

City Council Chamber, City Hall, Tuesday, April 23, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 23, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:09 p.m. Mayor Brown stated they had a couple of presentations and he would make the first one and invited Dr. Slade and Dr. Thomas F. Freeman to the podium and stated that he wanted to warmly welcome the President of Texas Southern University, Dr. Slade and the Coach of TSU Debate Team, as well as the members of that debate team, that their reputation was world wide and were very pleased to have them in the Council Chambers today, that the team had accomplished a singular achievement, they earned a total of 20 awards and the TSU Debate Team finished first among 25 competing schools at the Twelfth Annual International Forensic Association Competition in Rome, Italy, that it was the third time in a ten year period that the team had finished in first place, that the terrific debaters and their distinguished coach, Dr. Freeman, who had served the TSU Debate Team for some 52 years, that he wanted, on behalf of all of the City of Houston, to extend their congratulations to him for a job well done and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed, Tuesday, April 23, 2002, as Texas Southern University Debate Team Day in Houston, Texas. Council Members Galloway, Ellis and Alvarado absent.

Dr. Slade stated that she wanted to thank Mayor Brown and the Council Members for the honor and accepted the proclamation on behalf of the hard working faculty, staff and students at Texas Southern University as well as the world renowned Texas Southern University Debate Team. Council Members Galloway, Ellis and Alvarado absent.

Dr. Freeman stated that President Slade had stated all that needed to be slated, however he wanted the privilege to say thank you for what they had done. Council Members Galloway, Ellis and Alvarado absent.

Council Member Robinson stated that he wanted to say he was always proud to acknowledge both their ties to the University and TSU, that he wanted to thank Dr. Freeman for all he did and had the privilege of working with Dr. Slade and the rest of the staff and faculty at TSU, that this championship was a constant reminder that if they aspired to greatness and had the support they could achieve greatness. Council Members Galloway, Ellis and Alvarado absent.

Council Member Edwards stated that to Dr. Slade, Dr. Freeman, Dr. Evans and the folks at TSU he wanted to say thank you, that she wanted to ask the media if they could get as much play about the young folks of TSU that were doing the work as they did about the beach party in Galveston. Council Members Galloway and Alvarado absent.

Council Member Berry stated that he wanted to add his accolades for all the wonderful things that President Slade did and requested that Dr. Freeman introduce all of the members of the debate team, and Dr. Freeman introduced all of the members of the debate team. Council Members Galloway and Alvarado absent.

Council Member Robinson stated that about a year and a half ago he had the good fortune of being invited to speak to a group of professionals who essentially ran the world behind the

scenes, otherwise known as the administrative assistants, that the organization was the International Association of Administrative Professionals and they were joined by Ms. Margaret Wedge, who worked for the City of Houston, and invited Ms. Wedge and other members of the organization to the podium and presented a proclamation to the International Association of Administrative Professionals, along with a certificate from his office, proclaiming this week Administrative Professional Week. Council Members Tatro and Galloway absent.

Ms. Wedge stated that on behalf of not only the International Association of Administrative Professionals, but from all of the administrative staff that not only worked in the City and the government offices, but in private industry, they thanked Mayor Brown and City Council for recognizing the 50th anniversary of Administrative Professionals Week. Council Members Tatro, Galloway and Berry absent.

At 2:23 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Tatro led everyone in prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Galloway absent.

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

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

Mr. Trent Winters, 7967 Airport Blvd., Houston, Texas 77071 (713-729-1153) appeared and stated that he went to Judson Robinson Center to work out and had been in conflict with the trainer, Mr. Clifton Earl Miles, because of some of the things he was doing, that subsequently the police were called and they asked him to leave for no reason, that he did not have any order telling him he could not go in there and they had no order saying he could not go in there, that he had been letting people know the truth about what was going on at the Judson Robinson Center which was that they did not have to pay Cliff Miles unless they used his services and he was telling people that they had to and he thought he had to so he had paid him for a good year and a half, that he also wanted to bring to the Council's attention that Mr. Miles was fighting a case right now of indecency with a child, that he did not know what the policy was and had been trying to get it and his belief was that Mr. Miles worked around kids because there were kids at the Judson Robinson Center all of the time and to him wisdom would teach them that they would remove Mr. Miles and get him away from the kids until it was all settled, that the Legal Department had it since August 2001 when Mr. Miles was arrested at the Judson Robinson Center for the crime, that he had not been convicted so they could not say it was true yet, but his belief was that people with kids needed to know, that he did not appreciate the officer saying that he was going to arrest him and he actually told the officer point blank if he wanted to arrest him to go ahead, he had done no wrong, that he did not like Mr. Miles and Mr. Miles did not like him and all those around them all ready knew that, that he was asking if there would be an internal investigation in regards to the whole Judson Robinson Center because people were paying money that they did not have to pay and should not pay, that he paid money that he should not have had to pay because he was told some things falsely and did plan on suing because that was not right. Council Member Alvarado absent.

Upon questions by Council Member Goldberg, Mr. Winters stated that the case currently pending against Mr. Miles was indecency with a child and it happened in February 2001, that Mr. Miles had been convicted of cocaine possession, criminal trespass and drunken driving, that he had a verbal altercation with Mr. Miles, that he had filed many complaints with the people at the center and had been in contact with Parks and Recreation, and Mr. Brian Hill knew what was

going on, that the Legal Department knew what was going on but they were not doing anything about it, that he had not gotten any response from the Legal Department, that the only response he had gotten was from Mr. Hill where he could go and look at the Parks and Recreation Rules, and Council Member Goldberg stated that Mr. Winters was a constituent of his and he would follow up on that. Council Member Alvarado absent.

Council Member Edwards asked Mr. Winters who he was paying monies to, and Mr. Winters stated that he was paying money to Mr. Miles the director, that he was paying him \$20 per month to train, that when he first started, yes, Mr. Miles did train him, but as it went on he was not doing anything and if he had known he did not have to pay him he would not have, that he was paying Mr. Miles personally, that Mr. Miles was a concessionaire, that he was not under contract with him and according to what he was understanding if he was not under contract with Mr. Miles he did not have to pay him because it was a City facility. Council Members Alvarado and Sekula-Rodriguez absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Brian Hill, Parks and Recreation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Alvarado and Sekula-Rodriguez absent. MOTION 2002-0479 ADOPTED.

Upon questions by Council Members, Mr. Hill stated that no one was required to pay any concessionaire, and in this case Mr. Miles, to use the fitness facilities at Judson Robinson Center, that if their patrons in the weight room so desired, yes, they may retain his services under the auspices of his concession contract but there was no requirement to do so, that Mr. Miles, under his concession agreement, was allowed to be there from 6:00 a.m. until 10:00 a.m., 12:00 p.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m., that even if he was there during that time and they wished to go into the weight room and use the facilities they were not required in any way to pay him, only if they wished to retain him for his advice and counsel, and Council Member Edwards asked Mayor Brown if the Parks and Recreation could make that clear at the facility and if it was not clear to place a mounted or displayed statement on the wall, and asked if regarding the allegation of the child molestation if it was in the courts now, and Mr. Hill stated that he believed that Mr. Miles had a court date pending this month, that understanding that an indictment was only an accusation they had asked the Legal Department for a decision and it was his understanding that the decision was still pending. Council Members Alvarado and Sekula-Rodriguez absent.

Mayor Brown stated that he heard Council Member Edwards request and if there was anything unclear about the policies and procedures for Mr. Hill to do what was necessary so everyone could understand them and Mr. Hill stated that they would do so in writing. Council Members Alvarado and Sekula-Rodriguez absent.

Upon questions by Council Member Robinson, Mr. Hill stated that the request for clarification had been pending in the Legal Department, he believed, for a matter of weeks, that he believed it had been three weeks and when they found out about the allegation it was turned over to the Legal Department for a ruling about whether he could continue as a concessionaire, and Council Member Robinson asked Mayor Brown if they could expedite some clarification from the Legal Department, that it was a sensitive environment where kids were and did not know what the balancing was, and Mayor Brown asked Mr. Bibler if they could deal with it as soon as possible, and Mr. Bibler stated that they would, that the person whose name had been suggested was working on it in the department and he would check with him to see what he had on it. Council Members Alvarado and Sekula-Rodriguez absent.

Council Member Quan asked Mr. Bibler if they had a policy in regards to this in general if a person had been indicted for indecency with a child, not to have them interact with young people,

and Mr. Bibler stated that he thought it was a rather unique situation because this person was not a City employee and he was not sure that they had that many people who were not City employees interacting with the public so he was not sure they had a policy, that they probably had policies as it related to City employees, but he knew of none as it related to this unique situation, that they had control over whether they issued him a license, but they did not treat him as an employee. Council Members Alvarado and Sekula-Rodriguez absent.

Council Member Parker stated that since he was not officially an employee and as to Mr. Winters allegations that he might have been improperly taking money from folks was that an appropriate thing for the Office of Inspector General to investigate, and Mayor Brown stated that the OIG only investigated City employees, that it was criminal, and Council Member Parker stated that maybe Mr. Winters should take his complaint to the Police Department to investigate if he was in truth receiving money from folks under false pretenses, and Mayor Brown stated that Chief Stewart as well as Mr. Hill would meet with Mr. Winters to see who should handle what at this stage of the process. Council Members Alvarado and Sekula-Rodriguez absent.

Ms. Shalyn Habermacher, 201 S. Heights Blvd. #2916, Houston, Texas 77007 (713-455-3022) appeared and stated that she was a school teacher for HISD and taught the hearing impaired students at Barbara Jordan High School, that she and her husband sold their home in another part of Houston, they wanted to move closer to downtown, that they purchased a lot at 3912 Floyd Drive, in what was called the Westend, just off of Washington and Hartman, that the lot was platted, recorded, addresses assigned, utilities in place and taxes paid, that they submitted house plans for approval and permitting and were rejected because the City wanted an additional 7.5 foot right of way for future street widening of Floyd, that Floyd dead ended just past her house into another homes back yard and would never be extended, that they redrew the plans and re-submitted with the 7.5 foot right of way dedicated to the City, the plans then were approved and permits were granted, that their home was near completion and they had been trying since November 2001 to get the 50 foot of Floyd in front of her house fixed, that her original request was November 2001, Confirmation Number 66385, her second request was made January 2002, Confirmation Number 02-12860, that both times she was told the street would be ready in thirty days, that on January 30, 2002 she was told that the street repairs were approved and pending and would be completed March 2002, but still no street, that on March 22, 2002 she submitted her request for driveway permits and was denied because no street repairs had been done, she had most of the dates, times and persons she had spoken to attached to a letter for the Council's review, that on March 13, 2002, she was told that a decision had been made not to repair the road in front of her house and it was stated that to build and pave only 50 foot of road was to expensive for the City to do, that the rest of Floyd and the surrounding streets had been done, that she was told in order to get a road she would have to submit plans and put in the 50 foot of road herself at her cost, that it appeared to the City of Houston that the 50 foot of road in front of 3912 Floyd did not exist and never had, that she was referred to the City's Right of Way Department to get required engineering completed and permitted, that her City Council Member and her had gotten no results, that what she wanted to know from the Mayor and City Hall was why the street in front of 3912 was not paved and why would the City not do it, why was a platted and a recorded lot in the City of Houston with address and utilities not have a street on it, why was Floyd re-paved in 2002 and stopped right at her property, why had she been paying taxes on a property, which was now a home, with no City street, why was everyone telling her off of the record that she was right but do not use their name, that she felt that the City of Houston was trying to take advantage of a young couple who was trying to build their first home, that their home would be completed within four to six weeks and she needed a street. Council Members Goldberg, Alvarado, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that her Council Member had looked into this and called on Council Member Vasquez. Council Members Goldberg, Alvarado, Sekula-Rodriguez and Berry absent.

Council Member Vasquez stated that his chief of staff had been out personally a couple of times and with Right of Way Maintenance from Public Works and Engineering and thought that from their perspective they were saying per the City Code the City did not build roads for developers and thought that was the City's policy and position and believed she should have received a letter from Public Works stating what that policy was, so that was really the problem, that they were having to adhere to existing City Code and City Policy and Procedures, and Ms. Habermacher stated that there was a street there, that she had it recorded from 1910 where the street was laid and asked whose responsibility to maintain it, that when they bought the lot nobody told them that and now they had a house. Council Members Goldberg, Sekula-Rodriguez and Berry absent.

Mayor Brown asked if he was aware of the problem, and Mr. Bibler stated that he was not aware of the particular site, however he had a meeting about a similar situation and there was many a cow grazing on things that were plotted as public streets, that there were whole subdivisions that had never been put in, a lot of them from around the turn of the century were never developed and she had the right, as did the City if it wished to exercise it, to build a roadway on the plotted streets, but the fact that someone plats a street and dedicates it for the public did not create an obligation on the City or any of the public agency's to build a street and it had been told to her and it was not their general practice to do that, that normally the sub-divider or developer of the subdivision being put in does it and they do it to the City's specifications and the City agrees afterwards to take care over the maintenance. Council Members Goldberg, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that Mr. Gary Norman, Public Works Department, would meet with her and make sure that she understood all that had been said and what the City could and could not do by law. Council Members Goldberg, Sekula-Rodriguez and Berry absent.

Upon questions by Council Member Keller, Ms. Habermacher stated that the street was previously called Randolph Road and was renamed as Floyd, that it dead ended, that it was blacktop and right in front of her house it was just gravel, mud and open ditch, that right across the street from her the people turned their house around because there was not a street, but they could not do that, that her house dead ended and everything else was already built and everything else was already townhouses and sold, that the street existed everywhere but hers, that there were two different developers on each side, and Council Member Keller stated that she should look in to see if the developers had committed in some way of finishing that part of the street. Council Members Sekula-Rodriguez and Berry absent.

Ms. Shirley Bacon, 2830 S. Bartell #1310, Houston, Texas 77054 (713-324-5266) appeared and stated that she had been a supporter of the Fire Department and took a vacation day to go to the memorial service that they had, that she had written a letter to the Mayor before about the Fire Department getting a raise, but there was a problem with the process of fighting a fire, that she lived at Hearthwood II and there was a terrible fire there last Thursday, that it happened between 2:00 a.m. and 2:30 a.m. and the first truck that arrived swung in and hit the gate and knocked something off of the side of the truck and the water went on the ground, so they called, she guessed, for another truck, so it was thirty to forty-five minutes before the first water hit the fire, then they were fighting the fire from over the building to the corner where the fire was, there people stranded and they probably heard on the news about the lady that dropped the baby down to a man who caught the baby, that there was an elderly man a couple of doors over who had to curse at the firemen to put a ladder out to get him down, that right across from where the fire started, in that unit, was an elderly lady that raised her grandchildren and she was stranded on the third floor, that the fifteen year old jumped off and hurt his wrist and ran to get a fireman and the first fireman he talked to ignored him and went on around where the lady and the baby was

so he went over to the truck and tried to get a ladder off himself and a fireman asked what he was doing so he told him he was trying to get his grandmother down, so that fireman helped him get his grandmother and brother down and that lady had broken her wrist because by the time he got back with the fireman she had gotten over the third floor banister, and she was a larger lady, and had held on to the rail and pushed her feet into the second floor patio and that was where she fell and broke her wrist and hurt her leg, that she was present to tell them that there was a problem with the process of fighting the fire, there were too many people stranded, it took too long to put water on the fire, that it did not have to be such a disaster, she thought if they had gotten there and gotten the trucks in the position to actually fight the fire straight on it could have been put out, that they should not have to hear another story like this in their City, that they had heard it several times in the news, and she was present to tell them she was a witness and she saw it happen, that there was a long ladder there and she did go back to her unit to call the management, but she never saw any water come off of the long ladder truck, that the man where the fire started got himself out and did not knock on any doors to help the residents, that the lady with the baby was right next door to him, that they were two blocks from the Astrodome and she wanted to know what they were going to do if a fire broke out at the big Astrodome if they could not fight this fire. Council Members Vasquez, Alvarado, Sekula-Rodriguez and Berry absent.

Mayor Brown stated that he would have Chief Simms meet with her once the Council Members asked their questions, that he could follow up and make sure they addressed the concerns that she brought to their attention. Council Members Vasquez, Alvarado, Sekula-Rodriguez and Berry absent.

Upon questions by Council Member Quan, Ms. Bacon stated that there were approximately twenty-eight trucks and the first problem she believed they arrived fairly quickly but when they swung into the gate the first truck hit the side of the gate and the water in that truck ran into the street, so they had to call for more help and wait for the next truck, that she did not know what the problem with the process was, that they did not navigate the truck properly coming in, that once they got started they did a fairly good job but by that time the fire was out of control, that they had to keep calling trucks to get more water and she was not sure if there was a problem with the hydrants and maybe not enough water, that there were two hydrants in the vicinity of that area, that there needed to be some kind of process investigation to try to stop having this kind of story in the news, and Council Member Quan stated that he would be glad to follow up and see if there was anything that the Fire Department failed to do, and Mayor Brown stated that it was appropriate to take a look at a situation after the fact and see how they could improve and Chief Simms would meet with her and follow up. Council Members Galloway, Vasquez, Sekula-Rodriguez and Berry absent.

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

Mr. Youssef Nasaa, 320 Main, Houston, Texas 77002 (713-530-1597) appeared and stated that he did not know if he was present to complain because they were tired of complaining, he was present to see if most of them were aware of how business owners downtown were feeling about their situation or if they were aware of what their situation was today, that he could speak for himself, but at the same time he was one of the many businesses downtown and they were all in the same boat, that they did not all want to come to Council because they wanted to be somewhat discrete and just be heard, that they had been hoping for the last year to be able to speak to the Mayor and it had been very hard to get to him, that he just wanted to tell him that the businesses downtown were in trouble, serious trouble, that as to his place, two years ago they had to have a two hour wait, but now they could walk in any time, that in the last year and a half it

had been a total disaster, that they were not against the construction, they wanted downtown to be where it was going to be, that was why they came downtown, they came downtown because of wanting to be part of the future and they invested the money and opened the businesses and all of a sudden they were let down, he did not think it was meant to be done but he thought there was some un-organization between the people who were handling the sites, the construction company's did not care and just today for example they had no gas and were shut down, that this was just one of the many times that it happened, that they were already fighting against an economy that slowed down, the flooding, the construction and on top of that they were getting shut down by losing water and gas, that they were trying to see what the City was doing to organize it before it was too late, that right now there were a lot of businesses that were either shut down or about to shut down, but for how long were they going to be ignoring the businesses, that he hoped that the Council would have some answers because they talked for the last year and a half and had gotten so many promises from the City and Metro about things that would be done for them and how they could improve it, but it was all hot air and if they talk to the business owners some of them would cry. Council Members Galloway, Vasquez, Sekula-Rodriguez and Berry absent.

Upon questions by Council Members, Mr. Nasaa stated that the same mistakes were being repeated, if it was not gas it was water, that they wanted the construction to be there and done and wanted downtown to be beautiful, but they wanted to be there to enjoy it, but right now nothing was being done to protect the business owners, that he would love to go with them and walk along the streets and have them show him where the handicap people could go through, that they should go to the 300 block of Main and see if the handicap could go through that sidewalk, there was no way, that he understood what the City was doing but they should pay attention to the business owners because they were the anchor and they wanted them to be there two years from now, please pay a little more attention to them and see what they could do to expedite the process and keep them alive. Council Member Vasquez and Sekula-Rodriguez absent.

Mayor Brown stated that he would have the chair of the task force contact Mr. Nasaa and asked that he share with the task force where they were making the same mistakes over and over again, where they were not listening and where there were hollow promises made and not following through and let them have that information, and Mr. Nasaa asked if there was any way they could hold the construction companies accountable for the mistakes they make, he thought that would be very well appreciated and hopefully they would avoid making those mistakes again. Council Member Vasquez and Sekula-Rodriguez absent.

Council Member Edwards asked Mr. Nasaa if he had any solutions that would help businesses such as his, did he have any type of remedy that they could look at, and Mr. Nasaa stated that they had asked for tax breaks and they said it was impossible, that they asked about doing some promotion for downtown, but again even if they promoted downtown nobody was going to come downtown to muddy streets, that if it could be somewhat cleaned up or done in portions or blocks instead of doing the whole thing at once and showing where the people could access through some areas, that all this time the businesses had declined so much and he did not think that many of the businesses would be there a year from now. Council Member Sekula-Rodriguez absent.

Ms. Margaret Dower, 1112 Highland, Houston, Texas 77009 (713-426-0299) appeared and stated that she was the President of the Woodland Heights Civic Association and stated that she wanted to say how appreciative they were for the lot protection application that was available to them, that they had very little commercial development in their neighborhood, they were primarily single family homes built in the 1920's and were known best for their Lights in the Heights Festival, that they had three applications before them and there were at least some sixty more to

come and they hoped even more than that, that it had been a wonderful tool for them to protect the size of their lots so that developers or absent landlords could not sell the lots and then divide them to increase density and destroy the hundred year old ecology and otherwise obliterate the neighborhood, so they wanted to say they appreciated so much the time and effort it would take for Council to go through each of the applications, that one was on Highland and two were on Redan, those were just the three they had right now, that it had been a wonderful thing for them. Council Member Sekula-Rodriguez absent.

Council Member Vasquez stated that he knew a lot of people had submitted applications and asked that she tell them to please be patient, that the office was inundated but they were working on getting them done and getting them through the process. Council Member Sekula-Rodriguez absent.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) appeared and voiced his personal and political opinions until his time expired. Council Member Sekula-Rodriguez absent.

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) had reserved time to speak, but was not present when his name was called. Council Member Sekula-Rodriguez absent.

Mr. Gregory Foster, P. O. Box 266128, Houston, Texas 77207 (713-540-0710) had reserved time to speak, but was not present when his name was called. Council Member Sekula-Rodriguez absent.

At 3:07 p.m. upon motion by Council Member Vasquez and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, April 24, 2002. Council Member Sekula-Rodriguez absent.

City Council Chamber, City Hall, Wednesday, April 24, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 24, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Shelly Sekula-Rodriguez, M.D. out of the city on personal business.

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

At 9:12 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Wiseman, Ellis, Keller, Alvarado and Quan.

Council Member Tatro stated that Item No. 1 was not previously removed for separate consideration and he would like to have that item considered separately. Council Members Wiseman, Ellis and Quan absent.

Council Member Robinson moved to consider Item No. 1 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Members Wiseman, Ellis and Quan absent. MOTION 2002-0480 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD**

OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY, for two year terms
MR. ARTHUR L. SCHECHTER
MR. DON J. WANG
MS. JANIE REYES
MS. CAROL A. LEWIS
MR. S. J. GILBERT, SR.

- was presented, moved by Council Member Galloway, seconded by Council Member Robinson. Council Member Tatro voting no, balance voting aye. Council Member Sekula-Rodriguez out of the city on personal business. Council Members Wiseman, Ellis and Quan absent. MOTION 2002-0481 ADOPTED.

Mayor Brown stated that members of the board were present and invited them to the podium to introduce themselves.

Ms. Janie Reyes, Ms. Carol Lewis, Mr. Arthur Schechter, Mr. Don Wang and Mr. S. J. Gilbert thanked the Mayor and City Council for their vote of confidence in nominating them to the Board of Directors of the Metropolitan Transit Authority. Council Member Wiseman absent.

Council Member Robinson stated that he wanted to note that Ms. Shirley DeLibrio, President and CEO of Metro was present in the audience and wanted to thank Mr. Oliver Spellman, the Mayor's Chief of Staff, for working with him, that he had gotten the correspondence from him that all of the board members had committed to serve their entire term or least through any referendum that might come out of the high occupancy studies, and to all five new members he wanted to thank them for agreeing to serve and his only advice was to do good, serve the riders, protect the taxpayers and stand up for what they believed was right on behalf of the multi mode of transportation in their community. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to congratulate all of the new members and also thank the outgoing members for their service for the last four years. Council Member Wiseman absent.

Mayor Brown stated that those who served for the last four years had done a great job for the City and they did express their thanks and appreciation to them. Council Member Wiseman absent.

Council Member Edwards stated that she wanted to thank the previous board and also wanted to thank the newly seated board for coming and visiting with them and wanted to remind them of the conversations they had regarding making sure that the youth were included in the mentoring and moving forward of Metro.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 51

MISCELLANEOUS - NUMBERS 2 through 12

2. REQUEST from Mayor on recommendation from the Houston Bar Association for confirmation of the appointment of **MR. DON WOOD** to Position One of the **ETHICS COMMITTEE** for a term to expire December 31, 2003 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION

2002-0482 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF PUBLIC TRUSTS (HOUSTON FOUNDATION) BOARD OF DIRECTORS**, for terms ending March 22, 2004:
 - Position One - **MS. MARY ALMENDAREZ**
 - Position Five - **MR. WILLIAM J. HILL**
 - Position Seven - **MR. ABDEL FUSTOK**- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0483 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of the following to **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK) BOARD OF DIRECTORS**:
 - MR. ROBERT RYAN**, as Chair, for a term to expire December 31, 2002
 - Position Two - **MS. KAREN J. DORRIS**, for a term to expire December 7, 2003
 - Position Four- **MR. JOHN A. GONZALEZ**, for a term to expire December 7, 2003- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0484 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following to the **CITY PARK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
 - MR. ROBERT RYAN**, as Chair, for a term to expire December 31, 2002
 - Position Six - **MR. BRENT VANNOY**, to represent the Houston Independent School District, for a term to expire December 7, 2003- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0485 ADOPTED.

7. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS, (FIFTH WARD ZONE) BOARD OF DIRECTORS**:
 - MR. HARVEY CLEMONS, JR.**, as Chair, for a term to expire December 31, 2002
 - Position One - **MR. RICHARD FARIAS**, for a term expiring July 21, 2003
 - Position Three - **MR. STEPHAN FAIRFIELD**, for a term expiring July 21, 2003
 - Position Five - **MR. TYRONE P. DORIAN**, for a term expiring July 21, 2003- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0486 ADOPTED.

8. REQUEST from Mayor for reappointment of **MR. HARVEY CLEMONS, JR.**, as Chair to the **FIFTH WARD REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2002 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0487 ADOPTED.

10. REQUEST from Mayor for reappointment of **MR. ROBERT D. TANNER**, to Position Six,

for a term expiring December 20, 2002 and to serve as Chair of the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2002 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0488 ADOPTED.

ACCEPT WORK - NUMBERS 13 through 18

16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$408,039.41 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1998 Thoroughfare Sidewalk Program, GFS N-0610A-82-3 (N-0610A-82) - 1% over the original contract amount - **DISTRICTS D - EDWARDS; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0489 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$132,312.68 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1998 Thoroughfare Sidewalk Program, GFS N-0610A-61-3 (N-0610A-61) - 01.96% over the original contract amount - **DISTRICTS C - GOLDBERG; G - KELLER and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0490 ADOPTED.
18. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$354,076.31 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1998 Thoroughfare Sidewalk Program, GFS N-0610A-62-3 (N-0610A-62) - 04.68% under the original contract amount - **DISTRICTS A- TATRO; C - GOLDBERG; G - KELLER and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0491 ADOPTED.

PROPERTY - NUMBERS 19 and 20

19. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION NO. 2002-39**, which authorized condemnation of Parcel A99-126, for the Ella Boulevard (Wheatley) Paving Project from Pinemont to West Little York, owned by Cleo Smith, be amended to include the following language...“and for title to the remaining portion of a one-story wood frame residence situated on the remainder property, together with a temporary access easement onto the remaining property for the purpose of demolishing the residence” - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0492 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION NO. 2002-83**, which authorized condemnation of Parcel A99-97, for the Ella Boulevard (Wheatley) Paving Project from Pinemont to West Little York, owned by the heirs of Emdella Fair, the heirs of Joe Fair, and the heirs of Landy Fair, be amended to

include the following language...“and for title to the remaining portion of a one-story wood frame residence situated on the remainder property, together with a temporary access easement onto the remaining property for the purpose of demolishing the residence” - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0493 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 21 through 25

21. **SATELLITE SHELTERS, INC** for One Modular Building for Houston Police Department \$59,974.00 - Grant Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0494 ADOPTED.
22. **FOUR ALARM MES, INC** for Firefighting Equipment for Various Departments - \$240,750.00 General and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0495 ADOPTED.
23. **D. F. SALES** - \$129,186.25 and **STASCO, INC** - \$128,250.00 for Automotive, Lamps and Vehicle Safety Equipment for Various Departments - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0496 ADOPTED.
24. **ICI DULUX** - \$25,220.00, **QUALITY PAINT & DÉCOR** - \$48,000.00, **SHERWIN-WILLIAMS PAINT CO., INC** - \$104,686.00, **SOUTHWESTERN PAINT CO.** - \$1,060,668.00 and **STOKES HARDWARE & SUPPLY** - \$53,116.00 for Paints, Solvents, and Painting Supplies for Various Departments - \$1,291,690.00 - General, Enterprise, Fire Department Revolving and Street & Drainage Maintenance Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0497 ADOPTED.
25. **TURTLE AND HUGHES, INC** for Wire and Cable Contract for Various Departments \$376,023.68 - General and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0498 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 26 through 51

29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide storm sewer easement, containing 2641 square feet of land, more or less, being located in the John Austin Two League Grant, A-1, Houston, Harris County, Texas; vacating and abandoning said tract of land to Foundation for Depelchin Children’s Center, the abutting owner, in consideration of owner’s dedication of a 20-foot wide storm sewer easement containing 2646 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0295 ADOPTED.

30. ORDINANCE consenting to the addition of 3.5227 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0296 ADOPTED.
31. ORDINANCE consenting to the addition of 44.30 acres of land to **NORTH MISSION GLEN MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0297 ADOPTED.
32. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 389** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0298 ADOPTED.
33. ORDINANCE establishing the north and south sides of the 1100 block of Highland Street within the City of Houston as a Special Minimum Lot Size Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0299 ADOPTED.
34. ORDINANCE establishing the north and south sides of the 800 block of Redan Street within the City of Houston as a Special Minimum Lot Size Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0300 ADOPTED.
35. ORDINANCE establishing the north and south sides of the 900 block of Redan Street within the City of Houston as a Special Minimum Lot Size Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0301 ADOPTED.
37. ORDINANCE approving and authorizing the Mayor to Execute and the City Secretary to attest a second amendment to Lease Agreement between **PROLOGIS TRUST, as landlord**, and the City of Houston, Texas, as tenant, for space at 2015 White Street for use by the Municipal Courts Administration Department and City Secretary Department - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0302 ADOPTED.
41. ORDINANCE appropriating \$322,810.00 out of George R. Brown Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **VAN DE WIELE ENGINEERING, INC** for Avenidas De Las Americas Paving from Rusk to Texas, CIP B-0069-10-2 (SB9111); providing funding for contingencies relating to construction of facilities financed by the George R. Brown Consolidated Construction Fund - **DISTRICT I - ALVARADO** had been pulled from the Agenda by the Administration and was not considered.

43. ORDINANCE appropriating \$650,000.00 out of Street & Bridge Consolidated Construction Fund and \$240,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LANDTECH, INC d/b/a LANDTECH CONSULTANTS, INC** for Design of Tanner Road From Gessner to Campbell, CIP N-0589-01-2 (SB9097); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Storm Sewer Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0303 ADOPTED.
44. ORDINANCE appropriating \$17,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Improvements at Various Wastewater Facilities under professional engineering services contract with **S&B INFRASTRUCTURE, LTD.** (approved by Ordinance No. 00-1134) CIP R-0268-41-2 (WW4807); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0304 ADOPTED.
45. ORDINANCE appropriating \$463,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** approving and authorizing professional services contract for engineering testing service with **EARTH ENGINEERING, INC** and approving and authorizing professional services contract for Construction Management and Inspection Services with **EMPIRE CONSTRUCTION SERVICES, INC** for Grisby Lift Station Rehabilitation, GFS R-0267-57-3 (4276-19); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0305 ADOPTED.
47. ORDINANCE appropriating \$9,536,664.79 out of Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0304 and \$3,200,000.00 out of Airport System Bonds 1998B AMT Construction Fund, CIP A-0391, awarding construction contract to **CHAMPAGNE-WEBBER INC, TEXAS**, and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING AND TESTING, INC** for the Runway 8L-26R Airfield and Grounds Facility, ARFF Utilities, and Service Roads at George Bush Intercontinental Airport/Houston (IAH), (Project No. 522D) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0306 ADOPTED.
49. ORDINANCE appropriating \$377,549.50 out of Airports Renewal & Replacement Fund, CIP A-0463; awarding construction contract to **HORIZON BUILDERS, INC** for Federal Inspection Services (FIS) Interim Facility at George Bush Intercontinental Airport/Houston (IAH), Project No. 605A - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0307 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLUMBING CODE REVIEW BOARD**, for terms to expire January 2, 2004:
Position Two- **MR. JAMES WONG**
Position Six - **MR. CHARLES D. GOODEN**
- was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0499 ADOPTED.

9. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON) BOARD OF DIRECTORS**:
MR. ROBERT D. TANNER, as Chair, for a term to expire December 31, 2002
Position One - **MS. TONI J. FRANKLIN**, for a term to expire December 20, 2003
Position Three - **MR. DAVID SCOTT, JR.**, for a term to expire December 20, 2003
Position Five - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2003
Position Seven - **MS. MAURISA TOLBERT**, for a term to expire December 20, 2003
- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0500 ADOPTED.

11. RECOMMENDATION from Director Planning & Development Department for approval of an Honorary Street Marker to be named for **ELLIS D. RICHEY** (located on Springtime Street between Gulf Valley and Wingtip) - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0501 ADOPTED.

12. RECOMMENDATION from City Attorney to interplead retainage of \$13,965.35 in connection with Contract No. 38868, naming **ALLCO, INC** and its surety, **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA** as defendants - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.

ACCEPT WORK

13. RECOMMENDATION from Director Aviation Department for approval of final contract amount of \$4,731,608.25 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Miscellaneous Improvements at Bush IAH, Project No. 464, CIP A-0284, A-0336, A-0337, A-0366 and A0373 - 04.61% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0502 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,227,133.50 and acceptance of work on contract with **LAYNE-TEXAS, a Division of Layne Christensen Company** for Construction of District 71 Water Well No. 4, GFS S-0100-04-3 (10494) - 04.78% under the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member

Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0503 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$284,558.31 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-P4-3 (Package No. 1) - 04.37% under the original contract amount - **DISTRICTS B - GALLOWAY; C - GOLDBERG; E - WISEMAN and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0504 ADOPTED.

RESOLUTIONS AND ORDINANCES

26. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Mortgage Revenue Bonds (Clearwood Villas Apartments) Series 2002A and Taxable Multifamily Housing Mortgage Revenue Bonds (Clearwood Villas Apartments) Series 2002B - **DISTRICT I - ALVARADO** - was presented and tagged by Council Member Edwards. (Note: Council Member Edwards removed her tag later in the meeting.)
27. ORDINANCE pursuant to and implementing the provisions of Ordinance No. 2001-0976, appropriating \$9,500,000.00 of Section 108 HUD Guaranteed Loan Funds and allocating \$950,000.00 of EDI Grant Funds and approving and authorizing the issuance of a Non-recourse City of Houston Note in the amount of \$9,500,000.00 together with a contract for loan guarantee assistance and related loan documents between the City of Houston and the United States Department of Housing and Urban Development, together with a loan agreement and related loan documents between the City of Houston and Holtze Houston, LLLP, to provide a \$9,500,000.00 second lien loan to finance the redevelopment of the building located at 609 Fannin Street, to be known as the Magnolia Hotel - was presented and tagged by Council Members Robinson, Edwards, Keller and Ellis.
28. ORDINANCE amending Ordinance No. 2000-395, passed May 17, 2000, which approved and authorized the submission of the 2000 Consolidated Plan and the Grant Application for the 26th Community Development Block Grant ("CDBG") Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** ("HUD") under the authority of Title I of the Housing and Community Development Act of 1974, as amended - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. ORDINANCE 2002-0308 ADOPTED.
36. ORDINANCE repealing Ordinance No. 2002-278, which changed the name of **SKYWALKER DRIVE** to **CYBERONICS BOULEVARD** - **DISTRICT E - WISEMAN** - was presented.

Council Member Keller stated that he had received an email that he thought had been distributed to every Council Member, that he thought the name change may be warranted but was going to seek advice from the District Council Member on that, that he was really insulted by the email that was sent to him on behalf of the asset management company by basically saying how dare they do something that the Planning Department and the Legal Department say they ought to do, that they said Council should approve ordinances when Planning and Legal came out of it, that he thought if they would have asked Planning and Legal probably would have told them that it did require the approval of City Council and it would have been a good idea to also

discuss it with their City Council Member, that they were representing that never in the process did anyone from either the Planning or Legal Department suggest it would require the approval of their Council Member, that they said they had all of the owners approval, but the tenants in the buildings had stationary, phones and employees and that was where the bulk of the cost was going to lay, the bulk of the cost was not just the management company who owned the building, that what do the tenants in those buildings feel, if they feel it was a good idea to change the name then he thought they ought to do it because there were hundreds of people who officed in those buildings and there was also an apartment complex, how did those people feel about having to change their stationary and some of the cost involved, that he saw that they had arranged to pay the owners their cost for the name change, but what had they done about seeking approval by the tenants and other people affected by this or reimbursing them for cost that could be incurred because of the name change and moved to postpone Item No. 36 for one week to get a response from some of those parties, seconded by Council Member Ellis. Council Member Goldberg absent.

Council Member Wiseman stated that she appreciated Council Member Keller's feelings and sentiments and those were certainly hers and that was the reason why she wanted ample opportunity to investigate the situation since they had not been made aware of the request for the name change prior to it being put on the agenda, that she thought the need to continue to investigate if the name change was warranted. Council Member Goldberg absent.

A vote was called on Council Member Keller's motion to postpone Item No. 36 for one week. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. MOTION 2002-0505 ADOPTED.

38. ORDINANCE authorizing issuance of City of Houston, Texas, Water & System Junior Lien Revenue Bonds, Series 2002C, prescribing the terms and conditions thereof; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing Bond Insurance, a Reserve Fund Surety Bond, and a Bond Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - was presented and tagged by Council Members Tatro and Ellis. Council Member Goldberg absent.
39. ORDINANCE appropriating \$250,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **CARTER & BURGESS, INC** to provide funding program assistance for Water and Wastewater Facilities, CIP R-0019-08-2 - was presented and tagged by Council Member Ellis. Council Member Goldberg absent.
40. ORDINANCE appropriating \$550,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for White Oak Bayou Drainage Study, CIP M-1002-01-2 (SM5018); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0309 ADOPTED.
42. ORDINANCE appropriating \$377,224.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **HNTB CORPORATION** for the Design of the Washington at Westcott Roundabout, CIP N0741-01-2 (SB9092); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund -

DISTRICTS G - KELLER and H - VASQUEZ - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0310 ADOPTED.

46. ORDINANCE appropriating \$468,300.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** for Safe Sidewalk Program, GFS N-0610A-C1-3 (SB9049-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and G - KELLER** - was presented and tagged by Council Member Keller. Council Member Goldberg absent.
48. ORDINANCE appropriating \$44,712,267.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0304, awarding construction contract to **CHAMPAGNE-WEBBER INC, TEXAS**, and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** and **PARADIGM CONSULTANTS, INC** for the new North Runway 8L-26R and Parallel Taxiway at George Bush Intercontinental Airport/Houston (IAH), (Project No. 522H) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0311 ADOPTED.
50. ORDINANCE making a general appropriation of certain revenues of the City in support of the Annual Budgets for Fiscal Year 2002; appropriating \$2.7 million from the General Obligation Commercial Paper Notes, Series C; authorizing a transfer from the General Fund General Government Budget; making other findings and provisions related to the subject - was presented and tagged by Council Member Tatro. Council Member Goldberg absent.

Council Member Ellis stated that he had a few questions and asked that someone come and answer his questions, that they were talking about the General Fund appropriation and when they start to talk about decreases of the General Fund they start talking about increases in Airport Police overtime and he thought that would come out of the Aviation Department and there were some other issues that he wanted to discuss that pertained to the decreases and increases of General Fund that actually look like they were decreases and increases to different funds than the General Fund and Mayor Brown stated they would have someone visit with him on that. Council Members Goldberg and Berry absent.

51. NOTE: SHOULD ITEM 50 BE DELAYED, THIS ITEM SHOULD ALSO BE DELAYED AND ONLY FINALLY CONSIDERED AFTER THE ADOPTION OF ITEM 50.
ORDINANCE amending certain prior ordinances with respect to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series C; and declaring an emergency - was presented and tagged by Council Member Quan. Council Members Goldberg and Berry absent.

NON CONSENT AGENDA - NUMBERS 52 and 53

PROPERTY

52. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David and Karen Danburg

of KADY Real Estate Investments, Ltd., for the abandonment and sale of a portion of the 15-foot-wide alley contiguous to Lots 1-5 and the sale of the ±6,600 square foot excess, fee-owned portion of the Yale Street Sewage Pumping Station Site, located contiguous to Lot 13, both within Block 299, Houston Heights Subdivision, Parcels SY2-004A and SY2-004B - **APPRAISERS - DISTRICT H - VASQUEZ** - was presented.

Council Member Vasquez named Mr. James Rohde and Cushman & Wakefield as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Members Goldberg and Berry absent. MOTION 2002-0506 ADOPTED.

53. RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the ±15,778 square-foot former Memorial West Water Plant Site, located at 15107 Memorial Drive, Reserve A, Block 1, Thornwood Subdivision, Section 2, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount, Parcel S95-045 - **APPRAISERS DISTRICT G - KELLER**

Council Member Keller named Mr. Tom Kavinta and Mr. Michael Copeland as appraisers and moved approval of the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. MOTION 2002-0507 ADOPTED.

MATTERS HELD - NUMBERS 54 through 62

54. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Margarett T. Robinson, Individually and as Independent Executrix of the Estate of Judson W. Robinson, Jr., et al, Cause Number 761,503, for acquisition of Parcel IYO-003; for the **SOUTH CENTRAL POLICE SUBSTATION EXPANSION PROJECT**; GFS/CIP G-0058-02-1 - \$46,800.00 **DISTRICT I - ALVARADO - (This was Item 17 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. MOTION 2002-0508 ADOPTED.
55. ORDINANCE amending a prior ordinance relating to the issuance of City of Houston, Texas, Airport System Inferior Lien Commercial Paper Notes, Series C; approving a Dealer Agreement relating to same; ratifying related Commercial Paper Program Documents; authorizing other actions in connection with the Offering Memorandum; making certain findings, covenants and agreements in connection therewith - **(This was Item 25 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0312 ADOPTED.
56. ORDINANCE consenting to the creation of **FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 2**, to include certain territory within the extraterritorial jurisdiction of the City of Houston; providing for severability - **(This was Item 27 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal

business. Council Member Goldberg absent. ORDINANCE 2002-0313 ADOPTED.

57. ORDINANCE altering and establishing maximum prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty - **(This was Item 30 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0314 ADOPTED.
58. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause - **(This was Item 31 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0315 ADOPTED.
59. ORDINANCE approving and authorizing a Food and Beverage Vending Concession Agreement between the City of Houston and **CUSTOM FOOD GROUP, L.P.**, at William P. Hobby Airport and Ellington Field - Revenue - **DISTRICTS E - WISEMAN and I - ALVARADO** - **(This was Item 33 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0316 ADOPTED.
60. ORDINANCE approving and authorizing a Food and Beverage Vending Concession Agreement between the City of Houston and **CRB VENDING COMPANY** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** - **(This was Item 34 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0317 ADOPTED.
61. ORDINANCE appropriating \$915,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **OMEGA ENGINEERING, INC** for the Design of Park Row Paving from Eldridge Parkway to SH6, CIP N-0723-01-2 (SB9090); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** - **(This was Item 40 on Agenda of April 17, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0318 ADOPTED.
62. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **VISIONS OF HOPE, INC** - **DISTRICT H - VASQUEZ** - **(This was Item 50 on Agenda of April 17, 2002, POSTPONED BY MOTION #2002-452)** - was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2002-0319 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that she wanted to congratulate Council Member Berry for participating in the MS150. Council Member Goldberg absent.

Council Member Alvarado stated that last Friday afternoon she sent a fax to the Chronicle Editorial Board telling them it was Friday afternoon and she was in her office and to call her if they liked, that she did get a call back from one of the editorial board members and he said he did not mean Council Members were not in their offices, but it was department heads, so she wanted to make that point. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to congratulate Mayor Brown on being selected as the Texas Library Champion by the Texas Library Association. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to know where they were with Lee Labrada and appointing someone as the Health and Fitness Czar, and Mayor Brown stated they would give her an update on it, that they were making progress. Council Member Goldberg absent.

Council Member Goldberg stated that a few weeks ago he brought up an issue that had still not been solved, that Fire Station 37 in his district had to be rebuilt and relocated, that a couple of years ago they allocated \$300,000 in the CIP because that was the amount of money he was told they needed, then they said they could not do it that they needed \$800,000 so they put \$800,000 in the CIP and last week when he was talking because of the delay and nobody working on it the price tag went up to a million dollars, and now he was told the price tag in the last month had gone from \$1 million to \$1.5 million and still he could not get an answer from one of the departments responsible, that it was either the Fire, Legal, Planning or Building Services, who was in charge of design, that he knew there was somebody responsible and they had cost the Houston taxpayers \$500,000 and he would like to ask for the resignation of that person who was responsible for it, and Mayor Brown stated that they would get back to him on it. Council Member Ellis absent.

Council Member Wiseman stated that she would like to ask for the Mayor's assistance in bringing back some maintenance equipment that was moved from District 12 to District 11 for Right of Way Maintenance, that it had to do with all of the Right of Way Maintenance Services such as ditch cleaning, grating and that type of service, that they originally had that equipment operating out of the Huffman location and that equipment had been moved and there was a need to provide that service on a regular basis in that part of her district, and Mayor Brown stated he would look into it and get back with her.

Council Member Galloway stated that they had some town hall meetings this month and wanted to thank Council Member Parker for attending last night's meeting and indulging all of the issues that were of interest to the community and wanted to thank the Mayor's staff who had been very supportive and had been at every meeting, that she appreciated what they had contributed to the town hall meeting.

Council Member Robinson stated that in light of the new Metro appointees he hoped that the City would lend some support to the request to at least maintain a capacity for light rail in the I-10 Corridor, that as he understood was that all they asked for was that the bridges be reinforced so that at some future date if the studies do say they could run rail in that corridor they would be able to do that.

Council Member Robinson stated that on Saturday at the George R. Brown Convention Center at Exhibit Hall C from 8:00 a.m. through 1:00 p.m. in room 305 and 306 he would be holding his fourth youth summit and this year the focus would be on health so he wanted to invite all of the folks in the community and all the Council Members if they wanted to be in attendance.

Council Member Edwards stated that there had been a lot of discussion around the Council table about ambulance cost and how people used emergency services, that there was an article in the Chronicle on Tuesday April 23 which dealt with a nurse who had done a lot of investigation on how to determine what was an emergency and she wanted to see if there was any way that they could have someone check further into this so maybe they could get this information more out to the community, that they were trying to contract her to see if they could get her to work with their civic clubs in District D.

Council Member Edwards stated that as to her tag of Item 26, she did not want to delay the project with the tag, she was comfortable and applauded the Housing Department for their work on it but to her it was very similar to Pleasant Hill except that it was a for profit developer, that she had not seen any credit checks and had not seen any notification of no tax liens, that she wanted to make sure that all of that due diligence had been done because it was the same type of venture, as she saw it, so if she could be assured that it had been done and that they did not have those types of things dangling in the background she was willing to release her tag, but she did want to know if it had been done.

Council Member Edwards moved to suspend the rules to hear from Ms. Margie Bingham, Director, Houston Housing and Community Development Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. MOTION 2002-0509 ADOPTED.

Mayor Brown asked Ms. Bingham if she could give that information, and Ms. Bingham stated that it was a similar transaction in the sense that bonds would be issued similar to what was conducted with the Pleasant Hills transaction, that the Houston Housing Finance Corporation was a conduit and there were two lenders in the transaction, that one was Charter MMAC, who would do the permanent financing, and the other one was Wachovia Bank, which would be the letter of credit provider, the tax credit investor and the interim lender and they had all done the proper due diligence and the credit checks and had also ordered an appraisal which was provided to HHFC and that due diligence had been done.

Council Member Edwards stated that she wanted to remove her tag on Item No. 26.

26. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Mortgage Revenue Bonds (Clearwood Villas Apartments) Series 2002A and Taxable Multifamily Housing Mortgage Revenue Bonds (Clearwood Villas Apartments) Series 2002B - **DISTRICT I - ALVARADO** - was again before Council. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the city on personal business. RESOLUTION 2002-0017 ADOPTED.

Council Member Edwards stated that on Item No. 27, once again she applauded the Housing Department for their abilities to negotiate with the contractor to make sure there was some MWBE ability in the contract, that she would like to talk to the contractor regarding living wage issues regarding personnel to see if they could at least get them to talk about a labor peace negotiation with the personnel they would be hiring, that the reason she was pushing it was because a lot of times they talked about people misusing services, such as emergency services and ambulances, but when they had continuously classes of people working with no health benefits and no real benefits to move their families forward, she thought that they kind of

added to their own problems, that she wanted to make sure that there was a labor peace agreement where people could organize and try to build benefits and packages for their families, and Mayor Brown stated that they would make that request for her.

Council Member Tatro stated that he wanted to discuss a couple of items that were discussed at the TTI committee meeting yesterday with relation to the motion that was made by Council Member Vasquez, that he asked the Legal Department to look over the issue of Voice Over Internet Protocol or Voice Over IP as it was called, was a technology, that Mr. Piper continually referred to CISCO as being the technology and that was not really correct, that Voice Over IP was basically converting their phone system to much similar telephony as a computer network, that what the program that they were looking to institute in that Voice Over IP that Mr. Piper and the IT Department put forward was the selection of a specific vendor to supply that service and technology to the City, however the service they were getting was Voice Over Internet Protocol and there were vendors that supplied all of the infrastructure and hardware to provide that service, that they made the phones, call managers and all of the infrastructure to provide that service and that service was Voice Over IP, that the discussion and motion focused around the procedure that the City probably should take in getting to that service, that Mr. Piper and the IT Department chose SYSCO and they felt that the motion made by Council Member Vasquez, as was discussed yesterday, should that not have been an RFP process, that the problem in naming the vendor along with the service they believed that may be a problem and an RFP should have been issued on that, that it was possible that another vendor could have brought forward a proposal where the equipment simply cost less, that they felt it was a step that was omitted and a step that may end up costing them more money, that it had not been explored what the options of the other vendors were, that he had distributed a letter to the Council Members requesting that the Legal Department look into how this project was put forth and whether or not an RFP process should have been conducted to arrive at SYSCO being selected as the vendor to provide this service to the City; that second was the library test program, that as Mr. Piper stated approximately \$1 million was spent to institute the pilot program for the project at the library and when they researched it they found that they utilized the Texas Procurement Center Contract as the authorization to make that \$1 million in expenditures, but when they reviewed the TPC contract it specifically excluded telephone equipment and switches, that he knew that and they had since contacted the Purchasing Department and the Legal Department and they recognized that fact so the other question was the use of a contract to purchase \$1 million worth of equipment that was simply not authorized and the head of the IT Department used that contract and he should have known that the contract did not allow for phones to be purchased, that the Legal Department was looking at drafting an amendment to that TPC contract to include phone service and hoped that Council would be cognizant of that when it came before them, that he wanted to know what the ramifications were of a purchase such as that; that lastly the discussion of Mr. Piper's business plan and his utilization of the entire City in switching to the new program and he incorporated the airport, that he had a discussion with Mr. Vacar, Director of the Airport, this morning and it still came as news to Mr. Vacar that they were actually planning to convert to the new technology, that it was his belief that they were not to be included in the conversion program, so they had a pretty substantial dichotomy, that he knew that Council Member Robinson had agreed to possibly have another meeting on the issue. Council Member Sekula-Rodriguez absent.

Council Member Robinson stated that they had a meeting scheduled on May 9, 2002, and that information was going out to the Council Members today, that relative to the request for the Legal Department opinion he had already talked to the Agenda Director and that request had been forwarded to the City Attorney's office; that as to the issue of the purchase outside the contract the request had also been forwarded to the City Attorney's office through the Agenda Director, that he thought that everybody agreed that the only issue was what was a remedy in light of the purchase outside of the scope of the contract and that was something that was being

discussed with the City Attorney's office, that clearly they needed the Department Director's, through the Mayor's office, to give them clarification because they had heard a lot of different takes from the technology people and the Department Directors so his hope would be that they be at the meeting on May 9, 2002 to make sure they were all clear on the issue; that he had asked Mr. Haines and Dr. Scheps to go over the business plan in light of the issues that Council Member Tatro raised at committee and they would be providing all of them information on that and Mr. Piper, in the next several days, would be providing all Council Members with the update on the business plan and a re-evaluation of it in light of how many units will or will not be involved, that he had asked Mr. Piper when he comes back to committee to walk them through all the possible permutations to move to a consolidated IT system and why from a financial and technology point of view he was making his recommendations after he went through the evaluations of all the options.

Council Member Vasquez stated that last week Council Members Wiseman and Galloway and himself made comments about the flooding issues in the City of Houston and since that time his office had looked into the issue more in depth and what they had found was astounding, that almost a year later after Tropical Storm Allison there was still a heightened awareness of flooding and its impacts in the City, that Allison was the third costliest natural disaster in U.S. history, approaching \$5 billion dollars in losses and FEMA actually ranked Houston fourth in the Nation for repetitive flood losses and when they thought about their particular drainage system in the City of Houston it was characterized by backlogs, that there were many areas of the Houston that were served by ditches and the City currently reports the backlog of ditching to be about 450 miles, that the City will not be able to catch up utilizing the present system, that many of the areas use ditches as their form of drainage in spite of the fact that many of those ditches were in need of repair, that their drainage system was also characterized by needed capital improvements, that in 1999 the study by TCB, Turner, Collier and Braden, estimated the needed drainage improvements at \$1.856 billion dollars in the City, that for the most critical projects, the Group I projects, the most critical need was estimated about \$780 million and all Council Districts were impacted by the drainage need, for example Council District E at \$63 million, Council District D at \$112 million, Council District A \$123 million, Council District B \$133 million, Council District G \$74 million, Council District H \$205 million and Council District I \$89 million, that the CIP currently had about \$110 million budgeted for an average of about \$22 million per year so at the current spending levels it would take 84 years to complete all of the identified improvements and about 35 years to do the most critical, so they really had a very significant problem, what else were they doing about it, that in addition to the CIP they also had a federally mandated storm water program and the City received its first permit in 1998, that they were spending about \$5 million under the program, but it was still not enough, so then they began to look at what other cities were doing both nationally and in the State and nationally storm water utilities were being done in Tulsa, New Orleans, Oklahoma City and many other cities, and in the State of Texas the Legislature actually passed the Texas Municipal Drainage Act of 1997 creating the possibility of storm water utilities, that other cities in the State, Lubbock, San Antonio, Fort Worth, Dallas, Beaumont, Corpus Christi and Austin all had storm water utilities and in fact Houston was the only major Texas city which had not established a storm water utility, so he hoped that in the budget process they could begin to have a discussion about a public problem that needed a policy solution and he believed that in the coming Tuesday's Fiscal Affairs meeting they were going to have some discussion about the ALP and as a part of that he was hoping that they would have some discussion about what a utility fee in Houston might look like, that obviously he thought it would involve a Fund 227, in terms of assessing some form of fee, utilizing Fund 227 to cover the fee, but also to cover their federally mandated program and the operations and maintenance, but the biggest benefit would come not only from creating the utility, but also to fund the needed capital improvements, so he was hoping that Council Members would come to the table with an open mind to listen to the possibilities to how they could address and solve the problem and hoped they could have a good discussion during the

budget process and come up with a way to solve Houston's flooding problems.

Council Member Quan stated that last Saturday morning he had the opportunity to be out in the Fifth Ward again for the Eleventh Annual Keep Five Alive Cleanup, there were over 1,000 people who were giving their time to cleanup the Fifth Ward and it was truly good to see so many young people and people from all backgrounds and all parts of the City in that area.

Council Member Quan stated that he wanted to make public comment, that this morning in the Houston Chronicle there was a story about Fire Captain Tom McDonald who saw a house on fire, stopped, and took action to rescue a man who was in distress, so he just wanted to make public comment and commend Captain McDonald for his actions.

Council Member Quan stated that he wanted to comment on what Council Member Edwards talked about, that on their underwriting standards for affordable housing they were trying very hard to put in standards in place that were very transparent and open to everyone, that they had been working with the Apartment Owners Association and hoped to have that finalized within the last couple of weeks, so no matter who they were that they come and meet the same standards and were judged in the same manner.

Council Member Quan stated that Council was participating in this year's Dragon Boat Festival and several Council Members would be rowing, that Council Members Parker, Berry, Goldberg and Sekula-Rodriguez had indicated that they would be on Buffalo Bayou on May 5, 2002, rowing a dragon boat on behalf of City Council. Council Member Alvarado absent.

Council Member Parker stated that she wanted to wish Council Member Wiseman a Happy Birthday. Council Member Alvarado absent.

Council Member Berry stated that he wanted to commend the MS Society in Houston, Ms. Pat Bertotty, who put that on, that last year they raised \$5.2 million and a million of that came from Enron so they were trying to make up the difference this year, that it was 10,000 riders who rode from Houston to Austin, which was actually 176 miles, that for all those riders and for a great cause, he wanted to commend that and encourage everyone next year to join in.

Council Member Berry stated that many of them knew that his Agenda Director, Ms. Katy Dorfman, used to be the Public Policy Manager for Trees of Houston and he wanted to give them a little plug, they just completed their annual tree planting and during the past planing season they planted over 4,900 trees and wanted to commend them. Council Member Alvarado absent.

Council Member Berry invited Ms. Yolanda Eaglin to the podium and stated that as they could see by the patch on her uniform, was named the Top Operator for Metro, that there were 2,700 drivers that Metro had and she was named the Top Operator out of all of them, that she had been there for 8 years and was named one of the women who kept Metro rolling, that they rode her route this morning at 5:30 a.m., which started at Fallbrook, near Continental and went into Acres Homes, that the people on the bus talked about her cheerfulness and they obviously loved their bus driver, that she was out on dark streets early in the morning and she really takes care of her riders, that she drives a 5:00 a.m. to 10:00 a.m. shift and then comes back in the afternoon from 3:00 p.m. to 6:30 p.m. so it was a split shift, so even despite not having the top project she made the most of it.

There being no further business before Council, the City Council adjourned at 10:01 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez out of the on personal business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary