

City Council Chamber, City Hall, Tuesday, May 7, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 7, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, 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. Council Member Addie Wiseman absent on city business.

At 2:05 p.m. Mayor Brown stated that they had a number of presentations and would lead off with one presentation and invited Mr. Rick Dovalina, National President of LULAC, to join him at the podium; that Mr. Dovalina was present in Houston to promote the National Convention of LULAC which would be held June 22 through July 1, 2002 and they were very happy to be the host City for the convention and knew that all of those who came to Houston to participate in the business of the convention would enjoy the hospitality of Houston, and read a proclamation that read in part that the City of Houston was pleased to congratulate and commend LULAC, the League of United Latin American Citizens, on this auspicious occasion and extended best wishes for a successful convention and therefore, Lee P. Brown, Mayor of the City of Houston hereby proclaimed June 22 through July 1, 2002 as LULAC 73rd Annual National Convention Days in Houston, Texas. Council Members Tatro, Galloway, Keller, Alvarado, Parker, Quan, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Dovalina stated that he wanted to thank the Mayor and Council Members for the opportunity they had given him today to come and personally invite them to the LULAC National Convention, that it was their 73rd convention and it was 18 years the last time they were in Houston and the Houston members of LULAC fought very hard to bring the convention back to Houston and thought it was going to be one of the biggest and best conventions ever, that he wanted to personally thank the Mayor and his staff and the Houston Convention Bureau for all the work they had done to promote the convention, that at this year's convention they were bringing over 600 participants from the federal sector for training during the first three days, and on Wednesday they had confirmed that the President of Mexico would be present and he wanted to personally invite all of the Council Members to be his guests at that luncheon for the President, that he thought it was going to be a very historic presentation that the President of Mexico would reveal to the public on that day and he invited them to be part of that, that they were also going to be addressing critical issues that affected Hispanics, not only in Houston but throughout the Country, that they also had confirmed Special Counsel to the President, Mr. Al Gonzales, would also be here and he wanted to thank Mayor Brown, Congresswoman Sheila Jackson Lee and Congressman Gene Green for participating during the convention, that he believed the Mayor would be addressing the convention on Monday morning, that they were very excited, the convention would have an economic impact on Houston of about \$4 million or \$5 million and they had over 5,000 or 6,000 participants. Council Members Tatro, Keller, Alvarado, Parker, Quan, Sekula-Rodriguez, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Dovalina stated that they would have the opportunity to showcase Houston to the national Hispanic leaders from throughout the Country that would be present that week and they were very excited about that, that LULAC would continue to do the work that they had continued to do for the last 73 years not only in the Houston area, but throughout the Country, that he was the national president but also a Houstonian and was very proud to bring the convention to Houston, that the convention was open to the public and they would have a lot of activities and would have the biggest exposition, they had over 500 companies coming into town to exhibit, they had job fair that would be open to the youth and he invited all of Houston to participate with them. Council Members Keller, Alvarado, Quan, Sekula-

Rodriguez, Berry and Robinson absent.

Mayor Brown stated that the next presentation would be from Council Member Goldberg. Council Members Keller, Alvarado, Quan, Sekula-Rodriguez, Berry and Robinson absent.

Council Member Goldberg stated that it was his honor and privilege for the third time to present a proclamation to the Houston Food Bank, KRIV Fox 26 and the National Association of Letter Carriers and invited representatives to the podium, KRIV, General Manager, Mr. Babel, Ms. Lisa Whitlock, Mr. Michael Battle, National Association of Letter Carriers and Ms. Brenda Krik and Mr. Charles Hart, with the Food Bank; that this was a great partnership of three different groups, that the Houston Food Bank, which distributes the food, the National Association of Letter Carriers collects the food and KRIV Fox 26 provides the location and publicity for the food drive and read the proclamation that stated that more than 750,000 Gulf Coast residents lived in poverty with half a million struggling with poverty and hunger each day in Harris County and the charities served by the Houston Food Bank alone fed more than 200,000 people each month and half of those in need were children, that as part of the ongoing commitment to the community, KRIV Fox 26 and local members of the National Association of Letter Carrier would host their annual food drive on May 13, 2002, that KRIV Fox 26 News would feature stories highlighting the plight of the hungry and those who help in each of the newscasts prior to and on the day of the drive, that food would be collected to benefit area residents through the efforts of the Houston Food Bank, which incidentally was celebrating their 20th anniversary this week, therefore, Lee P. Brown, Mayor of the City of Houston, hereby proclaimed May 13, 2002 as Houston Food Bank, KRIV Fox 26 and National Association of Letter Carriers Annual Food Drive Day in Houston, Texas. Council Members Keller, Alvarado, Quan, Sekula-Rodriguez and Robinson absent.

Mr. Babel stated that on behalf of the employees of Fox 26 and UPN20 as well he wanted to thank Mayor Brown and Council Member Goldberg and stated that this was just a part of their ongoing efforts to try to do things that benefit the children of Houston and was very proud to be a part of it. Council Members Keller, Alvarado, Quan and Robinson absent.

Mr. Hart stated that the Food Bank was proud to celebrate their 20th anniversary this year and were very proud of the long time support of all the media in town, but particularly Fox 26 and the letter carriers who had been extremely supportive, that the letter carriers year round both with this activity and in their contribution that they could give out of their paychecks were one of their biggest contributors. Council Members Keller, Alvarado, Quan and Robinson absent.

Mr. Battle stated that on behalf of the letter carriers of Houston and the Nation he wanted to thank them for their showing of support, that in August the letter carriers would be competing with other cities of similar size as far as the amount of food they were going to pickup. Council Members Keller, Alvarado, Quan and Robinson absent.

Mayor Brown stated that the next presentation would be from Council Member Quan. Council Members Keller, Alvarado, Quan and Robinson absent.

Council Member Quan stated that May was Older Americans Month and one of the contests they had in Houston was an essay contest where they asked seniors write an essay saying why they wanted to be Mayor of the Day and he invited the winner of the contest to the podium, Ms. Ollie Ruth Davis, that Ms. Davis worked with Inter Faith Ministries and presented a proclamation to Ms. Davis that proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed May 7, 2002 as Ms. Ollie Ruth Davis Day in the City of Houston. Council Members Keller and Robinson absent.

Ms. Davis stated that she wanted to thank them very much and especially to Ms. Cheryl

Rivers with Inter Faith Ministries and their staff for supporting her, that it had been a wonderful experience. Council Members Keller and Robinson absent.

Council Member Quan stated that he wanted to acknowledge the presence of the Senior Advisory Committee and asked that they stand to be recognized, that last year they had their first Miss Houston Senior Contest and the winner of that contest was Charlotte Tia and Ms. Tia went on to represent Houston in the statewide competition in Dallas and placed third and invited Ms. Tia to the podium and presented a gift and roses to her as a token of their appreciation. Council Members Tatro, Galloway, Edwards and Robinson absent.

Mayor Brown stated that the final presentation would be made by Council Member Edwards. Council Members Tatro, Galloway and Robinson absent.

Council Member Edwards stated that September 11th kind of brought to their attention what firefighters did in a spectacular manner but today she would like to talk about what firefighters did on an everyday basis and that was in their attention to and prevention of arson, that this week had been declared Arson Awareness Week to address the fact that \$ 2 billion worth of property was destroyed due to arson on a yearly basis and that children often set fires and they did not necessarily distinguish between lighters being toys or tools, and invited Chief Connealy and staff to the podium for a proclamation and read that the week of May 6 through 12, 2002 had been designated as National Arson Awareness Week to raise Americans consciousness of the most costly of all fires and the steps that were being taken to combat it, that this year's observance would focus to teach children that lighters and matches were tools and not toys, that the City of Houston encourages area businesses, community schools, Fire Departments and individuals to work together to create and implement preventive measures to address the increasingly costly and devastating problem of arson, therefore Lee P. Brown, Mayor of the City of Houston, hereby proclaimed the week of May 6 through 12, 2002 as Arson Awareness Week in Houston, Texas. Council Members Galloway, Parker and Robinson absent.

Chief Connealy stated that arson was still a major problem in Houston and he wanted to advocate for something that would be coming to the City Council soon, that in the spirit of regionalization Harris County and the City of Houston, if they approved it, would be partnering together with their Juvenile Fire Setter Program, that it was a very successful program and operated under Chief Reyes group and the success rate was 98% for children that were referred to that program of not coming back, that they would like to see that continue so when they saw it on the agenda in a few weeks it was good government partnering with the County to maximize their resources, that the Houston Fire Department, as part of the Tri Data recommendations, had acquired a dog from the Alcohol, Tobacco and Firearms Bureau, that the dog's name was Yoshi and her handler was arson investigator Robert McLane, that it was going to be a great asset to the Houston Fire Department and the City of Houston, that the dog could determine if an accelerant had been poured and it smelled that and alerts the arson investigator so they could collect a sample and send it to the lab, so it helped to increase the efficiency of arson investigation, so it was the first dog for the City of Houston and was a great asset not only to Houston but the region. Council Members Galloway and Robinson absent.

Council Member Edwards stated that she wanted to recognize an awesome thing that was happening in District D, particularly at Texas Southern University in partnership with Continental Airlines and invited Dr. Peter Dittmer from Air Science at TSU, First Officer Roscoe Edwards, Continental Airlines, First Officer Terrance Fontaine, Continental Express Airlines, and Dr. Bobby Wilson, Provost, Texas Southern University to the podium, that what it represented was a unique partnership between Continental Express Airlines and Texas Southern University that provides a pilot internship and these interns would be given on the job training before they graduated, so not only would they graduate with a degree in Air Science they would also have practical experience

of being involved with piloting and Air Science, that these gentlemen represented a new era for the young people to really reach for the stars, and congratulated Continental Airlines and Continental Express for having the vision and the courage to partner in this manner, that Texas Southern was the sixth university across the Country that they had done it with. Council Members Galloway, Berry and Robinson absent.

Dr. Wilson stated that on behalf of President Slade, the Board of Regents, Doctorates, students, alumnae and staff, this agreement with Continental was something that they had long awaited for and a lot of people worked hard to make it happen, especially the people from Continental Express. Council Members Galloway and Robinson absent.

Captain Fontaine stated that Continental Express Airlines was very pleased to have an agreement with the hometown university, Texas Southern and they hoped that the interns would gain a very high experience level where they would have the opportunity to come and visit the simulators and visiting the Boeing plant in Seattle, Washington and various other activities they had planned for them as well as gain college credits towards the Airway Science Degree. Council Members Galloway and Robinson absent.

Dr. Dittmer stated that it had been a tremendous effort for the TSU program to bring forth students who could participate in aviation and fly for the airlines. Council Member Robinson absent.

Captain Edwards stated that he wanted to say that HISD had the privilege of teaching the young men to fly in the 10th grade and they had been nurtured and mentored through Texas Southern through this point, that he was saying that the education system was working in Houston. Council Member Robinson absent.

Council Member Edwards stated that this program lifted up what Mayor Brown was always speaking about, the youth, but furthermore it speaks of Continental and Continental Express, they had been on the cutting line of employment as far as minority and women pilots were concerned, that they were on the vanguard of that, and Mayor Brown stated that it was a great partnership and commended them for doing it. Council Member Robinson absent.

At 2:25 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Keller led everyone in prayer and pledge of allegiance. Council Member Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Weisman absent on city business. Council Member Robinson absent.

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

Council Member Galloway moved to suspend the rules to hear Ms. Mary Edwards out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Weisman absent on city business. Council Member Robinson absent. MOTION 2002-0528 ADOPTED.

Ms. Mary Edwards, 10529 Sierra Dr., Houston, Texas 77051 (713-733-1674) appeared and stated that a week had passed and she had not had anything from anybody telling her about the money, that it had been owed to her since September 2001 and felt that she was very deserving of interest and why not penalties, that she did not have any information, that they promised they

would give her some and she did not get it. Council Member Robinson absent.

Mayor Brown stated that they had a document that had just been handed out to them that said that the appropriate paperwork and the vouchers had been processed by the Library's Financial Services Department and had been hand delivered to the Controller's and that meant that the check should be taken care of immediately, that she could call the City Controller, Ms. Sylvia Garcia, and stated that he would ask Mr. Robert DeYoung to walk through with Ms. Edwards and make sure it was taken care of. Council Member Robinson absent.

Mr. Joseph Omo Omuari, 15 Charleston No. 1107, Houston, Texas 77025 (713-665-1929) appeared and voiced his opinions regarding his request for a small business grant program and his personal opinions until his time expired. Council Members Berry and Robinson absent.

Mr. Olas Krause, 757 Evanston Street, Houston, Texas 77015 (713-606-7758) appeared and stated that he was present to address the privatization of the zoo, that he had been a City zoo employee for over 12 years and for the record he would like to state that he did not oppose the privatization of the zoo, that he believed it was the future of making the zoo better, however with what little he and his colleagues had been told and decipher from the plan he had concerns and issues with the plan that he assumed they would be voting on soon, that the plan seemed to him to be weak on addressing personnel and operational issues, although he was more than halfway to retirement his colleagues would address that issue, that his main concern on personnel was the plans lack of definition on equitable pay, that as he understood it besides what showed up on his paycheck the City picked up the lion's share of the cost of his benefits, that currently on his modest salary he was basically living paycheck to paycheck, that if HZI planned on covering his salary but the lion's share of his benefits cost would be coming out of his paycheck then his take home pay could go down, that he personally could not afford it and would have to seek employment elsewhere, that he was guessing that he was not the only employee in this predicament, even among the newer employees, that operationally the plan did seem to address what it would cost the City to privatize, namely about \$6 million per year for operating costs, millions of dollars in deferred maintenance cost and 70% of employees salaries initially and then decreasing gradually over a period of at least 10 years, that given all this it did not seem to him like the privatization plan would save the City much money, since it also would lose the gate fees, that it did not make it clear to him if HZI had a trust for operating costs and how much, if any, money was in the trust, it also did not address how big the donor pool was, if they could not develop a donor pool before the zoo went private, then their financial success seemed iffy to him, that a better plan to him was to make the zoo its own City department, this would allow the zoo to control its own budget and gate fees and would also allow the zoo to accept direct donations thereby developing an established donor pool for privatizing, that a private entity such as HZI could then take over in stages with the zoo procurement, then operating cost, once it had somewhat of an established track record to assume the payroll, that instead with employees having only 60 days to privatize rather than a year, as they were told previously, and no real employee representation in the process, with the a private entity which may not have the personnel or operating funds to support better exhibits, the current plan for privatization that he assumed was before them, was less of a transition plan and more of an eviction notice to him personally and may not be good for the taxpayers, the City, the zoo and its employees. Council Members Berry and Robinson.

Mayor Brown stated that the proposal was what it was, a proposal, that they were exploring the probability of not so much privatization but a partnership between the private sector and the City and taking the zoo to a different level, that no decisions had been made right now so anything that he reacted to was an active matter of discussion at this point and time. Council Members Berry and Robinson.

Council Member Parker stated that the issue of privatization was tentatively scheduled to come to the Neighborhood Protection Quality of Life Committee on May 20, 2002, but it was her understanding that there was no final deal so it was kind of hard to address what may or may not be in it, that she could tell him that when it came to committee before there were a couple of major issues for Council Members, number one was access, number two was how much was it actually going to cost and/or save the City and number three was what was going to happen to the City employees, those questions were asked in the beginning and knew that they would be asked when they got back together on the 20th and she would invite him to come to that committee meeting and would hope that they would be able to answer all of his questions at that time. Council Members Berry and Robinson absent.

Mayor Brown stated that there was no vote coming up anytime right now, but they would look at all of the issues and appreciated his interest because it would be taken into consideration as they deliberated. Council Members Berry and Robinson absent.

Mr. Roy Davis, 1315 N. MacGregor, Houston, Texas 77030 (713-284-1380) appeared and stated that he cared for and trained the elephants at the Houston zoo, that he was also present to talk about the privatization, that he was basically neutral on privatization, that if they needed their elephants trained he could do that, but it would take business minds to decide what was good or bad for the zoo so he was not present to talk about that, that a lot of employees were very concerned about losing a lot of their benefits over this thing, that they had been given some facts and figures and they were rough and the one that concerned them the most was that people with five years or more to their retirement date would lose most of their retirement benefits and in his case he took a \$2 cut in pay to come to the zoo because he wanted to work with the elephants, that the second thing he had a mind was that he was an aging elephant trainer and the City's retirement benefits fit into his life very well and he would very much hate to lose those benefits because that would mean he would have to leave the elephants and take a different position with the City to keep that retirement and at 50 years old he would not have the ability to start over with the Houston Zoo Incorporated and their retirement program or 401K or something similar to that, that one needed to be about 20 years of age when they started one of those type programs, that there were a few other small concerns, a lot of people had a lot of sick time that they could lose in the deal and another was that their paychecks could possibly go down because they had been told their medical costs would probably go up, that those two things did not concern him, he could absorb that cost and worry about sick time later, but the retirement was a real important to all the keepers out there, that keepers made about \$22,000 per year and if they were put into a 401K or something like that they simply could not afford a retirement program in that fashion, that most keepers were paycheck to paycheck, that these people were very dedicated to their animals and needed their benefits. Council Members Vasquez, Berry and Robinson absent.

Mayor Brown stated that the same thing he stated earlier would applicable to his conversation as well, that they were exploring a partnership between the private sector and the City in running a zoo or just taking the zoo to a different level, that his sense was that whoever was responsible for the zoo would need him to take care of the elephants so he did not think that would be an issue, but his concern, as he understood, would be the benefits and all of that would be taken into consideration as they did their deliberations with those who were in the private sector. Council Members Vasquez, Berry and Robinson absent.

Mr. Allen Robinett, 5815 Gulfon No. 3088, Houston, Texas 77081 (713-667-7331) appeared and stated that he was present about the Houston zoo privatizing its retirement benefits, that he had worked with the zoo for about twelve and a half years and this coupled with his age put him at about 7 to 8 years away from retirement, that with the policies, as told to him, under the new HZI entity he would not be given that opportunity as the cutoff date for them would be 5 years to

retirement, that to be able to retire from the City he would be forced to find employment in another City department and to him this was very disheartening, he had given almost 20 years of his life to zoo work, that he loved the zoo and to have to make the decision between working for the zoo and having to find some security down the road for his life was pretty much tearing him apart, that he had been there for the good times such as having three Siberian tiger cubs born and raised to adulthood at the zoo, had hand raised two wonderful ocelots, that he had also been there for the bad times, that he had outlasted all of his coworkers through the years and had seen the Carnivore Department dwindle down to just him at one point as he was working seven days a week because there was no one else trained in that department to work, that he was one of the first keepers at the zoo when they had the flood last year, that what he was trying to say was that he had dedicated himself to the Houston zoo and the thought that he had some security for his old age, that he was not the only one in this predicament, there were many keepers at the zoo that fell into the 6 to 10 year range, that if he was not mistaken HZI has asked the City to fund up to 70% of the workers salaries for the next 10 years and most of them could retire in that time if they remained City employees, that he loved the zoo and would do just about anything to keep working there but could not give up his retirement, that there were not enough working years or money left as zoo keepers who did not make much to go look for retirement at this point if he had to start all over again, that it seemed that the way things were going all the hard work and effort to take the best care possible of all the animals he worked with now and in the past was pretty much going for nothing if he had to give up his retirement, that he thought this sentiment was echoed throughout the zoo in what they called the old timers, that they were basically the core group of experienced personnel, that he hoped the issue could be resolved and those of them affected by it could continue their zoo careers and know they had a good financial future, that he was not opposed to privatization of the zoo because he realized the zoo did need help, but he did not think it should come at the expense of those of them who had worked so hard to keep the zoo running over the years. Council Members Vasquez, Berry and Robinson absent.

Council Member Parker stated that Mr. Robinett and Mr. Davis had both said something about losing their retirement or pension, that was not exactly the case, they would still have all of their years of City retirement banked with the City, what they would not have would be the ability to retire after twenty years with the City, that what they would not be able to maximize his benefits. Council Members Vasquez, Berry and Robinson absent.

Council Member Keller asked when they had the discussion who were they with, and Mr. Robinett stated that it was in a general staff meeting at the Houston zoo, that Mr. Rick Barongi and Mr. Dale Johnson, that Mr. Johnson was representing the privatization effort and Council Member Keller asked if they discussed how some of their plans might go into place and Mr. Robinett stated that they gave them very little information, and Council Member Keller stated that he was not aware a lot of the anguish was going on but he assured him that everyone at the table took it deep to heart, that they did not want to get into anything that was going to end up making less money for the zoo employees. Council Members Edwards, Vasquez and Berry absent.

Council Member Tatro asked how many employees were in the same pool that he was in and Mr. Robinett stated that an estimate would be anywhere from 15 to 20. Council Members Edwards, Vasquez and Berry absent.

Council Member Robinson asked if this was going to be in Council Member Parker's committee in about two weeks, and Council Member Parker stated yes, if it was all worked out, and Council Member Robinson asked that someone visit with him because he had some thoughts or suggestions he would like to share, and Mayor Brown stated that he would have someone visit with him and asked that Mr. Spellman take care of it. Council Members Edwards, Vasquez and Berry absent.

Ms. Cynthia Draek, Rt. 4, Box 445, Alvin, Texas 77511 (832-628-8307) appeared and stated that obviously the zoo meant a great deal to a great many people, they were very proud to work for the City and to serve the City as zoo keepers and they would love to be able to continue with that because nothing in the world meant more to them than the animals, that they believed there were no opposing sides in it, they all wanted to see the zoo progress and they all wanted to see the zoo succeed, that everyone on the Council was for the progress of the zoo and everyone in the keeper staff was for the progress of the zoo and the management had worked very hard to figure ways to help their zoo progress and had done an excellent job and had been able to cover a lot of issues that would help the zoo raise more money, that the frustration with the keeper staff was since the management had to focus on the zoo as a whole it had been difficult to be able to tell the staff much about what was going to happen with them, that the most important thing was that they were going to have to find ways to help the zoo progress and in order to do that they were going to have to find new ways of reaching out to the community and to inspire the community to help support the zoo, they could not afford to lose the seasoned keepers because they relied on their experience and their knowledge to run the zoo, that the people were not going to come to the zoo if not for the animals and the animals would not be at the zoo if not for the people of the City and if they worked very hard together they could truly make the zoo what it said in their mission statement which was they could be a zoo for all. Council Member Berry absent.

Council Member Quan stated that he appreciated the fact that she and the other zookeepers had expressed great concern for the animals at the zoo and asked how she would rate their zoo compared to other municipal zoos, and Ms. Draek stated that their zoo had a great deal of strength in keeper staff, they had wonderful keepers and their main deterrent was the age of some of the structures and of course that was what the privatization committee had been trying to address, the ways they could financially build up the zoo again, they did wonderfully in animal care and had made many advancements in conservation and in fact they just got word that they had new Mexican wolf puppies, which was a very significant birth at the zoo, they were one of the most rare canines in the world and now they had been successful in having a breeding pair at their zoo, which was something they had strived for, for many years, that they were all going to have to sit down and work together as far as what was best for the staff and what was best for the City as far as the zoo was concerned, that she had been to the Brownsville zoo which was excellent, that it was difficult to compare equally certain zoo's because each zoo had its strong points, that the admission fee was extremely low in comparison with other zoo's, it had been discussed how they should handle the gate fees, which was a possibility, but they also did not want to limit access to persons who could not afford more than \$2.50. Council Members Galloway, Ellis and Berry.

Mayor Brown stated that he wanted to introduce two members of their Youth Council present and asked that they stand and be recognized, Ms. Christina Sanders and Mr. Blake Green, and Council Member Robinson stated that the two Council Members were also participants in his teen health summit, and Council Member Edwards stated that the two young people went to San Antonio with a group of about 20 other young people from Houston at a National Youth Leadership Forum and they tore it up so she wanted to commend them for representing Houston well and for doing the work they were doing in the district and at large. Council Members Galloway, Ellis and Berry.

Mr. Stephen Spacek, 11026 Dargail, Sugarland, Texas 77478 (281-240-5471) (512-374-4701) appeared and stated that there was a booklet passed out to the Council Members on the American Society for Public Administration, that they were going to have the Fourth Annual Texas ASPA Conference at Texas A&M this fall and any of the Council Members were welcome to attend, that there would be other public officials from across Texas if they

chose to attend, that the City of Houston had quite a few individuals at the conference at UT Austin this past year, that Mr. Henry Cisneros, the former Mayor of San Antonio was the speaker at that conference, that if they had any questions they could call him at this phone number in Austin, 512-374-4701, that he wanted to challenge the Council to be ethical, do the right thing and get rid of the negative image that the City had with the rest of the Country and give the citizens of the City a right that every other large city over 50,000 people in the United States had, the right to determine appropriate development, the right to have land use planning, and if they read the materials in the booklet it would enlighten them, because right now the City of Houston had an extremely negative image in the rest of the United States. Council Members Galloway, Ellis and Vasquez.

Mr. Paul Aman, 712 Westcott, Houston, Texas 77007 (713-802-1514) appeared and stated that he was an attorney and friend of Mr. James Hancock and was present to speak on Mr. Hancock's behalf, that Mr. Hancock was a 31 year veteran with the Fire Department and spent many years in the arson bureau, that he was injured on duty in September 1999, that he was present because Mr. Hancock had applied and asked that an injured leave extension be sent from Risk Management for Council to review and either approve or disapprove it, that it was not making it over to Council, that in September 1999 Mr. Hancock was injured on leave and the City Council approved an extension and that covered from September of 1999 through September 2000 and Mr. Hancock thought that a second leave extension was filed which would have covered September 2000 through September 2001, he learned in September 2001 that the extension was never filed and in fact Risk Management immediately docked his pay all his sick, vacation and leave time for that entire year, that he was told by Risk Management not to worry, that they were going to submit the request form to City Council and once it came to Council then it could be approved or certainly looked at, that to date it had never occurred, that they were probably asking why he was present, just wait until they submitted it, that the problem was that Mr. Hancock had gone for eight months without any pay and he survived by using credit cards to pay all his bills, he is about to have his car repossessed and is in serious financial trouble, that they had sent letters to the Fire Chief, Risk Management and to Carol Snider, the attorney for the Fire Department and to date they had been told it was going to be put on the agenda, he had checked this morning and was not aware of its ever being presented, that an additional urgency was that on May 14, 2002, Mr. Hancock was scheduled for a review of his medical condition and it was his belief that the Fire Department was going to terminate him shortly thereafter and never submit the second request for leave extension to the City Council and therefore, he thought, in their minds, they think the issue was moot, at least certainly internally, that this was Arson Awareness Week and Mr. Hancock was a 31 year veteran and all he had asked was for that second extension to be sent to City Council, that they begged and pleaded with the Fire Department and had sent letters, so as a last resort he was present as a friend of Mr. Hancock to ask that they please look into it and see if they could get that request before City Council, because he certainly was not able to do that. Council Members Galloway, Ellis and Vasquez.

Mayor Brown asked Mr. Bibler if he had any knowledge of the case, and Mr. Bibler stated that he did and the circumstances here were not something that he could discuss without discussing his client's medical condition and would simply say that the City Council had a policy on when to consider the requests and this was really outside based on the documentation that he had seen, and Mayor Brown stated that he would have the Human Resources Director get in touch with him and share whatever he could on the issue with him. Council Members Galloway, Ellis and Vasquez.

Mr. Robert Smith, 9309 Willowview, Houston, Texas 77080 (713-722-8995) appeared and stated that he was present to talk about 9342 Greensward, that in 1997 he had a few problems with it, there was some stuff behind a wooden fence that needed hauling off and so forth, that he found out what political pressure could be, that an inspector from Neighborhood Protection, who

no longer was with the City, was pressured by a certain Council Member, who no longer was with the City, to do whatever they could to cause him pressure, that he found out that there was a City ordinance that they could not have their lawnmower on the ground, that they had to have it in an enclosed shed or 18 inches above ground, that nobody else had ever heard about it, that he was pressured to do it and the inspector would take a level and check his fence to see if it was an inch or two off in slant, that all of this ended up causing him to have a massive stress attack and he ended up in the Veterans Hospital, that he took care of his dad, who ended up in a wheelchair, and since his dad went blind he was a volunteer and was a volunteer for the City of Houston in writing handicap tickets and was the top writer in the City and had been for four years, that he had to do community service to pay for his fines, that was all taken care of and just recently his house had gone up for sale and he had a contract, that he had gotten a call from the mortgage lender that there was an \$11,000 lien against the house by the City, that something was wrong and did not know what had happened, that he wanted it looked at and was asking that they look at it and take care of it one way or another, that he wrote an average of 2,000 handicap tickets a year and the average payment on most of them was about 60%, that he used a digital camera and turned it in and his ratio was 98%, that he could not continue to give the City \$10,000 to \$15,000 per month when the lien had been done to him, which was not correct, that it was not a threat in anyway. Council Members Galloway, Ellis and Vasquez.

Mayor Brown stated that he wanted to thank Mr. Smith for his volunteer service and would ask Mr. Greg Simpson who was present to meet with him and see how they could get to the bottom of it. Council Members Galloway, Ellis and Vasquez.

Council Member Tatro asked if these were all Neighborhood Protection liens for one Neighborhood Protection issue or another, and Mr. Smith stated that he did not know what they were for, that he did community service on the tickets that he was issued which was 188 hours, that he had not worked since then, and Council Member Tatro asked if it was his understanding that the community service was supposed to clear all of the infractions and Mr. Smith stated yes, that he was fined about \$1,400 and served 188 hours, and Council Member Tatro stated that they would follow up with Neighborhood Protection to see if there was some historical miscue or misdirection. Council Members Galloway, Ellis, Vasquez and Parker absent.

Council Member Sekula-Rodriguez asked if his going around giving tickets was part of the community service or was that just something he did outside, and Mr. Smith stated that it was a volunteer service. Council Members Galloway, Ellis, Vasquez and Parker absent.

Mr. Steven Williams, no address, no phone, appeared and voiced his personal experiences and opinions and stated that he wanted to make a complaint against a City of Houston Police Officer and the City Secretary administered the oath in order for Mr. Williams to make his complaint against the police officer, however he continued to voice his personal opinions until his time expired. Council Members Galloway, Ellis and Vasquez absent.

Ms. Deborah Nickerson, 1325 Cedar Post Lane, No. 8, Houston, Texas 77055 (713-647-9652) appeared and stated that the speaker who represented the youth organization was with her and she would let him speak, and Pastor Reginald Rice of Now Faith Ministries appeared and stated that he wanted to thank the Council for the opportunity to speak on behalf of the most productive youth program in the City of Houston, that the program was called Step Forward, which was a 501C3 organization that was located in Acres Homes, that Step Forward was an innovative youth program designed to develop self esteem in minority youth in inner city neighborhoods through Christian principles, that it was founded in 1997 and its mission was to implement programs aimed at "at risk" youth in positive and productive directions, that Step Forward was birthed from their church Step Of Faith Deliverance Ministries, which at the time was in the process of a name change, Now Faith, that they believed they had taken the

necessary steps and now it was time to take a step forward, that since the origin of the program they had flown 40 youth to Hartford, Connecticut for a dance, theater and gospel explosion, where they won first place, that they had sent a group of 20 to Estes Park, Colorado twice, they had sent one young man to Italy from their group, one young man to England and they had two young men from their group who were in college now and one of their young ladies was serving in the United States Air Force, that they also last year held their first camp called Soaring With the Eagles and where their theme was "Rising Above Life's Circumstances", that it was upon these means that they were appealing to the City Council today, that all of the performance successes that they had boasted about had been basically out of their pocket and private donors and chicken sales or whatever they could do to boost their youth, that they planned their second Soaring With the Eagles Camp for June 10 through July 12, 2002, this summer, where they planned to offer special classes for their students who needed special help in reading, computer literacy, they were going to do some tutoring on peer pressure, some dance and aerobics, some basic biblical principles, some basic auto mechanic skills, changing batteries and flats, some help in math, etiquette and also offer five educational field trips during the tenure of the camp, that basically they were present to ask for any type of grant from the City of Houston to help them sponsor and assist in hosting the camp this year, their second annual Eagle Camp, that it was their goal to prevent the children in their neighborhood from trouble by providing a productive option, that they had provided for the City Council some basic information about their organization, Step Forward, also what their budget hopes were to make the camp successful. Council Members Galloway, Ellis, Vasquez and Berry absent.

Mayor Brown stated that he would refer them to the youth coordinator, Mr. Donald Hollingsworth, who worked out of his office and he could share with them any sources that he might be aware of, that in the After School Program there was a proposal process that was managed by the joint City/County Commission on Youth and there were mandatory meetings that one should attend and the next one would be on May 10, 2002, from 10:00 a.m. to 11:30 a.m. in the City Hall Annex Council Chambers and someone from his organization should attend that meeting and they would present information on how to apply for the After School Program. Council Members Galloway, Ellis, Vasquez and Berry 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, Ellis, Alvarado and Berry absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and voiced his personal opinions until his time expired. Council Members Galloway, Ellis and Berry absent.

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

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Alvarado and Berry 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 Members Galloway, Ellis, Alvarado and Berry absent.

At 3:26 p.m. upon motion by Council Member Quan and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, May 8, 2002. Council Member

Weisman absent on personal business. Council Members Galloway, Ellis, Alvarado and Berry absent.

City Council Chamber, City Hall, Wednesday, May 8, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 8, 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 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated that they had a public hearing.

HEARINGS

1. **PUBLIC HEARING** on the proposed creation of a Reinvestment Zone for **DEL MONTE FRESH PRODUCE, N.A., INC - DISTRICT A - TATRO - 9:00 A.M.**

The City Secretary stated that no one had reserved time to appear and Mr. Bill Calderon, Planning and Development, would make comments on the hearing.

Mr. Calderon stated that the public hearing was on the proposed creation of a reinvestment zone for Del Monte Fresh Produce, that the City of Houston received a tax abatement application from Del Monte on March 1, 2002 and they requested additional information which came in to them on April 19, 2002 and the application was considered complete at that time, that Del Monte Fresh Produce was a leading producer, distributor and marketer of fresh cut fruits and vegetables and other fresh produce in more than 50 countries around the world, that Del Monte Fresh Produce marketed bananas, pineapples, melons, citrus and specialty vegetables, employing over 19,000 people worldwide, that the company was currently headquartered in Coral Gables, Florida, that in the U.S. the company imports fruit through four ports of entry located in Florida, California, New Jersey and Texas, that in Texas they used Galveston as their primary port, that Del Monte currently operated distribution centers in Florida, Louisiana and Maryland, that the company corporate strategy was driving the establishment of a national network of processing plants that may also serve as distribution facilities, providing the freshest, shelf ready fruit and vegetables in the marketplace, that Del Monte was considering Houston as a site for one of those facilities, that the company was proposing to lease space in an existing building located at 6377 Windfern, where they would propose to invest almost \$7 million to modify the building and install produce processing equipment, that the proposed project would create 25 full time jobs and 100 contract jobs in the first three years for a total employment of 125 full time equivalents, if the tax abatement was approved the City's average annual income, during the abatement period, would increase by an estimated \$63,000 and after the abatement period they estimated that the City's annual revenue stream would increase to over \$88,000 over current revenues, that the project was competitively sited with locations they had considered in Dallas, Fort Worth and the City of Galveston, that the applicant had requested a variance to allow for the inclusion of improvements made prior to the approval of the abatement agreement to be included in the agreement, that they were interested in getting started as soon as possible, that Del Monte Fresh Produce was a Greater Houston Partnership Client and Mr. Warren Ouwenga, Director of Business Development for Del Monte was present and available to answer any questions that Council may have about the project, that Mr. Kent Fuller and Ms. Pam Lovett were

also present from the Greater Houston Partnership and ready to answer any questions that Council may have.

Council Member Robinson moved to suspend the rules to hear the President of Del Monte Fresh Produce, N.A., Inc., seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0529 ADOPTED.

Council Member Robinson stated that his only question related to some concerns that had been raised relative to their relationship to employees in foreign locations, and Mr. Ouwenga, stated that his involvement was strictly in the North American operations and the operations in Houston would also be a part of Del Monte Fresh North America, that his information was basically exactly what Council Member Robinson's was, what he read in the newspapers and he could not address the issue from a personal standpoint, and Council Member Robinson asked if they could visit, and Mr. Ouwenga stated that the only thing he could add was that at one time Del Monte and other banana growers in Central America were closing plantations because of the embargo's and trade restrictions from the western hemisphere to the eastern hemisphere and there were a fair amount of plantations closed and things of that nature, that was the only issue he was aware of, and Council Member Robinson asked that they get together and visit, and Council Member Edwards stated that she had the same concerns and would like to meet with him also regarding the issues. Council Member Berry absent.

Council Member Quan stated that his concern was more towards employment in Houston and asked what the nature of the jobs were and what did they anticipate hiring, what kind of skill levels and what opportunities would be available to Houstonians, and Mr. Ouwenga stated that the range of opportunities was a pretty broad spectrum, that they would have on one hand supervisors, general managers and things of that nature that would be what they would normally find in any operation with high management skills and experience, and on the other hand their production level would very often be entry level and young people just starting their careers, that he would think about 25 of the employees would fall into the category probably in what they would find in the skilled and probably the production people, with the exception of the supervisors and managers, would be what he regarded as entry level people, and Council Member Quan asked what he thought the payroll would be for the operation in Houston, and Mr. Ouwenga stated that when they were fully staffed he thought it would be somewhere between \$2.5 million to \$3 million. Council Member Berry absent.

Council Member Tatro stated that he wanted a tour after the facility was done. Council Member Berry absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0530 ADOPTED.

MAYOR'S REPORT

Council Member Robinson moved to suspend the rules to consider Item No. 39 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0531 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 17 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0532 ADOPTED.

39. ORDINANCE appropriating \$31,702.00 out of the Housing Special Revenue Fund and

approving and authorizing contract with Fifth Ward Community Redevelopment Corporation for utility connections to temporary housing for volunteers repairing homes affected by Tropical Storm Allison - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0343 ADOPTED.

17. ORDINANCE relating to Safety Codes adopted for the protection and preservation of lives and property from fire and other perils; amending and renaming the Building Code of the City of Houston, adopting conforming amendments to the Code of Ordinances, Houston, Texas, and containing other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability – was presented, and tagged by Council Members Tatro, Ellis, Berry and Wiseman.

CONSENT AGENDA NUMBERS 1 through 57-1A

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 16

7. **AMEND MOTION 2000-0867, 7/5/2000, TO EXTEND** expiration date by twelve months from July 5, 2002 to July 5, 2003 for Card Reader Access Control Components, Parts and Labor Contract for the Aviation Department, awarded to **TEXAS TECHNICAL SERVICES, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0533 ADOPTED.
8. **R. B. EVERETT & COMPANY** for One Asphalt Recycler for Aviation Department - \$63,894.00 Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0534 ADOPTED.
9. **INDUSTRIAL POLYMERS, INC** - \$76,969.60, **INTERNATIONAL ROADWAY RESEARCH** \$35,190.00 and **OLSEN & GUERRA LUMBER CO.** - \$25,110.00 for Runway and Taxiway Repair Materials for the Aviation Department - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0535 ADOPTED.
11. **SAUDER MANUFACTURING CO.** to Furnish and Install Pews at Municipal Courts for Building Services Department - \$47,660.00 - Disaster Recovery Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0536 ADOPTED.
12. ORDINANCE appropriating \$107,463.30 out of 95 Series Construction Fund Convention Center for Expansion Joint Replacement at the George R. Brown Convention Center Third Level Ramp for the Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0344 ADOPTED.
- 12a. **BLAST INCORPORATED** for Expansion Joint Replacement at the George R. Brown Convention Center Third Level Ramp for Convention & Entertainment Facilities Department - \$102,346.00 and contingencies for a total amount not to exceed \$107,463.30 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0537 ADOPTED.

13. **FIRE APPARATUS SPECIALIST, INC** for Equipment, Hale Fire Pump Parts and Repair Contract for the Fire Department - \$45,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0538 ADOPTED.
15. **FLEX-O-LITE, INC** for Spheres, Reflective Glass, Part II for Department of Public Works & Engineering - \$237,832.65 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0539 ADOPTED.
16. **GULF STATES ASPHALT COMPANY, L.P.** - \$668,624.04 and **EAGLE ASPHALT PRODUCTS** \$115,894.44 for Asphalt Emulsion Sealant for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0540 ADOPTED.

ORDINANCES - NUMBERS 19 through 57-1A

19. ORDINANCE approving and authorizing the sale to the **HOUSTON INDEPENDENT SCHOOL DISTRICT** of a parcel of land containing 16,684 square feet, more or less, Parcel SY1-050, being Lots 7, 8 and 9, Block 32, Chapmans Third Addition, Houston, Harris County, Texas, in consideration of the district's payment of \$20,815.00 and other consideration to the City **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0345 ADOPTED.
20. ORDINANCE approving and authorizing a Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 346** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0346 ADOPTED.
- 20a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216**, all of the area in **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 346**, and certain territory located in the vicinity of the intersection of Fry Road and Interstate Highway 10, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 216 annexed for limited purposes and in all of the area in Harris County Municipal Utility District No. 346 – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0347 ADOPTED.
21. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0348 ADOPTED.
- 21a. ORDINANCE disannexing a certain area located within **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, in Harris County Texas; annexing such area to the City of Houston, Texas for limited purposes; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such area; imposing the sales and use tax of the City of Houston in such area – was presented. All voting aye. Nays none.

Council Member Berry absent. ORDINANCE 2002-0349 ADOPTED.

22. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **FRY ROAD MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0350 ADOPTED.
- 22a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FRY ROAD MUNICIPAL UTILITY DISTRICT** in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such area; imposing the sales and use tax of the City of Houston in such area – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0351 ADOPTED.
23. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **EMERALD FOREST UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0352 ADOPTED.
- 23a. ORDINANCE disannexing a certain area located within **EMERALD FOREST UTILITY DISTRICT**, in Harris County Texas; annexing to the City of Houston, Texas for limited purposes a certain area located within Emerald Forest Utility District; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the area annexed for limited purposes; imposing the sales and use tax of the City of Houston in the area annexed for limited purposes – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0353 ADOPTED.
24. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **INTERSTATE MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0354 ADOPTED.
- 24a. ORDINANCE annexing to the City of Houston, Texas for limited purposes all of the area located in **INTERSTATE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Interstate Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston within the boundaries of Interstate Municipal Utility District – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0355 ADOPTED.
25. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0356 ADOPTED.
- 25a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, and certain territory located in the vicinity of Harris County Municipal Utility District No. 191, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 191 annexed for limited purposes – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0357 ADOPTED.

26. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
- 26a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321**, and certain territory located in the vicinity of Harris County Municipal Utility District No. 321, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 321 annexed for limited purposes had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
27. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTH BELT UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0358 ADOPTED.
- 27a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH BELT UTILITY DISTRICT** and a certain territory located in the vicinity of the Intersection of Aldine Westfield Road and Beltway 8 and in the vicinity of the Intersection of Lee Road and Beltway 8 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within North Belt Utility District annexed for limited purposes – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0359 ADOPTED.
28. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0360 ADOPTED.
- 28a. ORDINANCE annexing to the City of Houston, Texas for limited purposes all of the area in **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Greens Parkway Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston within the boundaries of Greens Parkway Municipal Utility District – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0361 ADOPTED.
33. ORDINANCE consenting to the addition of 67.5304 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 366**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0362 ADOPTED.
34. ORDINANCE consenting to the addition of 100.706 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0363 ADOPTED.

35. ORDINANCE consenting to the addition of 15.0572 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0364 ADOPTED.
37. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (“ATPA”)** for the Major Accessory Shop Enforcement/11 Grant Program, declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0365 ADOPTED.
41. ORDINANCE approving and authorizing contract between the City of Houston and **STRASBURGER & PRICE, L.L.P.** for Legal Services related to a lawsuit styled John Payette vs. City of Houston, Civil Action No. H-01-2878 - \$50,700.00 - Property and Casualty Fund had been pulled from the Agenda by the Administration and was not considered. Council Member Berry absent.
42. ORDINANCE awarding contract to **PETRO-CHEM REFRIGERATION** for Maintenance/Repair Services on Refrigeration Equipment for Health and Human Services Department; providing a maximum contract amount - \$79,285.00 - General Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0366 ADOPTED.
44. ORDINANCE issuing a permit to **W9/LWS (910 Travis Street) REAL ESTATE LIMITED PARTNERSHIP** for using, occupying, operating, maintaining and repairing a pedestrian tunnel abutting Block 141, S.S.B.B. and within Walker Avenue, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0367 ADOPTED.
46. ORDINANCE appropriating \$36,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of Park Row from SH 6 to Eldridge Parkway, CIP N-0723-01-2 (SB 9090); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0368 ADOPTED.
50. ORDINANCE awarding construction contract to **TOTAL CONTRACTING LIMITED** for construction of On-call Drainage System construction contract, GFS M0126-52-3 (M-0126-52) \$1,661,000.00 - Street & Drainage Maintenance Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
52. ORDINANCE appropriating \$904,067.49 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SHUMAKER-HARVEY EQUIPMENT CO., INC d/b/a SHE-CO, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-P8-3

(WW4277-9); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0369 ADOPTED.

55. ORDINANCE appropriating \$8,833.94 out of Park Consolidated Construction Fund, awarding construction contract to **GREY TOK CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING**, a division of **TERRACON, INC** for Construction of Community Building - South Main Estates Park, GFS F-0499-01-3 - \$465,000.00 CDBG Grant Fund - **DISTRICT D – EDWARDS** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
56. ORDINANCE appropriating \$24,562.50 out of Library Consolidated Construction Fund for Services to be performed under contract No. C39756 between the City of Houston and **CHAMBERLAIN WATERPROOFING & ROOFING, INC** for Roof Repair Services to the Collier Branch Library, GFS E-0038, approved by Ordinance No. 98-1037 - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0370 ADOPTED.
- 57-1. ORDINANCE approving and authorizing restated and amended agreement between the City and **LINEBARGER GOGGAN BLAIR PENA & SAMPSON, LLP** for the Collection of Delinquent Ad Valorem Taxes had been pulled from the Agenda by the Administration and was not considered. Council Member Berry absent.
- 57-1a. ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2002, pursuant to Section 33.07 of the Texas Property Tax Code, and for all property taxes that become delinquent on or after June 1, 2002 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof; containing findings and other provisions relating to the foregoing subject; providing for severability had been pulled from the Agenda by the Administration and was not considered. Council Member Berry absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Sylvan Rodriguez Park (Formerly Clear Lake Park), GFS F-0444-03-3 - **DISTRICT E - WISEMAN** – was presented.

Council Member Sekula-Rodriguez stated that she wanted to thank Mayor Brown and Council Member Rob Todd for working so hard in building Sylvan Rodriguez Park in the Clear Lake area and now to thank Council Member Weisman for supporting it and making sure that it progressed in a safe manor, that she was concerned about the park, that in spite of the continuing work by the City to make the park expansive, beautiful and a safe place for children there was a looming threat that was still out there with Burlington Northern Santa Fe trying to build a new railroad 50 feet from the park, that two weeks ago a little boy lost his foot because he was close to the rail and playing on the railroad or simply crossing the railroad, that the point was that railroads did not belong near parks, especially if the park was built there first, and Council

Member Alvarado stated that it was in Council Member Galloway's district and wanted to acknowledge that the Legal Department sent her and Council Member Ellis some information regarding ordinances and State Law on rail issues and those were some things they could look at either through State Legislative Affairs Committee or Regulatory Affairs Committee in dealing with rail safety, and Council Member Galloway stated that it did happen in her district and was the second incident within a year in that same vicinity, which was very near the rail yard, that they were working on it and would look at the ordinance and bring it before the Regulatory Affairs Committee, that she would be meeting with the person in charge to see what Union Pacific could assist them with and what kind of rules could be set for them so they would not be doing things during school hours in those locations, that maybe they could reroute or change their schedule to make it safe, that it was a Union Pacific Track, that they would meet today, that they had a safety assembly at the school with some lower level employees who did outreach programs for safety, and Council Member Sekula-Rodriguez requested if she would keep her updated on it.

Council Member Quan moved to adopt Item No. 2, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0541 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a pro-rata fee account in the amount of \$0.7231 per square foot for properties abutting the 8-inch sanitary sewer line constructed by **PARALLAX BUILDERS, INC - DISTRICT H-VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0542 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,443,445.96 and acceptance of work on contract with **BRH-GARVER, INC** for Proposed Sanitary Sewer Rehabilitation in Sims Bayou, GFS R-1008-01-3 (4731) 01.70% under the original contract amount - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0543 ADOPTED.

PROPERTY

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY2-002, located in the 23000 block of Lagoon Lane, owned by David T. Walton and wife Rhonda J. Walton, for the **EAST LAKE HOUSTON UNSERVED AREAS LIFT STATION PROJECT**, CIP R-0801-04-2 - **DISTRICT E – WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Weisman.
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Rose of Karen Rose Engineering & Surveying, on behalf of Francesca Stedman, for abandonment and sale of a ±4-foot wide by ±56-foot long strip of Morningside Drive right of way, adjacent to Lot 12, Block 1, Colquitt Court Subdivision, A. C. Reynolds Survey, Parcel SY2-054 - **STAFF APPRAISERS DISTRICT D - EDWARDS** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0544 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. ORDINANCE appropriating \$207,665.85 out of Parks Consolidated Construction Fund to Furnish and Install a Metal Panel Wall System and Ceramic Tile Work for the Building Services Department – was presented. All voting aye. Nays none. ORDINANCE 2002-00371 ADOPTED.
- 10a. **G & Z CONTRACTING, INC** to Furnish and Install a Metal Panel Wall System at the Marian Park Community Center for Building Services Department - \$180,000.00 and contingencies for a total amount not to exceed \$189,000.00 - Parks Consolidated Construction Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0545 ADOPTED.
14. ORDINANCE appropriating \$48,100.50 out of Street & Bridge Consolidated Construction Fund for Westchase Median Opening Improvements for Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2002-0372 ADOPTED.
- 14a. **PEDKO-PAVING, INC** for Westchase Median Opening Improvements for Department of Public Works & Engineering - \$45,810.00 and contingencies for a total amount not to exceed \$48,100.50 - Street & Bridge Consolidated Construction Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0546 ADOPTED.

ORDINANCES

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of the Valley Heather Court Cul-de-sac containing an aggregate of 1,660 square feet of land, more or less, being located in the Amasa Turner Survey, A-757, Harris County, Texas; vacating and abandoning said tracts of land to Friendswood Development Company, Ltd., the abutting owner, in consideration of owner's dedication of a street right of way easement containing 12,790 square feet of land, more or less, and payment of \$600.00 and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2002-0373 ADOPTED.
29. ORDINANCE establishing the north and south sides of the 400 block of Woodland Avenue 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. ORDINANCE 2002-0374 ADOPTED.
30. ORDINANCE establishing the east and west sides of the 600 block of Harvard 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. ORDINANCE 2002-0375 ADOPTED.
31. ORDINANCE establishing the south side of the 700 block of East 8th Street, the north and south sides of the 700 block of East 7th ½ Street, and the north side of the 700 block of East 7th 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. ORDINANCE 2002-0376 ADOPTED.

32. ORDINANCE establishing the north and south sides of the 1100, 1200 and 1300 blocks of Willard 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. ORDINANCE 2002-0377 ADOPTED.
36. ORDINANCE authorizing acceptance of a grant from the Texas General Land Office and approving and authorizing grant agreement between the City of Houston and the **TEXAS GENERAL LAND OFFICE** relating to the Buffalo Bayou East Sector Redevelopment Plan; declaring the City's eligibility for such grant; authorizing the Director of the Houston Parks and Recreation Department to act as the City's representative and to accept such grant funds and all subsequent awards, if any pertaining to the project - **DISTRICT H - VASQUEZ** – was presented, and tagged by Council Members Vasquez and Sekula-Rodriguez.
38. ORDINANCE approving and authorizing agreement between the City of Houston and **DSI-HP 2002, LTD.**, to provide a loan of Federal Community Development Block Grant Funds in the amount of \$4,277,000.00 to finance a portion of the costs to acquire and rehabilitate a 606-unit apartment building at 11911 Martin Luther King Boulevard to house low and very-low income residents - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Members Ellis and Keller.

Council Member Keller asked that who ever negotiated the deal if they could get with him, that primarily he understood that this was only a short term affordability of only 15 years, but a 10 year loan with the first 2 years free and a 4% interest rate, that he could see that favorable of a loan arrangement if it was a new project but it was a renovation and 50% of them were for profit and to be at market rate, so possibly half the loan should reflect the market, that he would like to see what their thinking was and Mayor Brown stated that they would have someone meet with him, and Council Member Keller asked that his tag be added to the item as well.

40. ORDINANCE approving and authorizing contract between the City and **REGAL FOOD SERVICE, INC** for Summer Food Service Program for Parks and Recreation Department; providing a maximum contract amount - 1 year with four one-year options - First Year funding \$3,926,120.04 Grant Fund – was presented.

Council Member Quan that he had a chance to talk to the Parks Department about it and knew that the summer food service program was important and it was a one year program with four options, that he thought there were other companies who could participate in the future and had received assurance that they would consider them in the future, that companies like SEARCH, who had a catering service and Kid Care, that another non profit could benefit by doing some of this work for the City, that he knew the item needed to be passed because the summer was just about on them but wanted to go on record that he had received some assurance from the Parks Department that they would consider some of those organizations in the future when they came upon the option years.

A vote was called on Item No. 40. All voting aye. Nays none. ORDINANCE 2002-0378 ADOPTED.

43. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BLUEBONNET STRODER CO., L.C.** for Concrete Work Projects for the Public Works & Engineering Department approved by Ordinance No. 01-0989 – was presented. All voting aye. Nays none. ORDINANCE 2002-0379 ADOPTED.
45. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Replacement of Turney Road Bridge at Halls Bayou, CIP N-NA-0007-3 (SB 9118) - **DISTRICTS B - GALLOWAY and G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2002-0380 ADOPTED.
47. ORDINANCE awarding contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of Water, Wastewater and Drainage Facilities to serve Southway, Section One; approving and authorizing an assignment of the contract to **SOUTHWAY BUSINESS PARK, LTD**, CIP S-0800-36-3 and R-0800-43-3 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2002-0381 ADOPTED.
48. ORDINANCE awarding contract to **PEDKO PAVING, INC** for Construction of Water, Wastewater and Drainage Facilities serving the Plaza Del Sol Subdivision; approving and authorizing an assignment of the contract to **STATURE CONSTRUCTION, INC**, CIP S-0800-38-3 and R-0800-45-3 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Galloway, Keller and Alvarado.

Council Member Keller asked if someone could show him the itemization for reimbursement, that the developer was getting a reimbursement of \$300,000 and would like to see the itemization of the work that he had already completed to deserve the reimbursement, that he would like to know how much Benchmark Engineering was getting to manage the construction of the project and why was it necessary to assign the construction contract to another contractor.

49. ORDINANCE awarding contract to **SER CONSTRUCTION PARTNERS, LTD** for construction of Water, Wastewater and Drainage Facilities to serve the Cullen Estates Subdivision, CIP S-0800-41-3 and R-0800-47-3; approving and authorizing an assignment of the contract to **CPM DEVELOPMENT COMPANY, L.L.C.** - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.

Council Member Edwards stated that they had been trying to get someone from the project to visit with them unsuccessfully, and Mayor Brown stated that they would make sure it would happen.

51. ORDINANCE appropriating \$21,220.00 out of Storm Sewer System Consolidated Construction Fund and approving and authorizing professional construction management and Inspection services contract between the City of Houston and **CARTER & BURGESS, INC** for Storm Sewer Projects, CIP M-0230-02-3, M-0245-02-3 and M-0252-02-3 - **DISTRICTS C - GOLDBERG and G – KELLER** – was presented, and tagged by Council Member Tatro. (Note: Council Member Tatro removed his tag later in the meeting.)

Council Member Tatro stated that he would like to have someone meet with him on the item, and Mayor Brown stated that they would have someone meet with him.

53. ORDINANCE appropriating \$34,834,617.00 out of Airport System Consolidated 2001 (Non-

AMT) Construction Fund, CIP A-0203 and \$565,771.00 out of Airports Improvement Fund, CIP A-0422, awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INCORPORATED** for the ISEP FIS Parking Complex at George Bush Intercontinental Airport/Houston (IAH), (Project No. 500E); providing funding for the Civic Art financed by Airports Improvement Fund - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway. (Note: Council Member Galloway removed her tag later in the meeting.)

Council Member Alvarado stated that she understood that the contract had only a 12% MWBE and her office had been in contact with Affirmative Action and understood that they had done everything that they possibly could but the root of the problem was that these contracts were still too large for minority firms to even compete, that she knew that had been an issue and the departments were working diligently to address that and wanted to emphasize that they still had some improvements in that area to make sure that some of the contracts were a reasonable size and that women and minorities were able to participate, that she understood that was the problem and that they had gotten all of the MWBE participation that they could, so she hoped that the administration would keep that in mind in future projects, and Mayor Brown stated that they would do that.

54. ORDINANCE appropriating \$348,206.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0091 and \$123,004,623.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0203 and \$22,670,000.00 out of Airport System Consolidated 2000 (AMT) Construction Fund, CIP A-0203 and \$2,428,800.00 out of the Airport System Bonds 1998B AMT Construction Fund, CIP A-0203 and \$10,175,513.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0354 and \$272,400.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0372 and \$1,429,852.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP 0422 and \$2,870,960.00 out of Airports Improvement Fund, CIP A-0422 and \$1,212,391.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0483, awarding construction contract to **CLARK/MISSION, A JOINT VENTURE**, and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES** for the ISEP FIS Building Superstructure and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** for the Automated People Mover (APM) Station and Platform at George Bush Intercontinental Airport/Houston (IAH), (Project No. 500F/536C); providing funding for the Civic Art financed by Airports Improvement Fund and Airport System Consolidated 2001 AMT Construction Fund - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway. (Note: Council Member Galloway removed her tag later in the meeting.)

Council Member Tatro stated that he wanted to release his tag on Item No. 51 and Mayor Brown stated that they would take it up at the end of the agenda.

57. ORDINANCE appropriating \$125,999.00 out of Park Consolidated Construction Fund as an additional appropriation for Renovation of the Agnes Moffit Park Building under professional architectural services contract with the **PARK TEAM JOINT VENTURE** (approved by Ordinance No. 98-1014), GFS F-0504-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund **DISTRICT A – TATRO** – was presented, and tagged by Council Member Tatro.

NON CONSENT AGENDA - NUMBER 58

PROPERTY

58. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Lou Henry of Vernon G. Henry and Associates, Inc., on behalf of Carolyn F. Jackson Family Partners, Ltd. (Specs Liquors) (Carolyn F. Jackson and Karen Lynn Rydman, general partners), for abandonment and sale of McIlhenny Avenue, from Smith Street to Brazos Street, in exchange for the conveyance to the City of a 40-foot wide combination sanitary sewer and storm sewer easement, located in the Upham Interest of the East End of the Settegast & Upham's Addition, Parcel SY2-056 and QY2-001 - **APPRAISERS - DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.

MATTERS HELD - NUMBERS 59 through 64

59. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from **TEXAS HIGHWAY PRODUCTS, LTD.**, for Traffic Signal Controls and Hardware for Department of Public Works & Engineering - \$1,563,293.38 - General Fund – **(This was Item 10 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. MOTION 2002-0547 ADOPTED.
60. 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** – **(This was Item 27 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY and KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0382 ADOPTED.

The City Secretary stated that they failed to post the balance of the agenda so Item Numbers 61, 62, 63 and 64 could not be considered.

Council Member Tatro previously released his tag on Item No. 51.

51. ORDINANCE appropriating \$21,220.00 out of Storm Sewer System Consolidated Construction Fund and approving and authorizing professional construction management and Inspection services contract between the City of Houston and **CARTER & BURGESS, INC** for Storm Sewer Projects, CIP M-0230-02-3, M-0245-02-3 and M-0252-02-3 - **DISTRICTS C - GOLDBERG and G – KELLER** – was again before Council. All voting aye. Nays none. ORDINANCE 2002-0383 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Ellis stated that Houston Baptist University had been the jewel of District F for some years and they had won their fourth straight Red River Athletic Conference Title on Saturday by beating out the College of Southwest, 11-6, that was their baseball team, that three of their wins were won by shutouts and wanted to recognize them.

Council Member Robinson stated that tomorrow at 10:00 a.m. they had a TTI Committee meeting to take up three items, Sims Houston, the IP Telephony issue and the City's Groundwater Reduction Plan, that he wanted to thank Public Works Department on the groundwater reduction plan, that they wanted to give them an update briefing so the item could be on the Council agenda so the item could be submitted on a timely manner.

Council Member Robinson stated that he wanted to commend the Houston Chronicle, that they had been running a series about Salute to Nurses and as they all knew they had a nursing and teacher shortage and those were two issues that they needed to continue to focus on and encourage the young people to get involved.

Council Member Robinson stated that he wanted to thank Ms. Stein and the Legal Department for working with him, that they had just gotten notice from TXDOT that they had authorization for another public hearing to extend the No Trucks in the Left Hand Lane Program and would actually be on Highway 225 with the City of Houston, Pasadena, La Porte and Deer Park, that they were all working together, that they talked about regionalism and the City of Houston had been actively involved in that effort.

Council Member Robinson stated that he wanted to thank Mr. Haines and Council Member Vasquez for the ongoing discussion they had been having about what to do with the storm drainage issues, that he wanted to thank Mr. Vanden Bosch for his assistance in that area and hoped they continued to dialog so they would have more information, that he also wanted to thank Council Member Ellis who had been working with him on some ideas along with Council Member Vasquez to see the best way to try to approach the issue.

Council Member Edwards stated that she wanted to commend the Houston Opera, that if they had not seen Sampson and Delilah they needed to go see it, it was awesome.

Council Member Tatro stated that on March 26, 2002 they sent a letter to Danny Piper and subsequently called repeatedly and also had sent the letter to the Mayor requesting information of the total cost of the Voice Over IP Project to date and to date he had not received any information and with the second meeting of the TTI committee tomorrow he thought it was imperative that he and Council have that information available to them and was very disappointed that it had taken so long, that they had waited about six weeks to get information from the IT people and would appreciate the Mayor's assistance in getting that information hopefully before the committee meeting tomorrow.

Council Member Tatro stated that the second issue had to do with some cleanup from Tropical Storm Allison, that when they had the contractors come in to haul off all of the debris, sheetrock and carpet, a lot of the neighborhoods had their curbs busted or their sidewalks busted from the heavy vehicles going up on the sidewalks and the trucks getting onto the lawn area, that some of the grass work was done but a lot of curbs were just not repaired, that they had gone round and round with the Solid Waste Department in trying to get some of the curbs fixed and now that the contractors were completely gone the Solid Waste Department was just saying to sue them if they wanted their curbs fixed, that he did not think that was proper, that he thought it was important that they honor the obligation that they had.

Council Member Goldberg stated that last Thursday he was going to lunch down Allen Parkway and noticed that Allen Parkway was in great shape, the flowers were in bloom and the grass was green and only one problem, there were about 20 to 25 bandit signs all over the area, that with the bandit signs they usually put the phone number really big so he called them and told them those were illegal signs and they needed to move them, that when he came back from

lunch within a couple of hours they were all gone, so they may be onto something, a new way to get rid of bandit signs was to have their department just call them.

Council Member Goldberg stated that this weekend they had the Dragon Boat Races that Council Member Quan organized along with Eugene Lee and Council Member Parker and himself as Council Members participated, as well as many staff members, that they did not do so well, they lost, and he was here today to take full blame and responsibility because the day before on Saturday he wore himself out in a 15 mile canoe race, the Bayou Regatta, that it was a two and a half hour race from San Felipe and Voss to downtown and his partner was an expert who had won it several times, Mike Garver, affiliated with BRH Garver and Garver Construction, that he had a lot of technical know how, that he wanted to recognize Mr. Garver for all the services he had done and for being the bowman in the two man canoe.

Mayor Brown recognized Council Member Galloway who stated that she wanted to release her tag on Item Numbers 53 and 54.

53. ORDINANCE appropriating \$34,834,617.00 out of Airport System Consolidated 2001 (Non-AMT) Construction Fund, CIP A-0203 and \$565,771.00 out of Airports Improvement Fund, CIP A-0422, awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INCORPORATED** for the ISEP FIS Parking Complex at George Bush Intercontinental Airport/Houston (IAH), (Project No. 500E); providing funding for the Civic Art financed by Airports Improvement Fund - **DISTRICT B – GALLOWAY** – was again before Council. All voting aye. Nays none. ORDINANCE 2002-0384 ADOPTED.

54. ORDINANCE appropriating \$348,206.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0091 and \$123,004,623.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0203 and \$22,670,000.00 out of Airport System Consolidated 2000 (AMT) Construction Fund, CIP A-0203 and \$2,428,800.00 out of the Airport System Bonds 1998B AMT Construction Fund, CIP A-0203 and \$10,175,513.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0354 and \$272,400.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0372 and \$1,429,852.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP 0422 and \$2,870,960.00 out of Airports Improvement Fund, CIP A-0422 and \$1,212,391.00 out of Airport System Consolidated 2001 (AMT) Construction Fund, CIP A-0483, awarding construction contract to **CLARK/MISSION, A JOINT VENTURE**, and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES** for the ISEP FIS Building Superstructure and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** for the Automated People Mover (APM) Station and Platform at George Bush Intercontinental Airport/Houston (IAH), (Project No. 500F/536C); providing funding for the Civic Art financed by Airports Improvement Fund and Airport System Consolidated 2001 AMT Construction Fund - **DISTRICT B – GALLOWAY** – was again before Council. All voting aye. Nays none. ORDINANCE 2002-0385 ADOPTED.

Council Member Vasquez stated that the Hobby Center would open this week, that he knew that many of the Council Members had an opportunity to take a private tour, that it was a beautiful facility and thought it was a facility that Houstonians would be proud of and hopefully they would have an opportunity to visit one of the many shows that would go on there and many performances and also encouraged everyone to take an opportunity to go and visit and

participate in the events.

Council Member Keller stated that on Item No. 50 they were hoping they could get some emergency drainage construction money, that he thought Council Member Galloway's district had a couple of projects in it, that District E had a couple of projects in it, that there were quite a few and each week they kept hearing from the Controller's office some new reason to not certify the funds and what he needed to understand was how they conveniently picked which funds to certify or not certify.

Council Member Quan stated that yesterday they began the celebration of Older American's Month and he had passed out a list of events that they had scheduled for the month and encouraged each Council Member to get involved in any way they could.

Council Member Quan stated that on May 15, 2002 they would be having a townhall meeting for the residents of the Housing Authority of the City of Houston, HATCH, that it would be at the University of Houston Downtown auditorium, and anybody who would like to attend to please attend that session, that there had been a number of complaints regarding the operation of the Housing Authority and this was the residents opportunity to come and speak with the Mayor and the officials of the Housing Authority about their operations and what could be done to improve their operations.

Council Member Sekula-Rodriguez stated that as to the Dragon Boat Races, the Saint Lukes Team did very well and wanted to congratulate them.

Council Member Sekula-Rodriguez stated that one of the things she noticed about the bayou was that the smell of the bayou was not pleasant, that she talked to the people of Water and Sewer and asked them to help, that she thought it was a wretched situation and they needed to address it.

Council Member Sekula-Rodriguez stated that the second issue was the Neighborhood and Quality of Life meeting they had which was discussing increases in insurance co-pay that the employees of the City might have to pay in order to continue to keep their insurance coverage vital, that unfortunately was the trend and would probably have to happen in order for them to maintain a good coverage policy, adjustments had to be made and sometimes employees do have to tighten their belt and actually commit more to co-pay to keep the insurance viable.

Council Member Alvarado stated that she wanted to wish all of the mothers in Houston a Happy Mothers Day on Sunday.

Council Member Alvarado stated that she wanted to recognize that May was National Teen Pregnancy Prevention Month and today Planned Parenthood was kicking off a teen pregnancy prevention program in her district, that they had a new program called Brighter Futures, that it was today at 6:00 p.m. at Saint Andrew United Methodist Church, 2420 Garland and wanted to acknowledge all of the work that planned parenthood did year round to prevent unintended pregnancies in the teen community.

Council Member Alvarado stated that yesterday in the news she saw that there were two siblings that drowned and wanted to remind parents and children as they approached the summer and the pools opening up to please take precaution, if there was not a lifeguard on duty their children should be accompanied by a parent or guardian.

There being no further business before Council, the City Council adjourned at 10:05 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