearheading it and cohosting it with her, that she also wanted to thank Council Members Parker and Sekula-Rodriguez for coming to the meeting, that they had good participation and the Mayor's office was very well represented by Mr. Al Haines, that it was also sponsored by the Downtown Houston Association and the Downtown Management District and she wanted to thank Public Works, Solid Waste, HPD, HFD and C&E for attending, that one of the issues that came up was the Civility Ordinance and would like to get an update and the status of the ordinance, and Mayor Brown stated they would do that. Council Member Robinson absent.

Council Member Berry stated that he wanted to thank Ms. Regina Dixon, F&A, Ms. Dawn Ullrich, C&E, Mr. Jim Gallay, City Attorney's Office and Mr. Oliver Spellman for making their job easier and going above and beyond the call of duty. Council Member Robinson absent.

Council Member Berry stated that they would also be joining in the Keep Houston Beautiful effort which he thought was a great effort as part of the Quality of Life Coalition's movement and stated that he wanted to commend for their work on that project, Ms. Trina Finley, Clean Neighborhoods Education and Outreach Director, Ms. Robin Gloom, Executive Director of Keep Houston Beautiful, Mr. Robert Norris, Sign Administration and Susie Hargrove, Planning Department. Council Member Robinson absent.

Council Member Ellis stated that he wanted to thank Council Member Quan for setting up the Trash Bash and selecting District F to work in, that they were going to have another clean up on May 18, 2002 in District F, that the Keep Houston Beautiful Project was an ongoing project. Council Member Robinson absent.

Council Member Ellis stated that this weekend he was visiting Imperial Point Homeowners Association and they were back into the old problem of having contractors go out and put in water or sewer lines and not replace the grass, that they had called it into Public Works and did not know if they had rectified the problem. Council Member Robinson absent.

Council Member Ellis stated that last night a reporter from Channel 13 came to a function where he had Council Member Tatro were speaking and the issue of whether or not they wanted to have the DNC or the RNC come to Houston, that the DNC spent millions of dollars about two years ago trashing the City and he was somewhat amazed that they would even consider the City of Houston as a site to have the Democratic National Committee. Council Member Robinson absent.

Council Member Ellis stated that they lost a great citizen yesterday, Mrs. Mary Alice de George, that she had a debilitating disease for about the past 5 years and was afflicted with PCP, that she had seven boys and three girls, was a devout Catholic and a member of the Saint

Vincent De Paul Catholic Church, she was 77 years old and happened to be his aunt and asked for a moment of silence for her and all of the faithful souls that had passed. Council Member Robinson absent.

Council Member Edwards stated that she wanted to congratulate Ms. Kim King and the Department of People With Disabilities in their winning the Diversity Award from the National League of Cities and also being chosen a finalist in the Accessible America 2001 Competition, that she thought it spoke volumes about what the Mayor had been talking about Neighborhood Oriented Government that dealt with all people, that Ms. King had been very accessible for their district for those constituents that had disabilities, that one of the things that had been brought to her attention was that Chenault Street was badly in need of repair that Metro Lift had to back into people's yards to pick people up to transport them, so Ms. King and Public Works were working on that. Council Member Robinson absent.

Council Member Edwards stated that she wanted to thank the Olympic 2012 Foundation for attending their Townhall meeting on Sunday, they had about 150 people present, they had representatives from TSU, U of H, as well as the Third Ward Redevelopment Committee, that some parts of the meeting were very heated but thought that overall the meeting came across with people developing a need an a want for partnership and working to make sure it happened in their City. Council Member Robinson absent.

Council Member Edwards stated that she wanted to thank Public Works, F& A and all of the departments that helped pull together their CIP meetings, they had two of them in the district, that she wanted to thank the Power Center and the Texas Southern School of Law for allowing them to have the meetings there and providing the appropriate equipment for those meetings to be successful. Council Member Robinson absent.

Council Member Edwards stated that she still did a public affairs program and one of the things they were doing on the third Sunday of each month was lifting up City employees that had been identified for them by Human Resources and their first person was Ms. Paulette Montgomery, Public Works Department, that if they had any City employees they thought needed lifting up to let her know and they would route them through Human Resources. Council Member Robinson absent.

Council Member Edwards stated that she had talked to Mr. Hollingsworth and Chief Bradford about the number of women and children that had been involved in molestations, abductions, beatings or shootings in the last two weeks, that they were looking at almost 10 persons in the last two weeks that had been involved in those types of events and she did not know if it was just representative of the times they were in or what, but they were looking and talking to some women's group to see if there was anyway they could help women and children be more aware of where they were and what was going on, that she thought it was something they needed to make note of. Council Member Robinson absent.

Mayor Brown stated that he would ask Chief Storemski to look into the issue and work with her on whatever needed to be done to address the problem.

There being no further business before Council, the City Council adjourned at 10:35 a.m. upon MOTION by Council Member Quan, seconded by Council Member Sekula-Rodriguez. Council Member Robinson 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