

City Council Chamber, City Hall, Tuesday, May 14, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 14, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, 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 out of the city on city business. Council Member Bert Keller absent due to being ill.

At 2:02 p.m. Mayor Pro Tem Quan stated that they had several Council presentations with the first being Council Member Parker. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker invited Ms. Ramona Davis of Greater Houston Preservation Alliance and Mr. Bill Hill of the Houston Heritage Society to the podium and stated that they were also on the City Hall Preservation Committee and hoped that everyone who was in the building today knew that it was a historic structure and was a National Register Landmark, as was the plaza outside, that this week Ms. Anna Russell was going to be honored by the Preservation Alliance for Preservation Week and read a proclamation that stated that during the week of May 12 through May 18, 2002, National Preservation Week would be observed throughout the City of Houston and across the Nation and in conjunction with the event the Greater Houston Preservation Alliance would host a ceremony to celebrate the designation of the City of Houston's City Hall and Herman Square as a historic building and area, that this year's theme would focus on Preserving the Spirit of Place, that recognizing the vital role it has played in furthering the cause of preservation in the community the City of Houston salutes the Greater Houston Preservation Alliance on this auspicious occasion and urged all area residents to participate in this special observance, that it was signed by Lee P. Brown, Mayor of the City of Houston and asked that both Ms. Davis and Mr. Hill talk a little bit about City Hall and what they had done to bring them to this week. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Davis stated that she thanked them for the proclamation and for recognizing National Preservation Week, that it was particularly important that City Hall was recognized this week and that the City was taking the lead in recognizing the importance of preserving their built environment, that that they were very proud of the building and the park, Herman Square in front and very proud of its local designation, which was the only designation that protected the building. Mayor Brown, Council Members Tatro, Ellis, Vasquez, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Hill stated that in conjunction with the historic week the City Hall Preservation Committee planned to erect a plaque on City Hall designating it as a preserved building and displayed a copy of the plaque to the Council Members and stated that they hoped to save the public spaces in the building for the future children of the City as a major historic landmark in downtown Houston. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker invited Ms. Linda Williams to the podium and asked Mr. Brian Hill to bring the trophies to the podium, and stated that today they were honoring the Sports Day winners, that Sports Day was an activity of the Employee Health and Wellness Council and was

designed to promote fitness and outdoor activity, to promote camaraderie within departments and to promote healthy competition between departments, that they had great participation and also had really wonderful weather for a change, and presented awards to the Public Works Department's Relay and Tennis Teams, the Parks and Recreation Department's Basketball and Softball Teams and the Library Department's Volleyball Team and also presented the Sportsmanship Award to the Library Department.

Mayor Brown stated that they had a presentation by Council Member Galloway.

Council Member Galloway stated that on April 25, 2002 there was an accident with a young man who was a student at E. O. Middle School whose foot was cut off by a train on his way to school, that this was such a bad tragedy but they had some heroic individuals who helped save the life of the young man, that Christopher Solomon was the student and was in good condition and were very happy that his condition had improved and would be getting out of the hospital within the next couple of days, that present at the podium were the young persons who save Christopher's life and who went and got help, that one of them was Christopher's brother, Richard Solomon, that she wanted to recognize him for his courage and for staying strong through all of it and presented Richard with an award and also recognized Ms. Ashpanie Dixon and her sister Markeisa Dixon who went to the fire station and sought help to save Christopher's life and presented them with an award also.

At 2:27 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Quan led everyone in prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Weisman out of the city on city business. Council Member Keller absent due to being ill.

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

Council Member Goldberg stated that he wanted to recognize a class of students from District D and Saint Vincent De Paul Elementary School who were to be present in the audience, that they were Fifth Grade students.

Council Member Robinson stated that he wanted to recognize a group of students from Energize for Excellence Academy who were present in the audience, that they had been on a tour of the City and wanted to stop by and see the City Council at work.

Mayor Brown stated that he wanted to welcome them to City Hall and was delighted that they had taken the time to visit City Hall.

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

Mr. Rodney Lewis, 7907 Meadow Briar, Houston, Texas 77063 (713-975-0780) appeared and stated that he wanted to pass out some written testimony to the Council Members, that he was present to speak about the building, mechanical, plumbing and electrical codes, that he was a former president of the Construction Industry Council of Houston and chaired the Mechanical Code Committee, that he very strongly supported the Uniform Mechanical Code and Uniform Plumbing Codes, that they had served the City well, that also the Uniform Building Code had served the City well, that unfortunately they had before them the International Building Code tomorrow and he strongly urged them to vote against it, that he though it was a very bad code for the City, that it was going to cost a tremendous amount of money to retrain the building

inspectors and retrain the trades, that if they passed it they would then have the International Fire Code before them which was a disaster and it would take a tremendous amount of funds to retrain the fire inspectors. Council Member Vasquez absent.

Mr. Stanley Briers, 6109 St. Augustine, Houston, Texas 77021 (281-326-5400) appeared and stated that he was Chairman of the Plumbing, Air Conditioning and Mechanical Contractors Association and like Mr. Lewis he was a past president also of the Construction Industry Council, that he was present in support of Item 51 the building codes, but there was a couple of things he wanted to set straight, that one of them was that he chaired the Plumbing Code Committee and the committee did vote to forward it to the City Council even though it was tied at the Construction Industry Council itself, so the committee that reviewed it agreed to send the Uniform Plumbing Code forward, that the other item was in reading some of the things that had been sent out he though they had something developing that they needed to stamp out, that it seemed to him in what he had been reading from some of the people opposed to the codes was that they almost turned anti union, that while he was not a union contractor himself, he had always been an open shop, they only had one union member in the entire body of the Construction Industry Council, 45 associations, so he just wanted to set the record straight that it was not a union or open shop issue, that all of the open shops in the trade supported the uniform codes and he just wanted the Council to know that. Council Members Vasquez and Robinson absent.

Council Member Alvarado asked Mr. Briers if he would also say it was a safety matter in that one code was certainly more specific than the other, and Mr. Briers stated that the biggest problem they had with the international codes was that they were performance oriented and if they could convince somebody that it would work they could use it, that the uniform codes were prescriptive and laid out what they were going to do and they train their people to that, that just in the Plumbing Code book itself, if they were to use the International Plumbing Code they would have to buy three additional books to go with it and it still did not have the installation standards with it, whereas the uniform codes strive to put everything in one book so they get a full tilt when they buy it, and certainly they thought that their people were much better trained in the health and safety issues out of the uniform set of codes than they could get out of the international. Council Members Vasquez and Robinson absent.

Mr. Allan Bloxsom, 4521 Banning, Houston, Texas 77027 (713-839-7866) appeared and stated that he was principal of Bloxsom and Associates and had been a practicing consulting engineer in the City of Houston area since 1962, that he was present to express his professional opinions on the City of Houston Building Codes versus the International Building Codes, that he did not recommend that they adopt the International Building Codes, that their present codes were developed by professional engineers, architects, contractors, home builders and the City of Houston building officials for the area, that the international code was developed in the northern states and in Canada, that he strongly recommended that they stay with their present Uniform Building Codes. Council Member Robinson absent.

Ms. Agelia McGowen, 2234 Glen Haven Boulevard, Houston, Texas 77030 (713-699-0171) appeared and stated that she wanted to congratulate Ms. Anna Russell for her 50th anniversary with the City; that she was present to speak on the residential permit parking issue, that the Council was pretty much aware why they thought they should have them, from trouble with garbage pickup to blocking driveways and trash on their streets and all that and she just wanted to encourage them to vote for it, that she knew they had it in place on some other streets now and it seemed to be working very well and they would be very grateful to have it in their area as well, so she encouraged them to vote for it and continue to support that plan. Council Member Robinson absent.

Mr. Peter Tyler, 6110 Wister Ln., Houston, Texas 77008 (713-256-9205) appeared and stated that he was the organization Just Transportation Alliance, that he had been present before and their organization advocated on transportation issues, specifically for emphasizing those folks who cannot or do not drive, either because they were too old, disabled or could not afford a car, that specially he was present to talk about a recent meeting of the Transportation Policy Council of the Houston Galveston Area Council, that he would be encouraging the City Council and the City of Houston to take a more active and more engaged role with the Transportation Policy Council or TPC as well as involving more citizen input in that discussion, that on April 26, 2002, the Transportation Policy Council of HGAC met to discuss some critical issues, that those who were not familiar to the TPC, the Transportation Policy Council, it was a federally mandated body which handled regional transportation planning and was required by federal law, as were all the major transportation projects receiving federal dollars, to establish a plan to do better transportation, better integration and better ideas, as part of it, it required citizen input, however in that meeting it could not take place, the issues covered at that meeting on the 26th were several major freeway issues to be added to the regional plan, it included the Katy Freeway expansion, a fairly controversial issue, as well as three other major projects, that it also included a bicycle and pedestrian policy, which some portions of the City had been working on as well, that the freeway issues were all accepted within an area where basically those policy council members, which by the way were made up of representatives of local municipalities, including the City of Houston, counties and other agencies, like TXDOT, but the area that was spoken about the freeway issues and they were adopted, that the bicycle and pedestrian policy, which was an old policy, to consider the needs of access by bicyclists and pedestrians to major transportation projects was tabled, it was considered a burdensome and "dangerous policy" by certain members of that council, why so much of a concern, that organizations like the Just Transportation Alliance were present to advocate for a couple of things, one was better planning, but also for more citizen involvement, in those issues there was a lack of citizen involvement, specifically in the highway issues, though folks like him were able to testify, the basic federal law requiring citizen input was not followed, that when certain policies were put forward there was a requirement of a 30 day comment period, reasonable access to documents, and so forth, this was required by federal law, that he in fact testified to that body that they had done it, they had broken federal law, that in effect they could not get access to the actual amendments being voted on, that of course made the whole comment period ludicrous and he testified to that fact, that many of the amendments were still put forth, that on the bicycle and pedestrian issue, despite the fact that many bodies, official bodies of the City had supported it, that because all of this happened there was very little participation and representation by the City, despite the fact that Members of the City Council should be there, that he was encouraging the City Council to become more involved with the TPC in very specific ways and more involved with City and community groups like himself. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Sekula-Rodriguez, Mr. Tyler stated that he was speaking as a City as a whole, he was not present to say that individual representatives were or were not at fault, that he thought they needed to see from the City and City Council a higher level of engagement, that it was not simply whether the two representatives of the City Council were present or the representative of Public Works Department was present, that Metro had a representative present, that it was also other things, could the City Council or the Mayor's office send a letter about the policies to be considered, could they make presentations, that he as a citizens showed up and made his statement, that there was no one from the City present, that could happen on a regular basis, that he had requested from the HGAC, that he as an organization to brief the TPC about certain issues and thought the City could do the same thing, and Council Member Sekula-Rodriguez stated that she wanted to ask the Mayor Pro Tem if they could take some action today or some other appropriate time to be more present and to mandate that the City be more present and proactive in it because it was obviously a huge

matter of public concern, and Mayor Pro Tem Quan stated that no doubt about it transportation was a big concern and was on the Ad Hoc Committee on I-10 previously, that he would follow up to make sure that they did have representation on it, that the head of the Public Works Department was a member of the TPC, so they certainly had a vested interested and apologized that on that evening they did not have somebody present, that he would follow up to make sure they were always present and that they play an active role, and Council Member Sekula-Rodriguez asked what was the current level of concordance that Metro had with the I-10 extension plan, and Mr. Tyler stated that he could not speak for the City or Metro but he thought that the issues on hand were ongoing, that as to the train, at the TPC meeting where they considered what were the right-of-way issues on I-10 there were perhaps 10 words spoken the entire time about that amendment, but on the freeway issues there was no discussion. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Country Judge Eckels chaired the Transportation Policy Council and had been inclusive and the City had been active participants in the past and would continue to, that they would be getting a briefing on this issue. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards asked if they had a position, that she thought Mr. Tyler was very concise in his recommendations that he would like a letter of support, that her question was if the City had an official position that they had taken and if so she would like to have information, that she did not have any historical knowledge from a City Council perspective, and Mayor Pro Tem Quan stated that they would get that and as a matter of fact thought they needed to brief all Council Members on that issue and would have Mr. Haines give a presentation to Council on that position. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that this was the third time she had spoken in a period of about three months, that the first was on February 5, 2002 to express concern about the Katy Freeway expansion project, that it seemed there had to be more reasonable, healthy and equitable ways to solve mobility problems than 22 lanes of freeway through backyards and businesses, that she was informed by City Council then that the Kay Freeway was not within City Council jurisdiction and that she should pay a visit to the Transportation Policy Council at HGAC, since then she had paid close attention to the HGAC transportation website because this was where amendments related to freeway construction were announced and it was also where the public was told if, how or when they might comment on amendments and other transportation issues before they were voted upon by the Transportation Policy Council, that on her first visit to the HGAC Transportation website she discovered they were in a public comment period related to right-of-way acquisition along the Katy Freeway, the comment period turned out to be a good opportunity for community and environmental groups to register their many concerns about the plans and unfolding events related to the Katy Freeway Project, that the Katy Freeway expansion threatened to increase flooding, noise and health problems due to air pollution, it will not solve congestion, that on March 19, 2002 she appeared again before Council to urge them to take very seriously their responsibilities within the Transportation Policy Council and their power to influence votes related to transportation policy specifically related to the Katy Freeway, that during that period she also attended meetings with individual Council Members where specific concerns were discussed, that a significant stack of comments were mailed by members of the community to HGAC over a period of less than a month, that during that same period many individuals spoke in person at the official public meeting and again on the morning of April 26, 2002, the day of the vote, that unfortunately on the day of the vote those that showed up spoke to more empty chairs than was publicly legal, the meeting began without a quorum, when the quorum finally did gather a vote

was taken on the Katy Freeway amendments as well as other amendments related to other freeways, to update them despite all of the public comment and all of the bodies gathered in opposition to those freeways the Council voted to approve everyone of the amendments without a single word of discussion, that she hated to say it but the HGAC Transportation Policy Council was out of touch with the needs and wishes of the majority of people who lived in the City, she could not emphasize enough how important it was that City Council stayed in tune with citizen groups and represent their interest at the HGAC Transportation Policy Council meetings, why were most of the City Council Transportation Policy Council representatives not present at the vote and would any measures be taken by the City to weigh in on those policy determining votes. Mayor Brown, Council Members Galloway and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Quan stated that he did not have any answers at this time, that she had raised very good points and they had talked about it and they were going to be working to play a more active role. Mayor Brown, Council Members Galloway and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Rodriguez asked Ms. Ledvina if she thought if they wrote a letter to them expressing their concerns that it would be of some merit, and Ms. Ledvina stated that they would be happy to continue meeting with her to discuss what was happening, that it turned out that there had been a coalition of community members forming, voicing their concerns, that they had a public meeting where 150 to 200 people appeared and they discussed impacts that were likely to occur because of the expansion that were not sufficiently addressed by TXDOT in their environmental impact statement, that they were being called regularly by people who wanted to join the coalition, so it was not over and done, that what had been lacking in the whole I-10 corridor planning process was public involvement, and Council Member Sekula-Rodriguez stated that she would like to ask the transportation committee to basically take it up at the next meeting if they possibly could and see what they could do to make themselves more available to the citizenry and to be present and more active in the process. Council Member Galloway absent.

Council Member Robinson stated that he would certainly put in on the agenda and would visit with the administration, that over a year ago he sent a letter to Gary Treat, who was district engineer for TXDOT when they first started the discussion about expanding I-10 and asked that they look at dedicated truck lanes, special use vehicle lanes and an expressly reserved right-of-way, that he had a meeting coming up with a couple of folks to talk about a plan that somebody had out in California, air rail, that talks about a rail system that would be along the I-10 corridor, that he agreed that there needed to be partnerships and folks needed to speak out, that he knew he had been a consistent voice to make sure that people had a say. Council Member Galloway absent.

Council Member Parker asked who represented the City on the Transportation Policy Council and what the official position was, and Mayor Brown stated that Council Member Alvarado was a new appointment and her alternate was Council Member Berry and also Council Member Vasquez and his alternate was Council Member Galloway, that Mr. Vanden Bosch and Mr. Wiersis were also representatives, and Council Member Alvarado stated that she and Council Member Berry were recently appointed and since their appointment there had not been a meeting and thought the first one was a week from Friday. Council Member Galloway absent.

Council Member Parker asked if they had an official policy articulated and did they have any written statement of policy of the City on the issue, and Mayor Brown stated that he would use the Mayor's time at one of the upcoming Council meetings to give a briefing on what the City's policies were on that particular issue, that he did develop the 2000 Transportation Plan, which

was the City's policy and they worked very closely with the Greater Houston Partnerships and TRIP 2001, that there had been a lot of work that had been done with Metro as well in terms of their planning so they did have a comprehensive approach to address transportation. Council Member Galloway absent.

Mr. V. J. Singal, 18214 Forest Town Dr., Houston, Texas 77084 (281-463-2500) appeared and stated that he was present representing the Sierra Club, which was 5,000 members strong in the greater Houston area, that he wanted to echo the previous speakers, that it was very encouraging to hear the dialog that the City Council would indeed henceforth be more of an activist in what the HGAC was doing, that some of the decisions such as the ones they took at the last meeting at the end of April, those decisions would determine what the quality of life would be in Houston twenty years from now, that the Sierra Club vigorously opposes the plans particularly for clean air, flooding and noise, that he travels I-10 very frequently visiting clients in the downtown area and would say both personally and on behalf of the Sierra Club that having real transit would be one eminent solution, apart from the road expansion, to ease the problems of the future, that he wanted to remind them that 10 years ago there was no one who could have anticipated or foreseen that the United States in 2002 would be transformed into a society of SUV's, where every man and his brother would be driving something equivalent to a mini bus to travel 20 miles, that such massive changes that were taking place that nobody could predict, having a real option, apart from helping to abate noise and air pollution. Council Members Galloway and Berry absent.

Mayor Brown stated that he wanted to acknowledge the presence of some students in the Council Chambers who were with the Woodrow Wilson Student Council and were present to experience government in action. Council Members Galloway and Berry absent.

Upon questions by Council Member Tatro, Mr. Signal stated that he wanted the City Council to be more engaged with the HGAC and other bodies and to start and have a regular dialog with the Sierra Club and other likeminded organizations that like them were working assiduously for the good and long term good of the City. Council Members Galloway and Berry absent.

Council Member Tatro stated that he wanted to make a correction that he remembered back in 1997 some substantial public meetings on TXDOT, that although he did not believe everybody would be happy with the outcome he did not think that the public input in any way had been short circuited and did believe the unified voice of the City would have been more beneficial to the process, and Mayor Pro Tem Quan stated that he agreed with him and knew they had a major mobility study and a major thoroughfare study, that he had tagged it to make sure they had more input from the public on those items. Mayor Brown, Council Members Galloway, Edwards, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Rodriguez stated that they needed to abandon any type of partisanship in these issues, that partisanship only served to divide it did not serve to create and that she would like to challenge the new chairman of Metro to build the bridges that were required in order for all of the coalitions, whether it be I-10, I-45, I-59 or 290, that Metro be a visible and productive participant and not be put off by some past animosity that may have occurred at the National Congressional level. Council Members Galloway, Parker, Quan and Berry absent.

Council Member Robinson stated that the only observation he would make relative to Council Member Tatro's statement was that the plan that was in the drawing board was not what was talked about in 1997, in the public hearings, that it changed dramatically once the Toll Road Authority said they would put up money and that additional money caused significant changes to what was on the drawing board and they had in essence an entirely new animal. Council

Members Galloway, Alvarado, Parker, Quan and Berry absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) appeared and stated that he would like to think that everyone of them would be more than a little concerned about the homeless people in the street and shelters and wondered if anyone of them had been at the Star of Hope and spent some time in there and see what they had, that a lot of those people had major troubles, they had drug and alcohol addiction problems, that the Lord had shown him how to help some of these people and he felt that he had been successful with many of them, that when he finally got shut down he had sixteen people living with him on his property on the Gulf Freeway, that they were teaching them how to weld and how to operate heavy construction equipment, that he had about a million dollars worth of it, how to do lots of skills that would help them become productive members of society, that he did not think that there was one of them who would say they did not want that to happen, that the only issue at present right now was that he did not have the right permits, that it started out just one person and before long he had sixteen, that he used to be in the mobile home business and had some used mobile homes recycled on his property and some of the guys were skilled and knew what to do so they put them together and he did not have the proper permits or plumbing hooked up, that the City had a street there and he had to tear the whole street up and went into a Metro site in order to get the sewer hooked up, so BFI came out and put some holding tanks and they pumped out and that was not unsafe, that he had about 18 mobile homes left, that Mr. Litke told him he hated mobile homes and if he had his way about it he would burn them all, but he would rather have people live in a street or gutter than in at least in a shelter where they had some help, that all he asked was that they were going to start building concrete buildings, and they knew he knew how to do that, that would be safe and be engineered and have all the proper plumbing and hookups and be completely legal and permitted and all he asked was for a little variance from the ordinance to allow him to use mobile homes that would be directly hooked up and directly plumbed until as such time as they were able to go forward with their building program and do it correctly, that he was talking about six months. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he was not exactly sure what the problem was and obviously he had tried to help homeless people and housed them in mobile homes and asked if he was told it violated City ordinance and what was he told the remedy was, and Mr. York stated that he was told to get rid of the people and stop. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg moved to suspend the rules to hear from Mr. Litke, Director, Planning and Development Department, seconded by Council Member Robinson. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT) (Inasmuch as there was no quorum present no vote was recoded).

Upon questions by Mayor Brown, Mr. Litke stated that no he did not hate mobile homes and did not suggest that he would like to see them burned down, that he did not say anything like that and would not, that there was an ordinance adopted by City Council many years ago and mobile homes, unless they were placed in an approved mobile home subdivision were illegal in the City, that the subdivision ordinance was guided by either Chapter 10 or Chapter 42 of the City Code, that it was not a question of location, it was a question of meeting the rules for a mobile home subdivision or a mobile home park and obtaining the necessary permits which Mr. York simply did not do. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg asked if Mr. York obtained the necessary permits would he be allowed to use the mobile homes currently where they were situated for a homeless shelter, and

Mr. Litke stated that there would be nothing to preclude that at that site if he followed the required laws of the City, that the length of time to get the permits depended on Mr. York, if he processed a mobile home subdivision park, which he said he was not interested in, probably it could be done and filed in the deed of records within three months, that the processing itself would cost probably a couple of thousand dollars and the development he did not know. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

After a further lengthy discussion and questions by Council Members, Mr. York stated that Mr. Litke was talking about building a park where they would have to have concrete streets and houses set apart and totally out of his reach unless the City wanted to help him, that if the City wanted to help him they did not have to have mobile homes, he would build apartments, that he was willing to fund it with what he had, and now he had some churches that had agreed to help him to do whatever was legal, that he was asking for a variance to use the mobile homes provided they were hooked up correctly, that he did not need concrete streets because these people did not have cars, that he just needed a place for these people to get off of the streets and thought the City would want to do that, that he had 19 acres, and Mayor Brown stated that he would offer a suggestion, that the City Council had approved funds for a number of housing programs, that why did they not work with him to get those 14 people placed in some safe and sanitary housing while he went about his work, that Mr. Cantu would meet with him and help him place the people. Council Members Galloway, Vasquez, Alvarez, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. James Brooks, 6720 Shotwell, Houston, Texas 77028 (713-635-2836) appeared and stated that he was from Pre Paid Legal Services and there was a young lady present with him that would do the talking and introduced Ms. Christie Steverson. Council Members Galloway, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent.

Council Member Tatro moved to suspend the rules to substitute Ms. Christie Steverson for Mr. James Brooks, seconded by Council Member Vasquez. Council Members Galloway, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT) Inasmuch as there was no quorum present, no vote was recorded.

Ms. Steverson stated that she was present as a minority business person, an entrepreneur who had recently extended her business to include Prepaid Legal Services, that was basically her purpose for being present today, that her manager and those who were charged with training her already had a pre-established relationship with the City and this team had the payroll deduction slot in the City Controller's office since 1986 and currently the team had been granted permission to offer the Prepaid Legal Services to City employees during non working hours, that they were present to make an appeal to the City Council to allow them to offer Prepaid Legal Services to the employees, all interested employees, during working hours as well, that they simply just wanted to outline why the employee's should be allowed to hear and understand the full presentation of the prepaid services, that they felt that after reviewing the full presentation the employee's would be able to make an informed decision as to how Prepaid Legal Services would serve them, the employees would understand the fact that their legal protection was prepaid so when the need arose for an attorney they would not have to make an economic decision because the services had already been paid for, that the employees would also understand that with the proper use of the Prepaid Legal Services they would not be forced to miss an excessive amount of hours from work due to legal issues, that fortunately the employee's monthly contribution was only a mere \$24.95 and was payroll deductible, that Prepaid Legal Service was a 30 year old company that was traded on the New York Stock Exchange and had over a million members and operated debt free and understood that everybody should be guaranteed equal protection under the law, that they were present to ask the Council that they be allowed the opportunity to present the program to all of the City

employees. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mayor Brown recognized Council Member Edwards for a point of personal privilege. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that last week during pop-off she gave someone the wrong name and wanted to correct it, that the person worked real hard, especially in her district and was from Mr. Cantu's office, that she called her Wanda Dixon and it was Wanda Robinson, that she wanted to state publicly to Ms. Robinson that she appreciated her work and wanted to make sure that she knew that they knew who she was. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Dr. Motopa, 5922 Martin Luther King Boulevard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Ms. Kathryn Barchfeld, 2108 Peppermill Rd., Houston, Texas 77080 (713-683-1238) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-260-8544) appeared and voiced his personal opinions regarding the Public Works Department, downtown street construction, the Fire Department suburbans and Main Street until his time expired. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston, No. 1107, Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

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, Goldberg, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that the last time he was present before Council Mayor Brown stated that he was going to direct Mr. Melvin Embry to meet with him, that he went to the meeting with the meeting

that Mr. Embry had set up and the gentleman that he had been having problems with was at the meeting and Mr. Embry was not there, that Mr. Lloyd asked how was it going to be handled and Mr. Bridges said for him to bring the plans directly to him and so he brought the plans to him and he made him sit outside of his office for about thirty to forty minutes and he would not even accept the plans. Council Members Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Embry was supposed to have met with him and Mr. Johnson stated that he did not meet with him, that he called Mr. Embry because Mr. Bridges would not accept his plans, that he told him that he was not even allowed to draw plans in the City of Houston because he was not a licensed architect, that he had some plans for the Family Dollar Store that were approved by the City of Houston which did not have an architectural seal, that Mr. Embry told him that he would not be allowed to draw plans and submit them to the City of Houston anymore, and Mayor Brown asked Mr. Johnson if he was a licensed architect and Mr. Johnson stated no, and Mayor Brown stated that he had been informed that they had met with him and had given him directions about everything he would have to do and Mr. Johnson stated that they had done that and he turned the plans in and Mr. Bridges did not review the plans, that he had an electrical engineer to review the plans and Mr. Bridges did not look them over, he simply retyped the note that was already in the computer and told him that he was not allowed to submit plans to the City of Houston, and Mayor Brown stated that his advise would be to follow the instructions that were given to him at the meeting, that they had certain rules and regulations and policies and procedures that they must follow, that it was their responsibility as well to make sure that whatever the City required that it be taken care of in the process, that Mr. Richard Cantu would meet with him and help him walk through the process. Council Members Tatro, Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

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

Mr. Trent Winters, 7967 Airport Blvd., Houston, Texas 77071 (713-729-1153) appeared and stated that he was present on behalf of Charles Dewayne Harrison, that he had been accused of up to 16 robberies but had been charged for 3 of them, that the DNA evidence did not match up with his DNA, that the DA was aggressively seeking this person, that they wanted the person who was doing all of the robberies stopped, but they wanted to make sure it was the right person, that he was asking if anyone of them could help and talk to the DA, that they did not have the right person who had did all the robberies, that he was told that they had already dropped several charges but they still had him under a million dollar bond for only 3 robberies, that he had distributed paperwork regarding the matter. Council Members Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards asked if it was the person who had been shown on the media, and Mr. Winters stated yes, and Council Member Edwards stated that she was assuming he was represented by an attorney, and Mr. Winters stated yes. Council Members Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

At 3:56 p.m. upon motion by Council Member Ellis and seconded by Council Member Robinson, City Council recessed until 9:00 a.m., Wednesday, May 15, 2002. Council Member Wiseman out of the city on city business. Council Member Keller absent due to being ill. Council Members Galloway, Vasquez, Alvarado, Parker, Quan, Sekula-Rodriguez and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 15, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 15, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Members Addie Wiseman and Gabriel Vasquez out of city on city business. Council Member Bert Keller absent due to being ill.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:18 Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg and Robinson absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 44

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the reappointment of the following to **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD) BOARD OF DIRECTORS**:
 MS. JANE CAHILL, as Chair, for a term to expire December 31, 2002
 Position 6 - **MS. AMANDRE WILSON**, for a term to expire December 31, 2003
 Position 7 - **MS. BENNIE FLORES ANSELL**, for a term to expire December 31, 2003

- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Members Goldberg and Robinson absent. MOTION 2002-0548 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 13

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$817,330.37 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Hunterwood MUD Service Area Diversion, GFS R-0536-05-3 (4719-1) 06.59% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0549 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,562,257.18 and acceptance of work on contract

with **FERGUSON CONTRACTORS, LTD.**, for Sims Bayou Sanitary Sewer Improvements, GFS R-2011-07-3 (4737) 02.07% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0550 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,332,388.57 and acceptance of work on contract with **CALCO CONTRACTING, INC** for Construction of Water Main Replacement in the South Union Subdivision, GFS S-0035-48-3 (10548) - 06.93% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0551 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,447,166.50 and acceptance of work on contract with **C AND C SERVICES** for Construction of South Heights Water Main Replacement; GFS S-0035-72-3 (10582) - 00.23% under the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0552 ADOPTED.

PROPERTY - NUMBERS 14 through 17

14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kurt Roberson of Concord Gulfgate, Ltd., [GSL Manufacturing Systems, Inc (Ella S. Neyland, senior vice president), general partner] for abandonment and sale of two 10-foot wide easements, four 5-foot wide aerial easements, and a prescriptive sanitary sewer easement in exchange for the conveyance to the City of a 20-foot wide storm sewer easement, a 10-foot wide water line easement, seven 10-foot by 10-foot fire hydrant easements, a 10-foot by 48-foot water meter easement, and a 10 foot by 44-foot water meter easement, all located within Plum Creek Village Subdivision, Parcels SY1-033A through G, LY1-010 and KY1-023A through J **STAFF APPRAISERS - DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0553 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION NO. 2002-38, 1/9/02**, which authorized condemnation of Parcel A99-114, for the Ella Boulevard (Wheatley) Paving Project from Pinemont to West Little York, owned by Sterling Trust Company for the benefit of Angela J. Swain IRA, be amended to include the following language..."and for title to the remaining portion of a one-story wood frame residence situated on the remainder property, together with a temporary access easement onto the remaining property for the purpose of demolishing the residence" - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0554 ADOPTED.

16. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-106, located on Fairview Drive approximately 1,050 feet north of FM 529 Road (Spencer Road), owned by Marie Gordon and Shirley May Houston, as Co-Trustees of the W. L. Gordon Residuary Trust, for the **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village Pump Station**, CIP S-0900-71-2 - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0555 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-109, located at 11835 Charles Road, owned by Chapman Family Partnership Nine Ltd., a Texas Limited Partnership [Chapman Family Nine Corporation (Howard B. Chapman, President/Registered Agent) general partner] as to a 58% undivided interest, and Cole Family Partnership Nine Ltd., a Texas limited partnership [Cole Family Nine Corporation (Robert B. Cole, President/Registered Agent) general partner] as to a 42% undivided interest, for the **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village Pump Station**, CIP S-0900-71-2 - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0556 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 21

18. **U. S. FILTER DISTRIBUTION GROUP** - \$1,814,585.29, **HERSEY METERS COMPANY** \$338,100.00, **NEPTUNE TECHNOLOGY GROUP, INC** - \$734,919.10 and **BADGER METER, INC** - \$273,775.00 for Water Meter Replacement Parts Contract for Department Public Works & Engineering - \$3,161,379.39 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0557 ADOPTED.
19. **GBS ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition and Clean-up Services for Department of Public Works & Engineering - \$75,789.00 and contingencies for a total amount not to exceed \$79,578.45 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0558 ADOPTED.
20. **RENTAL SERVICE CORP. - PRIME EQUIPMENT** for Arrowboards, Portable Light Towers and Speed Alert Trailer for Various Departments - \$39,889.00 - Enterprise and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0559 ADOPTED.
21. **AMEND MOTION #99-0516, 3/31/99, #2000-217, 2/16/00, 2001-160, 2/14/01 and 2002-163, 2/6/02, TO EXTEND** expiration date by six months, from June 29, 2002 to December 29, 2002, for Building Materials, Parts I, II and III for Various Departments, awarded to **BIG Z LUMBER COMPANY, ACE LOCK AND SECURITY SUPPLY, RIGGSBEE HARDWARE AND INDUSTRIAL SUPPLY COMPANY, INC** and **SAM BASSETT LUMBER COMPANY** - was presented, moved by Council Member Quan, seconded by

Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0560 ADOPTED.

RESOLUTION AND ORDINANCES - NUMBERS 22 through 44

22. RESOLUTION authorizing the City of Houston, Texas, to intervene in the request of Reliant Energy Retail Services, LLC for Price to Beat Fuel Factor Adjustment and related matters to be considered by the Public Utility Commission of Texas relating to the Retail Electric Rates of Reliant Energy Retail Services, LLC, and to take other appropriate actions relating to the foregoing subject and proceedings and making certain findings relating thereto 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.
- 22a. ORDINANCE approving and authorizing contract between the City of Houston and **WICKLIFF & HALL, P.C.** for Legal Representation of the City in the 2002 petition by Reliant Energy Retail Services, LLC to set Price to Beat Fuel Factor pending before the Public Utility Commission of Texas; providing maximum contract amount - \$150,000.00 - General 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.
24. ORDINANCE approving and authorizing contract between the City of Houston and the **FRIENDS OF HERMANN PARK** for the Operation of Pedal Boat Concession and other Concessions in Hermann Park - **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.
- 24a. ORDINANCE amending **CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Park Food Vendors; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer; containing a savings clause 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.
25. 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 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.
- 25a. 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 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.
26. ORDINANCE rescinding City of Houston Ordinance No. 2002-350 and 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 Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0386 ADOPTED.

- 26a. ORDINANCE rescinding City of Houston Ordinance No. 2002-351 which annexed for limited purposes a certain area located within **FRY ROAD MUNICIPAL UTILITY DISTRICT** in Harris County, Texas; 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 Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0387 ADOPTED.
27. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **ROADWAY EXPRESS, INC - DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0388 ADOPTED.
28. ORDINANCE appropriating \$21,213.00 out of Parks Special Fund and approving and authorizing Professional Conservation and Restoration Services Agreement between the City of Houston and **BEN WOITENA d/b/a METAL ARTS** for the Restoration of the Artworks "Brownie" and "Leap Frog" located in the Houston Zoological Gardens, "Peggy" located in MacGregor Park and creation of the mural canvas for the commissioned "All God's Chilluns Got Wings" to be located in the Clinton Park Community Center - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0389 ADOPTED.
32. ORDINANCE awarding contract to **SYED & SONS, INC dba A+ TRANSMISSION SPECIALIST** for Automatic Transmission Repair Services for Various Departments; providing maximum contract amount - 3 Years with two one-year options - \$2,827,500.00 - General 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.
33. ORDINANCE approving Groundwater Reduction Plan for the City of Houston - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0390 ADOPTED.
34. ORDINANCE amending Ordinance 2002-293 to delete the name of Associated Laboratories, Inc from such ordinance; approving and authorizing professional materials engineering laboratory contract with **ASSOCIATED TESTING LABORATORIES, INC** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0391 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **A & S ENGINEERS, INC** for Professional Engineering Services Storm Drainage System

(SM5026) - \$385,000.00 - Street & Drainage Maintenance Fund had been pulled from the Agenda by the Administration and was not considered. Council Member Berry absent.

38. ORDINANCE appropriating \$602,200.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **WINDSOR CONTRACTING, INC** and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** for Safe Sidewalk Program in Houston; GFS N-0610A-T1-3 (SB9048-3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0392 ADOPTED.
39. ORDINANCE appropriating \$1,846,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C AND C SERVICES** for Water Line Replacement in Gulf Palms Subdivision; GFS S-0035-84-3 (WA10670); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0393 ADOPTED.
40. ORDINANCE appropriating \$1,974,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C AND C SERVICES** and approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** for Water Main Replacement in Santa Rosa Subdivision, GFS S-0035-67-3 (WA10583); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0394 ADOPTED.
41. ORDINANCE appropriating \$1,369,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEJAS CONSTRUCTION COMPANY** and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** for Replacement of Three Ground Water Storage Tanks at Three Pumping Stations, GFS S-0600-27-3 (10596-27); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0395 ADOPTED.
42. ORDINANCE appropriating \$7,746,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.**, and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** for 54-inch water main along Ella Boulevard, Wheatley Street and West Montgomery from West 43rd Street to Dolly Wright Road, GFS S-0900-69-3 (WA10642); providing funding for construction

management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO and B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0396 ADOPTED.

44. ORDINANCE appropriating \$8,833.94 out of Park Consolidated Construction Fund, awarding construction contract to **GREYTOK 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** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0397 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 53 and 51 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0561 ADOPTED.

53. 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** - (**This was Item 38 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBERS ELLIS and KELLER**) - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0398 ADOPTED.

51. 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 - (**This was Item 17 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBERS TATRO, ELLIS, BERRY and WISEMAN**) - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0399 ADOPTED.

Council Member Alvarado stated that she would like to thank and recognize Mr. Melvin Embry for all the work he had done to bring it forward and wanted to acknowledge the fact that he was going to be leaving them at the end of the month and wished him well in his new job. Council Member Berry absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY BOARD OF**

DIRECTORS:

MS. JANE CAHILL, reappointment, as Chair, for a term to expire 12/31/2002

Position Two - **MR. GARNET COLEMAN**, appointment, for a term to expire 12/31/2002

Position Nine - **MR. CHARLES J. STAVA**, appointment, to represent Harris County, for a term to expire 12/31/2003

- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0562 ADOPTED.

3. RECOMMENDATION from Director Department of Planning & Development for the designation of six residential parking permit areas and related parking regulations in the University Place Super Neighborhood - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0563 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$7,404,382.34 and acceptance of work on contract with **CHAMPAGNE WEBBER, INC, TEXAS** for Airfield Improvements at William P. Hobby Airport (HOU), Project 485; CIP A-0042, A-0300, A-0312, A-0346 and A-0379 - 03.66% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0564 ADOPTED.
5. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$6,881,322.78 and acceptance of work on contract with **DIXON SERVICES, INC dba CONSTRUCTION LTD** for Terminal A & B Utility Distribution Upgrades at George Bush Intercontinental Airport/Houston (IAH); Project 527; CIP A-0091 and A-0287 - 02.93% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0565 ADOPTED.
6. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$6,209,508.74 and acceptance of work on contract with **CHAMPAGNE WEBBER TEXAS, INC** for Hardy Toll Road Connector at George Bush Intercontinental Airport/Houston (IAH), Project 497A; CIP A-0261 - 04.77% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado, and tagged by Council Member Goldberg. Council Member Berry absent.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,428,751.81 and acceptance of work on contract with **TEXAS-STERLING CONSTRUCTION, INC** for Fleetwood Lift Station Rehabilitation, GFS R-0267-55-3 (4276-17) - 00.62% over the original contract amount - **DISTRICT G -**

KELLER - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0566 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$775,795.63 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Rehabilitation of 36-inch Sanitary Sewer along Elgin Street and Rosalie Street, GFS R-2011-21-3 (4763-01) - 03.72% over the original contract amount **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0567 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,573,318.75 and acceptance of work on contract with **TROY CONSTRUCTION, INC** for Construction of Waterline Replacement in Pecan Park Subdivision, GFS S-0035-40-3 (10540) - 01.11% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0568 ADOPTED.

RESOLUTION AND ORDINANCES

- 22-1. ORDINANCE authorizing the issuance of City of Houston, Texas, Tax and Revenue Anticipation Notes, Series 2002 to provide for the payment of the current expenses of the City for the fiscal year beginning July 1, 2002, and ending June 30, 2003; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of the Preliminary Official Statement to provide for the competitive sale of the Notes; authorizing Paying Agent/Registrar Agreement and other agreements relating thereto; approving Co-bond Counsel, and Paying Agent/Registrar for such Notes; making other provisions relating to such Notes including use of the proceeds thereof, and matters incident thereto; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0400 ADOPTED.
- 22-1a. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas, Tax and Revenue Anticipation Note, Series 2002A to provide for payment of current expenses of the City for a portion of Fiscal Year 2003; authorizing repayment of the principal of and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note as evidenced by Note Purchase Agreement; authorizing execution of a Bond Counsel Agreement; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0401 ADOPTED.
23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Jefferson Avenue right of way containing 403 square feet of land, more or less, being out of South Side Buffalo Bayou Addition adjacent to Lots 6 and 7, Block 385, S.S.B.B., Houston, Harris County, Texas; vacating and abandoning said tract of land to Most Reverend Joseph A. Fiorenza, Bishop of Galveston-

Houston, the abutting owner, in consideration of owner's payment of \$16,000.00 and other consideration to the City - **DISTRICT I- ALVARADO** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0402 ADOPTED.

29. ORDINANCE approving authorizing a restatement of the City's Section 457 Deferred Compensation Plan - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0403 ADOPTED.
30. ORDINANCE appropriating \$678,430.96 out of Annexed Districts Construction Fund No. 49J, (Fund) and approving authorizing Compromise and Settlement Agreement between the City of Houston and **KINGS HARBOUR JV63** to settle a claim that arose out of activities financed by the Fund - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0404 ADOPTED.
31. ORDINANCE awarding contract to **LEGACEE INTERNATIONAL ENVIRONMENTAL SERVICES, INC** for Mobilization, Collection, Characterization and Packing of Hazardous Waste for the Solid Waste Management Department - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0405 ADOPTED.
35. ORDINANCE appropriating \$10,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston **ISANI CONSULTANTS, INC** for Neighborhood Street Reconstruction Projects - **DISTRICTS D - EDWARDS and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0406 ADOPTED.
37. ORDINANCE appropriating \$2,255,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing third amendment to professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for the Surface Water Transmission Program, CIP S-0900-01-02 (10448) (approved by Ordinance No. 97-0096); 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 Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0407 ADOPTED.
43. ORDINANCE awarding contract to **TOTAL CONTRACTING LIMITED** for On-call Drainage System Repair and Rehabilitation; approving and authorizing a supplemental allocation of \$42,000.00 for engineering and testing Contract No. 53733 (M-0126-52) - \$1,661,000.00 - Street & Drainage Maintenance Fund - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0408 ADOPTED.

NON CONSENT AGENDA - NUMBER 45

PROPERTY

45. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kurt D. Nondorf, Jackson Walker L.L.P., on behalf of Silver Eagle Distributors, L.P., a Texas limited partnership [Silver Eagle Management L.L.C. (John L. Nau III, manager), general partner], for abandonment and sale of Henderson Street, from Winter Street to its dead-end, located between Blocks 323 and 328, Baker-Shearn Addition, N.S.B.B., John Austin Survey Abstract 1, Parcel SY2-053 **APPRAISERS - DISTRICT H – VASQUEZ** – was presented.

Council Member Tatro named Mr. Frank D. Flores and Ms. Jasmine C. Quinerly as appraisers and moved approval of the recommendation, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0569 ADOPTED.

MATTERS HELD - NUMBERS 46 through 57

46. ORDINANCE appropriating \$330,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DEMOPULOS & FERGUSON ASSOCIATES, INC** for the Feasibility Study and Design of Long Point Road from Gessner Drive to Bingle Road, CIP N0674-02-2 (SB9109); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO – (This was Item 28 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY and KELLER)** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0409 ADOPTED.
47. ORDINANCE appropriating \$5,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **WCW INTERNATIONAL, INC** for the Design of Paving and Street Reconstruction Projects, GFS N0367-03-3 - **DISTRICT A – TATRO – (This was Item 29 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0410 ADOPTED.
48. MOTION by Council Member Parker/Seconded by Council Member Ellis to uphold appeal and overturn action of the Automotive Board in connection with the review on the record relative to the appeal from the decision of the Automotive Board, filed by Jonathan E. Bruce, Livingston & Associates, P. C. on behalf of **MR. MARK LEMKE'S D/B/A ELTON AUTO STORAGE** regarding Application for Automotive Storage Lot License #63806 – **(This was Item 33 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBER SEKULA-RODRIGUEZ)** – was presented.

Council Member Goldberg stated that he passed out some changes that they needed to make to the ordinance, that basically the Automotive Board did what they were supposed to do

and the reason they did what they were supposed to do was because the ordinance did not define the word "property line", that it needed some clarification, that in his document he had a copy of the ordinance laid out as it was, that it was not underlined, that the underlined part were the changes that needed to be made, that the biggest problem was the definition of Section 28.34 (b) (5) which was measurement of 300 feet and more specifically property line, that he had added the underlined word "or from the boundary of operation" and that was the key, the property and the boundary of operations for the particular storage lot were not the same, and because of that there was a vagueness as to which line the Automotive Board should uphold, that this amendment to the ordinance would clarify that, that below that he had added a new paragraph (6), which defined what boundary of operations were, that just to clean up the ordinance on Section 8-30 (i), it required that a plat be done and he was adding the word "or legal survey", that they did not have to go out and replat it they could just get a legal survey, that he was asking the Mayor to post the changes so they could vote on them at the next Council Meeting and if they did that then on Item No. 48 the Automotive Board could rule as they should have as requested by the applicant in this matter.

Upon questions by Council Member Goldberg, Mr. Hall stated that they should refer Item No. 48 back to the Automotive Board with the suggestion that they not consider it until they finished deliberations on the changes so that they could then consider the item consistent with the changes that they made, that he would also urge that whatever relative committee consider the issue and implications of the issue, because it applied to a number of things they might want to consider in the future, so the issue needed to be ventilated.

Council Member Goldberg moved to refer Item No. 48 back to the Automotive Board, seconded by Council Member Sekula-Rodriguez.

After further discussion Council Member Ellis moved to suspend the rules to hear Mr. Michael Fleming, attorney for Mr. Lemke, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0570 ADOPTED.

Council Member Robinson asked for a point or order and asked if this was an appeal on the record were they away from the appeal and just simply talking about the amendment because on the record they were on the record and he wanted to make sure they were not on the appeal and were only dealing on the amendment, and Mayor Brown asked what was the purpose of motion and Council Member Ellis stated that he just wanted to allow him to speak on behalf of Mr. Lemke and the position that they had placed his business in, and Mayor Brown asked Mr. Hall what could the attorney talk about and what could the Council Members ask him, an Mr. Hall stated that almost nothing, that this was not a trial or a hearing, it was an appeal made on the record itself, that the record had been made and this could be the worse circumstance because this person was not even counsel of record at the time of the hearing so almost anything he would say would be new from him in this process, that with all due respect it would be inappropriate to have him make any kind of argument in favor of the appeal, and Mayor Brown stated that he was going to rule that they could not hear anything from the attorney today.

After a further lengthy discussion by Council Members, Council Member Sekula-Rodriguez moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0571 ADOPTED.

A roll call vote was called on Council Member Goldberg's substitute motion to refer Item No. 48 back to the Automotive Board.

ROLL CALL VOTE:

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

A roll call vote was called on the main motion.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez out of the city on city business.
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Rodriguez voting no
Council Member Wiseman out of the city on city business.	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller absent due to being ill.	MAIN MOTION 2002-0572 ADOPTED

49. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Suzan Deison of Galleria Chamber of Commerce and North Houston Greenspoint Chamber of Commerce, on behalf of the abutting property owners, Gerald T. Reese, Michael Moya, Nancy Wren, Elizabeth Rivera, Lorena M. Ruiz, Lewis Pault, and Briarwood-Houston, L.P. [TMC Investments, Inc., (Tom McCauley, president), general partner] for abandonment and sale of Northline Drive, from W. Sunnyside Road to Rosamond Street, in exchange for the conveyance to the City of the entire abandonment area as a utility easement, located within Courtlandt Subdivision, a replat of Mitchell Place Subdivision; Robert H. Ray Subdivision; and Wildrose Gardens Subdivision, Parcels SY2-030, SY2-038, SY2-039, SY2-040, SY2-041, SY2-042, SY2-043, VY2-014, VY2-015, VY2-016, VY2-017, VY2-018, VY2-019 and VY2-020 - **APPRAISERS - DISTRICT H – VASQUEZ – (This was Item 34 on Agenda of May 1, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Tatro named Ms. Sheila Stewart and Cushman and Wakefield as appraisers and moved the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0573 ADOPTED.

50. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – (This was Item 5 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out

of the city on city business. Council Member Keller absent due to being ill. MOTION 2002-0574 ADOPTED.

52. 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** – **(This was Item 36 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBERS VASQUEZ and SEKULA-RODRIGUEZ)** – was presented.

Council Member Tatro moved to postpone Item No. 52 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0575 ADOPTED.

54. 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** – **(This was Item 48 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY, KELLER and ALVARADO)** – was presented. Council Member Ellis voting no, balance voting aye. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0411 ADOPTED.
55. 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** – **(This was Item 49 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0412 ADOPTED.
56. 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** – **(This was Item 57 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. ORDINANCE 2002-0413 ADOPTED.
57. 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** – (**This was Item 58 on Agenda of May 8, 2002, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented.

Council Member Edwards named Mr. Charles Rincher and Mr. Samuel Stewart as appraisers and moved approval of the recommendation, seconded by Council Member Tatro.

Council Member Goldberg stated that he got a chance to look and visit the block and noticed that they were trying to tie up several blocks in a row, that they had already abandoned one similar parallel east west street, namely, Bremond, and now they were in the process of abandoning another street, they were basically limiting the traffic east west and right now there was a liquor warehouse on it and did not know what the intention was and did not know why three blocks were needed for a liquor warehouse, that he would like to suspend the rules to see if there was someone who could come forward that had answers, and Mayor Brown stated that it did not appear to be anyone in the Council Chambers who could do that, and Council Member Goldberg asked if the agenda item was to abandon the street or just to appoint the appraisers and Mayor Brown stated to appoint the appraisers and Council Member Goldberg stated that before they voted on abandoning the street if they could get some information on exactly what kind of project was going in there because they were tying up a lot of the blocks and Mayor Brown stated that they would make sure that would happen, that it would come back to Council for a final vote. Council Member Berry absent.

A vote was called on Item No. 57. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Berry absent. MOTION 2002-0576 ADOPTED.

Items received during the meeting were considered as follows:

22. RESOLUTION authorizing the City of Houston, Texas, to intervene in the request of Reliant Energy Retail Services, LLC for Price to Beat Fuel Factor Adjustment and related matters to be considered by the Public Utility Commission of Texas relating to the Retail Electric Rates of Reliant Energy Retail Services, LLC, and to take other appropriate actions relating to the foregoing subject and proceedings and making certain findings relating thereto – was presented and tagged by Council Member Tatro. Council Member Berry absent. (Note: Council Member Tatro removed his tag later in the meeting.)
- 22a. ORDINANCE approving and authorizing contract between the City of Houston and **WICKLIFF & HALL, P.C.** for Legal Representation of the City in the 2002 petition by Reliant Energy Retail Services, LLC to set Price to Beat Fuel Factor pending before the Public Utility Commission of Texas; providing maximum contract amount - \$150,000.00 - General Fund – was presented and tagged by Council Members Tatro and Goldberg. Council Member Berry absent. (Note: Council Members Tatro and Goldberg removed their tags later in the meeting.)

Council Member Quan asked if they were facing any deadlines because he knew that Reliant was going for a price increase and Wickliff & Hall had represented the City traditionally in the matter and Mr. Hall stated that it was his understanding that there was a hearing on May 21, 2002, that they would just have to struggle and get something done if they did not get representation, that about half of the proposed fee for this procedure was for experts that were needed in that kind of process, that they would do the best they could, and Council Member Quan asked if the monies were reimbursed to the City and Mr. Hall stated yes.

Mayor Brown asked Council Member Tatro if there was a reason he wanted to tag the item or could they answer his question today, and Council Member Tatro stated that he had not had the chance to look at the total package, that they just received the backup this morning, that it also boiled down to a business decision to use outside versus inside counsel and with respect to what Council Member Quan stated he thought they would be reimbursed if they won, and Mayor Brown stated that they would be reimbursed whether they won or not, that there was no gamble on this, that his concern was that they had a responsibility to represent the people of the City and what was happening was that the item came in late, and Council Member Tatro stated that part of his concern was what the process indeed was, and Mr. Hall stated that he could answer most of those questions today and they also had the lawyers that proposed to represent them in Austin, that this was a process that literally required the people to be on the ground, that the proceedings take place in Austin, that under the Public Utility Regulatory Act the utility itself reimburses all jurisdictions who had regulatory responsibility in this process, that it had nothing to do whether they win or not, that because it was contemplated by the State as part of the law that the people of Houston be represented in the process, that City Council had to give the Legal Department permission to intervene and they do it every time, that they never use inside counsel, that what he was trying to explain was that it was very precise and complex and about half of it was for experts who did valuations and all of that kind of business, that they did not have those kind of people on staff, nor could they afford to have them on staff.

After further discussion Council Members Goldberg removed his tag on Item No. 22 and Council Member Tatro removed his tag on Item Numbers 22 and 22a, and Mayor Brown requested the City Secretary to call the items again.

22. RESOLUTION authorizing the City of Houston, Texas, to intervene in the request of Reliant Energy Retail Services, LLC for Price to Beat Fuel Factor Adjustment and related matters to be considered by the Public Utility Commission of Texas relating to the Retail Electric Rates of Reliant Energy Retail Services, LLC, and to take other appropriate actions relating to the foregoing subject and proceedings and making certain findings relating thereto – was again before Council. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. RESOLUTION 2002-0018 ADOPTED.
- 22a. ORDINANCE approving and authorizing contract between the City of Houston and **WICKLIFF & HALL, P.C.** for Legal Representation of the City in the 2002 petition by Reliant Energy Retail Services, LLC to set Price to Beat Fuel Factor pending before the Public Utility Commission of Texas; providing maximum contract amount - \$150,000.00 - General Fund – was again before Council. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0414 ADOPTED.
25. 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 – was presented and tagged by Council Member Galloway and Sekula-Rodriguez. (Note: Council Members Galloway and Sekula-Rodriguez removed their tags later in the meeting.)

Council Member Sekula-Rodriguez stated that she wanted to tag the item because she was concerned about the size of the penalty, that property owners around the City had suffered anywhere from 7% to 10% increase on their appraised value, that she understood, after talking with Mr. Bill King at Linebarger, Goggan and Blair, that most of the people who were delinquent were not homesteaders or home owners, they were other than commercial property owners,

that she was very concerned that this would put an undue burden on people who were over 65 and disabled, that Mr. King explained to her that in the State Statute, 33.06, there was an exception that existed for people who were disabled and over 65, that they could obtain a deferral or an abatement, that what it meant was that the taxes continued to accrue but that the interest rate would only be 8% per year versus 12% per year and that no penalties would apply to the elderly or disabled person, but how many elderly or disabled people knew this, that it was not common knowledge, that her request to Mr. King was that in the contract or language of the ordinance that they state that on any letters that were sent out to anybody who had fallen delinquent in their taxes that they receive notice that they could qualify for the deferral or abatement, that she would like the language of the demand letter to be such that it explained to anybody that they might be qualify for the deferral or abatement and clearly state the opportunity that was there for them.

Council Member Alvarado asked if they delayed Item No. 25 were they in any kind of jeopardy, that she understood that the notices had to out pretty soon and secondly did the Statute 33.06 already do what Council Member Sekula-Rodriguez was talking about, and Mr. Hall stated that the answer to her second question was absolutely, that it was not necessary but they agreed to try to put it into their contract, that he thought what her intent was to give them some extra notice of that, that to answer her first question, they could delay it for a week, but Council Member Sekula-Rodriguez was probably not aware that it would cost them an awful lot of money because they did not control the time that the initial tax letters were actually sent out by the Tax Assessor Collector and if they were going to use an outside firm, which was the only way they would get the added collection fee they had to tell them in the letter, which meant that if it did not go out with the letter then they would have to pay him to send a separate letter.

After a further lengthy discussion by Council Members, Council Member Ellis stated that he had just talked to Mr. Paul Bettencourt because he wanted to ask them if they sent notification for individuals and the remedies that they take and they said they did not but thought it was a good idea and were going to look into taking those steps, that if the individual was over 65 or disabled they were going to take a look into sending them an explanation of the remedies they could take, and Council Member Sekula-Rodriguez stated that if she had that commitment then she would remove her tag.

Council Member Galloway stated that she had tagged the item because looking over the land assemblage listing she a meeting last month with the Weed and Seed Program and many people in the Fifth Ward Community came to the meeting because they had received eviction notices because some of the same locations were where they had a slum landlord and the houses were approximately 75 or 80 years old and they were being evicted out of the homes because of the delinquent taxes, that was her concern, that most of those houses were rental properties, and Mayor Brown stated that they were committed, as was Council Member Galloway, to work with them on that, and Council Member Galloway stated that she would release her tag.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0415 ADOPTED.

25a. 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 – was presented. All voting aye. Nays none. Council Member Weisman and

Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0416 ADOPTED.

24. ORDINANCE approving and authorizing contract between the City of Houston and the **FRIENDS OF HERMANN PARK** for the Operation of Pedal Boat Concession and other Concessions in Hermann Park - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0417 ADOPTED.
- 24a. ORDINANCE amending **CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Park Food Vendors; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer; containing a savings clause – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0418 ADOPTED.

Council Member Robinson stated that he wanted to thank the friends of Herman Park and Joann Wigginton in the Legal Department for working with him and Roksan Okan-Vick for working with the subcontractor vendors and looked forward to working with them on the project.

32. ORDINANCE awarding contract to **SYED & SONS, INC dba A+ TRANSMISSION SPECIALIST** for Automatic Transmission Repair Services for Various Departments; providing maximum contract amount - 3 Years with two one-year options - \$2,827,500.00 - General Fund – was presented. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. ORDINANCE 2002-0419 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that he wanted to acknowledge a class of students from Saint Vincent De Paul Elementary school who were present with their teacher Ms. Diana O'Neal and were present to take a tour of City Hall and learn about politics, and Mayor Brown stated that he wanted to welcome them to City Hall and hoped that as they get a good education that they consider public service as part of their careers.

Council Member Goldberg stated that Pershing Middle School Girls Soccer Team took this year's title and every title since they had played competition, that they won every City title and just recently last week had a 3 to 2 victory over rival Lanier Middle School, that the Pershing Middle School Soccer Team had never lost a regular or post season game since its inception.

Council Member Goldberg stated that the other item he had was concerning the story about the Texaco Grand Prix and understood that they were not going to have it this year or possibly next year and from all reports that it was in doubt whether it was coming back at all, that he knew they had a lot of capital expenditures with the George R. Brown and the streets and asked if someone from the Legal Department or the Convention and Entertainment Department could back with him on two issues, one were they able to get out of the agreement and two what exactly was the cost of the capital expenditures that they made directly for the Texaco Grand Prix and would they be able to recoup that from them.

Council Member Ellis stated that with regard to the appeal that they granted today and Council Member Goldberg amendments to Section 28-34 and Section 8-30 he stated to Mayor Brown that he would request that they take a look at it and bring it back as an agenda item in the

next couple of weeks so they could have some discussion because it seemed that there was a consensus from everyone around the table that they were in agreement with the amendments and that they needed to take care of the ordinance, that he thought there was a consensus that they did not need to send it to a committee meeting.

Council Member Robinson stated that they had a number of ordinances that had property line questions and so he would hate to put them in a position where they had one statute with one definition and other ordinances with other definitions, that would be the only question, and Council Member Ellis stated that they had different measurement requirements for different businesses, that this amendment's intention was to measure it from the affected area or the area that was being used for business, and Mayor Brown stated that he would have it brought back before Council and ask the Legal Department to look at any legal ramifications of what they were doing and advise them accordingly.

Council Member Robinson stated that over the weekend he tried to reach 311 on his Sprint line and kept getting a recording message that they did not recognize and could not connect to 311, that it troubled him and he just wanted to bring that to the attention of the administration, and Mayor Brown stated that he would have them look at it. Council Member Galloway absent.

Council Member Robinson stated that on Sunday he tried to call into the office to check his voice mail and could not connect, and Mayor Brown stated that they were working on it and doing maintenance over the weekend. Council Member Galloway absent.

Council Member Robinson stated that he wanted to extend an invitation to all of the civilian employees, that on Saturday he would be hosting a meeting at Texas Southern University Law School to talk about some of the information that had been provided to Council Members relative to the pay raise and health care options that were going to be discussed as they moved forward on the budget, that he wanted to make sure that at least he would hear from them and have some point of view and share with them some thoughts he had on that issue. Council Member Galloway absent.

Council Member Robinson stated that he wanted to thank Mr. Vanden Bosch, Director of the Public Works Department, that he had been working on pulling together some information and part of it he started sharing with the Council Member at the last Fiscal Affairs on the drainage issue, that he thought there was a lot of discussion about a drainage fee or his view of dedicated property tax, that he was hoping they could get some more clarity and focus on what they wanted to spend that money on. Council Member Galloway absent.

Council Member Edwards stated that she wanted to remind people that the Houston Comets would start their season tonight with a preseason game. Council Member Galloway absent.

Council Member Edwards stated that she wanted to congratulate the Parks Department and the Friends of Herman Park and the vendors for coming together and making the venture that they were starting with Herman Park a good thing. Council Member Galloway absent.

Mayor Brown and the Council Members wished Council Member Tatro a Happy Birthday. Council Member Galloway absent.

Council Member Tatro introduced his parents and asked that they stand and be recognized, and Mayor Brown stated that on behalf of the entire City Council welcomed them to the City. Council Member Galloway absent.

Council Member Quan stated that he wanted to acknowledge the Mayor's commitment to the citizens and the public housing, that they would be having a public housing resident townhall meeting at the University of Houston Downtown Campus at the Cullen Auditorium and invited all Council Members, that as many of them knew there complaints brought by residents of HACH that they were not being responsive and not maintaining the facilities, that there was a long waiting list to get into public housing, that this was an opportunity for them to come forward and see what they could do, that Mr. Etok and Mr. Calloway and other members of the Housing Authority would be present as they begin to understand how they could do a better job with their public housing individuals. Council Member Galloway absent.

Council Member Quan stated that tomorrow evening they would be having the consolidated plan discussion for the Housing Community and Development Department, that they had a five year plan and every year they upgraded that plan, that tomorrow evening they had the opportunity to provide input as to how HUD funds, home funds and other federal funds should be applied in the Houston area. Council Member Galloway absent.

Council Member Quan stated that tomorrow they would begin their Senior Fishing Tournament at Lake McGovern at Herman Park at 9:00 a.m. and anybody over 60 years of age who was interested in going to the fishing tournament was welcome to attend. Council Member Galloway absent.

Council Member Tatro stated that today was Mr. Bud Taylor and his wife's 48th wedding anniversary.

Council Member Sekula-Rodriguez stated that she wanted to thank Council Member Robinson for bringing up something that had been bugging her for a while and that was that 311 did not work on her cell phone as well, that she called Sprint and they said over and over that it did not function, that they asked if she was driving a Lincoln Navigator and said that was the only 311 system they had in the whole United States, that they needed to get it worked out because obviously people on cell phones need to have access to 311, and Mayor Brown stated that they would find out what the problem was, and Council Member Sekula-Rodriguez stated that she wanted to ask the Mayor to have the operators educated about social services that the City supported so people would not have to call 911 because right now the 911 system was taking those calls, and Mayor Brown stated that they could do that, that the United Way had a referral office that they could just make sure that the 311 people would have access to and make the referral. Council Member Galloway absent.

Council Member Sekula-Rodriguez stated that she had brought up the stinky bayou last week, that she was underwhelmed with the quality of air at Allen's Landing, that she consulted with Jeff Taylor, Public Works Department and also with Mike Garver, that initially she had gotten one answer to what the problem was but it turned out it was not the right answer so they came out a couple of days later and it turned out it was not the water, that there was a 84 inch sewage pipe which went right under Allen's Landing and dipped down and came out the other side and in order for that thing to operate it had to be vented, that the vent was a fairly substantial pipe that went up to the Fannin Street bridge and was suspended from the bottom of the bridge and provided a way for the air to be vented, that in Allison that pipe was dislodged and had been missing since Allison, that no one had realized it, that she would like to ask the administration to ask Mr. Vanden Bosch to allocate some money to fix that pipe, and Mayor Brown stated that they would work on it right away. Council Members Galloway and Robinson absent.

Council Member Sekula-Rodriguez stated that every year young athletes drop dead on the basketball court or football field and people did not know why, that what they could do about it was to acknowledge the fact that it was a situation that was hard to prevent, that it was called

sudden death in athletes and was usually from some sort of arrhythmia that these young people had a tendency towards but did not catch it on their physical examination, that what the City had done was in the year 2000, Dr. Persse and Mayor Brown had decided to put automated external defibrillators in every publicly owned building that the City owned, that what they did not do was put external defibrillators in high schools or colleges and what the City could do was support that legislatively, that it would cost about \$5 million to do it on a statewide basis, that she would like to ask Council Member Alvarado to work with her on it and to support it. Council Member Galloway absent.

Council Member Parker stated as a follow up to the Grand Prix and the costs associated with it, it was her understanding and probably two years ago that the administration was working on a comprehensive festival ordinance to specify which events or festivals the City would actually co sponsor, what the policy would be, what cost would be reimbursable by the festival and which ones they would underwrite, that when they look at costs for festivals they look at the cost for police officers or when they require that the Fire Department be there, but also a lot of times Public Works folks or Solid Waste folks were out there and a lot of those costs did not get charged back so they needed an overall policy, that she wanted to know what happened to the comprehensive festival ordinance, and Mayor Brown stated that he had assigned Mr. Haines to work on it and would get a report back on it. Council Members Galloway and Ellis absent.

Council Member Parker stated that yesterday she went out to the Sam Houston Statue in Herman Park with the 5th grade class from Bunker Hill Elementary School in the Spring Branch School District, that she had done it every year she had been on Council, that the graduating class, the 5th graders each year, decided to contribute to the maintenance of the Sam Houston Statue, that there was a national program called "Save Our Outdoor Sculptures" and they encouraged individuals and groups to get involved in maintaining public art, that the students decided that the Sam Houston Statue as an emblem of the City was worthy of saving and they did a major overhaul of the statue a few years ago and they decided they wanted to contribute annually to it and went out and got a corporate match from Exxon Mobile, three to one, and they were closing in on \$25,000 in their five year project to do this, but in addition to contributing to the City and to the public art maintenance it also gave the students a great opportunity to plan and execute a fund raising and marketing strategy. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that on Saturday was Council Member Parker's birthday and today was also Mr. Tollett's 50th birthday. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that this week they opened up Fire Station 18 and wanted to thank Mayor Brown for coming out and wanted to thank Building Services and the Fire Department for working diligently to make it happen.

Council Member Alvarado stated that she wanted to say her office had been working with the administration and wanted to urge them to continue working to bring up the Valet Ordinance, that she knew that Council Member Parker had talked about the long term Valet Ordinance but she was proposing a short term fix to some of the downtown problems, that what was happening was that the valet people were taking people's cars and parking them on City right-of-way on public meters and it was creating a monopoly and forcing people to have to valet, that it would only apply to the Central Business District and would have a sunset clause in it that it would terminate in 18 months and also impose a \$500 fine on those valet companies that were in violation. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that this Friday was "Bike to Work Day" and encouraged her colleagues to join her and Council Member Berry and possibly some others, that they were meeting at Rice University at 8:00 a.m. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that they would have a health fair in her district that was sponsored by Senator Rodney Ellis and herself on Saturday, May 18, 2002, 10:00 a.m. to 2:00 p.m. and would be at the Third Ward Multi Service Center, that they would have free screenings, for high blood pressure, glucose, cholesterol and depression. Council Member Galloway absent.

Council Member Alvarado stated that she wanted to call their attention to an article that she passed out that was in the Washington Post yesterday, that it was called "The City That Always Eats" and they were talking again about Houston being the fattest city in America. Council Member Galloway absent.

Council Member Parker stated that she was in support of Council Member Alvarado interim valet parking ordinance and would hope that the administration would continue to work on a comprehensive ordinance but also applied to the entire City and not just the Central Business District. Council Member Galloway absent.

Council Member Berry stated that he wanted to thank Mr. Vanden Bosch and the Public Works Department, that as they knew they had taken up the pot hole question in his office and everybody in the office had been working on it, that they had opened up their offices to them and had been very helpbul. Council Member Galloway absent.

Council Member Berry stated that he wanted to commend HPD Officer Rachel Shannon, who was on the Mayor's security detail, who graduated from college on Saturday. Council Member Galloway absent.

Council Member Berry stated that he wanted to thank Mr. Marcus Davis who provided the City Council breakfast this morning, that the Breakfast Klub was located at Travis and West Alabama, that it was a new business and they were doing very well.

Council Member Goldberg stated that on Item No. 24 he wanted to commend Roksan Okan-Vick for working on it and Rick Dewees and Brian Hill, Parks and Recreation Department. Council Member Galloway absent.

There being no further business before Council, the City Council adjourned at 10:47 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Weisman and Vasquez out of the city on city business. Council Member Keller absent due to being ill. Council Member Galloway absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary