

City Council Chamber, City Hall, Tuesday, December 10, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 10, 2002, 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, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Annise Parker absent on city business.

At 1:46 p.m. Mayor Pro Tem Quan stated that Council would begin their presentations.

Council Member Edwards stated that the City was honoring three city employees for A-plus service to the city and their communities and first invited Mr. Anthony Freddie with Building Services to the podium and presented him the Bravo Award for his volunteerism and being employee of the month; second was Mr. Gary Hutcherson with Public Works and Engineering who was invited to the podium and presented the Bravo Award for saving a man who had collapsed in a restaurant and his volunteerism; and third was Mr. Arthur Medina with Municipal Courts who was presented the Bravo Award for saving the life of a six month old girl who had stopped breathing and for his volunteerism. Mayor Brown Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he wanted to recognize Alf and Sarah Kelly and Peter and Cathy Fearn of The Kelly Missionaries for "Making Kids Smile" a very active group who worked with seniors and young people and would be performing for Council today; and invited them to the podium. The group appeared at the podium and a spokesperson thanked the Mayor and Council for their work and wished everyone a very blessed Christmas; and the group sang Feliz Navidad for the Mayor and Council. Council Members Goldberg and Alvarado absent.

Mayor Brown thanked the group for their performance and wished everyone a happy holiday. Council Members Goldberg and Alvarado absent.

Mayor Brown called on Council Member Galloway for her presentation. Council Member Galloway appeared at the podium and stated it was an honor to recognize those who helped in the community and invited Ms. Beth Miller of Keep Houston Beautiful to the podium and presented her a proclamation for enhancing the quality of life for all Houstonians for her countless hours of work and gardens created around the City of Houston; and proclaimed December 10, 2002, as "Beth Miller Day". Council Members Goldberg and Alvarado absent.

Mayor Brown called on Council Member Vasquez for his presentation. Council Member Vasquez appeared at the podium and stated he wanted to recognize a group of elected officials and civic leaders who were present from Sakhalin Island, Russia with the "Open World Leadership Program" which promoted ideas and learned about the community planning process and healthcare programs; and invited them to the podium and presented them with lapel pins and honorary citizen certificates. Council Members Goldberg and Alvarado absent.

At 2:12 p.m. Mayor Brown called the meeting to order and Council Member Quan led everyone in prayer and in the pledge of allegiance. Council Members Goldberg and Alvarado absent.

At 2:13 p.m. the City Secretary called the roll. Council Member Parker absent on city business. Council Member Goldberg absent.

Council Members Keller and Robinson moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Parker absent on city business. Council Member Goldberg absent. MOTION ADOPTED.

Council Member Ellis moved to suspend the rules to add Mr. R. D. Mercer to the list of speakers after Ms. Furletta Nelson, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker absent on city business. Council Member Goldberg absent. MOTION 2002-1400 ADOPTED.

Council Member Keller moved to suspend the rules to hear the students from Grady Middle School out of order, seconded by Council Member Edwards. All voting aye. Nays none. Council Member Parker absent on city business. Council Member Goldberg absent. MOTION 2002-1401 ADOPTED.

Mayor Brown stated that the list of speakers exceeded 150 minutes therefore they would invoke the Rules of Council and requested the City Secretary to explain the rule. The City Secretary stated that under the Rules of Council if the Speakers List was more than 150 minutes each speaker would be limited to one minute and the time for Council Members to question was limited to a total of one minute per speaker collectively. Council Member Goldberg absent.

Council Member Wiseman moved to suspend the rules to hear Ms. Leslie Urano out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker absent on city business. Council Member Goldberg absent. MOTION 2002-1402 ADOPTED.

Mayor Brown requested the City Secretary to begin calling the list of speakers. Council Member Goldberg absent.

Ms. Jennifer Archuleta, 3830 Richmond, Houston, Texas 77027 (713-625-1411) appeared and stated that she went to Grady Middle School and was in the Local Government Apprenticeship and was present to speak on mosquito control at Grady Park; that she knew mosquito control was the county's job, but a student at their school was infected with the West Nile Virus and if the city could have parks inspected regularly they would be safer. Council Member Goldberg absent.

Mayor Brown stated that her message would be passed on to the Mosquito Control District. Council Member Goldberg absent.

Miss Elizabeth Mandujano, 3830 Richmond, Houston, Texas 77027 (713-625-1411) appeared and stated that she went to Grady Middle School and was present to speak on their After School Program "Citizen School" which had taught them a lot but what depended on which apprenticeship they were in; that besides teaching them a course or skills it also taught them values such as respect, confidence, team work, responsibility and courage; and she was asking that Council continue supporting the After School Programs. Council Member Goldberg absent.

Miss Lidia Cantu, 3830 Richmond, Houston, Texas 77027 (713-625-1411) appeared and stated that she went to Grady Middle School and was present because she was also in the After School Program Government Apprenticeship and it had taught her many things such as what the city was in charge of and it allowed her to meet people in government; that she was thankful Council supported the program but was asking for more money to be placed in the program and allow more to enter the program and allow them to do more. Council Member Goldberg absent.

Miss Miranda Maness, 3830 Richmond, Houston, Texas 77027 (713-625-1411) appeared and stated that she went to Grady Middle School and was in the Citizen School Program and was present because she was in the City Government Apprenticeship and wanted to discuss the city drainage system; that when people blew their leaves they put them on the side of the road or the storm drain and that clogged up the drainage and caused flooding; that she thought leaves should be placed in bags or compost piles and believed it should be a law because flooding was very costly and hurt many people. Council Member Goldberg absent.

Council Member Vasquez stated that Miss Maness had mentioned the flooding and

drainage problems and that was something Council was considering; and upon questions, Miss Maness stated that she would like Council to solve that problem and would encourage her Council Member to vote for any item that would help. Council Member Goldberg absent.

Ms. Micah Tanner, 3830 Richmond, Houston, Texas 77027 (713-625-1411) appeared and stated that she went to Grady Middle School and was in the Citizen School Program and was present to discuss negative campaign commercials; that negative campaigning was not good for anyone wanting to make the right decision, if someone wanted to vote for a person and there were negative commercials it might cause someone to vote for someone else and make the wrong decision; that politics was competitive, but she would ask that in the next campaigns there be no negative campaigning. Council Members Goldberg, Berry and Robinson absent.

Ms. Leslie Urano, 18700 JFK Blvd., Houston, Texas 77032 (281-681-0313) appeared and stated that she was a woman owned business and owned the ice cream concept at Terminal C and was present because of difficulty she was having in placing a Starbucks in the airport; that it had been approved by the Aviation Department and Entertainment One, but it was being held at bay because Starbucks would not approve the concept without the ability to maintain its brand integrity by serving four baked products; that she was given the go-ahead but on November 22, 2002, she was told the project was stopped because of a vendor's objection and she was requesting Council's assistance so that revenue could be improved by \$1.2 million over the next five years. Council Members Goldberg, Berry and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Urano stated that she had the opportunity to bring Starbucks into the airports and the process was approved and agreed upon. Council Members Goldberg, Berry and Robinson absent.

Mayor Brown stated that Ms. Sally Bradford with Aviation was present and would speak with her at this time; that he understood the contractor had a contract with the city and she had to work with them. Council Members Goldberg, Berry and Robinson absent.

Council Member Wiseman stated that she would like someone in Aviation to visit with her on the matter; and Mayor Brown stated that someone would visit with her. Council Members Goldberg, Berry and Robinson absent.

Mr. James Bays, 320 Hamilton, Houston, Texas 77002 (832-788-1352) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Arnold Turner, 1100 Tobas Ct., Houston, Texas 77086 (713-580-7059) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Crochran Joseph, 5608 Lavendor, Houston, Texas 77052 (281-441-6222) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Ronald McGuire, 93183 Allwood, Houston, Texas 77052 (713-633-7953) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Steward Glover, 7111 Hillcroft #311, Houston, Texas 77081 appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that he was homeless and used the system to store and hold things he had no where else to keep and he was urging Council to keep the program. Council Members Goldberg, Berry and Robinson absent.

Ms. Annette Prelow, 1703 W. Gray, Houston, Texas 77003 had reserved time to speak but

was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Anthony Smith, 1703 W. Gray, Houston, Texas 77093 had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. William Elliott, 607 Thornton, Houston, Texas 77087 (713-699-7510) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Brad Parrott, 8787 Brae, Houston, Texas 77074 (713-778-0751) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Eugene Matthews, 320 Hamilton, Houston, Texas 77002 (281-650-0044) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Carlton Gary, 320 Hamilton, Houston, Texas 77002 (713-223-1994) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that it allowed him the opportunity to find work and it helped him, his children and the community greatly. Council Members Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Ms. Alexis Kemp, 6135 Ridgeway, Houston, Texas 77033 (713-734-5829) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that she had not used the program, but understood the program saved time and she was asking Council to keep it so she could use it. Council Members Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Quan, Ms. Kemp stated that she had not used the program; that she used a computer at school, but understood this program would save time. Council Members Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Mr. Milton Howard, 6822 Tierwester, Houston, Texas 77021 (713-748-6329) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Mr. Joseph Cook, 1703 Gray, Houston, Texas 77003 had reserved time to speak but was not present when his name was called. Council Members Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Mr. John Good, 3119 St. Emmanuel, Houston, Texas 77004 (713-524-0613) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that free access to SimDesk through the library showed the commitment the City of Houston had toward its constituents and its termination would be a death blow to those who used the Houston Library system. Council Members Goldberg, Berry and Robinson absent.

Upon questions by Council Member Quan, Mr. Good stated that he did use the SimDesk program and it was very simple to click on and use and he needed its access. Council Members Goldberg, Berry and Robinson absent.

Upon questions by Council Member Wiseman, Mr. Good stated that he liked the ability to get on line. Council Member Wiseman stated that without SimDesk he would still have internet access at the library. Council Members Goldberg, Berry and Robinson absent.

Mr. Kenneth Robillard, 7525 Park Place Blvd. #50, Houston, Texas 77087 (713-641-0388)

had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Johnny Calhoun, 1901 Caplin, Houston, Texas 77026 (713-692-4705) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Johnny Henderson, 607 Thornton, Houston, Texas 77051 (409-539-0501) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Willie Baker, 4819 Ellington, Houston, Texas 77088 (281-931-4228) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that the program was very useful to everyone who used it; that it was very needed; and urged Council to vote in favor of keeping the program. Council Members Goldberg, Berry and Robinson absent.

Council Member Quan stated that many people knew Mr. Baker as the Mayor of Acres Home and he appreciated him coming and sharing his views; and upon questions, Mr. Baker stated that he did not use the program but his children and grandchildren did; that Council should make sure that everything was available which would help people to advance in their life. Council Members Goldberg, Berry and Robinson absent.

Ms. Joycelyn Chandler, 320 Hamilton, Houston, Texas 77002 (832-498-0480) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Pat Carter, 320 Hamilton, Houston, Texas 77002 (281-253-5854) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. John Manning, 5702 Flamingo, Houston, Texas 77033 (281-673-0214) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Shea White, 8300 Canyon #1412, Houston, Texas 77051 (713-208-1831) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Pamela Lockett-Harris, 811 Skyline, Houston, Texas 77019 (713-571-1040) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Larry Lockett, 811 Skyline, Houston, Texas 77019 (713-571-1040) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Otis William, 7903 Belgard, Houston, Texas 77033 (713-734-5977) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. James Joseph, 5969 Southlea, Houston, Texas 77033 (713-738-2019) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Fuletta Nelson, 9715 Haddick, Houston, Texas 77078 (713-530-9699) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that she was a teacher and

she was present to encourage Council to vote against rescinding the contract; that many of her students did not have computers and she encouraged them to use the program as she had used it and found it very helpful. Council Members Goldberg, Berry and Robinson absent.

Upon questions by Council Member Edwards, Ms. Nelson stated that this saved you time, it was easy and children or even adults who were unfamiliar with the computer could use it. Council Members Goldberg, Berry and Robinson absent.

Mr. R. D. Mercer, who was added to the speaker list, was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Brent Tapp, 3401 Fannin #2, Houston, Texas 77002 (713-526-0311) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Beulah Shepard, 8402 Knox, Houston, Texas 77088 (281-447-2221) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that she was 81 years old with 31 grandchildren and 8 great grandchildren and they needed the SimDesk; that many in Houston could not afford computers and she hoped it soon came to Acres Home; and urged Council to vote for SimDesk and for the poor folks of Houston. Council Members Goldberg, Berry and Robinson absent.

Mr. Kenneth Celestine, 7727 Belbay, Houston, Texas 77033 (713-733-3683) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mrs. Renee Celestine, 7727 Belbay, Houston, Texas 77033 (713-733-3683) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Pauline Bennings, 5871 Reed Road, Houston, Texas 77033 (713-734-5413) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Roshelle Ruffin, 6130 Ridgeway, Houston, Texas 77033 (713-734-1843) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that she did use SimDesk and she and other students could not understand why Council would harm their future; that she had no computer and had to go to the library often and without SimDesk she and others would not be able to accomplish anything. Council Members Goldberg, Berry and Robinson absent.

Upon questions by Council Member Edwards, Ms. Ruffin stated that she went to Jesse Jones High School and she used word processing and excel and other programs, she did not just surf the net; that SimDesk allowed you to work leave the program and go back to your work, it saved your software; and her teacher taught the program to about 150 students so many used it. Council Members Goldberg, Berry and Robinson absent.

Ms. Samarise Jackson, 6130 Ridgeway, Houston, Texas 77033 (713-734-1843) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Berry and Robinson absent.

Ms. Biana White, 8300 Canyon St., Houston, Texas 77051 (713-733-6496) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Berry and Robinson absent.

Mr. Brian Stevens, 7543 Teal Run Dr., Houston, Texas 77071 (713-515-0084) spoke in favor of SimDesk and against Agenda Item 66; and stated that he was present on behalf of the

Telecom Opportunity Institute, a nonprofit organization which provided computer and internet training and they were anxiously awaiting for them to be able to use SimDesk; that he also represented HITEC, Houston Information Technology Empowerment Consortium, and they also were very anxious for SimDesk to be in the community. Council Members Goldberg, Vasquez, Berry and Robinson absent.

Council Member Keller stated that he could not see the right thing being done the wrong way and they always used the right thing as a reason to do it the wrong way; that anything Denny Piper had to do with he wanted fumigated, washed and kicked out; and upon questions, Mr. Stevens stated that he did not know Denny Piper or the process but his concern was that either this product or a comparable product be available and he had not seen anything comparable to SimDesk. Council Members Goldberg, Vasquez, Berry and Robinson absent.

Mr. Perry Busby, 2826 Francis, Houston, Texas 77004 (832-309-2887) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that if SimDesk was taken away his life would go on, but many did need SimDesk as they could not afford the technology. Council Members Goldberg, Vasquez and Berry absent.

Upon questions by Council Member Galloway, Mr. Busby stated that he had used SimDesk, but it was not a product geared toward someone with his expertise; that he came before Council because many needed the program. Council Members Goldberg, Vasquez and Berry absent.

Mr. Vincent Watkins, 260 Brookclear Lane, Atlanta Georgia 30215 (no phone) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that he represented Christians for Government and many behind him (they stood to be recognized) were in favor of SimDesk because it was vital but they chose not to speak; that Council approved the contract and said to the citizens of Houston it was a good program and they stood behind it and was spending the citizens money for it, but then they wanted to rescind it at the people's expense. Council Members Goldberg, Vasquez and Berry absent.

Ms. Mary Merrienen, 2338 Dryden, Houston, Texas 77300 (713-666-3399) appeared and stated that she was with the Heritage Society and this weekend they were having the Candlelight Tour across from City Hall; that for 40 years they had shared holiday traditions with the City of Houston and invited Council to attend and passed out their tickets. Council Members Vasquez and Berry absent.

Mayor Brown thanked Ms. Merrienen and stated that he did appreciate what she did for the city. Council Members Vasquez and Berry absent.

Ms. Gail Rosenthal, 1225 Welch, Houston, Texas 77024 (713-665-7413) appeared and stated that she was also present with the Heritage Society regarding the Candlelight Tour and it was a wonderful experience; that they had the oldest structure in Harris County and the museum was dressed as a Winter Wonderland; and invited the Mayor and Council to the tour. Council Members Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Rosenthal stated that the Candlelight Tour was Thursday through Saturday from 6:00 p.m. to 9:00 p.m. and Sunday from 2:00 p.m. to 5:00 p.m.; that it was \$5.00 in advance for adults and \$7.00 at the gate, \$3.00 for seniors, \$2.00 for children and children under six were free; and there was a parking lot directly across the street and others in the area. Council Members Wiseman, Vasquez, Alvarado and Berry absent.

Council Member Galloway moved to suspend the rules and hear Mr. Jesse Wilhite out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker absent on city business. Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry

absent. MOTION 2002-1403 ADOPTED.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared and stated that she was president of Precinct 239 Neighborhood Civic Club and was present trying to get a policy that would govern their civic clubs and super neighborhoods; that if she was president and someone else wanted to be they would get a chance without going to the body and that caused division among them; and she was asking for something which would prevent that. Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Randle stated that it was not right for the Planning Director to give someone an okay when they wanted to be president when they already had one and something needed to be in writing. Council Member Sekula-Gibbs stated that she would like Ms. Randle to give her office specific recommendations if she had any. Council Members Tatro, Wiseman, Vasquez and Berry absent.

Mr. Jesse Wilhite, 4854 Court Rd., Houston, Texas 77053 (281-437-2558) appeared and stated that from October 2001 through December 5, 2002, he was a Houston fire cadet and was now present soliciting Council's help regarding wrongful termination; that he was employed with the City of Houston 14 years and made a sacrifice in giving up 12% of his salary to join the Fire Department; that he served faithfully for 14 months when another cadet accused him of cheating on a quiz; that his classroom average was about 90% and he did not need to cheat. Council Members Tatro, Wiseman, Vasquez and Berry absent.

Council Member Galloway stated that many young men had come forward from the Fire Department and she continued to stress there was a major problem at the Fire Academy; that the city spent too much to train them and she could not understand why actions taken by some were not thoroughly investigated; and she was requesting that the Mayor look into the problem at the academy and the problem brought before them. Mayor Brown stated that this issue was brought to his attention and it was being looked into, but he did need to file his appeal as he only had 15 days to do so. Council Members Tatro, Wiseman, Vasquez and Berry absent.

Ms. Vivian Thompkins, 5802 Southmont, Houston, Texas 77033 (713-733-2045) appeared and stated that they wanted to be included with the Planning Department and the CIP and Super Neighborhood and they supported the president of their civic club; that in 1995 she received a letter about her street saying it would be reconstructed but instead she received blacktop and was told she should be grateful; that today she received a call from Public Works saying the street would be reconstructed during the summer and she would be receiving a letter on what would be done, but she would not have received the call if she was not appearing today, and if she did not receive the letter and the Lord allowed she would be back. Council Members Tatro, Wiseman, Keller, Vasquez and Berry absent.

Council Member Edwards stated that she had tried to convene a meeting between Planning and Mr. White and she felt the matter could be resolved if the parties met. Council Members Tatro, Wiseman, Keller, Vasquez and Berry absent.

Mr. Charles X. White, 4302 Reed Road, Houston, Texas 77051 (713-734-3599) appeared and stated that today he and those with him were present asking for a policy for future reference; and secondly they were here because five months ago they asked questions of the Planning Department Director and he had refused to answer those five questions; that the Sunnyside South Park Super Neighborhood did their own investigation and it seemed someone was trying to make a Black on Black argument in the Black community that did not exist and they were asking for policies for future reference and answers to their questions; and he would present the Mayor with a copy of their investigation. Council Members Tatro, Wiseman, Keller, Vasquez and Berry absent.

Council Member Edwards stated that she did not have an agenda other than trying to get

them to the table to get the problems addressed so they could move forward. Mayor Brown stated that they would follow-up and bring some resolution to the issues he brought to Council's attention. Council Members Tatro, Keller, Vasquez, Alvarado and Berry absent.

Mr. Marvin Delaney, 5959 Ridgeway, Houston, Texas 77033 (713-734-8005) appeared and stated that he and the others present with him were asking for a policy to clearly identify the authority of the Planning Department Director in regards to a deliberative assembly in that the policy would prevent future misunderstandings with civic clubs, super neighborhoods, etc. Council Members Tatro, Keller, Vasquez and Berry absent.

Mayor Brown stated that they would pursue that and get it done. Council Members Tatro, Keller, Vasquez, Alvarado and Berry absent. Council Members Vasquez and Berry absent.

Dr. Edith M. Clark, 4406 Davenport, Houston, Texas 77051 (713-734-5506) appeared with Mr. Miller Ray who stated that Dr. Clark had laryngitis and he would be speaking for her; that he wondered why the original civic club was set aside without council; that they had just won an election in March and then they heard another super neighborhood would be made in their same area and the Planning Director never came to speak with them. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that they would work on it and it would be resolved. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mr. Preston Roe, 3731 Florinda, Houston, Texas 77021 (713-747-4358) appeared and stated that he was present urging a response to their initial questions, their internal investigations and results and recommendations; that they were seeking written policy to clarify the authority of a department head and employees of a decision making process of any super neighborhood, civic club, etc., that if neighborhood oriented government meant anything at all it should be transparent, objective and guided; and they urged that all elected officials and city employees see the significance of the necessity of an open and collaborative process and work to resolve their concerns. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mr. Steven Williams (no address, no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mr. Hartwell Remsburg, Jr., 5709 Tuskegee, Houston, Texas 77091 appeared and stated that Ms. Russell, the City Secretary, was one of the treasures of this city and she had been gracious enough to speak with him before Council; that he was present on a moot matter as when he arrived Mr. Freddie and Ms. King approached him and said his problem with the sidewalk in Acres Home had been solved. Council Members Galloway, Edwards, Vasquez, Alvarado, Berry and Robinson absent.

Ms. Dorothy Dawson, 5859 Hirondele, Houston, Texas 77033 (713-733-8734) appeared and stated that she supported Mr. White and Ms. Randall on the CIP Program, but was present because for four years they had been trying to get an old service station in the 8600 block of MLK torn down and since others found out she was coming today she had received many calls; that she was told the bid was coming up, perhaps this week, to be torn down and it should be by February, but if it was not she would be back. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Council Member Wiseman stated that her office looked into that and it was in bid phase; that they would continue to monitor it and her staff would be in touch. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to

speak but was not present when his name was called. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Ms. Amparo Macariegos, 10523 Heatherhill, Houston, Texas 77086 (281-821-9650) appeared and stated that her English was not very good and someone would speak for her. Ms. Macariegos spokesperson stated that she had worked at the airport for five years as a manager of one of the stores and she had parked on the loading dock and a city vehicle was there that she did not see; that she backed up and hit it and she received a letter stating she had so many days to pay \$427.00 which was a minimum charge; that the damage was not that much and she felt that was wrong. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that Ms. Sally Bradford with Aviation was present and would speak with them at this time. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Ms. Mary Atkinson, 1041 North Lane, Houston, Texas 77088 (281-448-2007) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) appeared and stated that he was the official U. S. President and continued to express his personal opinions until his time expired. Council Members Galloway, Edwards, Vasquez, Alvarado and Berry absent.

Mr. Leon Lemmons, 777 Walker, Houston, Texas 77002 (713-241-8172) appeared and stated that he was present to urge Council to place on their agenda a proclamation recognizing the efforts of the Falon Gong practitioners who were improving the quality of life by teaching meditation which improved attitude and reduced stress; and urged Council to join with other municipalities and states who had addressed the issue with China. Council Members Galloway, Edwards, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Rev. John C. Gibbs, 1403 W. Donovan, Houston, Texas 77091 (no phone) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that it was important to keep the program in place; that if mistakes were made it should not be at the expense of the people; that 64,200 people used SimDesk at the library and he urged that Council keep the program. Council Members Galloway, Edwards, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that the champ was here, which was him, that there should be no drilling in the artic; and continued to express his personal opinions until his time expired. Council Members Galloway, Edwards, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Ladino Emera, 5018 Marietta, Houston, Texas 77021 (713-522-7057) appeared and spoke in favor of SimDesk and against Agenda Item 66; and stated that he was like every Black person in this country and still waiting for 20 acres and a Bentley; and they wanted to be respected and not disconnected. Council Members Galloway, Edwards, Vasquez, Alvarado, Berry and Robinson absent.

Ms. Gloria Ray, 320 Hamilton, Houston, Texas 77002 (832-788-1352) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Vasquez, Alvarado, Berry and Robinson absent.

At 3:32 p.m. upon motion by Council Member Wiseman and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, December 11, 2002. Council

Member Parker absent on personal business. Council Members Galloway, Edwards, Vasquez, Alvarado, Berry and Robinson absent.

City Council Chamber, City Hall, Wednesday, December 11, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, December 11, 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 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg, Keller and Alvarado absent.

MAYOR'S REPORT

Council Member Galloway moved to suspend the rules to consider Item No. 1 and 59 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-1404 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 50 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2002-1405 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MUNICIPAL COURTS**:

FULL TIME JUDGES

MR. HERBERT GEE, reappointment, for a term to expire August 30, 2004

MR. STEVEN KIRKLAND, appointment, for a term to expire two years from the date of appointment

MS. ESMERALDA PENA GARCIA, reappointment, for a term to expire August 30, 2004

MS. GLADYS BRANSFORD, appointment, for a term to expire two years from the date of appointment

SUBSTITUTE JUDGE

MS. APRIL WALKER, reappointment, for a term to expire June 20, 2004

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker absent. MOTION 2002-1406 ADOPTED.

Judge Bertha Mejia stated that she wanted to thank the Mayor and Council Members on behalf of all the judges that today they voted on to get reappointed or appointed, that the judges that they had voted to reappoint, the Honorable Judge Herbert Gee, Honorable Judge Esmeralda Pena Garcia and Honorable Judge April Walker were working at this time and not able to be present, but she wanted to recognize the two newly appointed judges who were present, the Honorable Steve Kirkland, who graduated from Rice University in 1982 and received his Law Degree from the University of Houston in 1990 and joined the City in 1998 as a part time Parking Hearing Officer and currently served as an associate Municipal Court Judge and would now join the fulltime staff and would serve the City in Court No. 15 in the evening, that with the Honorable Kirkland was Mr. Mark Parthy, his life partner, and would like to recognize them, that the next Judge was the Honorable Gladys Bransford, who was a graduate of the University of Houston

Law School since 1979 and served the City previously as a fulltime judge from 1987 to 1993 and was currently the fulltime Parking Hearing Officer and now would become a fulltime judge and would be assigned to the Annex Court during the day and was present today.

Mayor Brown stated that he wanted to congratulate the both of them.

Council Member Parker stated that she wanted to join the Mayor in congratulating their two newest fulltime judges, that both of them had served the City well and knew they would serve the City well in the future.

59. RECEIVE nominations for a person to be appointed to fill the unexpired term of the Office of the City Controller of the City of Houston effective January 1, 2003, and/or receive nominations for a person to be appointed to temporarily hold the Office of the City Controller of the City of Houston for not more than (60) days commencing on January 1, 2003 – was presented.

Council Member Parker stated that she was distributing a nominating letter and was nominating Ms. Judy Gray Johnson for the position of Interim Controller for the City of Houston, seconded by Council Member Galloway.

Council Member Ellis asked if it was for the full term and Council Member Parker stated yes and Council Member Ellis stated that he would like to nominate Mr. Oliver Pennington for the full term position of Interim Controller for the City of Houston, seconded by Council Member Alvarado.

Council Member Tatro stated that the opinion that Mr. Hall's office put out addressed the time issue of the appointment, that the Charter says that for an appointment the qualifications must be the same as the person elected to office and then the City Charter in 1999 was amended to say that a person must be a qualified voter of the City who had resided in the City for 12 months immediately proceeding election day, that he knew there was an opinion addressing the time frame, but what they did not address was the statement that said they must be a qualified voter of the City who had resided in the City for 12 months, that Mr. Hall, obviously, in this opinion, said 6 months was the time frame, that he would like over the next week to get an opinion from Mr. Hall's office on what constituted qualified voter and what was a resident of the City, and Mr. Hall stated that if they interpret qualified in the same fashion one way, the residential requirement was essentially the 6 month time frame they were talking about, that a resident was that they had to reside in the district, in the political subdivision, and Council Member Tatro asked if someone could live in Beaumont with the address of the City and be qualified, and Mr. Hall stated that he understood what he meant and Mayor Brown stated that they would get that for him by next week.

Council Member Robinson stated that it was what was called a civil procedure question and there was a whole section in a civil procedure case book about people who lived in trailers and moved around and the court, to determine residency, speaks to the state of mind of the individual and then a variety of objective criteria that they had to go through and apply, that it was going to come down to an evaluation of the objective criteria to try to discern the intent of the individual and Mr. Hall stated that was correct, that basically they reside where they say they do, that was a broad over simplification, but it was a whole other area in the law that had lots of litigation on it.

Council Member Vasquez asked that as Mr. Hall went about formulating the response for Council Member Tatro's question, if he could also add a component in there that addressed any potential impact related to candidates for office in terms of residency and the qualified component of it, that he believed that when he first came on they changed the residency requirements for 6 months to 12 months, so as Mr. Hall makes the ruling he was asking if there was any impact on candidates for office.

Council Member Quan moved to close the nominations, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-1407 ADOPTED.

50. ORDINANCE approving and authorizing a water supply contract between the City of Houston and **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY**

Council Member Vasquez moved to suspend the rules to hear from Mr. Jeff Taylor, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-1408 ADOPTED.

Council Member Vasquez stated that he thought Mr. Taylor was doing a great job and knew that he had inherited it from Mr. Ordat and they appreciated the job he had done and the professionalism in terms of getting the project up and off the ground in time, that there was an article in the newspaper that had different numbers from what was reported in the TTI meeting yesterday and asked for some clarification on which set of numbers were the ones they should be looking at, and Mr. Taylor stated that they had not crafted the contract with the North Authority in the form of rates, they had crafted it in the form of capital payments so to date their staff had not computed rates associated with that contract on the revenue, that he would tell them that his understanding was the number that was illustrated in the article, that he had read it, was much higher than what might be an equivalent rate related to the capital payments, that quite frankly their concern was on capturing capital associated with the raw water, their treated water and their transmission main debt and the contract did that, and Council Member Vasquez asked what were some of the ways that MUD's not in the West or North Authority's could access the City surface water, and Mr. Taylor stated that they were actually now in the process of talking to all of the MUD's and retail users that existed in either the North or West Authority with the hope that they could also have them as long term customers of the utilities, and Council Member Vasquez asked if they were able to do that what did that mean financially for the City, and Mr. Taylor stated that it was positive's all the way around, that number, the revenue dollar was moving because of the nature of discussions they were in, but what it would essentially do was assist to payoff outstanding debt that the Authority had, and Council Member Vasquez stated that when the project started they talked about a second 40 MGD's and asked if there had been any consideration for that and when that decision might be made, and Mr. Taylor stated that if the Council would move on the North Harris County Water Authority Contract, he believed they would have justification for moving forward with second phase of the Northeast plant, they had not yet decided to initiate Phase II. Council Member Parker absent.

Upon questions by Council Member Ellis, Mr. Taylor stated that they did have a negotiating price but it was captured in the form of capital payments to the City, the capital payments would be to the tune of \$75 million, \$23 million for raw water and just over \$50 million for treated water facilities, that it was true that there was a State law that said that the City could not profit off of selling its water, that the way the contract provisions were crafted the \$75 million represented the actual true cost of service that they would provide to the North Authority, that additionally to the capital payments there were ongoing operations and maintenance charges over and above the capital payments and those O&M charges would continue, they would start at the time the Authority actually takes water and would continue for as long as the Authority continues to take water and they would pay their pro rata share of the actual cost.

Council Member Robinson stated that he wanted to compliment the Public Works Department because it was something that all of them had put a lot of time and interest into, and one of the reasons they had a TTI Committee was the effort to build this kind of infrastructure, that there had been a lot of talk since he came on Council about the need for regional cooperation, that he also wanted to commend folks at the Water Authority for being able to work their way through all of the issues and all of the people who would have tried to divide the region over the issue of water and come to this consensus and thought the agreement would be a model for the rest of the State and the agreements that they entered into with the independent MUD's and the MUD's on the Westside Authority and ultimately give them all the non region

compliance with subsidence requirement in water well out to the year 2050 and probably beyond. Council Members Galloway and Berry absent.

Council Member Keller stated that this was their first real big success, that Ed Shackelford and the North Harris County Water Authority were their partner in it and they had shared and toiled with it just as hard as the City and know what they were delivering to their constituents out there, that there was a whole other component of it that they were a part of that was massive, big picture stuff, as far as increasing property values, which was property taxes to the region and the saving of the cost to protect that, which was infrastructure drainage improvements, so they were going to have spend less to get more and get a higher quality, more environmentally sensitive property, and congratulated Mr. Taylor, Mr. Vanden Bosch and Mr. Ordat, and Mr. Taylor stated that he agreed with Council Member Keller, that they should not lose sight, in the contract, that the purpose was to control subsidence, that was what they were actually doing in addition to providing high quality drinking water to all of Harris County and there would be a long term benefit to all of Harris County by the partnership that they were striking with the North Harris County Regional Water Authority. Council Member Robinson absent.

Council Member Tatro stated that he wanted to meet with the Regional Water Authority people and Mr. Taylor, that he and Jeff had said at yesterday's meeting that they would like to have a week to look over the financials, the straight financial, but in the yuletide spirit they wanted to send everyone home for the holidays early, and congratulated Mr. Taylor on what had been a long, arduous process, and also not only to the North Authority, but also the West which had also been moving forward with their dealings, which had helped to promote it, and Mr. Taylor stated that there were subsidence district mandated timelines that had to be met before compliance and Council approval of the contract would allow the North Authority to meet their compliance deadlines. Council Member Robinson absent.

Council Member Wiseman stated that she to wanted to commend the City of Houston and the North Harris County Regional Water Authority for coming together in cooperation on the project, that her biggest concern always had been the fact that the City of Houston controlled surface water rights and they had to be good neighbors and very appropriately charge for the services that they were providing as opposed to taking advantage of the fact that they had all of the water rights in the area, so the fact that the North Harris County Regional Water Authority had reached an agreement with the City of Houston was very comforting to her and she would like to thank Mr. Ed Shackelford for all the work he had done with the City of Houston on it, that she had an opportunity to have lunch and tour the facility yesterday and it was very impressive, that also impressive was the fact that the work had gone on for 337 days without a single accident, incident or claim of any kind, that she wanted to commend MWH Contractors for that tremendous and very safe work, that they did have 75 subcontractors out on the job, 60 of which were MWBE companies, that was also another remarkable thing about the project and wanted to commend all of who were involved in the project. Council Member Robinson absent.

A vote was called on Item No. 50. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1123 ADOPTED.

Mayor Brown stated that he also wanted to express his appreciation to Council Member Robinson and his committee for being very helpful on the project, that as they knew they went with the new process for accomplishing the object, design, build and operate, and as a result they saved the City literally millions of dollars, 20% or 30% of what it would have cost ordinarily so he wanted to thank Council Member Robinson for his leadership on the issue.

CONSENT AGENDA NUMBERS 1 through 58

MISCELLANEOUS - NUMBERS 2 and 4

2. RECOMMENDATION from Director Human Resources to approve a sixth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1409 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2003 Operations and Maintenance Budget for the **COASTAL WATER AUTHORITY (CWA)** for operation of the Lake Houston Facility Project - \$973,927.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1410 ADOPTED.

DAMAGES - NUMBER 10

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JON WALTERS vs. City of Houston and Jesus Alberto Canjura**; in the 80th Judicial District Court of Harris County, Texas; Cause No. 2001-64806 - \$75,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1411 ADOPTED.

ACCEPT WORK - NUMBERS 11 and 13

11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$343,642.00 and acceptance of work on contract with **STEVEN R. HILL CONSTRUCTION CO., INC** for Bid Package No. 34 - Lake Forest Park, Hobart Taylor Park and Walter Jones Park, GFS F-0363-34-3, F-0363-35-3 and F-0363-36-3 - 06.39% over the original contract amount - **DISTRICTS B - GALLOWAY and E - WISEMAN** had been pulled from the Agenda by the Administration, and was not considered.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$905,802.60 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Westbury Village Lift Station Replacement, GFS R-0267-39-3 (4275-27) 02.10% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1412 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 25

18. **AGILENT TECHNOLOGIES** for One High Performance Liquid Chromatograph System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health and Human Services Department - \$50,467.24 Grant Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1413 ADOPTED.
20. **AMEND MOTION #2000-277, 2/23/00, TO EXTEND** expiration date from February 28, 2003 to February 27, 2004, for Controller Cabinets for Department of Public Works & Engineering, awarded to **U. S. TRAFFIC CORP. dba IDC and TRAFFIC ENGINEERING & CONTROLS** had been pulled from the Agenda by the Administration, and was not considered.

21. **DXI INDUSTRIES, INC** - \$2,108,660.00 and **ALTIVIA** - \$1,742,311.39 for Chemical, Liquid Chlorine for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1414 ADOPTED.
23. **METRO SERVICE CONSULTANTS, INC** - \$246,119.00 and **HYDRAFLO, INC** - \$38,653.00 for Fire Hydrant Repair Parts Contract for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1415 ADOPTED.
24. **TURTLE AND HUGHES, INC** for Electrical Supplies and Fittings Contract for Various Departments - \$972,010.00 - General, Enterprise and Street Maintenance & Traffic Control Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1416 ADOPTED.
25. **J. TYLER SERVICES, INC** - \$77,269.61 and **WAROL, INC d/b/a ONE OFFICE FURNITURE** \$46,744.00 for Office Furniture for Aviation, Health & Human Services, Building Services and Public Works & Engineering Departments – Grant, Enterprise and Bond Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1417 ADOPTED.

ORDINANCES - NUMBERS 26 through 58

26. ORDINANCE finding no special benefit to the abutting owner of property described as Tract 71, Neuen Manor, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 94-518 passed June 1, 1994, for the initiation of a paving project for the permanent improvement of a portion of Blalock Drive in the City of Houston, Texas; authorizing a refund to the abutting owner - \$3,270.70 - General Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1124 ADOPTED.
27. ORDINANCE consenting to the addition of 94.238 acres of land to **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1125 ADOPTED.
28. ORDINANCE consenting to the addition of 33.2702 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1126 ADOPTED.
29. ORDINANCE consenting to the addition of 2.7726 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1127 ADOPTED.
30. ORDINANCE consenting to the addition of 71.96 acres of land to **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1128 ADOPTED.
31. ORDINANCE consenting to the addition of 35.69 acres of land to **MEADOWHILL**

REGIONAL MUNICIPAL UTILITY DISTRICT, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1129 ADOPTED.

32. ORDINANCE consenting to the addition of 1.1049 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1130 ADOPTED.
33. ORDINANCE consenting to the addition of 361.5978 acres of land to **TIMBER LANE UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1131 ADOPTED.
34. ORDINANCE releasing certain territory in Harris County in the vicinity of the City of Tomball, Texas from the extraterritorial jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1132 ADOPTED.
41. ORDINANCE issuing a permit to **EGL EAGLE GLOBAL LOGISTICS, LP**, for building, constructing, using, operating, maintaining and repairing a communications conduit within the 15300 block of Vickery 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 B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1133 ADOPTED.
45. ORDINANCE approving and authorizing contract between the City of Houston and **RECOVERY CAMPUS OF HOUSTON, INC** to provide a grant amount not to exceed \$707,448.00 for Supportive Services to HIV positive individuals and those with AIDS under the Housing Opportunities for Persons With AIDS Program, which amount includes a limitation on additional funding in the amount of \$353,724.00 - Grant Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1134 ADOPTED.
51. ORDINANCE appropriating \$1,273,600.00 out of Street & Bridge Consolidated Construction Fund for payment to the **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for Houston Bikeway Program Projects, CIP N-0420-04-3, N-0420-10-3, N-0420-12-3, N-0420-14-3, N-0420-15-3, N-0420-19-3 – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1135 ADOPTED.
54. ORDINANCE appropriating \$1,610,100.00 out of C & E Construction Fund and awarding construction contract to **BERGEN ELECTRIC CORPORATION** for Construction of Improvements to the Mechanical and Electrical Systems at Jones Hall, CIP B-0038-02-3; providing funding for contingencies relating to construction of facilities financed by the C & E Construction Fund **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1136 ADOPTED.
55. ORDINANCE appropriating (1) \$71,000.00 out of Park Consolidated Construction Fund and (2) the contribution of \$231,152.00 from the Houston Heights Association to be received under its contribution agreement with the City of Houston; approving and authorizing such contribution agreement, and awarding construction contract to **GULF COAST LANDSCAPE SERVICES, INC** for Heights Boulevard Landscape Improvements; GFS F-0504-03-3; providing funding for construction management, professional architectural services, engineering testing services and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - \$100,000.00 CDBG Fund

- **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1137 ADOPTED.

56. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Water, Wastewater and Drainage Facilities to serve Chasewood Meadows Subdivision; approving and authorizing an assignment of the construction contract to **RICO DEVELOPMENT, INC**, GFS S-0800-47-3 and R-0800-53-3 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1138 ADOPTED.
57. ORDINANCE appropriating \$319,055.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Replacement of 30-inch Vent on Fannin St. Bridge, GFS R-0266-F1-3 (WW4855); providing funding for engineering testing services, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1139 ADOPTED.
58. ORDINANCE appropriating \$2,553,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** for Kirby No. 3 Lift Station Replacement and Lakes at 610 Diversion Sewer, GFS R-0267-65-3 (4276-25); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1140 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2003 Operations and Maintenance Budget for the **COASTAL WATER AUTHORITY (CWA)** \$10,926,726.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1418 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2003 Operations and Maintenance Budget for the **SAN JACINTO RIVER AUTHORITY** \$1,042,705.00 - Enterprise Fund – was presented, and tagged by Council Member Wiseman. Council Member Robinson absent.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of amendment to FY2002 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** increasing the budget by \$200,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1419 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2003 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$2,813,250.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none.

Council Member Robinson absent. MOTION 2002-1420 ADOPTED.

8. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **DAVID P. MCANINCH** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1421 ADOPTED.

DAMAGES

9. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SYLVESTER JOHNSON** vs. Earl Henry Armstrong and City of Houston; Cause No. 99-03552; in the 189th District Court of Harris County, Texas - \$25,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1422 ADOPTED.

ACCEPT WORK

12. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,044,468.98 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Parks to Standard Program - Bid Package No. 40 - Clinton Park, GFS F-0363-40-3 - 11.71% over the original contract amount - **DISTRICT I – ALVARADO** – was presented. Council Member Robinson absent.

Council Member Alvarado stated that she wanted to congratulate the contractor and Building Services Department, that the project was finished 55 days early, that it was a long overdue project that they had been waiting on at Clinton Park, so she wanted to congratulate all of them for speeding up the process. Council Member Robinson absent.

Council Member Quan stated that while he was happy it finished early but he was concerned that they still had issues of change orders dealing with ADA and Fire Safety and it seemed that those things the Building Services Department should have caught earlier so that they would not have had the 11% overrun on it, that he would like to meet with that department to make sure they went over the changes, and Mayor Brown stated they would make sure they would meet with him. Council Member Robinson absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1423 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order Nos. 3 and 4 in the amount of \$6,263,349.00, final contract amount of \$7,744,608.10 and acceptance of work on contract with **OSCAR RENDA CONTRACTING, INC** for Construction of 54-inch Water Main along Westview from Silber to Spring Branch Creek, Contract 47A-1, GFS S-0900-44-3 (10599) - 23.65% over the original contract amount **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1424 ADOPTED.

PROPERTY - NUMBERS 15 and 16

15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jerry Ray, Southwestern Bell Telephone, L.P., a Texas limited partnership, d/b/a Southwestern Bell Telephone Company, for the sale to Southwestern Bell Telephone, L. P., of a 15-foot-wide easement across a portion of the City's South Central Police Station Site, located at 2202 St.

Emanuel Street, South Side Buffalo Bayou, Parcel SY3-012 - **STAFF APPRAISERS - DISTRICT I – ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis. Council Member Robinson absent.

16. RECOMMENDATION from Director Department of Public Works & Engineering and the Joint Referral Committee, for abandonment and sale of a 9-foot wide portion of a 38-foot-wide alley, located at 1619 Nicholson Street, adjacent to Lot 2, Block 129, Heights Addition, Parcel SY3-021, in connection with request from Tricon Homes, Inc. (Jose Berlanga, vice president), for an encroachment of a ±8.5 foot garage into the alley - **STAFF APPRAISERS - DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis. Council Member Robinson absent.

PURCHASING AND TABULATION OF BIDS

17. **BUTCH’S WATERPROOFING CO., INC** for Emergency Purchase of Water Leak Repair Services for Building Services Department - \$135,039.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1425 ADOPTED.
19. **HOUSTON G & G DEMOLISHING SERVICE, INC** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$26,169.00 and contingencies for an amount not to exceed \$27,477.45 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.
22. **PEPPER LAWSON CONSTRUCTION, L.P.** for Emergency Repair of Flash Dryer at 69th Street Wastewater Treatment Plant for Department of Public Works & Engineering - \$226,551.12 Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.

ORDINANCES

35. ORDINANCE adopting a three-year annexation plan in accordance with Section 43.052 of the Texas Local Government Code; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. ORDINANCE 2002-1141 ADOPTED.
36. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the **UNION NATIONAL BANK BUILDING** located at 220 Main Street; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability - was presented. All voting aye. Nays none. ORDINANCE 2002-1142 ADOPTED.
37. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the **HOUSTON POST-DISPATCH BUILDING** located at 609 Fannin Street; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability - was presented. All voting aye. Nays none. ORDINANCE 2002-1143 ADOPTED.
38. ORDINANCE appropriating \$123,333.46 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$100,575.02 out

of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$119,444.97 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$103,041.33 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$53,944.47 out of Tax Increment Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$40,585.49 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone) Tax Increment Fund (Fund 915); \$5,687.78 out of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$2,149.82 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$886,888.20 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$368,828.29 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) Tax Increment Fund (Fund 916); \$778.28 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$28,166.33 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$332,553.90 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$792.39 out of Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown) Tax Increment Fund (Fund 921); \$66,177.70 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$6,496.05 out of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone) Tax Increment Fund (Fund 923); \$878,149.97 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby) Tax Increment Fund (Fund 925); and \$13,574.03 out of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone) Tax Increment Fund (Fund 927) for administrative expenses, payment of project costs and payments to certain redevelopment authorities as provided herein; containing provisions relating to the subject - was presented. All voting aye. Nays none. ORDINANCE 2002-1144 ADOPTED.

39. ORDINANCE approving and authorizing an agreement between the City of Houston, **MEMORIAL CITY REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)** in connection with the City's Reinvestment Zone Number Seventeen - **DISTRICTS A - TATRO and G - KELLER** - was presented. All voting aye. Nays none. ORDINANCE 2002-1145 ADOPTED.
- 39a. ORDINANCE approving and authorizing Public Improvement Development Contract among the City of Houston, Texas, **MEMORIAL CITY REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS** pertaining to the acquisition, design and construction of Mobility and Drainage Projects in the Memorial City TIRZ **DISTRICTS A - TATRO and G - KELLER** - was presented. All voting aye. Nays none. ORDINANCE 2002-1146 ADOPTED.
40. ORDINANCE approving and authorizing interlocal agreement between the City of Houston, **HARRIS COUNTY, REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)** and the **SOUTH POST OAK REDEVELOPMENT AUTHORITY** relating to the participation of Harris County in Reinvestment Zone Number Nine - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-1147 ADOPTED.
42. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented.

Council Member Goldberg stated that he had passed out some changes, that there were

a couple of changes that he would like to make, that the City of Houston had a membership in the National League of Cities and it was a week before one of the scheduled off weeks and he proposed that they move it to the scheduled off week, (3/4/03 to 3/14/2003), one that it would allow Council Members and also a lot of City staff members and City attorneys to go to that, that it would be better, they would not have to miss a meeting and on top of that a lot of the Congress men and women and Senators made themselves available during that week for Council Members to visit so he thought it would be more advantageous to have that as an off week, that the other change was the fact that the Fourth of July fell on a Friday next year and it would probably be easier to make that their off week rather than having a full Council session on that week, move it from the week of July 20th to July 6th, that he wanted to tag his amendment and tag the item.

Mayor Brown stated that the item was tagged and they would take a look at his amendment.

Council Member Parker stated that she understood Council Member Goldberg's rationale for the second change, but it was her understanding that the Spring office work week coincided with school Spring break, and while it may be more convenient for the Council Members to have it the following week it would inconvenience a number of City employees who had children in school and were looking forward to that week, and Mayor Brown stated that they would take a look at his recommendations and it would be back up next week.

43. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the City's Air Pollution Control Program \$1,564,480.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-1148 ADOPTED.
44. ORDINANCE approving and authorizing seventh contract amendment between City of Houston and **RECOVERY CAMPUS OF HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$260,000.00 (\$195,000.00 from the Community Development Block Grant Program and \$65,000.00 from the Housing Opportunities for Person With AIDS Program) to assist in the cost of leasing St. Elizabeth Hospital, which leased facility is utilized to provide Substance Abuse Treatment for the medically indigent population - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway. (Note: Council Member Galloway removed her tag later in the meeting.)
46. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON READ COMMISSION** for Professional Literacy Services; providing a maximum contract amount - 2 Years - \$800,000.00 - General Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-1149 ADOPTED.
47. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to the Worker's Compensation Benefits Program - 5 Years - \$1,200,000.00 - Workers Compensation Administration Revolving Fund – was presented, and tagged by Council Members Tatro, Quan, Wiseman and Ellis.
48. ORDINANCE approving and authorizing amendment No. 6 to Maintenance Facility Agreement between the City of Houston and **AVIS RENT A CAR SYSTEM, INC**; amendment No. 7 to Maintenance Facility Agreement between the City of Houston and the **HERTZ CORPORATION**; and amendment No. 6 to Maintenance Facility Agreement between the City of Houston and **ANC RENTAL CORPORATION (formerly NATIONAL CAR RENTAL SYSTEM, INC)** at George Bush Intercontinental Airport/Houston - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Ellis.

49. ORDINANCE appropriating \$4,100.00 out of Police Consolidated Construction Fund and \$51,300.00 out of General Improvement Consolidated Construction Fund in connection with Design and Construction contracts presented by the Building Services and Public Works and Engineering Departments for the Civic Art Program - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-1150 ADOPTED.
- 49a. ORDINANCE approving and authorizing contract for professional Civic Art Administration Services by and between City of Houston and the **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Building Services Department - \$112,943.00 Bond Funds – was presented, and tagged by Council Member Goldberg.
52. ORDINANCE appropriating \$45,550.00 out of General Improvements Consolidated Construction Fund; approving and authorizing contract between the City of Houston and **CST ENVIRONMENTAL, INC** for Asbestos Abatement Special Demolition at 7233 Avenue F, former Police Station, CIP D-0113-02-5, and providing funding for construction management and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-1151 ADOPTED.
53. ORDINANCE awarding contract to **DUP'S INC** for Fuel Dispenser & Automated Network System Repair and Maintenance for Various Departments; providing a maximum contract amount 3Years with two one-year options - \$2,036,025.00 - General, Enterprise, Fleet Management and Storm Water Utilities Funds - was presented. All voting aye. Nays none. ORDINANCE 2002-1152 ADOPTED.

NON CONSENT AGENDA - NUMBERS 59 through 61

MISCELLANEOUS

60. RECEIVE nominations for Position One of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, with the two-year terms expiring August 21, 2003 – was presented.

Council Member Parker nominated Ms. Saundria Chase Gray for Position One of the Houston Area Library Automated Network Board of Directors, seconded by Council Member Quan.

Council Member Vasquez moved to close nominations, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1426 ADOPTED.

61. MOTION to set a date not less than seven (7) days from December 11, 2002, to receive nominations for Positions One and Two, and Alternate Positions One and Two of the **HOUSTON GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, the one year terms to expire December 31, 2003 – was presented.

Council Member Quan moved to set December 18, 2002 to receive nominations for Positions One and Two and Alternate Positions One and Two of the Houston Galveston Area Council Board of Directors, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1427 ADOPTED.

Council Member Robinson stated that he thought all the Council Members and the Mayor had received a memo from him that he would not be seeking reelection to his seat on the Board

of Directors of the Houston Galveston Area Council, that as all of them knew he had taken on some additional responsibilities and in light of those obligations and commitments he had decided not to seek another term and his hope was that one of the more junior Council Members, in terms of time, would run for that position so they would have an opportunity to move somebody up the ladder and hopefully secure the Chairmanship of the HGAC for Houston, which had not served in that capacity in such a long time, because of term limits nobody had the time to make it up all the way, that he wanted to thank all of them for their support over the years, to represent the City and work at the Houston Galveston Area Council. Council Member Quan

MATTERS HELD - NUMBERS 62 through 66

62. RECOMMENDATION from Director Department of Public Works & Engineering for approval of supplemental allocation of funds for Professional Services contract with the **BUFFALO BAYOU PARTNERSHIP** for Development of a Park System along Buffalo Bayou; GFS I-2001-01-2 (I-2001) - \$30,000.00 - General Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; G - KELLER; H - VASQUEZ and I - ALVARADO - (This as Item 2 on Agenda of December 4, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Ellis, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1428 ADOPTED.
63. ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Houston Airport System – **(This was Item 5 on Agenda of December 4, 2002, TAGGED BY COUNCIL MEMBERS TATRO and GOLDBERG)** – was presented.

Council Member Goldberg stated that this was the item that he met with the Aviation Department and part of the ordinance, under Section 9-4 (b) (3) included a right for the Director to determine for each construction which procurement method provided the best value for the City, that they did agree that they would come to Council with an RFP or at least explaining a method for proceeding, but the language was not in there, so at the end of the paragraph he would like to add the following language:

“which includes, but is not limited to securing City Council approval for the method and procedure prior to issuing.”

Council Member Goldberg stated that one other change under Section 9-35 (6), it basically had to do with charging for parking at Ellington Field, that right now there was no charge at all for parking, that if they charged for parking it entailed an entirely brand new program, they had to decide was it automated, were they bringing in employees to work there, right now there were no employees for parking, they just went and parked, it was not a great parking lot, it probably needed to be improved and in the future they may decide to do that and charge fees, but for right now since there was no plan, no program at all he would ask to delete that Section 9-35 (6), seconded by Council Member Ellis, and tagged by Council Member Ellis.

Council Member Ellis moved to postpone Item No. 63 for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1429 ADOPTED.

Mayor Brown stated that the item was delayed for one week, and it would give them a chance to see what Council Member Goldberg was proposing and what impact it would have on the operations.

64. ORDINANCE appropriating \$80,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Design of the Houston Heritage Corridor Bayou Trails East, Segment 1 from San Jacinto Street to Jensen Drive, under an engineering

services contract with **KUO & ASSOCIATES, INC** (approved by Ordinance No. 01-1101), CIP N-0420-17A-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – VASQUEZ – (This was Item 18 on Agenda of December 4, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2002-1153 ADOPTED.

65. ORDINANCE awarding contract to **DOLLAR TIRE CO., INC dba PRO TIRE SERVICES** for Roadside Tire Repair Services for Various Departments; providing a maximum contract amount 3 Years with two one-year options - \$582,894.40 - General Fund – (**This was Item 19 on Agenda of December 4, 2002, TAGGED BY COUNCIL MEMBERS ALVARADO, WISEMAN and KELLER**) – was presented. All voting aye. Nays none. ORDINANCE 2002-1154 ADOPTED.
66. WRITTEN MOTION presented by Council Member Tatro to approve and authorize the “Termination for Convenience by City” provision, (Section V.C.) of Agreement between the City of Houston and **INTERNET ACCESS TECHNOLOGIES (IAT)** for Software Licensing and Support (now operating as SimDesk Technologies, Inc.) awarded pursuant to Ordinance No. 2002-0460 **TAGGED BY COUNCIL MEMBER PARKER – (This was Item 27 on Agenda of December 4, 2002, POSTPONED BY MOTION #2002-1398)** – was presented.

Council Member Vasquez moved to call the question on Item No. 66, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1430.

ROLL CALL VOTE:

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 2002-1431 FAILED

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that he met briefly with Eric Dargon, who did street maintenance and did the overlays and currently there was no policy or procedure for the overlays and thought that his department should be allowed to set one, that they had discussed that right now he was understaffed, that he did not have enough workers and enough qualified workers so a lot of overlays were either done poorly or not done at all and he thought that with a lot of the construction going on the streets that served as detour streets were in such poor shape so they needed to be fixed so the construction areas could move more smoothly, that he would like to see his department actually be able to bid against the companies that they outsourced with, that if he was given the manpower he could out bid some of the companies that they outsourced with and save the City some money.

Council Member Goldberg stated that they met with the Mayor of Dalian, China and a representative said that all the cities in China were all very competitive and when Beijing got the Olympics they did not just sit back, they came back and were getting a Grand Prix event there and they were trying to get more sporting events, that was their answer, that something similar happened to Houston when they did not get the Olympics for 2012 and he did not think now was the time to sit back, there was an opportunity, a short window opening, for some cities in the United States to host the World Cup in 2010 and he thought they should explore that, that they

had some great facilities in Houston and 30% of the population was Hispanic and very enthusiastic about soccer and thought possibly hosting the World Cup in 2012 was something that was certainly capable in the City of Houston and wanted to see if they could explore that, and Mayor Brown stated that he would ask Mr. Haines to pursue that idea and work with the people in the community that could make it happen and see what they could do. Council Member Keller absent.

Council Member Wiseman stated that at the November 18, 2002 TTI Committee meeting she had requested information from the administration regarding O&M cost for Kingwood for water and sewer and had yet to hear anything back and would like that information as soon as possible so she could have adequate time to review and disseminate all the information in that before the next TTI Committee meeting.

Council Member Wiseman stated that on Friday, December 6, 2002, the Surface Transportation Board released its DEIS Study with regard to the Burlington Northern Santa Fe proposed San Jacinto Rail Line, that it was not good news for her district and they were very concerned about it, that she was told by Mr. Haines that he would be working to put together a meeting for the beginning of the week for interested Council Members who wanted to review the information and discuss the City's strategic plan in the matter, she had not heard anything back on that and would like to make sure that they got a meeting as soon as possible and understood that Mr. Haines was trying to arrange an internal meeting for himself and his staff members, but the Council Members who had a stake in the issue would like to meet with him as soon as possible she they had short time frame with which to work with.

Council Member Alvarado stated that she would also ask that the administration send a letter to the Surface Transportation Board requesting that the comment period be extended to at least March 7, 2003, that right now the comment period ends January 27, 2003, that taking into consideration the holidays it simply was not enough time to have the interested parties review the draft DEIS and have ample time to make comments, and Council Member Wiseman stated that she agreed and thought that it was important that people in the community and the City have an opportunity to respond.

Council Member Robinson stated that he would like to visit with the administration on it, that as they know there was a regularly scheduled TTI meeting on January 13, 2003 and the public hearings were scheduled for January 14 and 15, 2003, that his original thought was to maybe hold a meeting where they could have a full blown discussion at the TTI, review the documentation, follow up on anything that the administration and individual Council Members had done in preparation for those two public hearings, but he would be more than happy if the administration wanted to move a special called meeting earlier so that they could work through some of the issues, that whatever they needed to do he was on board and hopefully they could get something done and stay involved.

Mayor Brown stated that it seemed to him that Council Member Robinson idea of a special meeting of his committee would serve the needs of everyone and if he did it they would appreciate it, and Mr. Haines would prepare, for his signature, a letter asking for an extension, that it was in the works.

Council Member Robinson stated that he wanted to read something into the record titled "Let's Not Turn Back the Clock", relating to the statements by United States Senator Trent Lott of Mississippi, the incoming Majority Leader of the United States Senate, regarding Senator Strom Thurmond, R-SC, who was celebrating his 100th birthday and the fact that Senator Lott thought that if Senator Thurmond had been elected President of the United States, when he ran in 1948, when he was a segregationist, that his belief was that if Senator Thurmond had been elected President, the United States would not have had, as he saw it, the problems it has had. A complete copy of Council Member Robinson's statement is on file in the City Secretary's Office for review. Council Member Berry absent.

Council Member Edwards stated that she would like to ditto Council Member Robinson statements, that her response to Trent Lott's statement was that people still did not really understand the depth of what that statement meant to people of African descent in this Country and their response to it, and she resented very deeply and very strongly the casual response to those statements. Council Member Berry absent.

Council Member Edwards stated that she appreciated what Public Works was doing with Anderson Road and Alameda Genoa but was hoping that they could get the Public Works Department to clean up Anderson Road until they could get it fixed, that it was an eyesore and an insult to the community to keep driving down the road with all of the weeds and the broken concrete, that she knew they were in the process of getting it fixed but was it possible to get the weeds cut so that it was not such a terrible eyesore for the community, and Mayor Brown stated they would get someone in immediately. Council Member Sekula-Gibbs absent.

Council Member Vasquez stated that over the years fee waivers had been granted to certain groups and organizations for use of the City's parks and sports facilities to save money, that their current Parks Director, Roksan Oken-Vick was recommending a drastic reduction in the number of waivers issued each year and in a memo she pointed out that the new policy would mainly affect private use sports leagues which used the fields for practice and games and he was very concerned about the Little Leagues and the non profit sports organizations, which would be affected, particularly those in low income neighborhoods, that he would like to receive some information exactly how much these groups would have to pay, that in her memo she also mentioned that there would be some flexibility when considering the fee, especially with groups that contribute to the Parks program, that he would like some clarification and thought there was too much subjectivity in that particular approach, so he would like a meeting with the director but would like some clarification before he particular policy got implemented and to know what the guidelines were when they were considering a waiver. Council Member Robinson absent.

Council Member Vasquez stated that he knew that Council Members were named as defendants in a law suit filed by CA One Services and knew that Council Member Goldberg had sent out a memo with some questions and thought they were very good questions and wanted to know what the status of that response was. Council Member Robinson absent.

Mr. Hall stated that they were responding because Council Member Goldberg had asked a series of particularized questions, all very good questions and they were preparing a response to it, but in short as he had visited with Council Member Goldberg on the telephone and explained, they represented the City routinely and told him that he did not mean to make anybody uncomfortable but frankly they got sued fairly regularly on a daily basis and they defend them, they would be defending the Council and the Council action with all the vigor they had, that was their job and their duty and their sworn duty, and Council Member Vasquez asked if there had been any consideration for outside counsel, and Mr. Hall stated no, unless there was a legal conflict of some sort that would be identified, it had not been their policy to do that, because as he said it was a rather routine thing and was not unusual, and Council Member Vasquez asked if there had been a date set for a hearing or an actual court date, and Mr. Hall stated not that he was aware of, that their litigation people handled it and they handled it fairly routine, and Council Member Vasquez asked how long did he think it would drag out, and Mr. Hall stated that was a tough question, that civil litigation kind of took its own course, that some lawsuits, as he knew, could get to trial in 18 months and some of them could not get to trial for six years, it just kind of depended, that in his judgment there would not be any significant consequence in terms of City operations with it any time soon, and Council Member Vasquez asked if that meant they would proceed with 4 Families, and Mr. Hall stated that was the Mayor's intent, yes, that there was no deadline for say operations, they had some facilities that were to be opened and it was the Mayor's intent that everything be done to allow the transition to those as was planned in the meeting with the Aviation Department about two weeks ago, and Council Member Vasquez stated that there was a separate issue in terms of felonies, regarding illegal aliens and labor

issues, that specifically the illegal aliens, did they request some type of ruling from the FFA or was that more of a political type of thing, and Mr. Hall stated that it would be their view that it was an issue between the two parties, they were not party to that allegation, the Transportation Safety Administration, he thought, was the federal agency that would have to impose any kind of rule or regulation regarding that and his advise to them as the governing body of the City was to not gratuitously interject themselves into the subject, that it did not have anything to do with them, and Council Member Vasquez stated that there were also some concerns about potential labor issues and asked if there had been any discussions regarding unions and union involvement in the contract, and Mr. Hall stated that he had not heard that, that the issue was presented with regard to treatment of employees, in terms of benefits, that he heard that discussion, that as they knew they did not have any specific provision related to that but there was a general clause that they would obey all laws, State and Federal and local laws, they would obviously expect all of their contractors to do that, and Council Member Vasquez stated that he guessed CA One had an existing contract with the local union and he would like some kind of ruling or comment if that transferred over to the 4 Families contract, and Mr. Hall stated that he wanted an opportunity to visit with that because their general policy had been not to involve themselves in the litigation between two private parties, that they represented the City and dealt with the City's action, the allegation between the two of them was kind of something they needed to work on. Council Members Tatro and Robinson absent.

Council Member Sekula-Gibbs stated that many times Mr. Hall had said that he represented the Mayor at the Council table, and Mr. Hall stated that no, he had never said that, and Mayor Brown stated that he had never said that, and Mr. Hall stated that he had never said that in his whole career, and Council Member Sekula-Gibbs stated that she thought that she had heard the implication whenever they had been having discussions, that it may have not been the exact words, but the implication was that Mr. Hall did represent the wishes of the Mayor and Mayor Brown stated that Mr. Hall had never said that, and Council Member Sekula-Gibbs stated that she wanted to be clear that in an issue like this where the Mayor's wishes were on one side and Council's wishes were on the other side that Mr. Hall would be able to serve both master's, and Mr. Hall stated that he did not consider serving two masters, and Council Member Sekula-Gibbs stated that she felt there was a conflict in terms of the legal question, she would not hire an attorney to represent her if he also represented an opposing viewpoint, that she was very concerned about it because during the discussions and debate Mr. Hall was clearly on the side of CA One and now they were supposed to believe that all of sudden he could change his position and be on the side of Council. Council Members Tatro and Robinson absent.

Mr. Hall stated that he wanted to explain and thought it was very important and wanted Council Member Sekula-Gibbs to hear him very clearly, the nature of Council and deliberative legislative bodies was one where issues were debated and there were two sides, that it happened in Congress and the State Legislature, for issues to be two public issues, there had to be two legitimate sides, once a vote was taken and once the decision was rendered, those people who occupied positions like him, the U. S. Attorney General, the Texas Attorney General and City Attorney's across the Country, were obligated to discharge their duties on behalf of the entities they represented, a decision had been reached and he had done that since he had been there and in his entire life, with integrity that nobody had questioned thus far, he intended to continue that, that City Council had rendered a decision and he had said to everybody his intent, as it always was, was to vigorously defend the actions of the City Council, did he sometimes advise that Council take one course or another, that was his job to offer that advice, that he wanted to be clear since because she had made a charge, that in the instance that she had stated that he represented the interest of CA One, he did not do that, that was a process that was set up by the City, the same one that had been used throughout the history of the City, that he represented the Aviation Department, as was his job, during the course of the process in their implementation of that process, that too was his job, and Council Member Sekula-Gibbs asked if it was not true that he said he worked for the Mayor and Mr. Hall stated that was totally untrue, he would never have said and never would, that he had more sense than that, and Council Member Sekula-Gibbs stated that with that being said she still thought that there may be some conflict

of interest if it got really ugly and would also suggest, and Council Member Tatro was not present to verify it, but it seemed to her that he had been attacked singularly, outside and separately from the entire Council and she would just like to know if the Legal Department was able to also defend him since he had been named, at least in the newspapers, as an individual who may be sued individually, and Mr. Hall stated that generally they did not defend people in the newspapers, they responded to lawsuits, and Council Member Sekula-Gibbs stated that she understood that but had not seen the lawsuit, that she guessed it had been sent to him and had not been sent to Council, and Mr. Hall stated that they could provide her with a copy of it, and Council Member Sekula-Gibbs asked if Council Member Tatro had been named individually, and Mr. Hall asked if she meant different than everybody else, and Mr. Hall stated no, that there had been correspondence that he had received, and thought that the Council Members had to, where there had been admonitions to Council Member Tatro about actions that were not concluded in the lawsuit, related to defamation and that kind of thing and thought that Council Member Sekula-Gibbs had read those, but he did not know if a lawsuit had actually been filed about those, and Council Member Sekula-Gibbs asked if that was the case would he also defend Council Member Tatro and Mr. Hall stated that as a discharge of his Council duties, yes and he had told Council Member Tatro that. Council Members Tatro and Robinson absent.

Council Member Vasquez stated that his last comment related to the drainage fee and knew they had postponed the meetings and wanted to see where they were going to move forward and how they were going to move forward and put together a schedule hopefully to revisit it in the month of January and hopefully take care of it in the month of January and Mr. Haines stated they had that working and would have it to him hopefully before the holidays. Council Members Tatro and Robinson absent.

Council Member Galloway stated that she would like to release her tag on Item No. 44 and also thought that a poor choice of words had been used at the Council table, like master, and thought that went out with slavery as well. Council Member Robinson absent.

44. ORDINANCE approving and authorizing seventh contract amendment between City of Houston and **RECOVERY CAMPUS OF HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$260,000.00 (\$195,000.00 from the Community Development Block Grant Program and \$65,000.00 from the Housing Opportunities for Person With AIDS Program) to assist in the cost of leasing St. Elizabeth Hospital, which leased facility is utilized to provide Substance Abuse Treatment for the medically indigent population - **DISTRICT B – GALLOWAY** – was again before Council. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1155 ADOPTED.

Council Member Keller stated that he wanted to touch briefly on an issue that was going on in his district at T. H. Rodgers Middle School, that Post Oak Little League had been using those fields and paying for the maintenance of those and also had the swimming pool and the Charter School for T. H. Rodgers Middle School at the Post Oak Y.M.C.A. in a good faith agreement so that they could use those fields, that there had become a big issue that had brought them into the mix since they had some capital improvement project money for parks some people with the magnet school, that he should have been using magnet school instead of middle school, that it was T. H. Rodgers Magnet School, had thought that the City with its parks money, could go and build a pony league field at the Tanglewood Park or at Grady Park, where they had money allotted to do some activities and one thing they could do was make scheduling times available for practices on the public property, but certainly they could not only fit a pony league baseball field, but pay for a pony league baseball field to be used for a private entity and he needed that to be clear because they were being used to fade a reason to discontinue the league and tell some people, "oh well I understand the City can go ahead and do this", so no, he wanted to be clear publicly that they could not use capital improvement project money to build little league pony fields for private use, they would help them use the field for soccer, they would help them use it

for T Ball and help them schedule time like they did at Memorial Park and many of their other parks, but it was something that HISD needed to be very careful of, number one, they were running a risk of the Y.M.C.A. asking 180 students to leave the Y.M.C.A. and they were going to have to house 180 students, that number two, they were going to have to pay for the maintenance and landscaping and utilities for all of that land that the little league was now paying for the middle school, that number three, the City was already doing a drop off lane at Briargrove Elementary, that the City also built a gravel road for the use of the school, that the gravel road that was in question was for the schools trucks and not the little league's trucks and nobody used any of that property during school hours, all the students could use all of it and they were saying there was no room, that all they do was open a gate to center field and then they were on the huge open area where they could play kickball, soccer, baseball or tag, that it was not like they only had to play in the fenced areas that were not part of the field, that the dangerous thing they were doing and it had the emotion up and the press had only sided the part which had been one sided on the parents of the students in the Magnet School, which had totally been untrue, was that the magnet school was a selective and protected school and they went there from different regions of the City for a reason, they forgo playing varsity football if they went to the magnet school and where they were going with it was a cake and eat it too scenario where they wanted to be able to go to the magnet school because they wanted to specialize in that kind of education and have it selective and protected, but if they missed playing varsity soccer and football they wanted to start that program and then pretty soon the Lamar's, Madison's, Robert E. Lee's and Westside's were not needed, that what they should be careful of was if the trend continued it could hurt magnet schools, whereas people would start to come in and force magnet schools to live by the intended rules and boundaries by which those terms and conditions were developed, meaning that some of the kids going to the magnet schools may be asked to go to their home regions and home areas and have T. H. Rodgers serve the area that it was bounded by and once did serve, and if it was not solved that was what he thought the outcome would be, he thought that people would go to HISD and say either be a magnet school or either a middle school where they do compete in all the extracurricular, etc., activities, that it was coming up and did not know if it was on their agenda on Thursday, but he wanted that to be made aware of because he was very thankful for the City doing a drop off lane at Walnut Bend and at Walnut Grove, where San Felipe and Briar Forest already had numerous accidents in prior Mayor's administrations, that he took the initiative and got the City to incorporate that to where it worked for safety of children and his point was that they had done more than their fair share to do good faith activity with HISD and he did not want people out there thinking that it was their fault because they were not building a little league field on their public park land, they could not do that. Council Members Vasquez and Robinson absent.

Council Member Quan stated that they would be hosting their Third Annual Senior Holiday Gala at the George R. Brown next Tuesday and knew that Mayor Brown had a chance to attend and knew the enthusiasm of the group, they had over 1,500 seniors last year and hoped to have a larger group this year, that he really wanted to invite every Council Member to attend, that they would be surprised of the warm feeling they would get from the individuals there, their appreciation for just gathering together and sharing the holidays, that he knew that Council Members Alvarado and Tatro had attended before, that it would be a nice party, that they say yesterday the family missionaries making kids smile and they would be there and there would be a lot of activities.

Council Member Quan stated that he wanted to thank the Rotary Club of Houston for hosting on Thursday the Outstanding Firefighter of the Year Award, there were several of their firefighters and paramedics that would be honored at that time and thought that it was certainly a tribute to heroes of Houston for their efforts there. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that first of all she wanted to apologize if she offended anybody by using the term "master", it certainly was not her intention, it was a biblical phrase and she believed that Jesus said that "you cannot serve two masters", but was not a

biblical scholar so she would not hang her head on that she would simply say that she was concerned about a conflict and did think it was worthy of a discussion but it certainly was not meant to insult anybody present who was African American and had painful memories about the issue of slavery, that was certainly not her intent and hoped that the Mayor and everybody else present would accept that . Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to thank Sally Bradford and Sergeant Brent King, a pilot in the police helicopter brigade fleet and Lieutenant John King for giving her a wonderful tour of the Houston Hobby and Bush Intercontinental Airport, that it was a fantastic way to get a handle on the expansions that were occurring across the City, that it was wonderful and a great opportunity and she thanked them for that. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to remind everybody that the Sylvan Rodriguez Downtown Dash would occur on Saturday and for those who did not remember Sylvan was a gentleman who was a great believer in children's education and was a journalist and a man of integrity who believed in education for all people and of course disparaged any sense of discrimination or prejudice in their society, that his memory was kept alive through the efforts of the Sylvan Rodriguez Foundation if they were interested in participating in the fun run it would start at Polk and Smith, Saturday morning and they could register online for www.signmeup.com/16307 , that it was the third year they would be having the run and they appreciated the support of the City in allowing the fun runs to continue, it was a good goal and if people were interested they could also call her office at 713-247-2005 or the Sylvan Rodriguez Foundation at 281-208-0541. Council Members Vasquez and Robinson absent.

Council Member Parker stated that she was quite clear that Mr. Hall represented the City and once they as representatives of the City made a decision he had to defend their decision, but she was reminded of a situation that former Controller Grenias got into where he was sued over some of his actions, that at some point Mr. Hall makes a decision as to whether what they had done was within the scope of their duties or outside the scope of their duties so while often the City gets sued and the Council Members got individually sued as part of the same action occasionally the things they did, they think they may be doing them as Council Members but they were beyond the bounds of their office and they were liable for those and Mr. Hall had no responsibility to represent them in those.

Mr. Hall stated yes that was accurate, that he was a little bit hesitant to go into to much detail about some of those issues because he did represent the Council Members, that he had a discussion for instance with Council Member Goldberg in the last couple of days, and frankly with most Council Members who had been there a while, from time to time, about those issues, that clearly if they were operating within the scope and course of their responsibilities as a Member of the City Council in Houston they were responsible to represent them in that regard, that as he told Council Member Goldberg if as a declaration by an appropriate prosecutorial agency that there was criminal wrong doing they did not provide representation, and Chief Bradford was an example at this moment, they did not represent Chief Bradford in his present difficulty, if there was an allegation that involved actions that were taken outside of the course and scope of the discharging responsibility they obviously had no responsibility to represent them in that, there were rare occasions that came up, not just with Council Members, but with City employees and he explained that to Council Member Goldberg, and they came up fairly regularly when there was a conflict, when they could not ever represent two sides of a given issue, in this instance they were representing a decision made by City Council and there were no two sides, but occasionally there were situations that came up when they recommended, frankly it was their recommendation because it was a cannon of their ethical rules that required them to do, at risk of losing one's license to participate, and they recommend that outside counsel be retained because they cannot represent two sides, that it happens most regularly in the representation, frankly, of police officers when they had represented the Police Department in disciplinary procedures and then there was an action against them when they needed

representation also, that was the kind of thing. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that she understood that there was a point where he would say that a person needed personal representation, if a Council Member was in a situation where they needed a personal lawyer that was different and that was what Chief Bradford had, but this was more of a question that could the City Council when they made a decision, and a decision that was contrary to what the decision of the Mayor recommended and contrary to what the administration recommended, could then the administration fairly represent the wishes of the City Council and that got back to a question that was probably fundamental to the balance of power in the City of Houston and that question was should the City Council have its own lawyer who could represent City Council in a fair and unbiased way so whenever there was a conflict they could get opinions and receive direction that was not going to be altered or in any way influenced by the wishes of the administration. Council Member Robinson absent.

Mr. Hall stated that he would see if he could respond to her because he did consider himself somewhat a student of government, it was kind of what he had done for the last thirty years and did think he had a fairly good grasp of it, there was but one City Attorney in the City of Houston there was not a City Attorney for the Police Department, the Parks Department, the City Council or for the Mayor, he represented the Mayor and the Council Members and represented all of the department heads, that was his job and the process that they used to assure that there was a discharge of the balance of power was that the Mayor made a nomination for a City Attorney and City Council had the opportunity to confirm that person into that office and that person had an ordinate set of responsibilities, all of them operated under the basic and fundamental premise that they will, when they hold up and take their oath of public office, that they would do what they swore to do, was there a guarantee that people would do that, no, anymore than there was for any of the fourteen or fifteen of them who sat around the Council table, but the expectation was that they would and that was what he did and he had done that with integrity all of his life. Council Members Tatro, Wiseman and Robinson absent.

Council Member Goldberg stated just to clarify, that somebody had talked about a deadline and there was actually a deadline in the lawsuit coming up and they had to file an answer, and Mr. Hall stated that they would do that, and Council Member Goldberg stated that there were several different types of answers, as some of the attorneys present knew, there was a general denial and also they could set out some affirmative defenses, that first of all, one, were they going to meet the deadline for the answer or were they going to ask them for an extension and would the Council be able to look at the answer before it was filed, and Mr. Hall state that they certainly could, as he well knew, a general denial was about six sentences long, it was not anything that was long and protracted and they had, not to his knowledge since he had been City Attorney, slipped the answer to any lawsuit like that, that it was almost, per say, malpractice and they did not typically do that, that he would not feel comfortable discussing defensive strategies in this environment and they were allowed not to under the law, obviously, and Council Member Goldberg asked what about allowing them to look at the answer, and Mr. Hall stated there was no problem at all. Council Members Tatro, Wiseman and Robinson absent.

Council Member Edwards stated that whereas the City Attorney did not need her defense, she would just like to say she found it disheartening to have the integrity of the gentleman questioned in this manner, that she thought that his record as a City Council Member and then as City Attorney spoke for itself and did not think there was any cause for any of them to think that he would not represent them in the way that he was ordained to by the ordinance and by his oath, and she would just like to say that she thought it was disheartening and would like to think that they could at least to work together, that they could agree to disagree, but at one point in time they all had to come together and work as a unit, and thought that every Council Member did not think that Council Member Tatro did anything out of line, that he stood up for what he believed was right and they all voted on it as a City Council, that she did not think that Council Member Tatro or Mr. Hall was against them, that she just wanted to say publicly that she thought that Mr. Hall's integrity historically spoke volumes and for it to be questioned in such a manner

she found very disheartening, and Council Member Galloway stated that she wanted to concur with Council Member Edwards. Council Members Tatro and Robinson absent.

Council Member Parker stated that Mr. Hall started as a State Representative so he had a long tenure in government before his City term. Council Members Tatro and Robinson absent.

Council Member Parker stated that she wanted to register a concern about 311, she was going to a meeting out of the office and noticed a flashing red light and rather than her calling 311 she called her office and asked them to call 311, they had a very difficult time getting through because of a continuous busy and then her staff member was put on hold for ten minutes, they timed it, before they could talk to anybody, that she would like a response, were they having a problem with the volume of calls or the number of call takers on duty, she knew they hated it when they did this and they did it periodically but it was a ten minute to do 311's, particularly for something like a dangerous intersection where they did not have the lights working was not acceptable, and Mayor Brown stated that if she would get him the time it happened they could find out the reason and Council Member Parker stated she would do that. Council Members Tatro and Robinson absent.

Council Member Parker stated that Jeff Taylor, who was present earlier, got a number of compliments from folks on the good work he did and they were all well deserved, he worked on big issues and worked on small issues, and she wanted to thank him for working on a small issue for her this week, there were a number of historic brick streets in the City of Houston and people who lived on the brick streets put up with having narrow streets and a very bumpy ride in order to have those brick streets, they were very fond of them and there were a number of them in Freedman's Town and some in Montrose and in the Sixth Ward they had a utility crew out that ripped out a brick street and hauled all the bricks away and Mr. Taylor got personally involved in helping her track them down so those homeowners could have those streets restored and she appreciated his good work on that. Council Members Tatro and Robinson absent.

Council Member Parker stated that she also wanted to compliment the Solid Waste Department, she was tweaking them a little bit last week about their Food and Toy Drive that they were doing this week, that she check with Buck Buchanan today and there were not a lot of street side donations but they were having a great response with people actually bringing their donations to City facilities, that Houstonians were being typically generous and were responding and she would encourage them to continue to respond, but they were also being thoughtful and cautious, they were putting can goods on the street corner and taking the toy items and so forth to City facilities and would encourage Houstonians to continue to do that, that they needed the food and unwrapped toys, that it was interesting to her that most of the donations that they had received had been personally solicited and delivered by Solid Waste employees, they were going out of their way to make sure they had a great Christmas for a lot of Houstonians and really wanted to thank them for stepping up on that. Council Members Tatro and Robinson absent.

Council Member Vasquez stated that for the last couple of weeks, she and her colleagues had received numerous letters regarding the Fire Department's privatization of fleet maintenance, that she had received probably 50 to 60 letters and would certainly like to hear something from the administration if they were moving in that direction and what impact it would have on the civilian employees, and Mayor Brown stated that really there was nothing to report on that at all at this time, there was not an active move in that direction, that it was put in one of the papers some time ago, and Council Member Alvarado stated that she would hope that the message would get carried to the employees because as late as a couple of days ago she was still receiving those letters. Council Members Tatro and Robinson absent.

Council Member Alvarado stated that she did receive numerous letters from employees who were being transferred to the HEC and they also had some issues regarding the transition period, specifically they were from HPD and if they could get in the appropriate manner an update on the transition of the employees from various departments that were going to the HEC

and Mr. Haines stated that probably it would be appropriate at committee meeting in the first part of the year that they give them an update on the organizational transition for the emergency center and that would incorporate those issues as well. Council Members Tatro, Galloway and Robinson absent.

Council Member Alvarado stated that as she drove downtown she was just amazed at the light synchronization, it was absurd, that they were at one light and it turned green and at the next block it was turning red and it takes her longer to get from City Hall to Texas and Main then it would to drive out to the Eastend, that she could get to the Eastend on I-45 faster than from one point to the next in downtown, that she knew there was a lot of construction and a lot of utility work going on but if they could get that resolved, and Mayor Brown stated that they would get Traffic Engineering look at that and see what was the reason. Council Members Tatro, Galloway and Robinson absent.

Council Member Alvarado stated that she saw that Mayor Brown had appointed John Bales as the Director of Public Safety and Drug Policy and wanted to congratulate him, that she thought it was a good choice, that he brought a lot of experience both from the public and private sector. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he was talking to a traffic engineer recently who told him that 33% of non freeway/highway traffic congestion could be relieved by simple traffic light resynchronization. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he wanted to echo the comments on John Bales, that at the former Tenneco, Mr. Bales was highly regarded there, and in the private security business he was considered as good as it gets, not only in Houston, but in the region. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he was in Council Member Galloway's district a couple of days ago on Langley Road and as much as she talked about trash in her district she was absolutely right, it was embarrassing and knew she was working on that, that he would call on the administration and anyone else to give her the resources necessary to get that picked up, that it was something that they did not see anywhere else in the City of Houston to that extent. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he wanted to call on the administration once more to at least give them an opportunity to discuss at the Council table the Veterans Museum and whether there was Council's support for that and he could live with it if there was not, but he would ask the Mayor to at least put it on the agenda so they could discuss that. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he wanted to thank the administration and Ms. Stein, that he asked for a briefing on Bio Terrorism and Craig McDowell had been very good about calling on them, that they had not been able to coordinate that yet, but there were a couple of other people he had asked to sit on it and he had been very good about that. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he wanted to echo some of the comments that Council Member Goldberg said about Eric Dargen and what he said with regard to filling positions because he said it was three to six months on filling some of his positions and he thought they all knew how important potholes were and getting them filled. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he took a tour down Buffalo Bayou with Mike Garver the other day, a wet, muddy and cold tour, but saw a very beautiful little urban safari experience that a lot of people did not know about, that for those who had not seen it he thought they would be a

believer in the potential for the Buffalo Bayou Partnership and what they could do. Council Members Tatro, Galloway and Robinson absent.

Council Member Berry stated that he wanted to commend Channel 11 for a story last night on the rise of the creative class and Richard Florida had written a lot about it and the Downtown District had him come and speak, but they talked a lot about the image of the City of Houston but they did not do a good enough job of highlighting what they had, they worried so much about what they were not and Richard Florida out of Pittsburg had no reason to commend the City of Houston but put them ahead of New York and Dallas in the rise of the creative class and the ability to attract and maintain the creative class and his point being that was the fastest growing aspect of the economy with a third of the jobs, and those were where their cancer cures and their artists and the interesting economic developments come out of the creative class and he ranked them seventh in the Country at maintaining, recruiting and keeping those peoples. Council Members Tatro, Galloway and Robinson absent.

Council Member Ellis stated that a lot of times he had criticized 311 but last week he called 311, got through in about 30 seconds, complained about a light being out and it was fixed in about three hours, when he did something good he liked to recognize that as well. Council Members Tatro, Galloway and Robinson absent.

Council Member Ellis stated that he also wanted to thank Mr. Gary Ordat and Mr. Daniel Kruger for their help in restarting the Kirkwood Repaving Project, it was not over yet and they still had not picked a contractor and it was in Legal and he would urge Mayor Brown to get involved in it, the surety was supposed to pick another contractor by December 3, 2002 and they were still delaying it, that there were three contractors that had bid for the project and one of the contractors had said that they could not complete it within the year and it would take two years because they did not have the manpower and he would encourage the surety not to select that contractor, the project had been sitting half finished since August and they would like to get it started and completed. Council Members Tatro, Galloway and Robinson absent.

Council Member Ellis stated that for the past six months he had been trying to get a street cleaned up in his district and had been requesting Neighborhood Protection's group to go out and take a look at the street with no response from them, that they had a facility that was one mile away from this street, they operated out of the Westwood Technology Center and it was a shame that he had to pop off about it but would request that the Neighborhood Protection group to go and see him and some quick response on the street, it was White Chapel Lane, the 9600 block through the 9800 block. Council Members Tatro, Galloway and Robinson absent.

Council Member Ellis stated that he had the opportunity to meet with Judge Eckels last week and he told him some information that was somewhat disturbing and did not know if the Mayor knew about it, but Transtar was an interlocal government agreement between Metro, the County, the City and TXDOT and Judge Eckels said that he had been informed that the City was going to pull out of the interlocal government agreement, and he did not know whether or not it was true or not, and Mayor Brown stated that it was not true, that the judge had not asked him about it, that they thought it was very important to be involved in it, that he had to let him know what he was interested in and Council Member Ellis stated that he would give Judge Eckels a call. Council Members Tatro, Galloway and Robinson absent.

Mayor Brown stated that he wanted to follow up on an issue they had been talking about and may be to some comfort to Council Member Sekula-Gibbs, that there were many times when he asked the Legal Department for an opinion and many times it was not what he would want to happen either, he could assure them that they represented the interests of the City and he had complete confidence in Mr. Hall and his staff of doing that in a way that did not compromise anyone's integrity and would hope that all of the other Council Members would as well, that clearly there were things that they had advised him that were contrary to his desires, but obviously they were going to do what was right for the City regardless. Council Members

Tatro, Galloway and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:46 a.m. upon MOTION by Council Member Wiseman, seconded by Council Member Vasquez. Council Members Tatro, Galloway and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary