

City Council Chamber, City Hall, Tuesday, June 25, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 25, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:08 p.m. Mayor Brown stated they had a couple of presentations and the first would be Council Member Tatro. Council Members Galloway, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent.

Council Member Tatro stated that back for their second annual performance were the group from the Spring Branch area, Kids Who Care, that they would be doing a performance for the Council, that their mission was to make people aware of every single person, no matter how young, could make a difference in this world, that they were proud to be Americans and wanted to show their patriotism by raising money to help man of the victims of the attack against America, that the children depicted on their T-shirts represented kids of every race, sex and religion and served as a reminder to everyone that they were one Nation united in their love for their Country, and invited Ms. Ann Navarro to the podium. Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Navarro state that she represented Kid Hope which was a three week camp presented by Kids Who Care and they were very privileged to be out in District A in the Spring Branch and Cy Fair areas at Westchester Academy this year, that they were presenting a show called Deep In The Heart, which would be presented this coming Friday at 7:00 p.m. at Westchester Academy, that they were excited to have children from all over that area in District A and their biggest excitement came from their future in Houston, they were getting ready to start producing shows at the Zilka Hall, across the street, they will be bringing Annie and some other future programs to start using that gorgeous space and invited the children to sign their song for the Mayor and City Council.

Council Member Robinson stated that he wanted to introduce the Forest Brook High School Baseball Team who made it all the way to the Semi Finals of the 4A Championship and were present with their coach, Michael Robertson and invited them to the podium and stated that this was the first time in 15 years that they made it to the playoffs, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed Tuesday, June 25 as Forest Brook High School Jaguar Baseball Team Day in Houston, Texas and Coach Robertson introduced the members of the baseball team. Council Member Berry absent.

Coach Robertson stated that all of the team was not present but introduced the members that were present.

At 2:23 Mayor Brown called to order the meeting of the City Council and Council Member Goldberg invited Rabbi Brian Strauss, Beth Yeshurun, to lead everyone in prayer and Council Member Goldberg led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll.

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

Council Member Wiseman moved to suspend the rules to hear Mr. Dell York out of order and Mr. Norm Nolasco out of order after Mr. Rick Lowe and Mr. Alex McVey out of order and to group all of those speaking on the zoo together and would move Mr. Bill Barnett after Ms. Sally

Cox, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0774 ADOPTED.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) appeared and stated that he was present regarding the sewage treatment plants, that he had been talking to ECCO Resources, that they gave a bid to Texas City to take over the operation from that City of their treatment plant at a savings of \$300,000 per year, and that was just for one plant, and Houston had 39 plants, that the bureaucracy usually did not do as good a job as private enterprise, that he was real familiar with the Houston plants and thought that there could be some savings per plant; that he always heard on the news that they were out of money and could not fix the streets and that City services were lacking, that just the natural gas bill for the 69th Street Plant, the fast dry, the sludge, was \$300 per ton, that was \$6 million per year, that he promised them it could be composted for about \$25 per ton, that there were better ways of doing it, that he realized that dealing with their waste was not an exciting issue like building a big football stadium, but still it was something that happens and had to run and there was a lot of cost of doing it, so he just wished that they might consider looking at privatizing the treatment plant; that the next issue, one that he was really close to, he was getting in the wood recycling business to take wood waste and then grind it and then make compost and mulch out of it and the City trucks that went around once a month to pick up the heavy trash usually combine it, they will pick up a heavy load of wood waste and then a washing machine or two and then it all goes to the landfill, that was really wrong, and if the City would give them an opportunity they would not only put some of the people to work that were living under bridges now, but at the same time they would take the wood, bring it to a recycling yard and have it either made into compost or mulch. Council Members Galloway and Robinson absent.

Council Member Goldberg stated that he had visited the 69th Street Sewer Treatment Plant and they did take the sludge and pelletize it and sell it as fertilizer, and Mr. York stated that it went to the landfill, that the only time they could sell it was just in the Spring, that they pay extra to put it in the landfill, that they do sell some of it to Florida during the growth season, the Spring, but it comes every month and goes into the landfill at a very high cost, that it was a very expensive plant to operate, that he would love to see the dollars it costs to operate the plant, that he just knew the gas bill. Council Members Galloway, Alvarado and Robinson absent.

Mayor Brown stated that Mr. Gary Norman would meet with him and pursue his idea in more detail, that they already did a couple of things that he was talking about and if there was a better way of doing things they were certainly willing to listen to them. Council Members Galloway, Alvarado and Robinson absent.

Mrs. Hannah Bailey, P. O. Box 273401, Houston, Texas 77277 (713-284-1912) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Alvarado and Robinson absent.

Mrs. Sally Cox, 4030 Swarthmore, Houston, Texas 77005 (713-666-5037) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Alvarado and Robinson absent.

Mr. Bill Barnett, 3000 One Shell Plaza, Houston, Texas 77002 (713-229-1337) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Alvarado and Robinson absent.

Mr. Rick Lowe, 2521 Holman, Houston, Texas 77004 (713-526-7662) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Alvarado and Robinson absent.

Mr. Norman Nolasco, 3121 Buffalo Speedway, No. 3405, Houston, Texas 77098 (713-859-8886) appeared and presented a handout to the City Council which he reviewed and voiced his

personal opinion of the SimDesk, Sim Houston Project until his time expired. Council Member Vasquez absent.

Upon questions by Council Member Tatro, Mr. Nolasco stated that a cursory search for software companies in Houston and a cursory search for example SimDesk proposal on the Internet, a very quick search and very easy to do was never done, otherwise other Houston companies would have been contacted for this project and they essentially, in his opinion, not have had to pay \$9.5 million for the project, but something closer to \$1 million to \$2 million, that for several years he actually worked for Compaq Computer Company reviewing RFP's and this was a first. Council Member Vasquez absent.

Mr. Alex McVey, 2210 Bissonnet, Houston, Texas 77005 (713-523-1555) appeared and stated that he had been playing soccer in and around Houston for 8 years and began at the YMCA League at age 4 and had progressed to Division I, the highest competitive league for soccer in Texas, that recently he had been selected to a national team to represent the United States of America in the Youth World Cup Soccer Competition, in Guttenberg, Sweden, that 68 countries would be represented in Sweden and the opening ceremonies would be before 45,000 people on international television, that because he was the youngest player on the team he knew that he would not be able to carry the flag of the United States, that he was proud to be a Texan and if he was permitted he intended to carry the flag of Texas but he would also wanted to show the whole world that he was not only a Texan but also Houston proud and with their permission he would also like to carry a flag of the City of Houston in the opening ceremonies, that over the years the City of Houston had helped him to develop his soccer skills and this was his small way of repaying Houston. Council Members Tatro and Vasquez absent.

Mayor Brown stated that he wanted to congratulate Mr. McVey and that they were very proud of him and that they would make sure he would get a flag of Houston to carry with him and it would be their honor to supply one for him. Council Members Tatro and Vasquez absent.

Mr. John Lydick, 2925 Briarpark #660, Houston, Texas 77042 appeared and stated that he was a resident of the Nottingham Forest neighborhood in west Houston, that they were going to hear several people from the neighborhood talk about a flood control program that had been discussed in their neighborhood for a number of years, that he was not going to talk about the technical side he just wanted to let them know how long it had been going on in their neighborhood because he did not want them to get the impression that it had been modified in any great extent and did not want them to get the impression, after listening to a lot of other folks, that it was a new program that no one ever had an opportunity to hear about or talk about, that he was on the Nottingham Forest Civic Association Board for two years and his term expired in May, that at every single monthly meeting they had an open forum that neighbors could come to and ask questions about what was going on and in every single quarterly newsletter from August of 1999 until now they had a summary regarding the flood control program and they emphasized the fact that it was a good time for people to come to the board meetings and discuss the program and provide their input, that Council Member Keller had a townhall meeting where they discussed not only their neighborhood, but the master plan for the flood control program and then each neighborhood had a breakout session where the neighbors could go and talk one on one with some engineers specifically about the program and how it would impact their neighborhood, that as a follow up to that Nottingham Forest Civic Association had a meeting on November 9, 2000, attended by about 70 neighbors, where they had engineers and all of the board members and they all discussed in an open forum how the program would be laid out, who it would impact, how it would impact them and they had another opportunity for comments, questions and concerns all to be addressed, that the Nottingham Forest Civic Association unanimously approved implementing the plan and they thought it was very important for their neighborhood and very important for their property values and they encouraged them to please approve their drainage plan. Council Members Tatro and Vasquez absent.

Mayor Brown stated that they had been provided with some information and it was for the

benefit of all the speakers on the subject, and read that the project had been reviewed and approved by the designing contract engineer, Harris County, Harris County Flood Control District, the Army Corps of Engineers and the City of Houston engineer and all had found that the project would not have an adverse effect on the watershed in the neighborhood, that the scope of the project was reduced to save money by not replacing areas of drainage system that were working properly and were in good condition, that there had been six meetings held in the community to inform the citizens, two had been with the homeowners association, two with the board of directors of the local civic club, one general meeting attended by approximately 75 citizens and one general meeting held last week attended by approximately 12 individuals and in conclusion Public Works and Engineering Department indicated they were happy to participate in any additional meetings to address the concerns of the citizens in that area, that he wanted to have everyone who was present to speak on the subject to know what information the City Council had as they made their presentation. Council Member Vasquez absent.

Ms. Debbie Green, 403 Hickory Post, Houston, Texas 77079 (281-496-9690) appeared and stated that she was present to request an additional meeting, that she lived in Nottingham Forest and they had flood problems and needed it corrected, that her west property line was on a ravine, and what they needed to know what impact would the new drainage system be on the creek and ravine, that they had not gotten a consistent answer, they had never been flooded and knew they did not want their neighbors to flood anymore, that they wanted the flood water to leave their neighborhood completely, they did not want it shifted from one area to a new area, because every home that she had highlighted in yellow, on a chart that she displayed, could potentially be flooded if the new detention pond backed up and had to go down the natural creek, they just wanted to make sure everything had been surveyed and would like to have another meeting with everyone because they had not had, for what ever reason, they felt they had not gotten all the answers at the same time, so again she would like to request another meeting for all of Nottingham Forest, not just the Nottingham Forest Civic Association, but the entire neighborhood with all of the appropriate engineers and Council Member Keller to answer any questions and put any doubts they may have at ease. Council Member Vasquez absent.

Mayor Brown stated they would be happy to make sure that all of the relevant people would show up at a meeting and answer all of their questions. Council Member Vasquez absent.

Council Member Ellis stated that Ms. Green had stated that they had some inconsistent responses and asked who were the responses from, and Ms. Green stated that she had not talked to anyone, what had happened was that she had not known the new change from the \$20 million project to the \$8 million project where the water would be going to the detention pond on the Nottingham Forest Club property, that they had a board meeting for the Nottingham Forest Club on Sunday night and she thought everybody was going to different people and getting different answers, that she thought they would like one last chance for the entire neighborhood to know, and Council Member Ellis stated that the Mayor had stated that he would be more than willing to send out their engineers and so forth to have another meeting and it sounded like, from the letter he read, that it was pretty consistent from the Corps of Engineers, to the Harris County Flood Control, to Harris County and to the City of Houston all of those engineers concurred that this project could move forward and would not be a threat, and asked Mayor Brown if they could provide all of the individuals with a copy of the letter he received, and Mayor Brown stated that all of the appropriate people would show up at the meeting. Council Members Galloway, Vasquez and Berry absent.

Council Member Keller stated that Buddy Barnes, ex Public Works Director, was the construction manager of the project and he was extremely on the ball and detailed oriented and Carter Burgess, who he was with, was unbelievable, that Art Storey, who he thought was the most note worthy flood expert in this part of the State lived in her neighborhood and he had approved the project, that not only had he approved it by the County and the Corps of Engineers had approved it, that he did not want to hold the project up and they would hold additional meetings with those people. Council Members Galloway, Vasquez, Berry and Robinson

absent.

Mr. Fred W. Kelly, Jr., 14434 Twisted Oak Ln., Houston, Texas (281-496-7654) appeared and stated that he was a resident of the Nottingham Forest subdivision and was present to support the Nottingham Forest Storm Sewer Project to be build in their neighborhood, that he as a retired petroleum geologist and had a degree in Geological Engineering and had studied the flooding, faulting and subsidence in their neighborhood for the past 23 years, that he was Director of Flood Control on the Nottingham Forest Civic Association for several years and was instrumental in pointing out that the Long Point Fault movement was what had caused a lot of the flooding in their neighborhood, that much work and thinking had gone into the design of the system and they had several meetings as they heard, that he personally had no doubt that the system was necessary to alleviate the flooding caused by the fault and other factors in their neighborhood and had no doubt it would perform as designed and had not doubt that the proposed outfall of flood water from the new system would not cause increased risk of flooding for anyone in their neighborhood, that all the water from the outfall of the new system would empty into a creek, he preferred to call it a creek rather than a ravine, and it would flow into Buffalo Bayou through a conduit that was eight feet in diameter, that he could stand on the pipe and have the top of it two feet over his head and he felt that the conduit would handle anything that the system could put out, so on that basis he did not think it increased the risk of flooding for anyone and he highly recommend that the work go ahead as designed. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Mr. David Nommensen, 14507 Oak Bend, Houston, Texas 77079 (281-558-9145) appeared and stated that he lived in the Ashford Forest Subdivision, adjacent to Nottingham Forest subdivision and they had flooding issues localized in these subdivisions for the seventeen years he had been there, that some of them such that a two hour rainstorm would cause all of the cars parked in the street to get flood waters above the door jams and into the cars and into the homes, that they had pushed for this with the civic associations and with the City and County agencies and just as Mr. Kelly had stated, they had worked a great deal with them and had many neighbors that had worked towards this for hours on end and would again like to see this plan go forward, and if there was some confusion as to how these issues could be remedied he thought those meetings needed to be held with the proper engineers and so forth that could give them more confidence, but they were not the engineers and the engineers had made the plan and it sounded like it had been fully approved, that again they did not want to see the plan delayed or put off on the budget or canceled for until period and have them go through this again. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Ms. Arline Milentz, 14202 Carolcrest, Houston, Texas 77079 (281-497-1545) appeared and stated that she was a homeowner in Nottingham Forest since 1965 and went through two floods, 1992 and 1999 and now they were at a point where they could do something about it, that she wondered if they would like to come to her house when she was flooded to see what she went through, that she was just a housewife but she cared for her house as much as anyone else. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Ms. Marge Lapham, 302 Hickory Post, Houston, Texas 77079 (281-497-2005) appeared and stated that she was so sorry that a lot of her neighbors were flooding, that tomorrow the City Council would be voting on an issue that perhaps would impact their homes, that they had been meeting for a while on the flood project, that they were told originally that the waters in their subdivision, which by the way was 640 members so they did have a large constituency, that they had a large group and they were told that the flood waters would go directly out of their subdivision and into the bayou where no one would be impacted, that on May 23, 2002 evidently this had changed, the City gave the project manager a new set of plans and this was going to impact their homes, that what happened was that it went from a \$20 million project to an \$8 million project and their homes, that never flooded, she had been there for 26 years, unfortunately they were afraid that with the compromise plan that was now in place, and they kept saying that they knew about it, they did not know about it until last Wednesday, so they

were trying desperately to let them know that the homeowners in that 640 member community were not fully supportive of the project and there would probably be as many people affected negatively if the project went through because their homes were very likely to flood, no matter what all of those people were telling them, they had never had anyone sit down and tell them and let them answer questions, that they wanted a meeting with Council Member Keller, the City engineers, the project manager, who by the way this morning Mr. Gary Norman told her the project manager was Mr. Leonard Washington and yet they were telling her it was another man, this was the part of the problem and the confusion they had, they did not know who to call and were not getting answers and were hitting brick walls, would their homes be negatively affected by the rainfall coming from that creek, if they saw how quickly that creek filled up and they saw the lovely homes on that creek and their homes had never flooded, but what they saw happening was that the water was being taken from another group, which they did want to have them have relief, but it was coming into their homes and unfortunately they thought that was what was going to happen, so they respectfully requested that they give them a little bit more time where they could sit down with their people and just have a question to answer with the rest of the community, that they went out last night and in two hours they talked to around 50 people who signed a petition, that they had about 30 some homes that were impacted that they talked to and they were all wanting more questions because their homes could be affected, so they asked that they postpone it so they could get correct and more answers about the project. Council Members Galloway, Alvarado and Berry absent.

Council Member Keller stated that they hire construction companies in the business to help the City and Carter Burgess had been hired as the construction manager for the project, with Buddy Barnes being the ex Public Works Director, and with the City of Houston they had Deputy Directors and had people in Public Works that were storm drainage and street and bridge and Leonard Washington oversees their region of the City for storm drainage and he would be there too, that he did not support delaying the project, they had a fault that basically ran from Kirkwood to Twisted Oak and that was active fault and they had flood plain below it and it was at a diagonal, that what they had currently was not working and they had not changed the project on May 23, 2002, that she was talking about with the \$20 million project was something that Turner, Collie and Braden did for a citywide project and it was a wish list, that if they could redo all of the infrastructure in the City of Houston it would be a \$2 billion project and that was their portion of her neighborhood, if it was going to be done that way, that this project was keeping what was working and fixing what was not working, that if they did not do the project 50 homes that flooded and had structural flood damage would increase, the sheet flow that was coming through this system right now, that was flowing from the west and north down through the fault line to the flood plain was hitting the bayou faster and that was why they had some of that, this system collects it on both sides and holds it and it comes with a PSI of pressure, that was why she thought it was going to increase it but it was not, that the problem was that the current system they had was not catching the water that hit the streets, and Ms. Laphan stated that the City engineers were telling her that they were bringing in water into Nottingham Forest that was never there before from Rancho Bauer and Ashford Forest and that was going to collect and make more water which would raise the level and it was coming harder and faster as far as the new pipes were concerned, that she wanted to thank Council Member Keller who had done a wonderful job of putting the project together, but unfortunately there were a lot of homeowners, including a lot of people present, who were concerned that it was a compromise and they were going to help one group but unfortunately the same amount of people were going to be hindered or even more, that it had been explained to her but the City people never explained it to the community, that they had 640 people who might be affected and they needed a meeting before they approved it. Council Members Galloway, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Tatro, Ms. Laphan stated that they had not really sat down and talked with those people, they needed a hydrologist or someone besides a petroleum engineer that had been hired as a consultant to do this. Council Members Galloway, Alvarado, Berry and Robinson absent.

Mr. Ron Durant, 411 Hickory Post, Houston, Texas 77079 appeared and stated that he lived in Nottingham Forest and read the following prepared statement that had been endorsed by residents of 31 homes that they obtained since last night:
Subject: Nottingham Forest Sewer Improvement Project

It is requested that the City Council provide more time for consideration of this project.

- The engineer hired by the city (Eppi Salazar) had originally requested \$20 million for a project that would have piped the Nottingham Forest overflow rainwater into the Buffalo Bayou. This project would have benefited all Nottingham Forest residents.
- Economics required the current \$8 million project that will pipe the Nottingham Forest overflow rainwater into a retaining ditch located on Nottingham Forest Club property.
- There has been no attempt to communicate whether a study has been done or reviewed to determine if the Nottingham Forest Club ditch capacity is sufficient to handle the additional overflow.
- The current project has the potential of shifting the probability of flooding from one area of Nottingham Forest to another. Nottingham Forest residents near the Club area and bordering the bayous adjacent to the retaining ditch are concerned that any backup of overflow rainwater could cause flooding in areas with no history of home flooding.
- Most of these concerned Nottingham Forest residents have only been made aware of this project within the last week and then only by word of mouth. No one is against adequate flood control, but time is needed to obtain independent engineering review that would allay these concerns.

Council Member Ellis asked if these CIP projects were slated for Fiscal Year 2002 and if they did not pass this did they have to rebudget these project, if not he would be opposed to delaying it so they could get their response from Harris County Flood District, the Corps of Engineers, the City of Houston and they could show him the studies they say they had done in the memo, that he was concerned if District G would lose their funding for this project, and Mayor Brown stated that the answer was no, that it was taggable, that the funding would still be there for the same project. Council Members Galloway, Alvarado, Berry and Robinson absent.

Council Member Keller stated that he had looked at the project and would continue to have meetings and there was no reason to delay the project, that he had it explained to him for many hours.

Mr. Tom Marrow, 315 Kickerillo, Houston, Texas 77079 (713-203-6566) appeared and stated that he wanted to read something that he sent to Mr. Salazar, Mr. Mike Howard in Council Member Keller office, Mr. Horise Jaju, Chief Engineer in the City, that Mr. Salazar was the engineer who designed their project, "Mr. Salazar thank you for your time earlier today, I was very impressed and appreciative of your courtesy and your interest in explaining the project to me today, as I told you during our telephone conversation we were very interested in seeing the project go forward as I understand it, it would benefit many of my friends and neighbors here in Nottingham Forest who have had a problem with frequent flooding, when completed it should enhance their property values and therefore everyone else's, as I also mentioned to you during our conversation I am interested in the calculations to determine the net impact of the project of the storm water elevations in the creek to the south of Kirkerillo Drive, the impact of those elevations could greatly impact my situation and my neighbors who also back to the creek, we look forward to the result of your search you volunteered to see if those calculations have already been performed, please notify me if you do or do not find them and please let me know when we might expect them with your conclusions, I am hopeful that the project as designed will not be detrimental to those of us along the creek but maybe that they might even be beneficial, many times in the last few years the creed has come up within a few feet of my slab, within inches and even inside some of my immediate neighbors homes during heavy rains, as you know the

impact of even a couple of inches could be catastrophic in this situation during a five or ten year event, per your recommendation I also spoke to Mr. Howard in Mr. Keller's office, I expressed my appreciation and concern to Mr. Howard and he assured me that you were either already authorized or would be authorized to do these calculations and share the results with us, I believe he said he would contact Mr. Jaju to insure that you had his authorization as well and notify him of our concerns, I left word with Mr. Jaju to contact me as well, I understand that he is currently out of the office and that was for a couple of days, I understand that others in the neighborhood have requested the ability to review the completed plans and meet with engineers to discuss these issues and we would like the same, I would very much appreciate the opportunity to have the information requested above and calculations with your conclusions, it would be appreciated if we could get them with a little time to review them prior to the meeting if one could be arranged", that they had received a few calculations from Mr. Salazar and they were based on a two year rain and a two year rain did not usually fill up the creek in the back, a four or five year rain filled it up and that 8 foot diameter pipe that was mentioned earlier stopped conveying water, it backs right up or slows down to a trickle to the point where it gets within a few feet of his house and a few inches of other people and into some peoples houses, that they asked if a hydrologist report had been done for the creek and none had been done at that point, calculations had been done upstream and thankfully it looked like some other people's problems were going to be solved that should have been maybe solved a long time ago, that in the process they did not want to have a problem, that all they needed was a letter from an engineer that would tell them not just for a two year storm, but maybe a ten or twenty year storm, which they had and did not flood most of their homes, that this project would not adversely impact the water level in those creeks, that no hydrologist study or report had been done back there on those creeks to date, they wanted to see the project go forth, they would like no delay, he asked for this almost three weeks ago. Council Members Galloway, Alvarado, Berry and Robinson absent.

Mayor Brown stated that the Public Works Department had hired an independent hydrologist to exam it and he said that the cumulative effects of the project would not be harmful to the watersheds in the area. Council Members Galloway, Alvarado, Berry and Robinson absent.

Mr. John Davidson, 415 Kickerillo, Houston, Texas 77079 (281-584-0504) appeared and stated that the ravine or the creek which everyone had been referring to was basically in his backyard, that they had lived in the neighborhood for ten years, in fact the day they were to close on the house was the day they had the big flood in 1992 and they did not close, the house was 35 years old and it had never flooded, that he was trying to get comfort that the solution would not transfer problems from one area down to another, so he was really asking that they postpone, get the information in hand, that they raised some very good points that there was a lot of data that had been out there, there was no doubt about that, that the first time he had seen the data was last Sunday when Mike Howard came and presented it along with the ad hoc flood control member, that they were adamant about some of the data points, specifically the fact that a deed existed and a easement existed, one day later they were able to prove that they were misinformed on that, that was not the case, the next meeting on Wednesday they came and were adamant that the driveways had to be 27 feet wide and a few phone calls by people in the neighborhood proved that was not the case, so those two data points, the only two that they had looked at made him question all the data that had been presented to date, that he was a geologist by training and had 25 years in the oil industry and 12 of those had been spent building 3D simulation models and he knew two things from that experience, based on the quality of the data that they put in those models and the assumptions around the data he could get a model to produce any results he wanted, that he talked to the engineering firm and their conclusion was, that the creek right behind their house, was a straight through conduit right out to the bayou, there were no pinch points, it would not back up, that he could guarantee them, they saw it every single day, at least two times a year that creek would go from 3 inches of water to 17 feet deep in water with a very short rainfall, there were pinch points, it was not a straight conduit to the bayou and that was their concern, just to basically look at that and make sure that the creek was appropriately assessed, because that was the main assumption that was grounding the whole

fluid flow. Council Members Galloway, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Keller, Mr. Davidson stated that they were right there where the ravine started, about four houses up from the club house, that he questioned the assumption that at that creek there were no pinch points and it was a straight shot out to the bayou and that was absolutely not correct, that they were told there would be more water going into it downstream from them, which his concern was if it would backup, if it was a straight shot up to the bayou than that was perfect, that water should move right on out, but that was not the way it was and according to the engineering firm that was the assumption they used in building the model. Council Members Galloway, Alvarado, Berry and Robinson absent.

Mr. Jack Smart, 14210 Carolcrest, Houston, Texas 77079 appeared and stated that he was an engineer and lived in Nottingham Forest and for the past two years he had been the Nottingham Forest Civic Association Ad Hoc Flood Control Committee Chairman, that he probably knew more about this project than anybody except a few people on the Council and the engineers, he had been following it during that whole time, that what they had been hearing from the people who had just been speaking, people who had just discovered after two and a half years of project activity that this project existed, that a lot of them only discovered it last week and they did not like the fact that this was all new to them, they did not understand that this project had been going on for two and a half years, they did not read their mail or they would have received detailed reports on all the activity, that they thought there had been a number of substantial changes or substantive changes that had been made on the project and the only one he knew of was that the width of the street for Nottingham Forest Club entrance, a thing that was changed apparently by the City's Legal Counsel, that they had to widen the street for emergency vehicle liability reasons and that had since been put back to where it was before and the issue was now resolved, that the other issue of increased flow rate to the sewer had always been a part of the system and in fact was fundamental to the success of the system, that it had always been there from day one, the outlets had been there from day one, people had just not paid any attention to it and it was suddenly coming as a big surprise to them, that this project, as they knew, was designed to alleviate the flooding problems in Nottingham Forest and two adjacent subdivisions, this were due to the existence, in a large part, of the Long Point Fault, the plan was drawn up by a City of Houston contractor engineer and met City of Houston standards and was stamped with the Professional Engineering License of the designer and had been approved by the Houston Public Works and Engineering Department and was ready to go, they all of a sudden they perceived there were problems with it because it was going to affect them, they did not have any calculations to show this, and in fact, his examination of the data showed that they would have less water in their ravines than before because the water was being dumped downstream of their houses instead of upstream, they would have lower water levels, but they did not believe the people who had been involved with this project, they had this great fear that they were going to get flooded in the middle of the night, which was totally unsupported by the engineering calculations, that the calculations showed that the ditch that carries away the water had more than enough capacity, certainly for a two year storm, and probably, as they knew streams could get up higher and carry a lot more water, the eight foot conduit had shown to be, by calculations, never a problem as far as a bottleneck and the system was concerned, unless one condition happens and that was when Buffalo Bayou fills up and water runs backwards through the conduit and into the subdivision, which was what happened in 1992, yet none of those people, under that very bad condition, ever flooded, that what they were asking for was an independent second opinion for someone to tell them that their houses were going to be okay, that he got an estimate from an engineering company this morning and it would cost \$50,000 and would take 60 to 90 days for it to come, that he did not think it would make any difference in the project if they did not want to change what they were doing, otherwise there was no point in doing the project if they could not drain the neighborhood faster than they had before, he felt that the project was ready to go as it was, it had the overwhelming support of the community, not just a few of the people they saw today, that he was representing the civic association and of those 640 homes, probably 630 of them were solidly behind the project, that he thought they were getting the wrong impression from the people they had seen today about what the potential

problems might be on the project. Council Members Galloway, Vasquez and Robinson absent.

Upon questions by Council Members, Mr. Smart stated that the City had been absolutely marvelous and had done everything they could have ever asked for, that if Council approved the project this week they would be happy with that, they had been waiting a long time for this and did not want to see any unnecessary delays, people in their neighborhood had a real fear of flooding, that he thought his views represented the majority of the views of the people in the neighborhood, that this project was calculated to show what the drain rate would be down that ridge or ditch and through that large conduit, and all of those, as he reviewed the data, indicated that none of that was a bottleneck in the system, that the only bottleneck was the current sewer system, and that the new sewer system, even though it would drain the neighborhood more quickly it would not result in an increased flow, in fact the people who lived on those ravines would have less water in their ditches because the water was being transferred from being dumped upstream from those houses to being dumped downstream, that he had two newsletters from their civic association which were sent to everyone and all of the information was contained in it and had been for a year and a half, so anybody that claimed that it was a big surprise to them had not just been reading their mail. Council Members Galloway, Vasquez and Robinson absent.

Ms. Gigi Mannke, 14203 Cindywood Dr.m Houston, Texas 77079 (281-493-5664) appeared and voiced her personal opinions regarding the Nottingham Forest project and her personal experiences with flooding to her home and urged them to stop the project until her time expired. Council Members Galloway, Edwards and Robinson absent.

Ms. Vikki Smart, 14210 Carolcrest, Houston, Texas 77079 (281-493-0383) appeared and stated that she had been present before Council after the 1999 flood and showed them a video of her home and the water rushing through it, that it was not just her home, obviously 47 other homes were flooded in her subdivision and many of them had flooded more than once or twice, that she had been very encouraged by City government, they had listened to their problems and responded and treated them with respect and they really appreciated it, that they were in the last stage of the flood plan now and all of a sudden they had some neighbors that were very concerned, and they all understood their concern they wanted this to be a win win situation for everyone, but she wished those neighbors would have responded two years ago or a year ago or during all of the meetings and all of the times they were talking about it because it was nothing new, that she felt very confident with the City engineering plan, they had a sewer project done in 1999, the sewers on their block used to block up every six months and they no longer did, it had been a wonderful project and they were very pleased with it so again they had confidence in the City project, that she asked that they please stay with them on this project as they ask if there was a delay would they lose the funds, this was a real concern for them, and she just asked that they keep their support going for them. Council Members Galloway, Edwards and Robinson absent.

Ms. Deborah Vise, 14231 Kellywood, Houston, Texas 77079 (281-493-6831) appeared and stated that she lived in Nottingham Forest and her home was one of the 47 homes that flooded in the March flood of 1999, that many people had worked very hard on the flood control project and they had faith in the City of Houston that their storm sewers would be brought up to current standards and she would like to thank Council Member Keller for all the work he had done for them, that Sunday evening the Nottingham Forest Club Board voted unanimously to grant the City the easement they asked for so the project could move forward, this project was very important for the Nottingham Forest neighborhood and she asked that they please move forward with the plans that they planned. Council Members Galloway, Edwards and Robinson absent.

Ms. Mary Lynn Hollis, 318 Kickerillo, Houston, Texas 77079 (281-497-8592) appeared and stated that she fully supported going ahead with the flood control project, that she lived right across the street from the ravine and had lived in Nottingham Forest for 31 years, that they never had water in their house until 1999 in that March storm, they got water in their house, that it

came from behind them, it came down from Memorial towards their club and towards the ravine, it really showed them what a big problem it was to have the water in their house, but the members of their subdivision who lived in the houses that backed up to the ravine, she remembered one huge storm, probably the 1992 storm when a lot of the overflow went into the Nottingham Forest Club parking lot and that became a lake, so she thought that the overflow would go there and those houses would not flood, but for a long time now, for a couple of years or more they had known about the project, they had seen the newsletters and everyone had been informed about what was happening in the neighborhood and she thought they had ample opportunity to get the information that they needed and she just wanted to say that she thought they needed to get this problem taken care of as soon as possible, as they walked through the neighborhood they could see the fault lines and could know that underneath it was doing damage to the sewer system. Council Members Galloway, Edwards and Robinson absent.

Council Member Berry moved to suspend the rules to hear Mr. Lloyd Jones, Ms. Teresa Pollard and Ms. Beverly Gore out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Edwards and Robinson absent. MOTION 2002-0775 ADOPTED.

Mr. Lloyd Jones, 3839 Southmore, Houston, Texas 77004 (713-524-3771) appeared and stated that he was a parent and an assistant head coach and was a supporter of the Westbury Swim Team, that he was present because they had encountered some problems with the Aquatics Department of the City of Houston that they had not been able to resolve and they needed immediate assistance, that he represented 115 swimmers, children ages 3 to 15 and the composition of their team was like a mini United Nations, they had 20 Asian swimmers, 33 African American swimmers, 19 Hispanic swimmers and 40 Caucasian swimmers, that they were participants in the City Recreation League last year and many of them qualified for the State meet and many of them had gone on from the State meet to place first and in some instances to set National records, that the problem they were having with the Aquatics Department was a relatively simple one, they were frustrated at a particular set decisions, what they considered insensitive decisions, that had been made by the Aquatics Department and they did not consider to them to be in the best interest of the children, that the manner that this problem had been handled by the Recreation Department and by the Aquatics Department specifically had caused them to be very concerned that they were not placing children first, that their calls to the Aquatics Department had been ignored since mid May, when they discovered that they were going to make a presentation to the Council they started hearing from members of the Aquatics Department, including the program director, that all happened this morning, that the decision they asked them to consider was that they had a swim meet, which was considered a regional swim meet and was scheduled for the July 6th weekend, and their suggestion to the department that this particular holiday was a family holiday, the program should be a family oriented program and there were some alternative dates and they had suggested July 20, 2002 as the logical date to do it and considering that they had the largest team in the area they wanted them to at least rethink their position and give families an opportunity to spend time together. Council Members Galloway, Keller, Vasquez, Quan and Robinson absent.

Mayor Brown stated that Mr. Spellman, who used to be the Parks Director, was present and was now the Chief of Staff, would meet with him and see what could be done. Council Members Galloway, Keller, Vasquez, Quan and Robinson absent.

Ms. Theresa Pollard, 5023 Stillbrooke, Houston, Texas 77035 (713-283-8447) appeared and stated that she was the Regional Director for TAAF, Texas Amateur Athletic Federation for the Swimming Program and also the very proud volunteer coach for the past 24 years of the Westbury Swim Team, they had been the City champions for many years in a row and they continue to represent the City, that they had a small problem with the City, they had a meet scheduled for July 6th which was the regional meet, that regional was supposed to be just what it says, it should be geographically broken up within the confines of the City of Houston, that what the City had chosen to do this year was to combine all regions and make one meet, the children

that qualified from this meet, the top six, go to the City level meet, that years ago they had four meets, it was divided into four regions, but then because of the budget constraints the people who worked for the City did only two regions and this year they had taken it upon themselves to make it one region, so in essence they were swimming the same meet twice, they were doing a regional meet with the top six swimmers who would advance to the City and on the 26th they would compete in the City meet, they were duplicating their efforts, if they did a true regional meet they would see representatives from each part of the City of Houston, which was what it was designed for and was what they wanted to do, that if they put the children outside from 8:00 a.m. until late in the evening it was too much exposure to the sun, that she had been around this for 24 years and the last time they combined the regions they started at 9:00 a.m. and finished at 11:30 p.m., it was ugly, she had a parent who called the police on her because she thought that she had kidnapped her child, that she had been assured by the Aquatics staff, actually it happened today, that they had started calling them in May, she had a letter that she and Mr. Jones submitted to them requesting dual meets and things and nobody bothered to call her back until today and she thought they had a good rapport with them because she volunteered, and her parents and Mr. Jones volunteered, that she had a great group of volunteers who helped her and they supported all the children of Houston not just the Westbury Swim Team, that today she got phone calls from them and the thing that was most important to them was that she get her entries for the 6th in today, that they knew she worked full time and they had already discussed it at another meeting that she get her entries in today, that today was the deadline, but she got the entries in today and would give them to the Parks people after hours, but now they were telling her if the entries were not in by eight o'clock the kids would not swim, that she wanted to show what they had shown out for the guidelines, that they had today's deadline, the entry sheet deadline, for June 25, 2001, she was really late, that the regional meet was July 6, 2001, TAAF was July 13, 2001 and the City Championship was 2001, there was not one document that had the correct date on it, so they were asking them to adhere to something that did not exist, that they were looking for their support to let all of the children of the City have an extended summer, in essence if they did not qualify at the regional meet there was no need for them to continue on the swim team after that. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent.

Mayor Brown asked that she meet with Mr. Spellman also and to give him the names of the people who would not return her phone calls. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent.

Dr. Beverly Gor, 4604 Oakdale, Bellaire, Texas 77401 (832-721-8838) appeared and stated that as a registered and licensed dietician and a certified Diabetes educator and as a member of the State Task Force on Health Disparities she wanted to first commend them on trying to address the issue of obesity and Houston being the fattest City in America, she thought it was very commendable that they should do this, on the other hand she questioned the wisdom of appointing Mr. Lee LaBrada as their fitness czar and she had several issues and concerns that she wanted to bring to the table, that one was his questionable credentials in the area of nutrition, according to the website he had a degree in Civil Engineering, secondly when they did access the Get Lean Houston.Com website it had his products advertised and that was how they got a personalized nutrition plan and when they click on those they had to pay for those particular personalized nutrition plans, that it appeared to her that it was an official endorsement by the City of the products that Mr. LaBrada was selling, thirdly, there were several inaccurate pieces of information that he gave in his nutrition information, he tells them to allow one gram of protein per pound of body weight, this was double what was recommended by the National Academy of Sciences, he tells them they should not eat tropical fruit because tropical fruit had too much sugar in it, and yet many tropical fruits had digestive enzymes and later in the paper he talks about that digestive enzymes were important for them to take as supplements, that the protein requirement that he recommends was much higher and could be harmful to some people with kidney disease or problems with metabolizing protein, that she would like to recommend, that she knew in the website it says that they were planning to have partnerships with other people in the community and she would strongly recommend that they add some registered dieticians to

that, particularly utilizing their own City of Houston nutritionist and maybe some private partners such as the academic institutions in Houston, such as Baylor, the School of Public Health and the University of Texas Health Science Center, that she was also concerned that the fitness plan was offered on line and for many of the people that were overweight there was the digital divide that would prevent them from accessing those services. Council Members Galloway, Edwards, Keller, Vasquez and Robinson absent.

Mayor Brown stated that they would look at the issues that she brought to their attention, particularly commercialization of the program, that was not the intent, that he did step forward and volunteered his time and they were very happy that he did that, and they would like to call on her for some assistance as well, and Dr. Gor stated that she would be glad to assist, and Mayor Brown stated that he hoped it would become a community wide effort and with her help they could make it a better place. Council Members Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent.

Council Member Alvarado stated that she had a chance to visit with Mr. LeBrada and found him to be very professional and very knowledgeable in his field and he was also working with Mr. Keith Kline who was going to be doing a lot of the expertise and a lot of the work on nutrition so it was not Mr. LaBrada himself, and Dr. Gor stated that she wanted to encourage the City Council to consult registered dieticians in consulting with the program to get that background. Council Members Galloway, Edwards, Ellis, Vasquez and Robinson absent.

Council Member Sekula-Gibbs asked Dr. Gor what she thought was the right recommendation for their children in terms of nutrition and Dr. Gor stated that some of the things that she read, and she read his website quite carefully, and there was some correct information that was given there, that overall they did need to watch out for excessive calories, fats and sugars and they also needed to make sure that the children got enough physical activity. Mayor Brown, Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Upon questions by Council Member Goldberg, Dr. Gor stated that the website recommended one gram of protein per pound of body weight, but actually it was one gram of protein per kilogram of body weight, that there would be different types of diets for different types of people, that she thought it needed to be personalized, that she knew it was hard to do that when they were just broadcasting general information and thought they needed to be careful what information they put out there. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and had a handout for the City Council and voiced his personal opinions regarding a Houston Police debriefing until his time expired. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Carolyn Besselman, 20011 Doherty, Katy, Texas 77449 (281-492-2377) appeared and stated that she was the wife of a Houston Firefighter and had a stepson who was a Houston Police Officer and had a son-in-law that was a Houston Police Officer, that for twenty years they have had the City of Houston Health Insurance and had not had too many problem, just minor difficulties with that insurance and it had changed many times in the last twenty years, but in the last five years, as she approached the age of 50 years she had become a little more high maintenance and by high maintenance she meant that she needed a doctor who knew her body and in the last five years she had nothing but difficulties keeping doctors, that doctors were dropping off of this plan faster than she could even call them, that the doctors were fed up with HMO Blue Texas, that her family was fed up with it and she was begging and asking the City Council to reconsider a new insurance company when this contract was up, that she understood there were two and a half more years or until 2004, which in her opinion was too long as is to go on like this, granted it was an HMO and that was the bottom of the barrel in her opinion, they were not offered any other program, that she was a school teacher and school teachers were even offered some kind of plan that they could choose from, they were offered independent, PPO or HMO, that she had seven pages of documentation where she had five doctors in the last eight months that had dropped off of the plan and she had personally gone to talk to three of them and all three of them said there was no way they would stay on the plan or go back because they were not being paid or not being paid in a timely manner, why should they go to college for eight years, get a medical degree and not be paid, and she agreed with them totally, that some of the doctors she did have she had appointments with for over two months, she took a day off of work, she goes in and then they tell her that by the way they had dropped that insurance and they could no longer see her, that she was in far west Katy and there were no doctors on this plan, that she had called the insurance company over the past eight months, and she did have the documentation and had a written complaint and had their answer and wanted doctors in her area, she did not want to take a day off of work, get a substitute, drive two hours down the Katy Freeway to the Medical Center, sit another hour or hour and a half waiting on a doctor to see her and then drive two hours back, that it was abhorring and outrageous that the Memorial Health Care System had been dropped, they had one hospital to chose from, unless they did go to the Medical Center and there was no excuse for it, that she would be happy to pay more and by the way she got her new cards yesterday which she understood everything was going up, she would like to know what she was going to get for that increase, that their increase was jumping to over \$1,000 per year with the medications they take plus the new premiums. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Upon questions by Council Member Sekula-Gibbs, Ms. Besselman stated that she would have to look at having no drug coverage in order to chose a doctor who was on the plan, that she would not even mind being on some kind of committee to look at this statewide she had already even contacted the Governor's office because there was a heated issue on this in the Governor's race, that it had become so frustrated and her health had deteriorated because she had not been to a doctor to have everything done that needed to be done. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Parker asked when she started having problems with the HMO did she contract the HR Department or the City's Insurance Department and were they of any help and Ms. Besselman state that she asked to talk to supervisors or managers for the last eight months and was told she could not do that and once they found out she would be on the City Council agenda on June 20th she got lots of phone calls from upper management and had two people who were trying to help her find a doctor, that she filed a written compliant in December 2001 and got their written reply in January 2002 which stated, sorry they were doing the best they could, and Council Member Parker stated that they had three bids when they went out for insurance last year and there was a \$30 million spread in what the costs were going to be and when they chose HMO Blue it actually had the widest network of any of the competing HMO's,

that they thought they made the best decision and there were things happening that were beyond their control, that she did have a choice through the Point of Service Plan and there was an indemnity option under the Point of Service Plan. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Nakisha Sparks, 802 Seminar, No. 123, Houston, Texas 77060 (281-445-8681) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. 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. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. George Scott, 6910 Golfway, Houston, Texas 77087 (713-924-6006) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Anna Martin, 3114 Airport Blvd., Houston, Texas 77051 (713-733-4833) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Lesean Bell, 8423 Heath Dr., No. 33, Houston, Texas 77054 (713-839-9275) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Mazel Chandler, 1445 Wallisville, No. 1412, Houston, Texas 77049 (281-459-4666) appeared and passed out a handout to the City Council relative to being hurt on the job and her benefits being denied and continued to discuss her situation regarding her current injured status and her appeal status and asked how the City Council could help her in her situation. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan asked if Ms. Chandler if she had received a letter from Mr. Lonnie Vara and Ms. Chandler stated that yes she had and it said for her to go out in the community and ask for help, that she did not think she should go out in the community and ask for help, her case had been denied and continued to review the handout she presented and stated that she was waiting for her doctor to do his report and that would be another three weeks, so what should she do in the meantime, and Mayor Pro Tem Quan stated that this was the mechanism that they had in place with the City for a City employee who had been denied, to go to the Benefits Review Conference and see at that time if there was something else to assist her, that he knew there was one conference that met two days ago but she was not ready at that point, that there was a City Assistance Program and Ms. Chandler asked why did she need to go beg, that she did not want to go beg and Mayor Pro Tem Quan stated that there was a difference, that this was a program set up to help City employees who were in a difficult situation and it sounded like she was in a difficult situation and needed help and that was what the program was there to benefit. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Joseph Omo Omuari, 15 Charleston, No. 1107, Houston, Texas 77025 (713-665-1929) appeared and voiced his personal opinions until his time expired. Mayor Brown, Council

Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Raymond Lee Brooks, 5430 Crane, Houston, Texas 77026 (713-675-1532) appeared and passed out a handout regarding an invention of his called the "The Helping Hand" to be installed on toilet seats and continued to review his handout until his time expired. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that Ms. Gloria Moreno, City Health Department, would speak with him and see what interest they may have in using the Helping Hand. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Andre Ford, 10603 Onslow, Houston, Texas 77016 (713-631-3271) appeared and stated that the City of Houston was the fourth largest city in the Country and with that title came a full range of responsibilities and opportunities to secure an educated and civic minded population, with the financial resources available he was surprised that there was not a centralized internship program that facilitates internship opportunities for City Council and the Mayoral administration, that he made a strong attempt to secure internship opportunities by personally communicating with individuals with whom he had worked with and known in City government and they were unable to facilitate any information for him to secure internship opportunities with the City, that he even called a Sunday talk show and communicated with Council Members who were willing to help him, but once again he was unable to secure any information to further research opportunities for internships with the City, that he was surprised that a program for a City that was this large did not exist, that these were some suggestions that he would like to encourage, he would like to encourage that the conservative Council Members who prided themselves on promoting fiscal responsibilities to please reserve at least \$2,000 in their budgets to hire at least one or two interns in their offices, for the liberal and more moderate City Council Members who pride themselves on community activism, to promote their passion of social responsibility and reserve the same amount of money for interns for the summer, that the honorable Mayor who had made a top priority of empowering the citizens, particularly the youth of the City of Houston, what better to secure that priority than to secure that campaign promise, that he urged them all to look to State Senator Rodney Ellis who had an internship program subsidized by community businesses, the City could do the same if other financial resources were not available, that he prided himself by having an opportunity to work with City government before in 1999, there he learned about government and was entrusted with responsibilities that helped his community and helped him to become an individual passionate about public service, naturally he was compensated for his work because the office was dedicated to helping him grow as an individual, he encouraged City Council Members to do the same, that why did they think Houstonians originally supported term limits in the early 1990's, there was a feeling among people within the City that the individuals who were on the City Council for a considerable amount of time were apathetic about being in office, but how could they ever expect to develop a new generation of passionate individuals if there was not even an organized office where people could call to facilitate internship opportunities and financial resources were not allocated to students. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that he would take Mr. Ford's comments into consideration and as Mayor Pro Tem he would seek to help organize that, that he knew they had a Rodney Ellis intern in their office who also worked at the University of Houston, but did not think they had a consolidated program as he had indicated. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan recognized Agenda Director Marty Stein for a point of personal privilege. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Ms. Stein stated that she wanted to point out that Mr. Ford was a close family friend of hers and her whole family and graduated from HSPVA, that she thought she was one of the City employees that he had talked to without success about internship possibilities, that she wished they did have a centralized internship program, that she could recommend his services very highly, he was a smart and very talented person. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Ernest L. Adams, 4203 Beran, Houston, Texas 77045 (713-433-8100) appeared and stated that on December 18, 2001 he was bringing his family in from Denver and using his van to bring them in and was directed by one of the parking attendants to an area where his van could be parked in safely because of the height, that they send to an area where they called ahead and the boss said was okay to go in and when they went in they ran into the ceiling very shortly after they got in and it knocked a hole in his ceiling, that the van was his main transportation, he was an evangelist and did a lot of travel, that he had asked them what he should do and they informed him that he should make a report of it and reported it to the supervisor and gave him numbers to call and it took him five weeks to get in touch with someone and finally he talked to a supervisor and he gave him another number and it took about another number and was given other numbers and they were just passing the buck, that finally he went to Channel 2, Aiken's Army and called 311 and got the City Secretary and asked to come and talk to the City Council, that fifteen minutes later he got a call and they stated that they did not have to see the City Council that they would handle it, that they gave him numbers and was told to go to the Legal Department and he did that and he got a letter back that said they could not fix it, it was not their responsibility and they were sorry he had the problem, that he was asking the City Council to help him get his vehicle fixed so he could go on with his life and would appreciate it very much. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan asked Mr. Paul Bibler, City Attorney's Office to update what had happened on the matter and Mr. Bibler stated that the incident happened last December and the records they received from the Aviation Department seemed to verify that his vehicle was damaged at their facility and they had not admitted that it was their fault, but regardless of that the nature of the claim was such that it was not compensable under the State's Tort Claims Act and that was why the claim was denied, that he thought it was unfortunate that people had advised him that the City had legal responsibility for this because it was something that perhaps he could still approach his insurance company on, that Mr. Adams might want to ask if the people involved were working for a private contractor and he might have more luck if he was directed to that place mistakenly by a private contractor, and Mayor Pro Tem Quan asked if Mr. Adams could get some more information to him to see if that was something that was operated by the subcontractor for parking operations at that airport and if they were aware that the signs were incorrect and were still directing people there. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and sang until his time expired. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. 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. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

At 4:38 p.m. the City Council recessed until 9:00 a.m., Wednesday, June 27, 2002.

City Council Chamber, City Hall, Wednesday, June 26, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 26, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg, Wiseman, Keller, Alvarado and Berry absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 49

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment of **MR. E. DALE EARLY**, to Position Three of the **AUTOMOTIVE BOARD**, for a term to expire January 2, 2003 - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0776 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE) BOARD OF DIRECTORS**:
 - Position One - **MR. ERIC LIPPER**, reappointment, for a term to expire 12/9/2003, and as Chair, for a term to expire 12/9/2002
 - Position Three - **MR. M. E. "SONNY" GARZA**, appointment, for a term to expire 12/9/2003
 - Position Five - **MR. FEDERICO J. MENDOZA**, reappointment, for a term to expire 12/9/2003- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0777 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
 - Position One - **MR. ERIC LIPPER**, reappointment, for a term to expire 12/9/2003, and as Chair, for a term to expire 12/9/2002
 - Position Three - **MR. M. E. "SONNY" GARZA**, appointment, for a term to expire

12/9/2003

Position Five - **MR. FEDERICO J. MENDOZA**, reappointment, for a term to expire 12/9/2003

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0778 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS) BOARD OF DIRECTORS:**

Position 2 - **MR. JAMES F. ERWIN**, for a term to expire December 31, 2003
MR. CHARLES LEYENDECKER, as Chair, for a term to expire December 31, 2002
Position 4 - **MR. JOSE HERNANDEZ**, for a term to expire December 31, 2003

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0779 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following to the **MEMORIAL HEIGHTS REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**

MR. CHARLES LEYENDECKER, as Chair, for a term expiring December 31, 2002
Position 7 - **MR. TOM KVINTA**, representing Harris County, to complete an unexpired term ending December 31, 2002

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0780 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item No. 20 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0781 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item Numbers 17, 17a, 17b and 42 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0782 ADOPTED.

20. ORDINANCE approving and authorizing contract between the City and **THE GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the promotion of Tourism and the Solicitation of Convention Business - was presented. All voting aye. Nays none. Council Members Tatro and Berry absent. ORDINANCE 2002-0573 ADOPTED.

17. RESOLUTION authorizing the creation of **HOUSTON ZOO DEVELOPMENT CORPORATION**, a local government corporation; approving the articles of incorporation; appointing the initial directors and chairman - was presented. All voting aye. Nays none. Council Members Tatro and Berry absent. RESOLUTION 2002-0023 ADOPTED.

Council Member Robinson stated that on Item 17a he had several amendments on the table and appreciated the courtesy of a vote so they could move to the main item, that there were five of them. Council Members Tatro and Berry absent.

- 17a. ORDINANCE appropriating the sum of \$2,600,000.00 out of the Parks Consolidated Construction Fund No. 421 and approving and authorizing a ground lease and services agreement between the City of Houston and **HOUSTON ZOO DEVELOPMENT CORPORATION** regarding the lease and operation of the Houston Zoo; approving and authorizing the assignment and sale of certain city personal property to Houston Zoo, Inc., as operator of the Houston Zoo; approving and authorizing the termination of the Houston

Zoological Gardens Concession Agreement and the Development Agreement between the City of Houston and the Zoological Society of Houston - was presented.

Mayor Brown stated that Council Member Robinson had written amendments and they did not require a second, and Council Member Vasquez stated that they were going to offer a written amendment also at the proper time. Council Members Tatro and Berry absent.

Council Member Robinson asked if they could just take the amendments one at a time, there were five of them and presented the following written amendments:

1. Amend 17a to eliminate indexing the franchise fee to inflation.

A roll call vote was called on Council Member Robinson Amendment No. 1.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro absent	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 aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry absent
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2002-0783 FAILED

2. Amend 17a to require the city at the end of each 5 year period of the contract to evaluate paying as much of the franchise fee as possible for the subsequent 5 year period out of Hotel Occupancy Taxes.

Mayor Brown stated that the amendment really called for the evaluation, no decision, and Council Member Robinson stated yes, and Mayor Brown stated they could support that.

A vote was called on Amendment No. 2. All voting aye. Nays none. Council Member Tatro absent. MOTION 2002-0784 ADOPTED.

3. Amend 17a to maintain the five major free holiday days for the next five (5) years instead of the three (3) years currently included in the contract.

Mr. Haines stated that they had evaluated this and based on their own review and sentiment that they believed it was sufficient as it had been proposed and would not recommend support of the amendment. Council Member Tatro absent.

After further discussion a roll call vote was called on Amendment No. 3.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro absent	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2002-0785 FAILED

4. Amend 17a to cap utility payments to a maximum of \$750,000 a year indexed to inflation.

Council Member Robinson stated that the fourth amendment was to cap the annual utility payments at \$750,000, that was \$50,000 higher than the current payment that would be made and indexed to inflation, that he thought it would be more than fair and give them a handle on the outside maximum as to potential liability and give them some clear accounting of the utility cost as it relates to the zoo going forward. Council Member Tatro absent.

Mayor Brown requested Mr. Haines to respond to the amendment and Mr. Haines stated that they discussed the question of indexing particularly on the franchise on the utility side of the agreement, that the problem was that indexing to inflation was not an accurate reading of what the cost of the utilities really were. Council Member Tatro absent.

After further discussion a roll call vote was requested on Amendment No. 4 and Council Member Robinson stated that he would pull the amendment, and Mayor Brown stated that Council Member Robinson pulled the amendment. Council Member Tatro absent.

5. Amend 17a to mandate that annual inflation adjusted increases in the city's yearly franchise fee payment based on that portion of the fee used for employees' salary be dedicated to providing zoo employees with an automatic annual cost of living pay raise equal to the percentage of increase in the fee payment.

Council Member Robinson stated that the last amendment was the effort he tried to make for the overall civilian City workforce, that if a part of the franchise fee was for salaries and they were paying an automatic maximum 4% annual increase then going out to each year either Amendment 5 would simply say that the CIP increase should be passed on to the employees so that it would be an automatic cost of living adjustment out of the franchise fee payments made for salary. Council Member Tatro absent.

Mr. Haines stated that their response would be consistent generally with the logic behind the others, that it had been a negotiated partnering agreement as opposed to a pure privatization, and as such one of the things that they had recommended was that there be some flexibility in operational decisions on the part of those managing the franchise, that would apply to compensation issues related to employees, they did not require that kind of thing for their workforce in any other agreement, they believe it would be a serious precedent that would be set and believed it was far more appropriate that the operator assume the market responsibility of managing to compensation as opposed to a requirement, and they recommend against it. Council Member Tatro absent.

A roll call vote was called on Council Member Robinson Amendment No. 5.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro absent	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2002-0786 FAILED

Council Member Vasquez stated that throughout most of the discussions and committee meetings he had asked questions as it related to non discrimination in procurement in general requesting that there be some transparency and there be some language encouraging participation by minority owned business and his understanding was that of last night there was some agreement as to the language and at the same time he prepared an amendment, that the amendment he had at the table recognized, although he was not privy to the discussion that took

place last night, that there had been some language already added to it, encouraging participation by minority owned business and followed the following amendment:

“If the City of Houston determines that at any point Houston Zoo, Inc. has failed to conduct its business in such a manner, the City may terminate the lease and operating agreement.”

After further discussion Council Member Vasquez stated that the amendment would be to Article 11 of the Operating Agreement. Council Member Tatro absent.

A vote was called on Council Member Vasquez motion to amend Item No. 17a. All voting aye. Nays none. Council Member Tatro absent. MOTION 2002-0787 ADOPTED.

A vote was called on Item No. 17a amended. Council Member Robinson voting no, balance voting aye. Council Member Tatro absent. ORDINANCE 2002-0574 ADOPTED.

17b. ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to the operation of the Houston Zoo - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2002-0575 ADOPTED.

Mayor Brown stated that he wanted to thank the City Council for approving the item, that it was a partnership that he strongly supported because he believed that if they had a great City then they should also have a great zoo, that they did have a good zoo right now but wanted to make sure it was one of the best in the Country and to do that they had to have private support and so their partners were going to assist them in doing that by raising public funds that would work in conjunction with their public funds, that he was glad to have their partners to elevate the status of their zoo. Council Member Tatro absent.

42. ORDINANCE appropriating \$6,498,525.98 out of Storm Sewer Consolidated Construction Fund, \$194,672.61 out of Water & Sewer System Consolidated Construction Fund, \$3,106,801.41 out of the Street & Bridge Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Drainage Improvements in Ashford Forest, Nottingham Forest and Memorial Drive Acres, GFS M-0245-01-3 (SM5014); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund, the Water & Sewer System Consolidated Construction Fund and the Street & Bridge Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented.

Council Member Parker stated that she knew it was an item of great interest to Council Member Keller and to a number of folks out in that neighborhood and just wanted to note as only one of three Council Members who were in Council when they first started down this road, that they did start it under the previous Council Member to address a very critical need, that she wanted to thank the Mayor for jumping on this and for the District Council Member for carrying it forward, that it was not just something that had sprang forth she thought they started it four years ago and a lot of thought and effort had gone into it and there had been a lot of hard work on the part of the current District Council Member to carry it forward and to inform the district and she would urge the Council to support it.

Mayor Brown stated that they had a number of people speak for and against this yesterday and he indicated that they would attend some meetings on this and they would still do it even if Council approved it, they could still hold the meetings and answer all the questions, if there was a necessity for any modifications they could do that by bringing about the necessary documents for change, but he would also urge the Council to vote yes on this, that this was something they started some time ago.

Council Member Keller stated that he totally agreed with the Mayor's assessment of the

situation and Council Member Parker, that he would be the first person to want to delay it if the reasons to delay it could solve a problem, could be constructive, that he appreciated the Mayor making some members of Public Works available again in addition to the six meetings they had already had for some of the people who were concerned, that they needed the project and if the project develops another problem some years down the road, then they would cross that bridge when they would get to it, but it was certainly not a reason to delay something.

A vote was called on Item No. 42. All voting aye. Nays none. ORDINANCE 2002-0576 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 1 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0788 ADOPTED.

1. CONFIRMATION of the appointment of **MR. RICHARD LEWIS** as Director of the **INFORMATION TECHNOLOGY DEPARTMENT** - was presented, moved by Council Member Quan, seconded by Council Member Berry.

After a lengthy discussion by Council Members, Council Member Parker moved to call the question, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0789 ADOPTED.

A roll call vote was called on Item No. 1.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	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-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2002-0790 ADOPTED

Mayor Brown invited Mr. Lewis to the podium and stated that he wanted to thank him for accepting the offer to come back to the City, that he knew that Mr. Lewis had other options and could have made more money working in the private sector and also knew that he loved government and that was one of the reasons they were willing to twist his arm, and also knew that he had been involved for six years under the previous administration in the Information Services Division and also had helped them develop their Strategic Technology Plan and also knew that he was a good manager and so they welcome him home and were glad he was back.

Mr. Lewis stated that he wanted to thank Mayor Brown for the appointment, he had held out bestowing the public trust on him again and Council had just confirmed that, that he thought the public trust was a temporary loan that created power and knew the habits of elected officials and executives, that they had to be trustworthy to be trusted, that he also believed that the best Chief Information Officers were those that had deep understanding of the organization's business and could appreciate how technology could improve that, and he had that, that to Council Members Wiseman, Tatro and Goldberg, he promised that he would do everything he could to demonstrate that he could be a good CIO for the City, to the other Council Members, he heard a lot of concerns knowledge based, retention of institutional knowledge for the Council, 311 and perfecting that, the Houston Emergency Center, Sim Houston, outsourcing, Voice Over IP, he would hit those issues with a hard edge and wanted to get a lot of done in his service.

Council Member Robinson stated that he wanted to thank Mr. Lewis for coming and his

only position was “lets get the job done”, and they had clearly heard that inconsistency during the last couple of months and he tried to explain that to him, that he thought his first goal out to be to find some consensus from the Council of where they wanted to move in terms of what role technology should play in the City as a cost reducer and making the City more user friendly for Houstonians.

Council Member Alvarado stated that she wanted to take a point of personal privilege to recognize a group of students who were out in the audience and asked that they stand and be recognized, that they were from The Houston Hispanic Chamber of Commerce Head Start Group and were present with Ms. Paula Mendoza, that they taught kids about the importance of education, leadership, essential life lessons and they were visiting City Hall today to learn about politics and City government. Council Member Keller absent.

Mayor Brown stated that he also wanted to welcome them to City Hall and hoped that as they got into their careers, they would also consider public service as a good way to spend a lifetime. Council Member Keller absent.

ACCEPT WORK - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$272,978.00 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Parkway Plaza Lift Station Rehabilitation, GFS R-0267-62-3 (4276-24) 01.29% under 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 Members Vasquez and Robinson absent. MOTION 2002-0791 ADOPTED.

PROPERTY - NUMBERS 10 and 11

10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-116, located at 11514 FM 529 (Spencer Road) owned by Melvin H. Roland and wife, Ruby Elizabeth Roland, 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 Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0792 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-120, located at 11335 Charles Road, owned by Catapano Investments, Inc., a Texas corporation, John J. Catapano, Vice President, 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 Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0793 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 16

12. ORDINANCE appropriating \$39,643.00 out of Public Library Consolidated Construction Fund to extend the Storage Time for Library Furnishings and Books for the Building Services Department, CIP E-0113-03-3 - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0577 ADOPTED.
- 12a. **AMEND MOTION #2001-1124, TO INCREASE** award to **A-ROCKET MOVING & STORAGE, INC** by \$35,200.00 from \$46,862.00 to \$82,062.00 and **TO EXTEND** the Storage Time of Library Furnishings and Books up to 11 additional months - was

presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0794 ADOPTED.

13. **AMEND MOTION #99-1626, 9/22/99, TO EXTEND** expiration date for 12 months from September 22, 2002 to September 22, 2003, for Automotive, Ford Truck, Medium Duty Replacement Parts and Repair Contract or Department of Public Works & Engineering, awarded to **BAYOU CITY FORD TRUCK SALES, INC** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0795 ADOPTED.
14. **VULCAN MATERIALS COMPANY** for Flexible Base Materials, Part II, for Department of Public Works & Engineering - \$380,160.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0796 ADOPTED.
15. **J. T. B. SERVICES, INC** - \$29,715.00 and contingencies for a total amount not to exceed \$31,200.75 and **FERNANDEZ AND SON** - \$34,930.00 and contingencies for a total amount not to exceed \$36,676.50 for Demolition and Clean-up Services for Department of Public Works & Engineering - Dangerous Building Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0797 ADOPTED.
16. **ROCAL, INC** for Aluminum Traffic Sign Blanks for Various Departments - \$1,025,069.67 General and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0798 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 49

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two drainage easements, containing an aggregate of 11,105 square feet of land, more or less, Parcels SY1-024A and SY1-024B; both easements being located in the William White Survey, A-836, Harris County, Texas; vacating and abandoning Parcels SY1-024A and SY1-024B to 1200 Post Oak, LP, abutting owner, in consideration of the owner's dedication of two easements for drainage purposes containing an aggregate of 18,637 square feet of land, more or less, and payment of \$600.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0578 ADOPTED.
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide utility easement and two 5-foot-wide aerial easements containing an aggregate of 1,884 square feet of land, more or less, all out of Block 7, Oak Estates Addition, Section One, Harris County, Texas; vacating and abandoning said tracts of land to Charter Custom Homes Corporation, the abutting owner, in consideration of owner's dedication of 5-foot-wide utility easement containing 549 square feet of land, more or less, out of Block 7, Oak Estates Addition, Section One, Harris County, Texas, and owner's payment of \$20,025.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0579 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and **GORDON C. KAMKA** for Inspections of City's Detention Facilities; providing maximum contract - 2 Years with one year renewal - \$120,000.00 - General Fund - was presented. All voting aye. Nays

- none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0580 ADOPTED.
27. ORDINANCE amending Ordinance 99-1100 to increase the maximum contract amount for a Water Treatment Services Contract for the Building Services Department under contract with **PREVENTIVE/PREDICTIVE MAINTENANCE SERVICES, INC** - \$9,624.57 - General Fund - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0581 ADOPTED.
28. ORDINANCE approving and authorizing sponsorship agreement between the City and **BRIAR STATION WEST CONDOMINIUM ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 13 months - \$468.00 - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0582 ADOPTED.
31. ORDINANCE approving and authorizing an Antenna Site License Agreement between Texas Tower Limited as Licensor and the City of Houston, Texas as Licensee, for space in and upon **JPMORGAN CHASE TOWER**, Houston Texas, for use by Public Works and Engineering Department - 2 Years with renewal for 12 month terms - \$258,288.00 - General and Enterprise Funds - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0583 ADOPTED.
33. ORDINANCE appropriating and authorizing the Second Supplement to the Projects Contract between City of Houston and **COASTAL WATER AUTHORITY** for improvements to the Lynchburg and Trinity River Pump Stations - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0584 ADOPTED.
34. ORDINANCE appropriating \$31,013.26 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **WEEKLEY HOMES, INVESTMENTS, L.P.** for construction of Water and Sewer Mains along U.S. Highway 290, CIP S-0802-02-03 and R-0802-02-03 - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0585 ADOPTED.
39. ORDINANCE appropriating \$39,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an amendment to professional services contract (approved by Ordinance No. 99-1261) between the City of Houston and **LIN ENGINEERING, INC** for Design of N. Kirkwood Road Paving, Drainage, and Utility Improvements from 110 to Westwick Subdivision, CIP N0701-01-2 (SB9014); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0586 ADOPTED.
40. ORDINANCE appropriating \$339,900.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **HUITT-ZOLLARS, INC** for Design of Pech Road Paving from Westview Drive to Long Point Road, CIP N-0754-01-2 (SB9094); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0587 ADOPTED.

43. ORDINANCE appropriating \$3,319,000.00 out of Storm Sewer Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Knollwood Village Storm Sewer Improvements, GFS M0252-01-3 (SM5016); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0588 ADOPTED.
45. ORDINANCE appropriating \$1,715,733.00 out of Street & Bridge Consolidated Construction Fund, and \$285,268.00 from the Water & Sewer Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION CO., INC** for Paving and Drainage Improvements on North Kirkwood Road from I-10 to Westwick Subdivision, GFS N-0701-01-3 (SB9014); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, and the Water & Sewer Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0589 ADOPTED.
46. ORDINANCE appropriating \$1,097,457.62 out of Street & Bridge Consolidated Construction Fund and \$12,682.38 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **DCE CONSTRUCTION, INC** for W 43rd Street Reconstruction Project, GFS N-0718-01-3 (SB9076); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0590 ADOPTED.
49. ORDINANCE NO. 2002-517, passed first reading June 19, 2002
ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to Impact Fees for Water and Wastewater Facilities; amending Impact Fee Capital Improvements Plans for Water and Wastewater Facilities - **SECOND AND FINAL READING** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0517 ADOPTED SECOND AND FINAL READING

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

7. RECOMMENDATION from Director Library Department to Change the Library Fee Schedule - was presented, moved by Council Member Tatro, seconded by Council Member Quan. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-0799 ADOPTED.
8. ORDINANCE appropriating \$31,144.69 out of Park Consolidated Construction Fund as an additional appropriation for construction of Parks to Standard Program - Bid Package No. 40 Clinton Park, GFS F-0363-40-3 under construction contract with **PARALLAX BUILDERS, INC** (approved by Ordinance No. 01-0113) - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Goldberg. Council Members Vasquez and Robinson absent.
- 8a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 5 in the amount of \$31,144.69 on contract with **PARALLAX BUILDERS, INC** for Parks to Standard Program - Phase II, Bid Package No. 40 - Clinton Park, GFS F-0363-40-3

- **DISTRICT I - ALVARADO** - was presented, moved by Council Member Robinson and tagged by Council Member Goldberg.

RESOLUTIONS AND ORDINANCES

21. ORDINANCE approving and authorizing contract between the City and **THE ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the Support of the Arts Community - was presented and tagged by Council Members Edwards and Robinson.

Council Member Robinson stated that was willing to lift his tag as he had an amendment on the table, and so did Council Member Vasquez, so he would like to roll his amendment in, that it was a written amendment that all Council Members had a copy of.

Mayor Brown stated that Council Member Edwards had tagged the item as well, and Council Member Vasquez asked Council Member Edwards if she would lift her tag so that they could put an amendment on the table and then she could just retag it, and Council Member Edwards stated yes.

Mayor Brown stated that Council Member Edwards removed her tag for the purpose of receiving some amendments.

Council Member Robinson stated that there was some ongoing discussion right now with the various organizations and CACHE so they may have the tag removed before the end of the agenda, that everyone was trying to work their way towards a resolution, but he wanted to lay his amendment on the table, that he wanted to just wrap his in because he thought Council Member Vasquez was also asking for \$1.7 million and just tag the amendment at the appropriate time.

Council Member Robinson presented the following written motion to amend Item No. 21:

“To dedicate 1.7% of the total Hotel Occupancy Taxes provided to the Cultural Arts Council to the operation of the Ensemble Theater”

Council Member Vasquez presented the following written motion to amend Item No. 21:

“To dedicate 1.7% of the total Hotel Occupancy Taxes provided to the Cultural Arts Council to the operation of the Talento Bilingue de Houston”

Council Member Vasquez stated that it would be \$1.7 to both TBH and Ensemble Theater, each. Council Member Edwards absent.

Council Member Sekula-Gibbs stated that she wanted to have somebody come and talk to her about it, that it was a little more complicated than originally appeared to be and stated that she wanted to tag it as well, that she was tagging everything because she thought it needed to be clarified. Council Member Edwards absent.

Mayor Brown stated that Council Member Sekula-Gibbs had tagged the main item and the two amendments. Council Member Edwards absent.

22. ORDINANCE approving first amendment to an Interlocal agreement between the City and **HARRIS COUNTY** for Development of Joint Library for City and County residents in the Clear Lake Area - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-0591 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and **SPAY NEUTER ASSISTANCE PROGRAM, INC** for Spay and Neutering Mobile Services; providing a

maximum contract amount - \$75,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-0592 ADOPTED.

25. ORDINANCE approving and authorizing contract between the City and **MILAM ST. AUTO STORAGE, INC dba FAST TOW AND/OR ZONE ONE AUTO STORAGE AND SALES** for Towing and Storage Services for the Boot Program for Municipal Courts Administration - was presented. Council Member Edwards absent.

Council Member Sekula-Gibbs stated that in the Request for Council Action that was a statement that the estimated annual amount of money to be raised by the Boot Program was \$273,000, that she would like to know if that number had been achieved and if it had not, why not, that it was her understanding that part of the problem was that they had no longer maintained the Zbek contract, which was basically a contract that would allow them to utilize the services of a computer company whereby license plates would be identified with a driver, that demographic information on that driver would then be submitted to the towing company so they could boot the proper people, that she needed to understand why they were continuing to have a program that was not generating the money that was expected and what they were going to do about it to fix it. Council Members Tatro, Wiseman, Ellis, Vasquez and Robinson absent.

Mayor Brown asked Mr. Haines to respond to the issue, and Mr. Haines stated that that they would prefer to get back a full report to the Mayor and Council Members on the questions, that would be his recommendation. Council Members Tatro, Wiseman, Ellis, Vasquez and Robinson absent.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Ms. Jeanette Rash, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Tatro, Wiseman, Ellis, Vasquez and Robinson absent. MOTION 2002-0800 ADOPTED.

Upon questions by Council Member Sekula-Gibbs, Ms. Rash stated that she could only speak from her experience as the end result of someone not paying their parking ticket, that she could say that the Parking Management Department had done an excellent job, from early on she was the first contractor whenever the program started so she had a long history with having worked out the logistics of making sure that the public was protected so if they purchased a vehicle that had tickets on it that they were not charged anything and they worked out the logistics of that, the program had been very successful, a lot of people tended to wait until the last minute to pay parking tickets, that it seemed to be of no priority until something was going to happen to them, so in the past the department had done some PR letting people know when they were going to aggressively start booting cars again and that did get parking tickets paid, that Parking Management Division handles all the process, that it had been two years since they had an aggressive booting campaign, they did not have the Zbec Contract for them to do the notification last year, that she was the end result and when the department was up and doing PR and all probably the most vehicles that had been booted and towed had been about 200 in a year, that from her experience who did get booted and towed were generally business people. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs asked Mr. Haines when they were going to reestablish the Zbec Contract, and Mr. Haines stated that it was his understanding that it was coming before Council next month so he thought the timing of her question was pretty good today and if they could get back to her with the answers they would put a full report in by next week related to the item. Council Members Vasquez and Robinson absent.

Council Member Quan stated that he knew they had previous discussions regarding the reestablishment of the Zbec Program and there were a lot of questions concerning why they had not been more aggressive and there were legal complications because they could not just boot the car unless they were able to verify who was the owner and that contract prevented them

from doing that, or not having the contract.

Council Member Quan stated that for the sake of getting the information he would move to postpone Item No. 25 for one week, seconded by Council Member Sekula-Gibbs. Council Members Vasquez and Robinson absent.

Council Member Parker stated that the questions about the Zbec Contract did not apply to the boot contract and asked if would he consider passing the item and holding them accountable. Council Members Vasquez and Robinson absent.

Council Member Sekula-Rodriguez stated that she thought the fault did not lay with Ms. Rash and Fast Tow, she thought the fault was with the City and dropping the Zbec Contract and, would support passing the contract and asking Mr. Haines to provide them with information and bringing Zbec back to the table as soon as possible. Council Members Vasquez and Robinson absent.

Council Member Quan stated that he would withdraw his motion to postpone, and Mr. Haines stated that they would get a report back to the question prior to the next Council meeting. Council Members Vasquez and Robinson absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0593 ADOPTED.

26. ORDINANCE awarding contract to **RAPID DELIVERY SERVICE, INC** for Local Delivery Services to Houston Airport System Department; providing for a maximum contract amount - 3 Years with two one-year options - \$88,996.77 Enterprise Fund - **DISTRICTS B - GALLOWAY; E- WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0593 ADOPTED.
29. ORDINANCE approving and authorizing a compromise and settlement agreement between the City of Houston and **NORIT AMERICAS, INC** to settle a claim - \$40,341.83 - Enterprise Fund - was presented. Council Members Vasquez and Robinson absent.

Council Member Goldberg stated that it seemed like they were settling a dispute for \$40,000, which was over the limit of what they should have voted on, that it had come to his attention that City Council never voted on the item and wanted an explanation, if someone had it, of how they spent \$40,000 without a Council vote.

Mayor Brown stated that they did provide a report on that and asked Mr. Hall to answer Council Member Goldberg's question.

Mr. Hall stated that he thought the report was signed by Mr. Vanden Bosch, that they frankly exceeded their cumulative spending authority by issuing work orders for work done that when added up totaled more than \$25,000, that he did not think there was any question about whether the work was done, that he thought the letter that they got indicated by Mr. Vanden Bosch that they had instituted measures to assure that it would not happen again, that there were mistakes made that had been corrected. Council Members Vasquez and Robinson absent.

Council Member Goldberg stated that he wanted to make sure that there were measures in place that it would not happen again, and Mr. Hall stated that yes, that was what Mr. Vanden Bosch had advised them. Council Members Vasquez and Robinson absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0594 ADOPTED.

30. ORDINANCE approving and authorizing the second contract amendment between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Disposal of Biosolids from the City's Wastewater Treatment Plants - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0595 ADOPTED.
32. ORDINANCE approving and authorizing an amendment to Allen's Landing Development Agreement between the City of Houston and the **BUFFALO BAYOU PARTNERSHIP** (approved by Ordinance 2001-105) GFS N-0669-03-2 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0596 ADOPTED.
35. ORDINANCE appropriating \$45,500.00 out of Public Health Consolidated Construction Fund and approving and authorizing first amendment to professional architectural services contract between the City of Houston and **LEVY ASSOCIATES ARCHITECTS, INC.** for Renovation of the Lyons Health Center (as approved by Ordinance No. 00-195), GFS H-0049-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Sekula-Gibbs . Council Member Robinson absent.

Council Member Sekula-Gibbs stated that she would like to tag the item for a couple reasons and the most important reason was that the Lyons clinic was a potential site for a federally qualified health center and since there were investing a significant amount of money in refurbishing that clinic and making modifications in it now that the Texas Department of Health required because of possible exposure to visitors by patients who may have TB and that was what this particular adjustment dealt with, that she wanted to have the opportunity to speak with the Director of the Health Department, Dr. Kendrick, and find out where they stood on sharing the space as a federally qualified health center. Council Members Vasquez and Robinson absent.

Mayor Brown stated that the item was tagged by Council Member Sekula-Gibbs. Council Members Vasquez and Robinson absent.

36. ORDINANCE appropriating \$108,000.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation under professional engineering services contract with **HNTB CORPORATION** (as approved by Ordinance No. 96-1199), CIP M-0221-01-2 (M-0221-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0597 ADOPTED.
37. ORDINANCE appropriating \$634,246.90 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Design of Fuqua Road from Cottingham Street to South Wayside Drive, CIP N-0530A-01-2 (SB9116); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT D- EDWARDS** - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0598 ADOPTED.
38. ORDINANCE appropriating \$220,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **GUNDA CORPORATION, INC** for Intersection Redesign and Street Safety Improvements, CIP N-0662-19-2 (SB9124); providing funding for contingencies relating to

construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0599 ADOPTED.

41. ORDINANCE appropriating \$2,769,000.00 out of Fire Consolidated Construction Fund, and awarding a construction contract to **PRIMIS CORPORATION** and approving and authorizing a Professional Services contract for Engineering Testing Services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** for Construction of Fire Station 83, CIP C-0055-01-3; providing funding for Civic Art Program, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0600 ADOPTED.
44. ORDINANCE appropriating \$8,097,172.00 out of Street & Bridge Consolidated Construction Fund, and \$1,707,178.00 from the Water & Sewer System Consolidated Construction Fund, and awarding contract to **CONTRACTOR TECHNOLOGY, INC** for Neighborhood Street Reconstruction Project No. 437A, GFS N-0369-02-3 (SB9055); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0601 ADOPTED.
47. ORDINANCE appropriating \$3,899,848.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD.**, for Citywide Generic Overlay Project #3, GFS N-1037-38-3 (OL2238); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0602 ADOPTED.
48. ORDINANCE appropriating \$643,000.00 out of General Improvements Consolidated Construction Fund, and authorizing and approving the purchase of real property and the payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with and finding a public necessity for the Northeast Multi-Service Center Project, CIP D-0079-00-1 and the South Post Oak Multi-Service Center Project, CIP D-0081-00-1 **DISTRICTS B - GALLOWAY and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0603 ADOPTED.

Council Member Edwards stated that she wanted to express her sincere appreciation and the appreciation of the citizens of District D regarding the initial phase of getting a multi service center in the South Post Oak and Hiram Clarke area, that they were all excited and wanted to say thank you to Building Services and the administration for those efforts. Council Members Vasquez, Berry and Robinson absent.

MATTERS HELD - NUMBERS 50 through 55

50. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to create an exception to Motion #2000-1369 to allow compensation to intermediaries for the purpose of procuring goods and services through electronic procurement providers - **(This was Item 4 on Agenda of June 19, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he had one question, that it read that the successful bidder would be charged a nominal fee of 1% to 5% of the award amount and he assumed that was kind of the going rate and so forth, but why would they not just say a nominal fee not to exceed 5%, assuming that somebody wanted to compete for the business they may only want to charge 50 basis points or half a percent.

Mayor Brown asked Mr. Haines to answer Council Member Ellis's question, and Mr. Haines stated that he would defer it to Mr. Wells.

Council Member Ellis moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Agent, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-0801 ADOPTED.

Mr. Wells stated that he thought Council Member Ellis's question was why would they not just want to say from 1% to 5%, that they had no problem with that, they only mentioned it this way because their research indicated that that the five companies, at the present time varied from percent to percent, and Council Member Ellis asked if they would accept a friendly amendment to be capped at 5%, and Mr. Wells stated that would not be a problem.

Council Member Ellis moved to amend Item No. 50 to say "to be capped at 5%", seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION CARRIED.

A vote was called on Item No. 50 as amended. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-0802 ADOPTED.

51. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$665,877.99 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Bid Package No. 7 Homer Ford Tennis Center and Lee LeClear Tennis Center, GFS F-0363-7A-3 and F-0363-7B-3 - 02.76% over the original contract amount **DISTRICTS D - EDWARDS and F - ELLIS - (This was Item 8 on Agenda of June 19, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented, moved by Council Member Parker, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-0803 ADOPTED.
52. ORDINANCE appropriating \$214,820.00 out of Public Library Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **ASHKAR ENGINEERING CORPORATION** for Professional Services related to the Restoration of the Park Place Regional Branch Library, GFS E-0127-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT I - ALVARADO - (This was Item 47 on Agenda of June 19, 2002, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Keller stated that he wanted to let Mayor Brown and Ms. McGilbra know how pleased he was with Mr. Issa Dadouch and Ollie in Building Services, that they did a remarkable job of responding to him on his questions, that he wanted a detailed analysis as to why the design amount was what it was and they did an unbelievable job of not only showing the exact problems of the project, but an extremely detailed breakdown of the repair cost and the design involvement of that. Council Members Vasquez, Keller, Parker and Robinson absent.

A vote was called on Item No. 52. All voting aye. Nays none. Council Members Vasquez,

Keller, Parker and Robinson absent.

53. ORDINANCE appropriating \$3,132,769.57 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S2-3 (WW4257-34); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **(This was Item 77 on Agenda of June 19, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Members Vasquez, Parker, Berry and Robinson absent. ORDINANCE 2002-0604 ADOPTED.
54. ORDINANCE appropriating \$725,000.00 out of Street & Bridge Consolidated Construction Fund 437, \$675,000.00 N-0663-RE-1 and \$50,000.00 N-0663-25-1; approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees for and in connection with the Capital Improvement Projects identified in the body of this ordinance and for Fund N0663-25-1 for the payment of appraisal fees for various Street Projects - **DISTRICTS A- TATRO and G - KELLER - (This was Item 80 on Agenda of June 19, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. Council Members Berry and Robinson absent.

Council Member Tatro stated that he had an opportunity to work with Nancy Collins and Marty Stein to correct an error in the RCA for the inclusion of a project, that it was simply posted in error.

Council Member Tatro moved to amend Item No. 54 to substitute a revised ordinance that decreased the appropriation to \$450,000 and deleted Project N0658, seconded by Council Member Keller. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-0804 ADOPTED.

A vote was called on the amended substitute ordinance. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2002-0605 ADOPTED.

55. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John J. Rodriguez of Esor Consulting Engineers, Inc., on behalf of Crisofi Limited, Inc (Cristo Papasakelariou, president) and Alkitsa Investments Limited, Inc (Cristo Papasakelariou, president) for abandonment and sale of two 5-foot wide easements and two 5-foot wide aerial easements, out of Lots 7-10 and the west 10 feet of Lot 11, and a 10-foot wide utility easement along the west property line of Lot 11 in exchange for the conveyance to the City of a 10-foot wide utility easement along the west property line of Lot 7, all located in Westheimer Estates, Harvey Sanderson Survey, Parcels SY2-061A, SY2-061B, SY2-061C, SY2-064A, SY2-064B and VY2-022 - **APPRAISERS - DISTRICT C- GOLDBERG - (This was Item 83 on Agenda of June 20, 2002, POSTPONED BY MOTION #2002-770)** - was presented. Council Members Berry and Robinson absent.

Council Member Goldberg named Mr. Samuel Stewart and Ms. Vanessa Hendrickson and moved approval of the recommendation, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0805 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that he wanted to invite Council Members to the Third

Annual Lyndale Park 4th of July Parade which would start at 10:00 a.m. at the corner of Irvington and Eleanor, that it was a great neighborhood event and encouraged everyone to attend, that in the northside there was a lot of growth and development and revitalization occurring and the residents were very proud of their neighborhood. Council Member Berry absent.

Council Member Quan stated that last week a number of people from the Indian and Pakistan Community stood on the steps of City Hall and signed a joint communiqué to their respective native countries requesting that they seek to avoid a war and to try to find a peaceful solution for the problems they were having in Kashmere, that this weekend the Indian and Pakistan Community would be having a fair on the steps of City Hall on Saturday from 11:00 a.m. to 2:00 p.m. to again show their unity. Council Member Berry absent.

Council Member Quan stated that he wanted to take the opportunity to welcome the members of LULAC for their National Convention in Houston. Council Member Berry absent.

Council Member Quan stated that he wanted to congratulate Council Member Ellis, that while they knew he made one of the Outstanding Young Houstonians, he had now made it to the Outstanding Young Texan as well. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate Dan Birsch and Carl Walds who returned to Earth after being out in space for six and a half months, that they welcomed them back to Texas and to the United States and thanked them for their accomplishments aboard the shuttle Endeavor and the Space Station. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to comment on something that happened at the Supreme Court of the United States which had a direct impact on everyone who had insurance, that what had been decided by a five to four decision that the State's can override the 1974 ARISA Act, that the ARISA Act had been interpreted by insurance companies as limiting the State's ability to allow for independent review outside of managed health care plan, that the Supreme Court ruled that if the State decided to have patient protection on their State laws that it could supercede the ARISA protection for the insurance companies which was a great opportunity for State's like Texas which did have patient protection bill to allow anybody who did not agree with the managed care decision to go to the Texas Department of Insurance. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she did not think that there had been a single case of West Nile Virus reported in a human being in the State of Texas, to the best of her knowledge, but it beared mentioning that those people who were out and about to pay attention to the fact that there were plenty of mosquito's in the area, in Houston, that did carry West Nile Virus. Council Member Berry absent.

Council Member Parker stated that she was looking at an article in the Dallas Morning News recently about cell phone usage in the City of Dallas and as some of them may know Dallas went into a severe budget crunch and were looking at ways to cut money and the article referenced that they pulled 220 cellular phones from City employees who they determined were either abusing them or did not need them and saved almost \$200,000, that as she recalled they looked at cell phone usage a couple of years ago and was wondering who was responsible for monitoring that and whether they do that on an ongoing basis, cell phones, pagers and Blackberrys, that she knew some of her colleagues used very extensively, and Mayor Brown stated that he would assign that responsibility to Mr. Haines and make sure he looks into it and gets back to the Council.

Council Member Parker stated that they had a lot of discussion about Mr. Piper when they were talking about the confirmation of Mr. Lewis and she had a couple of follow up questions specifically about Mr. Piper, she knew even those of them who supported the contract had

some concerns about the way Mr. Piper left the City and there were a number of calls for OIG investigation and also an internal investigation on the procurement process and she would like to know the status of what was happening and whether something was happening, and Mayor Brown stated that they would put together a report on that process and submit it to Council.

Council Member Parker stated that at 9:00 p.m. on Saturday was the Pride Parade Celebration of the Gay, Lesbian, Bi-Sexual and Trans Gender Community of Houston and appreciated Mayor Brown once again joining them in the parade, and looked forward to seeing a lot of her colleagues and Houstonians at the parade.

Council Member Alvarado stated that she wanted to welcome all of the delegates from around the Country who had come to the LULAC Convention, that she had been out there the last couple of days and they had a very significant presence from delegates around the Country and thought that it spoke highly of their City that they were hosting the National LULAC Conference and also later the NAACP National Conference as well.

Council Member Alvarado stated that she knew around the Country they had been watching the latest developments in the kidnapping of Elizabeth Smart and wanted to remind everybody that they still had someone from their very own City who was still missing, Laura Ayala, so she asked that they continue to keep her in their prayers and her family.

Council Member Berry stated that he had need in the last two weeks to deal with the Planning Department and had been very happy with the job they had done, Mr. Litke and all of his staff had been very responsive and he really appreciated that.

Council Member Weisman stated that the District E Student Page Program had been working out well and she had photos of City Controller, Sylvia Garcia, that she had done a great job of welcoming the children to her office, supplying them with treats and educating them on her aspect of how they run the City, that her staff had been just great and she wanted to thank them for doing a wonderful job in helping to educate the children and allowing them to feel that they were a part of the system, that the program had very successful and they were getting tremendous response from the district and were starting to hear from people from outside of the district who had expressed interest in it.

Council Member Weisman stated that she visited with the Super Neighborhood Council No. 80 last night and they were working on a lot of projects, that one thing that was of concern to her was that there seemed to be an impression that District E, because it was composed primarily of Kingwood and Clear Lake, that they were affluent and had adequate services and were newer areas of the district, but they had large areas in District E that were in dire need of services, improvements and upgrades and that was certainly something that came to her attention last night with the Super Neighborhood Council, that Hughes Road, from Beamer to Stuckberry Elementary School did not have sufficient sidewalks for the children and individuals who were in need of assistance of a wheelchair, that they could not travel down these sidewalks, that they had to get on the road, that it was appalling to see that last night first hand, that there were no ramps on the sidewalks, it was discouraging to see that, that she had made a commitment to the constituents that she would work with the Mayor in bringing some improvements to that, that she did send that information on the sidewalks to Right of Way Maintenance on May 29, 2002 and had not heard back from them, that she would like some assistance from the Mayor on that.

Council Member Weisman stated that Gulf Palms Park, a park in District E, had not seen any improvements since 1960, so that basically meant that if she was raised in Gulf Palms she would not have had playground equipment to play on and if she were trying to raise then her own son there, that would be a second generation growing up without playground equipment or a useable park, so she was hoping that they could work towards making those improvements for the remainder of the Mayor's term.

Council Member Galloway stated that she had been on a mission, that she had not had some things done since 1940, that Ley Road had been in a reconstruction mode since she came on Council, and it was just like a standstill, that she did not know what the status was, that she had been trying to

get the project moving so the street could be reconstructed so she really wished the Mayor would expedite that for her to get it taken care of.

Council Member Galloway stated that in another district in the City where a house had been burned for only two years and it was torn down, that she had approximately 25 houses that had burned down and had caved in and fallen down and had been there for about 10 to 15 years and they were on the list and she certainly hoped that they could get those burned out homes demolished and clear the lots up, that she wanted to know what the process when they had a fire in the neighborhood, did the Fire Department notify Neighborhood Protection, that she really those burned houses torn down.

Council Member Sekula-Gibbs stated that she and Council Member Galloway were at the 140 year birthday party of Union Pacific last night, that at that event both she and Council Member Galloway had the opportunity to talk with Dick Davidson, CEO of Union Pacific, and one of the things that they asked him was to help the City build the pedestrian crosswalk that would protect the children in her district from being hit, killed or maimed by trains, and Council Member Galloway stated that at this particular track they had approximately three accidents and she did not know where they were on that, if they were conducting a study to find out the cost factor to build the walkway across the tracks and they might have to acquire some land in order to build it, and Mayor Brown stated that they would work on that.

Council Member Robinson stated that when he voted in opposition of the insurance increase, it was not about the cost it was about the service and that was what the employees had complained about, that his number one constituent, otherwise known as his wife, had informed him that she got a nice little letter that said they were glad she went to the doctor and were glad that the visit was covered but they were not paying the bill because the doctor took too long to submit the bill, that she had to pay it, that he was trying to figure out why would HMO Blue send him a bill for a visit that was covered because the doctor took too long to send the bill, that was his frustration, that he was willing to pay more for better service, even if they had to take a plan that was more, that was what the employees were saying, that was why doctors were leaving the HMO Blue plan because they were abusive.

Council Member Robinson stated that he was reading the Chronicle Editorial this morning about the issue in Internal Affairs and would hope if someone would visit with him and let him know, not the details of the investigation, but what was the process that was being undertaken, was it an OIG investigation, was it a request to the FBI or who was investigating what was involved with the folks relative to the Internal Affairs Division.

Council Member Robinson stated that he wanted to thank Mr. Hall and Mr. Bibler and understood that the administration had agreed to put a public hearing on the agenda relative to No Trucks in the Left Hand Lane on Hwy 225 so he wanted to thank the Mayor when it came on the agenda, that he knew the Legal Department was working on trying to get an answer out of the Attorney General to see if they could do it along I-45. Council Member Keller absent.

Council Member Robinson stated that he had a number of complaints of trucks parking illegally on the City streets, if they could step up and issue some tickets, towing and the like maybe that could drive the numbers back down, that a number of cities around the Country had restrictions on when trucks could come in to deliver goods and services, that the most prominent one he could recall was Boston and he would like to see if maybe they could look at some of the best practices in that area and give some consideration to those issues. Council Member Keller absent.

Council Member Robinson stated that he was looking forward to working with Mr. Richard Lewis, that he hoped as a group they would come to a consensus of what they wanted to do in terms of the technology and let the competitive process go forward.

Council Member Edwards stated that they had an occurrence in their district in the West Orem area, there was a new BFI service facility being built that a lot of the civic clubs and constituents had concerns about and they had a meeting with BFI and it was very good, they worked through and developed a strong partnership, even to the point of BFI joining the civic club and pledging to be a

corporate sponsor of one of the elementary schools in the area, and wanted to commend the people who came to the table from the corporation and the community for the work and not being so entrenched and locked into positions, but looking at the bigger picture of how to make it a win win for the community.

Council Member Edwards stated that she wanted to thank Building Services, that they had a lot of projects going on in District D, particularly the South Post Oak Multi Service Center, the Homer Ford Tennis Courts area and the Johnson Library and they had worked very diligently and closely with their office and with their constituents in addressing their concerns and really appreciated their help and the leadership of their Director, Ms. McGilbra, in that effort, that Issa and Ollie, especially had been very helpful in their efforts.

Council Member Edwards stated that she wanted to thank the Mayor's office, that they had a lot of ghosts of District D that were rising up, people from 1984 and 1992 and they had all their letters and cards and business cards from Council Member's going back almost 15 years of promises made and promises not kept, that she wanted to thank Mr. DeYoung and Mr. Haines for walking the walk with her, that they had a lot of stuff to do, but was confident that they could handle it.

Council Member Edwards stated that she knew Mr. Haines had a lot of studies that came out of the budget hearings, and asked if he could provide her a list of the studies that he was going to be doing and what kind of time line they were going to be on, that it would be very helpful to her.

Council Member Edwards stated that she wanted to say congratulations to the two super neighborhoods in District D, SNAPS in District D, Third Ward and the Missouri City area, they were excited and were willing to work and they were intent on getting this thing organized and going and understood the power that a SNAP gave to the community and wanted to thank Mayor Brown for that concept and for standing strongly behind it and making sure that it worked.

Council Member Edwards stated that they had about 120 youth on Sunday, ages 14 to about 22 years of age, at what they were calling a youth led adult supported program in District D, part of their youth program, and they had an all day workshop that started at 8:00 a.m. Saturday morning and continued through about 6:00 p.m. Saturday evening, that with the help and support of several of the labor unions they dealt in the mornings with issue based workshops and in the afternoon they did skill based workshops, that there were children from all the ethnic and different classes and nuances of District D, that she was very proud to see that many young people, that they planned the conference and designed the t-shirts and did everything, that they were going to be the gaudery of the political science camp that they were looking to initiate in District D, that she wanted to give a special thanks to the community partners who worked with them on it, Ms. Shiela Savannah with People in Partnership, Ms. Andrea Holmes with People in Partnership, Ms. Jan West with the Urban League and the facilities from the AFL-CIO and the other union.

There being no further business before Council, the City Council adjourned at 11:09 a.m. upon MOTION by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary