

City Council Chamber, City Hall, Tuesday, April 30, 2002.

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

At 2:05 p.m. Mayor Pro Tem Quan stated they would start with Council presentations and called on Council Member Sekula-Rodriguez for a presentation on Skin Cancer Screening Day. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez stated that May was Skin Cancer Awareness Month and in conjunction with the Houston Dermatological Society would like to bring awareness to their annual Skin Cancer Screening Day and invited Dr. Paul Freedman, Co-Chair of this years Skin Cancer Screening, to the podium and read a proclamation which proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed the week of May 4, 2002 as Skin Cancer Screening Day in Houston, Texas. Council Members Tatro, Edwards, Wiseman, Keller, Alvarado and Robinson absent.

Dr. Freeman stated that he wanted to emphasize the importance of the Annual Skin Cancer Screening which was again being sponsored by the Houston Dermatological Society and would be on Saturday, May 4, 2002 from 10:00 a.m. to 1:00 p.m., that he had distributed a copy of the 11 area participating hospitals, that over 50 dermatologists had graciously volunteered during this time, that they would emphasize to patients that come in what to look for so they could screen themselves. Council Members Edwards, Wiseman, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that May was also American Heritage Month and he wanted to recognize Ms. Shane Chen, Executive Director of the Asian Pacific American Heritage Association and invited her to the podium and present with Ms. Chen was the President of Asian Pacific American Heritage Association, Ms. Norma Benzon along with board member Mr. Munir Ibrahim.

Ms. Chen stated that May was the Asian Pacific Heritage Month and they would start the celebration on Saturday with the Asian Heritage Parade and Festival to be held at the Alief Community Park, that the parade would start at Owens Intermediate School, located at Turtlewood Drive and Bellaire Blvd. and presented to the City of Houston a framed commemorative calendar and invited all of the Council Members to the parade and festival, which would start from 1:00 p.m. to 6:00 p.m., that they had distributed a commemorative calendar to each Council Member with different events around the Asian Community and a flyer of the Asian American Pacific Heritage events and gave a little history of the association. Council Members Edwards, Wiseman, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan asked Ms. Chen which country were they focusing on this year, and Ms. Chen stated that this year they were celebrating Indonesia, that for their gala on May 17, 2002, they would be having different Indonesian performers, including an Indonesian fashion show, that on May 16, 2002 at the Houston Institution of Art Culinary School they would be having an Indonesian Culinary night. Council Member Sekula-Rodriguez absent.

At 2:14 p.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Vasquez led everyone in prayer and pledge of allegiance. Council Member Sekula-Rodriguez absent.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown absent on personal business.

Council Members Keller and Robinson moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Mayor Brown absent on personal business.

Council Member Edwards stated that she wanted to recognize a group of students from Worthing High School, that they were accompanied by their teachers Ms. Carolyn Slater Moss, Ms. Keisha Coats and Mr. Bernard Johnson, that they were ninth and twelfth graders history and were on a field trip to see how the City of Houston worked.

Mayor Pro Tem Quan requested the City Secretary to call the list of speakers.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called.

Ms. Diana Menard, 3307 Vega Dr., Houston, Texas 77088 (281-272-5926) had reserved time to speak, but was not present when her name was called.

Mr. Willie Baker, 2819 Ellington, Houston, Texas 77088 (281-931-4228) had reserved time to speak, but was not present when his name was called.

Ms. Ellen Cohn, 1010 Waugh, Houston, Texas 77019 (713-528-6798 ext. 223) appeared and stated that today was the last day of Sexual Assault Awareness Month, that she really wished she could stand there and say it was the last day of sexual assault but unfortunately that was not going to happen, that some people had wondered why they had seen pins around town which said "It's a Crime", that they had been wearing them this month because it was a crime against individuals, that one in six victims would be under the age of 12 and one in two victims would be under the age of 18 and in the brief minute to two minutes that she talked to them today 2.5 people would be raped in the Country, that it was a crime against communities and four in five victims would know the criminal, that HPD reports that they received 800 reported rapes in the City last year and they figured that somewhere between one and two out of ten rapes were reported, so they could imagine the number of sexual assaults that take place that were not reported, that it was a crime against nations, one in three women and girls would be a victim of this crime internationally and in our great and wonderful Country, this month alone, Sexual Assault Awareness Month, over 58,000 people would be raped in this month alone, that it was a crime that they did not talk about it, that was why she was particularly appreciative to be present to talk and to thank them for giving her the opportunity to talk about it and to thank the City Council Members for all they do, not only for the Houston Area Women's Center and their efforts to eradicate sexual assault but for all organizations in the City in which they had stood up and supported them in trying their best to eliminate sexual assault. Council Members Wiseman, Ellis and Berry absent.

Upon questions by Council Members, Ms. Cohn stated that they thought the City was working well towards trying to let the community understand what sexual assault was all about and she thought they were working well with them in terms of their relationships with the City and HPD, that in terms of the issue over the rape kits she knew what that was all about and knew that was the question of being able to do the DNA's on the rape kits that had been done and they had a wonderful meeting with the Chief and his staff, that she knew there was activity on that

front and thought there was a strong effort to eliminate the problem with the rape kits that were presently with HPD, that it was a matter of getting the right equipment and getting through them, that the Chief was completely sincere, as they were, in making sure it got done; that she was not sure that there were more sexual assaults occurring that what she did think was happening was that more people were comfortable coming forward now and saying they had been sexually assaulted or raped, that other members of the community were not saying "lets drag up her past" and see what that was all about, they knew they could not do that, so she thought that part of that was better, that she thought the area they needed to focus on was education, that there was still a mindset throughout the world that women, and in most cases it was women although certainly men were sexually assaulted, that the perception was that the perpetrator had a right to do it to the person that he was assaulting, that until they could raise up a community that had the respect for one another that they needed they were going to continue to have to work on it, they could not keep putting rapists in prison without figuring out how to stop that from starting. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Ms. Mary Edwards, 10529 Sierra Dr., Houston, Texas 77051 (713-733-1674) appeared and stated that she owned 3622 Scott, it was across the street from the old Jefferson Stadium and right next door to the library, that she had a sale for the property last August and the City of Houston told the buyer he could not buy the property, it was condemned, that they wrangled around and in September 2001 they finally came to a price agreement and it was signed in September 2001, that today was the last day of April 2002 and she had not received a dime, that the person assigned to the case, Mr. Joe Quintell, was never in and she could not reach him by phone or any other way, that this morning his boss called and said he did not know anything about it, that it did not exist, that she was in a quandary now, that someone else had called her and said it was a done deal, that she had not received any money, that it was her property and now she did not know who it belonged to, that she believed that it was unfair for the City of Houston to drag their feet, if it was her who was dragging her feet she would have to pay interest, that she believed that the money they had a contract for should be paid to her along with interest for nine months. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Mayor Pro Tem Quan asked Mr. Bibler to elaborate on where they stood on it, and Mr. Bibler stated that property was condemned, that not Ms. Edwards, but some of the other owners were in bankruptcy and that delayed the condemnation hearing, that the hearing was held early this year, that in March the City Council approved going ahead and depositing the money in the registry of the court and the Legal Department sent the paperwork over to the Library Department, which was the department who wanted the property, early in April and as soon as they got the voucher back from them they would be depositing the money into the registry of the court and she and the other people who owned the property could make application to withdraw the money, that until they deposited the money she was welcome to use the property, it was still considered to be her's until they deposited the money. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Mayor Pro Tem Quan stated that as Mr. Bibler explained they had an agreement and it had to go through a legal process, that Mr. Carter Roper, Library Department, was present and would work with her to see how they could expedite getting the monies to her. Council Member Weisman absent.

Council Member Edwards stated that Ms. Edwards was in District D and would like to talk with her further about it and see if they could assist Mr. Bibler in walking it through so she could get her money.

Council Member Galloway stated that she had known Ms. Edwards for many years and would like for them to take care of it immediately in regards to the issue.

Council Member Sekula-Rodriguez stated that hopefully they would come to some positive resolution and if they got stuck she invited her to call her office as well.

Mayor Pro Tem Quan stated that Mr. Robert DeYoung was present and would take care of the matter.

Ms. Angela Williams, 5718 Lotus Street, Houston, Texas 77085 (713-927-9439) appeared and stated that she was previously present to talk about Lotus Street and was present to thank them for her community, that so far they had a band aid and it was a wonderful band aid, they had a paved road at this point, that they were still trying to get a CIP but she knew it took time, that from day one Council Member Edwards got on the case and everyone around her rallied and had been helping them in every way possible, that Ms. Wanda Adams had been assisting her as much as possible, that their children were able to come outside and play without falling into ditches of water, that her neighbors were out rollerblading and they could wash their cars and it would last for at least a day without dust because it was not a dirt road anymore, that she wanted to thank them all for their assistance. Council Member Weisman absent.

Mayor Pro Tem Quan stated that it was always a delight to have happy constituents come to City Hall and tell them they were doing some work that was positive. Council Member Weisman absent.

Council Member Edwards stated that she wanted to thank Ms. Williams and her efforts in mobilizing her neighbors in the effort and also wanted to thank the Public Works Department for their help, and Ms. Dixon, that it had been an awesome synergy of will for the City to take care of it, and Ms. Williams stated that they were going to have a block party and invited the Council Members to come out. Council Members Galloway, Wiseman and Alvarado absent.

Mr. Gene Austin, 1314 Texas Avenue, Houston, Texas 77002 (713-228-8303) appeared and voiced his personal concerns and opinions regarding the expansion of the George R. Brown Convention Center, the Convention Center Hotel and all of the construction on downtown streets. Council Members Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Mayor Pro Tem Quan stated that the concerns he had expressed had been expressed by others and stated that because of some of the streets being repeatedly torn up the City Council passed a street cut ordinance to limit how many times they could cut into a street and they had to have special permission because of the degradation of the streets, that a task force had also been formed by the Mayor and met weekly to try to coordinate the work being done on the downtown streets, that as to the George R. Brown expansion, their convention facilities had been deemed to be too small to house major conventions and that was why they were now expanding and bringing the hotel and other things to that area of town. Council Members Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Mr. Dwight Burton, 3721 Seabrook, Houston, Texas 77021 (713-326-3120) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Mr. Carlos Diaz, 6031 Densmore Dr., Houston, Texas 77035 (713-729-7852) appeared and stated that on behalf of the Members of LULAC Council 60 they extend an invitation for the Cinco de Mayo Festival, that it was going to be held in front of City Hall at the reflection pool and Tranquility Park on Saturday, May 4, 2002, from 12:00 p.m. to 10:00 p.m., that they were also going to have a beauty pageant to be held on Wednesday at the Tropicana Club, 3222 Richmond, at the corner of Richmond and Fondren and wanted to extend an invitation to the

Council Members and their families to be special guests, that they were also going to have a parade and would have all kinds of food and drinks and entertainment, that they were promoting local entertainment, that they would appreciate their presence, that also he would like to take the opportunity to express his gratitude to the City of Houston, especially to the Department of Parks and Recreation for their support and help they had given them to help celebrate the event in the City of Houston, especially Mr. Ricardo Magdaleno and Mr. Jack Plume, who had been very supportive of them. Council Members Galloway, Vasquez, Berry and Robinson absent.

After further discussion, Council Members expressed their appreciation for all the work that LULAC did, not just during the Cinco de Mayo celebration, but all they did on the Civil Rights issues, and Council Member Edwards asked if Mr. Diaz had any printed information on what Cinco de Mayo meant and Mr. Diaz stated that they did have information and would fax it or email it to her. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Ms. Dorothy Olmos, 6678 Sylva Rd., Houston, Texas 77023 (713-530-6599) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Mr. Anthony Morris, 330 N. Belt Sam Houston Parkway, Houston, Texas 77060 (713-299-2739) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Keller, Vasquez, Berry and Robinson 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 Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Mr. Trent Winters, 7967 Airport Blvd., Houston, Texas 77071 (713-729-1153) appeared and stated that he wanted to thank the Mayor and Council Members for the Clifford Miles situation, that he found out that the reason the Parks and Recreation Department could not really do anything to Mr. Miles was because there was really nothing in place for them to do something except take the contract from him, that he was present to ask them to put something in place, that when they signed the contracts have them sign a form or waiver stipulating that they would agree to disciplinary action, that if they signed it then the Parks and Recreation Department could do what they may want to do as far as discipline. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Mayor Pro Tem Quan asked Mr. Bibler if that was feasible, could they impose that by contract, and Mr. Bibler stated that he did not think there was any need to discipline them, that they could just change the contract to where they could just terminate their services on 24 hour notice if the Parks Department thought that would be a fair thing to do, that there was no reason they could not have some stipulation like that, that he did not want people to make a connection between the fact that there were charges pending and what happened to that individual who served at the pleasure of the Parks Department, that they had no reason to continue his or anyone else's services if it did not continue to pleasure them and they did not have to give people a reason and it would be better that they not give people a reason, just say they did not need their services anymore and thanks for helping them out until now, that was really all they should or needed to say when they decided to let someone go, that they could terminate a contract for no reason if it said so in the contract. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and distributed information to Council and voiced his personal opinions until his time expired. Council Members Galloway, Keller, Vasquez, Berry and Robinson 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 Members Galloway, Keller, Vasquez, Berry and Robinson absent.

At 2:58 p.m. upon motion by Council Member Wiseman and seconded by Council Member Parker, City Council recessed until 9:00 a.m., Wednesday, May 1, 2002. Mayor Brown absent on personal business. Council Members Galloway, Keller, Vasquez, Berry and Robinson absent.

City Council Chamber, City Hall, Wednesday, May 1, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 1, 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. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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

At 9:13 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was the financial report.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION

REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Ms. Garcia stated that she was pleased to present the Monthly Financial and Operations Report for the period ending March 31, 2002, that General Fund Revenue projections remained unchanged from those presented in the February report, these projections were based on historical trends, current year collections and discussions with the administration, that they were comfortable with the overall revenue forecast of \$1.35 billion, although the individual revenue category amounts may change over the course of the final quarter of the fiscal year; that Property Taxes contribute 46% of General Fund Revenues and through March they had collected \$603 million or 96.8% of the projected total, that last year collections through March equaled 97% of the final \$572 million in Property Tax Revenues; that their Sales Tax allocation received in March was slightly less than 1% increase over last year's amount, that receipts for the balance of this year were projected to be flat and less than that of last year's amounts, that Sales Tax collections were \$226 million this year compared to \$214 million last year; that Municipal Courts fines and forfeitures were projected to be \$6.7 million under the \$42 million budget at \$35.7 million, that case filings in recent months were increasing but traffic ticket filings continued to be significantly less than prior years, for example, traffic tickets in March were 4,200 more than February and February in turn was 2,900 better than January but both months were a minimum of 6,000 tickets less than the previous year at the same time, that the new ticket task force,

which was scheduled to begin this week was now delayed to begin next week, but this activity would take time to be entered into the system and be processed to translate into revenues for the City, that collections now stand at 11.6% below year to date in this fiscal year; that Inter Fund Services were budgeted at \$65 million of revenues during the current year and to reach the goal \$45.2 million must be billed during the final quarter, an amount double the amount billed in the first three quarters of the year, that they had been assured by the administration that all billings would be processed timely to meet the goal; that with regard to Expenditures everything was as given to Council last week for final approval of the General Appropriation Ordinance; there were no material changes in Aviation, Water or C&E Enterprise Funds; that as to the Quarterly Investment Report, as of March 31, 2002, the City had approximately \$2.4 billion invested in eight different investment pools, the largest pool has about \$1.8 billion, this was up from December by about \$160 million due to Property Tax Collections, that the other investment pools, including Construction Funds for the Airport, Convention Center and the Hotel showed normal levels of activity during this quarter; that on the subject of interest rates, the current level of FED funds remained at a 40 year low at 1.75%, that as she mentioned last quarter, the effect of these low current interest rates on the investment pool was that as new money came in and as investments made in prior years matured they must reinvest at the current lower interest rates, as a result the earning capacity of their investments had been reduced, to illustrate the point, the yield of the largest pool, the General Pool, as of March 31, 2002, was 3.8%, which was about two percentage points less than a year ago, that while most economists think that interest rates had bottomed out and that it would go up from here and assuming that their forecasts were correct, it would probably take another nine months before increasing rates had any meaningful positive affect on the yield of their portfolio, and that concluded both her Quarterly Investment Report and the Monthly Financial Report.

Dr. Scheps stated that their Monthly Report was very little changed from the prior month; that on the revenue they were about \$1.4 million higher than they were last month at \$1.357 billion, that was increases in Sales Tax accrual and Gas Franchise with a decrease in Telephone Franchise fees based on data they received during the month, that he called the committee's attention yesterday to page 72 and 75 of the report, which was optimistic data on the Municipal Courts Revenue, that was their largest disagreement with the Controller in terms of a revenue projection, that they were a little more optimistic than she was on that and that showed on their revenue estimates; that on the expenditure side, \$1.376 billion, it matches and they had the General Appropriation Ordinance on the agenda today and their expenditures matched the Controller's certified revenues and that was reflected in the report; that if their ending balance projections came true they would end up with an increase of \$5.2 million for the year, including the Rainy Day Fund, if the Controller's revenue projections end up being true, they would end with an ending balance about equal to the beginning balance, that they were a little more optimistic there, all on the revenue side; that hiring continued, that the City staff on the civilian staff continued to have many more people leaving than showing up so the attrition continues and the staff was down again, even though the chart needed to be revised, it was a two month old chart; that they added performance measures because Council Member Sekula-Rodriguez asked them to add more data on the ambulance collections and they would find that in the Monthly Report now, that the Director of Public Works gave a thorough report yesterday on the Public Works Department performance measures; that Cash Management was something that they were beginning to worry about, that year end cash situation which they were working very closely with the Controller's office as they did last year and they expected to be positive at the end of the year; that they handed out the Mayor's budget priorities at the committee meeting yesterday and for those Council Members who were not present they would have them in the mail as well, that they also gave the first draft of the recurring revenue estimates that would go in the budget and had some discussion on that as well, that it was just the preliminary version of the recurring revenues that would support the 2003 budget, and that concluded his report.

Council Member Vasquez stated that on page ii of the MOFAR, on the Storm Overlays there was basically \$5 million that had been allocated and \$14.1 million that had not been allocated, that he wanted some clarification, that they mentioned it yesterday at committee, that basically they had committed ALP monies to reimburse that, and Dr. Scheps stated that these were overlay and drainage projects that they did last summer when there was no ALP money because they had used it all for the storm, and they did say at the time that it was the intention when the insurance money came back to reimburse the City, that they would payoff the commercial paper to the extent that they could; and Council Member Vasquez stated that yesterday Mr. Vanden Bosch made a presentation and there was discussion about the nature of the performance measures and he was one of the individuals who asked if they could see some type of comparison between FTE's and salaries versus dollars per contracting it out and asked that Dr. Scheps work with Mr. Vanden Bosch on that to get the information and asked when he anticipated they could get that information and Dr. Scheps stated that he thought probably within a week, and Council Member Vasquez asked if the presentation that was given yesterday in terms of the change in performance measures, would they enact that as policy or would they wait until they got the information, and Dr. Scheps stated that he assumed it was already enacted as policy, and Council Member Vasquez stated that he wanted to go on record as being vehemently opposed to that approach as the solution to the overlays and backlog of ditches and any number of issues, that he for one as a district Council Member would look for an alternative solution to that just because it greatly impacts the older neighborhoods and older districts in the City and was very concerned about that particular policy.

Council Member Sekula-Rodriguez stated that she wanted to compliment Dr. Scheps on helping to clarify the issues on EMS collections, that the charts provided more information, that as they talked about it, it would be good to have not only a statement of growth revenues and collections, but also they needed a statement of billable amount so they could compare the amount they collect to the amount they billed and Dr. Scheps stated they would be glad to do that, and Council Member Sekula-Rodriguez asked where they stood in terms of negotiating with ACS in regards to continuing their contract, and Dr. Scheps stated that the Purchasing Department was conducting those negotiations at this point and he was not a party to those negotiations, that what they and the Fire Department did was give some talking points to the Purchasing people who were doing the negotiating and believed they were meeting this week, that they received 15 proposals that had been evaluated and were sort of in the best and final process now, that they would typically bring an administration recommendation to Council and would only include one with their justification of why they would recommend that, that he would get Calvin Wells to clarify the procurement process, that they must do whatever the State procurement process says to do; and Council Member Sekula-Rodriguez asked if the administration had any plans to perhaps support Municipal Courts, besides technology, was there a plan to support them so they could improve their efficiency, and Dr. Scheps stated that on page 72 they actually had one additional month of ticket writing data and the chief had announced plans to enhance traffic enforcement, and Mayor Brown stated that they would brief Council Member Sekula-Rodriguez on that.

Council Member Edwards asked that he also provide District D office with the information regarding the overlay policy.

Council Member Parker moved to accept the reports, seconded by Council Member Quan.

Council Member Galloway stated that she wanted to express her concerns about the cutting back on the regrading of the ditches and the maintenance and would like the same report that Council Member Edwards had requested, that she would like a report on ditches that had been regraded in District B as well as the culvert solutions.

A vote was called on Council Member Parker motion to accept the reports. All voting aye. Nays none. MOTION 2002-0510 ADOPTED.

Mayor Brown stated that he would like to take a moment of personal privilege and present a proclamation to Ms. Anna Russell and read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed, May 1, 2002 as Anna Russell Day in Houston, Texas and urged all citizens to join him in thanking Anna Adams Russell for the service she had rendered to the City for so many years.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:
 - Position 2 - **MR. J. HOWARD RAMBIN, III**, reappointment, for a term to expire 2/1/2004
 - Position 3 - **MR. JOHN H. ANDERSON**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 4 - **MS. BETH WOLFF**, reappointment, for a term to expire 2/1/2004
 - Position 5 - **MR. W. J. BOWEN**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 7 - **MS. PENNY BUTLER**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 8 - **MR. JAMES D. KENNEDY**, reappointment, for a term to expire 2/1/2004
 - Position 9 - **MR. EDWARD REYES**, appointment, to complete an unexpired term ending 2/1/2003
 - Position 11 - **MS. TANAZ CHOUDHURY**, appointment, to complete an unexpired term ending 2/1/2003
 - Position 12 - **MR. JAMES G. HORTENSTINE**, reappointment, for a term to expire 2/1/2004
 - Position 13 - **MS. CHARLOTTE A. HAYNES**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 14 - **MR. WILLIAM C. LINTHICUM**, reappointment, for a term to expire 2/1/2004
 - Position 15 - **MR. DENNIS PARKER**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 16 - **MR. NATHANIEL CLAYTON, II**, reappointment, for a term to expire 2/1/2004
 - Position 17 - **MS. ANDREA KATES**, appointment, to complete an unexpired term ending 2/1/2003
 - Position 18 - **MS. LINDA K. BROWN**, reappointment, for a term to expire 2/1/2004
 - Position 19 - **MR. D. V. FLORES**, appointment, to complete an unexpired term ending 2/1/2003
 - Position 20 - **MR. ROBERT W. GIBBS, JR**, reappointment, for a term to expire 2/1/ 2004
 - Position 21 - **MR. BRETT FRAZIER**, appointment, to complete an unexpired term ending 2/1/2003
 - Position 22 - **MS. SALLÉ MORSE**, reappointment, for a term to expire 2/1/2004
 - Position 23 - **MR. KEN HARRY**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 24 - **MR. CHRIS WILMOT**, reappointment, for a term to expire 2/1/2004
 - Position 25 - **MR. KEIJI ASAKURA**, reappointment, to complete an unexpired term ending 2/1/2003
 - Position 26 - **MR. JAVEED RAZZAK**, appointment, for a term to expire 2/1/2004

- Position 27 - **MR. COLBERT WILHITE**, reappointment, to complete an unexpired term ending 2/1/2003
- Position 28 - **MS. ELIZABETH IVERS**, reappointment, for a term to expire 2/1/2004
- Position 29 - **MR. JOSÉ GRINÁN**, reappointment, to complete an unexpired term ending 2/1/2003
- Position 30 - **MR. LIVY T. WILSON, II**, appointment, for a term to expire 2/1/2004
- was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent.
MOTION 2002-0511 ADOPTED.

DAMAGES - NUMBERS 2 and 3

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MARVIN J. SMITH** v. City of Houston and Adolph Lopez, Jr.; in the 125th Judicial District Court, Harris County, Texas; Cause No. 2000-53352 - \$40,000.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0512 ADOPTED.
3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHARLES STUCKEY, TIMOTHY MORIN and PICK BENSON** v. The City of Houston and Amado Huerta, Jr.; in the 127th Judicial District Court of Harris County, Texas; Cause No. 2000-00786 - \$64,000.00 Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0513 ADOPTED.

ACCEPT WORK – NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,420,080.00 and acceptance of work on contract with **DEI CONSTRUCTION SERVICES, INC** for Construction of Water Main Replacement Project in Lindale Park Subdivision, GFS S-0035-LP-3 (10491) - 03.31% under the original contract amount **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0514 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James Greenwood III of Daniel and Edith Ripley Foundation (James Greenwood III, CEO), for abandonment and sale of Bering Street, from North Sidney Street east ±85 feet to its dead-end, located in Block 8, Electric Park Addition, Parcel SY2-047 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0515 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 14

9. ORDINANCE appropriating \$154,875.00 out of C & E Construction Fund for the Lighting Project for Sesquicentennial Park for Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Member Sekula-Rodriguez absent.

ORDINANCE 2002-0320 ADOPTED.

- 9a. **ALIEF ELECTRO-MECHANICAL, INC** for Lighting Project for Sesquicentennial Park for Convention & Entertainment Facilities Department - \$147,500.00 and contingencies for a total amount not to exceed \$154,875.00 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0516 ADOPTED.
12. **SNAP-ON TOOLS COMPANY** for Automotive, Diagnostic Equipment for Various Departments \$364,197.00 - 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 absent. MOTION 2002-0517 ADOPTED.
13. **SOUTHLINE EQUIPMENT** for Forklifts for Various Departments - \$49,620.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sekula-Rodriguez absent. MOTION 2002-0518 ADOPTED.
14. **HANSON CONCRETE SOUTH CENTRAL** - \$1,828,195.00 and **CEMEX, INC** - \$3,240,611.00 for Concrete 4, 5, 6 & 7 Mix Contract for Various Departments - General, Enterprise 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 absent. MOTION 2002-0519 ADOPTED.

ORDINANCES - NUMBERS 15 through 32

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Elliott Street right of way, containing 15,126 square feet of land, more or less, being located in the William A. Kirby Addition, Harris County, Texas; vacating and abandoning said tract of land to the Houston Independent School District, the abutting owner, in consideration of owner's dedication of a 70-foot wide utility easement containing 17,647 square feet of land, more or less, and payment of \$18,277.00 and other consideration to the City **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0321 ADOPTED.
17. ORDINANCE consenting to the addition of 5.204 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0322 ADOPTED.
18. ORDINANCE consenting to the addition of 4.0549 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0323 ADOPTED.
19. ORDINANCE consenting to the addition of 113.468 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0324 ADOPTED.
20. ORDINANCE establishing the east and west sides of the 600 Block of Harvard Street within the City of Houston as a Special Building Line 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. ORDINANCE 2002-0325 ADOPTED.

21. ORDINANCE establishing the north and south sides of the 1400-1600 Blocks of Bonnie Brae Street, the north and south sides of the 1600 block of Norfolk Street, and the north and south sides of the 1600 block of Castle Court Street within the City of Houston as a Special Building Line 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0326 ADOPTED.
30. ORDINANCE appropriating \$1,959,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INTRA CONSTRUCTION CORPORATION** and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** for Water Line Replacement in Pleasantville Subdivision, GFS S-0035-69-3 (WA10585); providing funding for construction management and 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. ORDINANCE 2002-0327 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item No. 37 out of order. All voting aye. Nays none. MOTION 2002-0520 ADOPTED.

37. 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 – (**This was Item 27 on Agenda of April, 24, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON, EDWARDS, KELLER and ELLIS**) – was presented. All voting aye. Nays none. ORDINANCE 2002-0328 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$284,377.39 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-P6-3 (Package No. 3) - 04.00% over the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0521 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$408,042.41 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-R6-3 (N-0610A-74) - 03.91% under the original contract amount -

DISTRICTS A - TATRO; E - WISEMAN and H - VASQUEZ – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0522 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$621,492.16 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of On Call Water Main and Sanitary Sewer Extensions, GFS S-0800-01-3 (10415-1) - 03.58% over the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0523 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 14

10. **TEXAS HIGHWAY PRODUCTS, LTD.**, for Traffic Signal Controls and Hardware for Department of Public Works & Engineering - \$1,563,293.38 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Weisman.
11. ORDINANCE appropriating \$1,799,997.15 out of Water & Sewer R & R Fund for Structural Repair to 69th Street Wastewater Treatment Plant for the Department of Public Works and Engineering, CIP R-0509-08-3 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0329 ADOPTED.
- 11a. **STRUCTURAL PRESERVATION SYSTEMS** to Repair to 69th Street Wastewater Treatment Plant for the Department of Public Works and Engineering - \$1,714,283.00 and contingencies for a total amount not to exceed \$1,799,997.15 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0524 ADOPTED.

ORDINANCES - NUMBERS 15 through 32

16. ORDINANCE approving and authorizing lease agreement between **BANK OF AMERICA, N. A.**, as landlord, and the City of Houston, Texas, as tenant, for space at 8400 Long Point, Houston, Texas, for use by the Houston Police Department; containing findings and other provisions related to the subject - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0330 ADOPTED.
22. ORDINANCE issuing a permit to **MOST REVEREND JOSEPH A. FIORENZA, BISHOP OF GALVESTON-HOUSTON** on behalf of the Diocese of Galveston-Houston for building, constructing, using, occupying, operating, maintaining and repairing a Retention System consisting of footings and tie-backs within portions of Jefferson Street, Fannin Street, St. Joseph Parkway, and San Jacinto Street, and abutting Block 385, S. S. B. B.; being within Public Street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0331 ADOPTED.
23. ORDINANCE approving and authorizing first amendment to contract between the City and **FIRST COMMUNITY SERVICES, L.P.**, for Automated Teller Machine Concession Services for the Convention and Entertainment Facilities Department - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0332 ADOPTED.

24. ORDINANCE awarding contract to **ELECTRO-TEST, INC** for Electrical Maintenance Services for Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,568,842.48 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0333 ADOPTED.
25. ORDINANCE appropriating 36,978.00 out of Parks Special Fund and approving and authorizing a professional architectural services contract between the City of Houston and **R P M ARCHITECTS, INC. d/b/a ENVIRONMENTS & CO.** for Improvements and Upgrades to Melrose, Rosewood and Skate Parks CIP F-0511-01, F-0512-01 and F-0501-01; providing funding for contingencies relating to Design of Facilities financed by the Parks Special Fund; containing provisions relating to the subject - \$106,467.00 - CDBG Fund - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2002-0334 ADOPTED.
26. ORDINANCE appropriating \$322,810.00 out of Convention & Entertainment Development Fund and approving and authorizing professional services contract between the City of Houston and **VAN DE WIELE ENGINEERING, INC** for Avenida 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 Convention & Entertainment Development Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0335 ADOPTED.
27. ORDINANCE appropriating \$330,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC d/b/a COBB, FENDLEY AND ASSOCIATES;** and **CFA;** and **COBB, FENDLEY & ASSOCIATES** for the Feasibility Study and Design of Long Point Road from Hempstead Road to Bingle Road, CIP N-0674-01-2 (SB9088); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented, and tagged by Council Members Galloway and Keller.
28. ORDINANCE appropriating \$330,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DEMOPULOS & FERGUSON ASSOCIATES, INC** for the Feasibility Study and Design of Long Point Road from Gessner Drive to Bingle Road, CIP N-0674-02-2 (SB9109); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented, and tagged by Council Members Galloway and Keller.
29. ORDINANCE appropriating \$5,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **WCW INTERNATIONAL, INC** for the Design of Paving and Street Reconstruction Projects, GFS N-0367-03-3 - **DISTRICT A – TATRO** – was presented, and tagged by Council Member Galloway.
31. ORDINANCE appropriating \$415,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING & TESTING SERVICES** for Hollister Lift Station Rehabilitation, GFS R-0267-75-3 (4276-35); providing funding for contingencies relating to construction of facilities finance by the Water & Sewer System Consolidated Construction

- **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0336 ADOPTED.

32. ORDINANCE appropriating \$2,297,747.81 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract **GARVER CONSTRUCTION, LTD.** and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** for construction of Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-P7-3 (WW4258-10); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0337 ADOPTED.

NON CONSENT AGENDA - NUMBERS 33 through 35

MISCELLANEOUS

33. REVIEW on the record and make determination relative to the appeal from the decision of the Automotive Board, filed by Jonathan E. Bruce, Livingston & Associates, P. C. on behalf of **MR. MARK LEMKE'S D/B/A ELTON AUTO STORAGE** regarding Application for Automotive Storage Lot License #63806 – was presented.

Council Member Parker moved to uphold the appeal and overturn the action of the Automotive Board, seconded by Council Member Ellis.

Council Member Sekula-Rodriguez asked if there was anyone from the Automotive Board was present to bring some clarification on this, and Mayor Brown stated that there were some legal considerations in what was being requested and asked the City Attorney to brief them on it.

Mr. Anthony Hall, City Attorney, stated that this was a review of a proceeding that was on the record, and what that meant was that they could not take any testimony or new information during the process of the appeal, that the parties had the opportunity to present their cases, the evidence, at the hearing itself, and they were to review that record that was provided to them and make their judgment on the record, they kind of contaminate the process if they invite addition testimony after the process was closed; that the other issue that he would counsel Council Members about, that Mr. Bibler had visited with some Members, and he would say it cautiously that they were required in government in America to treat people the same under the legal provisions, that was what equal protection of the law was all about, if there was a clear circumstance that places one person in a situation and another person in the same one they did not have, under regulation of law, the capacity to say that they liked that person so they were going to treat them one way and they did not like the other one to treat them another way, that if Council did not like the provisions in the ordinance then Council had the capacity to change them, but they could not pick and chose the people they applied it to, that was an important consideration and it would impair their ability to defend what they did if they could not show that they had applied it to all people in the same situation the same way. Council Member Quan absent.

Council Member Sekula-Rodriguez stated that she wanted to tag the motion and Council Member Keller moved to overrule the tag. Council Member Quan absent.

Upon questions by Council Members, Mr. Hall stated that he would hope that if in fact in a case like this were there was a clear proximity of violation and they overrule the Board of Appeals that there be articulated some clear reason why they were saying that a person who violated the clear language of the ordinance they had passed would be excused from it, because the next

person who came with the same circumstance would be entitled to the same thing, that was what he was saying, that what he was suggesting was that Council had to apply the law to everybody who was similarly situated, that if there was a clear articulated reason, and he was not sure there was not one that could not be made, but there had to be something that distinguishes this from everyone else that they would apply the law to, that if they read the record and there were other people similarly situated that would open the door for a court to declare that they had violated the equal protection clause of the United States Constitution because they could not selectively apply their legal provisions, that he was trying to offer advise to say that if in fact they were going to grant an appeal that was in clear violation of an ordinance they had adopted they needed to articulate specifically why so they could say that it was different than any other case that had come before them. Council Members Edwards and Quan absent.

Upon questions by Council Member Robinson, Mr. Hall stated that Council could debate the record all it wanted and the issues around it, that was not the issue, it was taking additional testimony or clarification that would be a problem, and Council Member Parker stated that from the reading of the record, and she did not know if all Council Members read the record, she questioned the interpretation given to their City ordinance as it was ruled in this case by the Automotive Board and thought they made the wrong decision. Council Members Edwards and Quan absent.

Council Member Sekula-Rodriguez stated that she would like to keep her tag, that it would give the Council Members time to reflect about the significance of their decision and would like to get with Mr. Bibler and Mr. Hall to understand what the ramifications of it were or whether it was just an interpretation variance and Council Member Keller stated that he would withdraw his motion to overrule, and Mayor Brown stated that the matter was tagged. Council Member Quan absent.

PROPERTY

34. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Suzan Deison of Galleria Chamber of Commerce and North Houston Greenspoint Chamber of Commerce, on behalf of the abutting property owners, Gerald T. Reese, Michael Moya, Nancy Wren, Elizabeth Rivera, Lorena M. Ruiz, Lewis Pault, and Briarwood-Houston, L.P. [TMC Investments, Inc., (Tom McCauley, president), general partner] for abandonment and sale of Northline Drive, from W. Sunnyside Road to Rosamond Street, in exchange for the conveyance to the City of the entire abandonment area as a utility easement, located within Courtlandt Subdivision, a replat of Mitchell Place Subdivision; Robert H. Ray Subdivision; and Wildrose Gardens Subdivision, Parcels SY2-030, SY2-038, SY2-039, SY2-040, SY2-041, SY2-042, SY2-043, VY2-014, VY2-015, VY2-016, VY2-017, VY2-018, VY2-019 and VY2-020 - **APPRAISERS - DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Vasquez.
35. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bob Atkinson of Edminster, Hinshaw, Russ and Associates, on behalf of the property owner, Aspen Holdings L.L.C. (Kevin McCracken, manager), to relinquish the City's 1.045-acre nonexclusive, perpetual easement for parking purposes, out of the Samuel M. Williams Survey, Abstract 87, Parcel SY2-046 - **APPRAISERS DISTRICT H - VASQUEZ** - was presented.

Council Member Vasquez named Mr. David R. Bolton and William Kvinta as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0525 ADOPTED.

MATTERS HELD - NUMBERS 36 through 43

36. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 12 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. MOTION 2002-526 ADOPTED.
38. ORDINANCE repealing Ordinance No. 2002-278, which changed the name of **SKYWALKER DRIVE** to **CYBERONICS BOULEVARD - DISTRICT E - WISEMAN** – **(This was Item 36 on Agenda of April 24, 2002, POSTPONED BY MOTION #2002-505, 4/24/02)** – was presented.

Council Member Weisman moved to refer Item No. 38 back to the administration, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0527 ADOPTED.

39. 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 – **(This was Item 38 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBERS TATRO and ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0338 ADOPTED.
40. 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 – **(This was Item 39 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0339 ADOPTED.
41. 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 N0610A-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** – **(This was Item 46 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0340 ADOPTED.
42. 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 – **(This was Item 50 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that he had a question about the payment, and it was part of the agenda item, for reimbursing out of commercial paper, he thought the Casualty Fund, but historically the payment that was made to settle the legal fees to the attorneys on the fire overtime case and stated that he guessed it was basically a matter of legal issue between the City Charter and a court order to pay the legal fees, that the court order was on February 21st and on February 27th they issued a check to settle that, that the court order for \$3 million in that six day time period, yet to his knowledge this was the only Council action they would see for the remittance of that payment and he was just curious with the City Charter specifying that all expenditures of the City must be approved, how that payment could be made outside of what was the standard process of the City, and Mr. Hall stated that was a good question and the reason was that in that provision was an exception for judgments against the City, that the City Legal Department, as City staff, was authorized to pay judgments that were final against the City and in this instance that was an issue that was taken to appeal by the City to the 5th Circuit and the 5th Circuit did not rule in the City's favor in any of those issues and it was an issue that they decided that they were not going to further appeal in any fashion, which made it a final judgment and the judge then set a deadline for payment and if they had not made that deadline they would have been held in contempt, that unfortunately they did not control when, why and how judges made some of these decisions, he thought the decision was a quick timeframe, but nonetheless it was what they were given. Council Members Keller and Vasquez absent.

A vote was called on Item No. 42. All voting aye. Nays none. ORDINANCE 2002-0341 ADOPTED.

43. NOTE: SHOULD ITEM 42 BE DELAYED, THIS ITEM SHOULD ALSO BE DELAYED AND ONLY FINALLY CONSIDERED AFTER THE ADOPTION OF ITEM 42
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 – **(This was Item 51 on Agenda of April 24, 2002, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0342 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that last week he had called for the resignation or firing of one of the City employee's, he asked a lot of questions and had still not gotten any answers from the administration, however he had gotten some answers from someone on the other side, that it had to do with acquiring land for Fire Station #37, which they had been trying to do for two years, that it had been in the CIP for two years, that he went out to the property with one of the local television stations and one of the representatives of the property owner told them that the City of Houston had ceased negotiating with them, that they were not even trying to acquire the land anymore, that he was wondering when he was going to get an answer, that he wanted to know who was in charge, that there were four different departments that were possibly in charge and each one was blaming the next, and Mayor Brown stated that they would make sure he got a response on it. Council Members Keller and Vasquez absent.

Council Member Weisman stated that Friendswood Development had been working with Mr. Mark McMullen, Planning Department, on the abandonment of portions of existing right of ways on Valley Heather Court, that they had been working on it for quite some time and had not been able to get things moving with it, that it was her understanding that the RCA was now on Mr. Vanden Bosch's desk and would like to ask that it be given full consideration to be put on the agenda next week, and Mayor Brown stated they would follow up on it. Council Member Keller absent.

Council Member Weisman stated that she would like the Mayor's assistance in coordinating a meeting with a representative from Right of Way Maintenance and with the Parks Department regarding the mowing schedule of the medians and right of ways in Kingwood, and Mayor Brown stated that they would set it up for her. Council Member Keller absent.

Council Member Weisman stated that yesterday a little girl was injured in a auto and pedestrian accident at an intersection in her district, Viceroy and Freeton, that fortunately she was not too severely injured, that her concern about it was that the residents in the district had requested for some time that the intersection have a four way stop and the City had not moved to do anything about that and she would like for that to be placed on a high priority, and Mayor Brown stated that he would have the Traffic and Engineering Section have a look at that intersection for her. Council Member Keller absent.

Council Member Galloway stated that last week a young man lost his leg crossing the railroad track, that she sent a memo to the Mayor as well as the department heads about the heavily traveled track because it was only approximately one mile from the rail yard and in their ordinance it states that a train could no longer sit for over 15 minutes blocking the street in the intersection, but in this particular area the train sits on the track for the 15 minutes and then it may move for 10 feet and start its time all over, this way the streets never have any type of relief for the traffic to flow or the young people to cross over, that she wanted the Regulatory Affairs Committee to look into the ordinance, as well as looking into the feasibility of providing a walkway over the tracks, since they were so heavily used, for the safety of the young people who were going to the education center, which was first through eight grade, that it was a very hazardous area, that she would be meeting with some representative of Union Pacific to see if they could maybe coop the project with the City, and Council Member Alvarado stated that it was an issue that she had been very passionate about and had started some research on the issue and believed it was a State law that they may have to go in to change and Council Member Galloway stated that they had an ordinance to that affect because it came up before about eight years ago where they revised the ordinance because they were having the problem, that she would be happy to look into it and see what they needed to do.

Council Member Galloway stated that she knew that TXDOT was reconstructing Lyons Street from Waco to Lockwood and her concern was that they had four inch water lines and she thought they would be upgrading to six and eight inch water lines if they were going to have redevelopment in that area, that she did not know who was doing the infrastructure, but she wanted the matter looked into because she wanted them to increase the water line.

Council Member Galloway stated that the community had been concerned near Rankin Road and Highway 59 North, that they had been trying to get a traffic signal because of the traffic coming from the airport, that they had built a church that had about approximately 3,000 members and there was a four way stop sign, which was very bad and was beginning to become dangerous, that she did not know if there had been many accidents but would like to look into providing a signal light at Highway 59 North and Rankin Road, and Mayor Brown asked Mr. Haines to make sure that Council Member Galloway items were followed up on.

Council Member Edwards stated that she would like to thank the employees of the staff of the Public Works Department, that they had several meetings in the community of late and they had been very on target in helping them get some issues dealt with, especially regarding Almeda-Genoa Road and Anderson Road and other issues.

Council Member Edwards stated that as to the presentation of Dr. Scheps and Mr. Vanden Bosch yesterday regarding the cuts and how they were looking at how districts were going to be served regarding overlays and that sort of thing, that she was very concerned about the last two

day's articles regarding 311, that it seemed to be a perception or urban myth that was being developed that the way services were done by the City was by who made the loudest noise on 311 and that was direct contradiction of how they had been working in their district and with their staff, and wanted to go on record to say they were trying to utilize very sincerely the SNAP programs and the civic clubs and the initiatives that they had developed out of their office to address issues of concern from potholes, that they had a very good relationship working with the Public Works Department, Solid Waste Department and Neighborhood Protection and she felt that with the issues of monies being in place and staff reduction that planning and process became even more important than it had in the past, especially in districts like District D, so for those in District D to call their office, that they could call 311 as well, but that was how they were trying to work through organizations that they had on the ground.

Council Member Edwards stated that they had two meetings with the HIV reconvened task force and it was very critical that they find the money and the leadership from the City to attack the serious epidemic, that it was growing and getting younger as far as infection of the virus itself within their communities and she would like to go on record that they would be going to all of the Council Members to ask for their support in trying to find the monies, that they were also looking at partnerships with private industries, but they were going to need some monies and some support and leadership from the Council to help change the paradigm and shift the focus from being those people as to being we people being affected and infected by the problem.

Council Member Tatro stated that he wanted to congratulate Council Member Sekula-Rodriguez on her engagement and upcoming marriage.

Council Member Vasquez stated that he wanted to remind the Council Members that this weekend was Cinco de Mayo and there would be many parades and celebrations and hoped and encouraged the Council Members to attend and wished everyone a happy Cinco de Mayo.

Council Member Keller stated that he had been contacted by former Fire Chief Lester Tyra about the rolling over of their deferred compensation plan, that he believed that the Taxpayer Relief Act was passed in January 2002 by President Bush and for it to be allowed City Council had to vote, that he had gotten a couple of emails and Mr. Trya knew the procedure but some of them did not and thought that City Council was holding up their money, that they needed to allow them to take their 457 and roll it over into an IRA whether with a new employer or something that they choose to do on their own in their retirement, that in light of making the current and future employees feel better about their benefit package they needed to take care of their retiring one and letting the existing ones know that they could accomplish it easily so that their confidence level in the City Council and their credibility was raised, that he hoped they would be able to get this before Council sooner than later and did not know if it came from F&A or Human Resources, and Mayor Brown asked Mr. Haines what they needed to do, and Mr. Haines stated that they had everything ready to go but were waiting for the final federal regulations to come out on it to make sure it was consistent and as soon as that came they were planning on bringing it to City Council.

Council Member Quan stated that this weekend, on Saturday, there was a big parade planned for Cinco de Mayo.

Council Member Quan stated that they would be beginning Asian Heritage Month and would be having a parade in the Chinatown area off of Bellaire and hoped that they would attend.

Council Member Quan stated that on Sunday they would have the Dragon Boat Races and knew that Council Member Goldberg and Agenda Director Marty Stein was out last Saturday practicing and were looking forward to Council Members Parker and Berry and others joining

them as well, that they had a really good team and beat the Metro team in two practice heats so they were looking forward to a big race on Sunday.

Council Member Quan stated that this weekend they begin the Offshore Technology Conference, one of the premier conferences in the world, that they had dignitaries from around the world coming and it was another opportunity to showcase Houston and hoped that Council Members would take time to attend a number of the meetings and greet all of the visitors.

Council Member Quan stated that they had another professional sports team in Houston, the Houston Toros a professional soccer team would begin their soccer season this weekend.

Council Member Sekula-Rodriguez stated that she wanted to remind people that if they did not want to go boating or the parade they could go to skin cancer screening, that it was at 11 different hospitals around the City and was from 10:00 a.m. to 1:00 p.m., the phone number to find a location was 1-800-ACS-2345.

Council Member Sekula-Rodriguez stated that in the Chronicle today there was an interesting cartoon by Clyde Peterson regarding a serious problem in the emergency rooms.

Council Member Sekula-Rodriguez stated that in the Chronicle there was a piece on Houston being Number 5 in terms of ozone, that they were beaten out by four other spots in California.

Council Member Parker stated that she and Council Member Quan had really been on the bandit sign issue for some time and had been encouraging civic associations to get involved in picking up bandit signs, which were those signs on the telephone poles and mediums advertising often new home construction, that last year they convinced Keep Houston Beautiful to add bandit sign pickup to their normal activities when they go out in neighborhoods, that in the entire year last year they picked up 132,000 bandit signs, that this year they had a bunch of new Council Members who embraced it and they went out for Keep Houston Beautiful Day and there was a massive bandit sign effort around the City and with the ongoing activities of many civic clubs they had already surpassed that number in just three months, that they had picked up 133,000 just through the end of March, that she wanted to thank everybody and say keep up the good work, that it was visual litter and were illegal.

Council Member Alvarado stated that while they had a very diverse City there were still many actions that reflected the racism in the City, that last week her office received a call and while it did not take place in her district but Council Member Edwards district she still took issue with it, that at Dunlavy Park a fence was put up and believed it was privately funded but at a City park and someone from the little league made a comment that it was made to keep the Mexicans out and understood the issue was being dealt with and had talked to the Parks Department and they had responded and did not support any activity like that and had confirmed that it was put up for other reasons.

Council Member Alvarado stated that she wanted to thank the City staff who helped to put together the Good Morning America Show, the Convention & Visitors Bureau, the Convention and Entertainment, Parks Department and all of the other departments that were involved in helping to make the City host Good Morning America, that she thought it turned out well and the Mayor did a good job in promoting the City.

Council Member Berry stated that as to the racism the comment was allegedly made by an individual that he knew very well was a trusted and respected community leader who happened to be Hispanic, so if indeed he said that, it would be shocking indeed, and Council Member

Edwards stated that they had been working very diligently with the matter, that the homeowners and the little league worked very hard Monday night to come to a compromise and move forward on the project.

There being no further business before Council, the City Council adjourned at 10:17 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary