

City Council Chamber, City Hall, Tuesday, April 2, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 2, 2002, with Mayor Pro Tem Gordon Quan 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, 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. Martha Stein, Agenda Director present. Mayor Lee P. Brown absent.

At 2:08 p.m. Mayor Pro Tem Quan stated that this was National Community Development Week and thought that everyone was familiar with community development and the impact that it had with the City, that they received over \$50 million per year that went into help funding neighborhood centers, after school programs and day labor sites and many worthwhile projects, that as a matter of fact very soon they would be looking at the consolidated plan and other needs and they invited public input on that, that as they celebrated National Community Development Week he wanted to present a proclamation to the Director, Ms. Margie Bingham and invited her to the podium and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed the week of April 1 through 7, 2002 as National Community Development Week in Houston, Texas. Council Members Goldberg, Wiseman, Alvarado and Sekula-Rodriguez absent.

Ms. Bingham stated that she wanted to thank the Mayor and City Council for assisting them with the celebration of National Community Development Week in Houston, Texas, that the purpose of National Community Development Week was to showcase activities that had been funded with the Community Development Block Grant Fund in Houston, that yesterday they kicked off National Community Development Week by showcasing the beautiful Denver Harbor Multi Service Center located at 6402 Market Street, that they would showcase a number of other activities the rest of the week and would hope that they would join them as they celebrate the activities in Houston and hopefully they could attend as many as their schedules permitted, that Council Member Vasquez was scheduled to join them that evening and Council Member Alvarado was with them last night as well as Mayor Pro Tem Quan and Council Member Sekula-Rodriguez. Ms. Bingham presented for the Mayor and to Mayor Pro Tem Quan framed copies of this year's poster. Council Members Alvarado and Sekula-Rodriguez absent.

Council Member Keller stated that some young constituents of his were present from the St. Michaels Catholic School on Sage Road, that they were members of Girl Scout Troop #4261 and asked that they stand and be recognized. Council Member Sekula-Rodriguez absent.

Council Member Alvarado stated that on behalf of Ms. Bingham and the Department of Housing and Community Development, they would have a reception in the Visitors Center which was sponsored by Wells Fargo and would be going on momentarily and would be there for the next hour, that they wanted to invite the Council Members and staff to come by the reception. Council Member Sekula-Rodriguez absent.

At 2:15 p.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Galloway led everyone in the prayer and pledge of allegiance. Council Member Sekula-Rodriguez absent.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown absent. Council Member Sekula-Rodriguez absent.

Council Members Keller and Vasquez moved that the minutes of the previous meeting be

adopted. All voting aye. Nays none. Mayor Brown absent. Council Member Sekula-Rodriguez absent.

Council Member Vasquez moved to suspend the rules to hear Ms. Lucy Reyna out of order, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown absent. Council Member Sekula-Rodriguez absent. MOTION 2002-0381 ADOPTED.

Council Member Wiseman moved to suspend the rules to hear Mr. Brian Cweren out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Council Member Sekula-Rodriguez absent. MOTION 2002-0382 ADOPTED.

Council Member Parker moved to suspend the rules to hear Mr. Sanford Criner at the end of the sign code speakers, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Council Member Sekula-Rodriguez absent. MOTION 2002-0383 ADOPTED.

Ms. Lucy Reyna, 45 Neyland, Houston, Texas 77022 (713-691-5433) appeared and stated that she was the Executive Director of the Life Center in the Northside, that she had been present before and had been in the AIDS field since 1989 and in 1992 she was present before Council and told them that there was a virus that was killing people and Houston was in danger, that no one took heed and she was present 10 years later to tell them that the African American community was suffering an epidemic with the AIDS virus and now the Latino population was at risk, that two years ago when Houston realized that the African Americans had reached epidemic numbers they came together and had the most successful campaign that was possible, that she was really proud of that community, that she immediately realized that something needed to be done in the Latino community, why should they wait until there was an epidemic to try to save lives, that last year she asked Mayor Brown for his support and he said that he would support a campaign and so she tried to start one and nothing happened, but they started making some simple paper flowers and reached the Hispanic Community, talking to them and giving HIV information, that they would not believe how successful it was, that she was present to invite them all, that it had gone so big that on May 9, 2002 they were going to have a flower paper garden in front of City Hall and she invited all of them to attend to kickoff the HIV awareness campaign, that the children at the Latino schools would be making art projects made out of flowers, that on May 12, 2002 they would give thousands of flowers to the Latino population at the George R. Brown Convention Center, that on June 8, 2002 they were going to block walk and give out thousands of flowers, that Houston had the distinction of being number 8 with the number of AIDS cases, that they should do something about that number, that they needed to save lives and thought they should start now, that she wanted to give thanks to Carolyn Elivs from Houston Crackdown, she made everything happen, that she took hold and opened doors and now they had business leaders and the community behind them and she had a project for the City Council Members, that they wanted to do a billboard with a flower and the face of the Council Member in the flower, stating that they were the leaders of Houston and thought that people would really pay attention to see all of their faces, that she would love to see all of their faces to be there and led the Latino Community know that they cared if they got infected or not. Council Member Sekula-Rodriguez absent.

Mayor Pro Tem Quan stated that they would certainly want to work with her on that and was sure they could work with the billboard companies as well to do that and knew they had the Cinco de Mayo Parade downtown on May 4, 2002 and knew that was another opportunity to reach out. Council Member Sekula-Rodriguez absent.

Council Member Edwards stated that she wanted to thank her for all the work she had done in the HIV community over the years and that she wanted to advise her that Mayor Brown

was restarted the HIV Task Force for the City and were having an initial meeting on Thursday, April 18, 2002, and would love to have her there to be a part of that because it was epidemic in all communities, that it was Thursday, April 18, 2002, from 12:00 p.m. to 1:30 p.m., that they were looking to strategizing throughout the community, and Ms. Reyna stated that she wanted to thank Council Member Edwards for her work in the community and Council Member Vasquez, that Council Member Sekula-Rodriguez had given of her time and money and was very active, that Council Member Alvarado had always been behind them, that Mayor Pro Tem Quan was their newest member and also Council Member Parker.

Mr. Brian Cweren, appeared and stated that he had passed out a handout to each Council Member, that he wanted to set the record straight on something which he believed they had been misled on, that until very recently he was Chairman of Panel C of the Citizen Review Committee, the oversight committee over the Houston Police Department, that he was removed just after the Mayoral elections from his position and he had always maintained that he had another year left to go on his term, that on the second page of the handout he had underlined a sentence beginning with "however", that was a response to Council Member Quan's letter to Chief Bradford saying to please explain why Mr. Cweren was removed and what was the status to insure that the credibility of the Citizens Review Committee was not set at stake, that they would see that Chief Bradford set it very clear, in that sentence that he underlined, that his term was up, that again he maintained that simply was not true, that if they turned to the next page in the handout and looked on the very last line of the document which he just obtained, it clearly showed that his term was to expire in January of 2003, that he still had questions for Chief Bradford and still wanted to know why he was removed and thought that the process had simply broken down and there was no oversight. Council Member Sekula-Rodriguez absent.

Upon questions by Council Member Edwards, Mr. Cweren stated that Chief Bradford was being very misleading to Members of Council, that the term was not up and he knew that and had repeatedly told members of the Police Department that he had a three year term which did not expire until 2003, that it was not up because it was not 2003, that in his opinion he thought he was retaliated against for speaking up against certain cases that came to his knowledge while he was chairman of that committee and for being outspoken, that he thought there was still a need for the civilian review committee, that this committee was a rubber stamp and did not need to function, that it did not add anything and was a blatant window dressing attempt to make the public think that there was some type of oversight, that Chief Bradford did not want to meet with him or discuss the files that he asked and he had emailed HPD Internal Affairs Division going back over a year with questions not being answered, that the committee did not function and should be dismantled. Council Member Sekula-Rodriguez absent.

Council Member Edwards asked Mayor Pro Tem Quan if the handout documents were correct and Mr. Cweren was not due to be removed until January 2003, she would like to request the reason as to what the discrepancy was and what was the reason for his removal and Mayor Pro Tem Quan stated they would get an answer from Chief Bradford. Council Member Sekula-Rodriguez absent.

Council Member Tatro asked if the positions were voted on by City Council and Mr. Cweren stated they were not, that the operating procedures were set up around 1989 following the Ida Lee Delaney and Byron Gillum incidents, that the committee was put in place and at the time the Mayor appointed the 21 people and what in essence happened was that Chief Bradford recommends or names the people and sends the letters over for the Mayor to sign off on those people, that there were 3 panels with 7 members per panel for a total of 21 people, that he was saying that it was just not working, they were not getting the answers. Council Member Sekula-Rodriguez absent.

Council Member Parker asked Mr. Paul Bibler, Legal Department, if the committee served its intended purpose and second, did the Mayor have the right to replace him ahead of time, that she understood that this was one of the few committees that was not confirmed by Council, it was entirely appointed by the Mayor and all the committee members served at the discretion of the Mayor and asked if that was the case, and Mr. Bibler stated that to the best of his recollection this was a kitchen cabinet type of committee that served at the pleasure of the Mayor as opposed to an official committee that was created by City Council and if so she would be correct, that the Mayor could appoint or remove at will.

Council Member Robinson asked if someone could send him something in writing, that he had heard the term ordinance used and then he heard the term executive order used, so he wanted to make sure which it was, that no matter what the case did it give unfettered discretion to the Mayor, that he thought it would have been better if they had the absolute discretion for the Chief or the Mayor to say they were exercising their right to terminate him before the end of his three year cycle as opposed to if the information was true saying that his term had ended, that it was not a conclusion of the calendar service but instead an exercise of the discretion of the Mayor to remove anyone that he had appointed, so they had, in his mind, a conflict of information and he would prefer that they got something in writing that dealt with the specifics, and Mayor Pro Tem Quan stated that when Mr. Cweren came to him about it, which prompted his letter, he asked that the Police Department to also brief him, but he thought it was certainly worthwhile that all Council Members get such a briefing about how that procedure worked. Council Members Ellis and Sekula-Rodriguez absent.

Council Member Edwards stated that she would like to have a response from the Chief on this issue in seven days. Council Members Ellis and Keller absent.

Mayor Pro Tem Quan stated that he wanted to recognize former Council Member Eleanor Tinsley, who was present in the audience. Council Members Ellis and Keller absent.

Mr. Jack Brown, 201 E. Wesley Rd., Atlanta, GA 30305 (404-495-0574) appeared and stated that was the Senior Vice President of Store Operations and Sales for a company called Skaggs Public Safety, Uniforms and Equipment, that it was a privately held company headquartered out of Salt Lake City, Utah, however they had a very rich history in the Houston market for many years, that he was present because quite frankly their company had experienced some difficulties and had not matched the expectations of two departments that they provided apparel and equipment, that those departments were the Public Works and Solid Waste Management Department, that they had been a service provider to the Houston Police Department for the past eight years, the Fire Department for four years and the Public Works Department in various forms for the last fourteen years, that their company was a service provider and did not manufacture anything and as a matter of fact they dealt with 496 outside vendors that partnered with them to help them do their work, that he thought at this point he wanted to say to them that certainly their industry in the last six to nine months had experienced some uncertainty as it related to the overall economy and would also tell them that some of their manufacturing partners, that supplied the products to them, had cutback on their inventories which had hindered them in meeting their deadline with furnishing some of the products in a timely manner, that he was present today because he became aware last Thursday of the severity of the problem, that was on Thursday, March 28, 2002, that on Friday morning, March 29, 2002, he got on the telephone and made an appointment with Mr. Calvin Wells and that appointment was to take place on Thursday, April 4, 2002, and his request was to identify some specifics as to the problems and how he could get involved to correct the situation, that on Saturday morning he learned through the internet site that the matter was being brought before Council and so therefore he made arrangements to fly in last night in order to be present, that on Monday, April 3, 2002, he scheduled an appointment with Mr. John Erdeljac, Solid Waste

Management Department. Council Members Ellis and Vasquez absent.

Mayor Pro Tem Quan stated that as he believed it was his office who called Mr. Brown to advise him that the matter was being brought before City Council and it was his understanding that what Mr. Brown wanted was basically an opportunity to talk with Mr. Wells and Public Works to see what could be done to rectify the situation, and Mr. Brown stated that was correct, and Mayor Pro Tem Quan stated that they could not meet with him until after the matter was considered and that was his concern and Mr. Brown stated that was correct and Mayor Pro Tem Quan asked if Mr. Brown was hoping they could delay the matter a week to give him an opportunity to talk to Mr. Wells and Public Works and Mr. Brown stated that was correct and also to exercise all of his ability to bring it to something that was resolved and suitable for everyone. Council Members Ellis and Vasquez absent.

Council Member Goldberg moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Department at this time, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown absent. Council Member Vasquez absent. MOTION 2002-0384 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Brown stated that there was a meeting held about 9 months ago and there were certain procedures that were outlined, some things that the various departments were going to do as far as providing them with information and it started off that they did that but then it kind waned and they kept trying to get them back to the original agreement that was made, that as an example, when they got a purchase order and they date stamped every order as it came into their building and they were required to deliver in 30 days, that they had case after case where the purchase order was dated a certain date and may have sat in somebody's department for two or three days signed and then mailed to them and so they did not receive that purchase order from anywhere from five to seven business days, but the clock started ticking when the date was put on the purchase order but they never saw it, that he would not say every time they were in noncompliance it was the City's fault, that if they got a purchase order and they were requesting the size of a garment that was like a 7 extra large and was not a stock size with one of their suppliers then they had to make that size and it could run anywhere from six to nine weeks depending on the manufacturer, that he did not think they did a very good job as a supplier in notifying the end user department that there was going to be that much of a delay to get their product, even though they had furnished all of the departments with a complete size range of what the suppliers stocked. Council Member Galloway absent.

Council Member Goldberg stated that tomorrow on the agenda they were asking for them to hold Skaggs non responsible for two years and asked Mr. Wells what non responsible meant and Mr. Wells stated that it was to hold them non responsible not to do business or be able to bid on upcoming solicitations within that particular time, that it was a common practice for any supplier that was not adhering to the guidelines of the contract, that they not only were they asking that the contract be in default but were asking that they not be allowed to do business with the City of Houston for the next two years, that as they had correspondence relative to the issue, they had repeatedly gone to the supplier and given them opportunity after opportunity to correct or cure the particular contract, that admittedly from the supplier they could not supply the Houston area any longer due to shortfalls, that short staffing was no excuse for not adhering to the contract, that when the orders got behind they gave them an opportunity to come in and make sure they understood what the City's requirements were and they did that and the departments came in and worked out an arrangement where they could make their deliveries on time, that it went on for a period of about six months and after that they started falling behind again and the supplier wrote him and told him that they lost key personnel and due to the loss they could not adequately support the City of Houston, additionally due to several accounts they were moving from Utah into the Houston market it overwhelmed their staff, and they were back in

the same situation. Council Members Galloway and Berry absent.

Council Member Edwards asked Mr. Brown what would make her think that another meeting would bring about a different result, and Mr. Brown stated that he was able to identify some of the problems that had caused the delay and this morning he issued the directive not only with their corporate office but with the people in Houston and their associates in Houston that would streamline the ordering procedure by three working days, that he was not aware of the delays before the City brought them to his attention, that he did not know that they had orders that were taking 45 and 55 days to deliver, that he was the Senior Vice President of Sales and Store Operations, that they look at literally hundreds of aspects of their business and when he issues a purchase order to a manufacturer and they take two to three weeks to deliver the product to them and then he had to send the product to his minority participant and they had to do their part of the work and all of a sudden the 30 to 35 days were gone, so therefore he was not in compliance, that he wanted to get a clear understanding of the terms of the contract, in other words was it 30 days from the date they put the purchase order in the mail or was it 30 days from the date he received it, that five to seven days were problematic, and Mr. Wells stated that he did not think it was the City's responsibility to see that the contractor's representative in this area informed him of what he needed, that it was their responsibility to make sure that the company knew exactly what was needed and they had done that explicitly in the documents. Council Members Galloway and Alvarado absent.

Mayor Pro Tem Quan stated that he knew there were several speakers on the sign ordinance and knew they were well prepared in their presentation and their argument, but would ask that if they would listen to the speakers before them and add on to what they say so they would not go back to the same things over and over again. Council Members Galloway and Alvarado absent.

Ms. Kay Crooker, 3711 San Felipe, Houston, Texas 77027 (713-621-4591) had reserved time to speak, but was not present when her name was called. Council Members Galloway and Alvarado absent.

Mr. Bob Eury, 1111 Bagby, Houston, Texas 77002 (713-650-1470) appeared and stated that he wanted to urge Council's support of Item No. 45, the creation of the Downtown Scenic District and second he liked to give them some few thoughts related to Item No. 46, the amendment to the ordinance on electronic marquee's, that they assisted in working with Council Member Parker in facilitating the compromise related to the marquee, that it was a very difficult process and the parties, he thought, tried to get to something they could get into an ordinance, that he recalled three meetings with Landry's representatives at all three meetings and the matter of the inclusion of the aquarium under the marquee's was an open issue to the last meeting, that at that meeting he recalled the representative's indicating the electronic marquee's were of less significance to the project than the other proposed signage, which was just not required and based on that the ordinance was drafted in good faith, he believed, to exclude the aquarium project, that he thought they needed to look back to the reasons for the marquee's, they had large civic venues that had multiple simultaneous events and thus the reason for announcements that changed up to every 8 seconds or more, that if the aquarium was included in the marquee provision he thought it should apply only to the special event ballroom space because that was the part that had the events, it was exactly in parallel with the special events at the Verizon Theater, Bayou Place, the functions at the George R. Brown and the Rockets games in the Arena, but it was announcement of events oriented, that the other non marquee signage, he believed, could address the rest of the aquarium functions, which was really an ongoing place identification and did not, he thought, create a reason for an electronic marquee, that he wanted to give them his input, having been involved in the process. Council Members Galloway and Alvarado absent.

Mayor Pro Tem Quan stated that the Landry's representatives were at the meetings and they indicated an electronic marquee was not necessary for their purpose and if such a marquee was to be included it should only apply to the ballroom space and Mr. Eury stated that the latter was his opinion and if it applied it should apply to the special event space, which response to the not needed, he thought, the issue was that their signage needs were far more serious related to other types of signs and the electronic marquee issue was sort of low on the priority side. Council Members Galloway and Alvarado absent.

Mr. Jim Kollaer, 9400 Doliver, No. 74, Houston, Texas 77063 (713-334-3840) appeared and stated that he was President and CEO of the Greater Houston Partnership, that he was present to kick off a few of the speakers that they were going to have and tell them a little bit about what they did at the partnership, that they were very concerned about the quality of life and quality of place and signage and the scenic district were all part of that, that on February 6, 2002 the board of the partnership passed a position, which each of them had been given a copy of, which talked about creating the Downtown Scenic District and which talked about the fact that the City of Houston and the County should comply with the code, the fact that they should not have any spectacular signs and that they had agreed that their may exceptions for the Harris County sports venues, that all of the negotiations that had gone on for the last two months since that time had been aimed at that and they had really been trying to complete the negotiations, that it was very important that they try to move this forward because of the nature of the issue and its importance to the future of the City, that as one of their members said in the Chronicle on the 29th of January, rapid growth was no longer the goal, now was the time to encourage the quality of growth by focusing on the quality of life, that this was an issue they thought needed to be looked at in that light, long term, and when they looked at those issues and amendments tomorrow to please consider those as they moved forward. Council Members Galloway and Alvarado absent.

Upon questions by Council Members, Mr. Kollaer stated that what he thought was occurring right now was the fact that there were a number of changes going on because people had jumped back in the pool, that he thought there may have to be a couple of amendments in order to clarify some writing situations that were in the original draft and he thought that those were being discussed right now and could be resolved by tomorrow so they could be brought to the table, those mostly relative to the Reliant Park, that the Texans issue was the one that he talked about, that there were probably two amendments that would come forward, that they had not looked at those and did not know how they related to the existing draft that Council had, that in terms of the Rockets, they were in agreement, they backed out and pulled off and he thought they were just going to have to work back through that as they went forward, they thought probably the way it was drafted right now it should stay intact, that everybody was smart who was working on the issue, that they knew it was going to go on and knew the negotiations were going on and they were included in them and they were at the table, they had the ability to make comments at the time and they had been in the process almost from the very beginning and that was why they had the public hearing, that he thought they had members working on the compromise with Council Member Parker and others since it started and they were going to be at the table for as long as takes because they thought it was a very important issue to the future of the City, that they represented about a fourth of the employees of the community, that they were in a strange situation, that there were some things that had been agreed to in the compromise that had not been drafted yet or there were some words that had not been finished, those had to be finished and agreed to, that in terms to some of the other parties coming back into the compromise, the thought was now they did not think they should be in there because they came in after the deal was cut, that each party that was party to the compromise and to the work was going to come back in and try to get an amendment on the table and he thought that just destroyed the intent of the compromise and the work that had been done over the last two

months; that he had a board of directors that had had 137 CEO's, managing partners on it, and the companies that they ran, managed or led represented one fourth of the workforce in the community, that they did not obtain feedback from their employees on the issue. Mayor Pro Tem Quan and Council Members Galloway, Edwards and Robinson absent. Vice Mayor Pro Tem Keller presiding.

Ms. Kay Crooker, 3711 San Felipe, Houston, Texas 77027 (713-621-4591) appeared and stated that she was present to speak to them on the scenic district ordinance, that she was asking them to vote for the ordinance and against any amendments to the ordinance, that they had every reason to do so, it was the right time and they had all of the right reasons to do so and it was the right thing to do, that they should not let a few deep pocketed interests dictate the image of the City against the vision of many who would prefer an uncommonly beautiful City, which incidentally was the top priority of thousands of citizens who took part in the Image Houston process, that the public had surrendered millions of dollars to build sports palaces, would they be asked to surrender their visions and their values, that if the Rockets were winning they could play in Foley's basement without a single sign and they would have a crowd, she could assure them, now here was the question, could they as a City transcend certain economic interests to implement the ideal that they articulated, if not, then they failed the test, that a former chairman of the Houston City Planning Commission said, "when greed comes to sit at the table, reason fly's out the window", that the proposed ordinance was carefully crafted over months and they knew the details she did not have to tell them, that if the process was not adhered to it did not bode well for the City of Houston because it did not bode well for how the City did business, that they were experts on that and she did not need to tell them, that another question was if they were going to imperil their skyline and all of that why they were trying to achieve the downtown that they worked so hard to achieve and with the Buffalo Bayou Master Plan and its vision out there, were they going to imperil that by letting huge and tacky signs again, for the first time in many years, be part of the downtown scene, that she could insure them it would spill out of the downtown district and negatively impact many other parts of town and negatively impact what was already a very fragile image that they were trying to build for the City of Houston, please vote for the ordinance and against the amendments. Council Members Galloway, Edwards and Robinson absent.

Mr. Max Watson, 3389 Inwood Dr., Houston, Texas 77019 (713-526-7511) appeared and stated that he thought there was some confusion, that the City Legal Department had worked hard to craft the ordinance, that it was a difficult ordinance to hold up because they were dealing with a lot of very complex issues, that as simply as they may seem and they were to him when they started, that they worked over the Easter weekend to get some of the things that they saw now, that it was his understanding that relative to the Texans and the rodeo, which Steve Patterson called him on Monday, that there were several things that were in prior ordinances that they had agreed on and were very minor in nature, but for whatever the reason, did not appear in what he believed was the latest draft, that not material to the overall concept of what they were doing, but needed to be clarified, that they were housekeeping issues, cleanup issues and he believed relative to the Rockets they were also similar, the Rockets, while they were part of the Sports Authority, happened to be on City ground because the City loaned them the money, that there were some difficult issues that to the casual observer seemed very simple, but when they reduced them to legal language they were complex, that those were some housekeeping issues that needed to be cleaned up but he did not think there was any big issue about that and he had not seen all of the proposed amendments to affect that, that he did not think it was anybody's intention to craft them in a malicious manner or to put malicious things in there, that he did have a difference thought with the amendments that included certain facilities that were not part of the process, that one of the objections that one of the parties had was that an ordinance draft came out that excluded the word entertainment, therefore it excluded them, and they wanted the word entertainment now put back in, that the word entertainment was not in the current draft, the word

restaurant/entertainment was in the draft, so they were now including what was fundamentally a restaurant that did not, in his opinion, take part in the process appropriately and they would hear differences of opinion to that, and that was an amendment, because that was not what he had been working on for six months with the Texans, the rodeo and everyone else, and he found all of the parties that were in their compromise to be smart and understood what their requirements were and participated in a give and take situation, as all compromises were. Council Members Tatro, Galloway and Robinson absent.

Mayor Pro Tem Quan asked if Landry's had stayed at the table and were willing to negotiate should they then be included and Mr. Watson stated that negotiation was a holistic approach and there was give and take, that it was very important for their group, given the current signage that Landry's was already proposing, that if they wanted to stay in they needed to negotiate probably a reduction or some change in the sign, that he did not know what it would have been because he could not speculate, but those were the kind of things that the Texans and the rodeo agreed to and others, that he did not know what the outcome would have been, but it would have been different than the ordinance with just a restaurant included. Council Members Galloway, Goldberg and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Watson stated that he got a call one night from Ed Wulfe and Mayor Lanier and Mayor Lanier stated that he would like to make sure that the hotel was not disadvantaged and they had a long conversation and he said that he would propose that, but could not make any assurances, and he thought subsequent to that the hotel was not included, that he had told Mayor Lanier he did not understand why a hotel would need a sign that changes every 8 seconds and Mayor Lanier understood that, and it was his understanding that Mayor Lanier was fine with that, as far as he knew, that it was surprising to him that the hotel would like to have a spectacular sign now, that it was his recollection that during the negotiations were people who would logically be representing the hotel, and Mr. Tollett was part of that conversation, and they were less interested in the hotel and more interested in the convention center, and he thought they all agreed that they needed to do something different than the little red signs hanging at the convention center, that to the best of his understanding it was embodied in the ordinance, but it was signs for the 8 major entrances and everyone agreed that what they had today was not appropriate and they needed something better, if they were going to attract people to the convention center they needed to do something different and he and Mr. Tollett had a lot of discussion about that and they came to a resolution. Council Members Galloway, Goldberg and Robinson absent.

Mr. Kelly Frels, 5607 Bordley, Houston, Texas 77056 (713-221-1203) appeared and stated that each year the Greater Houston Partnership sets out some very large goals and that was adopted this year and among those four major goals was the improvement of the quality of life in Houston for two major reasons, one was to have a better quality of life for everyone living here and to be competitive with the other cities that they compete with, that there were a whole hosts of strategies outlined for that and he could assure them that they speak on behalf of the Greater Houston Partnership and its representative form of government for its constituents and the members of the Greater Houston Partnership, that they were pleased to have had the opportunity to participate in the negotiation process, but like every negotiated deal everybody gave up something, that every time there were strong positions everybody had to give up something and one of the concerns that he had about their not adopting the negotiated deal was that they were not there and he was not there when everybody gave a little bit of what they had in order to reach the overall objective of having what was before them now, that with that said he knew that as they went through the process of considering the ordinance they were going to have amendments that were going to be presented to them and he would ask only that they look at the amendments and consider those amendments as much as they could within the context of now they were negotiated with the objective of having something that they as a community

would be proud of when they finished and not looking out for the interest of one organization or another organization over the entire group of organizations of the community that they represented. Council Members Galloway and Robinson absent.

Upon questions by Council Member Goldberg, Mr. Frels stated that he thought people were appreciative of the process and thought everyone here recognized that there had to be signs and that was one of the reasons that the compromise had come together where they had the signs that changed every 8 seconds, it was because they were in the electronic age and they knew they had to make changes and knew there venues in the theater district, for example, that had two shows going on at the same time and they had to have changing signs, that the people were ready to make changes where they were justified in making the changes, that the signs were not an issue, that everybody was satisfied with signs at a certain level and even the competitors were okay with the signs at a certain level, it was when somebody got an advantage over another that they had an escalation of the sign race, and what the whole process that they put together where the group of people came together and spent many hours talking through the process and trying to reach a resolution that could become a part of their process before City Council, that there was not one of them that would say they did not have the right to consider or should not consider all the amendments that were presented to them, that he would just say to them as a constituent that he hoped they would not pass it, except the ones that Mr. Kollaer said were necessary to clarify what was meant, that the concern he had was that so much went into those discussions to get to the compromise that once they changed one part of it just to be careful they did not escalate the war because that could certainly happen and they would end up with something that was inconsistent with improving the quality of life in Houston. Council Members Galloway, Berry and Robinson absent.

Mr. Carroll Shaddock, 1715 South Boulevard, Houston, Texas 77095 (713-524-8744) appeared and stated that he was the Chairman of Scenic Houston, that one thing that he believed was the best way to lead was by example, in fact his experience as a parent suggested that the only way to lead was by example, that in the 1960's when they had many ugly signs in Houston, which had come to be seen as a problem and when the issue was first raised the first thing City Council did was to stop the practice that then existed of leasing City owned property for billboards, thereby robbing the City of income that it was enjoying, but he thought that the City Council of that time led by example and he thought the question was presented what was the relation between the common good and self interest, the Economist Magazine led off its famous article last summer about Houston with the words "Houston was ugly", well how did it get that way, that part it was because of all the signs that were built when signs were basically not regulated and why did people put all those signs up, was it because they wanted to make Houston ugly, not at all, but rather because it was in their own individual self interest to put those signs up, but what came to be realized was that the manifestations of pursuing self interests at some point defeated the common good, and he wanted to salute the Houston City Council which starting in 1980 passed laws which were today correcting the problem, that at the same time he wanted to salute the Houston business community which had steadfastly proposed and supported the enactment and maintenance of their sign laws, in fact that was one reason they were present today because people like Ken Schitzner and Gerald Hines and other people, leaders from their past, voluntarily chose not to put signs on top of their buildings downtown and talked other people not into doing that, that it was not until 1993 that a law was passed against doing that, that what they really needed today was for their business leaders, who were developing downtown, to have that same kind of vision, the same kind of view, that they were not present today saying to give them some special sign that another business competitor could not have, that was the kind of vision and leading by example that they needed from all of the business community today, they would always expect that government would be the first entity to seek the common good over self interest but the lessons of history were often to the contrary, so what was happening right now was that they were seeking special sign benefits for the City and

its tenants, benefits and privileges that the private business community did not have, that one problem with doing that was what it might do to the visual aspects of their downtown and he thought that was serious, and thought there was another issue that was at least as large or maybe larger and that was where did it all stop, how did they have self interest and special privileges for the City or how did they have special privileges for the City's tenants and where did they draw that line, that he thought everybody thought their own sign needs were special but a question for them on City Council was how much time did they want to spend over the coming months and years having everybody who thought their signs needs were special at Council trying to get it and he would suggest that the line should be drawn as it was in the ordinance presented to them which was a compromise and eliminated really the worst things that were being proposed, that limited the special sign privileges to convention, sports and entertainment facilities, that he thought they had to draw a line somewhere because this was just the first round of people coming to Council and asking for special sign privileges. Council Members Galloway, Berry and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Shaddock stated that he thought they had to say they were going to create some special privileges and where were they going to stop the special privileges, not just where they were going to stop them today, but where were they going to stop them with the next group of the City that came in with special needs. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis asked Mr. Shaddock if he had an opportunity to read through the process, an overview of the ordinance creating the downtown scenic district put together by the Greater Houston Partnership and Mr. Shaddock stated that he had not read that, and Council Member Ellis stated that he would like to bring up Ms. Dawn Ullrich because there were some responses in the document and asked Mr. Shaddock if he knew who published the document, and asked if he was part of the Greater Houston Partnership Quality of Life Coalition, and Mr. Shaddock stated that he was and was sure that someone was present who could answer the question, that he had seen the document and had not perused it but had not read it.

Council Member Ellis moved to suspend the rules to hear Ms. Dawn Ullrich, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Mayor Brown absent. Council Members Galloway, Vasquez, Berry and Robinson absent. MOTION 2002-0385 ADOPTED.

Council Member Ellis stated that there was a sheet in the booklet and asked if she had an opportunity to read it and Ms. Ullrich stated yes, that she was the Director of the Convention and Entertainment Facilities for the City, and Mr. Ellis stated that he was reading some of the responses they had to the process of the creation of the ordinance and it stated that "the word entertainment was removed by Dawn Ullrich in her handwritten comments to the draft ordinance, tab 4" and those comments were distributed to Landry's on March 21, 2002, five days before the final draft to which Mr. Tollett's commented, "that was to dispute Landry's comments that they were not aware that they were not included in the ordinance" and asked if she did that and Ms. Ullrich stated that she did not strike the word entertainment, and Council Member Ellis asked why would the Greater Houston Partnership Quality of Life Coalition write it and produce the pamphlet if she did not do that and Ms. Ullrich stated that some of the documents in there belonged to her and others that were made were not in her handwriting and the word entertainment was not stricken in the draft that she sent to the Council Members, and Council Member Ellis stated that he hoped that some of the individuals that come forward would address the issue as well, because it seemed once again they were putting out statements that blatantly were false. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis moved to suspend the rules to hear Mr. Sanford Criner out of order, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent. Council

Members Galloway, Vasquez, Berry and Robinson absent. MOTION 2002-0386 ADOPTED.

Mr. Sanford Criner, 2925 Ella Lee Lane, Houston, Texas 77019 (713-881-0936) appeared and upon questions by Council Member Ellis stated that he believed if they looked at the book they would see that there were some handwritten notes there and some of those were Ms. Ullrich and some were someone else's and if that was the case then some were added by other people that was not known to them, and Council Member Ellis stated that he did not want them to produce documents that were misleading to the Council and Mr. Criner stated that they did not want to produce documents that were misleading, that as to the issue of whether removing the word entertainment was done by Ms. Ullrich they were simply trying to identify whose notes those were, that the issue of removing the word entertainment was not at that point germane to the issue anyway because on February 22nd there was a memorandum of understanding distributed that very clearly took Landry's out of the district, that no one said that it meant therefore that they were forever out of the district it was a memorandum of understanding, it was what the people at the February 19th meeting thought they understood and they heard Bob Eury report earlier was his understanding, that those went around to everyone, including Landry's, and they were given an opportunity to respond to that so that Ms. Ullrich could have the ordinance drafted by the City Legal Department for the next round, that he thought whether it was inaccurate that those were in fact her handwritten comments it was certainly not an intention to mislead anyone, that he did not know whose handwriting that was, that they had tall stacks of paper and that was attached to Ms. Ullrich's cover letter and did not know if it came with the cover letter or not and just could not tell them, but if there was an error it was a good faith error, but he wanted to tell them that Landry's had not responded since February 22nd, at which time the memorandum of understanding had been distributed, so there was every reason to think at that point that Landry's was in fact out, as everyone believed they were, and Council Member Ellis stated that he would request that they correct the statement and submit that to the Council Members around the table. Mr. Criner stated that they were present because they were asked to take part in a process not perhaps the process, that would lead to a compromise that they could consider, not that they had to agree to, that they were told to go off line with all of the interested parties and try to knock heads and work something out among themselves that they could agree to and bring it to the Council and simply say that they had all in good faith negotiated it, that they brought it to them, telling them that they all agreed to it, that was exactly what they did and thought the fact that it had been mentioned that perhaps the deal was cut too fine he wanted to say that the fact that the Rockets, the Texans, the Alley Theater and the Wortham Theater and all interested parties were in agreement with it tells him that the deal was not cut too fine, that it was in fact acceptable, if not entirely desirable to all, that the question was did Landry's have the right to request to come in and the answer was certainly yes, that Mr. Tollett stated very clearly last week they all knew and understood that Council made the law and decided what the law was, that no one involved in the negotiations had any illusion about the fact that they made the law, but they were involved in the process, that they asked that Council vote for the ordinance as originally drafted without amendments, except those amendments which were good faith housekeeping issues and please not to forget the Downtown Scenic District, which no one opposed. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Parker stated that they kept a complete set of everybody's responses back to her office because the parties were making cross outs and sending them in on draft language and the word entertainment was stricken at some point by one of the sides or the other and in that document they saw a composite of Ms. Ullrich's comments, scenic's comments and a number of other's, and asked Ms. Ullrich that at the time the word entertainment was taken out Landry's had long been out of the drafts and the memorandum of understanding and by taking out the word entertainment it had no practical impact on the ordinance and asked if that was the case, and Ms. Ullrich stated that was true, that the cover memo renewed the request that they be added but Council Member Parker was correct, and Council Member Parker stated that she

knew Ms. Ullrich received and forwarded a copy of her memo of March 19th, which was the last draft of the ordinance, which they were all working from, and in there she asked for any corrections and quoted from the memo, "if possible please provide any corrections to my office by 5:00 p.m. on Thursday, March 21", that this was not an absolute deadline, consensus changes could be made until the item passed Council, however if the item was to be posted for the coming week she needed time to weigh in any negative comments and share them with the administration so they could act on them, and Ms. Ullrich was in receipt of that memo and was aware that consensus changes could be made and in fact last week she presented her with that minor change for the County, that she did not introduce it last week, it was kind of purulent, but she had given it to her with the assumption that because it was a housekeeping change it could be included, that there was never any attempt to say that nothing could be done to that ordinance, but consensus changes all along were acceptable and Ms. Ullrich stated that she was aware of that. Council Members Galloway, Vasquez, Berry and Robinson absent.

Upon questions by Council Member Tatro, Mr. Criner stated that he was not in all of the meetings, but the principal behind the hotel not being included was the hotel, like Landry's understood it, was more interested in getting a sign which might not have been allowed by the final ordinance, but there was the chance that in the ordinance as drafted those signs might not be allowed and they said therefore that they were more interested in getting a sign on top of their building. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mr. Ed Wulfe, 22 W. Braod Oaks, Houston, Texas 77056 (713-621-1700) appeared and stated that as a shopping center developer he wanted to tell them that signs were an enormous matter of contention when a shopping center was built, that it was fought over, debated and discussed and the only way the shopping center developers were able to deal with it was they established specific sign standards for shopping centers, that some developers were more concerned about the quality of life and the visual environment than others and that was why they saw the difference in some of them, for example when they did Shepherd Square at Westheimer and Shepherd if they went there today they would only see signs on the building and two monument signs describing the major tenants, if they went to Meyerland they would see one project sign and everybody else complied to the monument signs that they established, that they fought, complained and argued about it and it was an ongoing thing, but at the same time if they were going to maintain any sphere of quality and really concerned about the visual environment that was where they had to take a stand, and he could tell them it was not just there projects, if they drove down Westheimer and looked at the new Central Market they very tastefully put in two monument signs, that Highland Village was the same way, West University Village, River Oaks, those quality projects that were concerned about the overall acceptance and appreciation of the project cared about signs and controlled signs and worked hard to do that, and that was what they needed to do that here and that was where it was all coming from, that they needed to improve their vision of Houston and the world's vision of Houston, that if they were going to have a world class City they had to be concerned about how it looked and they begin with signs, that it was tough, hard and nasty and very controversial, so they compromise and give and take and they resolve it and go on, but most importantly they had to set it so that it was that way and they reached that agreement and it was their awesome responsibility to do that, that he might add that whatever they established or however they did it to think about the next project, what if the post office property was developed and they had the Pappas Group putting in an entertainment restaurant complex, what kind of signs were they going to have, were they going to have to make an exception for them and on and on, establish their criteria and hold fast to it, maintain it, let it be and stick to it. Council Members Tatro, Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Parker stated that there was some discussion around the table about the hotel and the inclusion of the hotel and she and he had a rather long meeting with former Mayor

Lanier over it at his home and they talked about the sign issue and her understanding from that meeting was that Mayor Lanier said that he would kind of like to have the sign but what he really wanted was to be able to design his project exactly the way they had planned it with the big name of the hotel on top and not to have to make any modifications and it would be nice to have that sign, but then he said it was not worth it to him to have a fight over a deal that had already been negotiated, he would worry about it later, and Mr. Wulfe stated that Mayor Lanier said they were getting a spectacular sign on the crosswalk that connected the hotel to the convention center, that he would live with it but did not like it, but in the spirit of compromise he would live with it, that he got the signs he needed on the building, that he would give up that visual spectacular sign, that the point was that Mayor Lanier really understood what they were saying and in the spirit of compromise and building consensus said okay he could live with it, that he got the big issue of the signs on the building. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Ms. Peggy Neuhaus, 2203 Brentwood, Houston, Texas 77019 (713-522-2220) appeared and stated that she had not been a part of it but she loved to come downtown a lot, that she really hated it when she heard the Alley was going to make their sign bigger, then it was explained to her that it was a compromise and it was going to be two feet bigger but that had to be done to make everybody happy, so she was just happy that there were people in the City that did not want it to look flashy, trashy and gawdy. Council Members Galloway, Goldberg, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Keji Asakura, 328 W. 32nd Street, Houston, Texas 77018 (713-862-8118) appeared and stated that they all wanted to live in a nice City and they chose Houston as their home and like to see Houston as a beautiful City, that all of them probably had a different idea about the beautiful City but they could probably all agree on what they did not want to see, that he had friends and family members coming in from out of down and had to drive down I-45 and they have to say never mind about the billboards or all the cell phone towers and the towers they see out there and never mind about the used car dealerships and never mind about the illegal dumping on the bayous, and never mind about all that, wait until they see downtown and as they come close to town and they see the downtown view, look what they had, that was what the center of Houston was about, downtown, that what they wanted was a beautiful City and he would urge all of them to think about that, what a beautiful City was all about and it was not about the signage, it was really about the core of the quality that everyone had spoken to, that Mr. Shaddock had stated earlier about the path of self interest and that was what the I-45 corridor was all about, that they did not want to turn downtown into that same ugly mess, that he knew they did not want that and knew they had talked about all the technicalities and all of the issues that had come about, but he wanted them to think about the fundamental issue about what the City ought to be, that Council Member Tatro stated that the amendments were part of the process, but he thought the process had gone through painfully for the last few months and it was time to vote on it and to stay with the course of creating a beautiful City. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Ed Ryland, 7707 Delglen, Houston, Texas 77072 (713-952-5066) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Dick Weekley, 3708 Inverness, Houston, Texas 77019 (713-963-0600) appeared and stated that he knew that many of the Council Members had worked on the quality of life in the City for many years and for that he was very grateful and in fact the momentum that the whole effort had achieved over the last 12 months to him had been unbelievable, that the City Council adopted for the first time in their history a Master Plan for Parks and the County was doing the

same thing for the first time in their history, that they finished Phase I and were in the process of doing Phase II, that within the last year the Council voted for and the citizens adopted an \$80 million bond issue for the City, a large issue for the City, that the County put forward for the citizens of the County a \$60 million bond issue, four times as large as any previous bond issue for parks and the same thing with the State, \$100 million, that the City of Houston got \$31 million out of the \$100 million for Harris County, that further the federal government had an enhancement grant program that was coming up, a \$130 million from the federal government administered by TXDOT, that Members of the Council worked very hard over the past summer and the fall and the grants that Houston were going to get were about \$9 million, but because of the work the City of Houston was awarded \$35 million, an increase of \$26 million simply because of all of the thrust and momentum of the quality of life group, the Members of Council and the County were putting on the effort, that it was a phenomenal momentum, that his request to them it was not only parks but was also reforestation of their freeways and public spaces, very important, that it was also signage, that this past Friday the Greater Houston Partnership, Scenic Houston and the Quality of Life Coalition had a seminar at the Wyatt and it took the entire morning, that it was phenomenal because of the collaboration from the City, County, State and private citizens, that the session was concluded by Dr. Richard Florida who had written a book called "Quality of Place", that Dr. Florida studied 250 of the largest cities in America and Houston stacked up, in his assessment, as 7th out of 250 cities in terms of Quality of Place, that it was because of Houston's diversity, emphasis on expanding the quality of life because of the entrepreneurs that were in the City and he said that it was unbelievable what they were doing and he concluded, because he had heard some of the previous speakers that talked about the sign controversy and said to please work on it because the little things were very important and they provided visual cues for visitors and the people who lived in the town, that the signage deal was a big deal and he was encouraging the Council to deliberate and vote for the ordinance with no amendments. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Ken Hoagland, 3602 Cloverdale, Houston, Texas 77025 (713-218-8821) appeared and stated that that he wanted to paraphrase something that was carved in the lobby downstairs, "there is no more perfect endowment in man or woman than political virtue", that today the Council Members were struggling to find the path to political virtue but instead they found themselves in the last place that any elected official wanted to be, between a rock and a hard place, that how did a political official that tries to do the wishes of the majority and protect the minority, find themselves today in this position, well they were smart and prudent, they had a system set up where they would put the people who wanted more signs and less signs together in one room and let them work it out, they would either come to the Council with a compromise and a consensus or they would come with none, and then of course the Council was free to reject or accept their product, that they had come to the Council with a consensus and he would let them decide why it fell off of the track last week, they had different versions, that they were left now with not a clear path to political virtue, instead they were left between a rock and a hard place, so how would the Council resolve those two differences, he would suggest that in their democracy and republic the Council's job as representatives of the people was to serve the wishes of the people, on the one hand they had 61 organizations that had said they wanted the compromise passed without amendments and on the other hand they had a beloved business who was going to do a lot of good for downtown and a beloved former City staffer as a champion of that business, now which would serve the wishes of the people, that he would suggest to them that in the few months he had seen the group he had been struck that they had environmental leaders all the way over to developers and when was the last time they saw any group that included that range of their citizens agree on anything, and what they had agreed on was the compromise that they brought before the Council last week, that he wanted to suggest to them the political virtue was not found when things were easy, that political virtue was created when things were difficult and here they had a difficult choice ahead of them, that he thought it

was a clear one, when environmental leaders and developers agreed on something it would behoove the Council to listen. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jeff Cantwell, 704 Cohn, Houston, Texas 77007 (713-850-1991) appeared and stated that he represented Landry's restaurants and the downtown aquarium and present at the podium with him was Mr. Nigel Johnson, who was the project architect who worked for him and had attended some of the meetings and discussions regarding the sign ordinance in his absence, that what he wanted to address were two things specifically and one was his attendance and Landry's attendance in the meetings and negotiations and their understanding of what was discussed and lastly their understanding of their signage proposed for the downtown aquarium which were two separate and distinct issues, that he was not in attendance in all of the meetings that were held with respect to the spectacular sign ordinance, the last meeting which he was at attendance was January 31, 2002, and at that meeting the draft ordinance was distributed and had boundaries that contained Landry's downtown aquarium within the ordinance, that based on that information they felt relatively comfortable and still made reference with respect to the fact that they wanted to be in the ordinance and he specifically told Bob Eury in that meeting that Landry's had a desire to maintain the ability to have a spectacular signage, that after that meeting Mr. Johnson attended in his absence and he felt that it was not necessary that he had to be there because they were in the ordinance the way it had been drafted and he was out of town on business and Mr. Johnson was directed to go and take notes and make sure there was nothing contradictory and make sure there were no problems, that he never received a copy of the memorandum of understanding, so up until they received the draft ordinance on March 20, 2002, they had no understanding or reason to believe they were not going to be considered within this district, that as soon as he received that ordinance draft he sat down with a red highlighter and mapped out the boundaries and determined that they had been taken out, that everybody was talking about the process which started last summer, but he found it ironic that not until February 2002 that they had bowed out, that everybody involved him that he was the spokesman for Landry's and he never had a negotiation with Council Member Parker or with any of the other scenic district people, all the meetings that were conducted were open forum with somewhere from 20 to 40 people, that lastly the signage that they had proposed they never felt was an issue, the signage that they proposed and pulled a permit for was signage that was crafted as part of the RFP negotiation process two years ago so they felt it was not an issue, that the exemption which was carved out in the ordinance, the last one he received on the 31st allowed them to maintain that exemption because they had pulled the building permit. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Cantwell stated that Mr. Johnson did appear at the meetings in his absence, but there was the memorandum of understanding which he claimed he never received, was that not discussed at the February 19, 2002 meeting, and Mr. Johnson stated that it was not discussed, and Mayor Pro Tem Quan stated that it seemed clear by that memorandum of understanding that Landry's was clearly not to be included, that there had been an argument made that Landry's was seeking the best of both worlds, that they wanted to get their signs and now they wanted to circumvent the system and come back and get a spectacular sign, which they were not included in receiving and that by doing this they basically did not have to give up everything, whereas others who had participated in good faith had compromised and negotiated and tried to be a part of the system, but Landry's had elected not to be a part of the system and stepped out of the process, and Mr. Cantwell stated that firstly this was a spectacular signage ordinance, it was not with respect to building signage, that the signage they proposed, they were under the impression it had been approved two years ago as part of the negotiation process with all of the downtown district, the City Council and the administration at that point and time, that he did not believe that the other organizations were required to give up

anything, that he did not believe that the Alley was having to remove a sign that was currently in existence, that the Hobby Center was having to sandblast their logo that was 100 feet up in the air and he did not believe that the Arena was having to delete signage, that compromises were made during the entire process with respect to the size, height, lumens and the placement of the spectacular sign, those were the compromises that were made and they were willing to abide by those compromises and they felt like it was not an issue, they felt like they would be happy to be included in the district and to get the signage that everybody felt was consistent with the district, that if they were still at the table and asked to give up something they would have discussed it, that he would not have been pleased about it because as far as he was concerned they were at the 11th hour and up until January 31, 2002 nobody ever pulled him aside and said they would like for him to contemplate looking at his sign package and they might give him a spectacular sign, they never were directly addressed, that most of the time it was an underhanded comment they heard from some of the other participants in the organizations, that there were people who were against the Landry development, that they were not present to say they had to have everything, they were present to reach a compromise and they felt like they were quite frankly left out of the process, as he stated in the newspaper, that their plans never included a spectacular sign because it was not allowed, that he did not have spectacular signage design now because the ordinance was not crafted, and Mayor Pro Tem Quan asked Mr. Cantwell what was their need for a spectacular sign and Mr. Cantwell stated that they were currently negotiating an issue with the basketball association for the All Star Game to rent the entire facility and did they not think it would be nice to have a spectacular sign to say welcome National Basketball Association All Stars, if they had a ballroom that could seat somewhere between 700 and 1,000 people, would it not be nice to be able to welcome a medical association or organization, that they were not just a restaurant, that in the building package that was proposed now the business identification signs, there were five on the building, there were numerous directional and information signs around the building because they pulled permits for those. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Rodriguez, Mr. Cantwell stated that there were five building identification signs on the building and he had pulled permits for those, that in fact they had 56 permits pulled because they had to pull permits for handicap signs, directional signs, to indicate where tickets might be sold, where the ATM might be located, so they had to pull sign electrical permits for all of those because they were all some sort of electrical signs, that they were on a 6 acre project, that there was a small monument sign located on the corner of Preston and Bagby, which was about a six foot high sign, that the sign at the top of the building was 27.8 feet in length and 13 feet tall, that they were all fixed signs. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steve Scheinthal, 1510 W. Loop South, Houston, Texas 77027 (713-386-7000) indicated from the audience that he did not wish to speak at this time. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steve Greenberg, 1510 W. Loop South, Houston, Texas 77027 (713-386-7000) indicated from the audience that he did not wish to speak at this time. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to encourage the people who had spoken on the issue time and time again that their quality of life concerned extended past downtown, that they had some serious quality of life issues in District D that included lots and

they would like to have their vigorous support on those issues, that was just a point of personal privilege, that she appreciated the enthusiasm and the passion, but when they talked about abandoned lots and half burned down houses that they could not get moved to improve the quality of life for their constituents she would love to have their vigorous passion and support. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. William Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and voiced his personal views until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Gary Pitt, 8866 Gulf Freeway #117, Houston, Texas 77017 (713-910-0555) appeared and stated that he was a trial attorney and had provided a copy of his one page statement and continued to state his personal political opinions with regards to Mr. Arthur Schechter who was going to be one of the five new Metro Board Members and was being considered to be the Chairman, until his time expired. Mayor Pro Tem Quan and Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Pitt stated that his statement would stand for what it was and he would stand by what he said and had given them a copy of it and would be happy to answer detailed questions if he was subpoenaed, and Council Member Edwards stated that she would like to personally meet with him regarding Mr. Schechter. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Willie Smith, 3232 Francis, Houston, Texas 77004 (713-751-0072) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 Airport Blvd., Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Tony Evans, 5555 Hollyview Dr., No. 416, Houston, Texas 77091 (713-812-1130) appeared and voiced his opinions regarding the need for a plan for fair housing in the future until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he knew that Mayor Brown had made a commitment to speak with the residents of the Houston Housing Authority and they were working on a day in mid May to have a townhall meeting so people could address their concerns to the Mayor, that they

were in the midst right now of developing their comprehensive plan for the Housing and Community Development Program as to how they should be spending Community Development Funds, that they were looking to see how they could encourage more development in affordable housing looking at both multi and single family housing, that the State of Texas would be having a hearing in the Council Chambers at 9:00 a.m. on April 11, 2002 to talk about the State's policy regarding affordable housing as well, that it had been a major concern of the Council. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that in District D they had a housing initiative and were looking at how could they actuate plans on the ground for District D, how that housing should look and who would they target to bring in, not only the residents but also the developers, that it was kind of a comprehensive plan, that she would encourage his participation in the housing initiative and encouraged him to contact her office to find out when the next meeting was. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mrs. Jean Wilkins-Dember, MNS, 2612 Rosewood Street, Houston, Texas (713-942-0533) appeared and voiced her personal opinions regarding the Houston Housing Authority and asked that the Members of the City Council send their staff to their meetings since they were the volunteers advocating for the homeless and meeting with the homeless, that it would help them a lot. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-8718) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards asked Ms. Wilkins-Dember if they could make her office aware the time of the meeting and encouraged her to attend their housing initiative meetings. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that with Mr. Mark Smith's concurrence they would let Mr. Lenwood Johnson speak first, followed by Mr. Smith. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 1605 Andrews, Houston, Texas 77019 (713-731-0459) appeared and stated that he was present to tell them that since they were present in early December nothing had changed, that the same situation existed, that they had the leadership for the most part who spent 20 years of their lives volunteering and trying to maintain some affordable housing in the City succeed in getting all 1,000 units in agreements to be brought on line, that before they could complete the task with only 600 units up they permitted the Housing Authority to violate federal regulations and throw them out, that they were legal matters that could be addressed legally if they had legal money, but since they did not they had to rely on public pressure, that the Council gave Houston Renaissance \$12 million to build 350 affordable housing units, that they did 1,000 and all the Council gave them was grief over a 20 year period, that they tried to block them every way they could but they were able, successful and persistent and got their way, just like those evictions, they were going to be persistent about them, that the Housing Authority told the Council that they were going to review the situation and then they got a piece of paper that said they upheld their position, but no basis or no ground, that they were in meetings

with the Mayor and the Housing Authority and the Housing Authority was supposed to produce all the documents justifying the evictions, they never produced nothing, not a thing, and yet they were going to keep them out, that he could tell them some more things but did not have time to even start them, but would document them, that there was a lot of illegal stuff going on over there, that the Housing Authority violated their agreement by not bringing those families back to Allen Parkway Village because the original 22 families were the first preference and they did not do that, that they were also supposed to develop certain facilities for self sufficiency as part of the community campus and that was a plan that they introduced to HUD and HUD funded and approved, and once the Housing Authority got the money they kicked them to the side, that they could not expect people to do something for themselves without no tools, they needed marketable skills, that they could give them marketable skills in Allen Parkway Village but they needed the Council's assistance in doing that. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would follow up with the Housing Initiatives Committee next month, that their docket was full this month but they definitely planned on having the Housing Authority people back and planned to go out and meet with the residents. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that a lot of it was predicated on federal mandates and jurisdiction and asked where the Congresswoman stood on the things that were supposed to be brought through, and Mr. Johnson stated that he just knew that they had to fight her consistently on the issue and she succeeded in hurting them by getting a bill they had passed through the U.S. Congress repealed, that they also had to understand that she was working for the Housing Authority's law firm, Fullbright and Jaworski, and she had not been very active in helping them with anything, and Council Member Edwards stated that Mr. Johnson had made the assertion that the City was in some kind of way blocking what had been mandated on a federal position and asked that he give her an example, and Mr. Johnson stated that in the Lanier administration, Mayor Lanier succeeded and they got some documentation and the Housing Authority in hiring a lobby firm to go back and undo what they had done when they got HUD to approve the agreement, that they had various Members of this Council that had done various things at various times, but not necessarily her today, because he was talking about a 20 year fight. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez moved to continue the Council meeting past 5:00 p.m., seconded by Council Member Edwards. Inasmuch as no quorum was present no vote was recorded. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez asked Mr. Johnson what was his definition and goal in terms of housing and how many units would he say the City of Houston had to address the people who were in the \$12,000 or lower income, and Mr. Johnson stated that he guessed less than 5,000 units, that of those 5,000 units about 75% were public, that the community campus plan had outlined some goals and that goal was to take people into Allen Parkway Village, train them and help them to become home owners. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 appeared and voiced his personal opinion regarding the Metro proposed route changes until his time expired. Council Members

Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he hoped Mr. Smith would attend the Metro meeting on Thursday regarding the proposed changes, that the plan was to be implemented in June but they were asking for public input and thought that would be the appropriate time for Mr. Smith to attend. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston Park, Houston, Texas 77025 (713-665-1929) appeared and apologized to Council Member Robinson for some derogatory remarks that he made about him and also wanted to asked Council Member Robinson what was the agenda, the future and the expectation ambitions of the Sports Authority. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would convey his comments and apology to Council Member Robinson. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and distributed information to Council and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

At 5:17 p.m. upon motion by Council Member Sekula-Rodriguez and seconded by Mayor Pro Tem Quan, City Council recessed until 9:00 a.m., Wednesday, April 3, 2002. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 3, 2002

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

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 Mayor Brown reconvened the meeting of the City Council and stated that he wanted to use his time for the Mayor's Report to report on their Developer Reimbursement Program, but they also had the report from the City Controller and the F&A Director so he was going to take it out of order and have the City Controller & F&A Director give their report first. Council Members Tatro, Keller, Vasquez, Alvarado and Robinson absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds.

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the Monthly Financial Operations Report for the period ending February 28, 2002, that the General Fund Revenue projections reflect a net decrease of \$1.5 million from their last report in January, that it had been impacted by five different areas of concern as it regarded to revenues; that first Industrial Assessments decreased by \$873,000 as a result of property evaluations being lower than originally estimated; that second was Sales Tax, that as they discussed at yesterday's Fiscal Affairs, receipts year to date were 6.25% ahead of FY2001, that they were continuing to project the balance of this fiscal year to be equal to collections over the same period last year, that overall Sales Tax collections were \$202 million this year compared to \$100 million last year; that third was Telephone Franchise Fees, this area was also reduced by \$1.2 million because actual collections for the first six months were below budget by this amount, this assumed the remainder of the year would stay on budget; that the fourth area of concern was Courts, they continued to be below projections and they were now projecting them at \$35.7 million, a \$900,000 reduction from last month, that while ticket filings had increased significantly during January and February, collections however continued to be less than anticipated, they continued to disappoint many of them and were now at 11.3% below what they expected; the fifth area was Direct Interfund Services, these were budgeted to contribute \$65 million of revenues in the current year, that a large portion of this revenue was for Engineering Services billed by Public Works and Building Services to capital projects to reimburse the General Fund, that billings at this time were not being processed as promptly as they would like them to be in order to reach the forecasted revenue goals through this year, that they had spoken with administration about it and they had assured them that all billings would be processed timely to meet their goals; that the Enterprise Funds had no significant changes from last month; that on the Expenditure Side they also had not made any changes and there had only been one little slight change in the budget of the Controller's office, they had made a reduction to mirror the amount that they forecast for FY02 in the proposed FY03 Budget, and that concluded her report. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Quan and Berry absent.

Dr. Philip Scheps stated that their report was rather uneventful, that this month overall revenues were about \$6.9 million under budget, although that did include that extraordinary \$8.8 million for the Airport transfer, the police force at the airport, that the only changes this month were increases in Sales Tax, that Dr. Smith was at the Fiscal Affairs Committee yesterday and discussed his 2003 revenues and they had raised their revenue for 2002 based on his projection, that the Sales Tax was actually 1.1% below budget, so it was actually coming back fairly close to what the original budget was after the initial shock of 9/11; that they thought the Municipal Courts as looking a little more brighter, that in the MOFAR on pages 71 and 74 there were reports of ticket issuance, which was way up and Winebarger's performance, which was way up, so they had a very good month in both of those areas and they had high hopes that the Municipal Courts revenue had bottomed and they would be able to increase those revenues at some point and time; that on the expenditure side the only real change in their report was the insurance, that they had considered that last week and passed the first tranch of the insurance and the memo he included estimated that the second tranch of insurance was going to cost an additional \$3 million to get them up to the full coverage and it turned out they had since taken bids and it would be on the agenda next week and would be half a million dollars better than that, it would be about \$2.5 million for that additional tranch and that was good news on that score; that in terms of hiring, City civilian hired 9 people in all of February and lost about 130 people, that overall City staff had shrunk by about 500 civilians in the last 6 months, that was about a 10% drop on an annualized basis and it was going to be very important to get them into shape to balance the 2003 Budget which was, as they knew, very challenging; that they added performance measures to the report for Building Services, but it sort of went unnoticed that they had not put Building Services in their report with any performance measures, they were asking for one more month on the Public Works performance measures, they had one long meeting on that and did not feel like they were quite ready to review those with them; that they discussed with Fiscal Affairs yesterday the 2003 Budget and those restraints, and those of them who could not make that meeting and who would be interested in hearing about it personally he would be glad to visit with them to show those constraints, that they had

gotten their priorities in late last week and he would be summarizing those, that each of them would be meeting with the Mayor sometime in the next month to discuss their priorities so that was the process that was ongoing, that they did discuss several new revenue sources with Fiscal Affairs yesterday and was hopeful they would be able to add some revenue from new sources and that concluded his report. Council Members Goldberg, Wiseman, Ellis, Alvarado, Quan and Berry absent.

Upon questions by Council Member Robinson, Dr. Scheps stated that their side by side projections were done on a different basis and that was why it was hard to compare the two now, that once the ALP transfer was approved they had actually taken out that plug number in there which adjusted the balance and they thought the balance would be \$80.1 million, that the Controller's revenue estimates were less than theirs and she as yet did not recognize the expenditure savings of position controls, so she was still using the technique that they were both using a couple of months ago to actually put a plug number in which was \$13 million, that was her number that was required to balance the budget, that without that plug the difference between their ending balance projection at this point was probably about \$11 million, that the main reason was her policy was not to recognize expenditure savings until the Council actually adopted a changed budget, but they on the other hand recognize it if they see it happen, even if it was not real yet, that the General Appropriation Ordinance would be brought to them probably within the next two weeks; that they originally budgeted for pay equalization for the Fire Department, he believed in the 2002 Budget, within the Meet and Confer, was \$1.6 million for the half of 2002, that they were only preserving the part of the money that was not retroactive, in other words every month that went by they were assuming that the money could not be spent and that savings was already built into their General Government amount, if they were to decide today on Meet and Confer the money would be there prospectively only, that he would let him know how much money was left and meet with him. Council Members Goldberg, Wiseman and Quan absent.

Council Member Sekula-Rodriguez stated that in this budget there was no mention of the Vela vs the City of Houston possible consequence, which varied from \$16 million to \$70 million, those were some of the projections that the City Attorney suggested to them if they lost and the City would be required to pay that amount and her question was should it not be in there and should they not have some sort of projection for it because it was a potential serious cost to the City and she would encourage them to work very diligently to have some sort of a negotiated opportunity to settle on it rather than put all their eggs in one basket, that she had been in touch with the City Attorney who stated that they did have some negotiations in process, but she had not seen anything in paper to document that and would like very much to encourage the City that they have a parallel track so they would not have a surprise \$70 million hit. Council Members Goldberg, Wiseman and Quan absent.

Council Member Parker moved to accept the Monthly Financial Report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Wiseman and Quan absent. MOTION 2002-0387 ADOPTED.

MAYOR'S REPORT

First year status report on Developer Reimbursement Program

Mayor Brown stated that he wanted to use his time on the agenda to update Council on their Developer Reimbursement Program, that as they knew his goal was to see greater home ownership in their City and for years they were at a disadvantage because it was more profitable to build in the County than in the City and working with the Greater Houston Builders Association they developed an extensive program and one aspect of that was developer reimbursement and asked Mr. Al Haines to give them an update on it. Council Members Goldberg, Wiseman and Quan absent.

Mr. Haines stated that it was a significant ordinance and hoped they would recognize in the presentation that he passed out to each Council Member that it had been a very positive performing ordinance as it related to the Mayor's objective as he had stated and that was to increase the opportunity of home ownership in Houston and described the Developer Reimbursement Program and invited Mr. Brian Smith, Vice President of U.S. Homes to make a very brief comment on the program and how it had impacted their decisions to build houses in Houston as contrasted to the un-incorporated area. Council Member Quan absent.

Mr. Smith stated that they had an existing project called Greenpark that the two items that were on the agenda had to do with Nuhome and U.S. Homes were addressing, that they made a decision to expand the project after building three very successful sections out there and in doing their land research and the adjacent properties they found some properties they thought might be suitable to continue the development, that in doing their pro forma or budget, and they knew the program was coming on board, that without this program their pro forma really did not meet the margins they needed and without the program they most likely would not have continued the project, they would have finished and gone on and looked for other pieces of property, that he could not speak for other developers but thought this was generally what they were seeing, that they looked at land and the prices of land were not going down and the ability to get a reduction in the cost of development allowed them to have a pro forma that worked and allowed them to continue projects that most likely would not have occurred. Council Member Quan absent.

Mr. Haines stated that this was a program while they may identify funding sources for it, it was approved by Council on a project by project process, that the third page of his memorandum identified those projects that had been approved by Council and so far there were five and those five projects were generating 299 new homes, that there were two that they had in front of them today that would add another 134 new homes into Houston and they had 12 applications that were in the pipeline for another 911 new homes that they expected to bring to Council before the end of the fiscal year, so they were seeing this fiscal year alone in excess of 1,340 homes that would be processed under the developer reimbursement ordinance, that it satisfied the but/for requirement, that was but for the program they would not see this kind of activity going on in Houston, that secondly it had a solid rate of return for the investment, and third, it was an unintended objective and met the affordability criteria in virtually every application that came through, that they were very pleased to give them this report and they looked forward to continue to work on it as it was. Council Member Quan absent.

Council Member Robinson stated that he knew they would have this in committee in a couple of weeks and asked for the symmetry between the program and the CIP so they could have even greater leverage, that he would like to know if any of the hard 1,344 that had actually passed through had any of them been inside of the TIRZ, that he assumed they had all been outside of the TIRA, and that he would like to start collecting some data on housing, specifically in Houston, to see what was going up on open lots and what was replacement, whether single for multi family, and Mr. Haines stated that this was a program that was specifically earmarked for single family homes only, that it was not the full housing program that they knew, that they were seeing two kinds of applications coming in, the first were actual major developments, that the 288 corridor was a particularly attractive area now and in fact they had leveraged in the CIP a couple of projects in that area to enhance or continue to leverage the opportunity for major development, that in the pipeline he believed there was at least one application that was more of an in fill type of application, that was taking small clusters of lots around the City and packaging them into a development, that they were going to be very interested to see how that one worked, because it went through it would go through without any kind of other types of what they called government incentives, it would be purely under the developer reimbursement program, that according to his knowledge he did not think any of these were in TIRZ's. Council Member Quan absent.

Council Member Ellis asked if it came from all the different zones throughout the City and Mr. Haines stated that was correct, it was the affordable housing set aside under certain TIRZ's, he thought petition based TIRZ's, there had been generated a significant amount of revenue in that account, that he thought it was a 33% set aside for housing on certain ones of those TIRZ's, that there was an amount of money in there and they believed this was an appropriate use of that fund. Council Members Goldberg and Wiseman absent.

Council Member Vasquez asked how close were they to their goal of 55% home ownership in the City, and Mr. Haines stated that he believed the number right now was around 46% to 47% so the calculation was that they were going to have an aggressive program of up to 5,000 homes per year for the next five years in order to get there, and Council Member Vasquez asked Mr. Haines when he came back to TTI would he have the numbers on all of it as well, and in addition could he have some information on the possibility of waiving the impact fees inside the inner loop for affordable housing and what that impact might be, and Mr. Haines stated they would take a look at that. Council Members Goldberg and Wiseman absent.

Council Member Tatro stated that the developer reimbursement was a great opportunity for the Water Sewer Enterprise Fund to be an incentive or helping to offset the cost of homes because, that what the developer was being reimbursed for were the public improvements. Council Members Goldberg, Wiseman, Alvarado, Parker and Sekula-Rodriguez absent.

Council Member Keller stated that one of the main reasons he liked the program and supported it was since they did not annex they needed to think of creative ways to stimulate and create new tax base within the boundaries they had and this was what they were doing to catch up with the national average, but most importantly this had pride of ownership, that his concern was if it was contingent in only being included in TIRZ areas, and Mr. Haines stated no, that in fact none of these projects were in TIRZ boundaries, it was a TIRZ funding source that covered the drainage. Council Members Goldberg and Sekula-Rodriguez absent.

Council Member Edwards asked if there was an aggressive outreach program confined with it to draw in minority developers that might be able to take advantage of the program, and Mr. Haines stated that the outreach had really been pretty aggressive, that the home builders association and the various networking was out there, that he would be amazed or surprised if there was anybody who did not know about this today, but they would certainly be more than happy to launch any kind of communication effort that she would see that would be appropriate. Council Member Goldberg absent.

Mayor Brown stated that he also wanted to express his thanks to the Greater Houston Builders Association, that they developed a number of recommendations for them as to how they could increase home ownership and this was one and as a result of their initiative and effort they were making a difference. Council Member Goldberg absent.

Council Member Ellis moved to suspend the rules to consider Item Numbers 27, 28, 16, 46, 46a, 46b, 45 and 54 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-0388 ADOPTED.

27. ORDINANCE appropriating \$137,939.00 out of Water & Sewer System Consolidated Construction Fund and \$177,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing contract between the City of Houston and **NUHOME DESIGN, L.L.C.** for the Construction of Water, Sanitary Sewer and Storm Sewer Lines for Phase A, Section 5 of the Greenpark Subdivision, CIP S-0800-42-03 & R-

0800-48-03 - **DISTRICT D- EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2002-235 ADOPTED.

28. ORDINANCE appropriating \$175,559.00 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing contract between the City of Houston and **NUHOME DESIGN, L.L.C.** for the Construction of Water, Sanitary Sewer and Storm Sewer Lines for Phase B, Section 5 of the Greenpark Subdivision, CIP S-0800-43-03 & R-0800-49-03 - **DISTRICT D- EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-236 ADOPTED.
16. RESOLUTION establishing a date for a public hearing to update and amend impact fee capital improvement plans and impact fees for Water & Wastewater Facilities – was presented. All voting aye. Nays none. RESOLUTION 2002-0014 ADOPTED.

Council Member Robinson asked if they could do a specific mailing to the minority building community just so they would know about the public hearing and it would provide another avenue for information about the program as they did the general notification process, and Mayor Brown asked Mr. Haines to make sure that happened.

46. AMENDMENT proposed to Item 46b below to include the publicly owned Houston Convention Center Hotel in the East Side Sports and Convention Complex District and the publicly supported aquarium attraction in the Theater District – was presented.

Council Member Ellis moved to adopt the amendment, seconded by Council Member Vasquez. Council Members Parker, Sekula-Rodriguez, Keller and Berry voting no, balance voting aye. MOTION 2002-0389 ADOPTED.

- 46a. AMENDMENT proposed to Item 46b below to exclude Bayou Place from the Theater District description – was presented.

Council Member Parker moved to adopt the amendment, seconded by Council Member Sekula-Rodriguez.

Council Member Ellis stated that he was strongly opposed to the amendment, that what it basically did was tie the hands of Bayou Place and would request that Council Members vote against it, and Council Member Galloway tagged the amendment.

- 46b. 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 – **(This was Item 31 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, VASQUEZ, ALVARADO and WISEMAN)**

Council Member Vasquez stated that he wanted to submit two amendments as follows,

Amend Item d of Section 2 of Item 46b to read as follows:

(d) The Sign Administrator shall have the right to revoke the permit for any county complex display sign or special facility display sign that is erected or utilized in any manner that is inconsistent with this section or any other provision of this code. Any such revocation shall be subject to the sign owner's rights under this code, including appeals to the General Appeals Board and City Council, as provided in Section 4604. Upon revocation of the

permit for any sign governed by this section and conclusion of any appeals that may be timely initiated as authorized in Section 4604, or upon expiration of the permit if not timely renewed, the owner of the sign shall cause the sign to be removed from the county complex or special facility within 30 days. If the owner fails to timely remove the sign, the Sign Administrator shall have the right to enter upon the property upon which the sign is situated and remove the sign at the permit holder's sole risk and expense. The Sign Administrator and his contractors or agents shall exercise reasonable care, consistent with standard construction practices, in removing the sign, but shall not be responsible for any consequential damage to the sign or the special facility or county complex that is caused by the removal process. Each permit for a special facility sign or county complex display sign shall be secured by a right of entry agreement executed by the owner of the property (if not the City or political subdivisions of the State of Texas such as counties) and any lessees and other persons having a right of possession, control, or use of the property upon which the sign will be situated. If the sign and the property upon which it is situated are not also under the ownership, operation, and control of the City or **political subdivisions of the State of Texas such as counties**, then the permit shall additionally be secured by a removal bond executed by the sign operator as principal and a corporate surety authorized to transact business in Texas. The amount of the bond shall be equal to one and one-half times the cost of removing the sign as estimated by the Sign Administrator and the penal condition or the bond shall be that the surety will cause the sign to be removed or reimburse the City for the expense thereof, at the City's option, if the sign is not timely removed by the principal as required by this subsection. All bonds and agreements required under this subsection shall be in a form approved by the City Attorney. Where the same person or persons hold permits for two or more signs, the agreement and bond may be combined.

and

Amend Item a of Section 2 be amended to read as follows:

COUNTY COMPLEX DISPLAY SIGN shall mean an on premise sign at a county complex that displays automatically changing information, changes more often than once every five minutes, and advises viewers as to the name ~~and~~, **time, sponsor or other information related** to ~~of~~-sports or other entertainment or convention events to be held at such county complex, provided that:

(1) No change in illumination produces an apparent motion of the visual image, including, but not limited to, illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation, scrolling, or any similar effect of animation;

(2) No change of message or picture occurs more often than once every 3 seconds for those portions of a sign that convey **date, time or and temperature information, brief weather reports, or stock market quotations**, more often than every 10 seconds for those portions of a sign that contain traffic or directional information, or more than once every 20 seconds for all other **Information on** ~~portions of~~ the sign;

(3) No portion of the sign, as measured within any circular area of two feet in diameter, has a luminance greater than 200 foot-lamberts when all elements of the sign are fully and steadily illuminated; and

(4) The authorized display sign shall not exceed 700 square feet in size and maybe constructed as a stand-alone sign or as a contiguous component of a larger sign.

Seconded by Council Member Tatro.

A vote was called on Council Member Vasquez motion. All voting aye. Nays none.
MOTION 2002-0390 ADOPTED.

Council Member Quan stated that he wanted to submit an amendment and would apply to the land being used for the Arena, which would give equal status of that facility with the County land as well, that it was a technical correction and had conferred with all the parties involved and they recognized that it was an oversight that needed to be corrected and moved to amend Section 3 of Item 46b to add the following words "Aviation Department", seconded by Council Member Vasquez. Council Members Parker, Sekula-Rodriguez, Berry and Keller voting no, balance voting aye. MOTION 2002-0391 ADOPTED.

"or property leased to the Harris County – Sports Authority."

Council Member Quan stated that he wanted to mention that he knew it had been a contentious issue and believed there had been shown good faith by Landry's in trying to work out a compromise, even at the eleventh hour, seeking to lower their sign or put their sign on the building which was something that he believed the Scenic Houston individuals and other groups had strongly encouraged, that there had been correspondence back and forth, for and against it, but he would certainly wanted to make note that there was a good faith effort, he believed, to try to have some compliance and compromise on the issue by Landry's.

Mayor Brown stated that he wanted to express his thanks to Council Member Parker for her time, effort and hard work in taking the issue and bringing it to where they were today, that he knew personally that she had put countless hours into it and had worked with all segments of the community, those who had an interest in the issue and wanted to commend her for a job well done, that he also wanted to thank those who had worked on the project.

A roll call vote was called on Item 46B as amended.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Rodriguez voting no
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting no	ORDINANCE 2002-0237 ADOPTED

45. 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 – **(This was Item 30 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, VASQUEZ, ALVARADO and WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0238 ADOPTED.
54. 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 75 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Tatro moved to refer Item No. 54 back to the administration, seconded by Council Member Ellis.

Mayor Brown stated that it was not in the best interest of the City for the item not to proceed as had been recommended and asked for the City Attorney to remind them of the significance of what it was about.

Mr. Hall stated that the Vela lawsuit in substance was a lawsuit that would determine whether or not there was mandated overtime between 40 hours and 46.7 hours for every firefighter who was presently involved in ambulance service or had been, that the issue here was whether or not the federal law, as had been clarified, should prevail on this matter or not, that was what they were attempting to get the Supreme Court to speak to, in short, that they in the Legal Department tried the matter with in house lawyers and prevailed in the District Court, the City was represented in house by the Legal Department at the 5th Circuit and the 5th Circuit essentially reversed the District Court's decision, their lawyers, pursuant to the City Charter and the ordinance that Council had passed, obviously had the responsibility of defending the City and its judgments, and if it did not pass they would obviously do it in house, quit candidly, if they did not have the benefit of the added expertise their chances, they believed, were significantly diminished to successfully prosecute the application for the writ of certiorari, that they would certainly give it their best shot, but was not what their lawyers did everyday and they would ask Council for the help and assistance in doing it, they would proceed to do their jobs if they were not allowed to get the help that they thought was so critical to their successfully being able to prosecute an appeal to the Supreme Court of the United States, that if they lose they would then go back to the District Court, as was mandated by the 5th Circuit and have hearings on all of the issues that were still outstanding in the lawsuit and at some point in the future there would be an addressing of all of the issues that were outstanding and they would have a final judgment that would then present to Council some idea of what they actually owed to whom and for what, that the fundamental issue though would still be left as it was left by the 5th Circuit, that at some future date, he was convinced, the Supreme Court would address the issue, because it was not just an issue that had arisen in Houston, that the great possibility was that they would have acted irresponsibly and paid out a lot of money that other places in the Country would not because they did not have the opportunity to pursue the matter. Council Member Galloway absent.

Council Member Goldberg stated that he wanted to follow up on what Mr. Hall was talking about, that he said if they did not out source it to the law firm that their chances were diminished, and Mr. Hall stated yes, diminished, because as good as the lawyers were who won the case at the trial and handled the appeal to the 5th Circuit, the lawyer who principally handled it had never prosecuted at all, successfully or not, an application for a writ to the Supreme Court, that their chances if they got to the Supreme Court and their chances to get to the Supreme Court were both diminished, and Council Member Goldberg asked what were their chances of getting to the Supreme Court, and Mr. Hall stated that he had heard it said that their chances of getting to the Supreme Court were slim and there were two ways to look at that, that if they went on just numerical probability the Supreme Court had about 5,000 non pro se applications for writs every year and accept about 100, but that was kind of a crazy analysis for anybody who would responsibly look at it, that the issue was evaluating what the issues were in the case not whether or not they happen in some lottery fashion to be one of that 100, so that was why he could not tell them, that they thought the issue was a very good one that there was some opportunity that the court would want to resolve the issue because of the amount of dollars involved, but nobody could tell them with any certainty what the Supreme Court was going to do when an issue did not have a split in the Circuits and when it was an issue of first impression like this one was, and

Council Member Goldberg asked if the Supreme Court had rejected similar issues to this one, and Mr. Hall stated no because the clarifying statute that was at the heart of the issue was just passed by Congress last year, and Council Member Goldberg asked if there was a similar case in 1994 and Mr. Hall stated no there was not, and Council Member Goldberg stated having to do with overtime of EMS personnel and Mr. Hall stated that if that what he meant by similar issue there had probably been 1,000 cases related to EMS overtime issues but that was not what they were in dispute about in this issue, that it was whether or not Congress's passage of the clarifying amendment, what they meant in that clarifying statute that they passed last year, would in fact have the City not be liable at all for the issues that were claimed here, that narrow fact was what was at issue, that had not been decided because the statute did not exist and they could not have decided, that understand what the clarifying amendment was, the Federal Wage and Hour Laws exempt firefighters from the 40 hour work week, firefighters had claimed that if they worked on emergency medical apparatus they were not fighting fires and thus were not subject to the exemption, that Congress passed a clarifying amendment saying specifically that firefighters who were emergency members were covered by the law, that the theory had been always in the law, in their view, that when a clarifying amendment or curative as it was called in the law, was passed it applied to all cases that had not been finally disposed off, this one had not and that was the issue they would be appealing on, that had never been addressed by the Supreme Court and that was what he was trying to explain to them, and Council Member Goldberg asked how difficult was it for his department just to prepare the papers to see if the Supreme Court would accept the case or grant cert., how difficult a procedure was that, and Mr. Hall stated that it was very difficult because in reality what they had to do was to present their case when they in fact were applying for cert. so it was really not a lot different, they had to basically present the fundamental case to successfully obtain permission to prosecute their appeal to the Supreme Court, so in reality they pretty much had done all of the work if they were successful in that, and Council Member Goldberg asked how many times had the case been appealed already, and Mr. Hall stated that the case had been appealed only once, that they won and it was appealed to the 5th Circuit and the 5th Circuit reversed it, and Council Member Goldberg stated that they had documents called an appeal and asked how different were those documents from the documents to be used to gain cert. from the Supreme Court, and Mr. Hall stated that they were substantially different, that they appealed the case to the 5th Circuit on a number of issues and that was not what strategically they had been advised to do by experts on the appeal to the Supreme Court, that it would be on the one narrow issue to the Supreme Court, that the document was substantially different, that practice before appellate courts, the higher they went was truly an art form, it was practice by people who did it regularly and many of them were professors at major law schools, by the very nature of it they were known around the Country as being good at that specific practice, that he had not prosecuted, in his legal career, successfully or not, a case to the United States Supreme Court and would dare say most lawyers were in the same situation as he was and as probably as Council Member Goldberg's circumstance, so he would not recommend they would represent the City of Houston in a case to the Supreme Court when as much as \$20 million to \$70 million was involved. Council Members Galloway and Edwards absent.

Council Member Parker asked Mr. Hall that even if they were randomly selected by the Supreme Court for the case to be heard they had a 1 in 50 chance and that if they did not allow him to pay for the specialist to carry it forward they were going to do it in house, so Council Members who vote against it were not stopping the appeal, they were just simply taking some of the bullets out of the gun, and they were subject to something up to \$70 million if they lose, that a simple cost benefit analysis said to her that they ought to do everything they could. Council Member Galloway absent.

Mayor Brown stated that this was not the first time that the City had been sued on a similar issue, and Mr. Hall stated not a similar issue in that there had been other occupation

issues, and Mayor Brown asked overtime issues, and Mr. Hall stated no it was not, that there had been other occupations in the Fire Department that had sued for it, and Mayor Brown asked how much the City had paid in previous times, and Mr. Hall stated that his best guess was that already they had \$20 million to \$25 million in judgment bonds authorized and they paid all of them, and Mayor Brown stated that was his point, they were constantly being sued and paying out money and he thought that this Council had the obligation to do everything they could to protect the City's money and that was why in his estimation it was appropriate to proceed in giving the Legal Department the resources necessary to protect the money of the taxpayers of the City. Council Member Galloway absent;

Council Member Sekula-Rodriguez asked if it was correct that the Legal Department would proceed with going to the Supreme Court regardless of the Council's decision, and Mr. Hall stated yes, that they had pursuant to the authority that Council had granted them, they had already retained the law firm to start work, it was just that they could not spend but \$25,000, that the decision today was not to grant permission to proceed with the case to the Supreme Court but merely to allow them to hire an expert law team who had experience before the Supreme Court, that the money at stake to be lost by the City ranged from \$16 million to \$70 million, those were the estimates that had been given, and Council Member Sekula-Rodriguez stated that understanding a little bit about what it was like to be sued at any time they were fighting the case on the one hand it made good sense to be negotiating a settlement on the other hand, and she would say to him that she would support an expert team joining in the fight on the one hand if they could agree with her that it was appropriate to enter into serious negotiating talks with the parties, with Mr. Blakney and with the ambulance drivers who felt they had been maltreated and suffered at the hands of some wrong decisions, that they enter into the negotiations, because if they continued to fight but not discuss then they stood to lose \$70 million, but if they went ahead and fight diligently but discussed in parallel then she thought they could come out with a better solution, and Mr. Hall stated that as he discussed with her, he chose to call them discussions, that he said there had been discussions that had taken place and he reported some of those to her and to Council Members, that for instance the original class had about 1,800 people and now they were agreeing that maybe only 1,400 of those were included, that there had been issues and discussions about how far they went back to calculate, that he thought that was a natural phenomenon and would just say as he had said to her and other Council Members that if they did not appeal it then discussions quit, it was over, and Council Member Sekula-Rodriguez stated that she would like a formal statement from Mr. Hall that those discussions were in place and that they were continuing them, because from her discussions with the Fire Department they were saying that those discussions did not exist, and Mr. Hall stated that she meant with the union, that Mr. John Fitue was handling the case and he had advised that he had those discussions, which he had just reported on, with Mr. Blakney, that was why he called them discussions and not negotiations, they were talking the way lawyers, frankly in these kind of cases, talked about the issues, and Mayor Brown stated that what Council Member Sekula-Rodriguez was asking as they proceeded with the case that those discussions would continue and that was a commitment they would make, and Mr. Hall stated yes, and Council Member Sekula-Rodriguez stated that they found themselves being constantly sued, as the Mayor correctly stated, by the members of the Fire Department union and she thought because they did not have a contract and she thought it boiled down to the fact that there were poor relations between the administration and the union and this just highlighted it again that they had to work hard to repair that and to proceed in a positive spirit, otherwise this would continue and erode the General Fund and erode their ability to deliver the care that their citizens deserved from the Fire Department, and Mr. Hall stated that this lawsuit started when there was a contract, and Mayor Brown stated that the administration would like to have a contract and were working on it. Council Members Galloway, Ellis and Berry absent.

Council Member Quan stated that as a practicing lawyer for 25 years he never had a case to the Supreme Court, that he had taken several cases to the 5th Circuit and within his specialty argued cases to all types of boards and commissions, but when they went to the Supreme Court it was a really different animal, that when the item first came up he asked Mr. Hall how they found this firm and the background of the attorneys in the firm, that he knew each of the Council Members had seen the background materials and the attorney handling case was Harvard Law, editor of the Law Review, clerked for a Supreme Court judge, that they tie their hands behind their back and take an unreasonable risk by not bringing in the very best people they could in a situation like this, that he thought they did the citizens justice by giving it their best job in looking at this appeal. Council Members Galloway, Edwards and Berry absent.

Council Member Robinson stated that he tagged the item last week and nobody came to speak to him so he guessed it was not that important, that he had the same concern that Council Member Sekula-Rodriguez had, that everybody was going on the resumption that they got the 1 in 50 chance and when they got before the Supreme Court they ruled for them on all issues and there was a potential that they might simply say to go back down and try the case or they may rule in part that some of the firefighters in fact were not covered and some personnel was covered and go back and calculate damages on those who were covered and exclude those who were not and they had made no preparations and there had been no discussion about what happens if they had some liability exposure, that in terms of the dialog between Council Member Goldberg and Mr. Hall, what he heard was that the entire argument on appeal was that Congress had passed a clarifying amendment and the clarifying amendment applied to litigation that had not come to a final conclusion, that in nothing that he received from the City Attorney's office did anybody send or come talk to him about any cases where that general precept had been applied, if it had that was fine, but he would have appreciated if somebody would have come and talked to him about it, that nobody at the table so far from the City Attorney's office had said that, and he was assuming since that was the argument at the Supreme Court, it had to have been one of the argument if not the poor argument at the 5th Circuit and he thought it was indicative that they could not get the 5th Circuit, the entire court to look at it, and then last week they heard that there was a split in the Circuit and nothing that he received, in terms of paper, at least documented where the split in the Circuit was, how many Circuits were there that had looked at this exact issue in terms of the retroactive application of the clarifying amendment such that the Circuit dismissed any and all pending cases or a pending case on it and that would have been good information to have and would have made him more comfortable, that he did not know who had disagreed with the 5th Circuit in terms of any other Circuit, was it on this specific issue, did the 5th Circuit address this issue, and was he correct that essentially they were making a procedural argument that had substantive implication for purposes of dismissal so they made the argument moot if the clarifying amendment applied and they had not settled or had not gotten a judgment and they were out the door, they were out of luck, that if somebody would have put some clarification, something in writing to them, that it was not trial strategy, they were issues that had been argued at the trial court and the appeals court and so he was assuming somebody was familiar enough to at least have written them a little bit more detailed memo so they could have had that information to look at, that would have been helpful to him and a visit from somebody would have been helpful on the issue. Council Members Galloway, Ellis, Keller, Parker and Berry absent.

Council Member Edwards stated that regardless of whether or not they went to the Supreme Court, win or lose, what was the status of EMS personnel, were they firefighters or not, had it been decided and had the overtime issue been settled for all practical purposes as they moved forward, and Mr. Hall stated that they thought so, but given the nature and history of the continual litigation it was hard to say, that the clarifying amendment was intended, they believed, to say clearly they were firefighters, that they did not, he thought, want to be not classified as firefighters, they did not want to work 40 hours a week and a regular 8 hour a day schedule, that

was not the question, that they thought prospectively that Congress's intent was very clear, whether some lawyer could argue some way to interpret, that no, they were firefighters but they did not have to work the allowed hours that firefighters were allowed to work, which was different than everybody else, that he could not tell them that they believed so, but they certainly thought that it was very clear that firefighters were exempt, that firefighters were assigned to their emergency medical apparatus and that the federal law that said that firefighters, because they did sleep on the job and had a different kind of work schedule than 40 hour work people, that they were satisfied that they complied with the law, that obviously was what they were arguing about right now. Council Member Ellis absent.

Council Member Edwards stated that she needed some clarity as to how policy was decided by the Fire Department, was it through the chief's office or through the union or how did it work and who was in charge, and Mayor Brown stated that a number of issues related to police and fire were determined by the State Legislature, that in fact at one time the personnel issues were all decided by the State Legislature for all practical purposes, that they did now have what was called Meet and Confer, which gave the administration representing the interests of the City to meet with the union and come up with a contract, that the first such contract was with the Fire Department, that they had not reached an agreement yet on a contract, that the Police Department did reach an agreement and there was a contract for the police, that the Fire Department and the negotiating team were still meeting but they had not reached a conclusion, that was on many of the issues such as working conditions, things that unions usually looked at, they could negotiate those, and Council Member Edwards stated that she only had one conversation with the Fire Chief regarding policy and for her personally she would like to see the chief be more definitive as to where they were, for her it would be helpful, because most of the information she got, and she appreciated the information she got, but it was coming from the union, so she was not clear who was in charge, and Mayor Brown stated that like every City Department the director was in charge, the chief set the policy for the Fire Department, not the union, that the union obviously did a lot of lobbying, evident by what they were going through today, and as a result they were persuasive in many cases to get votes to go their way, that the fire chief did not have the resources that the union had to lobby as they did whether it was at Council or in Austin.

A roll call vote was called on Council Member Tatro motion to refer Item No. 54 back to the administration.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
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 no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2002-0392 ADOPTED

Council Member Robinson moved to suspend the rules to consider Item Numbers 55 and 37 out of order, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0393 ADOPTED.

55. 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 86 on Agenda of March 27, 2002, POSTPONED BY MOTION #2002-372)** - was presented.

Council Member Keller stated that he appreciated a lot of the work that had gone on and it had been a very good exercise for him and his staff to work with Issah Dadouch and Ray Moran from Building Services on it, that it was a complicated matter and they were to be complimented on the amount of research they had done to support the numbers the way it was drafted, formulated and structured, that it was a very worthwhile project and thought it was a project that was needed but unfortunately there were some aspects of it that he could not endorse or support, that although the percentage of the fees were in line nationally and close to being standard what he was hoping for eventually was that they define what the basic fees were to include and not to include, that he would be a no vote on the item and would hope that they would tighten up, that the \$700,000 would renovate a district library, that a district library could be done for the amount of money they were spending on the five or six consultants on this job.

Council Member Vasquez stated that he supported the item but had a few questions and moved to suspend the rules to hear from Ms. Barbara Gubbin, Director, Houston Public Library, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0394 ADOPTED.

Upon questions by Council Members, Ms. Gubbin stated that the renovation was going to address the Jones Building and the Texas Room was in the Julia Ideson Building and would not be affected by it at all, that the Master Plan did not say anything different about the Texas Room from the fact that it served as the Texas Room and would continue to do so into the future, that it would continue to be a valuable part of the library and the City; that there had never been any renovation, that the building came into operation in January 1976, that she would think that buildings needed renovating every 15 to 20 years at the very minimum and in between additional work, for example the carpet that everybody walked on in the Central Library was still the carpet that they saw in January 1976 and it was threadbare so she thought that some of the things that needed to be done were not just major renovations but they needed to be able to do work continuously during the period of time to keep up the quality of the building, that there were no plans to move the Texas Collection and she was not aware of any grants that they had lost per

se, that obviously they had applied for grants that they have not always gotten, that at the time when the Master Plan was being put together she certainly had people call her expressing concern about the building because it was a beautiful building and was a historic building and on the National Register and there were no plans to tear it down or change its function; that she certainly hoped they would learn from the consultants and be able to apply that knowledge to the branch libraries, that they had not used consultants on any of their branch library projects, indeed they had used knowledge they had gained in other projects to implement the branch library projects, but yes she certainly hoped they would learn some new, exciting and innovative ideas and be able to apply them in the future, that as far as the Clear Lake Library was concerned she anticipated the final design documents from the County very shortly and once those were approved the City would of course make its payment to the County, as in the interlocal agreement, and they would move forward with construction. Council Member Tatro absent.

A vote was called on Item No. 55. Council Members Tatro and Keller voting no, balance voting aye. ORDINANCE 2002-0239 ADOPTED.

Council Member Robinson stated that after they dispensed of Item No. 37 he wanted to take Item No. 21 out of order and Ms. Marty Stein stated that Item No. 37 was not in and Council Member Robinson moved to suspend the rules to consider Item Number 21 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0394 ADOPTED.

21. ORDINANCE approving and authorizing grant agreement between the City of Houston and **WILLIAM A. LAWSON INSTITUTE FOR PEACE AND PROSPERITY** to provide \$1,300,000.00 in Home Investment Partnerships funds to be used for the construction of a fifty (50) unit Elderly Housing Apartment Complex located at 5220 Scott Street - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2002-0240 ADOPTED.

Council Member Robinson stated that he thought it was a very important path that they needed to continue to go down because they were going to have an increasing number in terms of the aging and elderly population and knew that it was something that Council Members Quan and Sekula-Rodriguez had talked about, that he was really glad to see and hoped that they would see more of these kind of projects in the coming months. Council Member Keller absent.

CONSENT AGENDA NUMBERS 1 through 40

RESOLUTIONS AND ORDINANCES - NUMBER 29

29. ORDINANCE appropriating \$40,443.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY** for Reconstruction of Aldine-Westfield Road from 1000 feet south of Beltway 8 to Simmans Road, CIP NNA-0002-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** had been pulled from the Agenda by the Administration and was not considered. Council Member Keller absent.
37. ORDINANCE appropriating \$5,193,311.00 out of Storm Sewer Consolidated Construction Fund, \$850,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to professional engineering services contract between the City of Houston and **J. F. THOMPSON, INC** for Drainage Study Completion and providing Project Management Services for the Storm Water Management Program, GFS M-0220-

02-2 (SM5013) \$200,000.00 - Street & Drainage Maintenance Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. CONFIRMATION of the reappointment of the following to the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE) BOARD OF DIRECTORS**, with terms to expire December 31, 2003:
 - Position Six - **MR. STUART KENSINGER**
 - Position Eight - **MR. ANDREW CHOY**
 - Position Nine - **MR. STEVE ROCHELLE**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0396 ADOPTED.
2. CONFIRMATION of the reappointment of **MR. DON CLARK** as Chair to the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE) BOARD OF DIRECTORS**, for a term to expire December 31, 2002 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0397 ADOPTED.
3. REQUEST for confirmation of the reappointment of the following to the **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for unexpired terms ending December 31, 2003:
 - Position Six - **MR. STUART KENSINGER**
 - Position Eight - **MR. ANDREW CHOY**
 - Position Nine - **MR. STEVE ROCHELLE**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0398 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$25,000.00 for Water & Sewer Accounts for various customers - \$33,725.00 Enterprise Water & Sewer Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0399 ADOPTED.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of claim of **PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY as subrogee of Karey McFarland** - \$16,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-0400 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$21,528.00 and acceptance of work on contract with **PROJECT DEVELOPMENT GROUP, INC** for Abatement and Demolition of existing building for construction of new Fire Station No. 33, GFS C-0076-01-5 - 58.22% under the original contract amount - Fire Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0401 ADOPTED.
7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,011,872.94 and acceptance of work on contract with **GULF COAST GOLF, INC** for Parks to Standard Program - Bid Package No. 8, Brock Golf Course Irrigation and Bridge, GFS F-0363-8A-3 and F-0363-8B-3 - 0.378% over the original contract amount - Parks Consolidated Construction and Parks Capital Funds - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0402 ADOPTED.
8. RECOMMENDATION from Director Public Works & Engineering for approval of final contract amount of \$800,878.38 and acceptance of work on contract with **JALCO, INC** for Richmond No. 2 Lift Station Diversion Sewer; GFS R-0267-69-3 (4276-29) - 02.76% over the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0403 ADOPTED.

PROPERTY

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth D. Vacek, Reliant Energy HL&P, a Texas corporation (David McClanahan, president), for sale of a 10-foot-wide easement with a 30-foot-wide aerial easement across a portion of the City's 0.877-acre sewage treatment plant, located south of Oakcenter Drive at Bandlon Drive, R. Reynolds Survey, Abstract 662, Parcel SY2-044 - **STAFF APPRAISERS - DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Robinson.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-105, located at the northeast corner of Wheatley Street and Homer Street, owned by Alice C. Petteway and Walter Lee Petteway, Jr., as to the easement interest and Clear Channel Outdoor as to the leasehold interest, 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 Vasquez, and tagged by Council Members Parker and Berry.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY0-015, located at 818 McCarty, owned by Robert A. Chalk, General Partner of Chalk Family, Ltd., a Texas limited partnership, for the **MARKET STREET PAVING PROJECT from North Wayside Drive to Loop 610**, CIP N-0611A-34-2 - \$55,711.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0404 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. ORDINANCE appropriating \$1,800,000.00 out of Airports Improvement Fund for purchase of Airport Hold Room Seating for Houston Airport System - William P. Hobby Airport, CIP A-0141.28 **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0241 ADOPTED.
- 12a. **THOMPSON CONTRACT, INC** for Airport Hold Room Seating for William P. Hobby Airport for Aviation Department - \$1,830,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0405 ADOPTED.
13. ORDINANCE appropriating \$30,751.87 out of Parks Special Fund for Lead Remediation Services at San Felipe Park for Parks & Recreation Department, CIP D-0073-00-2 – was presented. All voting aye. Nays none. ORDINANCE 2002-0242 ADOPTED.
- 13a. **GBS ENVIRONMENTAL, INC** for Lead Abatement Services for Parks & Recreation Department \$29,287.50 and contingencies for a total amount not to exceed \$30,751.87 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Sekula-Rodriguez asked if they had a source of the contamination, if anyone was aware of where the lead was coming from, and Mayor Brown stated that there were old sites where they had the problem, in Allen Parkway Village and gas stations, that the source had been mitigated and once they did the cleanup they could expect it would not be a recurring problem.

A vote was called on Item No. 13a. All voting aye. Nays none. MOTION 2002-0406 ADOPTED.

14. **BEVCO COMPANY** for One Clarifier Drive Unit for Department of Public Works & Engineering \$40,087.00 - Enterprise Fund All voting aye. Nays none. MOTION 2002-0407 ADOPTED.
15. DECLARE **SKAGGS PUBLIC SAFETY UNIFORMS & EQUIPMENT (Bid #2)** in default and hold them non-responsible for two years – was presented, and tagged by Council Member Quan.

RESOLUTIONS AND ORDINANCES

17. RESOLUTION consenting to the creation of the **GREATER SOUTHEAST MANAGEMENT DISTRICT - DISTRICTS D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. RESOLUTION 2002-0015 ADOPTED.
18. ORDINANCE consenting to the addition of 26.77 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0243 ADOPTED.
19. ORDINANCE consenting to the addition of 20.71 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 122**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0244 ADOPTED.
20. ORDINANCE establishing the north and south sides of the 700 block of East 9th Street within the City of Houston as a special minimum lot size requirement area pursuant to

Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2002-0245 ADOPTED.

22. ORDINANCE appropriating \$160,000.00 out of Housing Special Revenue Fund and approving and authorizing Development Agreement with **SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION** to provide a Revolving Loan to develop two or more Affordable Single-family Homes - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0246 ADOPTED.
23. ORDINANCE approving and authorizing Transfer Agreement for the Assignment of Antenna Site Equipment and Radio Frequencies which are currently located on an Antenna Tower at 7516 Fairbanks - North Houston to the Houston Airport System, as assignee, by and between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY** - \$37,609.00 Enterprise Fund - **DISTRICT B - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0247 ADOPTED.
- 23a. ORDINANCE approving and authorizing a lease agreement for space on an antenna tower at 7516 Fairbanks - North Houston for the Houston Airport System, as lessee, by and between the City of Houston and **PINNACLE TOWERS, INC** - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0248 ADOPTED.
24. ORDINANCE approving and authorizing amendment No. 1 to contract between the City of Houston and **JOHNSON CONTROLS WORLD SERVICES, INC** for Baggage Handling Systems Maintenance Services at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0249 ADOPTED.
- 24-1. ORDINANCE amending Ordinance No. 98-513 to increase the maximum funding amount for contract between the City of Houston and **ANDREWS & KURTH, MAYOR, DAY CALDWELL & KEETON L.L.P** for Legal Services relating to the City's appeal in the lawsuit styled City of Houston v. Maguire Oil Company - \$150,000.00 - Enterprise Fund – was presented, and tagged by Council Member Tatro.
25. ORDINANCE amending Ordinance No. 99-523 and approving and authorizing first amendment to contract between the City of Houston and **AABBOTT-MICHELLI TECHNOLOGIES, INC (Formerly known as Abbott Scales, Inc)** for Calibration and Repair Services for Truck Platform Scales for the Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2002-0250 ADOPTED.
26. ORDINANCE amending Ordinance No. 98-655 to increase the maximum contract amount for a contract between the City and **INTELESERV, INC** for Communications Technician Services (C39367) - \$371,375.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0251 ADOPTED.
30. ORDINANCE approving and authorizing Wastewater Disposal Contract between the City of Houston and the **CITY OF BUNKER HILL VILLAGE** – was presented. All voting aye. Nays none. ORDINANCE 2002-0252 ADOPTED.
31. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **VULCAN CONSTRUCTION MATERIALS, L.P.** - Through December

- 31, 2020 – was presented. All voting aye. Nays none. ORDINANCE 2002-0253 ADOPTED.
32. ORDINANCE appropriating \$404,493.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BOVAY ENGINEERS, INC** for the Design of Scott Street Reconstruction from South Acres to East Orem, CIP N-0618-01-2 (SB9084); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0254 ADOPTED.
33. ORDINANCE appropriating \$550,000.00 out of Street & Bridge Consolidated Construction Fund and \$136,000.00 out of Water & Sewer System Consolidated Construction Fund and approving authorizing professional services contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, INC** for the Design of the Neighborhood Street Reconstruction Project 438, CIP N-0371-01-2 (SB9080); providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and G - KELLER** – was presented and tagged by Council Members Galloway and Robinson.
34. ORDINANCE appropriating \$310,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **KUO & ASSOCIATES, INC** for the Design of Water Line Replacement in Lakewood Heights Subdivision, CIP S-0035-95-2 (WA10736); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – WISEMAN** – was presented and tagged by Council Member Galloway.
35. ORDINANCE appropriating \$318,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PEPE ENGINEERING, LTD** for Design of Water Line Extension Package - 2, CIP S-0700-57-2 (WA10740); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A- TATRO; B - GALLOWAY; C - GOLDBERG; G - KELLER and H – VASQUEZ** – was presented and tagged by Council Member Galloway.
36. ORDINANCE appropriating \$3,160,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing third amendment to professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Accelerated Bikeway Program Projects, CIP N-0420-99-2 (SB9017) – was presented and tagged by Council Members Galloway, Edwards and Tatro.
38. ORDINANCE appropriating \$3,585,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** for Construction of Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods (WW4257-25); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

39. ORDINANCE appropriating \$516,600.00 out of Convention & Entertainment Construction Fund, awarding construction contract to **EPOXY DESIGN SYSTEMS, INC** and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES** for Structural Repairs to Tranquillity Parking Garage, CIP B-0024-07-3; providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0255 ADOPTED.
40. ORDINANCE appropriating \$369,000.00 out of Fire Consolidated Construction Fund, awarding construction contract to **PYRAMID WATERPROOFING, INC** and approving and authorizing additional funds to professional services Contract No. 050623 for Air Monitoring during Asbestos Abatement with **GARNER & ASSOCIATES, INC** for Roof Replacement at Fire Stations 26, 32, 42, 44, 65, 73 and Training Academy Drill Tower, CIP C-0090-01-3; providing funding for construction management and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN; F - ELLIS and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0256 ADOPTED.

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. SELECT and confirm the appointment of either **MR. KRISTOPHER AHN** or **MR. DON K. MCGILBRA** to Position Five of the **ETHICS COMMITTEE** with a term to expire December 31, 2003

Council Member Vasquez moved to allow the withdrawal of the nomination of Mr. Don McGilbra for Position Five of the Ethics Committee, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0408 ADOPTED.

Council Member Ellis moved that the appointment of Mr. Kristopher Ahn for Position Five of the Ethics Committee be hereby approved by the City Council, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0409 ADOPTED.

MATTERS HELD - NUMBERS 42 through 55

42. 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** – **(This was Item 15 on Agenda of March 27, 2002, TAGGED BY Council Member Edwards)** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Edwards and Galloway voting no, balance voting aye. MOTION 2002-0410 ADOPTED.
43. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **PROMAXIMA MFG., LTD** for Equipment, Fitness for Various Departments - \$252,967.00 - Equipment Acquisition and Police Special Services Funds – **(This was Item 25 on Agenda of March**

27, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG, PARKER and ALVARADO)
– was presented. All voting aye. Nays none. MOTION 2002-0411 ADOPTED.

44. 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 – **(This was Item 29 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS ALVARADO, VASQUEZ, EDWARDS, WISEMAN and KELLER)** – was presented. All voting aye. Nays none. RESOLUTION 2002-0016 ADOPTED.
47. 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 – (This was Item 46 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN AND TATRO)** – was presented.

Council Member Robinson moved to postpone Item No. 47 for one week, seconded by Council Member Tatros.

Mayor Brown asked Mr. Haines if that had any negative impact and Mr. Haines noted no and a vote was called on Council Member Robinson's motion to postpone Item No. 47. All voting aye. Nays none. MOTION 2002-0412 ADOPTED.

48. 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 – **(This was Item 47 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Council Member Alvarado stated that last week she tagged the item because she had questions about it and would support it because she thought it was a great way for them to reach out to a community that was obviously not taking advantage of services for victims, but she did have concerns about the Mayor's Office on Victims Assistance, that it seemed that there was not sufficient accountability, that she met with Mr. Andy Kahn and had questions about the number of people that they were actually helping and also the keeping of records of the type of victims they were helping and the types of crimes that they were victims of, that they did not have that information in that office and she thought that could be very important information in terms of directing them on how to educate people about being more alert and being more aware of their surroundings especially in these times when women were becoming more victims of crimes, that she thought that information would be helpful if they could start keeping track of it, and Mayor Brown stated that he would ask that office to be responsive to her concerns.

Council Member Robinson asked if they could ask the office to look into working with the

Municipal Channel on some kind of information base program relative to not only what Council Member Alvarado raised but the number of young people that they had missing in the community to see if that could be a resource to them also.

A vote was called on Item No. 48. All voting aye. Nays none. ORDINANCE 2002-0257 ADOPTED.

49. 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 – (This was Item 53 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER TATRO) – was presented. All voting aye. Nays none. ORDINANCE 2002-0258 ADOPTED.
50. 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 – (This was Item 58 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG and SEKULA-RODRIGUEZ) – was presented.

Council Member Goldberg moved to postpone Item No. 50 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0413 ADOPTED.

51. 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 – (This was Item 59 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented.

Council Member Ellis stated that last week he tagged the item but it was not because of entering into the contract with Locke, Liddell & Sapp, he just wanted to find out what the position of the City was and he talked to Ms. Deborah McAbee and was comfortable with it and would encourage everybody to vote for it.

A vote was called on Item No. 51. All voting aye. Nays none. ORDINANCE 2002-0259 ADOPTED.

52. 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 Belfort, 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** – **(This was Item 60 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg moved to postpone Item No. 52 for two weeks, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0414 ADOPTED.

53. 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** – **(This was Item 63 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that he still had concerns over Public Works cost estimates on this particular project which was in his area, that they had about a 600 yard stretch of road and Public Works had estimated the construction cost about \$1.2 million, that they brought up some issues which they did not believe were going to be necessarily part of it, that they set the engineering price as a ratio of the estimated construction and in his opinion the construction was over estimated because it was taking into consideration some things they did not believe would ultimately happen, that he was in support of the item but wanted to ask Public Works and the engineer to meet within the next two weeks to find out truly what the scope of the project would be.

A vote was called on Item No. 53. All voting aye. Nays none. ORDINANCE 2002-0260 ADOPTED.

Items received during meeting.

37. ORDINANCE appropriating \$5,193,311.00 out of Storm Sewer Consolidated Construction Fund, \$850,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to professional engineering services contract between the City of Houston and **J. F. THOMPSON, INC** for Drainage Study Completion and providing Project Management Services for the Storm Water Management Program, GFS M-0220-02-2 (SM5013) \$200,000.00 - Street & Drainage Maintenance Fund – was presented and tagged by Council Members Wiseman, Edwards and Tatro.

Mr. Hall stated that they had a technical problem that they would request for purposes of their efforts to defend the ordinances that the City had passed, that the City Secretary called for consideration Item No. 46 which was a very discreet item that was actually distributed to Council, he thought, two days ago, that Council Member Ellis indicated while the vote was being discussed that he had distributed a document last night, that he thought it was clear that it was what he wanted to be considered, but the vote was taken fairly quickly and it was never laid out, that it would help them if they could get Council to offer at least a clarification that it was considering the item that he distributed last night because the one that was actually Item No. 46 had blanks in it, which would not settle many issues.

Council Member Ellis stated that they hand delivered a copy of the amended ordinance to Mr. Bibler last night and they thought it was somewhat unusual after the Mayor had requested the Legal Department to draft the amendments into the ordinance that they would bring them back to him to fill in so they sent those to him late Monday night and he received them on Tuesday, completed the document, sent it back to them, hand delivered it to Mr. Bibler and that was what he thought they were voting on, that if they voted on another issue without the blanks, he meant if they were left blank, he thought what it allowed was the heights and size of the signs to be as high as anybody would like to put them up, but he thought it did include, to his understanding, the aquarium and the hotel, and asked Mr. Hall if based on the document that he submitted to him it did include the aquarium and hotel.

Mr. Hall stated that he thought he was mischaracterizing what happened and that was where he thought the confusion was, that they had a copy brought to him as a courtesy and a copy sent to Council Member Sekula-Rodriguez as the two people who made the request, that they sent the document at the same time to the Agenda Director for distribution for the whole Council that they were not sending it to Council Member Ellis for him to send it back to the Legal Department, that the blanks indicated issues about which there had been no direction, so Council was to fill those in before, that they indicated that in the memo that was sent with the document that was sent to Council and to all of them, that those blanks needed to be filled in whatever fashion they chose to do it, that if they found the memo it would say that very discreetly, that he indicated to Council Member Ellis's assistant that he certainly could offer the document that he distributed last night as a substitute for it and any other amendment he chose to make to that document, that the vote was taken so quickly that nothing happened and they were merely trying to find a way to make certain they clarify what Council Member Ellis intended to do and that was to offer it to be clear that in the sense of Council that Council was voting on the document that Council Member Ellis circulated last night.

Mayor Brown asked Mr. Hall what was the problem he was having, that they already voted on the issue and thought that everyone understood the issue, and Mr. Hall stated that the problem was that what was actually called was not what Council was intending to be voted on, that technically they voted on what the City Secretary called which was the amendment which was Item No. 46, that was the problem, that they wanted to clarify that Council Member Ellis's comments actually represented what was intended to be voted on.

Council Member Ellis moved that what he stated in his comments was what Council voted on, which was the item that he distributed last night, seconded by Council Member Vasquez. Council Member Keller voting no, balance voting aye. MOTION 2002-0415 ADOPTED.

Council Member Sekula-Rodriguez asked if they voted on a blank amendment then perhaps that vote was not legal, and Mayor Brown stated that he was going to rule that the vote was legal and the issue came about because of the City Secretary's need to write it up, that had been clarified with the last vote and they were legal on the vote, that it had already passed and they were not going to delay it.

Council Member Berry stated that the document that Ms. Russell did not receive he also did not receive and thought it was a bad precedent and understood if the vote stood, but thought it was a bad precedent to have to vote on things that he felt were intentionally kept out of their office.

Council Member Ellis stated that the numbers he put in the amendment conformed with all of the other numbers that the working group had negotiated so they used their exact numbers, that was his intention and thought they clarified it this time.

Council Member Tatro stated that basically it boiled down to if Council realized what they voted on and of course they realized what they voted on, that they regularly voted on items at the table without receiving an RCA, all this was a matter of was the proper documentation in before the item was voted on and clearly it was in, that he thought the intent of the Council Member was known and the material ordinance was in and obviously everybody around the table understood what they were voting on.

Council Member Parker stated that she did not receive a copy of the amendment in advance and in fact that was why she and Council Member Berry were discussing what was actually on the table and why they did not vote immediately when the vote was cast.

Council Member Robinson moved to suspend the rules to allow reconsideration and rescind Motion 2002-0412, which postponed Item 47 for one week, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2002-0416 ADOPTED.

47. 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 – (This was Item 46 on Agenda of March 27, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN AND TATRO)** – was again before Council. All voting aye. Nays none. ORDINANCE 2002-0261 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that he wanted to thank all of the Council Members for their vote on Item 44 which was the Houston Housing Finance Corporation Bonds, that the State had awarded them \$25 million in bonds to be used for affordable housing for single families. Council Members Galloway and Robinson absent.

Council Member Quan stated that on April 11, 2002 the State Urban Affairs Committee would be holding hearings in the Council Chambers dealing with the pilot programs in place for CHODO's, that there had been a lot of discussion regarding whether the City had been too generous or restrictive in trying to help with affordable housing, that the problem was that a lot of it came from the State and not the City so it was the City's chance to impact what the State law would be when the Legislature meets next term, that maybe they had been too generous in taking approximately \$200 million of property off of the City's tax rolls to help affordable housing so this was the City's chance to weigh in and he encouraged those who were interested in the subject to attend the hearing next Thursday at 9:00 a.m. Council Members Galloway and Robinson absent.

Council Member Quan stated that their road crew participated in the Urban League's Apollo night and stated that he wanted to give Council Members Wiseman and Parker credit for helping to organize it, there was great participation, that Council Members Alvarado, Galloway, Edwards, Sekula-Rodriguez, Berry and himself participated, that he thought they did a great job. Council Members Galloway, Goldberg, Ellis and Robinson absent.

Council Member Quan stated that many people had asked questions about what was the Mayor's Office of Immigration and Refugee Affairs do and today at lunch they would be having an

orientation about that office and how that office could help them and their constituents and invited Council Members or their senior aides to attend, that it would be at the public level conference room. Council Members Galloway, Goldberg, Ellis and Robinson absent.

Council Member Quan stated that Council Member Vasquez was kind of enough to nominate Mr. Don McGilbra to the Ethics Commission Board and while that nomination was withdrawn he wanted to say that Mr. McGilbra was a great person and thought they would have ample opportunity to appoint him to other opportunities to serve the City of Houston. Council Members Galloway, Goldberg, Ellis and Robinson absent.

Council Member Sekula-Rodriguez stated that she wanted to make a public request for a person who had a desperate form of Leukemia and needed platelet's, that this particular woman was a patient at M.D. Anderson and her family sent the request, that the patients name was Michele Stickney and the platelet's were desperately needed for this mother to survive Leukemia, that she implored the people in the City to not only donate platelet's for Michele but also donate blood because they were once again in crises in the Country and in Houston. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez and Robinson absent.

Council Member Sekula-Rodriguez stated that today the people of Houston lost a key battle in their fight for quality of life, that she was referring to the Sign Ordinance that now would impact the small business owners or people who had not been able to come in and have a last minute change in the ordinance, but the folks who could afford it did come in and prevail and won the battle and she thought that was unfortunate cost, that she applauded the Scenic Houston Group and the Greater Houston Partnership in their efforts to improve quality of life in the City and recognize their hard work. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Parker stated that she appreciated Council Member Sekula-Rodriguez bringing up the platelet issue, that she had been a platelet donor and encouraged folks to do that, it was very similar to donating blood although it did take several hours and they needed to tell people when they thought about doing it, that it was critically needed but it was a time commitment to donate platelet's and was very important for citizen's to consider. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Parker stated that in the newspaper there was an article on an incident in Los Angeles, that she had been raising the issue of the fact they had a backlog of rape kits in the Houston Police Department that had not been DNA tested and evidently they were not the only Police Department that it had happened to, that Los Angeles had something like 6,000 rape and murder case evidence kits which had disappeared and were presumably destroyed, that evidently someone thought they needed a little more shelf space and they had not gotten around to putting them into the DNA evidence database, that it was still being investigated, that she continued to raise the concern about this and thought that for rape kits, while it was both men and women, it was an issue that largely impacted women and thought it was something that the City needed to continue to address. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Parker stated that she thought it was very interesting today that they did not have a Consent Agenda, particularly after the discussion last week that Council Members thought it was very important that everything be decided at the Council table and she would hope that they would dispense with the Consent Agenda in the future and deal with every item one by one. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Alvarado stated that she was told that Fire Station 18, in her district, was going to open up on April 15, 2002 and would like to have someone from the Fire Department visit with her, that she wanted to make sure that when it opened up it was staffed at the same levels that it was before it closed and that it also had the same equipment there prior to its closing. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Alvarado stated that there was an article in Saturday's newspaper about a homeless project, that she had not been able to get any information, that the Housing Authority and the Housing and Community Development Department were not familiar with the project, but it talked about one project in the northwest area and the southeast area, that one was a grant for \$950,000 and the other for \$380,000, that her concern was another homeless shelter possibly going into the Eastend, that they were researching it and trying to find out exactly where the shelter was, that there was a law that was passed last session stating that the homeless shelters had to give certain notification to schools, civic associations and other entities before coming into neighborhoods, that she knew that they did need the shelters, but her concern was that nobody seemed to know anything about it and did not even think that the organization that was proposing it was mentioned, it was what they called an SRO and if there was anybody that knew anything about it if they would please call her office because she wanted to know who the group was and if it was in her district she certainly wanted to know about it and if they had filed the appropriate notifications, and Mayor Brown stated that Council Member Quan might know something about it. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Quan asked if it was New Hope she was talking about and stated that New Hope SRO was moving to a second facility off of Canal and Navigation near the Milby area and Council Member Alvarado stated no, but did want to know about that one, and Council Member Quan stated that they had conducted hearings and tried to get community input on that, that he would be glad to share that information with her. Council Members Galloway, Ellis, Keller and Robinson absent.

Council Member Alvarado stated that there would be a townhall meeting at Austin High School on Thursday, April 4, 2002, and was being put together by the Greater Eastend Coalition and Congressman Gene Green to talk about railroad issues in the Eastend. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Goldberg stated that he had a matter relating to the Stella Link Library and to the Fire Department, that part of the land for the Stella Link Library they were going use parking lot where the current Fire Station 37 was, so the plans were that Fire Station 37 would move and they would acquire land close by for it, that two years ago they put into the CIP \$300,000 to acquire the land, it was not done, they said that \$300,000 was not enough so the next year they allocated \$800,000 and still nothing was happening, that he did not know if it was the Fire Department or the Real Estate Section of the Legal Department, that now they had a new problem, that \$800,000 was not enough to acquire the land, now they needed a million dollars, that he was just waiting for one of the departments to get on the ball and start acquiring the land or else they were going to have to wait next year when it would be \$1.2 million, that they had already cost the taxpayers of the City of Houston \$200,000 because of the delay, that the fire station was going to be moved, it was absolutely necessary, it was in the CIP and he did not understand what the delay was and asked that they have someone look into it, and Mayor Brown stated that they would look into it. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Weisman stated that as to the Sign Code Ordinance, she would like to make a suggestion that in the future any organization or interest groups or anyone who got together to negotiate the drafting of an ordinance that Council would then be asked to pass without any changes and as presented, those groups be required to conduct their meetings strictly in accordance with the Open Meetings Act. Council Members Galloway, Ellis, Keller, Vasquez, Berry and Robinson absent.

Council Member Edwards stated that she wanted to thank Chief Bradford's office in following up on her inquiring about the sex offenders and the number of crimes against women and children that had been recorded in the Houston area, that she still had some very serious concerns that hopefully the administration and fellow Council Members would assist her in looking into, that in the Laura Ayala case there was a report that over 25 sex offenders were living in one little YMCA/YWCA facility and in talking with the Police Department there were a number of sex offenders that were released to the Houston area, that she did not know if it was episodic or systemic but thought that it was a problem that she as a district Council Member really wanted to find out what exactly was going on because they had quite a number of cases, that she wanted to applaud Sergeant Douglas in the Police Department who was working on getting to the perpetrator of the murder of Angel Doe. Council Members Galloway, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that she was concerned about the Fire Department in the City and stated that she needed information and would defer to that, but needed to know how ride up pay worked and what that meant and how it affected, that she was also concerned about the disparity allegations that were being waved back and forth and the moral of firefighters that were coming to visit with her, that she applauded the work of the Union 341, but would like to get her arms around what exactly was going on in the Fire Department, that she was very concerned about it and wanted to be a part of not tearing it down but building it up, but wanted to know what that meant and how it was, was it State statute or policy or what it was and how it affected. Council Members Galloway, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that as they moved into the budget discussions she wanted to lift up the civilians employees and keep everybody mindful of them as they talked about budget cuts and to know that they did have a group of people who had been, she thought in her opinion, not completely recognized for the awesome work they did on a daily basis. Council Members Galloway, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that she wanted to remind everybody that the initial convening of the HIV Task Force would be held on April 18, 2002, Thursday, 12:00 p.m. to 1:30 p.m., there was no exclusion on the task force and anybody who wanted to be a part of it was welcome and encouraged to participate. Council Members Galloway, Ellis, Keller, Vasquez, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:33 a.m. upon MOTION by Council Member Parker, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Members Galloway, Ellis, Keller, Vasquez, Berry and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary