

City Council Chamber, City Hall, Tuesday, April 9, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 9, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carol M. Galloway out of the city on city business.

At 2:10 p.m. Mayor Brown stated that they had several Council presentations with the first being Council Member Berry. Council Members Goldberg, Edwards, Ellis, Vasquez, Alvarado and Quan absent.

Council Member Berry invited Ms. Jackie Martin to the podium and stated that he wanted Council to join him in recognizing someone who he thought was a pillar of their community, a real leader and someone who over the past year had done wonderful things for a number of causes as head of the United Way, Ms. Jackie Martin, that not only in her regular capacity but particularly after Tropical Storm Allison and the telethon they put on and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed April 9, 2002 as Jacqueline S. Martin Day in Houston, Texas. Council Members Goldberg, Edwards, Ellis, Vasquez, Alvarado and Quan absent.

Ms. Martin stated that because of them they could say that One Houston United was a success, that they raised \$3 million and those of them that were answering the phones knew that the phones never stopped ringing, that they got 7,700 calls that night and they were able to bring in \$3.1 million, they had about \$8 million in requests so obviously what that meant was that there was still a great deal of need, that this would enable them to address the most critical and emergency cases, that everybody else stayed on the line, that they had gotten over 3,000 calls, that after that they got an additional 1,400 calls, after that night from people who needed it, that she thought that the Nation and the community tended to forget how devastating the effect was, but they did not, that they gave of their time and commitment and Council Member Berry brought in \$10,000 at one of the Council meetings from Ms. Yolanda Adams and they really appreciated that, that it would take them about three to five years to dig out of it because it was so major, that on behalf of the people whose lives were changed she thanked them. Council Members Goldberg, Edwards, Vasquez, Alvarado and Quan absent.

Mayor Brown stated that he also wanted to express his thanks to Ms. Martin for her leadership that there were many in the City who were in the need of help and those who were less fortunate than they were, that the United Way was an organization who looked out for those who were in need. Council Members Goldberg, Edwards, Vasquez, Alvarado and Quan absent.

Council Member Quan stated that he thought they all worked to make it a better City for the next generation and today he wanted to recognize a young man who had been recognized for his talents, an eighth grader at Truitt Middle School, Mr. Jesse Cobarubbias, was selected as one of the winners of the Dare to Dream Program, Expect to Succeed, and invited Jesse and his parents to the podium and stated that Jesse was inspired by his mother who was a hairdresser to prepare a Styrofoam beauty shop and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed April 9, 2002, as Jesse Cobarubbias Day in Houston, Texas. Council Members Vasquez and Berry absent.

Council Member Quan invited Mr. Norbett Lorria, Brainstorm U.S.A. to the podium and present a check to Jesse and his family, and Mr. Lorria stated that it was a corporation dedicated

to students and they were focused mainly on scholarships and much more on the dream the kids had to become someone and pursue a career, that they were very touched by the proclamation and were very thankful and hoped that the students were marking the future of the City, State and Country. Council Member Vasquez absent.

At 2:17 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Robinson invited Reverend Gordon Thomas, Smith Chapel AME, to lead everyone in the prayer and Council Member Robinson led everyone in the pledge of allegiance.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Council Member Galloway out of the city on city business.

Council Members Keller and Vasquez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Galloway out of the city on city business.

Council Member Ellis stated that he wanted to recognize some school children who were present from St. Francis De Sales Catholic School, that they were present touring City Hall and to get a quick lesson in City government and asked that they stand and be recognized, and Mayor Brown stated that he wanted to welcome them to City Hall and stated that he hoped that as they looked at their future career that they also consider public service.

Council Member Robinson stated that he knew there were a number of speakers present to speak on the Resolution, Item No. 27-1, that he wanted to thank the administration, that he had been advised by the Agenda Director that they were working on some merged language that would speak to all of the things that the City had already done such as the job fair, the recruitment effort and also to encourage all of the parties to come to some resolution on the severance issue, that they were working on some language that hopefully would be satisfactory to everybody on Council and he just wanted to go on record that he appreciated the administrations effort in this area to date and to let the speakers know that they wanted to be on the record in support of the creditors committee and the bankruptcy judge knowing that the City of Houston was sensitive to the folks who lived in the City who were former employees, that it was not intended to be an adversarial resolution but to be one of a clear statement of support.

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

Ms. Georgi Landau, 451 Maxey Rd., No. 110, Houston, Texas (713-455-6869) appeared and stated that she was an ex Enron employee, that on December 3, 2001 she was laid off from Enron and they gave her 30 minutes to leave the building, that after 24 years of service with that company that was a pretty sorry farewell, that according to Enron severance policy she was supposed to receive a year's salary, instead she got the boot, that she had a 91 year old mother to take care of and really did need her job, and now that she was nearing the golden years herself she had not been able to find employment of the same quality, that Enron robbed them of their jobs and their pension and now they were robbing them of their severance, how much more could they take from them, there was talk now that they wanted to give another round of retention bonuses to the existing Enron executives, she says no, it had to stop, that she was asking the Mayor and the City Council Members to adopt Council Member Robinson's resolution on behalf of the ex Enron employees by expressing their support for payment of their severance money to them before any more bonuses were issued to the existing Enron executives. Council Member Parker absent.

Ms. Helen Mathews, 2418 Wentworth, No. 2, Houston, Texas 77004 (713-521-7833) appeared and stated that she was a former Enron employee, that she lost her job as well on December 5, 2001 with Enron, that she expected to retire there, but things happen, that she was

present to ask the Council Members to please adopt Council Member Robinson's resolution, Item No. 27-1, so that it could help them get their severance, they needed it. Council Member Parker absent.

Mr. John Pierce, 3003 High Laurels, Kingwood, Texas 77345 (281-913-1828) appeared and stated that he was also an ex Enron employee, that he asked that they adopt the resolution proposed by Council Member Robinson, that as a voter and taxpayer he looked to them to represent his best interest in government matters, that as an employee of Enron for the last five years he looked to them to meet their commitments, that as they may be aware they had offered them a token severance, unfortunately it was based upon a divide equally formula which severely penalized those who were dedicated and long term employees for the company, that these employees had given so much to the company and also to the Houston community and now they needed the City's assistance to convince Enron and its creditors to do the right thing and provide them with the severance packages based upon their published formula, that many of them were still searching for jobs in the tight market and burning through any savings that they had to meet living expenses. Council Members Parker and Berry absent.

Council Member Edwards asked Mr. Pierce how would the resolution help them in their efforts, and Mr. Pierce stated that the resolution would help them with the bankruptcy court so that they may press to have their severance's paid prior to providing additional retention bonuses to current Enron executives, that right now as far as he could tell the amount that was going to be for the additional retention bonuses was actually a larger dollar amount than it would be to pay the severance's to those people who were let go in December 2001, that those were Enron employees who were currently still working on the job. Council Member Parker absent.

Mr. Joseph Collins, 12619 Mews Circle, Houston, Texas 77082 (281-752-5966) appeared and stated that he was a former employee of Enron and also a committee member for the Severed Enron Employees Coalition, that when Enron filed for bankruptcy they were obviously relieved of their obligation in terms of contractual obligation to not pay severance, but they were never relived of their moral obligation, they made that company great, it was the employees of Enron that caused that company to fall on Fortune's list of most admired companies of America, that they were the reason that they were one of the best places to work, that they were the intellect, the hard work and they were certainly the integrity, that they fulfilled their obligation to Enron and they were asking that Enron fulfill their obligation to them, that he was reminded of a scripture and proverbs, "Rob not the poor because they are poor", that relative to the investors and creditors, relative to Enron, they were poor, that they were simply hard working employees that were seeking to rebuild their lives and looking to rebuild their careers, they were starting and launching businesses and were only asking for what was due to them, that they were asking for what was contractually promised to them when they hired on to Enron and when then went through those doors everyday and worked hard, that they were asking that Council support Resolution 27-1 in support of severance for the former Enron employees. Council Member Parker absent.

Ms. Michell Robichaux, 1319 Omar, Houston, Texas 77008 (713-880-4671) appeared and stated that she personally spent 10 years at Enron working down the trenches, that when Enron fell apart she basically lost the majority of her savings, that she was young enough and would have time to recoup a lot of that, but with the soft job market right now what she was faced with was trying to maintain a mortgage, pay COBRA expenses, food and utilities with next to nothing, that her fear was that if the former Enron employees did not get some form of additional help, severance, that they were going to see more houses going up for sale, they were going to see more people asking for federal government assistance and it was going to be that much more of a travesty for the City, that she truly believed that Enron owed them the money, that she spent 10 years there and like the former speakers had said, they were the integrity of the company, they

gave that company blood, sweat and tears, that she found it rather disgusting that they were going to pay an additional \$130 million to executives in retention bonuses and some of those executives were part of the problem that caused the demise of the organization. Council Member Parker absent.

Council Member Quan stated that as far as the retention bonuses, obviously there were still employees of Enron and still an effort to salvage whatever could be done with Enron and asked Ms. Robichaux what she thought about the concept about paying retention bonuses at all, because people in key positions were tempted to leave at this point, and Ms. Robichaux stated that she had no problem with the concept of retention bonuses, that the problem she had was the amount of the retention bonuses, that they had to look at what was really reasonable and she did not know if the Council had the opportunity to see the original retention bonus list but they were talking about retention bonuses going out in the hundreds of thousands of dollars to many people at her level and above and people at a lower level tens of thousands of dollars, that her point was that she knew legally the company did have the right, under bankruptcy, to pay some sort of retention, she was saying to do something fair, she thought the amounts they were paying were excessive, that these people were still getting salaries and if she was given the option of keeping her job or going out on the street, with the job market the way it was, they would not have to give her a heck a lot of money to stick around, that was just her opinion, and Council Member Quan asked if she knew if full severance was granted how much money that would encompass, and Ms. Robichaux stated that she heard a number up to \$80 million and that would be if they paid all former employees the full amount under the plan as it was presented, however right now she believed there were some negotiations and that number would probably come down, that they were just asking for anything that would give them some help, that the problem right now was that they had the creditors, representatives from Duke Energy, Wells Fargo and Chase, who had no incentive at all to pass any sort of motion to allow Enron to pay them severance, that she thought they needed to think a little bit ahead and think about what kind of message was this sending to the community under these types of terrible situations. Council Member Parker absent.

Ms. Carrie Robert, 1171 Memorial Dr., No. 17, Houston, Texas 77024 (713-532-6319) appeared and stated that she was present to request that they support Council Member Robinson's resolution for the ex Enron employees to receive severance, that she was an ex Enron employee and was with the company for six years, that she wanted to echo what the other ex Enron employees were saying in that she thought it was in their right to receive their severance, that it was not a handout, that she found it difficult to get work and was a single mother and was struggling to make ends meet, that she was doing unemployment, that just like everybody else she wanted to work, that she was capable but it was a tight job market out there, and she thought that they could strike a win win with Enron, a win for them and a win for Enron if they would try to do the right and morale thing because it could help their reputation, they not only had to rebuild the company from an operation standpoint, but in order to be successful they needed to have a good reputation in the community, who was going to want to work for them if they were showing how they were treated their ex employees, it seemed very unfair and thought it would help Enron a lot and go a long way for them. Council Member Parker absent.

Ms. Debbie Perrotta, 19710 Water Point Trail, Kingwood, Texas 77346 (281-812-9888) appeared and stated that she was present to give her insights on why she felt the City Council should pass Council Member Robinson's resolution, that she was a former Enron employee of five years who was involuntarily laid off on December 3, 2002, that her position was Administrative Assistant, that she was ecstatic and proud to be part of the Enron family and she herself gave more than 100% to the company and many times while working the International Division she worked and received phone calls in the middle of the night, that she did not mind because she was dedicated to Enron and believed that the company would live up to its

promises and that by working hard she would be able to secure her financial future, that while the employees received token severance payments the executives reaped millions of dollars in retention bonuses, one alone received \$5 million, and there were plans to continue with another round of retention bonuses while 70% of ex Enron employees could not find work in a depressed job market and many were faced with home foreclosures and lack of medical bills, that many were struggling with the bare necessities of life, that they had people who could not even afford their own medication, that these were not fabricated statements it was a written testimony sustaining it, this dilemma effects not only ex Enron employees but a domino effect on the entire City, that it was high time their City leaders stand up for what was right and not put their heads in the sand, what Enron had done had devastated countless of lives, not only inter City but across the world, that to the ex employees and their families the American dream had become the American greed benefiting the few who did not care about the human face as evidenced by their actions, that many members of Congress already had written letters of support to Enron and the creditors committee and today they were asking for their support, their elected officials, to also support them on their severance package, that to the Mayor and City Council, they needed their support, that many of their constituents answered their calls for support when they sought to be elected and now the many constituents who were ex Enron employees were seeking their help now, but they could rest assured they who had been carrying on the fight for justice since last December with their numerous trips to Washington and New York, continued their fight for decency and justice with or without their support, that she did want to mention that their severance package was something that was initiated to them at the time of their employment, it was part of what was contracted to them, that whatever the severance package was if they were to leave Enron that was what should be given to them, that they were not receiving that and they were fighting with the creditors committee at this time because they refused to release the authority to the judge. Council Member Parker absent.

Upon questions by Council Member Edwards, Ms. Perrotta stated that when she said the City Council had their heads in the sands, she had based it upon the amount of response they had gotten from the City Council since it started since December, that they had not seen many Members come out forthright for Enron to help them fight for their severance package and for what they needed, that yes, the City had done the job fair and they really appreciated that, but there were many people who had not come forward, that she was not saying that they had been asked, that what she was saying was that they had not come forward on their own or spoken out about it, that she understood there had been something brought out in December to have the City Council review and it had been turned down, that she did not know the specifics so she could not say for sure; that she was asking them to help them with their severance package, which they were entitled to, that the resolution would help them by saying that the City of Houston was supporting their efforts. Council Member Parker absent.

Mr. Louis Allen, 4323 Friar Point, Houston, Texas 77004 (713-731-2829) appeared and stated that with the collapse of Enron he lost his job, that he was with Enron for 9 years and besides losing his job he also lost his entire life savings, that he was a single father raising an 11 year old daughter, that right now he felt like no one who works hard, pays their taxes and plays by the rules should be left out in the cold, that they were not asking for any kind of handout, the only they were asking for was what was rightfully theirs, that all he was asking was that the City Council Members please accept the resolution, that there were a lot of people who were hurting and needing assistance, so by all means please accept the resolution. Council Member Parker absent.

Ms. Kathy Benedict, 200 Kellington, Kingwood, Texas 77339 (281-358-2386) appeared and stated that she was a former Enron employee as well and was laid off on December 3, 2001 with the other 4,500 other employees, that she was present not just representing herself but 4,500 other workers who were laid off as well, that they lost their jobs, retirement savings and

health coverage, that most of them did not even have enough money left over in their 401K's to take a hardship withdrawal from, that while unemployment was a blessing it was not just enough to pay all of the bills for most of the families who had been affected by Enron's demise, that today only a handful of them had secured new jobs and the rest of them were still looking for work, her included, that families had lost their homes and there were many on the verge of losing their homes if they did not find work soon, that many of them could not afford to pay for medical treatment, medicine or just to make ends meet financially, that they had seen enough in the news and the media to know that Enron's collapse was not due to market conditions, but due to bad decisions and poor management by a small number of executives, that when Enron laid them off on December 3, 2001, they gave them 30 minutes to pack their boxes and get out of the building, they asked if they were going to get their severance pay, which was part of their benefits package, and they told them that decision was now in the hands of the bankruptcy court in New York, that a couple of weeks later they were informed that they would get a payment of \$4,500, minus taxes that was barely \$3,000, that for many thousands of them that was just a drop in the bucket to what Enron really owed them in severance pay and according to the benefits manual, that to date Enron had already paid to their management staff and key employees, many who were no longer with the company and also many who were also under employment contracts, over \$150 million in retention bonuses in Houston and another \$34 million in retention bonuses in London, that just last week they were told that the creditors committee had approved Enron's request for another \$130 million for more retention bonus money to be paid to key employees and management staff, that while the same time last week the creditors committee filed a motion against them, the ex Enron employees, to receive any more of their severance pay, that over the past three and a half months ex Enron employees had come together to educate and push for relief and reforms to assure that what had happened to them at Enron would not happen to other American workers, that members of their team had traveled to Washington, D. C. and New York, meeting with elected officials, labor, media and civic groups in order to put a face on the issues of ex Enron employees, that they had achieved some successes to date but were still currently involved in negotiations with Enron and the creditors committee regarding their request for the rest of their severance pay, that what severance they had received to date from Enron was very small compared to what was still owed, that having this money to hold them over financially until they could find jobs again would not only benefit the workers, but the infusion of capital will also help the Houston economy, that they were not asking for a handout, but what was rightfully theirs according to their benefits policy, that last Friday, Congresswoman Sheila Jackson Lee, hosted a rally and kicked off a petition drive for the ex Enron workers, that this week they were working on getting signatures from around the Nation supporting the ex Enron employees for their severance, that their second project this week was to as the City Council and the Mayor on behalf of their friends, neighbors and constituents in this community to adopt Resolution 27-1, Council Member Robinson's resolution, in support of the ex Enron employees.

Mr. Larry Green, 1919 Smith, Ste. 1180, Houston, Texas 77002 (713-655-0050) appeared and stated that on behalf of Congresswoman Sheila Jackson Lee, he would like to thank them for considering a resolution that would support the ex Enron employees and also show support for severance for the ex Enron employees, that the jest of the situation came to the extent that with the resolution from the City Council the ex employees had ammunition to go to the bankruptcy judge as well as the creditors committee and say that the City of Houston was supporting them and also supporting their severance, that what they were asking today was to consider the resolution, whether it be Council Member Robinson's resolution or the City's resolution or the combined resolution that they heard of earlier and what they were doing was providing the former Enron employees a mechanism or tool for them to use to obtain their severance, that this was a severance that they were contracted for when they were hired, that it was not a fly by night type payout plan, that it was an instrument that at the time of hiring, which specifically outlined in detail a specific dollar amount upon separation, so they were asking that

they consider providing them with the tool they needed for the bankruptcy court as well as for the creditors committee.

Mr. Andres Ortiz, 6909 Bonham, Houston, Texas 77020-5301 (713-672-2931) appeared and stated feliz Cinco de Mayo, that he was project officer for the Lulac Cinco de Mayo Parade Committee and on behalf of their chairperson, Mr. Charles Flores, the League of United Latin American Citizens, Counsels and the LULAC District 8 would like to announce the upcoming Cinco de Mayo Parade, that the Cinco de Mayo was upon them, that the 5<sup>th</sup> of May commemorated Mexico's victory over the invading French in the battle of 1862 of Puebla, that on the 5<sup>th</sup> of May in 1862 General Ignacio Zaragoza led a small band of Mexican citizens to victory against a much larger French army in the City of Puebla, Mexico, thus the 5<sup>th</sup> of May was a day to celebrate cultural pride, respect for rights of all people and self determination, that many Texas cities and towns also get into the act, that this year, as it had been for the past ten years, the League of United Latin American Citizens was hosting the LULAC Cinco de Mayo Parade in beautiful downtown Houston on Saturday, May 4, 2002, that this years theme was "All for One and One for All, United We Stand", that their goal was to provide entertainment and to share the Mexican culture with the entire Houston community, that the event was not just for Hispanics, it was for all Houstonians of every ethnic group, that to the Mayor, City Council Members and the City of Houston they invited each of them and looked forward to their participation at their annual event, that they at the LULAC Cinco de Mayo Parade Committee would like to say thank you and to convey their personal thanks to everyone in all City departments who had helped with the great event, gracias, that he wanted to give a master copy of the application to be distributed among the City Council Members.

Council Member Alvarado stated gracias to Mr. Ortiz and stated that she wanted to urge her colleagues to participate in the parade, that it was one of the largest parades in the Hispanic community and they encouraged them to participate in recognizing their special holiday and also getting to know about the history of their culture, that it was well attended and she guaranteed they would have a good time if they participated, that she knew that Mayor Brown had been out there the last couple of years and had participated, that she encouraged them all to sign up, that it was for a good cause and hoped to see them all there. Council Members Wiseman and Robinson absent.

Council Member Quan stated that he wanted to go on record that the parade was on Saturday, May 4, 2002, that he had already registered and planned to be there. Council Members Wiseman and Robinson absent.

Council Member Edwards stated that there was a group of young people in their district called the Pan American Club and asked if it was possible to get them involved, and Mr. Ortiz stated that it was not too late, that he was taking volunteers to work the parade and also they had open doors for those who wanted to participate in the parade. Council Members Wiseman and Robinson absent.

Mr. Darrell Scott, 8601 Broadway, Houston, Texas 77061 (713-649-5294) appeared and stated that he was present regarding illegal hiring practices with the Public Works and Engineering Department, that it had been going on for quite a while and he had documented it back to 1995, that it was a cancer and needed to stop, that they currently had positions being announced through job postings stating that there were no tests or exams, when however there were questionnaires being introduced during the interview process, that he would say that about 80% of the positions were pre selected and pre determined and also there was false advertising with the job postings, that they were obstructing their right of fair process for promotions, that 99% of all positions in the Public Works Department were filled without a Civil Service examination and/or test, which was a direct violation of Chapter 14, that he listed over 19

sections of Chapter 14 that the Public Works Department was violating, that he placed the blame and responsibility at the feet of the Director of Personnel, Mr. Lonnie Vara, Deputy Director, Perry Fain, Deputy Director Gary Ordat, Senior Assistant Director, Roger Hubert and Senior Assistant Director, Jim Mitchell, that it was continuous and he wanted to know what it was going to take it to stop it before he went to court, that he thought he was speaking on behalf of all employees who wanted a fair process, that he was sure the taxpayers wanted the best qualified individuals for the position in the classified service through competitive testing, that was all they were asking for, and he thought he spoke on behalf of everybody in the Public Works Department as far as his colleagues. Council Members Wiseman and Robinson absent.

Mayor Brown asked Mr. Scott if he filed a complaint with the Office of Inspector General, and Mr. Scott stated that yes he did but had not gotten the results back, and Mayor Brown stated that he was informed the investigation had not been completed yet and as a result of that it was still an open case and when it was completed appropriate action would be taken based upon the investigation, that he could not give him a date. Council Members Wiseman and Robinson absent.

Council Member Alvarado asked if he was a member of the union, ASCME, and had he addressed them, and Mr. Scott stated that no, he was not a member any longer, and Council Member Alvarado asked if he was the only one who had filed a complaint, and Mr. Scott stated if they looked through the packet they would see three other employees and he was sure he could get a couple of other individuals to come forward as well. Council Members Wiseman and Robinson absent.

Ms. Pamela Bratcher, 3322 Keeland, Houston, Texas 77093 appeared and stated that she was having problems with her community which had been going on for a while, that the problems with the community were they were slandering her name and it was getting to the point where she had called the police, that she had neighbors slamming her name and following her and her boyfriend around, and continued to voice her complaint until her time expired. Council Member Robinson absent.

Mayor Brown stated that Ms. Debra Dillard, Citizens Assistance, would meet with her and get all the details as to what was happening and whatever the appropriate department they could have them handle the problem. Council Member Robinson absent.

Ms. Mazel Chandler, 1445 Wallisville Rd., No. 1412, Houston, Texas 77049 (281-459-4666) appeared and stated that she was a City employee and was hurt on December 7, 2001, that she was unloading an oxygen supply truck and fell off the back of the cart, that since then she had been denied Workman's Comp and had no income coming into her home, that she was a single parent and did not know how to pay her bills, that if she could work she would be glad to go back to work, but she could not sleep at night because of the severity of the pain, that she had exhausted all of her benefits and did not have any money in her savings anymore and also since she had filed her claim she was told she would be terminated, that she did not know what she did wrong to be terminated, that she also had a copy of a recent doctor's report that she would like to give the Council to see if they could assist her, that was what she was present to plea for, that her son had medical conditions, that she did not know where to turn and did not know what to do, that she wanted someone to help her today. Council Member Robinson absent.

Mayor Brown asked if she was offered an opportunity to come before a hearing and asked that it be postponed, and Ms. Chandler stated that she did go to the hearing and they said it was inconclusive and she had a hearing on the 16<sup>th</sup>, and Mayor Brown stated that what he was told was that she still might be eligible for her benefits, that the door had not been closed, that they needed the documentation from her physician, that Mr. Chandler from Human Resources was



present and would meet with her and help her work through it, that Chief Simms was present and would meet with her and make sure that Human Resources was involved as well. Council Member Robinson absent.

Mr. Julian Cortinas, 4410 Navigation Blvd., Houston, Texas 77011 (713-228-2595) appeared and stated that he was President of The Second Ward Association, a community based organization just east of downtown, that his concerns were regarding a Request for Council Action that had been tabled at this time and would like to point out approximately eight issues to the Members of Council, that he would read the items and follow with passing out some information for those Members who may be interested that was provided by the Texas Department of Transportation and correspondence traded between the City of Houston and Texas Department of Transportation, that they should be offered a copy regarding the issue, GFS No. N0420-99-2; File No. SB9017, which should be reviewed prior to their vote on the issue, that the department was being represented by Harish Jajoo, P.E. Acting Senior Assistant Director, for who and what on the project, that the request and review of the ordinances were being referenced here should be identified and should be reviewed by the City Council prior to the issues, that the amount and source of funding identifies \$1,760,000 the question was what did the City of Houston receive in return for that contract in the past, that in the Specific Explanation section they should request a list of the funding sources on the 21 projects that were being proposed, that in the area talking about "accelerated schedule" have it defined for them, that it was very clear that the City of Houston was duplicating efforts in the process that the Wilbur Smith engineers failed at severely several years ago, that if the City of Houston bikeway projects were a concern they may want to specifically hire for these projects, maybe 4 or 5 engineers, to focus and bring to fruition the 21 projects on the table, giving the City of Houston accountability for the high level of concern that it may have, that after questions it should be asked what was the (ABP) Accelerated Bikeway Program, it seemed to be new terminology in the effort, and how did it differentiate from the City of Houston bikeway program, that there were numerous other concerns that should be addressed such as land acquisition, fair market cost for the land, location, community concern input and contaminated sites, that all of these issues were very important before any funds should be allocated for this program, and all of those issues were spelled out very clearly in the Local Agency Guides the State of Texas provided, which was provided for them today, that he asked that all of them read the information, that he hoped that the City of Houston and the Council Members considered what he had presented today with accountability and integrity, that he was present as a neighbor, friend and as a concern, bringing them information that he thought they should all be entitled to and read and asked permission to pass out the handouts to the Council Members. Council Members Vasquez and Robinson absent.

Mayor Brown stated that he would make sure they followed up on what he brought to their attention, that they did have someone in his office that was working on the issue and they would follow up. Council Members Vasquez and Robinson absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he had a problem with the Permitting Department at 3300 Main, that it seemed that it was a miscommunication between the field inspectors and the plan reviewers at 3300 Main, that this was what he did for his livelihood, that there was a Toto Grocery at 17503 Imperial Valley who had a sublease of a Taqueria Mexican Restaurant, that he went to pull the permit to open up a new Mexican restaurant, that the inspector came out and told the owner that the occupancy permit that he had pulled was not any good, that he told them he had stolen City stationary and typed up his own permit, that the owner called him out to the site and at that time Mr. Walter Nelik issued him a citation for allowing electrical work to be done at the site, that the owner told him that Mr. Johnson was not the contractor, but he was written the citation and he asked Mr. Johnson to meet at 3300 Main to try to get it straightened out, that when he walked in Mr. Jerry Elliot walked up and handed him another citation for allowing plumbing to go on, that he

simply pulled permits out there, that on that job site he had pulled all the permits trying to get the project permitted, that he had talked to Mr. Bridges and a number of inspectors and managers, that they had a team of managers come out and make a list of what was needed to get it permitted, that he talked to Mr. Bridges who sent him to Chris at Express Plans and he did not even review the plans but simply wrote the same comments that the last inspector had done and returned them to him, that he yelled at him in an open office situation, that he did not know what he was trying to do by yelling at him, that he was pointing out to him that they did have some of the things that he was saying they did not have and he said okay they had that now what did he want them to do. Council Members Vasquez, Sekula-Rodriguez and Robinson absent.

Mayor Brown stated that he thought they could get the matter resolved, that Mr. Melvin Embry, the top man in that office was present and would meet with him to take care of the problem. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

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

Mr. Luther Vanderburg, Jr., P. O. Box 610150, Houston, Texas 77208 (713-682-5258) appeared and stated that the group he represented was a group of seniors called the Houston Transit Ridership Union, that they were a special group and part of their recommendations and specifications was that they must have been riding buses in Harris County for fifty years, so they were a very small group, but he wanted to remind everybody that they represented a substantial amount of the voters, that last week they attended the hearing that Metro had on shutting down some of their bus routes and he had the opportunity to address that board and mentioned his thanks to the Mayor for replacing five members of the Metro Board of Directors, that they needed some changes on that board, that his group only went there for commendation and any of their complaints were brought before City Council and to the County Commissioners Court, that they did thank the Mayor and was using foresight and was in the best interest of the City of Houston, that they asked the Mayor consider replacing the rest of the board. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved time to speak, but was not present when his name was called. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

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 Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

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 Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

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

Mr. William Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved

time to speak, but was not present when his name was called. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

At 3:13 p.m. upon motion by Council Member Ellis and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, April 10, 2002. Council Member Galloway out of the city on city business. Council Members Vasquez, Parker, Sekula-Rodriguez and Robinson absent.

City Council Chamber, City Hall, Wednesday, April 10, 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, 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. Council Member Carol M. Galloway out of the city on city business.

At 8:24 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 they had a number of public hearings and asked the City Secretary to call the public hearings. Council Members Tatro and Robinson absent.

#### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** on a proposal for the City of Houston and **FRY ROAD MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area located within Fry Road Municipal Utility District, in Harris County, Texas – was presented.

The City Secretary stated that on all of the public hearings no one had reserved time to appear and Mr. Jerry Wood, Planning Department, would make comments on the hearings. Council Members Tatro and Robinson absent.

Mr. Wood stated that the hearing regarded the proposal for a Strategic Partnership Agreement with Fry Road Municipal Utility District, the district was located at the northwest corner of Fry Road and Interstate Highway 10, that under the agreement the City of Houston would annex for limited purposes the commercial areas located along the freeway and along Fry Road, that there was no population involved in this limited purpose annexation, that the Sales Taxes to be collected from the area to be annexed for limited purposes would be split between the City and the district, that the City's services to be provided were the enforcement of the Health Code in this particular case. Council Member Robinson absent.

Council Member Vasquez moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Robinson absent. MOTION 2002-0417 ADOPTED.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes all of the area in Greens Parkway Municipal Utility District and certain areas located in the vicinity of Greens Parkway Municipal Utility District, in Harris County, Texas – was presented.

Mr. Wood stated that the agreement with Greens Parkway Municipal Utility District would enable the City to annex the district for limited purpose, that the district was an industrial park and there was no residential population within the district, that district was located between Greenspoint and Intercontinental Airport, that the City would provide police services as well as health services in the area. Council Member Keller absent.

Council Member Vasquez moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Keller absent. MOTION 2002-0418 ADOPTED.

3. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area located within Harris County Municipal Utility District No. 191 and a certain area located in the vicinity of Harris County Municipal Utility District No. 191, in Harris County, Texas – was presented.

Mr. Wood stated that the proposed agreement with Harris County Municipal District No. 191 would allow the City to annex for limited purposes the commercial areas adjacent to FM Road 191, that the district was located immediately east of the Willowbrook area in the City of Houston, that under the agreement the City would provide health as well as police services within the area that was to be annexed for limited purposes, that there was no population within the area to be annexed for limited purposes and none was expected to be located in the future. Council Members Wiseman, Ellis and Keller absent.

Council Member Vasquez moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman, Ellis and Keller absent. MOTION 2002-0419 ADOPTED.

4. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 346** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area located within Harris County Municipal Utility District No. 216, all of the area in Harris County Municipal Utility District No. 346, and a certain area located in the vicinity of the intersection of Fry Road and Interstate Highway 10, in Harris County, Texas – was presented.

Mr. Wood stated that the proposed agreement here involved two utility districts between the utility districts in question had a united utility system, Harris County Municipal Utility District 216 was located between State Highway 6 and Barker-Cypress Road on the southside of I-10 and Harris County Municipal Utility District 346 was located in the southeast corner of Fry Road and I-10, that the City would be empowered to annex for limited purposes the commercial areas of 216 and the entirety of 346, that there was no population located in either area to be annexed for limited purposes and none was anticipated in the future, that the City would provide police services in the portion of 216 and only health services in 346. Council Member Weisman absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Wiseman absent. MOTION 2002-0420 ADOPTED.

5. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** to enter into a Strategic Partnership Agreement

and on a proposal for the City of Houston to annex for limited purposes a certain area located within Harris County Municipal Utility District No. 321 and a certain area located in the vicinity of Harris County Municipal Utility District No. 321, in Harris County, Texas

Mr. Wood stated that the proposed agreement with Harris County Municipal Utility District 321 would allow the City to annex for limited purposes the commercial areas of the district that were located at the intersection of West Road and 145, that the areas in question were developed with retail developments and there was no residential population located there and none was anticipated in the future, that the City would provide police services as well as health services within the area to be annexed.

Council Member Parker moved to close the hearing, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0421 ADOPTED.

6. **PUBLIC HEARING** on a proposal for the City of Houston and **INTERSTATE MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes all of the area in Interstate Municipal Utility District and a certain area located in the vicinity of Interstate Municipal Utility District, in Harris County, Texas – was presented.

Mr. Wood stated that the proposed agreement with Interstate Municipal Utility District would allow the City to annex the district in its entirety for limited purposes, that the district was located on the southeast corner of I-10 and Mason Road, that the district was largely commercial and there was one apartment complex located within the district, that the City would not provide police services and the services to be provided would include health services in the area, that the sales taxes to be collected would be split evenly between the City and the district. Council Members Edwards and Robinson absent.

Council Member Vasquez moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Robinson absent. MOTION 2002-0422 ADOPTED.

7. **PUBLIC HEARING** on a proposal for the City of Houston and **NORTH BELT UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area located within North Belt Utility District, a certain area located in the vicinity of the intersection of Aldine Westfield Road and Beltway 8, and a certain area located in the vicinity of the intersection of Lee Road and Beltway 8, in Harris County, Texas – was presented.

Mr. Wood stated that the proposed agreement with North Belt Utility District would allow the City to annex for limited purposes the non residential portions of the utility district that were located along Beltway 8 on both sides of Beltway 8 and Aldine Westfield Road, that the proposal would allow the City to collect sales taxes, which would be split evenly with the district, that the City would provide health and police services within the proposed area for limited purpose annexation. Council Members Edwards, Vasquez, Quan and Robinson absent.

Council Member Keller moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards, Vasquez, Quan and Robinson absent. MOTION 2002-0423 ADOPTED.

8. **PUBLIC HEARING** on a proposal for the City of Houston to disannex a certain area to be located within **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas – was presented.

Mr. Wood stated that the proposal to disannex certain property within Clear Brook City Municipal Utility District was related to Number 9, the Public Hearing on a Strategic Partnership Agreement with Clear Brook City Municipal Utility District, that under the agreement the City would disannex land that the district would annex in order to provide utility service to it, that the property in question was 180 acres that the City annexed in 1990, but it did not have proper utilities to provide for its development, that the land was currently completely undeveloped and under the agreement the district would provide utilities which would allow homes to be built on a portion of the land and a shopping center to be built at the intersection of Dixie Farm Road and Beamer Road, that the City would collect and retain the sales taxes from the shopping center exclusively. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Wiseman moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2002-0424 ADOPTED.

9. **PUBLIC HEARING** on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area to be located within Clear Brook City Municipal Utility District, in Harris County, Texas – was presented.

Mr. Wood stated that as he mentioned in the previous hearing the agreement with Clear Brook City Municipal Utility District, Strategic Partnership Agreement would allow the City to disannex and then reannex for limited purposes some undeveloped land which the utility district was able to provide utilities to, that the property would be developed with single family residential and a shopping center at the intersection of Beamer Road and Dixie Farm Road, that the City would retain all of the sales taxes collected from the shopping center. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Quan asked if their cost in maintaining with City services were outweighed by the benefit that the City would be receiving, and Mr. Wood stated yes and in fact he had determined in discussions with each of the relative departments, specifically the Police Department being the most expensive department involved in any of these services, that they would be able to provide service to the small areas they were annexing for limited purposes without any additional resources being devoted to providing that service, that in most of the cases where they were providing police services the areas in question were immediately adjacent to existing meets and sometimes they were already driving in front of the areas to be annexed for limited purpose, that the benefit to the City in the next fiscal year would depend on when sales tax collections begin and they were working with the State to make sure it was done as quickly as possible, that at a minimum in the next fiscal year it would probably result in a collection of at least \$3 million in additional sales taxes. Council Member Robinson absent.

Council Member Wiseman moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Robinson absent. MOTION 2002-0425 ADOPTED.

10. **PUBLIC HEARING** on a proposal to disannex a certain area to be located within **EMERALD FOREST UTILITY DISTRICT**, in Harris County, Texas – was presented.

Mr. Wood stated that the purpose for disannexing 10 acres located within Emerald Forest

Utility District was similar to the Clear Brook City Municipal Utility District agreement in that the 10 acres would be combined with about 200 acres located outside of the City limits of the City of Houston, that the specific 10 acres to be disannexed would be combined with 11 acres that would then be reannexed by the City along with the 10 acres for limited purposes, that the City would split the sales taxes to be collected from the shopping center to be developed on the 21 acres resulting from the combination of the two tracts of land and would split it with Emerald Forest Utility District for 15 years and after 15 years the City would retain all the sales taxes for that area to be annexed for limited purposes, that this was immediately adjacent to the Willowbrook area at FM1960 and Mills Road. Council Members Wiseman and Robinson absent.

Council Member Vasquez moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman and Robinson absent. MOTION 2002-0426 ADOPTED.

11. **PUBLIC HEARING** on a proposal for the City of Houston and **EMERALD FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain areas to be located within Emerald Forest Utility District, in Harris County, Texas

Mr. Wood stated that as he mentioned before the agreement with Emerald Forest Utility District would allow the City to annex for limited purposes a total of 21 acres after disannexing for general purposes 10 acres, that the 21 acres would be developed as a shopping center and the sales taxes generated from the shopping center would be split by the City and the district for 15 years and after that time the City would retain all of the sales taxes from the shopping center. Council Member Weisman absent.

Council Member Tatro asked Mr. Wood if they had prepared, and he would like to get a copy before the final approval, basically a cash flow or financial, how much revenue they expected to get from a sales tax issue and the cost of any services they were providing, basically an income statement of the net effect of the budget, and Mr. Wood stated that they had been doing sales tax revenue estimates and they were kind of fluid because they were getting more information as they went along, the expenses, because none of the departments involved in the provision of services would be adding resources, the marginal cost was essentially zero, that he would put the information in the form of a memo. Council Member Weisman absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Wiseman absent. MOTION 2002-0427 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 12 through 42**

#### **MISCELLANEOUS** - NUMBERS 12 through 21

12. REQUEST from Mayor for confirmation of the reappointment of **MR. DAN NIP** to serve as Chair of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2002 – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0428 ADOPTED.

13. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS, (EAST DOWNTOWN AREA) BOARD OF DIRECTORS:**
  - Position One - **MR. C. K. PANG**, reappointment, for a term expiring July 6, 2003
  - Position Three - **MR. BILL CHU**, reappointment, for a term expiring July 6, 2003
  - Position Seven - **MS. VONN TRAN**, appointment, for a term expiring July 6, 2003

– was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0429 ADOPTED.
- 13a. REQUEST from Mayor for confirmation of the reappointment of **MR. DAN NIP** to serve as Chair of the **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS, (EAST DOWNTOWN AREA) BOARD OF DIRECTORS**, for a term to expire December 31, 2002 – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0430 ADOPTED.
15. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **NORMAN R. DONALSON** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0431 ADOPTED.
17. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **LAYNE SAULS** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0432 ADOPTED.
18. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **CLARENCE O. SHARP** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0433 ADOPTED.
19. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **P. V. CAVALIERE** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0434 ADOPTED.
20. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **DAVID P. McANINCH** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0435 ADOPTED.
21. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$25,000.00 for Water & Sewer Accounts for various customers - \$45,837.04 Enterprise Water & Sewer Fund – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0436 ADOPTED.

**ACCEPT WORK** - NUMBER 24

24. RECOMMENDATION from Director Department of Public Works & Engineering for



approval of final contract amount of \$2,488,088.70 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Waterline Replacement in Oak Forest Subdivision, GFS S-0035-FR-3 (10489) - 05.26% under the original contract amount - Enterprise Fund **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0437 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 25

25. **AUTOMED TECHNOLOGIES, INC** for Two Medication Packaging Systems for Health & Human Services Department - \$190,000.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0438 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 30 and 40

30. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a water and sanitary sewer easement containing 16,403 square feet (0.3766 acre) of land, being located in the John Austin Two League Grant, A-1, Houston, Harris County, Texas; vacating and abandoning said tract of land to SV Allen Parkway Limited Partnership, the abutting owner, in consideration of owner's payment of \$213,239.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0262 ADOPTED.
35. ORDINANCE awarding contract for Excess Property Insurance to **HARTFORD FIRE INSURANCE CO.; ESSEX INSURANCE CO., ROYAL SURPLUS LINES INSURANCE CO.; UNITED STATES FIRE INSURANCE CO.; CHUBB CUSTOM INSURANCE CO.; COMMONWEALTH INSURANCE CO.; AMERICAN GUARANTEE AND LIABILITY INSURANCE CO.;** and **ALLIANZ INSURANCE CO.;** providing a maximum contract amount - \$2,582,630.00 General, Grant, Enterprise and Other Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
40. ORDINANCE awarding construction contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **BANDY AND ASSOCIATES, INC** (WA10708) \$2,539,885.88 - Enterprise Fund – was. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0263 ADOPTED.

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

**MISCELLANEOUS**

14. REQUEST from Mayor for confirmation of the reappointment of **JUDGE KATHY KHANH HAN**, as full-time **Judge**, Position 14, for a term to expire April 8, 2004, and for the appointment or reappointment as **Substitute Judges** of the **MUNICIPAL COURTS:**
- Position 1 - **JUDGE JOHNNIE ABERCIA**, reappointment, for a term to expire 7/1/03
  - Position 2 - **JUDGE WALTER SCHROEDER**, reappointment, for a term to expire 7/1/03
  - Position 3 - **JUDGE DON R. BYRNES**, reappointment, for a term to expire 7/1/03

- Position 4 - **JUDGE ELIZABETH ASHER**, reappointment, for a term to expire 7/1/03
- Position 5 - **JUDGE ELIHU DODIER**, reappointment, for a term to expire 7/1/03
- Position 7 - **JUDGE GRANTHAM H. COLEMAN**, reappointment, for a term to expire 7/1/03
- Position 8 - **JUDGE YVONNE Q. TAYLOR**, reappointment, for a term to expire 7/1/03
- Position 9 - **JUDGE A. ROBERT HINOJOSA**, reappointment, for a term to expire 7/1/03
- Position 10 - **JUDGE VICTORIA C. DAWSON**, reappointment, for a term to expire 7/1/03
- Position 11 - **JUDGE FRANCELIA E. TOTTY**, reappointment, for a term to expire 7/1/03
- Position 12 - **JUDGE JAY D. HIRSCH**, reappointment, for a term to expire 7/1/03
- Position 13 - **JUDGE ANN C. ELLIS**, reappointment, for a term to expire 7/1/03
- Position 14 - **JUDGE JACK P. LEE**, reappointment, for a term to expire 7/1/03
- Position 15 - **MR. JOHN CHASE, JR.**, appointment, for a two year term
- Position 17 - **JUDGE GARY B. MADDOX**, reappointment, for a term to expire 7/1/03
- Position 18 - **JUDGE OSWALD J. SCOTT, JR.**, reappointment, for a term to expire 7/1/03
- Position 19 - **JUDGE JO NELSON**, reappointment, for a term to expire 7/1/03
- Position 20 - **JUDGE BRIAN WICE**, reappointment, for a term to expire 7/1/03
- Position 21 - **JUDGE DAVID O. FRAGA**, reappointment, for a term to expire 7/1/03
- Position 24 - **JUDGE NIKITA V. HARMON**, reappointment, for a term to expire 7/1/03
- Position 25 - **JUDGE THOMAS M. WHITWORTH**, reappointment, for a term to expire 7/1/03
- Position 26 - **MS. IMELDA REYES-CASTILLO**, appointment, for a two year term
- Position 27 - **MS. ASHA REDDI**, appointment, for a two year term
- Position 28 - **JUDGE ADAM SILVERMAN**, reappointment, for a term to expire 7/1/03
- Position 29 - **JUDGE TIMOTHY K. SEO**, reappointment, for a term to expire 7/1/03
- Position 31 - **MS. PATRICE BARRON**, appointment, to complete an unexpired term ending 1/23/03
- Position 36 - **JUDGE MIN UN LEE**, reappointment, for a term to expire 9/1/03

– was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Goldberg absent. MOTION 2002-0439 ADOPTED.

Mayor Brown stated that they had some of the judges in the Council Chamber and asked the Chief Judge Mejia to come forward and introduce the ones that were present, and Judge Mejia stated that she wanted to thank the Mayor and Council on behalf of the judges for their vote of confidence and the appointment to the courts, that she wanted to recognize three judges that were present in the Council Chambers with their family members, the Honorable Patrice Barron, the Honorable John S. Chase, Jr. and the Honorable Asha Reddi and asked that they stand and be recognized, and Mayor Brown stated congratulations to the judges and stated that they were glad to have them present. Council Member Goldberg absent.

Council Member Quan stated that he wanted to note that they were very pleased to have each of the judges present and that Judge Reddi, he believed, was the first South Asian to serve on their bench and was a welcome addition as their City recognized diversity and the talents of so many people from different parts of the world adding to their community. Council Member Goldberg absent.

16. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **JEFFREY L. FOXWORTH** – was presented, moved by Council Member Keller, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Goldberg absent. MOTION 2002-0440 ADOPTED.

## ACCEPT WORK

22. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$8,194,712.96 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Terminal A, South Concourse, Site Work and Foundations at George Bush Intercontinental Airport/Houston (IAH); Project 526, CIP 318 - 04.92% over the original contract amount - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Goldberg absent. MOTION 2002-0441 ADOPTED.
  
23. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,705,617.45 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Water Main Replacement in Central City Subdivision and Portions of La Salette Place and Southland Place Subdivisions, GFS S-0035-04-3 (10543) - 04.64% over the original contract amount - Enterprise Fund - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Keller.

Council Member Keller stated that he was going to tag the item, that he had a question that he thought could be resolved, but was certain that this was not what they did going into it, that there were two change orders for the same reason on the project and both of them the justification was additional compensation to the contractor to avoid conflicts with existing utilities, if they were going to do storm drainage they were going to have to tear up a street most likely and there was going to be existing utilities, that he was sure there was some circumstances that were more severe that warranted that, that he would like for someone to get with him and dig a little deeper on the background for the project, and what were the reasonable efforts that the contractors took to avoid conflicts with utilities and what problem could arise to where they had to pay them a bunch of extra money to work with the utility companies, and Mayor Brown stated that he would have someone visit with him and answer his questions on it.

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

26. **BROOKSIDE EQUIPMENT SALES, INC** - \$76,250.00 and **PROFESSIONAL TURF PRODUCTS** \$61,574.17 for Golf Course Grounds Keeping Equipment for Parks & Recreation Department Equipment Acquisition Consolidated and Parks Special Revenue Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0442 ADOPTED.
  
27. **KUSTOM SIGNALS** for Radar Systems from the State of Texas General Services Commission's Contract for Houston Police Department - \$35,676.00 - Asset Forfeiture Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0443 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

27-1. RESOLUTION of the City Council of the City of Houston expressing support for the former employees of Enron Corp – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. RESOLUTION 2002-0017 ADOPTED.

Council Member Sekula-Rodriguez stated that she had an amendment for Item 27-1 and offered the following substitution for Section 1:

Section 1. "That the City Council wishes to express its support and solidarity with the former employees of Enron Corp, Arthur Anderson, Compaq, Continental Airlines and all of the other 65,901 persons currently unemployed in the City of Houston."

Council Member Sekula-Rodriguez asked Mr. Hall if they could add the language without causing a delay on the resolution and Mr. Hall stated that they had two issues, that one, the resolution had already been passed so obviously it could not be attached to the one posted, that he thought she had been advised there was a posting problem, that had they known she wanted to include the amendment it could have been done, but if she would notice the posting was specifically for Enron employees, so her amendment would not satisfy the State law requirement for notice, that the language could not have been expanded under the posting they had made, that they would have had to have done it at the time they posted it Friday, and Mayor Brown stated that it was 72 hours in advance.

Council Member Sekula-Rodriguez stated that she would like to ask that the amendment be a posting opportunity for a resolution that would be similar because she really did not think they wanted, as a body, to isolate or identify one group of unemployed people versus another, that she would like to offer her amendment as a separate resolution to come to Council next week to say they offered solidarity and support of everyone in the City who had suffered from unemployment.

Council Member Robinson stated that he agreed with Council Member Sekula-Rodriguez and thought that yesterday in part they made that expression and Council Member Berry presented a resolution to the United Way and they were always acknowledging folks who were trying to help others in the community, that he did not have a problem expressing support for laid off employees, but wanted to make the observation that the resolution they passed was not an expression of solidarity because they were laid off in and of itself, that it was an expression of support of the employees effort to receive severance pay, that none of the folks at Arthur Anderson, Compaq, Continental or any of the other 65,901 unemployed persons had expressed to Council the need for help with severance pay and thought that was the difference, that it was not just a resolution for solidarity, that he supported Council Member Sekula-Rodriguez's effort, but thought that what Resolution 27-1 did was speak to a bigger issue than just being laid off, that it was laid off in context of access to the severance package and did not want folks to think they were not fully aware of what the specifics were on the resolution, that he did not have a problem saying the City was supportive, he thought they did it all the time.

Council Member Quan stated that while certainly he recognized Council Member Sekula-Rodriguez as being a person who wanted to reach out to many people, but the thrust of the resolution was specifically aimed at Enron Corporation employees and especially in light of the hearing coming up on Friday before the New York Bankruptcy Court and the discussion by the Enron Creditor's Committee, that he thought it diluted what they were trying to accomplish by making it so inclusive of everyone that Enron was not a special situation, but that everybody that was laid off in the City of Houston, they were behind them, that he did not think it served the same impact or sent the same message that they were intending to send with the resolution that

was passed by Council, that he though they were looking at one issue at this point and thought that they needed to keep their focus on that.

28. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Tax and Revenue Certificates of Obligation, Series 2002A; authorizing publication of Notice of Intent to issue such certificates; authorizing the Finance Working Group to proceed with all matters related to the issuance and sale of such certificates – was presented and tagged by Council Member Tatro.

Council Member Tatro asked for a revenue history of Phase I and Phase II as they now stood, and stated that he would like to know how they were capturing the revenues now from either the parking meters or the fines and what those amounts were for those initial blocks and for any completed blocks, what were the revenues on both the meters and the tickets and what was the framework in Municipal Courts to capture those as it now stood, and Mayor Brown asked Mr. Hains to meet with Council Member Tatro and provide the answers to his questions.

Council Member Robinson stated that he also would like to meet with Mr. Haines, that his only question was relative to one of his budget priorities, that he would like to see them do a demonstration on turnover and extend the hours of the parking meters, that he wanted to make sure if they extended the hours and that money would go to Cotswold that it would go to faster debt payment or was the money beyond the hours now come back into the City and not to Cotswold, that he wanted to make the sure the documents reflected that possibility.

29. ORDINANCE authorizing a management services agreement with the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for Design and Construction of Cotswold 2000 Project, GFS I2000-01-2 (I-2000-01) - **DISTRICT I – ALVARADO** – was presented and tagged by Council Member Tatro.
31. ORDINANCE approving and authorizing contract between the City and **NORTHSIDE REDEVELOPMENT CENTER** for Community Economic Development Corridor Project to be implemented in the Enhanced Enterprise Community's Zone 4 - \$30,000.00 - Grant Fund **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0264 ADOPTED.
32. ORDINANCE approving and authorizing an agreement for Convention Services between the City of Houston, **SPIRE REALTY GROUP, LP** and **SAM HOUSTON HOTEL, L.P.**, with regard to the Sam Houston Hotel to be located at 1117 Prairie Avenue; including a limitation of funding in the amount of \$132,707.00 annually for (7) years, totaling \$928,949.00 - **DISTRICT I – ALVARADO** – was presented and tagged by Council Members Keller and Sekula-Rodriguez.

Council Member Keller stated that he wanted to apologize for not having the time to meet with an individual from Spire who did try several times this week, that he felt that his questions were going to be successfully answered, but still would need a meeting, and Council Member Sekula-Rodriguez stated that she would like a meeting also and would like to add her tag to the item, and Mayor Brown stated that they would have someone meet with both of them.

33. ORDINANCE consenting to the assignment of the Tax Abatement Agreement between the City of Houston, **OFFICE DEPOT, INC**, and **OPUS SOUTH CORPORATION** to **PLAYA MAR PROPERTIES I, LLC** - **DISTRICT A – TATRO** – was presented and tagged by Council Members Goldberg, Ellis and Sekula-Rodriguez.

34. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **VISIONS OF HOPE, INC - DISTRICT H – VASQUEZ** – was presented, and tagged by Council Member Sekula-Rodriguez.

Council Member Ellis stated that he had some real concerns on the item and realized that the City would be losing some money on this one project and that Reverend James Dixon had two other projects that they had offered loans to as well so he would like somebody to come and visit with him in the next week, and Mayor Brown stated that he would have somebody visit with him and would have somebody meet with Council Member Sekula-Rodriguez as well.

Council Member Edwards stated that she wanted to also meet with someone from Housing, that she had a call into Reverend Dixon because she had some concerns as well, and Mayor Brown stated they would have someone meet with her as well.

36. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON COMMUNITY COLLEGE** for Basic Fire Suppression Training, Fast Track Fire Suppression Training, Emergency Medical Services Training (EMS), and Professional Development Training Programs; providing a maximum contract amount - 3 Years with two one year renewal options - \$7,622,619.00 - General Fund – was presented, and tagged by Council Members Alvarado, Edwards, Wiseman and Keller.

37. ORDINANCE approving and authorizing contract between the City of Houston and **AMERICAN PAYMENT SYSTEMS** for Automated Bill Collection and Processing System through Agent Network Services - 5 Years - \$1,900,000.00 - Enterprise Fund – was presented.

Council Member Alvarado stated that she understood what they were trying to do and supported it but would like some clarification or an update on the status of ability to pay water bills on line, and Mayor Brown stated they would get that for her, that there were some current negotiations going on right now and they would update her on it.

A vote was called on Item No. 37. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0265 ADOPTED.

38. ORDINANCE approving and authorizing professional materials engineering laboratory contracts between the City of Houston and **ASSOCIATED LABORATORIES, INC; ATSER, L.P.; AVILES ENGINEERING CORPORATION; BANDY AND ASSOCIATES, INC; COASTAL TESTING LABORATORIES, INC; DAE AND ASSOCIATES, LTD, d/b/a GEOTECH ENGINEERING AND TESTING; EARTH ENGINEERING, INC; FUGRO SOUTH, INC; GEOSCIENCE ENGINEERING AND TESTING, INC; GEOTEST ENGINEERING, INC; GROUND TECHNOLOGY, INC; HBC ENGINEERING, INC; HERCULES ENGINEERING AND TESTING SERVICES, INC; HTS, INC, CONSULTANTS; HVJ ASSOCIATES, INC; LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC; McBRIDE-RATCLIFF AND ASSOCIATES, INC; PARADIGM CONSULTANTS, INC; PROFESSIONAL SERVICES INDUSTRIES, INC; QC LABORATORIES, INC; RABA-KISTNER CONSULTANTS, INC; STORK SOUTHWESTERN LABORATORIES, INC; TERRA-MAR, INC and TOLUNAY-WONG ENGINEERS, INC** for Engineering Materials Testing Services for the Department of Public Works and the Department of Aviation – was presented, and tagged by Council Members Keller and Tatro.

Council Member Sekula-Rodriguez stated that she had an opportunity to hear Mr. George

Bravenec speak on the issue yesterday and he reported that the Public Works Department had a tremendous improvement in their ability to meet the demands of various repair jobs in a timely fashion, that he stated that versus last summer when they were about 700 repair jobs back, they now had improved to a position of only having 38 water main jobs pending, 58 sewer jobs pending and 22 fire hydrant repair jobs pending, that she thought that deserved some acknowledgement and credit to the Public Works Department. Council Member Tatro absent.

39. ORDINANCE appropriating \$777,807.55 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SHUMAKER-HARVEY EQUIPMENT CO., INC** and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-P4-3 (WW4277-8); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0266 ADOPTED.
41. ORDINANCE appropriating \$749,000.00 out of Public Health Consolidated Construction Fund, awarding construction contract to **PYRAMID WATERPROOFING, INC** and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC** for Construction of the Roof Replacement at the Health & Human Services Bureau of Animal Regulations and Control (BARC), Animal Control Center - North, CIP H0011-04-3; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund **DISTRICT B-GALLOWAY** – was presented and tagged by Council Member Vasquez.

Council Member Alvarado stated that she wanted to make a correction that the project was not in her district, and Mayor Brown stated that it would be corrected.

Council Member Robinson stated that he noticed that at Almeda and Southmore and along the Almeda area they blew the water pipes during the day and was wondering why in the day and not in the evening because it was going on the same time as the traffic and was actually hitting a car in the lane or forcing a car over and it caused congestion and possibly a dangerous situation so he was wondering if they could blow the mains at different times, preferably in the evening, and Mayor Brown asked Mr. Hains to check on it.

42. ORDINANCE appropriating \$84,700.00 of out of Convention & Entertainment Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CHP AND ASSOCIATES, CONSULTING ENGINEERS, INCORPORATED** for Design of Electrical Improvements at Wortham Theater Center, CIP B-0062-02-2; 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. Council Member Galloway out of the city on city business. ORDINANCE 2002-0267 ADOPTED.

#### **MATTERS HELD** - NUMBERS 43 through 53

43. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – (This was Item 9 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented. Council Member Robinson voting no, balance voting aye. Council Member Galloway out of the city on city business. MOTION 2002-0444 ADOPTED.

44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 N0546 - DISTRICT B- GALLOWAY – (This was Item 10 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBERS PARKER and BERRY)** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0445 ADOPTED.
45. DECLARE **SKAGGS PUBLIC SAFETY UNIFORMS & EQUIPMENT (Bid #2)** in default and hold them non-responsible for two years – **(This was Item 15 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER QUAN)** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0446 ADOPTED.
46. 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 – **(This was Item 24-1 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0445 ADOPTED.
47. 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 – (This was Item 33 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY and ROBINSON)** – was presented. Council Member Robinson voting no, balance voting aye. Council Member Galloway out of the city on city business. ORDINANCE 2002-0269 ADOPTED.
48. 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 – (This was Item 34 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** –



was presented.

Council Member Goldberg stated that he had a question regarding Item Numbers 48 and 49 and stated that in Item No. 48, KUO & Associates was the prime contractor and asked if they were an MWBE in Item No. 49 and Mayor Brown stated that was correct, and Council Member Goldberg asked if that was allowed, and Mayor Brown stated that anyone could get a prime contract, there were no prohibitions against MWBE companies getting primes, that as they knew they had a MWBE graduation program and they had not graduated yet, that they had firms graduate from the program but the contract with the MWBE was between the prime on that project and the MWBE, they pick their subs, that it did not mean they did not need assistance, it was a small contractor and it was desirable that they also be able to do prime if they qualified for the work. Council Member Berry absent.

After further discussion by Council Members, a vote was called on Item No. 48. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2002-0270 ADOPTED.

49. 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** – (**This was Item 35 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY**) – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2002-0270 ADOPTED.
50. 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) – (**This was item 36 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY, EDWARDS and TATRO**) – was presented.

Council Member Sekula-Rodriguez stated that she had reviewed the item and the concerns that she had was that this accelerated bike program did not address any of the needs of District E and thought that it would be an omission to ignore that and ignore their needs, that she was not against the program and thought it was a beautiful program, but it seemed to her that a certain part of the City had been ignored and asked if there was anybody present from the program to talk about it and stated that she would like to postpone the item.

Council Member Sekula-Rodriguez moved to postpone Item No. 50 for one week, seconded by Council Member Tatro.

After further discussion by Council Members, Council Member Ellis moved to suspend the rules to hear from Mr. Jon Vanden Bosch, Director, Department of Public Works, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2002-0447 ADOPTED.

Mayor Brown stated that as to Item No. 50, the Accelerated Bikeway Program, the motion before them was to delay it and the sentiment of many of them was that they should not delay it,

and asked Mr. Vanden Bosch to explain why they should not delay the project and the significance of getting it down as far as the STEP Grants they had and the delay they had on other projects, and Council Member Ellis stated that also the concerns that Council Member Tatro had and those were the flooding issues, and Mayor Brown stated that Mr. Vanden Bosch had issued a memorandum about the Harris County Flood Control District and asked him to address that as well.

Mr. Vanden Bosch stated that they had been taking a very long time to get these things underway, that they were complex, not at all from an engineering standpoint, generally they were extremely simple, but administratively they were quite complex and they needed to get them finished, in addressing the trestles in White Oak Bayou, he believed there were 5 trestle in White Oak Bayou or sets of trestles where bridges crossed and they thought that using the trestles was a good plan, probably a cheaper plan than any other way to cross the bayou, that he thought they estimated it would save them some money to use the trestles, that they had checked very carefully with the Harris County Flood Control District and they had advised to go ahead and use the trestles because they said it would take them 5 years or more to really make a decision on what to do with those trestles, if they amortized a million dollars over 5 years they or so they were talking real money, and that did not mean that their decision would be to take them out, that he had no commitment to them but there was a strong possibility if they had their bikeway on it that they would at least assist with the cost of relocation of that facility if five to ten years they would decide to move them, but that was not a flood control issue, if they looked at it this way it did retire the flow, however in talking with the Flood Control District and the little bit he knew about hydrology, if they took them out more water was going to get downstream faster, so the water elevation downstream from them would tend to rise, that was something that the Flood Control District was wrestling with, how much was it going to rise, should they take them out, where were they going to widen and so on, but right now the Flood Control District's position was that they were available for use and they had even suggested that the City use them because it was going to be so long for them to come up with an alternative.

After a lengthy discussion by Council Members, Council Member Parker moved to call the question, seconded by Council Member Wiseman. Council Members Keller and Tatro voting no, balance voting aye. Council Member Galloway out of the city on city business. MOTION 2002-0448 ADOPTED.

A roll call vote was called on Council Member Sekula-Rodriguez motion to postpone Item No. 50 for one week.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway out of the city on city business.	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Rodriguez voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-0449 FAILED

A vote was called on Item No. 50. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0272 ADOPTED.

Mayor Brown recognized Council Member Parker for a point of personal privilege, and Council Member Parker stated that they had been joined by a student group, the Westbury High

School SOAR Mentorship Program, that there were a number of students present who were 10<sup>th</sup> and 11<sup>th</sup> graders who were in a mentorship and leadership program and were joined by their teacher, Sharon Batson and by staff members, Marlene Rueben and Helen Harvey and also by one of their mentors, Hector Longoria, and asked that they stand and be recognized, and Mayor Brown stated that they wanted to welcome them to the City Council meeting and as they completed their education he hoped that they would consider public service as a career.

51. 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 – **(This was item 37 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and TATRO)** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0273 ADOPTED.
52. 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 – **(This was Item 38 on Agenda of April 3, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0274 ADOPTED.
53. 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 50 on Agenda of April 3, 2002, POSTPONED BY MOTION #2002-0413)** – was presented.

Council Member Goldberg stated that he had originally tagged the item and also a motion to delay and he had a chance to discuss the item with Stephen Lewis and Oliver Spellman, and presented a map and stated that it was MacGregor Park and basically the lawsuit involved the fact that they had not developed half of it, that he thought that half of it was in the Master Plan and they did have plans to develop it, that a lot of their parks were not developed like Memorial Park, which was forested and that was part of the purpose of keeping, that the other reason he was supporting the item was unlike last week when they had a case that had 2% chance of going to the Supreme Court, this item had at least a 99% plus chance of going to the Supreme Court, that unless they won it outright or they had a settlement it was going to the Texas State Supreme Court and on top of that it was the cap on the cost, \$115,000 was it and there was no more cost, that he originally had the problem with the same law firm who did the trial doing the appeal, but found out that the law firm had already done the brief and all that was left were oral arguments in the Court of Appeals and did not have any objection to it.

A vote was called on Item No. 53. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0275 ADOPTED.

**Item received during the meeting was considered as follows:**

35. ORDINANCE awarding contract for Excess Property Insurance to **HARTFORD FIRE INSURANCE CO.; ESSEX INSURANCE CO., ROYAL SURPLUS LINES INSURANCE CO.; UNITED STATES FIRE INSURANCE CO.; CHUBB CUSTOM INSURANCE CO.; COMMONWEALTH INSURANCE CO.; AMERICAN GUARANTEE AND LIABILITY INSURANCE CO.;** and **ALLIANZ INSURANCE CO.;** providing a maximum contract amount - \$2,582,630.00 General, Grant, Enterprise and Other Funds – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2002-0276 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Sekula-Rodriguez stated that as to the bike program she was not against the idea of an accelerated bikeway program, that she thought it was a wonderful idea and concept, that it was unfortunate it had taken so long to get off of the ground, but that was not the question she raised, that the question she raised was the fact that areas of the City that were outside of the beltway were not being addressed, that was her concern that areas outside of the beltway deserved to be respected and asked the administration to consider those areas.

Council Member Sekula-Rodriguez stated that next week was National Immunization Week for Infants, that it was April 14 through April 20, 2002, that the City of Houston as well as the County would be expressing a great effort to involve all of the families who had infants to come in and get their shots, that Aetna Foundation had given the Health Department a grant for \$10,000 to pass the word along, that they were going to have billboards on the Clear Channel Communication billboard system notifying people that it was National Immunization Week, that it was very important that parents not forget this, that they would encourage everybody to catch up and bring their children in for immunization.

Council Member Alvarado stated that a couple of weeks ago she asked about the Civility Ordinance and would like an update on it.

Council Member Alvarado stated that she sent a memo to the administration, that last week the Department of Justice had written an opinion but had not released it, stating that local government entities may have the authority to have their local police officers enforce immigration laws, that she hoped it was something their Police Department would not engage in, that there was an issue a week or two ago regarding immigrant workforce not having workers rights, that she would like to work with the Mayor's office and were already doing some things with Mr. Benito Juarez, that there was an article several weeks ago in the Business Section that stated that Hispanic workers, out of all the workforce, tended to get hurt on the job more, that she thought that some of these issues were tied into being able to have workers rights, that she wanted to continue to work with Mr. Juarez who was working on these issues and doing a great job, and Mayor Brown stated that they did receive her letter and thought that he could speak very clearly that their Police Department had a lot to do anyway and would not be involved in enforcing immigration laws.

Council Member Berry stated that to the issues of parking meters, specifically in Rice Village, that a number of retailers and individuals who officed there had called him about the installation of parking meters, that to his knowledge there was no stake holder there with regard to individuals who officed, retailed or owned land in the Village who supported it, that they had all suggested that it would have a terrible effect on Rice Village and he would suggest that it could potentially affect things like their Sales Tax Revenue if they intended to extend the program

citywide, that he would like to register his concern and to some extent in opposition to the installation of parking meters in areas where they had a situation that had developed in an unzoned City over a period years. Council Members Keller and Sekula-Rodriguez absent.

Council Member Ellis stated that in response to Council Member Alvarado, the Civility Ordinance they were going to place on the Regulatory Affairs Committee meeting for the May meeting so they could address that issue at that time, that they would send out a memo and hoped they would attend. Council Members Keller and Sekula-Rodriguez absent.

Council Member Ellis stated that as to the bikeway program these were plans that had been in place for quite some time, that it was his understanding that Dick Weekley, Ed Wulfe and the Mayor's office had come up with a formula to where they could go and access the STEP Grant funds, that as they heard earlier from Mr. Vanden Bosch from an engineering standpoint it was quite simple, but from an administrative standpoint it was extremely difficult, so he wanted to applaud the Mayor's office and those individuals that worked on the projects, that the projects would be developed over the next two years, that he understood Council Member Sekula-Rodriguez's concern with regard to developing the areas outside of the beltway, so over the next two years he hoped to get support from the administration and At Large Council Members so they could address those districts which lay outside of the beltway and slate some projects for the future. Council Members Parker and Sekula-Rodriguez absent.

Council Member Ellis stated that on Item No. 51, having to do with the development of storm sewers throughout the City, he had one concern, that they were spending over \$5 million on the study and design and it had been rumored that somebody might be bringing forth a storm sewer fee to be tacked on to the water bill and he wanted to say that he would be strongly opposed to that, that he saw it as an increase in fees and taxes for all the citizens, that he was concerned about where they were going to find the funding to do the development of the storm sewers and would be watching it closely over the next 18 months. Council Members Parker and Sekula-Rodriguez absent.

Council Member Goldberg stated that regarding the parking meters at Rice Village, they had a townhall meeting with a lot of the merchants and the merchants association, that they were talking about 200 spaces out of 1,400 which would get the meters, that there was already a two hour limit to park there and all the parking meters would do was to assist them to make sure the people were only parking there two hours, that the two hour limit was important because they wanted to have turnover there, that if they allowed employees to park there over eight hours then they would have a parking problem, no one could get to the shops, that he agreed with Council Member Berry that if it did hurt the businesses and reduce the amount of flow and sales tax revenue then obviously they would not institute the parking meters. Council Member Sekula-Rodriguez absent.

Council Member Goldberg stated that this past weekend Stewart and Stevenson celebrated their 100 year anniversary and it was a company that was started in the City of Houston, that he thought they should be congratulated and would like to see the City of Houston present a proclamation or resolution to Stewart and Stevenson. Council Member Sekula-Rodriguez absent.

Council Member Weisman stated that as District D Council Member she had working very hard to prioritize and make sure that they as a suburban district was not overlooked when it came to capital improvements, that she wanted to make sure they got their fair share in the way of services, amenities and improvements, that they were working very hard at looking at long term improvements, including long term solutions to their flooding situation. Council Member Sekula-Rodriguez absent.

Council Member Weisman stated that she wanted to congratulate Blue Tide Aquatics, a swim team in Kingwood, that they recently received number one in the State Championship in Short Course for 14 years and under. Council Member Sekula-Rodriguez absent.

Council Member Robinson stated that on the April agenda of TTI they would have an update on flood control issues for all Council Members, that he had raised the same concern about a potential drainage fee and he was hoping to have a broader discussion on the CIP, the consultants, old plans and how they were going to update the program. Council Member Sekula-Rodriguez absent.

Council Member Robinson stated that he would be hosting a Teen Health Summit on April 27, 2002, from 8:00 a.m. to 1:00 p.m. at the George R. Brown Convention Center, that the C&E Department were also co-sponsors of the event. Council Member Sekula-Rodriguez absent.

Council Member Robinson stated that he wanted Metro to be a strong advocate for the preservation of right-of-way on I-10 for the future expansion of rail if their study came back and said so, that he knew the Mayor had sent the information about the new Metro Board Members, that they looked like a quality group and he hoped they would all be advocates for preservation until they had the final studies and that they would serve through the referendum that they were all anticipating to come forward in 2003 for a regional expansion as they had the money to do it and to send a strong message to Washington that their community wanted a regional rail system. Council Member Sekula-Rodriguez absent.

Council Member Robinson stated that he wanted to thank the administration, that they continued to have meetings and thought they were pretty close to having the other three communities along State Highway 225 signed off to do the public hearing on No Trucks in the Left Hand Lane, that he was advised by TXDOT that they had received correspondence from Pasadena and La Porte and understood that Deer Park's letter was in the mail, that Pasadena had agreed to convene a public hearing that they all needed to have and would send the notification to the Mayor's office. Council Member Sekula-Rodriguez absent.

Council Member Edwards stated that she wanted to lift up 40 students who in conjunction with People in Partnership and her office went to San Antonio this last weekend to attend some leadership training workshops, that hopefully they would be young people who were going to be developing a voice for the young people in the community, that it was a combined group of young Latino, African American and White students who attended the conference, that she wanted to thank Ms. Shiela Savannah with People in Partnership for helping them to pull it off. Council Member Sekula-Rodriguez absent.

Council Member Edwards stated that she wanted to thank South Central Command Station and Captain Aguirre, that the Mexican Consulate was in District D and they had addressed some issues to her with concerns regarding harassment of people in lines and problems they were having with vendors and thanks to Captain Aguirre and South Central Command Station they went over and helped them with those problems. Council Member Sekula-Rodriguez absent.

Council Member Tatro stated that as to the bike trail program, with respect to White Oak Bayou and the trestles specifically, that he was in support of the item and specifically the trestles, that it was the City's commitment to flood control management that was of extreme importance to his area, that the White Oak Bayou Project with Harris County Flood Control was a five year program and was largely funded by the federal government and they had to due diligence and nothing was in written form about the improvements to White Oak Bayou, but in

meetings that he had with Harris County Flood Control they had to set standards and take things into consideration and one of them said best scenario was the removal of those train trestles, that the City should take a step back and let Harris County decide the fate of the trestles on White Oak Bayou. Council Member Sekula-Rodriguez absent.

Council Member Vasquez stated that he knew that Council Member Robinson had the HAWC Board coming back on the TTI and he had a couple of questions but did not know if it was appropriate for the TTI or Mr. Haines, that he wanted to know the status of the North and West Harris County Water Authority negotiations, that he was also aware that the Allen's Creek Bayou permit had been issued and wanted to know what next step was and the status of that as well. Council Member Sekula-Rodriguez absent.

Council Member Keller stated that he read an article in the newspaper regarding an issue in Council Member Tatro's district regarding mitigation for flooding and the likes, that it was too complicated for him to understand what was going on between all of the entities, but he did know that the kids were losing, that they were getting their fields taken away from them, that area put out more girls fast pitch softball than any other area in the City limits, that they needed to get back to the table and see if they could add something into the equation to where that was allowed to happen because there were no more fields for them to find and they did not have the money to find anymore fields. Council Members Vasquez and Sekula-Rodriguez absent.

Council Member Quan stated that as they approached the budget cycle they had voted to authorize the Bonham Group to do a study, they were in town beginning the study, if they had any comments or suggestions on how they entered into partnerships with business to maximize the use of the City name to generate funds to please meet with them. Council Member Sekula-Rodriguez absent.

Council Member Quan stated that regarding immigrant rights and the use of police to enforce immigration laws, to him it was another unfunded mandate, that they were imposing requirements on the City without providing the means or tools to really do it in a proper manner, that he had spoken with Chief Bradford and knew his department was not anxious to assume those responsibilities whatsoever, that he planned to contact the National League of Cities to oppose it and asked that Mayor Brown contact the Council of Mayors also, that it was just something that was really outside of their control in the City of Houston and should be left to the federal government to follow up on. Council Member Sekula-Rodriguez absent.

There being no further business before Council, the City Council adjourned at 11:01 a.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway out of the city on city business. Council Member Sekula-Rodriguez absent. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary