

City Council Chamber, City Hall, Tuesday, August 20, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 20, 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. and Michael Berry; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson absent on personal business.

At 2:09 p.m. Mayor Brown stated they had several Council presentations with the first being Council Member Edwards. Council Members Galloway, Goldberg, Ellis, Quan and Sekula-Gibbs absent.

Council Member Edwards stated that one of the benefits and pleasures of being a Council Member was to recognize and honor the work that people had been doing over the years in the district and in the City and invited Mr. Allie Woods, Sr. to the podium and stated that Mr. Woods had been a leader in their community, particularly the Fourth Ward Area, for over fifty years, that they wanted to recognize and honor the work he had done over the years and presented Mr. Woods with a Certificate of Recognition from her office and asked that Mrs. Woods and their family stand and be recognized. Council Members Galloway, Goldberg, Ellis and Quan absent.

Mr. Woods stated that he wanted to thank Mayor Brown and the Council Member Edwards for the recognition and thanked his family for all of their support. Council Member Quan absent.

Council Member Quan stated that he was pleased to present a proclamation to the Leukemia and Lymphoma Society for Leukemia and Lymphoma Awareness Month and invited Mr. John Strange, President of the Gulf Coast Chapter of the Leukemia and Lymphoma Society to the podium and read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed the month of September 2002 as Leukemia and Lymphoma Awareness Month in the City of Houston. Council Members Tatro and Ellis absent.

Mr. Strange stated that they really appreciated the opportunity to bring up the awareness about dreaded diseases, Leukemia and Lymphoma, that it was something that they were passionate about, that Leukemia and Lymphoma did research for a lot of cancers other than Leukemia and Lymphoma and requested Ms. Joan Jarred, Executive Director, to join him at that podium to tell them about a function that was coming up in five different locations, that Mrs. Frances Brown was the Chairman of the big event at the racetrack on the 28<sup>th</sup>, that she had been the Chairman for 3 years. Council Members Tatro and Ellis absent.

Ms. Jarred stated that every 5 minutes another family would be changed forever by the diagnosis of Leukemia or a blood related cancer and every 9 months someone would lose that battle, that on September 28, 2002 there would be a walk with illuminated balloons, that all of the supporters would carry red balloons with blinking lights, that the cancer survivors would carry white illuminated balloons, that she hoped to see them all there. Council Members Tatro, Galloway and Ellis absent.

At 2:20 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Keller led everyone in prayer and the pledge of allegiance.

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

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

Mayor Brown recognized Council Member Wiseman for a point of personal privilege.

Council Member Wiseman stated that she wanted to recognize a special group present, that it was a group called the District E Citizen Advisory Committee, that early on she set out to put together a group of constituents from throughout District E and for the first time bring them together to sit and engage in dialog as to the needs and interests of District E and to work together to set goals and set a direction for District E and asked that they stand and be recognized.

Mayor Brown stated that he wanted to welcome all of them to City Hall and that they appreciated their volunteer services in helping the City.

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

Ms. Ramona Davis, 712 Main, Ste. 110, Houston, Texas 77002 (713-216-5000) appeared and stated that she was the Executive Director of the Greater Houston Preservation Alliance and was present in support of the local historic designation for the old Jeff Davis Hospital, that the organization was in full support of the designation and were asking them to complete the process by putting their stamp of approval on it, that it was something that they would all be proud of and the City would be proud of for many years to come, that it was an important project and served the community very well. Council Members Wiseman and Sekula-Gibbs absent.

Ms. Cleola Williams, 1706 Edwards, Houston, Texas 77007 (713-225-6838) appeared and stated that she was President of Avenue Community Corporation and also a resident of the First Ward and a native Houstonian, that they were asking the City Council with their vote to designate the building as a historic landmark, that the Jeff Davis Hospital was in the heart of Avenue CDC target area, that it had been there all of her life and she had played on the grounds when she was a little girl, that it was so important that they look back at their history and that they remember those people who had lived and died, those people who were buried on that particular site, those things that they wanted their children to remember and they did not want to tear down Houston's history and the making of their wonderful City, that they knew that the project would benefit the people of Houston and Harris County by creating affordable housing for artists, that they knew artists did not have any money, that in preserving the building and respecting the cemetery site it would return the property to productive use and help to revitalize the community, the project addressed a recognized need in the community, so their support and their vote in the preservation of the very important building would also help Houston, their community and the State of Texas. Council Members Wiseman and Sekula-Gibbs absent.

Ms. Tamra Pierce, 2201 Preston, Bldg. E, Houston, Texas 77003 (713-223-5974) appeared and stated that she was with Pierce Development Group and was present to speak to them of the vision for the old Jeff Davis Hospital, that each of them had a vision of themselves and their contribution to the world around them and that was what had brought them to being present right now, that the old Jeff Davis Hospital Project was a vision of herself and of others as communities self expressed through creativity, that as she changed from one of countless others noticing the building out of the corner of her eye while driving down I-45 to in July of 1998 standing before the magnificent building with the most magnificent and incredible view of downtown Houston, bar none, she began a journey of relationship with the building, with the site, with the community and with the people, both past and present, the historical significance of the building was just now beginning to unfold, they knew it was a place of healing, the land beneath a place of healing the loss of loved ones, and the building built for caring and healing and now the

project, a building becoming a place for artists whose work heals them all, that she would like to share with them a quote that had provided her with a lot of inspiration by another visionary that had made a big difference in their world and read a poem by John F. Kennedy. Council Members Tatro, Galloway and Wiseman absent.

Mr. Steven Kirkland, 1817 Lubbock, Houston, Texas 77007 (713-861-4848) appeared and stated that he was Director of Rental Housing and Avenue Community Development Corporation, that like his friends he was present to ask for their support of their project by designating the building as a historical landmark in the City, that Avenue in partnership with Art Space Projects would renovate the building into live and workspace for low income artists, that his job was to tell them just a little bit about the story of the building and the site, that the hospital was dedicated in December 2, 1924 and was the first City owned facility to accept indigent patients, that the neo classical architectural was simple and straight forward and was recognized by architects as a particularly good example of that style, that several hospitals were built in Houston in the 1920's but this was the only one that had not been extensively remodeled or altered so it was a significant historical artifact from that timeframe, that since it was closed in 1937 the building had served as a clinic as well as a treatment center for alcoholics and record storage, that for twenty years now it had been vacant, that the actual ground that the hospital sat on was recognized as a State archeological landmark, the hospital was built upon one of the first City cemeteries in the City and was donated to the City of Houston by the founders, Augustus and John Allen, the graveyard had been the final resting place for Houstonians of all walks of life including City aldermen, Union and Confederate Soldiers and folks who died during the Yellow Fever and Cholera epidemics from the turn of the century and represented the convergence of so many different peoples that had made their City what it was today, that their development team of Avenue and Art Space planned to respect both the history of the building and the cemetery on which it stood and their plan was to include a monument to the cemetery as well. Council Members Tatro, Galloway and Wiseman absent.

Upon questions by Council Member Vasquez, Mr. Kirkland stated that the project was expected to cost around \$6 million to do the renovation and there was a significant piece of environmental remediation they had to incur, there was asbestos in the building as well as outside the building, that there was a structure in the back that had been demolished and caved in on itself and needed to be hauled away and treated as asbestos, so it was a significant cost, that there were also underground storage tanks on the site, that they were looking at a number of different funding sources to try to pull it together and hoped to be using low income housing tax credits as well as historic tax credits, which they would then sell to private investors to raise capitol for the project and that should generate a little more than half of the capitol that was necessary, that they had been very active and their friends from Art Space had been very good at raising money from the philanthropic community in Houston, that they were getting some very good response from a number of foundations, that the Houston Endowment, as they would expect, was leading the way on this very innovative project, that right now all they needed from the City was recognition of the project as a historical landmark, that would help them in raising money from other sources, they may ultimately come back to the City Council for more assistance in forms of either a variance for parking or some other things as well as possibly some financial assistance, but that was not determined yet. Council Members Tatro, Galloway, Wiseman, Ellis and Keller absent.

Ms. Marci Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she was the President of the First Ward Civic Council, that she was present to ask for their support for the old Jeff Davis Landmark designation. Council Members Tatro, Galloway, Wiseman, Ellis and Keller absent.

Ms. Mary Lawler, 2505 Washington Ave., Ste. 400, Houston, Texas 77007 (713-864-8099)

appeared and stated that she was Executive Director of Avenue Community Development Corporation and was present to speak on two different issues, the first one was the proposed historic designation of the old Jeff Davis Hospital, that they had already heard from Cleola Williams about the need for low income housing for low income artists in their community and from Steve Kirkland about the historic significance of the building, that she wanted to speak about the economic impact that the restoration of the old Jeff Davis could have on their community, that the preservation and restoration of the Jeff Davis would be a catalyst for economic development in the First Ward neighborhood just northwest of downtown, an area where 35% of the population lived below the poverty line, that the project would revitalize a corner of the neighborhood that had been neglected for over half a century, the need for affordable housing in the neighborhood was critical, the neighborhood medium income was 50% of the Houston medium income and since 1990 that specific census tract had lost 23% of its housing stock, 100% of that lost was in affordable renting units, that they ask them to support the historic designation of the Jeff Davis hospital in order to assist in their efforts to redevelop the building as affordable for low income artists of their community; that the second issue she liked to address was the proposed Payment in Lieu of Taxes or PILOT, for affordable housing projects financed by the Houston Housing Finance Corporation, the property tax exemption for affordable housing owned by non profit community housing development organizations was created by the State Legislature to assist the community groups to develop and operate affordable housing desperately needed by their low income communities, that very low income people often could not afford enough rent to cover the regular operating costs of their housing, such as maintenance and insurance and property taxes were another expense that could make the cost of developing and operating those properties prohibited, that the Payment in Lieu of Taxes proposal endorsed by the Housing Initiatives Committee was in conformance with the State Legislature to promote the development of affordable housing by non profit agencies, that she urged the City Council to adopt the guidelines as proposed by the Housing Initiatives Committee which would cap the appraised value at the predevelopment level, that meant that the development of affordable housing would be encouraged and that the City, State and school districts would not lose revenues from those properties, in fact tax revenues should actually increase since by developing the properties in blighted communities CDC's encourage other development around them which did go on the tax rolls, so please support the PILOT proposal as crafted by the Housing Initiatives Committee.

Upon questions by Council Member Quan, Ms. Lawler stated that she was also the President of CDC Associations of Houston, that when she became president Mr. Steve Fairfield took over the policy committee but she was still an active member on that committee, so she did have a chance to look at the PILOT proposal in detail, that the whole issue of the CHODO property tax exemption was obviously that the CDC Association was very interested in because they knew the whole exemption was coming under fire at the State level as well, so the policy committee of the CDC Association was actually looking at a proposal to propose to the State Legislature on the issue to try to preserve the exemption for their communities, that most of the land had stayed vacant for years and years in communities which were blighted so by encouraging the development of affordable housing they were actually helping to bring the whole community up and the City and school districts were not losing anything by doing this.

Upon questions by Sekula-Gibbs, Ms. Lawler stated that certainly units that were purchased and then rehabilitated should be treated differently, in other words, the added value on a rehabilitated unit, in her opinion, should not result in increased taxes, that for units that were not substantially rehabilitated she thought they really needed to look at the income level at which these properties were serving, if they were talking about serving people at 80% of medium or properly even 6% of medium income, those properties could afford to pay taxes, if they were talking about serving people at 30% to 50% of medium income or below, the people who lived there simply could not afford enough rent to also pay property taxes, every cent of rent that was

collected by the landlord had to go to maintenance and upkeep and all those other expenses that it took to keep that housing operated, that she did suggest that there be a separation between apartments that served the very low versus the low, that was what she would suggest, and Council Member Quan stated that presently they were just looking at whether they were new construction, major renovation or acquisition, so they did have to meet guidelines as far as percentage served that did serve low income and very low income, that it did meet federal guidelines, so they did not make a distinction per se as far as low versus very low within their PILOT, but they also had to meet the federal guidelines as far as low income families.

Upon questions by Council Member Edwards, Ms. Lawler stated that there had been a number of studies and actually the CDC Association was working to pull together some of that information in terms of what was the effect of one of these developments in a community in terms of generating additional economic development and additional housing development in the area, so she would be happy to get back with them with some more specifics once they had a chance to pull it together from other locations, but she thought that if the PILOT that was put on these developments was too high she thought they were going to see a dampening, that people were not going to be able to develop the properties and they were really going to see an even greater shortage of affordable housing in the City.

Mr. John Michael Gonzalez, 808 Travis, Ste. 1504, Houston, Texas 77002 (713-225-5115) appeared and stated that he represented Art Space Projects Inc., the co-developer of the Jeff Davis project, that Art Space was a national non profit developer whose mission was to create and manage space where artists could live, work, exhibit, perform and conduct business, that by creating that kind of space Art Space supported the continued professional growth of artists which enhanced the cultural and economic vitality of any community, that at the invitation of Avenue CDC, their local partner on the project, and an active stake holder in the community for many years, Art Space was proud to help preserve and redevelop an important piece of Houston history, that as they heard, the old Jeff Davis and the site it sat on had been a critical link to their history, from the earliest days of Houston and even before that, that with the active cooperation of Harris County, they were moving full steam ahead to make this Houston's first housing project for low income artists and their families, that it was a great reuse of the building, the special history of the Jeff Davis and the fact that it sat on an archeological site made it an unlikely candidate for conventional low income or market housing, the challenge to find an appropriate use for the building and a commitment to interpret its special history in an artistic and meaningful way, was something that the local creative community was willing to take up, so the community of artist living there would be an exciting addition to the historic neighborhood and the Central City and to Council Member Vasquez district and they looked forward to continued work with the City to actively participate in the project and the addition of critical affordable housing in the City, that he urged them to pass Agenda Item No. 15 tomorrow making it and designated it a historical site; that he would also like to support the Payment in Lieu of Taxes proposal and urged City Council to pass that. Council Member Galloway absent.

Upon questions by Council Member Berry, Mr. Gonzalez stated that Art Space had not done anything in Houston, that in Galveston they had just completed a project, the old Levy Building, which was an important building downtown and an active part of the great storm, but this was the first project in Houston in cooperation with the Avenue, that Art Space in working with local partners all over the Country had about \$80 million of projects that they completed and were under management currently with several more projects across the Country, that they had a lot of experience in old heavy buildings in particular for this kind of work, that Avenue CDC asked them to come in and be the partner and they made a great partner. Council Member Galloway absent.

Upon questions by Council Member Quan, Mr. Gonzalez stated that he was also the

President of the Midtown Management District, that they were trying to develop low income housing in Midtown, that they were not successful yet, and he thought the challenge had been the cost of their land there now, that he had experience in looking at the development cost and what PILOT would do to help spur development, that PILOT actually worked in a public policy was a lot like a TIRZ did, that they were in essence encouraging development in an area where they wanted development in and a particular type of use by making a concession there, that in a particular type of use that needed all the help it could get, especially in the central City, that he thought that if the goal of the City was to put affordable housing in a big ring around the Beltway then maybe they would not need to do this, but if they really wanted to mix affordable housing throughout the whole City, then this was an important tool. Council Members Ellis and Vasquez absent.

Ms. Pauline Lipford, 6306 Micollet, Houston, Texas 77016 (281-442-1256) appeared and stated that ever since Allison occurred in June of 2001 each time it rained with some consistency their streets flooded because their inlets had been filled with water, that she had reported this to the City as well as the County and wanted the County and the City to make it a priority. Council Members Ellis and Vasquez absent.

Mayor Brown stated that it was his understanding that Mr. Robert DeYoung had been to her neighborhood looking at the issues and would continue to work with her to see what they could do with the County to get all of the issues resolved.

Council Member Edwards stated that they had the same similar problem in District D with the County maintaining the ditches so whatever refuge they could get, that they had been working the Mr. DeYoung but it was a serious problem and did not know how they could put some leverage behind the County, but their constituents were suffering.

Council Member Parker asked if it was drainage from their ditches to the County's larger drainage ditches and that the confluence was where the problem was existing, and Council Member Edwards stated that in District D the primary concern was that the County drainage ditches had been obstructed with a lot of stuff and not maintained so everything just backed up and became a ripple effect, that the little maintenance that they did really only played with the problem but did not solve the problem. Council Members Ellis and Vasquez absent.

Council Member Galloway stated that this had been a major problem since Allison in District B because it was so heavily flooded, but the City had been grading out ditches as well flushing out the culverts because when it flooded so much debris got into the ditches and the water could not flow into the County bayous, so this was the problem now that the County bayou was the problem now and causing a backup into those people's residence and it continued to flood every time they had a hard downpour rain and had been happening frequently, that she had been meeting with the County and they were working on a special flood plan that they were going to implement in that area and as soon as they finalize some of the drainage of Huntington Bayou and another bayou near their residences they were going to be buying out homes and building a detention pond so the water would have some place to go. Council Members Ellis and Vasquez.

Ms. Essie Williams, 6203 Micollet, Houston, Texas 77016 (281-442-0183) appeared and stated that she along with other neighbors in the neighborhood had repeatedly tried to get someone to come out to their area in northeast Houston to see why they were so bombarded with flood waters and flooding problems, that each time it rained more than a couple of hours they were assured of flooded streets, that just last week they had their latest incident of flooding, they could not get in and out of their homes, their streets were flooded, that it seemed they had exhausted just about all their means of contact with the City as well as the County, they had called the City Council office and others and sometimes someone would come out and say it

was the County's responsibility to correct the problem, then in turn the County comes out and say it was the City's responsibility to empty the inlets, that all they get was the ping pong, back and forth, between the two factions, yet the problems still persist, that it was not the County or the City that had the problem, it was the residents who lived in the area, that it was either the City's or the County's responsibility to solve the problem, that all she could say with some certainty was that they were tax paying and voting citizens in their area and were in need of help and were constantly helping but they seldom received, that they did not live in Memorial, Tanglewood or River Oaks, but the homes they lived in were their castles and they wanted to be able to reach them when it rained without being flooded out, would somebody up there hear their plea. Council Members Ellis and Vasquez absent.

Upon questions by Council Member Berry, Ms. Williams stated that they lived in Northwood Manor off of Homestead and I-59. Council Members Ellis and Vasquez absent.

Council Member Galloway stated that they lived by Halls Bayou and that was where the flooding was and the Halls Bayou area was on the drawing board and they were going to be purchasing approximately 300 homes in the area as well getting a detention pond and she had been working with the County to get some relief because they knew there was a major problem over there.

Council Member Edwards stated that she just wanted to reiterate the urgency and was sure they were aware, that next to Jones High School they had a situation that every time it rained the kids could not even get to school because of this type of similar situation, so whatever kind of muscle they could put to this she and her constituents would really appreciate it.

Mayor Brown requested that Mr. DeYoung get on that right away and see what could be done.

Mr. Richard Williams, 6203 Micollet, Houston, Texas 77016 (281-442-0183) appeared and stated that he had some pictures of the area for the City Council Members to see where the flooding was, that they needed help in the area and asked that the pictures be passed around. Council Members Keller and Vasquez absent.

Mr. Robert Adams, 6310 Micollet, Houston, Texas 77016 (281-449-7648) had reserved time to speak, but was not present when his name was called. Council Members Keller and Vasquez absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Keller and Vasquez absent.

Ms. Andrea Gonzalez, 5004 Brady, Houston, Texas 77011 (713-755-7867) appeared and stated that she was present that she was a property owner in the Oak Lawn addition, that last year her house was deemed unfit to live in and Allstate Insurance determined that it was best to tear down her house and rebuild it, that it was prior to Allison and did not have anything to do with the storm, that on February 28, 2002 she submitted all her plans as required by Planning and Development, and she had copies, that her plans were approved and her plans indicated where she would be reconnecting into the existing community sewer line, that the work was done by the licensed plumber and she had her job card indicating where the work was inspected and passed inspection on May 6, 2002 and because of a problem with the neighboring community line collapsing on her property in July 2002 it was now deemed by Senior Inspector, Mr. Jerry Maxwell, that no future occupancy permits would be released on her property, that she felt like she was being victimized because of the City's inaptitude, that they were now telling her

that she was responsible for the construction of a new tap into the new sewer line that was laying under the street, that none of this was ever brought up, that she was extremely upset and was still paying a mortgage for a house she had not been able to live in for almost a year and this needed to be taken care of immediately. Council Member Keller absent.

Mayor Brown stated that Mr. Gary Norman, Public Works Department was present and would meet with her, that she was also faxed some forms from the Housing Department to see if she was eligible that might be able to assist her. Council Member Keller absent.

Council Member Vasquez stated that Ms. Gonzales did have a signed off plan but at the time that the plan was signed of on for the sewer line the person who signed of on it really did not know she was tied into a community sewer, that her plans did reflect approval of it, however when they went out there were several broken lines and raw sewage on her property coming from the next door neighbor and unfortunately it did fall under her obligation, that they were able to solve the problem that day, of the raw sewage with the help of Public Works and many inspectors, that the Public Works Department was strongly encouraging her to connect to the sewer at the front end of the property in the middle of the street and that was basically the problem because she had run out of funds to actually do that, that they had contacted Ms. Bingham and were trying to help solve her problem, that she would have to qualify for those funds as any other citizen, that he thought if there was any flexibility in the situation was the fact that she did have an approved set of plans to actually reconnect to the community line, that long term of course, the Public Works Department would like to have all of the citizens get off of the community line and onto a regular sewer line, that it was a very special issue and that was where they were, that they had given Ms. Gonzales the information. Council Members Wiseman, Keller and Quan absent.

Mayor Brown stated that they would see how they could help her, that there were some legal requirements that they had to abide by, that Mr. Norman would meet with her and keep them up to date as how he could help her resolve the problem. Council Members Wiseman, Keller and Quan absent.

Mr. Carl Cato, 7710 Boggess Rd., Houston, Texas 77016 (713-491-3591) had reserved time to speak, but was not present when his name was called. Council Members Wiseman, Keller and Quan absent.

Ms. Karla Robinson, 4807 Pin Oak Park Dr., No. 1817, Houston, Texas 77081 (713-962-0682) appeared and stated that she was the great hand of the late Shania Harris, that she was the four month old baby who passed away last week because of some issues with 911 as well as some outside issues with Hermann Hospital, that basically she was sure that everyone was familiar with what happened, that her family lived in Harris County, they were annexed to Harris County but their mailing address said Missouri City, that when her brother-in-law called 911 he was transferred three times because they were trying to determine who was supposed to help them in that particular area, that the bottom line was that he asked if he hung up and dialed 911 again they would answer so they should send someone out to help them, that as a result of their going back and forth trying to determine if it was Fort Bend or Harris County he instructed his niece to take the baby to the nearest fire station and asked the 911 operator if they could contact the nearest fire station to their address to notify them that they were on their way, that the 911 operator told them to go to South Main and Chimney Rock, they lived five minutes from Willowridge where there was a fire station right besides Willowridge, that the reason she was present was that they had already buried Shania, but she did not want it to happen to anybody else every again and that was the same sentiment of her family, that she wanted to praise and commend Council Member Edwards and her staff because when she called Council Member Edwards last Wednesday she was in Brazil, but her people got right



back with her and set up an appointment with her this morning and Council Member Robinson was also there, that Council Member Quan got on the phone and spoke with her directly and assured them that they would also do an investigation, that she must also commend Mayor Brown and Mr. Robert DeYoung because they also had been very aggressively trying to get to the bottom of what happened and given sincere condolences to her family. Council Members Keller, Alvarado and Quan absent.

Council Member Edwards moved to suspend the rules to hear from a representative of the 911 System, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Keller, Alvarado and Quan absent. MOTION 2002-0973 ADOPTED.

Mayor Brown stated that he wanted to thank Ms. Robinson for being present and stated that again they did extend their condolences to her and her family. Council Members Keller, Alvarado and Quan absent.

Upon questions by Mayor Brown, the representative stated that her name was Barbara Evans and she was the 911 manager of the City of Houston. Council Members Parker and Quan absent.

Upon questions by Council Member Edwards, Ms. Evans stated that they had the opportunity to review the tapes and at this point what they were also looking at was trying to determine if for some reason the call was misdirected to another agency and what were some of the other procedures that they could possibly look at to do in order for this not to happen again, that their intent was, if the family would allow them to, to go to their residence to make a call to 911 just to make sure that their address was established in the system correctly and to check with the other answering points, Missouri City and Fort Bend to determine if for some reason the call was misdirected or if they did get a copy of the call, because they had only been able to determine that they received one call through 911 at the City of Houston and another call that came in on the 10 digit number, but in reviewing that tape they had not been able to determine any operator saying that they were in the wrong jurisdiction, that dispatchers were aware of the peculiarity of how people were situated in the Fort Bend and Missouri City area, that normally when a call came in to 911 it was designated to come into the City of Houston and they had calls that may have gone to another area and was transferred over to them, that they did have procedures in place that if a call was misdirected to them they could transfer that call to another agency and she thought that throughout the system that was the way it was established within all the 47 jurisdictions and municipalities and public safety answering points, that in a normal life threatening situation if the child was still at the residence then they had operators who were trained to do pre arrival instructions until they could get an ambulance there, and that was what would have happened if the child was still at the location when they received the call, and Council Member Edwards stated that she would like to get with the fire department and see if they could initiate some CPR training, perhaps through civic clubs and so forth because she thought a small amount of the tragedy was compounded by people's unawareness of what to do in that type of emergency. Council Member Quan absent.

Upon questions by Council Member Berry, Ms. Evans stated that if someone called in a complaint that was going to require the police at the moment the dispatchers or phone operators reported to the Police Department, that they were in the process of consolidating the function under one organization, which would be the 911 organization or rather the Houston Emergency Communication Center and by doing so they would eliminate people being transferred for help or if they had a problem and they would be able to conduct the investigation in one area, but right now they were still with the Houston Police Department although they had been assigned to her, and Council Member Berry stated that his wife called in probably two weeks ago, there were four

shots that rang out, that four people had called in around 3:00 a.m. and the dispatcher hung up the minute she had enough information and did not tell them anything else and his wife was panicked and did not know if the call had even been taken, that they found out from their neighbors that the exact same thing had been done, just hanging up in the middle of the call, that he got repeated calls from constituents who called 911 in a panic and not only was the caller got off in the middle of their conversation but were treated rudely, that he did not know if they were short of time but that was a person who needed patience more than anything else and the dispatchers apparently were not providing it, and Ms. Evans stated that she would be conscious of that, and Mayor Brown stated that if that happened they would urge them to report it because all of those conversations were recorded and they would know who it was and would have transcripts of the transactions. Council Members Parker and Quan absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Evans stated that actually they were all staffed for 24 hours, 7 days a week, that currently when a citizen called 911 they would go into the City of Houston 911 neutral answering point and at that answering point they would determine the nature of the emergency, if it was a fire or a medical emergency it would be transferred to a senior 911 telecommunicator who was capable of handling medical emergencies and giving pre arrival instructions, if the call was of a police nature it would be transferred to the police telecommunicator who was at a different location and they would in turn handle the call, that those individuals were still being supervised by the Police Department at this time but after consolidation they would be supervised by people on her staff, that the difference between having the call transferred or having the data transferred, they had a neutral answering point at which the address and telephone number was received and they in turn would determine if the citizen needed police, fire or medical emergency, that information along with the citizen and their address information would be transferred to the police telecommunicator at the 61 Riesner side, that a transfer meant that they had to push a button and that was what she meant by transfer, that she would have to investigate the incident that Council Member Berry had described to determine if that call was never transferred to a police telecommunicator, that also if there was a disconnect the 911 telecommunicators were trained and it was their procedure to call that citizen right back to determine what was the problem and then transfer them over, that was a procedure that was in place, that when a medical call came in they transfer it over to the senior 911 call taker in their location, that person would in turn take the address and phone number and all of the information that was needed in order to dispatch the call, that the senior individual was a civilian who was trained to give CPR and to do pre arrival instructions, they were certified to do that, that the information was automatically done, once they had the address and telephone number and had enough information to send to dispatch in order for them to send out an ambulance, then that was when they did a dispatch transfer, that it was done by keyboard and they did not have to hang up, that in this particular case, because the infant was no longer at home, the senior 911 telecommunicator in turn transferred the caller to Fort Bend County because he had indicated that they had already left to go to a fire station that was in the Fort Bend County area, then they contacted the call center there to notify them that the citizen, the baby and the family were on the way, that there was really no one to give medical instructions to at that point, that they actually stayed on the line with person until they were talking to the Fort Bend County call taker and the citizen did indicate that they had already gone, that the family arrived at the Fort Bend Fire Station and that was verified, that at that point they felt that their mission was completed, that if she thought about doing anything differently, she thought that when the first call came in and when the citizen indicated that he was getting ready to leave they would have probably instructed the call taker to tell the citizen not to leave because he would have gotten quicker service had they stayed on the line with them and they would have been able to give the pre arrival instructions and there would not have been a need for a transfer to another County. Council Members Galloway, Wiseman, Vasquez, Alvarado, Parker and Quan absent.

Upon questions by Council Member Edwards, Ms. Evans stated that as to the statement

that there were two 911 calls and one 911 call was never picked up on they had not been able to find a record on that, that they could track down a call, that all of their calls were recorded, if they had the information they were able to go into their system and put in the address or telephone information and pull that call up to determine what time the call reached 911 and exactly what happened on it, that the information they would need was the telephone number of the caller or the address or location of the caller and the date, that if they were calling from a cell phone it did make a difference, that the difference was that at this point they were unable to check anything by location on a cell phone, that service was not available to them now and was something that they were looking forward to putting in place, but were waiting for some of the cell phone companies to put their equipment in place so they could do that and provide that service and be able to locate the citizen when they called on a cell phone, that some of the providers had allowed them and they were able to at least track by the telephone number of the cell so they could at least find out what number they were calling from and there were times when they had been able to locate the call based on the telephone number, but that was if the provider had given their customers Phase I location availability. Council Members Galloway, Wiseman, Keller, Vasquez and Sekula-Gibbs absent.

Council Member Edwards asked Mayor Brown if someone was doing an official investigation of the incident and Mayor Brown stated that was correct, and Council Member Edwards asked if she could be kept abreast of what was happening and Mayor Brown stated that they certainly would. Council Members Galloway, Wiseman, Keller, Vasquez and Sekula-Gibbs absent.

Ms. Robinson stated that she had talked to her brother in law and there was only one phone call, but on the records it only showed from the time that he was telling the family to take the baby to the hospital because with the three transfers that he had arguing with the dispatcher on his residence and who should come out he decided they were not going to get any help and they needed to take her away, that the dispatcher never started to try to give them instructions on CPR, they were trying to transfer the call to Fort Bend, and Ms. Evans stated that all of that would be on the record. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez and Sekula-Gibbs absent.

Mr. Nizam Fayad, 6030 Knotty Oak Lane, Spring, Texas 77373 (713-303-2495) appeared and stated that he was present regarding the Parking Management of the City of Houston, that he was the owner of the Sam Houston Cab Company and got his permit through the lottery drawing last year, that he had been driving a cab in Houston since August 1995, that through all those years he had received only two parking citation, one in 1997 and one in 1998, that after he got his taxicab permit for his own company he had twelve citations in less than three months, that he wanted to know why he had not received any of the citation in his hand, that because as a taxicab driver he was supposed to be sitting in his cab to make his money, that he could not park his car and go somewhere, that he was in his car and on the move all of the time, that he went to 601 Sawyer to find out and they surprised him by telling him that he had twelve citations, that he told the officer that he did not have one single receipt of the citations, that he asked for a printout of the citations to find out about them and asked if it made sense to them that somebody with a new permit and with the new merit points his taxicab permit would be gone, that he noticed when he drove downtown the young men and women with small computer devices and they look at them in the traffic and enter their license plate and keep walking and then suddenly they receive the citations in the mail after two or three months, that he had a copy of the citations to present to the Council Members. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez and Sekula-Gibbs absent.

After further discussion, Mayor Brown stated that the representative of Parking Management would meet with him right now. Council Members Galloway, Wiseman, Ellis,

Keller, Vasquez and Sekula-Gibbs absent.

Ms. Gloria Trevino, 12526 Olympia Dr., Houston, Texas 77018 (281-920-9519) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez and Sekula-Gibbs absent.

Mr. David Hall, 7175 Dillon, Houston, Texas 77061 (713-643-1009) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez and Sekula-Gibbs absent.

Mr. Don Seributra, 7023 Dickson Way, Missouri City, Texas 77489 (281-437-4931) appeared and stated that he was a member of the Inner Loop Affordable Coalition and the October 22 Coalition to Stop Police Brutality, Repression and Criminalization of a Generation, that he was present to speak about the young girl, Ms. Shania Harris, who died in route to Memorial Hermann Fort Bend Hospital because of a 911 call mix up concerning EMS services in Super Neighborhood 41 which was a fraction of the Houston area and Fort Bend County, that although Mayor Brown had officially recognized the Fort Bend Houston Super Neighborhood Council on June 20, 2002 a lot of residents had referred to the community as Missouri City because of the zip code 77489, that he prays for the Wilkins family in their tragic loss of Shania Harris who had stopped breathing on August 14, 2002, that a 911 call for medical emergency should have had the paramedics or EMS services arriving at the residence where the call originated from, that he did not know why the Wilkins family was not served in Houston's jurisdiction, according to the Houston Chronicle, and why they had to contact Fort Bend County EMS, that the 911 operator should have their pass revoked since a resident of Super Neighborhood 41 was a resident inside the City of Houston, that the only thing that Fort Bend EMS should respond if an ambulance from Fire Station 80 off of Chimney Rock, not far away from Willowridge High School, which was his alma mater where he graduated in 1990, was called to a serious emergency, if it ever arose, that Fire Station 80 was not far from Rupstock Road where the 911 call originated from, the ambulance from the fire station should have been dispatched from the location of the emergency, the little girl's life should have been saved, that he read in the Houston Chronicle on August 15, 2002, that it was similar to the death of Houston Police Officer Troy Blando, who died en route to Ben Taub Hospital because of response time after a 911 call was placed, that one questionable area should be looked into, the freeway call and why the transfer call did not reach Fort Bend EMS, that in the news article the Wilkins family went to a Missouri City Fire Station off of FM 2234 and used a call box around 3:06 a.m., however the infant died at Memorial Hermann Fort Bend Hospital of FM 1092 inside of Missouri City, that what they should learn from the incident in the Super Neighborhood 41 was the three way calling where a Fort Bend EMS vehicle should have been dispatched as soon as possible, even if the 911 operator said that they should contact Fort Bend EMS because they were not in the jurisdiction and because the zip code was inside Missouri City, which was printed on their envelopes on their home addresses, that his mother was suffering from a disorder since 1999 and hoped that the EMS mix up did not cause another death in the 41 area, that he could not reveal a campaign that he was working for at this time, that he was supporting a Sanchez for statewide race, that since Neighborhood oriented government was part of Mayor Brown's policy the recognition of Super Neighborhood 41 was supposed to end the confusion of which jurisdiction he was living in, that he lived in Houston, Texas and not Missouri City, that since the City lined ended at Fondren Road, which divided Houston from Missouri City, and continued to voice his personal opinions regarding the dividing line and zip code between Houston and Missouri City until his time expired. Council Members Galloway, Wiseman, Ellis, Parker and Sekula-Gibbs absent.

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members

Galloway, Wiseman, Ellis, Parker and Sekula-Gibbs absent.

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

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) appeared and voiced his personal opinions until his time expired. Council Members Galloway, Wiseman, Ellis, Parker and Sekula-Gibbs absent.

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

At 3:42 p.m. the City Council recessed until 9:00 a.m., Wednesday, August 21, 2002. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, Ellis, Parker and Sekula-Gibbs absent.

City Council Chamber, City Hall, Wednesday, August 21, 2002.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 21, 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; Ms. Martha Stein, Agenda Director present.

At 8:37 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 a.m. Mayor Brown reconvened the meeting of the City Council and stated that the first item of business was a public hearing. Council Members Goldberg and Ellis absent.

## **HEARINGS**

1. **PUBLIC HEARING** - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance adopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **9:00 A.M.**

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Brian Hill would make remarks. Council Members Goldberg and Ellis absent.

Mr. Brian Hill, Parks and Recreation Department, stated that he wanted to briefly review the highpoints of Standards of Care Ordinance, that Section 42 of the Texas Human Resources Code provided a mechanism for the department to codify and formalize its Standards of Care for their After School, Holiday and Summer Enrichment Programs and any other non school day programs that the department may wish to establish, that the ordinance provided that each community center and the parents of each participant receive a copy of the Standards of Care, the ordinance also provided for background checks be conducted on all perspective program

staff, that site managers would file monthly inspection reports and After School Enrichment Program sites would be inspected monthly and the Summer Enrichment sites would be inspected twice during the summer schedule, that the Deputy Director of Recreation Operations at the Parks Department would perform those inspections, that parents would complete and sign enrollment and registration forms that include participants vital statistics such as name, age, address, home telephone number, emergency contact names and numbers, including the child's doctors name and the number and a liability waiver, that all managers, supervisors and staff under the Standards of Care would meet minimum qualifications for education and experience, the standard ratio of participants to staff under the Standards of Care was 35 to 1, which was based on average daily attendance, and the ordinance specified that the program staff would provide cultural, educational and recreational programs for participants according to their ages and their interests and their abilities and that activities would be appropriate to the health, safety and well being of the participants, and that concluded his review of the Standards Of Care Ordinance. Council Members Goldberg and Wiseman absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2002-0974 ADOPTED.

- 1a. **ORDINANCE AMENDING CHAPTER 32, CODE OF ORDINANCES, HOUSTON, TEXAS**, to adopt standards of care relating to Houston Youth Recreation Programs; containing findings and other provisions related to the subject; containing a repealer; containing a savings clause; providing an effective date; providing for severability - was presented. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. **ORDINANCE 2002-0756 ADOPTED.**

Council Member Vasquez moved to suspend the rules to consider Item Numbers 2, 33, 15, 27 and 54 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-0975 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item Numbers 24 and 24a out of order, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0976 ADOPTED.

2. **REQUEST** from Mayor for confirmation of the appointment of **MS. ROKSAN OKAN-VICK** as Director of the **PARKS AND RECREATION DEPARTMENT** – was presented, moved by Council Member Quan, seconded by Council Member Tatro.

Council Member Robinson stated that he intended to support the nomination but had a question because it was raised to him and he wanted to take all the issues off of the table, at least the one that had been brought to his attention, that they received a memo from Mr. Haines office about the issue of a potential conflict, that there was still some lingering undercurrent out there and it was brought to his attention that there may still be some relationship to the Parks Department contracting with the nominee's spouse, so he just wanted to make sure they had an answer so once she was confirmed nobody could continue to raise that supposed allegation against her and it was his understanding that all of the conflicts had been cleared up, that the reason he was bringing it up was that it was brought to his attention by somebody in the media and if they still had a question he did not want them to go looking for something that was not there and by implication cause any additional questions to be raised.

Mayor Brown asked Mr. Haines to respond to the concern that Council Member Robinson had raised, and Mr. Haines stated that as to the question from Council Member Robinson he thought that the same question was asked of him yesterday as well and the answer was yes,

there was no conflict of interest, it had been resolved, there was no relationship that they needed to concern themselves with.

Mr. Hall stated that Mr. Haines had been the person primarily responsible for obtaining information and distributing to Council about the item and he had advised that there was no involvement, but in an effort to be fully disclosing he and his predecessors had issued opinions through time that a subcontract arrangement would not offend a City ordinance if it existed, it was not intended to exist in this circumstance, but he did not want to be misleading, they did not believe there was any ordinance that would prohibit a subcontract arrangement, they did not believe that there was any ordinance that would prohibit a subcontract arrangement relating to the issues raised here.

Upon Mayor Brown's request and upon Council Members further questions, Mr. Hall stated that Mr. Haines had been the person primarily responsible for obtaining information and distributing it to Council about this and he had advised that there was no involvement, but in an effort to be fully disclosing he and his predecessors had issued opinions through time that a subcontract arrangement would not offend a City ordinance if it existed, that it was not intended to exist, as he understood it, in this circumstance, but he did not want to be misleading, they did not believe there was any ordinance that would prohibit a subcontract arrangement relating to the issues raised here, and Mr. Haines stated that on July 30, 2002 he distributed a memorandum to Council Members that had to do with the question of a family relationship between the nominee, Ms. Okan-Vick and a former principal of Knudsen and Associates, that conflict of interest or potential conflict of interest was resolved and that family member was no longer employed with or had any other interest in the firm of Knudsen and Associates, that may or may not be doing business with the City.

After further discussion, a vote was called on Item No. 2. All voting aye. Nays none. MOTION 2002-0977 ADOPTED.

Council Member Vasquez moved to suspend the rules to hear from Ms. Okan-Vick at this time, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-0978 ADOPTED.

Ms. Okan-Vick stated that she wanted to thank Mayor Brown and the Council Members for their confidence and support, that she wanted to thank her husband of 21 years, Mr. James Vick, for his incredible support and faith in her and many thanks to other friends and team members, that it was an important job that they had given her today and she could pledge to them that she would do every bit of her part to serve the park system to the best of her ability.

Mayor Brown stated that he wanted to congratulate her and looked forward to working with her.

33. ORDINANCE appropriating \$6,105,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to professional engineering services contract and approving and authorizing first amendment to such contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Accelerated Surface Water Transmission Program, approved by Ordinance No. 00-224, GFS S-0900-AS-2 (WA10624); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; G - KELLER and H - VASQUEZ** – was presented.

Council Member Keller stated that sometime ago when the item went through he pointed out that he felt like they were using 12 people to do a 4 man relay as far as the projects, that he

had a lot of confidence in LA&N and met with them several times and just wanted to point out that he felt they made the job a little harder on them, to have 24 projects for one group to oversee was a lot and hoped they would recognize that in some of the future ones they would have with all the transmission work they would be doing in the upcoming years, but he applauded their thoroughness, the way they coordinated and the way they looked over all of the entities involved.

A vote was called on Item No. 33. All voting aye. Nays none. ORDINANCE 2002-0757 ADOPTED.

15. RESOLUTION designating a certain property in the City of Houston as a Historic Landmark (Jefferson Davis Hospital and Power Plant Building, 1101 Elder Street) - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. RESOLUTION 2002-0027 ADOPTED.

27. ORDINANCE approving and authorizing contract between the City and **JOHN HALL PUBLIC AFFAIRS, INC** for Consulting Services related to the Implementation of the Federal Clean Air Act; providing a maximum contract amount - 3 Years - \$750,000.00 - General Fund – was presented, and tagged by Council Members Tatro, Vasquez and Wiseman.

54. ORDINANCE amending **CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to application of the Campaign Finance Ordinance to Officers of Nonprofit Corporations; containing other provisions relating to the foregoing subject; providing for severability - (This was Item 38 on Agenda of August 14, 2002, POSTPONED BY MOTION #2002-968) – was presented.

Council Member Parker moved to refer Item No. 54 back to the administration. All voting aye. Nays none. MOTION 2002-0979 ADOPTED.

24. ORDINANCE creating the **KERR-MCGEE OIL & GAS REINVESTMENT ZONE** for Tax Abatement purpose pursuant to Article IV of Chapter 44 of the Code of Ordinance, Houston, Texas - **DISTRICT B – GALLOWAY** – was presented.

Council Member Keller stated that he was in strong support of the item as he mentioned when they had the public hearing, that he wanted to point out that Kerr-McGee stuck it out, not only with the North Belt when it was known as gunpoint, the Greenspoint Area, but had been a great community citizen, not only in the revitalization of Greenspoint and the Greenspoint Management District, but the City as a whole in all of the involvement they did throughout the City.

Council Member Galloway stated that she also wanted to complement Kerr-McGee for locating in District B, that this was just another way to express how they were revitalizing out there, as well as the Greenspoint Management District for all of the efforts they did to get businesses into the area, that she met with them and they were going to have job openings.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2002-0758 ADOPTED.

24a. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas, **WELLS OPERATING PARTNERSHIP, L.P., KERR-MCGEE OIL & GAS ONSHORE LLC** and **KERR-MCGEE OIL & GAS CORPORATION** for certain property located within the Kerr-McGee Oil & Gas Reinvestment Zone; granting a variance



to certain requirements of Chapter 44 of the Code of Ordinances - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2002-0759 ADOPTED.

Mayor Brown stated that he wanted to recognize a group of visitors they had from China, the City of Hung Jo, that it was a group of government officials who were participating in an education program titled Leadership for the 21<sup>st</sup> Century and was a program developed by the University of Houston, and asked that they stand and be recognized.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 42**

#### **ACCEPT WORK - NUMBER 8**

8. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$6,420,990.84 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Rehabilitation of Bellaire Braes and MUD 158 Pump Stations, GFS S-1000-5B-3 (10373-2) - 01.42% over the original contract amount **DISTRICT F – ELLIS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0980 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS - NUMBER 10**

10. **AMEND MOTION #99-1799, 10/20/99, TO EXTEND** expiration date for an additional three months from October 20, 2002 to January 19, 2003, for Apparel, Officers Jackets Contract for Police Department, awarded to **LONE STAR UNIFORMS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2002-0981 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 42**

17. ORDINANCE consenting to the addition of 40.28 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0760 ADOPTED.
18. ORDINANCE consenting to the addition of 5.00 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 21**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0761 ADOPTED.
19. ORDINANCE consenting to the addition of 314.072 acres of land to **MONTGOMERY COUNTY UTILITY DISTRICT NO. 88**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0762 ADOPTED.
20. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390 - DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0763 ADOPTED.

- 20a. ORDINANCE approving and authorizing Utility Functions and Services agreement between the City of Houston and **GBF/LIC 288, LTD** on behalf of Harris County Municipal Utility District No. 390 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0764 ADOPTED.
- 20b. ORDINANCE appropriating \$1,089,546.64 out of Water & Sewer System Consolidated Construction Fund approving and authorizing a Cost Sharing Agreement between the City of Houston and **GBF/LIC 288, LTD** on behalf of Harris County Municipal Utility District No. 390 for Water Line Construction on West Orem Drive and State Highway 288 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0765 ADOPTED.
21. ORDINANCE appropriating \$1,884,363.69 out of Street & Bridge Consolidated Construction Fund, \$359,736.31 out of Water & Sewer System Consolidated Construction Fund, and awarding contract to **RAY SMITH CONSTRUCTION, INC** for West Orem Paving from S. H. 288 to proposed Kirby Drive, GFS N0602-02-3 (SB9106); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0766 ADOPTED.
22. ORDINANCE establishing the east and west sides of the 1500 block of Arlington Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0767 ADOPTED.
23. ORDINANCE establishing the east and west sides of the 1500 block of Arlington Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0768 ADOPTED.
28. ORDINANCE appropriating \$276,388.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Relocation of Water Mains, Sanitary Sewer Lines and Appurtenances within the Southwest Freeway (US 59) and Spur 527 Rights-of-Way from Mandell Street to Smith Street, CIP S-0521-09-3 and R-0521-09-3 (WA10749); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0769 ADOPTED.
35. ORDINANCE appropriating \$2,980,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **GARVER CONSTRUCTION, LTD.** for Water Line Replacement for an area in Near Northside, GFS S-0035-NN-3 (WA10593); providing funding for engineering testing, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0770 ADOPTED.

37. ORDINANCE appropriating \$1,346,355.33 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-T3-3 (WW4235-20); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0771 ADOPTED.
38. ORDINANCE appropriating \$1,368,654.62 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-T7-3 (WW4235-22); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0772 ADOPTED.
41. ORDINANCE appropriating \$542,667.50 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **BURK-KLEINPETER, INC** for Airfield Pavement Repair and Rehabilitation at Ellington Field Project 599; CIP A-0153 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0773 ADOPTED.
42. ORDINANCE appropriating \$633,670.28 out of Fire Consolidated Construction Fund, \$2,542,729.41 out of General Improvement Consolidated Construction Fund, \$510,313.10 out of Public Library Consolidated Construction Fund, \$609,012.02 out of Parks Consolidated Construction Fund, \$255,032.80 out of Police Consolidated Construction Fund, \$251,588.37 out of Public Health Consolidated Construction Fund, and \$118,703.22 out of Solid Waste Consolidated Construction Fund for Project Management relating to various CIP projects financed by the respective Consolidated Construction Funds for the Building Services Department – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0774 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

3. ORDINANCE appropriating \$4,712.50 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **RWL CONSTRUCTION, INC** for Sanitary Sewer Relief, North of Fugate, GFS R-2011-10-3 (4740), approved by Ordinance No. 00-379 **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0775 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$108,290.00 on contract with **RWL CONSTRUCTION, INC** for Sanitary Sewer Relief, North of Fugate, GFS R-2011-10-3 (4740) - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0982 ADOPTED.

**ACCEPT WORK**

4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$348,573.00 and acceptance of work on contract with **LETSOS COMPANY** for Cooling Tower Replacement, GFS H-0046-01-3 - 04.20% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0983 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$5,610,317.30 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for construction of North Wayside Paving Project from Ley Road to Tidwell Road, GFS N-0538-01-3 (N-0538-01) - 04.87% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Galloway.
6. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$2,969,448.77 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Parker Road Paving from I-45 to Airline Drive, GFS N-0543-01-3 (N-0543-01) - 04.39% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Members Galloway and Alvarado.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,023,978.70 and acceptance of work on contract with **SOUTHWEST UNDERGROUND SUPPLY & ENVIRONMENTAL SERVICES, INC** for Television Inspection and Point Repairs, GFS R-0266-75-3 (4277-2) - 36.57% under the original contract amount **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0984 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS**

9. **CREATIVE COMPUTER APPLICATIONS** for Preventative Maintenance Agreement for Laboratory Information System for Health and Human Services Department - \$34,980.00 General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0985 ADOPTED.
11. **AVAYA, INC** for Telecommunications Software, Installation and Maintenance from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$123,742.50 - Enterprise Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Robinson.

Council Member Robinson stated that he would like somebody to visit with him and Mayor Brown stated that they would make sure it would happen.

12. **CALABRIAN CORPORATION** for Chemical, Liquid Sodium Bisulfite for Department of Public Works & Engineering - \$2,445,552.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0986 ADOPTED.

13. **LONE STAR TRUCK CENTER** for Automotive, Caterpillar Diesel Contract for Various Departments - \$96,827.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0987 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 42

14. RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the board – was presented. All voting aye. Nays none. RESOLUTION 2002-0028 ADOPTED.
16. ORDINANCE approving and authorizing special warranty deed conveying to Nancy Phi, a parcel of land containing 21,923 square feet, more or less, being all of Lot 2 and Part of Lot 1, Block “A”, Witte Forest Section 1, George Bellows Survey, A-3, Houston, Harris County, Texas, (The Former Water Plant Site, located at 10006 Whiteside Lane); in consideration of Nancy Phi’s payment of \$44,200.00, and other consideration to the City - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0776 ADOPTED.
25. ORDINANCE approving and authorizing the submittal of an application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for a grant award for the City’s Childhood Lead Poisoning Prevention Program; declaring the City’s eligibility for such grant; authorizing the Director of Health and Human Services Department to act as the City’s representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; containing provisions relating to the subject - \$401,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0777 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and **JOHNSON VENDING SERVICES** for a Snack Vending Machine Concession for the Parks and Recreation Department Revenue – was presented.

Council Member Parker stated that she was not opposed to the item but was just curious, that they, in her opinion, wasted a lot of money with the Bonham Group looking at banding and naming opportunities and was opposed to that, but this was the first opportunity that had come up for a branding opportunity and wondered where they were putting this in context, that this was a vending contract for 19 City park locations, that she believed it was in the context of a larger contract with vending machines and would like to know where they were with that offer, and Ms. Stein stated that a larger vending contract was coming up next week, that the beverage contract for the Parks Department was coming up within the next couple of weeks.

A vote was called on Item No. 26. All voting aye. Nays none. ORDINANCE 2002-0778 ADOPTED.

29. ORDINANCE approving and authorizing amendment to untreated water supply contract between the City of Houston and **LYONDELL-CITGO REFINING L.P.** - Revenue - Through December 31, 2020 – was presented, and tagged by Council Members Alvarado

and Sekula-Gibbs. Mayor Brown absent. Mayor Pro Tem Quan presiding.

30. ORDINANCE approving and authorizing an untreated Water Supply contract between the City of Houston and **POLYONE CORPORATION** - Revenue - Through December 31, 2020 – was presented, and tagged by Council Members Alvarado and Sekula-Gibbs. Mayor Brown absent. Mayor Pro Tem Quan presiding.
31. ORDINANCE appropriating \$636,900.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **RODS SURVEYING, INC** for Monumentation System Reestablishment and Reconstruction/ Upgrade, CIP N-0645-04-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0779 ADOPTED.
32. ORDINANCE appropriating \$7,500,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing the third contract amendment between the City of Houston and **MWH AMERICAS, INC** for professional engineering services relating to Neighborhood Sewer System Improvements, CIP R-0544-01-02, Project No. 4751 – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0780 ADOPTED.
34. ORDINANCE appropriating \$1,000,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the professional program management services contract with **PIERCE GOODWIN ALEXANDER & LINVILLE, INC (PGAL)** (approved by Ordinance No. 2001-0863), CIP N-0668-06-2 (SB9061) – was presented, and tagged by Council Member Ellis. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Ellis removed his tag later in the meeting.)

Council Member Keller stated that he would like a list of the targeted projects, if they had some ongoing that they were working on he would like to know, that he realized they had some coming up and may not be that they had them all distributed or assigned, that he wanted to know roughly, that if they had 20 coming up which ones were they targeting to use their assistance, and Mayor Pro Tem Quan stated that Public Works could get that so they would get him that information. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he wanted to tag Item No. 34. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

36. ORDINANCE awarding contract to **BEYER CONSTRUCTION, LLP** for construction of Water, Wastewater and Drainage Facilities to serve the Villages of Glenshire Subdivision, CIP S-0800-46-3 and R-0800-52-03; approving and authorizing assignment of the contract to **W&W ASSET MANAGEMENT, INC - DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Goldberg. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg requested that someone visit with him on Item No. 36, and Mayor Pro Tem Quan stated that they would get information on the buyer contract and would have Mr. Nelson meet with him. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

39. ORDINANCE appropriating \$9,950,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing Amendment No. 3 to contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Professional Architectural, Engineering, Construction Management, and Program Management Services in connection with the Airside Improvement Program at George Bush Intercontinental Airport/Houston (Project Nos. 554, 555, 556, 558, 560, 560A, 561, 569, 522, 522B, 522C, 522K, 522L, 605A, 605B, 605C and 509); CIP A-0396 and A-0391 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Galloway removed her tag later in the meeting.)
  
40. ORDINANCE appropriating \$14,000,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund as an additional appropriation for professional services contract between the City of Houston and **PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC** for professional architectural, engineering, construction management and program management services in connection with the International Services Expansion Program at George Bush Intercontinental Airport/Houston (IAH), (Project No. 500A; CIP A-0203 and A-0483; originally approved and authorized under City of Houston Ordinance No. 99-1267 as amended by City of Houston Ordinance No. 2000-1063) - (\$4,200,000.00 previously appropriated from Civic Art Program) - **DISTRICT B – GALLOWAY** – was presented. Council Member Robinson absent.

Council Member Edwards stated that she had some questions regarding minority participation as far as the local artists and did not necessarily want to tag it but would in order to get some follow up on it because she would really like to talk to somebody about it, and Mayor Pro Tem Quan stated that they would get somebody to speak with her about it, but the information he had was that there were 13 artists, 6 were women and 1 was African American and 1 Hispanic, and 10 of the 13 artists were Houston based artists, and Council Member Edwards asked if of the 10 from Houston were any of them African American or Hispanic and Mayor Pro Tem Quan stated that he would check on that and knew that they were concerned about ethnic diversity as far as the artists were involved. Council Member Robinson absent.

Council Member Berry stated that it was also his concern, that only 3 of the 13 were local artists, that they had the list of where they were from, and Mayor Pro Tem Quan stated that he stood corrected and thought that Ms. Bradford had the information, and Council Member Berry stated that his concern was that only 30% of the artists were local, that he thought they had a thriving artist community in Houston and either they were not reaching out to them, not recognizing or they were not providing them the opportunities to come to the City, that this was an opportunity for Houston to display local artists and to support the local art community, that he would vote for the item, but in the future if they only had 30% local participation he would definitely work against it.

Mayor Brown stated that they would have the CACHE people come and give a briefing before the TTI Committee so that everyone would understand where they were going.

Council Member Robinson stated that he had an opportunity to visit with the CACHE folks and a bunch of artists earlier this week and this had been an issue so he looked forward to hosting them for a briefing along with all the various and sundry board members so they could get the process more inclusive.

A vote was called on Item No. 40. All voting aye. Nays none. ORDINANCE 2002-0781 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 43 through 45

**MISCELLANEOUS**

43. MOTION to set a date not less than seven (7) days from August 21, 2002 to receive nominations for Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS**, for a two year term – was presented.

Council Member Quan moved to set August 28, 2002 as date to receive nominations for Position 7 of the Port of Houston Authority of Harris County, Texas, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2002-0988 ADOPTED.

**PROPERTY**

44. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Lou Henry of Vernon G. Henry and Associates, Inc., on behalf of Carolynn F. Jackson Family Partners, Ltd., (Specs Liquors) (Carolynn F. Jackson and Karen Lynn Rydman, general partners), for abandonment and sale of the north 10 feet of a 50-foot wide utility easement from Smith Street to Brazos Street, located in the Subdivision of the Upham Interest of the East End of the Settegast & Upham's Addition, Parcel SY2-074 - **APPRAISERS - DISTRICT D - EDWARDS** – was presented.

Council Member Edwards named Mr. George K. Coleman and Mr. Travis R. Cooper as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0989 ADOPTED.

45. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Susan L. Miller of Henry S. Miller Commercial, on behalf of Mora Welch Partners, Inc., (Rallin Welch, president), for abandonment and sale of a 15-foot wide alley, from Durham Drive to Shepherd Drive, located in Block 25, Brunner Addition, SY3-003 - **APPRAISERS - DISTRICT G - KELLER** – was presented.

Council Member Keller named Mr. Chris Lance, of Gerald Teel & Co. and Mr. Scott Stephens of Scott Stephens Associates, Inc. as appraisers and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2002-0990 ADOPTED.



**MATTERS HELD** - NUMBERS 46 through 54

46. ORDINANCE issuing permit to **VILLAGE PARTNERSHIP, LTD.**, for building, constructing, using, operating, maintaining and repairing a pedestrian bridge within the 12900 block of Whittington Drive, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G - KELLER - (This was Item 21 on Agenda of August 7, 2002, POSTPONED BY MOTION #2002-932)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0782 ADOPTED.
47. WRITTEN MOTION presented by Council Member Tatro to amend Item 47B, below, with substitute amendments for Sections 2. (1), 2. (2) and 2. (3) - was presented.

**Substitute Amendment for Section 2.(1)**

1. New Construction. In the case of new construction, the applicant [or its sole member] must enter into a Payment in Lieu of Taxes (“PILOT”) agreement that will remain in effect for as long as the property remains exempt from ad-valorem taxes under section 11.182 of the Texas Property Tax Code.

Annual payments will be paid to all applicable taxing entities based upon 25% of the value presented in the appraisal offered by the applicant for underwriting the proposed financing for the first two years of the loan. Starting with the 3rd year of the loan, annual payments will be paid to all applicable taxing entities based on, and “frozen” at, 25% of the applicable County Appraisal District assessed value of the subject property on January 1 of the third year.

**Substitute for Section 2. (2)**

2. Major Reconstruction. In the case of acquisition, reconstruction and/or rehabilitation of developments that are over 40% vacant, boarded-up and/or out of service and for which such acquisition, reconstruction and/or rehabilitation will contribute to the revitalization of the neighborhood, the applicant [or its sole member] must enter into a PILOT agreement pursuant to which, for ~~the term of the bonds or~~ the duration of the applicant’s tax exempt status under the Texas Property Tax Code, whichever is shorter, property taxes will be “frozen” at the then current fair market value, as established and certified by the applicable County Appraisal District, and payments will be made to all applicable taxing entities pursuant to the applicable tax rates as applied to the “frozen” certified value. Multiple projects may not be combined and a single project may not be subdivided for purposes of qualifying as major construction under this paragraph, i.e., any project to be considered under this paragraph must be on a contiguous site, under common ownership, and may not be combined or subdivided.

**Substitute for Section 2. (3)**

3. Other Rehabilitation. In the case of acquisition and rehabilitation of existing units which do not qualify under paragraph 2 above, the applicant [or its sole member] must enter into a PILOT agreement pursuant to which, for ~~the term of the bonds or~~ the duration of the applicant’s tax exempt status under the Texas Property Tax Code, whichever is shorter, property taxes will be “frozen” at the then current fair market value, as established and certified by the applicable County Appraisal District, and payments will be made to all applicable taxing entities pursuant to the applicable tax rates as applied to the “frozen” certified value and all tax savings (i.e., the amount of all property taxes which would be otherwise payable on the applicable property by

an entity which is not tax exempt under the Tax Code, less all PILOT payments under the PILOT agreement) and are used either for project maintenance, tenant rent subsidies and/or community-based social services.

Council Member Quan stated that he believed there had been a lot of information that had been decimated to Council Members following the discussion two weeks ago on the motion as well as the amendments submitted Council Member Tatro, that at that time there were two issues of key importance, one was the timing as to how long the pilot would be in place, Council Member Tatro had suggested that it remain in place for the life of the project and he was in support of that, but the Legal Department had now provided them an opinion and believed they all had it from Mr. Hall dealing with the usury issue, that if they keep in place even beyond the term of the bonds they ran the risk of a party claiming usury, thereby they would be exempted from both payment of the principle as well as the interest, so he wished to withdraw his support for Council Member Tatro's amendment on that issue and believed Mr. Hall could answer any other questions people had, that the second item that was discussed last time was the additional cost that would be incurred if they were to go with the County program versus the proposed PILOT that they passed out of committee, that he hoped that each of them had been visited by their Housing and Community Development Department, they worked up some numbers as to how these projects were put together and what the increase would be, that as they saw from their example he believed it came out to almost \$62 more per unit per month if they adopted the same criteria the County had adopted, that he knew there had been a great deal of discussion on this topic and they had tried to reach a balance, that as they also from the materials presented to them, several cities, Dallas, San Antonio and Austin had no PILOT so this property came off of the tax rolls completely, that from their discussion previously on the Pleasant Hill's matter he believed there was a sense of Council that they were concerned about this and that they needed to do something to preserve the tax base, and so the proposed PILOT would at least require these community development corporations to pay taxes on the property as it was and so there would be no erosion of the tax base but at the same time encourage development of properties so that they would have new construction, major renovation and properties that could be preserved for affordable housing, so with that he would encourage support of the proposal and not the amendment by Council Member Tatro. Council Member Galloway

Council Member Tatro stated that there were two issues to deal with, two separate amendments dealing with each of those issues, that the first was the timing issue, that he was not creating anything, he was utilizing the same template and program that the Texas Department of Housing, the Texas State Affordable Housing, Southeast Texas Housing and Harris County uses, but on the timing issue the problem was that they were tying the timing to the life of the bonds and not as everybody else did, the exemption status of the property, that the problem with tying it to the financing was if they came on a second lien note they could, a year or two or three down the line, refinance the 30% portion that the City lent them money on and completely get out from under the PILOT program, so tying it to the life of the bonds did not say they could not pay them of early and slide completely out from under the PILOT, so they could pay of the bonds and not have any PILOT program to deal with, that at the heart of the proposal was that they were trying to make a balance, putting the taxpayers interest along with the interest of providing incentives, that the Legal Department had stated that possibly, maybe, in the future it could be interpreted as usury, although none of the other organizations had deemed that to be so, that he appreciated the Legal Department's concern that someday, somewhere in the future, somebody may bring a lawsuit against the City, but he did not think that was sufficient when they were talking about trying to protect the taxpayer and take the taxpayers interest first along with creating an incentive, that he thought the timing issue was very important, that he would request that Council Members support the timing issue if they could not support the amount issue; that to the amount, again, he asked very early on that they consult with Harris County and the school districts to get their feedback on the City's PILOT, that Harris County sent a letter saying they

would prefer the City to use the County model and the school district, Ms. Kay Strikling of HISD sent a letter going well above that, that the school district had the most to lose in any proposition when they take properties off of the tax rolls, that HISD's proposition was 50% and if they read her letter she was very strong and very against the 25% that they were instituting, that he thought they had an obligation to the other jurisdictions, they were the gatekeepers for their taxes, not only for the City, but the County and the school district, that if they read the other jurisdiction's letters they had not even taken their thoughts into consideration in crafting the PILOT, that it was a PILOT which nobody else used, that it was exclusively to the City of Houston, so he urged the Council Members to support the 25%, that meant a 75% tax savings, that he asked Council to support both. Council Member Vasquez absent.

Council Member Edwards stated that she was not sure why they were the gatekeepers for other taxing jurisdictions, that she was going to ask them not to support the amendments, that she thought it was disingenuous of them to join them in helping to build affordable housing, that HISD does not build affordable housing and she had not really seen a very promising record from the County and thought in their efforts to do this and to reach out and have people join them in this effort was that they needed to be as amenable to making those results happen on the ground as they could be, so she would encourage her colleagues not to pass the amendments presented by Council Member Tatro and to move forward with the proposal that was put forward by the Housing Committee. Council Members Keller and Vasquez absent.

Council Member Robinson stated that he supported the guts of the ordinance, the valuation of the land as opposed to land and the improvements, that they had what the law was that said that they could do it at zero and they were trying to find a happy medium between zero and what could be usury PILOT beyond the life of the debt, Council Member Tatro points out that they could pay off the early and get out from under the PILOT project, he used a three year example, that he was trying to find out if there was a technical solution along this continuum where they could collect under the PILOT, beyond the refinance period, but no so far as to take them to usury, or was there no way to solve that problem.

Mr. Hall stated that this was a very delicate situation for the Legal Department because they were frankly not trying to precipitate a problem for anybody else, contrary to what was asserted by Council Member Tatro one did not have to wait 15 years to charge, to demand or contract for an amount that would be considered usurious for producing an actual case now, it was not a question of waiting, they did not have to collect it, the reason they were concerned was that the remedy was so draconian, it basically wipes the debt, the entire debt if one does that, specifically to speak to Council Member Robinson question the problem was that if in fact the debt was paid off and the charge was continued to be made they would then be charging interest on a zero balance, so there was no way to reconcile that, the percentage would obviously be usurious on the face if the balance was zero because the balance was against which they computed the usury, the problem here was that by definition they were not taxes, they were payments in lieu of taxes, so by definition they were not traditional taxes, which was what this case spoke to, they were not trying to precipitate a problem.

Council Member Robinson stated that he intended to vote but he would like to see if they could handle this like they did when they did Chapter 42, could they ask them to look to see if there was some way that they could deal with that issue, that he thought Council Member Tatro raised a valid question, at least for them to discuss from a policy point of view, that he was not sure if anybody would be able to do it in three, four or five years, but there maybe something they could do and he did not know the answer and did not want to try to figure it out at the table, that they were trying to move beyond zero but they did not want to fall over in the usury, that he appreciated the timeline issue and thought that ought to be a technical question and if there was an answer to come back and fix it, if not they were essentially subject to however long the

bondholder wanted to hold the debt before they refinanced and he was not necessarily opposed to that, and Mayor Brown stated that they could do that and Mr. Hall stated that they understood what he was asking.

After a lengthy discussion by Council Members, Council Member Tatro stated that he would like to make a motion to separate the two issues, the timing issue which was congruent through the sections, and Mayor Brown stated that they intended to do that, and Council Member Tatro stated that then the amount on just the new construction because he thought they were separable and distinct.

Council Member Tatro asked if they could make a motion to separate the timing issue out, and Mayor Brown stated that there were three amendments and they would take each one of them separately and Council Member Tatro stated that on new construction there were two points, one was the timing issue, tying it to the length that they owned the property as opposed to the length of the bonds and then the timing was on the other two, so he would request to make a motion to simply vote on the timing issue first for all three and then vote for new construction on setting the amount at 25% as opposed to the property and asked Council Member Quan if he would agree to that.

Council Member Tatro moved that there be two votes, first on timing for all three, second on the amount for new construction, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0991 ADOPTED.

Mayor Brown stated that there would be two votes on Council Member Tatro amendments.

Council Member Sekula-Gibbs asked Council Member Tatro to restate the amendment, and Council Member Tatro stated that it was right in the first paragraph in the substitute amendment, "the agreement will remain in effect as long as the property remains exempt from ad valorem taxes under Section 11.182 of the Texas Property Code", that was the timing issue going to the exemption of ad valorem taxes as opposed to the life of the bonds, that it was just the first paragraph, and the first paragraph was duplicated in Section 2 and Section 3 as well.

A roll call vote was called on the timing portion of Council Member Tatro's motion to amend Item No. 47b.

**ROLL CALL VOTE ON THE TIMING PORTION**

|                                    |   |
|------------------------------------|---|
| Mayor Brown voting no              | Council Member Vasquez voting no              |
| Council Member Tatro voting aye    | Council Member Alvarado voting no             |
| Council Member Galloway voting no  | Council Member Parker voting no               |
| Council Member Goldberg voting aye | Council Member Quan voting no                 |
| Council Member Edwards voting no   | Council Member Sekula-Gibbs voting aye        |
| Council Member Wiseman voting aye  | Council Member Berry voting aye               |
| Council Member Ellis voting aye    | Council Member Robinson voting no             |
| Council Member Keller voting aye   | MOTION 2002-0991 FAILED ON THE TIMING PORTION |

A roll call vote was called on the amount portion of Council Member Tatro's motion to amend Item No. 47b.

ROLL CALL VOTE ON THE 25% VALUE

|                                    |   |
|------------------------------------|---|
| Mayor Brown voting no              | Council Member Vasquez voting no            |
| Council Member Tatro voting aye    | Council Member Alvarado voting no           |
| Council Member Galloway voting no  | Council Member Parker voting no             |
| Council Member Goldberg voting aye | Council Member Quan voting no               |
| Council Member Edwards voting no   | Council Member Sekula-Gibbs voting no       |
| Council Member Wiseman voting aye  | Council Member Berry voting aye             |
| Council Member Ellis voting aye    | Council Member Robinson voting no           |
| Council Member Keller voting no    | MOTION 2002-0991 FAILED ON THE 25%<br>VALUE |

- 47a. WRITTEN MOTION presented by Council Member Quan to amend Item 47B, below, to revise Section 2 (1), (2) and (3); Section 2 (5) and Section 2 (6) and (7) as shown - (**This was Item 34 on Agenda of August 7, 2002, POSTPONED BY MOTION #2002-937**) – was presented. All voting aye. Nays none. MOTION 2002-0992 ADOPTED.

“I hereby submit as a replacement resolution the attached black-lined version of the resolution adding program guidelines to the issuance of multifamily housing revenue bonds by HHFC for development of affordable apartment projects.

The item on the Council Agenda reflects the item as it was endorsed by the Housing Initiatives Committee on its June 20, 2002 meeting. However, since that time further discussions have been held with various stakeholders and the Housing and Community Development Department, resulting in the changes as indicated on the attached version.

I do not believe the changes hereby submitted are significant enough to merit further discussion by the Housing Initiatives Committee.

**Change #1:**

Amend Section 2 (1), (2) and (3) to add “**or its sole member**” to “applicant” on lines 1, 5 and 2 respectively, in the Resolution.

**Reason:**

In real estate transactions it is typical for the applicant to be a limited partnership. Additionally, it is also typical for the 501(c) (3) organization to be the sole member of the limited partnership.

**Change 42:**

Delete Section 2 (5).. [Restricted Rents] in its entirety and add a new Section (5) [Restricted Rents].

**Reason:**

The IRS allows tax-exempt organizations two (2) ways to satisfy the affordable rent requirement. First, an organization can agree to limit its rents to the applicable guidelines established by HUD. Secondly, an organization can present an alternative rent formula submitted and approved by the IRS; This change to the Resolution will allow the tax-exempt organization to do either one under the HI-IFC Guidelines.

**Change 43:**

Add a new Section 2 (6) and (7) to the Resolution.

**Reason:**

**Section 2 (6):** [HHFC and City Liability; and Credit Enhancer Requirements]

This is already being done. In the case of the Resolution, the Apartment Association wants to make it absolutely clear in the HHFC Guidelines.

**Section 2 (7): [Project Expenses]**

This is already being done. The Apartment Association wants to require that this be made absolutely clear in the Resolution.”

- 47b. RESOLUTION adding certain program guidelines and supporting the issuance of Multifamily Housing Revenue Bonds by the Houston Housing Finance Corporation in furtherance of the development of Affordable Apartment Projects including projects which may be owned or operated by tax-exempt entities - **(This was Item 34a on Agenda of August 7, 2002, POSTPONED BY MOTION #2002-937)** – was presented as amended. Council Members Tatro, Goldberg, Wiseman, Ellis and Berry voting no, balance voting aye. RESOLUTION 2002-0029 ADOPTED AS AMENDED.

48. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by amending **SECTION 44-5** concerning matters relating to the exemption of certain historic sites from ad valorem taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause; providing a repealer **(This was Item 36 on Agenda of 7, 2002, POSTPONED BY MOTION #2002-938)** – was presented.

Council Member Goldberg moved to postpone Item No. 48 for two weeks, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0993 ADOPTED.

49. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,543,450.26 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for construction of Infrastructure Improvements in the St. George Place Subdivision, GFS N-1033-03-3 (N-1033-03) - 08.79% under the original contract amount **DISTRICT C - GOLDBERG - (This was Item 6 on Agenda of August 14, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented, and tagged by Council Member Galloway.

Council Member Galloway stated that she wanted to remove her tag on Item No. 39 and the City Secretary stated that they would take the item up at the end of the agenda.

50. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY2-064, located at the northwest corner of Avenue W and Wayside Drive, owned by Arroyos Real Estate Limited Partnership, Alexander G. Arroyos, Sr., President, for the **CENTRAL PARK SUBDIVISION PROJECT**, CIP N-0186-CPS - **DISTRICT B - GALLOWAY - (This was Item 15 on Agenda of August 14, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG and ALVARADO)** – was presented. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0994 ADOPTED.

51. MOTION by Council Member Keller/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel A97-310, located at 7212 Ley Road, owned by Hope Families, Inc., a Texas corporation, Brenda Wedgeworth, Executive Director, for **LEY ROAD PAVING PROJECT** from Homestead Road to North Wayside Drive, CIP N-0587A-00-1 - **DISTRICT B - GALLOWAY - (This was Item 16 on Agenda of August 14, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0995 ADOPTED.

52. ORDINANCE approving and authorizing a Special Warranty Deed conveying to **RAYMOND TAYLOR** a parcel of land containing 28,810 square feet, more or less, being out of Lots 1 and 2, Block 18, Acre Villa Subdivision of Park Place, Harris County, Texas (The Former Water Plant Site, located at 8302 Park Place Boulevard); and in consideration of Raymond Taylor's payment of \$72,000.00, and other consideration to the City - **DISTRICT E - WISEMAN - (This was Item 26 on Agenda of August 14, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and ALVARADO)** – was presented.

Council Member Alvarado stated that some constituents in her district contacted her because Mr. Taylor, before he purchased the property, was charging people to park dump trucks on the parcel, that once the City went out there and told him he could not do that because he did not own the property at that time yet, he went about and put his own no parking signs and asked if they had anything in place that would prevent it from happening again, between the time that the person is told that they were awarded the bid to purchase the land and the time that they actually owned. Council Member Vasquez absent.

Mr. Hall stated that when they know about that the standard provisions of the law would apply, that it was not private property and people could not construct signage on public property or dictate that use of it, they just had to know about it to correct it. Council Member Vasquez absent.

Mayor Brown asked if the necessary tools were in place and Mr. Hall stated yes. Council Member Vasquez absent.

Council Member Alvarado stated that someone in the neighborhood contacted Mr. Taylor about purchasing the property from him and he quoted some ridiculous price, about \$160,000, that she knew there was nothing in place now to correct that problem, but wanted to make the administration aware that this had occurred and it may occur in other communities, and Mayor Brown stated that he would ask the relevant departments to focus on that and monitor what went on and address it appropriately. Council Member Vasquez absent.

After further discussion a vote was called on Item No. 52. Council Members Wiseman and Alvarado voting no, balance voting aye. MOTION 2002-0996 ADOPTED.

53. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gerald P. Lance of Fulbright & Jaworski L.L.P., on behalf of Clorox Products Manufacturing Company (Arnold Mallet, operations manager), for abandonment and sale of Henke Street, from Armour Drive south to its dead-end, located within the Harris and Wilson Two-League Grant Survey, A32, Parcel SY2-069 **APPRAISERS - DISTRICT I - ALVARADO - (This was Item 37 on Agenda of August 14, 2002, POSTPONED BY MOTION #2002-967)** – was presented. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado named Mr. Michael D. Copland and Mr. Charles G. Rencher as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0996 ADOPTED.

Council Member Ellis stated that he wanted to remove his tag on Item No. 34. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Council Member Ellis removed his tag on Item No. 34 and Council Member Galloway removed her tag on Item No. 39. Mayor Brown absent. Mayor Pro Tem Quan presiding.

34. ORDINANCE appropriating \$1,000,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the professional program management services contract with **PIERCE GOODWIN ALEXANDER & LINVILLE, INC (PGAL)** (approved by Ordinance No. 2001-0863), CIP N-0668-06-2 (SB9061) - was again before Council. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0784 ADOPTED.
  
39. ORDINANCE appropriating \$9,950,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing Amendment No. 3 to contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Professional Architectural, Engineering, Construction Management, and Program Management Services in connection with the Airside Improvement Program at George Bush Intercontinental Airport/Houston (Project Nos. 554, 555, 556, 558, 560, 560A, 561, 569, 522, 522B, 522C, 522K, 522L, 605A, 605B, 605C and 509); CIP A-0396 and A-0391 - **DISTRICT B - GALLOWAY** - was again before Council. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0785 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Galloway stated that she knew per the rules it had to be 90 days before an item could be brought back to the table, or they could suspend the rules to bring it back and it had to be by a person who voted against it, that she had been getting many calls from her community as it related to the study for reparation, that many of her colleagues felt like it was divisive for the City and they also thought it had nothing to do with the City, but they had to live in the shoes of an African American to really understand and why she said it was the effect that slavery had on African Americans she knew as an African American was severe, that she would like for her colleagues to look at what they were trying to do, they only wanted a study to be done, why was District B in deplorable condition, why was the African American community losing all of their properties, they had to go out there and cut down the weeded lots, had to remove the abandoned houses, there must be some kind of psychological effect that had affected them through slavery, but they did not want to find out, that when a person had a sickness they send them to a doctor to find out the cure and what was the cause so they could prevent it, well in essence the study that they were trying to support for the City was only a study, that some type of reparation that they thought the people were going to be issued checks was not the case, no African American was going to be issued a check and she did not know why it was told this way or said that way, that reparation could be some type of program to enhance the African American community that was caused by slavery, that maybe more extend training and development, that they did not know, that was the reason they wanted the study and she could not understand why any one would think that it would divide the community, that they were all in it together so they needed to find out what was really the source of the matter, that she hoped that her colleagues who voted against it would reconsider, that if they did not know the cause and to the extent how could they find a cure, and all they were asking for was to support Congress and support the study of the affect of slavery was to come out and find out what the problem was and what was causing it, why did they have so many young African American males that were in prison, what had caused it, that it was just like she was in slavery when she came up through the segregated area, that none of them knew what she had experienced as a person because they did not experience it, but she did, and Council Member Galloway described an incident from her youth where a sheriff pulled her father over because he was driving a brand new 1949 Chevrolet and as a little child sitting in the back seat she did not understand why.



Council Member Robinson stated that yesterday he was coming in from lunch at the front door of the annex by the parking garage and there was a woman who had been in the building and had gone back out to her car and when she was coming back in the security guard asked her to come back in through the metal detector, that he could not tell them the level of indignity and abuse expressed by that woman towards the security guard, that he thought that those folks did a good job and he expressed his opinion, that he appreciated the security staff in the building asking everybody to go back through the metal detectors when they came in and thought they ought to be commended for that and thought they ought to let the public know that it was vitally important, that he hoped that as they went by their daily work that they let the security staff know, but he did not think the woman's behavior was called for in light of what they all knew was a changed world and just to comply with going back through the metal detector, the person who was just doing his job did not deserve that, so to the entire staff down and across the City in terms of security, he wanted to thank them for what they did and hoped they continued to do the type of job he saw done yesterday.

Mayor Brown stated that he was sure they would appreciate that.

Council Member Edwards stated that she wanted to congratulate the Comets on a great season and Cheryl Swoops on being MVP and defense player, that she had a concern that out of the almost tragedy last night of the official, that she did not know if it was just her perception but it seemed like it was a very long time before there was an ambulance type response and she would just like to know and if someone could brief her as to if there was an ambulance or a team on site at the Comets and Rockets game, that she would just assume that there would be, but it seemed like a long time before someone got in with the appropriate equipment and she guessed coupling that with the 911 situation it was just even heightened more, so if someone could just let her know what the procedures were and what facilities they had and what ambulance services they had at public events she would appreciate it, and Mayor Brown stated they would have someone brief her on it.

Council Member Vasquez stated that he would like to echo Council Member Edwards comments, he was at the game also and it did seem like a very long period of time before an ambulance or EMS arrived and any information he would like to receive also, and Mayor Brown stated they would get something to all Council Members on it.

Council Member Vasquez stated that he knew there had been a lot of publicity and comments and coverage of the arrests that were made on Westheimer and he had seen a tremendous number of emails and phone calls regarding it and the public did seem outraged over the arrests and the whole operation so he would like to request that the Mayor provide a briefing at the next weeks Mayor's report and have Chief Bradford come and provide some information and answer questions regarding it, and Mayor Brown stated that Chief Bradford was conducting an investigation and thought that probably the best thing was to wait until he completed the investigation so he would have some answers for them, and Council Member Vasquez stated that he was willing to give him some time to do that, that he sent him a memo also requesting some additional information, that he would like for the Chief to know that it was not going to go away and they probably needed to deal with it and get some additional information. Council Member Ellis absent.

Council Member Vasquez stated that yesterday they also learned about the first probably West Nile Virus death in Houston and it occurred in his district, that he would like to request that the City execute the emergency mosquito spraying contracts, similar to those used last year after Tropical Storm Allison, that he believed the threat was significant enough and the anxiety out in the public arena was high enough to justify the action and with the rainfall they were having

he thought it was something that he thought they as a City should explore and help the public feel more confident about being outside and doing yard work and not having to hide indoors from the mosquitos, and quite frankly a lot of people did not know the difference form one mosquito to another, so he would request that they execute those emergency mosquito spraying contracts, and stated to Mr. Haines that he did not know if there were any provisions that allowed or disallowed that, and Mayor Brown stated that he would assign his memorandum to Mr. Haines to start working on it and see where they could go with it. Council Member Ellis absent.

Council Member Vasquez stated that they had a tremendously successful back to school fair on August 10, 2002 and would like to thank Dr. Kendrick, Brock LaMonte and the rest of the Health Department staff who helped out, that literally at 10:00 a.m. they had thousands of people at Northline Mall lined up to be immunized and to go through the parent education workshops and to receive information, that he also wanted to thank their sponsors, Channel 45, El Dia and Northline Mall, that it was a good way to start off the year. Council Members Wiseman and Ellis absent.

Council Member Keller stated that he would like to let everyone know that his Chief Aide, Janet Carr was going to work for Pam Holm at Scenic Houston, that he was going to miss her, she was a very good friend, that Ms. Kate Kay with his office was going to step into the role.. Council Members Wiseman and Ellis absent.

Council Member Quan stated that he wanted to echo Council Member Vasquez's comments regarding the episode at the Kmart and especially he was concerned about young people who now had an arrest record on their blotter, because as they knew when they applied for college or jobs and they ask if they had ever been arrested and then suddenly this episode appears, that he thought they could have resolved it with citations more easily and see if there was anyway that possibly it could be changed, that he would like to investigate that. Council Member Wiseman absent.

Council Member Quan stated that as to their Health Care Program he knew that Council Member Robinson and others had raised that issue, he did not know if anything else had happened, that he met with his health care provider this week and they were going to be dropped as of August 31, 2002, that he thought it was going to be overwhelming to Kelsey Seybold when suddenly all of these people have to move over to their program. Council Member Wiseman absent.

Council Member Quan stated that he wanted to thank all the Council Members who voted in favor of the PILOT today, that he thought it was a step in the right direction, that they would be having another Housing Committee meeting on Monday at 3:00 p.m. in the Council Chambers to discuss visitibility and thought they were slowing beginning to address the overall problem of affordable housing in the City of Houston. Council Member Wiseman absent.

Council Member Quan stated that he did not know if anything could be done, but he was disturbed, as a baseball fan, about the impending baseball strike, that he knew the City had spent a lot of money in working on Minute Maid Park and all the other places and he knew so many fans felt a frustration, what could they do, people were making millions of dollars as far as ball players and owners and it was the fans that got left out in the cold, that he did not know what they as a City could do but wanted to express his disgust with the labor negotiations. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she visited with some of the people who knew about HMO Blue's contracting and they told her that one of the reasons that large numbers of doctors had left was because the IPA System had not worked out, that was the Independent

Practitioner Association, that basically when HMO Blue signed the contract with the City two years ago they did not require that all doctors be part of IPA's in order to be on the network, on the list, then they moved to an IPA mandate, so that if a doctor wanted to be on the list but were not part of the IPA they could not, so someone else was getting paid before the doctor got paid, that they had a series of IPA's go bankrupt leaving doctors with no payment, that it was a system that was falling apart, that it was going to have to be changed at the State level, that she would hope that the City would look at that as one of the important items to them to bring to the table at the next Legislative Session. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate the first federally qualified health center grant recipient, in about five years, and that brought to a total of two federally qualified health center grant recipient in Harris County and that group was Health Care for the Homeless, that they had 10,000 homeless people in the City of Houston and they did not have health care, that they did not know the amount of the dollars for the grant and had not seen the written statement but verbally they had received funding, that it was a program that was initiated out of Baylor College of Medicine, but had grown and they would have care sites at several locations, that one would be at SEARCH on Fannin, HOMES Clinic on Fannin, Lords of the Street Clinic on Fannin, the Way Station at Palmer Memorial Episcopal Church on Main Street, Open Door Mission on Harrisburg, Star of Hope Men's Center on Reese and finally at the Street Outreach for SEARCH on Fannin, that these were many downtown facilities that people who were homeless would now be able to continue to get health care, that she wanted to congratulate Doctor David Buck, Baylor College of Medicine and Ms. Francis Isbell, Executive Director of SEARCH Homeless Outreach.

Council Member Sekula-Gibbs stated that regarding mosquito spraying, that Dr. Kendrick had been really on top of the issue, that she was very involved in it and the decisions actually had to be made and remade on a weekly basis, that the aerial spraying would probably be more effective than street spraying, that she would suggest that regardless of the spraying method, that citizens realize they had to protect themselves.

Council Member Parker stated that like her colleagues she looked forward to the report on the Kmart incident.

Council Member Parker stated that she wanted to note that they had eagerly awaited resumption of towing of junk motor vehicles, while a court case wound through the various judicial levels, that she understood that the current hang up was that they did not have a towing contract in place, that the low bidder was not a responsible bidder and there had been some delay in moving to the second low bidder, that she would really encourage the administration to move forward on that.

Council Member Parker stated that she was also at the Comets game last night and agreed with the concerns about a possible delay of transport of the referee, Mr. Stokes, to the hospital, that she did want to acknowledge that the medical staff at Compaq Center responded very quickly and were working on him in front of thousands of people and the TV cameras, that her father died of a heart attack while refereeing a basketball game and it was very hard to sit there and horrifying to watch, that she just wanted to offer her sympathies to the family of Mr. Stokes and hoped that he recover.

Council Member Ellis stated that he would also like to know about the towing contract and where they were in the stages and how were they going to address the issue.

Council Member Alvarado stated that last week she sponsored a Community Townhall Meeting to address the issues concerning the murders that had occurred out in the East End

and wanted to thank Council Members Berry, Parker and Sekula-Gibbs for attending and also Council Members Quan and Vasquez sent representatives, that she also wanted to commend HPD because she thought they did a great job in addressing the issues of the community and assuring everyone that these cases were being treated with the highest level of importance, that they talk about what happened at Kmart, she was told that there were about 125 officers on the scene and thought they could have used those 125 officers to catch the serial killer in the East End as opposed to arresting all those kids and adults.

Council Member Alvarado stated that a couple of weeks ago she talked about the issue under Pierce Elevated and there was a contract that dated back to 1968 and she was told by the Legal Department that it was still intact and the City's responsibility to maintain the area under Pierce Elevated, that the Midtown Management District and the Downtown District had offered to contract with the City to clean up the area, that she was told that it would cost the City about \$70,000 to \$80,000, the whole area around Pierce Elevated had been a big problem, between that area and the Greyhound bus station, that she and Council Members Berry and Edwards were at a community meeting with the residents of 2016 Main Street and the whole issue of the lack of maintenance of the Pierce Elevated came up several times.

Council Member Alvarado stated that since that meeting she also wanted to report that starting August 16, 2002, there had been representatives of the Texas Department of Corrections that were meeting parolees that were dropped off from Huntsville, that was also one of the issues that the community talked about and since their townhall meeting she was pleased to report that the State had sent representatives to supervise and monitor their whereabouts and encourage them to report to their parole officers, that she wanted to commend Greyhound, that while they were part of the problem, their CEO was coming into town to meet with some of the stakeholders in the community and understood that the long term goal was to relocate the Greyhound Bus Station, that she looked forward to working with the task force that was being setup to address the issues in the community.

Council Member Berry stated that on the Greyhound Bus Station, that they had a townhall meeting, he and Council Members Alvarado and Edwards, that he thought it was very productive and one of the things they determined was that they needed more lighting in the area and Midtown had generously agreed to step up and provide that, that Greyhound was in the process of engaging some off duty officers from the South Central Command and the Department of Criminal Justice had sent a parole officer to meet the parolees when they de board the buses and he thought it would be very helpful, that he had a couple of conversations with the Governor's office over the last few days and they were looking at some other alternatives to help them with what was obviously a problem, that he wanted to thank HPD for their assistance in this matter.

There being no further business before Council, the City Council adjourned at 10:56 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary