

City Council Chamber, City Hall, Tuesday, March 26, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 26, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. 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.

At 2:04 p.m. Mayor Brown stated they had several Council presentations and wanted to start with Senator Rodney Ellis who would make a presentation, that he wanted to welcome him back to the Council Chambers after having served as a Council Member. Council Members Edwards, Alvarado, Parker, Quan, Berry and Robinson absent.

Senator Rodney Ellis stated that this would be the largest grant from the Lone Star Program to the a library and the check that he was going to present to the City was for \$334,320 and was the largest Lone Star Grant to be awarded among the 517 Texas Public Libraries, that he wanted to recognize some people who were really responsible for the sake of providing the money, Ms. Sandra Pickett, Texas State Library Commission, Ms. Debra Latrail, Library Director for the Texas State Library, Ms. Barbara Gubbin, Director, Houston Public Library and invited them to the podium. Council Members Edwards, Vasquez, Alvarado, Parker, Quan, Berry and Robinson absent.

Mayor Brown stated that he wanted to thank Senator Ellis for the presentation, that he was the chair of the Finance Committee at the State Senate, that he was someone who cared about libraries and he appreciated that, that their libraries were top priorities for the administration and City Council, particularly for the young people and trying to get young people to go to a library and take advantage of the information that was there, that it made a difference in the long run, that their Power Card Challenge resulted in some 3,000 young people with library cards, that they were trying to make it possible for everyone through the library to have access to the World Wide Web at no cost, that what Senator Ellis had done today assisted them tremendously in meeting their objective and they really appreciated it, that libraries were important for the City, that when they looked at the quality of life in any City, libraries were at the top of the list. Council Members Edwards, Alvarado, Parker, Quan, Berry and Robinson absent.

Council Member Parker stated that Houston had a very active Sister City Program that provided a unique opportunity for exchanges between Houston and fourteen cities around the world, that the associations were made up of dedicated volunteers who were committed to citizen diplomacy, that they had a map in the foyer outside of the Council Chambers that showed where the Sister Cities were, that she had an opportunity to visit with Sister City delegations from Chiba, Japan, Aberdeen and Stavanger and a couple of other places, that it was not just travel back and forth and sports exchanges, that there were also artistic exchanges, that today they had a special presentation to recognize the winners of the Sister Cities of Houston Annual Art Competition and invited Ms. Carol Mills, Board of Sister Cities of Houston and also a member of the Grampian Regional Sister City Association to the podium and recognize the winners, that they were going to present certificates and cash awards. Council Members Edwards, Alvarado, Quan and Robinson absent.

Ms. Mills stated that she wanted to thank them for allowing them to recognize the winners of the Young Artists Program, that this was the 6<sup>th</sup> year that the Sister Cities of Houston had participated in the competition, that this years theme was "No Borders, No Fences, Just Friends", that the art work was judged by two independent judges, Ms. Roseanne Frasier, who

had judged the Houston Livestock and Rodeo School Art Program since 1980 and Ms. Sherri Ann McNeal, Museum of Fine Arts and announced the winners, Ms. Melissa De La Garza, O'Donnel Middle School, First Place, Ms. Connie Soon, Chinese Culture Center Art School and Bellaire High School, Second Place, that they also had five Honorable Mentions, Mr. Jessie Obassie, O'Donnel Middle School, Mr. Alexander Squire, Saint Marks Episcopal High School, Ms. Geraldine Young, Chinese Culture Center Art School and Stratford High School, Ms. Thelma Suarez, Furr High School and Mr. Van Guavera, O'Donnel Middle School. Council Members Tatro, Goldberg, Vasquez, Alvarado, Quan and Robinson absent.

Council Member Vasquez stated that a couple of years ago the Rockets very generously agreed to make community donations to civic groups and non profits at the neighborhood and grass roots level, that today they had before them the results of one of those grants, the Northside Village Theater and invited the actors, directors and the civic club leaders to the podium, that based on the grant they put together a company and a play, that the company was headed by Mr. Erin Rodriguez, who directed a play called "Let's Talk About Sex", that it was about safe sex and they went into the community and into some of the high schools and middle schools to talk about safe sex and how to be healthy, to many students who needed this type of exposure and education, that he wanted to recognize Mr. Rodriguez and all of the members of the staff and the BOND Civic Club for their accomplishments, that he and his wife did see the play and it was outstanding and quite good, that they deserved more recognition than they were being given today. Council Members Tatro, Goldberg, Quan and Robinson absent.

Mr. Rodriguez stated that he wanted to thank Council Member Vasquez for being a mentor and a leader and for giving them an example of what leadership was and showing them what it was like to get things done and receive an award, that way it could benefit a community with an over abundance of sexual offenders, that he wanted to thank the Northside Village Theater Company who gave up a lot of time through school and their families to give to a non profitable organization, BOND, Blocks for Organized Neighborhood Defense, which was an outreach program for HPD. Council Members Tatro, Goldberg, Quan and Robinson absent.

At 2:21 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Wiseman led everyone in the prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Vasquez, Quan and Robinson absent.

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

Mayor Brown requested the City Secretary to call the list of speakers. Council Members Vasquez, Quan and Robinson absent.

Mr. Barry Mandell, 3023 S. Braeswood, Houston, Texas 77035 (713-223-4544) appeared and stated that he was Executive Director of the Theater District Association and was present to speak in support of the ordinance on tomorrow's agenda amending the Sign Code, that they had literally spent weeks in negotiations since the issue was first developed and discussed in Council Member Vasquez's committee hearing and toward the very able negotiator, Council Member Parker, they had come to an agreement, that next week he and the Mayor would be in New York meeting with arts and entertainment editors as well as membership from the Greater Houston Partnership to discuss the state of the arts in Houston as well as some of the world premier events that Houston's Theater District would be showcasing next season, that now through the amendment they would have the ability to utilize the sign structures currently at Jones Hall and the Wortham as well as utilize new structures at the Alley and the Hobby Center

to notify Houstonian's as to what they could look forward to in the coming season, that they understood that they had constituents on both sides of the issue that were not happy, some of them on their side of the issue felt that they did not go far enough, and others, some possible supporters of Scenic Houston, felt that they went too far in the negotiations, but what the Council had in front of them was the essence of compromise, one party starts at A and one party starts at Z and hopefully they would meet somewhere in the middle at M, they believed that the ordinance, as it was written, as it will be presented on the agenda tomorrow, was in the best interest of all parties involved as well as in the best interest of all Houstonian's. Council Members Vasquez, Quan, Sekula-Rodriguez and Robinson absent.

Upon questions by Council Members, Mr. Mandell stated that there were a number of different meetings and they had members of the administration, that he thought Ms. Marty Stein had sat in on a number of the meetings as well as Mr. Robert Norris, that the City Legal Department drafted the ordinance for them, that it was under the direction of Mr. Paul Bibler, that he was a representative of the Theater District, that they had representatives of Landry's, the Rockets, the Astro's and the Texans, that they had a variety of meetings and the Downtown District sat in on a number of the meetings and thought that it was a full scope of the people who would be affected by the legislation, that he supported the ordinance with no changes or amendments. Council Members Quan, Sekula-Rodriguez and Robinson absent.

Mr. Sanford Criner, 2925 Ella Lee Lane, Houston, Texas 77019 (713-881-0936) appeared and stated that he was the President of Scenic Houston and a downtown business owner, that he was generally very much in agreement with Mr. Mandell but thought he was mistaken about the weeks they had spent on the ordinance, that it seemed to him it had been months, that a number of groups had worked on the project, Scenic Houston had worked on it some and the Greater Houston Partnership, the Quality of Life Coalition, the Theater District Association, the Houston Rockets and any number of elected officials, department heads and staff members from the City of Houston, that he wanted to say thank you to all of them, in particular for the hard work and the good faith that had been shown by all sides, that they had many disagreements and many of those disagreements had been resolved, some of them were on going and would never be resolved, that they had come to a compromise that many people supported and that most believed was in the best interest of the City of Houston, that he wanted to simply say they were in favor of the Scenic District, the Theater District, the East Side Sports and Convention District, all as currently written, that he would please ask them to let there be no amendments that they had not seen, that it had been months of work on the part of many people, including the Council, they hoped there would be no amendments to the ordinance. Council Members Sekula-Rodriguez and Robinson absent.

Council Member Parker stated that she wanted to thank him for staying involved in the process, that they were bringing an ordinance that would allow something that was currently not allowed in the City and his organization did not want it to be allowed in the City and did not want it in the beginning, that it had been over his protest that they had been moving forward, that she wanted to thank Scenic Houston and the Quality of Life Coalition for allowing this to proceed in the spirit of good faith negotiations and compromise for something that she knew he was not very happy about, but he did work through it and they did meet in the middle and no one was entirely happy with it but what they had before them now she appreciated the fact that they had at least agreed to support. Council Members Sekula-Rodriguez and Robinson absent.

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. Council Members Sekula-Rodriguez and Robinson absent.

Ms. Julie Jackson, 87 E. Misty Breeze Circle, The Woodlands, Texas 77381

(281-363-4243) appeared and stated that her husband had been a member of the Houston Fire Department for 27 years, that the subject of her concern, she believed, should be most important to every citizen and every firefighter family, that they were all familiar with the age-old tradition of firefighters "Filling-the-Boot", that it had been in the past a successful way of collecting money for the Muscular Dystrophy Association, that MDA was a charity that the local 341 firefighters union had chosen to support, in that respect she fully supported their efforts, that she would like to make her statement clear and to the fact, that she was not opposed to firefighters collecting money for MDA, however, she was opposed to the fact that their firefighters were exposed to additional risks and dangers by the way the Fire Department and Local 341 made firefighters collect those monies, that the firefighter had no choice in the matter, that In March of 2001, she wrote a letter to the Local 341 President, Mr. Steve Williams, addressing this problem, she had no response from him, that she was in fear of a firefighter injury or death, that the firefighters were told to stand on the roadway or on the side of the roadway to collect money, that this was an obvious danger to them, when anyone was standing on or beside a roadway, especially at an intersection they were exposed to possible car wrecks, drive by shootings, or inattentive motorists that could run over or hit them, that their firefighters were in a high risk job already, that when coming to the aid of an injured citizen or a fire they expect these men and women to do their job, that in the course of that job if they were injured or fatally wounded, they knew that this was a sacrifice that they were willing to make as a firefighter, that they as firefighter family's knew that there were risks, that if a firefighter were to be lost in the course of "Filling The Boot" it would be most unfortunate, a tragedy that could well have been avoided, that this tragedy had happened in Waterbury, Connecticut in the year 2000, that more incidents of injury may have happened that she was not aware of, that she had suggested to President Williams several different ways to accomplish their goals of raising money for MDA, having firefighters at the local grocery stores, the Compaq Center on event nights, basketball games, baseball games, hockey games and upcoming Houston Texans football games would all be a safe alternative to "filling the boot", that having their heroes stand on the side of the road asking for money also set a bad example for everyone, especially children who had seen their heroes standing on the side of the road collecting money, that they then believe it is okay for them to collect money in the same way, that her plea today was that they would realize the danger and risk involved, that traditions do change over time, that at first it can be uncertain to try a new method, but that does not make it less effective, that she felt, as she hoped they all would, that the risk of losing a firefighter while they were not in the course of their usual firefighting duties would be such a senseless tragedy, to please consider the issue before their City had to endure an unfortunate mistake, that her cause was important and her will was strong and would work until the practice was changed. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Mayor Brown stated that Ms. Jackson had written to the Union President, Mr. Steve Williams and asked if she ever wrote to the fire chief and did he respond to her, and Ms. Jackson state that she wrote to the fire chief and there was no response from him, and Mayor Brown stated that the fire chief was present and he was going to ask the fire chief to meet with her, that would be a decision made by the fire chief as to what the firefighters did or not did, not the Union president, that he would expect the fire chief to be the one to make those type of decisions. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Upon questions by Council Member Keller, Ms. Jackson stated that the firefighters were made to collect the money for the "boot" in this fashion, that they did not have an option to participate in another way and to not participate at all, that it was by order of the fire chief's office, if they were on duty the day they were "filling the boot" they must go "fill the boot", that the firefighters had tried to take vacation days, but as they knew with the shortage of firefighters it was hard to get a vacation day off or a sick day, that she did not believe that the Union voted on this, that in the City of Houston she had been told there had been someone hurt last year, but

was not able to confirm it. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Council Member Parker stated that she agreed with Ms. Jackson, that it was something that she had talked to the department about, that they worked on civility ordinances to try to keep people from soliciting on street corners, that a lot of kids would try to sell things on street corners and they tried to keep them away, that it was absolutely a bad example to have the firefighters soliciting where they did not want other people to go. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Mayor Brown stated that Chief Connealy was present and would be delighted to meet with her. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Mr. Russ Alexander, 1814 Beltway 8, Pasadena, Texas 77503 (713-473-6755) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

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. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Ms. Fapema Patel, 14723 West Oaks, Houston, Texas 77082 (281-531-4719) appeared and stated that she was a permanent resident alien and her husband was back home in India, that she had already filed a petition for him, it had been almost two years, that she was expecting their first baby and really needed him with her, that she had tried calling the INS but they had not gotten an exception for him so this was her last hope. Council Members Galloway, Vasquez, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that Mr. Benito Juarez, who worked out of the Mayor's Office dealing with immigrant affairs and he would meet with her and see how they could be helpful. Council Members Galloway, Vasquez, Parker, Sekula-Rodriguez, Berry and Robinson absent.

Council Member Quan asked Ms. Patel if she was a permanent resident or a citizen of the United States and Ms. Patel stated that she was a permanent resident since 1997, that she filed the petition for her husband in June 2000 and Council Member Quan stated that there was about a five year back log for visas for spouses of permanent residents, that they would be glad to talk with her, but it was a federal issue and the immigration service normally would not let her husband come prior to his date being current, that if the petition was on file for three years they could have given a special provision, but if she had only filed in 2000 it was going to be very difficult, and Ms. Patel stated that she understood that but this was her request since she had no other support, that this time she really needed her husband with her, and Council Member Quan asked what was her husband's professional background, and Ms. Patel stated that her husband worked in a bank, that he might possibly have a degree in finance, and Council Member Quan stated that maybe they could talk to him to see if there was something they could do as far as a temporary visa to get him into Houston on a working basis.

Mr. Thurman Andre Wells, 16814 Fallen Leaf Way, Houston, Texas 77058 (281-282-9646) appeared and stated that he lived in the Clear Lake area and was present to bring attention to an age old problem that the City had and happened to have impacted he and his family quite severely, that it was bandit signs, and he displayed four signs, that the person was a competitor of his and had been placing the signs in the Clear Lake and surrounding areas for about three years, that the Sign Administration people had stopped him from using one number, but did not seemed to know where he was at this time, that the point he was trying to make was that the Sign Administration people did not have the means, clout or jurisdiction to find the people

responsible for the numbers on the signs, that he had called the Sign Administration, Mr. Robert Norris, in regards to the number on the sign and had given him the number to AT&T where the phone number was registered and the person and address who was paying for the bill, that he did not have the authority to get the information, that this was his last straw, that the person knew that he was taking his signs down, that he took them down by the thousands and the person's action against him was to put signs with X-Boxes for \$40 or free lab puppies or Persian kittens with his phone number and home business number, that on Saturday he had an anniversary that was ruined by hundreds of calls he received from the signs, that the person had tried to work with him to even give him business so he would leave his signs alone, that he was just asking if possibly City Council could help the Sign Administration people track the people responsible for the numbers and cite them as they should be, that the person was a criminal and he wanted him dealt with if possible. Council Members Galloway, Vasquez, Sekula-Rodriguez, Berry and Robinson absent.

Council Member Weisman stated that she agreed they had a problem in the Clear Lake area with bandit signs and unfortunately this was an extreme situation where Mr. Wells had been personally made a victim of the situation, that she would like the administration to address the issue and work with them in the Clear Lake community with this problem, and asked Mr. Wells to give her chief of staff all of his contact information so they could continue to follow up on it, and Mr. Wells stated that Mr. West, who worked for the Clear Lake Recreation Center, had been documenting and digitally recording all of the signs that he picked up so he had a record of the activity of that particular person. Council Members Galloway, Vasquez, Sekula-Rodriguez, Berry and Robinson absent.

Mayor Brown asked Mr. Wells if he was being threatened had he contacted the Police Department, and Mr. Wells stated yes, that they had been at his house three times last weekend, that they had the signs in their evidence room but without anybody seeing the person actually put the signs on the street, it was up to him to file a civil suit, that they would not take fingerprints off of the signs. Council Members Galloway, Vasquez, Sekula-Rodriguez, Berry and Robinson absent.

Council Member Parker moved to suspend the rules to hear from Mr. Robert Norris, Sign Administration, seconded by Council Member Weisman. All voting aye. Nays none. Council Members Galloway, Vasquez, Sekula-Rodriguez, Berry and Robinson absent. MOTION 2002-0338 ADOPTED.

Upon questions by Council Members, Mr. Norris stated that the biggest problem they had with this particular individual and they had a similar problem with a number of other individual violators of the code, was that the numbers were either unlisted numbers or they may be 1-800 numbers and sometimes they just had a website for some of the signs, so unless they had a geographic location to be able to go to the perpetrator and address him, whether it was a warning notice or citation, if they did not have an address they could not address him, that this particular individual had the tendency to frequently change phone numbers, if it was the same person, that they did not even know if it was the same person, that to track the phone numbers he would think it would involve a court order, that a number of years ago he called the telephone company and for reasons of privacy, if it was an unlisted number at the request of the individual who had the number, then the phone company would not just give that to anyone, and Council Member Parker stated that she would request that the Legal Department examine what they could do to assist in enforcing their own ordinance, in this case, it was clearly folks who had found a way around the ordinance. Council Members Galloway, Vasquez, Sekula-Rodriguez, Berry and Robinson absent.

Mayor Brown stated that the request had been made to Legal and asked Mr. Bibler if he

could shed some light on the reason they were not able to stop the problem, and Mr. Bibler stated that it was a criminal matter and the Police Department had jurisdiction and would think in cases like this since Mr. Norris was not a peace officer and there was no way they could make him a peace officer, he needed to liaison with the Police Department and turn the matters like this over to them because they could get unlisted phone numbers and the necessary warrants to do the things they had to do, but they could not expect or ask Mr. Norris to function as a peace officer because he did not have that authority under State Law and they could not give it to him, and Mayor Brown asked if they had the signs up with the telephone number on them and they knew who the company or person was could they take any action against that person and Mr. Bibler stated that if some of those inquiries were made by the Police Department and they wanted to assign detectives to it and treat it as a serious criminal matter, which was probably the only way they were going to crack some of those cases, that they could get information that Mr. Norris could not get, and Mayor Brown asked if the laws on the book were enforceable without seeing the person place the sign, and Mr. Bibler stated that they convict people of murder when nobody saw them do it, that if they wanted to devote the resources and detective work they could do things like that, and Mr. Norris stated that in the code they could prosecute folks for the use of a sign and that was usually what the citations were written on, the use of the sign, because very rarely would they actually see them place the signs, that they were not sure they knew the owner of this business right now and they did not have the ability right now to get the owner of the phone number and that was who they would have to proceed with. Council Members Vasquez, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that this was a problem all over the City and Chief McClellan was present in the Council Chambers and he was going to ask him to go back to the Police Department and ask the police chief to come up with a method of enforcing the existing laws against those who were continuously violating the law and they would work with Mr. Wells on that, that it was a problem and he was sure there was a way of solving the problem, that if it was citing people and ultimately arresting them if they did not respond to the citations, they should start doing that and take care of the problem. Council Members Vasquez, Sekula-Rodriguez and Berry absent.

Upon further questions by Council Members, Mr. Norris stated that when they called the particular telephone number they got a recording device and would call back, that as a matter of fact they had done it in the past to confront the individual and made an appointment if they were in a service oriented business, that a lot of them were through a website, a weight loss program and things of that nature, and they would never have any direct contact with them; that the sign code provided a minimum fine of \$150, maximum fine of \$500 per sign per day, that his understanding because it was not a life safety issue it was frozen at \$500 as far as the cap, that they had 18 inspectors and they would be individuals in the field, that currently the fines were going to Municipal Courts; that they were not currently referring the phone numbers to HPD to see who was utilizing the phone number, that they employ HPD in those circumstances when their inspectors had difficulty with the user of the sign identifying themselves, HPD can come out and make them identify themselves, that if they had a geographic location they had been handling it themselves, that he had talked to the individual that Mr. Wells was referring to and he denied that he even owned the company any more that the signs were advertising, and Mayor Brown stated that he would like for Mr. Norris to get with the Police Department and the Legal Department and he was sure that collectively they could come up with a resolution to the problem and to report back to him the results of their initiatives. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez and Sekula-Rodriguez absent.

Mr. John Florez, 524 Westheimer Rd., Houston, Texas 77006 appeared and stated that he was present hoping to get some help from them, that in the year 2000, after a very bitter number of hearings, the board of the Westheimer Street Festival agreed to move one of the City's premier events from Westheimer to Allen Parkway, that according to the hearing judge it was the lack of parking that was overwhelming Montrose, that in their meetings with the Mayor's office, some Council Members and the Parks Department, they were told of the excellent and easy access to parking lots that were available in the Theater District, Gillette, Crosby, the service road, just south of Allen Parkway and the huge Fonde Recreational Center parking lot, that the Fonde parking lot was easy to get to because they were able to take the north and south exit ramps, that vehicles exited slowly because the exit ramp was a very tight curb, that they had a police officer at this point from the moment they closed off the bottom of the ramp until it was reopened, that there were 12 foot by 8 foot barricades, much bigger than anything the City used, with blinking lights were used to warn the public, that an officer was also placed in the driveway to the Sabine Lofts, one on the bridge and one on the corner of Sabine and Memorial, that to keep in contact with each other the officers were provided with two-way radios, that a blanket decision to close off the ramps was made because apparently the promoter of a very recent event did not do a very good job in that particular area, that in signing a contract with the NBA Rhythm and Rims Tour and Hewlit Packard, they were asked about the parking facilities and they assured them that the huge lot was available to them, that if Lt. Steve Marino, who was a Special Operations Art and Bike Officer felt there was no safety problem in this particular area he did not understand why someone at 611 Walker, who probably spends no time at the park and certainly not during the festival, should be making the decision, that Mr. Bill Hlavacek told him that a counter during the Bob Marley Festival had determined the need to close off the ramp, that he wondered if it was the same counter who got the City to remove the lights on the corner of Taft and Westheimer, that lower Westheimer became a race track and he was often unable to leave his residence, that work had since gone on and was sure at a great expense to the City and those lights had been replaced recently, that maybe if they were lucky they would be turned on, that they had been there for a while and were still not working, that they needed the easy access to the Fonde parking lot and believed they had a good security plan, that he had provided a handout to the Council with the plan that Lt. Marino had given them and displayed a map showing the ramp and the police positions, that the people could come and go without any hassle, that they had a sign that said Sabine Closed at the Bridge, that they had no problems or accidents so why was the event being given a problem and making it difficult for their attendees to easily exit onto the parking lot. Council Members Galloway, Wiseman and Sekula-Rodriguez absent.

Council Member Parker stated that when Mr. Florez contacted her office about this, they contacted traffic and were told it was in response to activities at the Bob Marley Festival and thought that if it was going to impact the Westheimer Festival it should be based on counts from the Westheimer Festival, that they were told while there was a police staffing plan the officers did not stay at those locations, and thought if Mr. Florez could commit to providing a police staffing plan, which the department would have to authorize the off duty officers, and if the department would assure them that once they were assigned to those traffic control spots they were not left unattended, then they ought to allow the exit ramp to stay open until it was proven that there was a problem at this particular festival and she would request that they work with Mr. Florez on it, and asked Mr. Florez if he used off duty HPD officers and Mr. Florez stated yes, and Council Member Parker stated they had to have a supervisor there and he could signoff that once they were assigned to those stations to do traffic control that they keep doing traffic control throughout the afternoon and that should eliminate the traffic concerns. Council Members Galloway,



Wiseman and Sekula-Rodriguez absent.

Upon questions by Council Member Goldberg, Mr. Florez stated that Lt. Marino had spoken to Mr. Hlavacek and assured him there was no problem there, that they ought to know because they were the ones who were out there doing a good job, that it was his understanding that at the Bob Marley Festival they did not have officers positioned at the ramp and as vehicles were coming off of the ramp they were confused and knew nothing about what was going on and had no one to answer questions and vehicles started to backlog and there was much confusion, that if another promoter did not do his job then that promoter should be dealt with accordingly, but they did their job and it worked fine and they should not be punished for it. Council Members Tatro, Galloway and Sekula-Rodriguez absent.

Mayor Brown stated that there must be someone who knew something about the situation who could help him, and Mr. Florez stated that Lt. Marino knew all about it and he said to let it be as it had been, that Bill Hlavacek and Doug Wierseg had decided they should shut it down, and Council Member Parker stated that it was the job of Traffic and Transportation to analyze street closure requests from festivals and they were the ones who overturned the request, that they denied the request to leave the ramp open and stated that for safety reasons they must close the ramp and her office was told it was based on some previous festivals rather than this festival and that was the problem, that if they did it and there was a problem with this festival then Mr. Florez would be out of luck the next time around, but it did not seem fair, and Mayor Brown stated that he would have the people in Traffic and Transportation justify to him what they were saying needed to be done. Council Members Tatro, Galloway, Wiseman, Sekula-Rodriguez and Berry absent.

Mr. Victor Glover, 6405 West Bellfort, Houston, Texas 77035 (713-726-1749) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Sekula-Rodriguez and Berry absent.

Ms. Dorothy Olmos, 102 Funston, Houston, Texas 77012 (713-530-6599) appeared and stated that she was present to take the opportunity to express her invitation to each Council Member, that the Hispanic Women in Leadership, which she was a member of, was having their annual conference, and knew that Council Member Alvarado would be a guest speaker, that on behalf of Mrs. Mary Closher they wanted to request a certificate of recognition and would like to have it for their archives, that Mayor Brown had already given them a proclamation, that they were about a week and a half away, that she wanted to invite them to attend their conference. Council Members Tatro, Galloway, Wiseman, Sekula-Rodriguez and Berry absent.

Ms. Winnifred Osborn, 5523 Cartagena Dr., Houston, Texas 77035 appeared and stated that she had a handout for each Council Member which was also part of what she gave to the school board last week which related to Gregory Lincoln Educational Center being destroyed just as the neighborhood property was going through drastic changes in the Fourth Ward and that students were being abused, physically, verbally, emotionally and academically, that she was present in July with six other parents and people from Gregory Lincoln, and proceeded to discuss the contents of her handout regarding Gregory Lincoln Elementary School until her time expired. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that as she knew the City Council did not control the school district and he would make sure the superintendent receives the handout she presented today. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Sekula-Rodriguez and Berry absent.

Council Member Quan moved to suspend the rules to recall Ms. Julie Jackson, seconded

by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Sekula-Rodriguez and Berry absent. MOTION 2002-0339 ADOPTED.

Ms. Julie Jackson, 87 E. Misty Breeze Circle, The Woodlands, Texas 77381 (281-363-4243) appeared and stated that she had spoken with the fire chief and also Union President Steve Williams, that she understood that the Mayor said the fire chief controlled the Fire Department, she understood that, that basically her point was that standing in the roadway collecting money for a charity was not a valid reason for a firefighter to lose his life, that she was told by Union President, Steve Williams, that the amount of monies that they collected compared to the injuries they had, that it was well worth it, that she did not think it was worth it to lose her husband, her brother-in-law, a friend or any firefighter that was protecting the City of Houston, for collecting money, that she had been told by the fire chief that they would not change the practice and also Mr. Williams told her she was called for a meeting and she refused to show up, that she did return the call and no one called her back, that Mr. George LaRue, also a union member and advisor of MDA Board called her and she told him she would check her schedule and when she called back to talk with him he never returned her call, that it did not seem that the union was willing to work with her nor did it seem the fire chief was willing to see the point that it was a senseless act for a firefighter to be injured or killed for MDA, that there were other methods that could be used. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that he thought everyone would agree that they did not want any of their firefighters injured under any circumstances and most certainly when they were not performing their duties, it was even more drastic, that he would meet with the fire chief and get a good briefing about what he was telling her and the logic behind it. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

Mr. Joseph Omo Omuari, 15 Charleston Park, Houston, Texas 77025 (713-665-1929) appeared and stated that he would like to know what was going to be the future mission of the Sports Authority and what was going to be their ambition in the future; that he wanted to alert the City Council of the possibility of 15 residents of Allen Parkway Village going to be evicted pretty soon and was hoping that the City could act proactively before something like that happens because they knew how HUD and Mr. Etuk worked and they did not want anyone to have a bad Easter Holiday; that he would love an opportunity to set an appointment and meet with Mayor Brown about the small business grant program that he proposed some time ago to the Council and administration. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

Mayor Brown asked that Mr. Omuari meet with Mr. Robert De Young and provide the proposal to him and they would follow up on it. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

At 3:30 p.m. upon motion by Council Member Vasquez and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, March 27, 2002. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Rodriguez and Berry absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 27, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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

At 9:14 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway and Sekula-Rodriguez absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 67**

#### **MISCELLANEOUS** - NUMBERS 1 through 11A

1. CONFIRMATION of the reappointment of the following to the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL ADVISORY COMMITTEE** with two year terms to expire December 31, 2003:
  - Position 1 - **MR. HAROLD MICHAEL MARK, D.V.M.**
  - Position 2 - **MR. RAYMOND L. HARRIS**
  - Position 3 - **MR. KAPPY MUENZER**
  - Position 4 - **MR. SEAN MICHAEL HAWKINS**- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0340 ADOPTED.
2. CONFIRMATION of the reappointment of the following to the **CIVIC ART COMMITTEE** with terms to expire January 1, 2004:
  - Position 6 - **MS. LANA SMITH**
  - Position 7 - **MR. CHRIS HAGENEY**- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0341 ADOPTED.
3. CONFIRMATION of the reappointment of **MR. JEFF STEEN** to Position Seven of the **ETHICS COMMITTEE** with a term to expire December 31, 2003 - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0342 ADOPTED.
4. REQUEST from Mayor for confirmation of the reappointment of **MR. STEPHEN J. THORWEGEN, JR.** to Position Four of the **ELECTRICAL BOARD**, for a term expiring January 2, 2004 - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0343 ADOPTED.
5. REQUEST from Mayor for confirmation of the nomination by the Harris County Medical Society of **DR. MARY W. GEDA** for reappointment to Position Three of the **ETHICS COMMITTEE**, for a term to expire December 31, 2003 - was presented, moved by

Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0344 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of **MRS. BARBARA R. SUDHOFF** to the position of Director of the Municipal Courts Administration Department – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0345 ADOPTED.
  
9. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**
  - Position One - **MR. WILLIAM GERMAN, III**, reappointment, for a term ending December 31, 2002
  - Position Two - **MS. B. J. WALKER**, reappointment, for a term ending December 31, 2002
  - Position Three - **MR. DON CLARK**, reappointment, representing Harris County, for an unexpired term ending December 31, 2002 and as Chair, for a term ending December 31, 2002
  - Position Four - **MR. TIM MYERS**, reappointment, for an unexpired term ending December 31, 2002
  - Position Five - **MS. ARIELLE LAWSON**, appointment, to complete an unexpired term ending December 31, 2002
  - Position Seven - **MR. WILLIAM G. HUTZ**, appointment, representing HISD, for an unexpired term ending December 31, 2003- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0346 ADOPTED.
  
10. RECOMMENDATION from Director Department of Aviation for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2002 through December 31, 2002 \$163,639.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0347 ADOPTED.
  
11. ORDINANCE appropriating \$95,710.72 out of Parks Consolidated Construction Fund as an additional appropriation for Edgewood Park Community Center Improvements, under construction contract with **RESICOM, INC**, (approved by Ordinance No. 01-0805) GFS F-0363-44-3 **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. ORDINANCE 2002-0195 ADOPTED.
  
- 11a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$103,753.00 on contract with **RESICOM, INC** for Parks to Standard Program - Phase II Edgewood Park Community Center Improvements, GFS F-0363-44-3 **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0348 ADOPTED.

12. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MICHAEL BLACKBURN, Individually and a/n/f of Savannah Blackburn, a Minor Child** vs. City of Houston and Officer Jerry R. Mixon; in the 269th Judicial District Court of Harris County; Cause No. 2000-63937 - \$67,000.00 - Property and Casualty Fund – was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez.

Mayor Brown stated that before they proceeded he wanted to recognize Mrs. Barbara Sudhoff who was present in the Council Chambers, that they had confirmed her appointment rather rapidly and invited her to the podium. Council Members Galloway and Sekula-Rodriguez absent.

Mrs. Sudhoff stated that she wanted to thank the Mayor and Council Members for the opportunity and looked very forward to the challenges ahead, that her executive staff and family were present and Mayor Brown requested that they stand and be recognized and stated that he wanted to congratulate Ms. Sudhoff and that they looked forward to working with her. Council Members Galloway and Sekula-Rodriguez absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Members Galloway and Sekula-Rodriguez absent. MOTION 2002-0349 ADOPTED.

**ACCEPT WORK** - NUMBERS 13 and 14

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$294,464.64 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Aldine Bender Lift Station Rehabilitation, GFS R-0267-43-3 (4275-32) - 00.50% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0350 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,641,324.43 and acceptance of work on contract with **CAJUN CONTRACTORS, INC** for 69th Street Wastewater Treatment Plant Improvements - Oxygen Plant, Dryer Damper and MMS, GFS R0509-03-3 (4242-3) - 02.68% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0351 ADOPTED.

**PROPERTY** - NUMBERS 16 through 20

16. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-355, located at 7635 Ley Road, owned by Shirley Ann Rolls (as to a ½ interest); Anthony Rolls, Jr., Charles Alfred Rolls, Thomas Lewis Rolls, Rose Marie Sharp, Dorothy Hailey, and Mary Alice Porter (as to the remainder interest), 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 Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0352 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-140, located 180 feet south of Granville Street, owned by

Willie James Hunter and wife, Martha Lee Hunter, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0353 ADOPTED.

18. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY1-045, located at 10840 Church Lane, owned by George B. Keiller, for the **BRITTMOORE ROAD DETENTION POND PROJECT**, CIP N-0596-01-2 - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0354 ADOPTED.
19. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-352, located at 7620 Ley Road, owned by Truong X. Hoang and Thang X. Cao, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - \$170,416.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0355 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY1-010, located at 8201 Kellett Street, owned by Frank G. Saragosa and wife, Mamie Saragosa, for the **FWSD #23 WWTP BUFFER ZONE PROJECT**, CIP R-0018-E2-1 \$101,592.00 - Enterprise Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0356 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 21 through 28

21. **DAKTRONICS DBA SCOREBOARD SALES & SERVICE** to Furnish, Deliver and Install Scoreboards with Control Consoles for Parks & Recreation Department - \$32,450.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0357 ADOPTED.
22. **AUSTRALIAN OUTBACK PLANTATION, LLC** for Feed, Eucalyptus Browse for Koalas Contract for Parks & Recreation Department - \$78,750.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0358 ADOPTED.
23. **VARIAN, INC** for Two Mass Spectrometry Systems from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$245,887.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0359 ADOPTED.
24. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Four Street Sweepers and One Medium-Duty Truck for Various Departments - \$475,703.87 - Enterprise and Equipment

Acquisition Consolidated Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0360 ADOPTED.

26. **INDUSTRIAL AIR TOOL** for Tools, Hand, Electric and Pneumatic Contract Part II for Various Departments - \$224,320.06 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0361 ADOPTED.
27. **HI-WAY EQUIPMENT COMPANY, INC** - \$25,000.00, **INDUSTRIAL DISPOSAL SUPPLY COMPANY** - \$25,000.00, **KINLOCH EQUIPMENT & SUPPLY, INC** - \$350,000.00 and **UNDERGROUND, INC** - \$25,000.00 for Equipment, Sweeper Miscellaneous Replacement Parts for Various Departments - \$425,000.00 - General and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0362 ADOPTED.
28. **AMEND MOTION #99-709, 4/28/99, TO EXTEND** expiration date for three months from April 29, 2002 to July 20, 2002, for Cleaner, Shop, Floor, Truck and Parts for Various Departments, awarded to **KEMCO-HUNTER CHEMICAL CO., INC (Bid No. 1), ACME CLEANING EQUIPMENT, INC** and **ACTION CLEANING EQUIPMENT CO., INC** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0363 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 32 through 66

32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Old Fannin Street right of way containing 3,263 square feet of land, more or less, being located between Block 3, S.S.B.B. and the elevated Fannin Street ramp, Harris County, Texas; vacating and abandoning said tract of land to Tommy Gilbreath and Barbara Gilbreath, the abutting owner, in consideration of owners' release and relinquishment of an easement and right of way for ingress and egress purposes containing 3,686 square feet of land, more or less, and owners' payment of \$300.00 and other consideration to the City **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0196 ADOPTED.
33. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley between Sandman Street and North Durham Drive, containing 2,250 square feet of land, more or less, Parcel S99-013, being located in Block 108, A. Brunner Addition, Harris County, Texas; vacation and abandoning said tract of land to Sage Durham LTD., the abutting owner, in consideration of owners' dedication of an easement for sanitary sewer purposes containing 3,750 square feet of land, more or less, Parcel DY1-017, and payment of \$6,750.00 and other consideration to the City - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0197 ADOPTED.
34. ORDINANCE approving and authorizing the sale to the Harris County Flood Control District of a drainage easement containing 0.0783 acre of land, more or less, Parcel SY2-012, being out of Block 8, revised Southmont Annex Number Four, Houston, Harris County,

Texas, in consideration of the District's Payment of \$2,106.00 and other consideration to the City **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0198 ADOPTED.

35. ORDINANCE consenting to the addition of 137.4752 acres of land to **BILMA PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0199 ADOPTED.
36. ORDINANCE consenting to the addition of 20.398 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0200 ADOPTED.
37. ORDINANCE consenting to the addition of 22.0714 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0201 ADOPTED.
38. ORDINANCE consenting to the addition of 93.6818 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0202 ADOPTED.
39. ORDINANCE consenting to the addition of 32.1254 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0203 ADOPTED.
40. ORDINANCE consenting to the addition of 30.539 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0204 ADOPTED.
41. ORDINANCE consenting to the addition of 107.4001 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0205 ADOPTED.
42. ORDINANCE consenting to the addition of 130.689 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0206 ADOPTED.
43. ORDINANCE consenting to the addition of 8.127 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0207 ADOPTED.
44. ORDINANCE consenting to the addition of 4.1817 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry



absent. ORDINANCE 2002-0208 ADOPTED.

45. ORDINANCE establishing the north side of the 300 through 900 blocks and the south side of the 800 block of Bomar Street within the City of Houston as a Special Building Line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0209 ADOPTED.
48. ORDINANCE approving and authorizing the submission of an application for Grant Assistance to the Criminal Justice Division, Office of the Governor for implementation of a crime victim assistance program by the **POLICE STOREFRONT CRISIS TEAM**; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$49,648.00 - General and Grant Funds – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0210 ADOPTED.
54. ORDINANCE approving and authorizing contract between the City and **PROFESSIONAL AUDIO/VIDEO SERVICE, INC** for Test, Evaluation and Repair of Audio/Visual Television Equipment - \$100,000.00 - Disaster Recovery Fund – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0211 ADOPTED.
56. ORDINANCE approving a transfer of funds in the amount of \$14,224.00 from previously appropriated and allocated funds in the compromise and settlement agreement with **JDH PARKWAY, LTD.**, (Ordinance 99-43) to the contract between the City and **ENSR CORPORATION** (Ordinance 98-1240) for Environmental Remediation of the 1801 Allen Parkway Site - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0212 ADOPTED.
61. ORDINANCE appropriating \$365,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LIN ENGINEERING, INC** for Design of Water Line Replacement in Richmond Plaza Subdivision, CIP S-0035-92-2 (WA10731); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0213 ADOPTED.
64. ORDINANCE appropriating \$454,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **AIA ENGINEERS, LTD** for Design of Water Line Replacement in Ridgcrest Subdivision, CIP S-0035-96-2 (WA10737); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0214 ADOPTED.
65. ORDINANCE appropriating \$1,631,302.91 out of Water & Sewer System Consolidated Construction Fund awarding construction contract to **TROY CONSTRUCTION, L.L.P.**

and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P5-3 (WW 4235-17); 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 Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0215 ADOPTED.

66. ORDINANCE appropriating \$1,458,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **LONE STAR ROAD CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** and approving and authorizing professional services contract for construction management and inspection services with **BINKLEY & BARFIELD, INC** for construction of Bingle Road Abridge over Cole Creek, GFS N-0445N-21-3 (N-0445N-21); providing funding and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. ORDINANCE 2002-0216 ADOPTED.

Council Member Quan moved to suspend the rules to consider Item No. 84 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Rodriguez and Berry absent. MOTION 2002-0364 ADOPTED.

84. **RECEIVE nominations for Position Five of the ETHICS COMMITTEE with terms to expire December 31, 2003** - (This was Item 85 on Agenda of March 20, 2002, POSTPONED BY MOTION #2002-328) - was presented.

Council Member Quan stated that he wanted to nominate Kristopher Ahn for Position Five of the Ethics Committee. Council Member Sekula-Rodriguez absent.

Council Member Vasquez stated that he wanted to nominate Don McGilbra for Position Five of the Ethics Committee. Council Member Sekula-Rodriguez absent.

Council Member Keller moved to close nominations for Position Five of the Ethics Committee, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0365 ADOPTED.

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

**MISCELLANEOUS**

7. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **PLANNING COMMISSION:**
- Position Two - **MR. RICHARD RICE**, reappointment, for a term ending 9/30/2003
  - Position Three - **MR. JAMES JARD**, reappointment, for a term to expire 9/30/2003
  - Position Seven - **MR. DAVID COLLINS**, reappointment, for a term to expire 9/30/2003
  - Position Eight - **MR. JOHN CHIANG**, reappointment, for a term to expire 9/30/2003
  - Position Eleven - **MS. LEESHAN BIRNEY**, appointment, to complete an

unexpired term ending 9/30/2002  
Position Fourteen - **MR. SAMIR J. FOTEH**, reappointment, for a term to expire  
9/30/2003

Position Nineteen - **MR. JON STRANGE**, reappointment, for a term to expire  
9/30/2003

- was presented, moved by Council Member Quan, seconded by Council Member Keller.  
All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION  
2002-0366 ADOPTED.

8. REQUEST from Mayor for confirmation of the appointment and reappointment of the  
following to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS**  
**also known as (LAKE HOUSTON) BOARD OF DIRECTORS:**

Position One - **MR. JAMES D. SHANKS**, reappointment, for a term expiring  
12/31/2003

Position Three - **MR. JOSEPH L. STUNJA**, reappointment, for a term expiring  
12/31/2003, and as Chair, for a term to expire 12/31/2002

Position Four - **MR. RONALD HOLLEY**, appointment, to complete an unexpired  
term ending 12/31/2002

Position Five - **MR. MICHAEL FRAZIER**, reappointment, for a term expiring  
12/31/2003

- was presented, moved by Council Member Quan, seconded by Council Member Tatro.  
All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-  
0367 ADOPTED.

### **ACCEPT WORK**

15. RECOMMENDATION from Director Department of Public Works & Engineering for  
approval of final contract amount of \$2,958,688.11 and acceptance of work contract with  
**NATIONAL AMERICAN INSURANCE COMPANY, INC, surety for Southwestern**  
**Underground Supply and Environmental Services** for Sanitary Sewer Rehabilitation in  
Sims Bayou Service Area, R-1033-17-3 (4260-17) - 07.58% under the original contract  
amount - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented, moved by  
Council Member Quan, seconded by Council Member Vasquez and tagged by Council  
Member Edwards. Council Member Sekula-Rodriguez absent.

### **PURCHASING AND TABULATION OF BIDS**

25. **PROMAXIMA MFG., LTD** for Equipment, Fitness for Various Departments - \$252,967.00  
Equipment Acquisition and Police Special Services Funds - was presented, moved by  
Council Member Quan, seconded by Council Member Tatro and tagged by Council  
Members Goldberg, Parker and Alvarado. Council Member Sekula-Rodriguez absent.

### **RESOLUTIONS AND ORDINANCES**

29. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation  
of Single Family Mortgage Revenue Bonds, Series 2002A and Single Family Mortgage  
Revenue Bonds, Series 2002B and approving the Preliminary Official Statement with  
respect to such bonds - was presented and tagged by Council Members Alvarado,  
Vasquez, Edwards, Wiseman and Keller. Council Member Sekula-Rodriguez absent.
30. ORDINANCE designating a portion of the Central Business District of the City a Scenic  
District under the Houston Sign Code; amending the Houston Sign Code and containing

findings and other provisions relating to the foregoing subject; providing for severability - was presented and tagged by Council Members Ellis, Vasquez, Alvarado and Wiseman. Council Member Sekula-Rodriguez absent.

31. ORDINANCE amending the Houston Sign Code (Chapter 46 of the City of Houston Building Code-General Provisions); containing findings and other provisions relating to the foregoing subject; providing for severability - was presented and tagged by Council Members Ellis, Alvarado, Vasquez and Wiseman.

Council Member Ellis stated that he wanted to enter a motion to amend Item No. 31 to include the Convention Center Hotel as well as the aquarium attraction, that it was his understanding that Mr. Hall stated that he would have to draft a new ordinance adding those amendments, that he needed a motion to request an amendment be drafted, and Mayor Brown stated that Council Member Ellis was making a motion to request that the amendment be drafted as he had submitted in writing, seconded by Council Member Tatro.

A vote was called and upon questions by Council Mayor Brown stated that what was before Council was a motion to request to have the Legal Department draft an amendment to Item 31 that would be voted on when it was drafted.

Council Member Robinson stated that he may not ultimately agree with the amendment but he would hate to think they would vote down and undercut themselves going forward with a request to get something drafted and he thought they ought to be at least be on the record that Council was supportive of other Council Members getting stuff done by the Legal Department when they met as a full legislative body and then they could always vote on the issue on the merit.

Mayor Brown stated that so they could be clear on what they were voting on it was not the amendment itself, but the request from Council Member Ellis to have the Legal Department draft an amendment to the main item which would be considered next week.

Council Member Tatro asked if Council Member Ellis's amendment was not phrased in the proper language, and Mr. Anthony Hall, City Attorney, stated that he had a discussion with the sponsor and if they looked at the ordinance Council Member Ellis's amendment did not do anything, that it did not fit, that the ordinance would have to be changed, as he understood it, in as many as 25 places, to affect what he wanted to do, so he was asking that the Legal Department draft an amendment so Council could consider it to do that.

Council Member Vasquez asked Mr. Hall if on the request and the draft, if it passed, that he was going to write, did it become taggable next week, and Mr. Hall stated that it would be the first time that Council would have seen the amendment.

After further discussion by Council Members, Council Member Ellis asked if he could tag his motion so it would not be taggable next week, and then would Mayor Brown order the Legal Department to draft the amendment prior to their voting on it.

Mayor Brown asked Mr. Hall if procedurally it was possible, and Mr. Hall stated that he was aware of nothing that would prohibit a Council Member from tagging their own motion, that they could certainly do that and if they did that Mayor Brown could obviously direct the Legal Department to prepare an amendment consistent with the Item, and Mayor Brown stated that they were in midst of a vote that was not concluded and he was going to rule that Council Member Ellis could tag his amendment.

Council Member Ellis stated that he would tag his amendment and Council Member Weisman stated that she would also tag the amendment.

Council Member Sekula-Rodriguez stated that if they were working towards reducing signs that were minimizing the beauty of the City, which she thought was the overall goal, they had to keep it in mind, that was the fundamental reason they were talking about it, and stated that rather than expand the exemption she wanted to offer an amendment that rather than include other entities, such as the aquarium and the hotel, make it more just by removing Bayou Place from the spectacular sign exemption, because as she read it Bayou Place had been granted an unfair exemption and to continue the erroneous practice, adding a second and third wrong, did not make the first wrong acceptable, so she would like to offer the amendment and ask the Legal Department to craft such an amendment, seconded by Council Member Parker.

Council Members Robinson and Tatro stated they wanted to tag the amendment.

After further discussion by Council Members, Council Member Weisman moved to suspend the rules to ask questions of Mr. Jordy Tollett, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0368 ADOPTED.

Council Member Weisman asked if Mr. Tillman Fertita approached Mr. Tollett or was he involved in the process at any time in the negotiations, and Mr. Tollett stated that basically the way it all started was that the two marquee's for The Wortham and Jones Hall and then The Alley wanted in, because it was not a City owned building, and as they knew it grew into a discussion with the Scenic District, and to be very frank, when the way the ordinance was being written it was going to eliminate the sign at the top that currently existed for the Hobby Center above the 42.5 foot and the Landry's people as well as the hotel people were told explicitly that they got one or the other, that they could not have both, and when they confided in him, since he brought them to the dance and they wanted him to continue to party with them, he said that honestly the Mayor and City Council made law, if they wanted it they had to ask somebody to do an amendment if they wanted it, but they were told and led to believe that they could not have both, that he did not know where that information came from, he was just saying that was what he was told, that he personally had feelings about it because this body controlled and owned the hotel and the aquarium, that it was public like Albert Thomas Convention Center, and those projects, in his opinion, needed every opportunity to succeed, and at the party, when they all agreed they would talk, the Quality of Life folks and the Scenic District, and come to a compromise, everyone agreed they would stick together, and the way they worked those things was to throw out a couple of them and try to make a deal, that was what happened in his opinion, and he thought that Council should consider the project, that it was very important, the hotel, and Mayor Lanier agreed, if he could only have one and not the other, that he did not want to fight, he wanted to get the hotel finished and it was not supposed to be any big deal, but the hotel was publicly owned and had to succeed and needed every opportunity and it was also unique, it was the largest hotel in the City, it had two humongous ballrooms that were divided into 10 increments and could do as many as seven events at the same time and he wanted to point out to Council that if they looked at the Hyatt there was a sign that said "Easter Bunny" or "Bunny Sunday" which was a banner that they paid to put up every month when they wanted to change something and it was expensive, that they were not stopping that banner, it still went up, all they were saying was no higher than the banner or anything else, just to let them make it electronic so it was typed in, and with all due respect he really thought the aquarium was the most family friendly attraction in downtown period, that he knew of no other \$40 million restaurant in downtown that offered rides and things of that nature, and one of the things that some of the Council Members may not realize was that they demanded in the agreement that the aquarium would be opened to school children during the school year without cost, and that was very unique in the world of aquariums, that they were joint ventures in the projects and they needed to give them every opportunity, that

they were not billboards they were information tools. Council Member Quan absent.

Mayor Brown stated that the ordinance had gone through the committee process and that was how they brought matters to the City Council for a vote by taking it to a committee and that did take place and Council Member Parker worked extremely hard during the process to bring it to the City Council. Council Member Quan absent.

Council Member Parker stated that there were three large negotiation meetings on the Spectacular Sign Ordinance and Landry's was represented, after that they had a general agreement and everything was done by fax and e-mail and Landry's was noticed on everything that went out, laying out the Memorandum of Understanding and several versions of the draft ordinance all of which showed very clearly that Landry's was not part of the agreement, that the reason they stopped having face to face meetings after the 19<sup>th</sup> was because the representatives of Landry's in that meeting stated that they were okay with Landry's not being part of the final deal, that they would proceed with their construction as they originally planned, with all of the signs that they had originally planned to do, that Mr. Fertitta had talked to her and stated that he did not need the signs and did not particularly plan to use the signs but by golly if Bayou Place was going to be included then he ought to be included because Bayou Place was right across the street, that it was not a very compelling argument for her and so she thought that if they were truly going to give Council the range of options and if they were going to really change the ordinance, which this would, one option would be to add Landry's and the other option would be to take away what he said was his direct competition and was the reason he wanted in and that was to take out Bayou Place, that the only reason she supported doing that was again if Council wanted to open up the ordinance again then open it all up and put everything back on the table and not just include one person, who happened to have some influence at Council, and if they asked Mr. Tollett again and if they hear what he said, Landry's was out, Landry's knew it was out, they talked to Mr. Tollett and he said the ultimate arbiter was Council, just lay low and go to Council and they could have it taken care of. Council Member Quan absent.

Mr. Tollett stated that he did not say lay low, that unfortunately they were told they could not have both, the sign on the top and the electronic sign, that he just said that only the Mayor and Council could tell him that, that when they looked at the Hobby Center their name was etched in stone more than 42.5 feet and they were going to get an electronic marquee because they had more political clout, that he thought they ought to have an opportunity, to vote it down. Council Member Quan absent.

Council Member Berry stated that they had to be very clear that Landry's was part of the original discussion group and they chose to take themselves out of there, that he loved to see Landry's thrive and agreed they had a stake in it, but at the end of the day they had to have some respect for the process and how the process started and how they ended up there. Council Member Quan absent.

After further discussion by Council Members, Mayor Brown stated that as they continued with the debate he wanted to clarify where they were, that they had two amendments, one by Council Member Ellis and one by Council Member Sekula-Rodriguez, that Council Member Ellis's amendment would add the aquarium complex and the hotel into the ordinance and Council Member Sekula-Rodriguez's would take Bayou Place out, that he was going to direct that the Legal Department prepare both amendments that would come back before the Council next week for a vote and that was where they were right now so the debate would be on the main item next week and the two amendments. Council Member Quan absent.

Mr. Hall stated that he wanted to clarify that the way the ordinance was drafted right now,

Bayou Place was not in, that Bayou Place was not treated differently than anybody else, that there was a theater in the Bayou Place Complex that satisfied the requirements of every other such place like the theater, it was the one that could have the sign, and Council Member Parker stated that the ordinance in its Meets and Bounds encompasses the entire Bayou Place Complex, the geography, and yes it was the theater in there that was the only thing in Bayou Place that was permitted to have the sign, but in order to effectively amend the ordinance they would have to take out the entire complex, and Mayor Brown stated that what he wanted the Legal Department to do was to understand what both Council Members were recommending in their amendments and prepare the necessary documents so it would come back to Council next week for a vote. Council Member Quan absent.

Council Member Vasquez asked Mr. Tollett to remind them of the investments they made as a City for the hotel and for Landry's, and Mr. Tollett stated that the City was contributing the land of the old pump station which had sat vacant for more than 70 years and was a historic building they could not tear down, that they contributed the old Fire Station No. 1, for which his department, C&E, paid the Fire Department \$5.+ million for the use of so they could turn it into the aquarium and they entered into a partnership that Council voted on and they shared in the revenue and had the right to allow school children to go into it without cost and that was the investment on that side, that on the other side they appointed a board and issued \$300 million worth of debt through the nonprofit corporation authorized by the State and ultimately it came back to the body and all the revenue that was derived from it and its success or failure would fall back on the bond holders and the City's reputation, that both were projects, that FYI, if they eliminated the ability for Bayou Place to have it on its theater like the Alley did, a separate company not the City, or the future development of Bayou Place, they also limited their ability to cut the best possible deal on behalf of the citizens. Council Member Quan absent.

Council Member Vasquez moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-0369 ADOPTED.

Mayor Brown stated that Item 31 was tagged by Council Members Ellis, Vasquez, Alvarado and Wiseman, that he would direct the Legal Department to prepare two amendments, one that was submitted from Council Member Ellis which would expand the existing ordinance so that the aquarium complex would be included and the hotel, and the second one by Council Member Sekula-Rodriguez which would be drafted to take out Bayou Place. Council Member Quan absent.

46. ORDINANCE approving the issuance, sale, and delivery of the Houston Area Water Corporation City of Houston Contract Revenue Bonds, Series 2002 (Northeast Water Purification Plant Project); approving the form, terms, and substance of a Resolution of the Corporation relating to its contract Revenue Bonds, Series 2002 (Northeast Water Purification Plant Project); approving the use of City information in a Preliminary Official Statement and Final Official Statement; approving an amended and restated treated water supply contract; approving an amendment to the Untreated Water Supply Contract; approving an amendment to the Lease Agreement; making certain findings and containing other provisions relating to the subject - **DISTRICT E - WISEMAN** - was presented and tagged by Council Member Wiseman and Tatro. Council Member Quan absent.

Council Member Keller stated that he wanted to know if he was correct in making an assessment that there was a difference in the amount of money needed and the difference in the amount of money that was being sold in the bonds and asked if they were selling \$132 million, and Mr. Haines stated that was the maximum authorization under the issuance and would basically be determined on what they would need the issuance for, that was the ceiling and as of now they knew they needed at least \$105 million, that as they knew from the RCA it included a

reimbursement back to the Water and Sewer Fund, that the additional \$125 million would be looked at as a reserve, that nothing could go forward without coming back to Council, that it set a ceiling and was a pretty standard position they did on most issuances. Council Members Ellis and Quan absent.

Council Member Vasquez stated that he wanted to make a comment about the HAWC process, that he was still very concerned about the prime contractor and its relationship to all the subs and the minority vendors as well and asked for a briefing on what kind of progress they were making on that and if they were in fact going to meet their MWDBE goals, and Mr. Haines stated that he would talk to the board, the staff and Mr. Vanden Bosch and others and have them brief him on that. Council Members Ellis and Quan absent.

47. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Attorney General's Office for funding for **HISPANIC VICTIMS OUTREACH PROJECT**; declaring the City's eligibility for such grants; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Drug Policy for the City of Houston to accept such grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program - \$106,971.00 - Grant Fund - was presented and tagged by Council Member Alvarado. Council Members Ellis and Quan absent.

Council Member Alvarado stated that she would like to have an opportunity to have some questions answered regarding the outreach program and while they were on the subject she would like to know from Mr. Kahn, the Mayor's Victim Assistant staff person, what kind of numbers were they looking at, how many victims did that office actually assist, what was involved with some followup and follow through and the process of the victim's assistance and how were they reaching out to other segments of the community, and stated that she would like to tag the item. Council Members Ellis and Quan absent.

49. ORDINANCE approving and authorizing an interlocal agreement between the City and the **HARRIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT** for Probation Labor Services; providing a maximum contract amount - \$197,932.00 - General Fund - was presented.

Council Member Goldberg stated that he checked into this item because he found it unusual that they would pay \$200,000 for something that the County should be paying for and it was his understanding that the \$200,000 basically went to insure that the City got two crews of probationers every week, that they got about seven or eight people on each crew and that they were dedicated to the City of Houston, that in exchange for the \$200,000 they get the two weeks of probationers to cleanup graffiti or litter or whatever, otherwise if they did not do this they would have to wait in line for community service to assign them the probationers so he was going to support the item. Council Members Ellis and Quan absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Members Ellis and Quan absent. ORDINANCE 2002-0217 adopted.

50. ORDINANCE approving and authorizing contract between the City and the **AMERICAN FAMILY LIFE ASSURANCE COMPANY (AFLAC)** for Voluntary Supplemental Insurance for City Employees and Eligible Dependents - was presented. All voting aye. Nays none. Council Members Ellis and Quan absent. ORDINANCE 2002-0218 adopted.

Council Member Keller moved to suspend the rules to consider Item Numbers 75 and 86 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member



Quan absent. MOTION 2002-0370 ADOPTED.

75. 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 - **(This was Item 56 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, ROBINSON, TATRO, KELLER, SEKULA-RODRIGUEZ and ELLIS)** – was presented.

Mayor Brown stated that he wanted to ask the City Attorney to tell them what they had at risk on this item, and Mr. Hall stated that this was the last of a long series of Fire Department cases that had started back in the late 1980's and early 1990's for which the City had paid out a lot of money over time, that this particular one was litigation around the principal issue of whether or not the firefighters who worked on ambulances were indeed classified as firefighting personnel and thus exempt under the federal law of the 40 hour work week, that this judgment at the trial court level and at the Court of Appeals had gone against the City declaring that they were in effect not subject to the higher federal hire firefighting work hour provisions, that the impact of that, if it was sustained, was that the City would pay out an additional approximately \$20 million to \$70 million to about 1,800 firefighters, potentially, that had not yet been calculated so they could not tell them with precision right now what that would be and the court had to ultimately rule on a number of issues to get all of those finally resolved, that this particular request was for appeal of the 5<sup>th</sup> Circuit opinion that essentially said that the corrective action that Congress took to what they called clarify that law, that would benefit the City, in fact did not apply retroactively as at least they believed, and they thought Congress expressed its intent to do, that the reason they thought it was important was that they had a cap from one of at least the best that they had been able to determine most successful law firms at the U. S. Supreme Court on those kind of issues, maybe, of \$75,000, if they won they pay nothing, if they lose they obviously pay what the judgment would have otherwise been, that he had heard some discussion that they would pay interest and candidly he thought every Council Member was aware that they did not have \$20 million to \$70 million right now so they were going to pay interest either way, they were going to have to borrow the money in judgment bonds, they were not going to escape the interest either way, that was kind of non issue, that the principal issue was whether or not what Congress attempted to do in clarifying the law would be used by them and the great tragedy would be if somebody else would feel this two or three years from now because other cities had similar problems they had not just yet come to fruition and the court said that no they did not and they would have given away essentially that much money, that was why they wanted the chance to appeal, that finally he wanted to say that he had heard it had been suggested that they did not have a good chance and he could not argue with that, that there were probably 5,000 non pro se appeals or requests for surtuary appeals to the Supreme Court filed every year and they granted about 100, whether this would be one of those 100 he did not know, obviously if they went statistically they did not have a statistically good chance, that they thought this kind of money through warranted at least their attempt to get them to review this case, and Mayor Brown stated that he would agree with Mr. Hall that the amount of money at stake was significant and was important that they exhaust all of their options to see if they could prevail on the issue. Council Members Galloway, Goldberg, Vasquez and Quan absent.

Upon questions by Council Members Mr. Hall stated that they had not attempted to settle for several reasons, one they had not fixed the amount of the judgment and that was still influx, that part of the process and part of what they would pay lots of money yet to do was to actually look at the prior work record of everyone of the potentially 1,800, that it was not even fixed now, they had been advised that potentially 400 of the people included should not have been included anyway so those issues still had to be resolved so that the final number that they would be talking about was yet to be decided and that was why they had the big gap, and that process involved a bunch of legal questions, that they had to be resolved so it would be very difficult to

talk in any responsible way about settling the case at this point, that if the Supreme Court did not hear the case they would be left with the case as it stood today, that there were a number of processes that had to continue before they paid and he had described some of those, but they would ultimately pay and they would pay prejudgment interest as they would on any judgment, that the City did not have the money under the present budget and neither had it budgeted to pay the judgment as it had not done in others, that they would have judgment bonds or something like that to satisfy it and they would pay it off over time and they would pay interest on that to, that the court had not yet ruled on all of the issues so they would know exactly how much, that the best anybody could do was that it was somewhere between \$20 million and \$70 million if nothing changes, that they had actually started them to work on a less than \$25,000 contract, to investigate the issues in the first place so they could bring the recommendation to City Council, that if they wanted to appeal they had about 6 weeks to do it, if they got a 30 day extension, which had been requested, otherwise they had about 2 weeks. Council Members Galloway, Edwards and Quan absent.

After further discussion by Council Members, Council Member Vasquez stated that he wanted to tag Item No. 75. Council Members Keller and Quan absent.

86. 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 89 on Agenda of March 20, 2002, POSTPONED BY MOTION #2002-333)** - was presented.

Council Member Goldberg moved to suspend the rules to hear a representative of Building Services, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Keller and Quan absent. MOTION 2002-0371 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Issah Dadouch stated that as to the travel what they were going to do was do good business and run it efficiently, that they were going to communicate by email and phone but sometimes the consultant would have to come to Houston and talk to them and when he would come down it would not be first class but coach, that it was not designated in the contract but they would make sure that all reimbursable expenses and additional services would be pre-approved by them before even the task was done therefore they would pre-approve it in advance, that they would try to maximize the use of teleconferencing as much as possible, and Council Member Goldberg stated that part of his questioning was regarding the Master Plan, that back in September of 2001 the City Council approved the Master Plan and it called for building a new Central Library on a downtown site and basically excluded renovating the current library, exactly the opposite of what they were doing and since he agreed they did not have to follow the Master Plan even though they did approve it, he would ask that they amend the Master Plan to take out the building of a new Central Library, that they were going to put a lot of their resources and they were talking about \$2 million in just design, things like furniture consulting, that it was not any construction, that he did not even know what the construction costs were and asked Mr. Dadouch what he estimated the construction costs to be for the Jesse Jones Library and Mr. Dadouch stated it was \$10.5 million, and Council Member Goldberg stated that if they were going to put that much money into it then he thought they needed to amend the Master Plan to take out the new Central Library that they approved originally and wondered how they could do that, and Mr. Haines stated that if that were to be done it had to come back in a separate action because it was a separate ordinance that adopted

the Library Master Plan, that to answer the second part of his question, that while the Master Plan did not include a renovation of the Central Library the reason it did not was because it was part of the 2001 to 2006 CIP, that was a carryover project from the last 5 year CIP, that the real implementation factor to any thing related to either the library or parks Master Plan would be the Council adopted CIP, that would be the key and they had not incorporated any consideration for a new facility for at least the next five years, so their conclusion on the second part of his question was that there was no question that given the fiscal constraints under the current, and they believed the next several years CIP, that renovation still had to go forward, that there was a Central Library that still had to work for them, that in answer to his first question, the ordinance itself that adopted the Master Plan would need to come back to Council to be amended. Council Members Keller, Quan and Berry absent.

Mayor Brown stated that they had two items, one was the item before them, that it was really necessary that they do the renovation there to meet ADA requirements for example, that nothing had been done to that library since it opened, that as to the new main library, none of them would probably have a chance to vote on that, that it was not in the CIP and before anything was even considered it would have to come back to City Council for approval. Council Members Keller, Quan and Berry absent.

Council Member Tatro stated that his concern was that Building Services was put together to save them money, but in reviewing multiple contracts he found that Building Services was finding new ways to spend money within each and almost every contract. Council Members Keller and Berry absent.

Council Member Alvarado stated that she too had some questions, that she understood the necessity of why they were doing it, but when they looked at \$73,000 for a furniture and furnishings consultant, was it something that the department was asking be included in the contract or was it something that the contractor's themselves had chosen to put in there and was the consultant travel a separate travel expense, and Mr. Dadoush stated that the travel expense was for the library consultant that would be coming in from out of town, that as he said earlier they were going to minimize the travel as much as they could and communicate by phone, email and conferences and would try their best to minimize the travel time, that the library consultant was one of the best and this was a very important library to them that was the reason he consultant was selected, that yes they asked that the furniture consultant be on board, it was a request that they made and that was the reason in was included in the contract, that they had furniture consultants on other projects, that the furniture consultant would not just select furniture, they would also do the layout of the furniture, that he would come up with a list of other projects with furniture consultants and get back with her on it. Council Members Keller and Berry absent.

Mayor Brown asked Mr. Dadoush if he was correct that Building Services was doing what the librarian asked them to do, and Mr. Dadoush stated yes, and Mayor Brown asked Ms. Barbara Gubbin, Director, Houston Public Library if she could respond to the questions.

Ms. Gubbin stated that they were trying to achieve two primary goals, that the first one was the renovation of the building that had not had any attention paid to it since January 1976 when it opened and they were not up to code in meeting ADA standards and so forth, so that was one part of the project, but they were also trying to revamp the entire building, that it was the largest building and had the most users of any of the buildings they had in the system, they were going to revamp the way they delivered library services out of that building and so it was much more than a renovation, it was revamping and redesigning the entire way that people would receive library services out of the building so they were looking to new ways of utilizing furniture and fixtures and design, they were looking to reworking the entire way the collection was placed in

the building, that currently it was in subject departments and that would no longer be the case, that they were looking at ways they could use technology more effectively to deliver service, that there was a whole range of things that were happening, which was the need for library consultants to help them with those projects that they did not use in branch libraries because they were substantially smaller, but they were talking about a significantly larger project and a building that they intended to try to keep open for the period during construction, and Mayor Brown stated that their challenge really centered in large part around the utilization of space in an old library and wanted to get it brought up to par so that it would meet standards like the ADA standards, and Ms. Gubbin stated he was exactly correct and by widening the isles they would lose bookshelf space and would have to address the way to continue to offer the collection to the community even as they were potentially losing space to shelf books, that designing the furniture and the layout was particularly critical so they would not lose access to materials for their customers, so that was one of the issues they would be dealing with. Council Members Keller and Berry absent.

Upon questions by Council Member Vasquez, Ms. Gubbin stated that the employees that would be moved to the Carnegie Library would not be there permanently, that in order to keep the Central Library building open while they renovate it was going to require some pretty careful scheduling and placement of people in collections so they intended during parts of the project to move people to the wing of the Carnegie Building that was not currently occupied, that their intention was to move them back to the Central Library. Council Members Keller and Berry absent.

Council Member Vasquez asked Mr. Dadoush for some information on the reimbursement rate and any backup that Building Services had for how they established that rate and he would like it for any project that was being managed by Building Services, and Mr. Dadoush stated they could do that. Council Members Keller and Berry absent.

Council Member Robinson stated that Council Member Goldberg raised the point that this was not included in the Master Plan and he was trying to find out if that was correct, and Ms. Gubbin stated that the project for renovating the Central Library was financed with 1997 bonds, that renovation of the building was projected then and in the CIP, that in the Standards for Excellence, the document that the City Council approved last fall, they talked to the issue of the shortage of space that the current Central Library had, that it did not have enough space for all of the services they needed to address, and so they offered alternatives that ought to be examined, but there was not in fact a recommendation to build a new Central Library in the current Master Plan, and Mr. Haines also stated that no, it was not in the Master Plan, that when the Master Plan was assembled there was an assumption made that the renovation of the Central Library was a foregone conclusion, if they would recall as Ms. Gubbin just mentioned it was in the 1997 bond authorization, that they knew it was there when the Master Plan was submitted, that he would submit to them that if anything this project should have probably come to Council a couple of years ago, and Council Member Robinson asked Mr. Haines if there was anything else out there that maybe he wanted to tell them now that was not in any of the Master Plans they paid for, and Mr. Haines stated that this was the end of that bond issue as it related to the libraries, that he would tell him that no, there were no more surprises and he did not consider this a surprise action. Council Member Keller absent.

Upon questions by Council Member Edwards, Mr. Dadoush stated that her question was if they had personnel on staff to address ADA issues, they had professionals on staff but they did not have a specialized person that dealt with ADA on the staff, that they could not do the library without those consultants, and he could say that with all confidence.

Council Member Tatro moved to postpone Item No. 86 for one week, seconded by Council

Member Ellis.

After further discussion by Council Members, a roll call vote was called on Council Member Tatro's motion to postpone.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Rodriguez voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller absent	MOTION 2002-0372 ADOPTED

Council Member Galloway moved to suspend the rules to consider Item No. 83 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0373 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 - (This was Item 83 on Agenda of March 20, 2002, POSTPONED BY MOTION NOS. #2002-317-324)** - was presented.

Council Member Parker stated that she was looking at some of the backup that was distributed by Dr. Kendrick, Health and Human Services Department to Council and considering the difficulty they had in finding volunteers for the position and if they read through the backup the department suggests that it might be a good time to review the function of the department (committee) rather than just going ahead with making new appointments and she did not want to step on any of the District Council Members toes who may be making recommendations at this point but perhaps it was a good opportunity since it was difficult to find people to serve and they delayed it a couple of times.

Council Member Parker moved to refer Item No. 83 back to overseeing department for review of whether this was one board that ought to be continuing to function, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0374 ADOPTED.

51. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **EAST DOWNTOWN MANAGEMENT DISTRICT** for a Street Lighting Agreement - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0219 ADOPTED.
52. ORDINANCE approving and authorizing Landscape Cost Share Agreements between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** and between the City of Houston and **TREES FOR HOUSTON - DISTRICTS A - TATRO and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0220 ADOPTED.
53. ORDINANCE awarding contract to **INFOSOL, INC** for Software Maintenance and Support Services on the Pretreatment Database System for the Public Works and Engineering Department; providing a maximum contract amount - 5 Years - \$243,075.00 - Enterprise

Fund - was presented, and tagged by Council Member Goldberg. Council Members Keller and Robinson absent.

55. ORDINANCE approving and authorizing First Amendment to contract (approved by Ordinance No. 94-302) between the City and **AT&T COMMUNICATION, INC** for a Public Pay Telephone Concession - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0221 ADOPTED.
57. ORDINANCE amending Ordinance No. 01-0161, to add \$15,000.00 to the limitation on additional funding for a total of \$55,000.00 in connection with a legal services agreement between the City of Houston and **ANDREWS & KURTH, MAYOR, DAY CALDWELL & KEETON, L.L.P. (F.K.A. MAYOR, DAY, CALDWELL & KEETON, L.L.P.)** for Legal Services relating to the City's appeal in the lawsuit styled City of Houston v. Precast Structures, Inc., presently on appeal to the Fourteenth Court of Appeals District of Texas and having Appeal Number 14-99-00739-CV - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0222 ADOPTED.
58. ORDINANCE amending Ordinance No. 97-1490, to add \$115,000.00 to the limitation on additional funding for a total of \$306,200.00 in connection with a legal services agreement between the City of Houston and the law firm of **OLSON & OLSON, L.L.P.** for Legal Services relating to the Defense of the City in the eminent domain lawsuit styled State of Texas v. City of Houston, et al., presently on appeal to the Texarkana Court of Appeals and involving Title to a portion of MacGregor Park - was presented and tagged by Council Members Goldberg and Sekula-Rodriguez. Council Members Keller and Robinson absent.

Council Member Goldberg stated that they were hiring the same law firm to do the appeal that did the trial work, that there was a lot policy that judges followed, that they did not hire the same law firm to do the appeal because they lost the trial and part of the way they might win an appeal was bringing up an argument that at trial court the law firm was ineffective, that he did not think the same law firm that was doing the appeal was going to find them selves ineffective, which was one error that may be raised at the appeal, that he wanted to tag the item and find out if they could substitute a different law firm to do the appeal on it, and Council Member Sekula-Rodriguez stated that she wanted to add her tag to the item. Council Members Keller, Vasquez and Robinson absent.

59. ORDINANCE approving and authorizing contract between the City of Houston and **LOCKE, LIDDELL & SAPP, L.L.P.** for providing legal services to and represent the City in matters relating to the petitions review (collectively the "petitions") which include the following: **BCCA APPEAL GROUP v. U.S. ENVIRONMENTAL PROTECTION AGENCY**, et al., Case No. 02-60017, **NATURAL RESOURCES DEFENSE COUNCIL v. Gregg Cooke, et al., Case No. 02-60019, ENVIRONMENTAL DEFENSE, INC et al. v. U.S. ENVIRONMENTAL PROTECTION AGENCY**, et al., Case No. 02-60021, **JANE W. ELISOSEFF, et al. v. U.S. ENVIRONMENTAL PROTECTION AGENCY** Case No. 02-60022, **SIERRA CLUB v. U.S. ENVIRONMENTAL PROTECTION AGENCY**, No. 02-60023, and **BRAZORIA COUNTY, TEXAS and FORT BEND COUNTY, TEXAS v. U.S. ENVIRONMENTAL PROTECTION AGENCY**, No. 02-60024, all in the United States Court of Appeals for the Fifth Circuit - \$100,000.00 - Property and Casualty Fund - was presented and tagged by Council Member Ellis. Council Members Keller, Vasquez and Robinson absent.
60. ORDINANCE appropriating \$578,600.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of

Houston and **VAN DE WIELE ENGINEERING, INC** for Design of Buffalo Speedway Paving from Holmes Road to West Bellfort, CIP N-0622-01-2 (SB9085); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT C - GOLDBERG** - was presented and tagged by Council Member Goldberg. Council Members Keller, Vasquez and Robinson absent.

62. ORDINANCE appropriating \$330,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **RATNALA & BAHL, INC** for the design of the Safe Sidewalk Program, CIP N-0610A-06-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Keller, Vasquez and Robinson absent. ORDINANCE 2002-0223 ADOPTED.
63. ORDINANCE appropriating \$255,020.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SANDER ENGINEERING CORPORATION** for the design of AWTY School Lane Paving from Harris County Flood Control District (HCFCD) Ditch No. W137-00-00 to North Post Oak Road, CIP N0755-01-2 (SB9095); 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 Tatro. Council Members Keller, Vasquez and Robinson absent.
67. ORDINANCE appropriating \$10,684,500.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **TEXAS STERLING CONSTRUCTION, LP** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for 84-inch water main along West 24th Street from Durham Drive to Airline Drive, GFS S-0900-65-3 (WA10638); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Keller, Vasquez and Robinson absent. ORDINANCE 2002-0224 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 68 and 69

**MISCELLANEOUS**

68. 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 Goldberg stated that he wanted to nominate Mr. Stuart Kinsinger for Position 6, Mr. Andrew Choy for Position 8 and Mr. Steve Rochelle for Position 9 for re-appointment to the Board of Reinvestment Zone Number One, City of Houston, Texas (St. George Place). Council Members Keller, Vasquez and Robinson absent.

Council Member Tatro moved to close nominations, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0375 ADOPTED.

69. 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 Goldberg stated that he wanted to nominate Mr. Don Clark for re-appointment to the Chair to the Board of Reinvestment Zone Number One, City of Houston, Texas (St. George Place). Council Members Keller and Robinson absent.

Council Member Tatro moved to close nominations, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0376 ADOPTED.

**MATTERS HELD** - NUMBERS 70 through 86

70. MOTION by Council Member Quan/Seconded by Council Member Sekula-Rodriguez to adopt 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 – **(This was Item 7 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented.

Council Member Goldberg stated that he wanted his no vote recorded on the item, that he thought they ought to try and slowly migrate away from using the UNISYS main frame and servers, that they were a proprietary properties and their maintenance was way out of line and they were already spending \$1.5 million on it since they had it, that if they went to a different system they could get more bidders on it instead of using a sole source and he would like to see the Parks Department try to integrate a different system into it. Council Members Keller and Robinson absent.

A vote was called on Item No. 70. Council Member Goldberg voting no, balance voting aye. Council Members Keller and Robinson absent. MOTION 2002-0377 ADOPTED.

71. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt 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 – **(This was Item 9 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS ALVARADO and BERRY)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0378 ADOPTED.

72. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 - **(This was Item 33 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER SEKULA-RODRIGUEZ)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0379 ADOPTED.

73. 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 – (This was Item 43 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON, WISEMAN and ALVARADO)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0225 ADOPTED.

74. 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 -- (This was Item 54 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, ALVARADO, SEKULA-RODRIGUEZ, TATRO and WISEMAN)** - was presented. Council Members Tatro, Ellis and Wiseman voting no, balance voting aye. Council Members Keller and Robinson absent. ORDINANCE 2002-0226 ADOPTED.
- 74a. 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 - (This was Item 54A on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, ALVARADO, SEKULA-RODRIGUEZ, TATRO, WISEMAN and GOLDBERG)** - was presented. Council Members Tatro, Ellis and Wiseman voting no, balance voting aye. Council Members Keller and Robinson absent. ORDINANCE 2002-0227 ADOPTED.
76. 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 - (**This was Item 57 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS TATRO, SEKULA-RODRIGUEZ and ALVARADO)**) - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0228 ADOPTED.
77. 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 - (This was Item 59 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0229 ADOPTED.
78. 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 - (**This was Item 60 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBERS ELLIS AND ALVARADO)**) - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0230 ADOPTED.
79. 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 - (This was Item 65 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0231 ADOPTED.

80. 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 – (This was Item 66 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0232 ADOPTED.
81. 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 – (This was Item 69 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0233 ADOPTED.
82. 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 – (This was Item 71 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2002-0234 ADOPTED.
85. 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 – (This was Item 86 on Agenda of March 20, 2002, TAGGED BY COUNCIL MEMBER KELLER)** - was presented.

Council Member Vasquez named Mr. William Kaventa and Cushman and Wakefield and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0380 ADOPTED.

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

Council Member Quan stated that they had the ribbon cutting of the Houston Technology

Center earlier and Dr. David Samson, Assistant Secretary for Economic Development was in town for the even and he wanted to report to the Council what a significant project it was, that 21 companies had already been spun out of the center and over 800 jobs had been created, that a payroll of \$62 million had been added to the economy and \$375 million in venture capital had been raised and the center was just getting going, that it was anticipated by Mr. Paul Freeson that within 90 days 70% of the center space would be occupied, so again he thought it showed a great partnership with the City of Houston, along with the federal government and private industry to begin developing various parts of the Houston economy as they transitioned now from different companies that had difficulties to developing greater technology ability for the City. Council Members Keller, Alvarado and Robinson absent.

Council Member Quan stated that the Keep Houston Beautiful last Saturday was great, that he went to several locations and the volunteers were very enthusiastic, that he knew the bandit signs was an issue that came up yesterday at City Council and knew that thousands of bandit signs were picked up yesterday, that this was something they had to work on on a regular basis and not just one day a year, that he wanted to thank all of the volunteers who came out. Council Members Keller, Alvarado and Robinson absent.

Council Member Quan stated that because of the Keep Houston Beautiful last Saturday the City Council was not able to fully participate in Sports Day, that some Council Members did in fact play volleyball, that he had another event that he wanted to challenge them to participate in, that Council Member Parker was the only one who played volleyball, that they had the Second Dragon Boat Festival coming up in May and he would like to have a team from Council participate, so if they were interested in rowing one of the fierce dragon boats down Buffalo Bayou to please contact his office, that it was a very fun event and was actually considered the second largest spectator sport in the world, dragon boat racing, so it had become a new tradition in Houston and would like for Council to participate. Council Members Keller, Alvarado and Robinson absent.

Mayor Brown stated that there was a statement that Mr. Hall needed to clarify, not a correction, and Mr. Hall stated that he misspoke and had his phone ringing from his colleagues in the Legal Department, that he was advised by them that on the case they spent so much time talking about, that he said that they lost both in the trial court and the 5<sup>th</sup> Circuit, that they wanted the Council to know that when they tried the case they won, that they won at the trial court and lost in the 5<sup>th</sup> Circuit, that he wanted to set the record straight. Council Members Keller and Robinson absent.

Council Member Sekula-Rodriguez stated that today she was wearing a big yellow flower that signified spring, but also signified in the Hispanic Community what was very disturbing, that the flower was called "La Flor de Vida", that it symbolized family and how serious the HIV epidemic was to the destruction of families and how they had to protect the families if they wanted them to continue to blossom and bloom, that there was a group extending an effort called Latino HIV Awareness Campaign and she had invited Ms. Lucy Rena to come to Council next week and discuss it with them, that it was very important they did not let the epidemic which was now really hurting the African American Community, especially African American women, to extend even further into the other minority areas of the City, that it was a serious problem. Council Members Keller and Robinson absent.

Council Member Sekula-Rodriguez stated that a serious issue regarding HMO coverage for not only the police officers and firefighters and classifieds but all City employees, that she was referring to an article that was written in the Badge and Gun Publication of the Police Officers Union and she had verified that according to Mike Mitchell and other police officers, that they were having a great deal of problem with obtaining, what they thought, was appropriate coverage

under the Managed Care Contract that the City had, that they were using HMO Blue and believed they were in the first year of a five year contract with HMO Blue, that she had called the Texas Department of Insurance to see if HMO Blue had been receiving an excessive number of complaints regarding them and they said that they had not, that she talked to Audrey Seldon and she said they had not, that she suggested that if an individual did have a complaint against their carrier to call the Texas Department of Insurance and make a complaint. Council Members Keller and Robinson absent.

Council Member Parker stated that she too wanted to acknowledge all of the folks that were out volunteering for the Keep Houston Beautiful Neighborhood Cleanup Day, that she had some great volunteers, that they got a lot of signs and neighborhoods all over the City looked cleaner and she wanted to thank all of the volunteers who were out on Saturday. Council Members Keller and Robinson absent.

Council Member Parker stated that she and Council Member Quan were the only two Council Members who showed up for Employee Sports Day at Tidwell Park, that Council Member Robinson's staff, one member of her staff and two members of Council Member Quan's staff were present and they played two games as the City Council volleyball team and one game as the Legal Department volleyball team, that it was a lot of fun and they were glad to be out there. Council Members Keller and Robinson absent.

Council Member Parker stated that several months ago she brought up the issue of testing of rape kits and the fact that they had hundreds and hundreds of evidence in the form of rape kits that were stockpiled because they did not routinely test them, that in fact they only tested when there was a known suspect, which sounded a little squirrely to her, that they explained it to her but she was not sure she accepted that explanation, that she was told, and knew the Mayor was very interested in the issue, that they would begin to work toward finding a way to reduce the backlog and get that information into the database so it could be used to track sex offenders and she had not gotten any feedback on it and would like to move forward on it if they could, and Mayor Brown stated he would ask the chief to make sure they got a response to it. Council Members Keller and Robinson absent.

Council Member Parker stated that the Lady Cougars, University of Houston, were playing Oregon tonight, that she hoped they would watch the game and cheered on the one remaining Houston team that was playing post season basketball. Council Members Keller and Robinson absent.

Council Member Alvarado stated that she wanted to thank Mayor Brown for hosting the Salute to Women in observation of Woman's History Month, that she wanted to commend him for putting that event together, that she knew Cindy Clifford was involved and he was honoring women that held elected office and was glad that he recognized the importance to make sure they continued to work to appoint women to boards, commissions and positions of importance, not only in City government but throughout government. Council Members Keller and Robinson absent.

Council Member Alvarado stated that she wanted to thank Melvin Embry, Planning Department and HPD, specifically the folks at the Magnolia Police substation and an HPD team who helped her office two weeks ago in shutting down a halfway house that was operating illegally, that there seemed to be a pattern of this in the East End and new there was some in her district and possibly some in the Second Ward in Council Member Vasquez's district, that she thought they needed to find a way to crack down on those houses that just popped up over night and housing people who were on parole, right in the middle of neighborhood and near schools, that in the one that they shut down there was a person who held up a convenience store and as

he was escaping he cut himself jumping over the fence and they were able to trace the tracks of blood back to the halfway house and it was very close to a school, that she did not know if they had to take something to the Legislature on the State law of operation of halfway houses in residential neighborhoods, that it was having a negative impact in the neighborhood and hoped they could work on something to address it, and Mayor Brown asked Mr. Haines to follow up on it and see what could be done to address the Council Member's concern. Council Members Keller and Robinson absent.

Council Member Berry stated that as to the scenic district and the sign code issue there were several comments made that he found very disturbing and hoped they could pull back from and that was the concept that the City was somehow running the restaurant or owned the restaurant, that the City was not a restaurateur, that they should be very clear that the spectacular sign prohibition still existed citywide and what they were creating for one restaurant and one restaurant alone was an exemption so they could have that particular sign, that it helped them to be able to have that sort of sign and gave them a competitive advantage over the other restaurants in town, that there was a loss to competitor businesses, they were not creating new diners, they were redirecting diners away from businesses who could not use a spectacular sign towards one that could, that when they did this and created a winner they also necessarily creating some losers and those were businesses that were already operating. Council Members Keller and Robinson absent.

Council Member Berry stated that they had 100% attendance and participation in their office and Richard Zintek coordinated their effort for Keep Houston Beautiful. Council Members Keller and Robinson absent.

Council Member Berry stated that Rick Solo in the Parks and Recreation Department was very helpful to them and did a great job as did Roy McCloud, Planning Department, Robert Norris, Sign Administration and Bob Litke, Planning Department. Council Members Keller and Robinson absent.

Council Member Parker stated that they were at the Near Town Little League on Saturday morning to throw out the first pitch and the Near Town Little League had been requesting a stop sign on Dunlavy, between Hwy 59 and Richmond and had been repeatedly told that signs were not used to control speed, they were used to determine right-of-way for traffic and she had made that argument back to them, that being out at the little league park there, and she had a memorandum for the Mayor, were cars lining both sides of the street and there was very little visibility and they had t-baller's out there darting in and out and as a matter of public safety she thought they ought to reconsider that and would ask that they look for the ability to place the stop sign, that they could not put speed humps because it was a direct route for Fire Station 16, and Mayor Brown stated that they would take a look at her memorandum. Council Members Keller, Alvarado and Robinson absent.

Council Member Ellis stated that it was his understanding that the Four Leaf Tower investigation had been completed and he would request a copy of the investigation and/or the fire chief to come by and brief him about it. Council Members Keller, Alvarado and Robinson absent.

Council Member Ellis stated that he wanted to wish everybody a safe and Happy Easter. Council Members Keller, Alvarado and Robinson absent.

Council Member Goldberg stated that the clock was ticking and they had less than two years from now in which the City of Houston was going to host the Superbowl, and a few months later they were going to host the Baseball Major League All Star Game, that one of the goals on doing this was not just to showcase the City one time, he thought the City of Houston would like to get in the rotation of every five or six years of hosing a Superbowl game, that they would have

the facilities to do so, that it had come to his attention that they did not have a Superbowl hosting committee or some sort of committee to organize it and raise money, that he understood about \$7 million needed to be raised, that they may have a host committee somewhat but had been told it was not active, that he did not know if it was the City of Houston's responsibility but they certainly should take an interest in it, that the City of New Orleans plan their Superbowl activities two years in advance and they were already less than two years in advance and the City of Houston had never done it before whereas the City of New Orleans had hosted it five or six times, that it was time to get active and do it, that he would address it to the administration so they could find out who needed to get it going and who was responsible for it, and Mayor Brown stated that they would get back to him. Council Members Keller, Alvarado and Robinson absent.

Council Member Weisman stated that she wanted to congratulate the Kingwood High School Fillies Drill Team, that last week they were in a national competition in San Antonio and received a top award in three categories, that they did a super job and were a great hard working drill team and were well supported by the community and their parents. Council Members Keller, Alvarado and Robinson absent.

Council Member Weisman stated that she thought it was wonderful that they had a lot of discussion on the scenic district and that it was very open and heated, because that was what they were supposed to do, they were supposed to very carefully and thoroughly review everything that came before them, that she applauded Council Member Parker for all of the work she did on that and all of the groups that were involved and the work they did, that it was very important that they did that, that to make no mistake, the final decision on all ordinances was made at the Council table by the City Council. Council Members Keller, Alvarado and Robinson absent.

Council Member Weisman stated that she visited with the Gulf Meadows Civic Club, a wonderful civic club in District D, that they had a lot of issues and were an older neighborhood, that there were issues with respect to capital projects that had been promised in the past, placed on the books and design work had been done and the projects had gone no where, that she wanted to ask the Mayor's support as she addressed the proper departments in trying to get those projects moving. Council Members Keller, Alvarado and Robinson absent.

Council Member Galloway stated that she wanted to thank Mr. Spellman and Mr. Wilson of the Parks Department, that there was a little mix up, that she had her annual Easter egg hunt a week prior to Easter at the park and she was at the Sports Day Activity at Tidwell Park as well because her Easter egg hunt was going on and they were able to coordinate both functions, that they did a fantastic job. Council Members Keller, Alvarado and Robinson absent.

Council Member Galloway stated that she would be having a Townhall Meeting in the Pleasant Hill Community on April 3, 2002 at 7:00 p.m. at the Judson Robinson Park in the recreation room. Council Members Keller, Alvarado and Robinson absent.

Council Member Edwards asked Council Member Weisman about the civic club that she stated was in District D she would like to have that information and Council Member Weisman stated that she meant District E.

Council Member Edwards stated that she wanted to give a hats off to a neighborhood in their district that was featured in the New York Times Travel Section, the Montrose neighborhood, that it was listed as an up and coming international tourist destination and was noted for its diversity in community and population, the museums and the shopping that was afforded there, that the author was Katherine Jones and she wanted to give a kudos to the Montrose neighborhood and community for the work that was going on out there that had gotten

them to be designated as the up and coming international tourist destination. Council Members Keller, Alvarado and Robinson absent.

Council Member Edwards stated that she wanted to lift up the Parks and Recreation Department, Mr. Roy Willson and especially Mr. Brian Hill and Mr. Larry Schniel, that they made it possible for two of the little leagues to open last Saturday, South Central Little League and Near Town Little League and she would like to tag onto Council Member Parker's request for a top sign for that area of Near Town. Council Members Keller, Alvarado and Robinson absent.

Council Member Edwards stated that they talked a lot about professional sports at Council, that she would like to see if they could give some attention to the fields that their young people played on, especially little league, that the fields needed a lot of work, that she knew it was money, but she wanted to work with Parks and Recreation to see how they could make the fields a little bit safer for them to play on. Council Members Keller, Alvarado and Robinson absent.

Council Member Edwards stated the HIV initiative that the Mayor had asked her to chair was going to have their first initial meeting for all of the Council Members that would be interested on Thursday, April 18, 2002, from 12:00 p.m. to 1:30 p.m., that the place was still to be determined but it would include all of the CVO's, Ms. Glenda Garner and Dr. Kendrick, that what they would be looking at was making an assessment of where they were based on the state of emergency, not only for the African American Community but for all communities, if they were interested or had staff members that they would like to have there they would get them the place, that it was the first meeting of the HIV Task Force. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Tatro stated that he wanted to give a couple of Kudos to Mr. Vanden Bosch in nominating as Chief of Staff of Public Works, a District A resident, Mr. Gary Ordat, that he thought Mr. Ordat would do a very good job. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Tatro stated that he wanted to thank Keep Houston Beautiful and everybody who participated in the Long Point Trash Bash, that for the third year it was a great success and Maureen Malrooney for the third year did a great job, that he could not underscore enough the participation from the local community and just to do the logistics to get all of the equipment around, that Robert De Young of the Mayor's office did yeoman's work in helping out with the equipment from Keep Houston Beautiful and lugging it around. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Vasquez stated that he wanted to add his concerns about how traffic studies were conducted for stop signs, that they had some in their district that had been denied yet they were around schools and high traffic area for children, that he would ask as the Mayor looked at it that he would give some consideration to some other standards other than just the flow of traffic. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Vasquez stated that he wanted to touch base with Mr. Haines on the SEARCH dollars that Council approved during the budget process, they still had not received those dollars and would like a briefing on what the status was and how to move forward on that. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Vasquez stated that he wanted a briefing from Ms. McGilbra now that they were starting over on the downtown fire station, that they did receive a letter from Christus Health Care and wanted Ms. McGilbra and the president of Christus Health Care, Ms. Sally Jeffcoat, to visit with him to see if there was some type of creative solution that they could come up with now

that they were starting over. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Vasquez stated that he would like to hear from someone about the Theater Under the Stars and why they did not have a contract yet with the Hobby Center, that they were approaching April and they were scheduled to move in and their move in was going to be delayed, that this was the third or fourth time that he had mentioned it so he would like to get a briefing from someone regarding that. Council Members Galloway, Keller, Alvarado and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:34 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Keller, Alvarado and Robinson absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary