

City Council Chamber, City Hall, Tuesday, December 17, 2002

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 17, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; and Ms. Martha Stein, Agenda Director present.

At 1:58 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown invited Mr. J. R. Richard to the podium and stated that last month Mr. Richard was inducted into the Texas Baseball Hall of Fame; that it was a great day when he turned down scholarships to be drafted into the Houston Astros and he now helped underprivileged children; and presented him a proclamation wishing him continued success and proclaiming December 17, 2002, as "J. R. Richard Day" in the City of Houston, Texas. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she had seen him pitch and fully expected to see him in the National Baseball Hall of Fame. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Robinson absent.

Council Member Edwards stated that she admired Mr. Richard on and off the field. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Robinson absent.

Council Member Quan invited the Houston Chinese Table Tennis winners of the Texas Senior Olympics to the podium and stated that they had won eight gold medals and went on to the World Olympics and won two gold medals; that the oldest was 81 and the youngest was 51; that they carried on a can do attitude despite their age and they had made Houstonians proud. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado and Robinson absent.

At 2:07 p.m. Mayor Brown called the meeting to order and Council Member Sekula-Gibbs invited Father Sean McEntee from the St. Patrick Catholic Church to the podium to lead everyone in prayer. Council Member Sekula-Gibbs led everyone in pledging allegiance to the flag. Council Members Keller and Vasquez absent.

At 2:08 p.m. the City Secretary called the roll. Council Member Vasquez absent.

Council Members Quan and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Vasquez absent. MOTION ADOPTED.

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

Council Member Alvarado moved to suspend the rules to hear Mr. Robert Eury and Mr. Alan Hutton out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2002-1432 ADOPTED.

Council Member Wiseman stated that as a point of personal privilege she wanted to welcome the Sam Houston Area Council of Boy Scouts of America, Flaming Arrow District Pack 888, sponsored by Hidden Hollow Elementary School in Kingwood and introduced Eric Bartoszewicz, Michael Bohmer, Ryan Cagney, Justin Cook, Dylan Hays, Keaton Ognoskie and Ben Pfizer; and asked them to stand to be recognized. Council Member Vasquez absent.

Mayor Brown welcomed the scouts to Council and thanked them for coming. Council Member Vasquez absent.

Mr. Robert Eury, 909 Fannin #1650, Houston, Texas 77010 (713-650-3022) appeared and stated that General Sam Houston was to appear with him; that it had been quite a year of construction in downtown and they had hot off the press the downtown maps including areas of construction; and he would let General Houston speak now. Council Members Vasquez, Parker and Robinson absent.

Mr. Alan Hutton, 909 Fannin #1650, Houston, Texas 77010 (713-650-3022) appeared as General Sam Houston and stated that it was a pleasure to be in Council and today was present bearing the latest news regarding construction sites downtown; that many plans were underway for 2003 to make Houston a world class city including the Aquarium and the stadium; and presented downtown maps to the Mayor and Council Members. Council Members Wiseman, Vasquez, Parker and Robinson absent.

Mayor Brown thanked General Houston for coming and stated that he certainly put a better face on the construction. Council Members Wiseman, Vasquez, Parker and Robinson 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 Wiseman, Vasquez, Parker, Sekula-Gibbs and Robinson absent.

Ms. Teresa Roberts, 6855 Ridgeway, Houston, Texas 77087 (713-649-6372) appeared and stated that she had a city trash can and used it about two weeks when it disappeared; that she called the Waste Management Department and reported it and asked if they called the police; that it was frightening to her and caused her to not sleep for keeping watch outside; that she was told she could get a can but now did not want it because she was scared and so she was present offering to pay the \$90.00 but did not want the can; that she found out the city had picked it up, but she wanted to pay. Council Members Wiseman, Ellis, Vasquez, Berry and Robinson absent.

Mayor Brown stated that if she had no can she did not need to pay for it; and Ms. Roberts stated that she was a good citizen and she needed to pay. Mayor Brown stated that if she had no can she did not need to pay; that Ms. Coffee was present and would speak with her at this time; she did not need to pay for something not being used. Council Members Wiseman, Ellis, Vasquez, Berry and Robinson absent.

Mr. Tom Brown, 5439 Redstart, Houston, Texas 77096 (713-729-8648) appeared and stated that he was present regarding the increase in temporary permits for temporary food establishments; that the increase to \$60.00 a day was an increase of 300%; that being a vendor at the Rodeo would mean a payout of \$1,200 for a 20 day event; that people complained food prices were too high, but that was due to fees; that many food vendors were going to rethink their participation. Council Members Wiseman, Ellis, Berry and Robinson absent.

Council Member Tatro stated that he did think the fee was absorbent; and upon questions, Mr. Brown stated that he would recommend \$60.00 for a single day event and for multiple day events have a three day fee, five day fee, etc., but have one fee for an "x" number day event. Council Member Tatro stated that he would like put in writing a graduated scenario such as one week, two week, etc., and sent to his office. Council Members Wiseman, Ellis, Berry and Robinson absent.

Council Member Goldberg stated that there had been no increases since the early 1980s and though the fees may be where they should be right now it was such a large increase at once; that he felt it should be revisited during the budget hearings next time and invited him back to the public session when that time came to bring it back up; that he did think they could look at

other cities, but they were not trying to increase revenue they were trying to pay for the services being provided. Council Members Wiseman, Ellis, Berry and Robinson absent.

Mayor Brown stated that during the budget process the city had a consultant look at those fees along with others; that previously it was a \$15.00 administrative fee and \$20.00 per day and the consultant calculated the cost of issuing the permits and it came to \$71.35 per event and \$83.38 per day so as a result of that recommendation the \$60.00 a day fee came about. Council Members Wiseman, Ellis, Berry and Robinson absent.

Upon questions by Council Member Edwards, Mr. Brown stated that compared to other cities Houston had the highest fees. Council Members Wiseman, Ellis, Berry and Robinson absent.

Ms. Karen Jacobs, 14609 South Main, Houston, Texas 77035 (713-283-5253) appeared and stated that she and her husband were owners of Jake's Unique Cards, Gifts and Pralines and was present regarding the recent temporary food vendor permits; that she had participated in festivals for four years and the recent increase in fees would have a drastic effect on the small businesses such as hers; that their permit would increase from \$415.00 to \$1,200 for the Rodeo and that did not include all her other costs; that surrounding cities had much smaller fees, Ft. Worth - \$25.00 fee and \$10.00 a day; Dallas - \$100.00 fee and \$5.00 a day; San Antonio - \$25.00 flat fee and Austin - \$35.00 flat fee and the City of Houston was now \$60.00 a day. Mayor Brown, Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Ms. Jacobs stated that she sold pralines, cake, popcorn, but because of the high prices this year she would have a larger food item; that pralines went for \$2.50 a piece. Mayor Brown, Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Tatro, Ms. Jacobs stated that most of the work was on the vendor with process time being very minimal; that the inspectors came daily but after completing inspections they were through for the day. Council Member Tatro stated that it seemed to be a simple permit and with computers turnaround time should be quick; that he would appreciate having the fees from other cities; and upon questions, Ms. Jacobs stated that she felt if the festival or event was over three days the amount should be reduced. Council Members Wiseman, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Ms. Jacobs stated that for the Rodeo with a fee of \$60.00 a day it was \$1,200.00; that the Rodeo charged \$4,500 for her 10 feet by 10 feet booth and electricity was about \$450.00; that she also had wages, decorations, supplies and year before last spent \$5,500 to build her booth; that last year she almost doubled what she made from the year before, but after expenses she was in the hole. Council Members Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Rod Cornelison, 1911 Summerfield Place, Sugarland, Texas 77478 (281-240-0204) appeared and stated that he sold strudel at special events and when the fee was changed to \$60.00 a day he did not think Council had taken into consideration long events such as the Rodeo or International Festival; that he could not see how \$1,200 for a temporary food permit could be justified, it was well beyond any other health departments vendors dealt with; that a 20 day permit for Pasadena was \$320.00; San Antonio was \$267.80; Dallas was \$200.00 and in Harris County it was only \$100.00; that he felt there should be a ceiling and asked that Council reconsider the issue. Council Members Goldberg, Keller, Vasquez, Alvarado and Robinson absent.

Upon questions by Council Member Quan, Mr. Cornelison stated that he had a deli in

Spring Valley and the permit was \$200.00 a year; that the city rates before were high but reasonable. Council Members Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Upon questions by Council Member Edwards, Mr. Cornelison stated that he paid the Rodeo \$45.00 a square foot; that it had cost that about the last five years, but before he paid \$1,000.00 for a 10 feet by 10 feet space. Council Members Goldberg, Wiseman, Keller, Vasquez 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, Goldberg, Wiseman, Vasquez, Alvarado and Robinson absent.

Mr. Darrell Scott, 8601 Broadway Blvd. #1275, Houston, Texas 77061 (713-741-7684) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez and Robinson absent.

Ms. Doris Anozie, 6812 Telephone Rd., Houston, Texas 77061 (832-788-7554) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman Vasquez and Robinson absent.

Ms. Jessica Valentine, 1915 Blodgett, Houston, Texas 77004 (713-522-4104) appeared and stated that she was present with the Fair Housing Coalition regarding the Housing Authority; that her basic problem was they did not respond to letters or requests; that she was on Section 8 and they tried to terminate her from the program saying she did not report an increase in her income, but she did, she had contacted Council Member Robinson's office; that it took the Housing Authority 120 days to get a landlord a check; that if she was required to report they should also have to report and she still did not know what she was to be paying. Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent.

Upon questions by Council Member Quan, Ms. Valentine stated that the house she was going to move into was inspected and passed inspection but before she moved in she received a letter saying she was being terminated from the program and that held up her new landlord's lease; that she contacted Mr. Etuk with Housing Authority and Pat Duplechain, head of HHAP and had no response in getting the issue resolved; that she appreciated Council Member Robinson's efforts in getting her rent information, but why did she not have it since she was the one responsible. Council Member Quan stated that he would have her an answer by Friday. Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Al Calloway, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. MOTION 2002-1433 ADOPTED

Upon questions by Council Member Edwards, Mr. Calloway stated that it was his understanding she was having a problem with communication from the Section 8 Department, he saw documents indicating there had been discussion of her rent and she paid less today than when she initiated the request; that apparently Ms. Valentine lived in a property whose rehab contract had expired and when that happened people were moved from modern rehab to the regular Section 8 Program by way of a voucher and his understanding was that she was cut by a voucher; that Ms. Valentine said she did not have the information but he saw documentation where forms were worked on and notes made in October and most recent was mid-November and copies were provided to Council Member Robinson's office; that his understanding was when she moved in rent was at a certain amount and then an adjustment was made from \$99.00 to \$75.00; that he was not contesting whether she received the documentation he was only passing on what staff at the Section 8 Program had afforded. Council Members Tatro,

Galloway, Goldberg, Wiseman, Keller, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Valentine stated that she paid \$153.00 in October. Mr. Calloway stated that it would be better if Ms. Valentine would contact Ms. Duplechain. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Berry and Robinson absent.

Council Member Alvarado stated that it seemed every so often there was one issue after another with residents having to contact Council Members over the Housing Authority; that Council appointed people to that board and they were not listening or not doing their job and she wondered when they would be holding them accountable; that it was not Council's responsibility to micromanage the Housing Authority; and upon questions, Council Member Quan stated that they had the Housing Authority provide reports on a monthly basis and had not recently, but he would be glad to place it back on their committee Agenda for committee. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Berry and Robinson absent.

Council Member Edwards stated that in order for her to respond to the coalition she needed a release from those persons saying she could get their confidential information; and Ms. Valentine stated that she understood. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Berry and Robinson absent.

Ms. Pamela Harris, 811 Skyline Trail, Houston, Texas 77019 (713-571-1040) appeared and stated that she was present because of the Janet Place Apartments and the Allen Parkway Apartments; that for two months they had been going up on the rent without giving notification; that her rent was supposed to be \$315.00 a month and she was paying \$369.00; that they had no communication with the management and they were evicting a lot of people. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Mayor Brown stated that Mr. Calloway would respond. Mr. Calloway stated that he would have to get with the public housing management, some people in public housing paid their own utilities and others had utilities calculated as part of the rent, but he would have an answer when he went to the Council Member's committee meeting. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Upon questions by Council Member Edwards, Ms. Harris stated that they could not even speak to HUD; that they spoke to the management company who told them to speak to Sue, who was their boss, they really did not know who to talk to because the people hired for HUD were no longer there because the private sector took over. Council Member Edwards stated that Council had no authority over housing and upon questions, Mr. Calloway stated that there was an appeal process through which residents could file a grievance and it was explained in the lease, but at the same time there was a regional HUD office that had in it monitors who did monitor the performance of all public housing agencies in the multi-county area in south Texas and Houston was included. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Council Member Quan stated that he knew Orion was the management authority; and upon questions, Mr. Calloway stated that the management company did not have the authority to increase the rent they were simply there to manage; that if there were increases they were reviewed and approved, but they did not do it arbitrarily; that the Housing Authority was involved in it and notice was to be sent out and in the lease there were specific guidelines on how many days notice they were to receive; that in the past Orion was good about doing it and if there was a problem, as being pointed out, they would follow-up and find out why these people felt they were not being communicated with. Council Member Quan stated that they would follow-up. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Ms. Agnes Johnson, 7511 Beechnut, Houston, Texas 77074 (713-270-2068) appeared and stated that she lived at Beechnut Grove and in September they had a sewage problem which was a catastrophe; that they now had new management but at the time sewage was in their house and in the bathtub and they had flies; that once she woke up thinking someone was getting in and it was rats; that she took them to court and the judge would not listen, but after going to court she did pay her rent and now she was to get out but she was going back to court first; that she was mad because no one apologized and she wanted a new tub and she wanted respect. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez and Robinson absent.

Upon questions by Mayor Brown, Ms. Johnson stated that she did not know if it was Houston Housing Authority property they would not even give her a name of the management company. Mr. Calloway stated that it was not a Housing Authority property, it was a public sector property that currently had a number of Section 8 residents living there; that she could complain, there was a landlord relations unit at Section 8 and she could call it to their attention, but if not satisfied she could move; that if she would call him at 713-260-0508 he would give her the name of the gentleman responsible. Council Members Tatro, Galloway, Goldberg, Wiseman, Edwards, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Mr. Calloway stated that he did not know how many Section 8 residents were living at 7511 Beechnut and he would have to inquire. Council Member Ellis stated that he would request feedback from Mr. Calloway's office as he was anxious to find out who was at fault. Council Members Tatro, Galloway, Goldberg, Wiseman, Edwards, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Johnson stated that the sewage problem started in September and she made a court date, but they just went to court. Council Member Quan stated that all property had to meet certain standards and she might check the code or seek assistance from an attorney before going to court again. Council Members Tatro, Galloway, Goldberg, Wiseman, Edwards, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, P. O. Box 21371, Houston, Texas 77226 (713-731-0495) appeared and stated that Council could talk to Mr. Etuk, Mr. Calloway and Mr. Allison all day long, but they had to understand the culture they were dealing with; that first of all Mr. Etuk was from Nigeria and Nigeria had no Bill of Rights and Mr. Etuk had no concept of a Bill of Rights; that the Nigerians who came here were sons and daughters of leaders where when there was a protest about oil shortages or increases in rent people ended up dead in the street and that was the culture they were dealing with; that Mr. Allison pulled a gun on him and he could not get nothing done and Mayor Brown was Police Chief at that time, but laws were being violated and HUD told Council last year they knew nothing of a grievance, they jumped from one side to the other. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Gloria Rubac, 1430 Studewood, Houston, Texas 77008 (713-861-5965) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Ruthie Tyler, 1211 Blue Bonnet Circle, Houston, Texas 77019 (713-571-7986) appeared and stated that she was present to complain about the way they were talked to down there and you could not leave anything in your apartment, when you came back your money was gone, jewelry was gone, etc., and it was not right and if you complained then they got smart with you. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Linda Steptoe, 807 Park Twelve Vista #1207, Houston, Texas 77019 (713-571-7596) appeared and stated that she lived in Allen Parkway Village and they went up on her rent; that she called the Housing Authority and was told to shut up, that was how they spoke to people; that she told the manager she never received notification that her rent would be going up and the assistant manager said she would bring her the papers; and upon questions, Mr. Calloway stated that he knew who the management was and would personally go speak with them. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Huey Hill, 6711 Lockwood, Houston, Texas 77028 (713-635-8424) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Don Seriburta, 7023 Dickson Way, Missouri City, Texas 77489 (281-620-1067) appeared, presented pictures for Council Members to view and stated that he was a member of the Housing Coalition and today was standing with his friends, but was present regarding a problem at the intersection of West Fuqua and Beltway 8; that the intersection was operated by TxDOT and there were no traffic signals. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that in the pictures it showed lights there; and Mr. Seriburta stated that lights were there but not functioning. Council Member Quan stated if lights were already there it should not be that much cost to get them working and he would follow-up on it. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Fiederlein was present and would speak with him at this time and work with him on the issues. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. J. W. Maseh, P. o. Box 742713, Houston, Texas 77251 (713-776-8108) appeared, presented information and stated that he was president of the Taxicab Association and was present representing all small cab companies and their faculty; that they had a very economic issue and was present to ask ordinances be amended so that the taxicab age limit could be increased from six to seven years and that they raise the cab meter's starting rate from \$1.50 to \$2.50 and the travel rate per mile from \$1.50 to \$1.65; that September 11 economy had gone down. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Finance and Administration would take a look at the recommendations he presented and then come back with recommendations. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Maseh stated that they asked for a one-year extension of taxicabs because they felt that time was reasonable. Council Member Edwards stated that the airlines and cabs were a part of the whole and maybe they could look at extending the cab life for one year; that she would be glad to work with the Mayor to see if they could get some relief for them on the matter. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Damian Ohale, 6111 Willowbend, Houston, Texas 77096 (281-701-4801) appeared, presented information and stated that he was present to discuss the multiple passenger airport fee; that the shuttle would take you from the airport to downtown for \$20.00 per person so for

four people it was \$80.00, but the cabs were supposed to charge \$37.00; that Section 46-31c provided a difference in flat rate and actual metered rate depending on some going to another destination and they would like affirmation of the way it was to be charged. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Mr. Bibler stated that if he had seen the letter he would have written back and said the Legal Department did not issue opinions to the public. Council Member Parker stated that she apologized on behalf of Mr. Hall that letters should be responded to whether the person liked the response or not; that she would be glad to follow-up with him, if he described accurately what was in the ordinance he may have a legitimate question, although, if he raised the issue with Finance and Administration...; and Mr. Ohale stated that they would not discuss it with him. Mayor Brown stated they would take a look at it. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton #414, Houston, Texas 77009 (713-228-3334) appeared and stated that she had felt justice was denied for the last two decades while being involved with Allen Parkway and Freedman's Town; that she was given a 24 hour notice to get out of her home and Mrs. Pruitt and her children had been put out of their home and she was still trying to find a place to pull her family together; that the Housing Authority ended up doing something politically expedient so the rest of the city would not go on looking at the atrocity they committed against an old lady, it did not do justice but it was something so people would not be so alarmed; that in her own family's efforts to get out without being arrested they lost all their things; that she wanted to know where it stopped and who was responsible and wanted Council to look into their issues. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent.

Council Member Edwards stated that she spoke with Mr. Etuk about her case and he said as far as he knew there was no eviction going on; and upon questions, Ms. Shakur stated that they wanted the unjust process to end. Council Member Edwards stated that she could meet with Mr. Calloway and Mr. Etuk and encourage and deliberate and so forth, but if it had been 20 years of doing the same thing then something was wrong and maybe they could talk about it. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that if she would present something in writing they would follow-up on it. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Carol Weathers, 1000 Greens Rd. #1816, Houston, Texas 77060 (281-447-4229) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) appeared and stated that he was present requesting that emergency protection be provided; that he was being killed, crucifixion by assassination by the city government system and attacked by the mafia organization. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-571-8254) appeared and expressed his personal opinions until his time expired. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

At 3:57 p.m. upon motion by Council Member Tatro and seconded by Council Member

Edwards, City Council recessed until 9:00 a.m., Wednesday, December 18, 2002. Council Member Edwards absent on personal business. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, December 18, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, December 18, 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 9:04 Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg, Vasquez and Robinson absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBERS 1 through 5A

1. CONFIRMATION of the appointment of **MS. SAUNDRIA CHASE GRAY** to Position One of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, with two-year term expiring August 21, 2003 – was presented, moved by Council Member Quan, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2002-1434 ADOPTED.
5. ORDINANCE appropriating \$319,369.24 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation, amending contract No. 52760 to increase the Director's authority to approve Change Orders in connection with the construction of 48-inch and 54-inch water mains along Westview from Campbell to Gessner and 24-inch water main along Blalock from Old Katy Road to Westview, under construction contract with **CONTRACTOR TECHNOLOGY, INC** (approved by Ordinance No. 2001-0492, CIP S0900-46-3 (WA10602) **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Goldberg, Vasquez and Robinson absent. ORDINANCE 2002-1156 ADOPTED.
- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$385,447.38 for Construction of 48-inch and 54-inch water mains along Westview from Campbell to Gessner and 24-inch water main along Blalock from Old Katy Road to Westview, CIP S0900-46-3 (WA10602) - **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2002-1435 ADOPTED.

Council Member Tatro moved to suspend the rules to take Item 31 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1436 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City of Houston and **GRACE SALES, INC** for Fire-Rescue Monitoring/Accountability System for Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$999,497.00 - General,

Grant and Equipment Acquisition Consolidated Funds – was presented.

Council Member Keller stated that he wanted to recognize members of Local 341 who were members of the Stewards Committee and asked them to stand to be recognized. Council Member Robinson absent.

Council Member Galloway stated that she was tagging Item 31 until she received more information. Council Member Robinson absent.

Mayor Brown stated that she would be receiving the information. Council Member Robinson absent. (Note: Council Member Galloway released her tag of Item 31 later in the meeting.)

Council Member Sekula-Gibbs stated that Item 31 seemed to be a wonderful way to save lives; that basically it was a pocket alarm which communicated with the truck where the District Chief was, if the firefighter went down and did not move for a certain number of seconds it sounded and that could be a matter of life and death. Council Member Robinson absent.

Upon questions by Council Member Vasquez, Mayor Brown stated that potentially there was an impact on the grant if it were delayed that the monies had to be encumbered by the end of this month and if not chances were they may not receive the funding. Council Member Robinson absent.

Council Member Quan stated that the Firefighters Union was in support of the item and he would ask Council Member Galloway to look at the item during the session and maybe come back to it today. Council Member Robinson absent.

Mayor Brown stated that Item 31 was tagged by Council Member Galloway. Council Member Robinson absent.

ACCEPT WORK - NUMBERS 7 through 10

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,800,833.44 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Telephone Road Reconstruction from Lawndale to Gulf Freeway, GFS N-0611A-40-3 (N-0611A-40) - 01.62% under the original contract amount **DISTRICT I – ALVARADO** – was presented, moved by Council Member Quan, and seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2002-1437 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,412,738.13 and acceptance of work on contract with **KINSEL INDUSTRIES, INC & PM CONSTRUCTION** - a Joint Venture for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-73-3 (4257-14) - 00.47% under the original contract amount **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F- ELLIS and I – ALVARADO** – was presented, moved by Council Member Quan, and seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2002-1438 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. **COLOR ID, LLC** for Badge Production Supplies for Aviation Department - \$28,737.86 Enterprise Fund – was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1439 ADOPTED.

ORDINANCES - NUMBERS 13 through 40

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of an easement for parking purposes containing 1.0405 acres of land, more or less, being located in the Samuel M. Williams Survey, A-87, Harris County, Texas; releasing, relinquishing, vacating and abandoning said tract of land to the Transamerica Group, Ltd., fee owner, in consideration of owner's payment of \$56,658.00 and other consideration to the City **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1157 ADOPTED.
15. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 132** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1158 ADOPTED.
16. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1159 ADOPTED.
17. ORDINANCE consenting to the addition of 217.236 acres of land to **HARRIS COUNTY UTILITY DISTRICT NO. 16**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1160 ADOPTED.
18. ORDINANCE consenting to the addition of 189.2154 acres of land to **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1161 ADOPTED.
19. ORDINANCE consenting to the addition of 49.629 acres of land to **SAGEMEADOW UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1162 ADOPTED.
26. ORDINANCE accepting a sculpture titled "Robert Burns Bust" for Display in the International Sculpture Garden, Houston Garden Center in Hermann Park and approving and authorizing contract between the City of Houston and the **HEATHER AND THISTLE SOCIETY OF HOUSTON** for donation of such sculpture - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1163 ADOPTED.
30. ORDINANCE approving transfer of funds in the amount of \$176,000.00 from previously appropriated and allocated funds in the Compromise and Settlement agreement with **JDH PARKWAY, LTD.**, (Ordinance 99-43) to contract between the City and **ENSR CORPORATION** (Ordinance 98-1240) for Environmental Remediation of the 1801 Allen Parkway Site - GFS I-0042-03-2 - **DISTRICT I – ALVARADO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
38. ORDINANCE appropriating \$499,301.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Replacement of HIA-2 Water Plant at George Bush Intercontinental Airport/Houston, Project No. 607, CIP A-0455 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-1164 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Affirmative Action and Contract Compliance Division for MBE and WBE participation goals for certain water and wastewater projects financed under the State Revolving Fund Program – was presented, moved by Council Member Galloway, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1440 ADOPTED.
3. RECOMMENDATION from City Attorney for adoption of Alcohol Free School Zone for Clay Road Baptist School at 9151 Clay Road - **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1441 ADOPTED.
4. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2003 - January 1, 2003 through December 31, 2003 – was presented.

Council Member Alvarado stated that she had questions about Item 4; that she was concerned the city was getting shortchanged, not getting their fair share back and she would like to know how Houston ranked with other states and what the role of the Public Utility Commission was in this; and would like someone to visit with her within the next two weeks.

Council Member Parker stated that Council was not meeting next week so her intent would be to tag the item and Council Member Alvarado also stated she would tag the item.

DAMAGES

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **THE JOHN CORPORATION and U. S. VANGUARD LTD, INC** v. City of Houston; Civil Action No. H-98-1696; in the United States District Court, Southern District of Texas-Houston Division - \$95,000.00 Property and Casualty Fund – was presented, moved by Council Member Quan, and seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2002-1442 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$274,129.52 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0-610A-T4-3 (Package T1) - 04.70% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER and H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and was tagged by Council Member Ellis.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,281,395.00 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, INC** for Construction of Plants 1 and 2 Chemical Systems Improvements at the East Water Purification Plant, GFS S-0056-26-3 (10211-17) - 04.62% over the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and was tagged by Council Members Keller and Vasquez.

PURCHASING AND TABULATION OF BIDS

12. **AMEND MOTION #2000-190, 2/9/00, TO EXTEND** expiration date from February 9, 2003 to February 8, 2004, for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **U. S. FILTER CORPORATION** – was presented, moved by Council Member

Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis.

ORDINANCES

13. ORDINANCE approving Credit Agreement relating to the City of Houston, Texas, Airport System Senior Lien Commercial Paper Notes, Series A and B; Ratifying Ordinance No. 1999-1338 and other Commercial Paper Program Agreements related to such Commercial Paper Program; approving a Co-Bond Counsel Engagement Letter; authorizing an updated Offering Memorandum; making certain covenants and agreements in connection therewith; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2002-1165 ADOPTED.
20. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Commercial Solid Waste Operators - was presented. All voting aye. Nays none. ORDINANCE 2002-1166 ADOPTED.
21. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking Citation Enforcement Procedures - was presented.

Council Member Ellis stated that he understood Council was amending the boot ordinance but was curious as to whether the city had an ordinance in place giving the authority to boot the rental car agencies; and Mr. Hall stated that he was not aware of any exception that would be granted because a rental company owned the vehicle. Upon further questions by Council Member Ellis, Mr. Hall stated that in regards to collecting on tickets from rental car agencies a number of things had been discussed, but regarding the boot he was not aware of any exemptions, they would be under the same rules as everyone else. Council Member Galloway absent.

Council Member Robinson stated that he would like a list run of the top 25 rental car companies with delinquent traffic tickets; and his personal advise to Parking Management would be to go find a couple of those cars and boot them and let the companies know their cars were going to be booted regardless of who rented it from them and he believed that would give them some encouragement to send the city their money; and Mr. Hall stated that he believed he was right and Mr. Haines would be getting him the list. Council Member Galloway absent.

A vote was called on Item 21. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1167 ADOPTED.

22. ORDINANCE exempting the City's purchase of Property and Casualty Insurance Coverage for the City from certain requirements contained in **CHAPTER 15, CODE OF ORDINANCES, HOUSTON, TEXAS** - was presented.

Council Member Ellis stated that this was an exception to the ordinance passed dealing with disclosing who owned 5% or more of a corporation or legal entity and he was not opposed to it but insurance companies probably owned more property throughout the world than probably any other corporation so when they came to the city and were selected he would request that whoever was doing the RFP look to see if any of the insurance companies were delinquent in the ad valorem property taxes and that they not be chosen unless all their delinquencies were paid up. Council Member Galloway absent.

A vote was called on Item 22. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1168 ADOPTED.

23. ORDINANCE issuing permit to **MRI MIDTOWN LTD.**, a Texas Limited Partnership, for constructing, maintaining, using, occupying, operating and repairing an Overhead Pedestrian Walkway and Two Subsurface Water Pipelines within the 500 block of Hadley, such street being

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 D – EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1169 ADOPTED.

24. ORDINANCE issuing permit to **WELLS OPERATING PARTNERSHIP, L.P., SV RESERVE TWO, L.P.** and **IKON OFFICE SOLUTIONS, INC** for constructing, using, occupying, operating, maintaining repairing a conduit for communications cable within the 11300 block of Greens Crossing Boulevard, 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 Galloway absent. ORDINANCE 2002-1170 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and **SLA STUDIO LAND, INC** for Streetscape Design for Bissonnet/Binz Streets from Bayard to Crawford in the Museum District - \$140,000.00 - Grant Fund - **DISTRICT D – EDWARDS** – was presented and tagged by Council Member Robinson. Council Member Galloway absent. (Note: Council Member Robinson removed his tag later in the meeting.)

Council Member Robinson stated that he would like to visit with the department director; that one block over was Southmore and it had the Buffalo Soldier Museum and it was not included; that if they went one block over and four blocks up they would take in the entire area; and Mayor Brown stated that he would have the director meet with him. Council Member Galloway absent.

Council Member Sekula-Gibbs stated that she would like to reiterate what Council Member Robinson just said; and Mayor Brown stated that a meeting would be held with her as well. Council Member Galloway absent.

27. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and the **TEXAS COMPANY BUILDING, L.P.** with regard to the Marriott Renaissance Hotel to be located at 1111 Rusk (**Formerly known as the TEXACO BUILDING**); including a limitation of funding in the amount of \$4,292,043.00 – was presented and tagged by Council Member Goldberg. Council Member Galloway absent. (Note: Council Member Goldberg removed his tag later in the meeting.)
28. ORDINANCE approving and authorizing first amendment and modification agreement between the City of Houston and **SP8600, LTD.**, a Texas Limited Partnership, whose sole general partner is **SP8600 MANAGEMENT, L.L.C.** to increase the amortization period of the loan to twenty (20) years and provide monthly payments on the loan - **DISTRICT F – ELLIS** - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1171 ADOPTED.
29. ORDINANCE approving and authorizing agreement between the City of Houston and **FALLS OF WESTPARK APARTMENTS, L.T.D.** using Federal Community Development Block Grant Funds to provide a loan in the amount of \$500,000.00 and grant in the amount of \$1,699,611.00 to finance a portion of the costs to acquire a 356 unit apartment building at 6130 Southwest Freeway, Houston, Texas, to be rehabilitated to house low and very-low income residents **DISTRICT C – GOLDBERG** - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1172 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City and **GARTEK TECHNOLOGIES, INC** for Modification of the Integrated Land Management System (ILMS) for the Houston Fire Department - \$187,500.00 - General Fund - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1173 ADOPTED.

33. ORDINANCE awarding contract to **CHARTER ROOFING COMPANY, INC** for Roof Repair Services for Various Departments; providing a maximum contract - 1 Year with four one-year options - \$3,298,018.68 - General, Enterprise and Fleet Management Funds - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1174 ADOPTED.
34. ORDINANCE appropriating \$168,300.00 out of Fire Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Design Phase and Construction Phase Services relating to Roof Replacement at Seven Fire Facilities, GFS C-0090-02-2 and C-0090-03-2; providing funding for project management and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS; G - KELLER and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1175 ADOPTED.
35. ORDINANCE approving and authorizing first restated agreement between the City, **CLAY POPE** and **REGGIE BASHUR** for Water and Wastewater related issues in the Texas Legislature and Various State Agencies - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1176 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **JOHN KIRKSEY ASSOCIATES, ARCHITECTS, INC** for professional architectural services for Renovation of Root Memorial Square - \$509,191.00 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented and was tagged by Council Member Keller. Council Member Galloway absent.
37. ORDINANCE appropriating \$61,055.00 out of Public Library Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to professional engineering services contract between the City of Houston and **ASHKAR ENGINEERING CORPORATION** for professional services related to the repair of the Park Place Regional Branch Library, (as approved by Ordinance No. 02-605), GFS E-0127-01-2 - **DISTRICT I - ALVARADO** - was presented.

Council Member Alvarado stated that this was in her district and she understood the library would be closed for nine months; that she understood the department was working with Parks to find a temporary location at Charlton Park and she would like to be kept in the loop; and Mayor Brown stated that they were looking at the library across the street and she would be kept updated. Council Member Galloway absent.

A vote was called on Item 37. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1177 ADOPTED.

39. ORDINANCE authorizing issuance of City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes, Series A, in an aggregate principal amount not to exceed \$75,000,000.00; prescribing the terms and conditions thereof; providing for the payment thereof; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such commercial paper notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such Commercial Paper Notes, including the approval of an Issuing and Paying Agency Agreement, Credit Agreement, Revolving Note, and Dealer Agreement; approving the use of an Offering Memorandum in connection with said sale; making other provisions regarding such Commercial Paper Notes and matters incident thereto; authorizing a Co-bond Counsel Agreement; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-1178

ADOPTED.

40. ORDINANCE authorizing the creation of the Series E Commercial Paper Convention and Entertainment Fund (The "Fund"); appropriating \$22,000,000.00 out of the Fund and \$11,874,925.00 out of Pre-paid Rentals from Lakewood Church, Inc. in connection with the lease of the Compaq Center, for the purchase of land consisting of the existing parking lots located on the north and south ends of the land which includes Blocks 122, 123, 124, 125, 248 and 249, S.S.B.B., Houston, Harris County, Texas, to be used in connection with the George R. Brown Convention Center, and approving the purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP**, and **CRESCENT DUDDLESTEN HOTEL PARTNERSHIP, L.P.** to acquire the land for a price, including closing costs, which does not exceed the sums hereby appropriated, to acquire options to purchase land being out of Blocks 123 and 124, S.S.B.B. and portions of Blocks 99 and 121, S.S.B.B., and to lease the land which includes the existing Green Space located in Blocks 123 and 124, S.S.B.B.; approving a first amendment to lease agreement between **LAKWOOD CHURCH, INC** and the City regarding Compaq Center; approving a Compromise and Settlement agreement in Cause 2002-29335 in the 11th Judicial District Court of Harris County, Texas; approving necessary documents related thereto; making various findings and provisions related thereto – was presented.

Council Member Sekula-Gibbs stated that she wanted to applaud the Administration as well as congratulate Crescent Properties and Lakewood Church for coming together with an excellent congruence and she believed it would benefit the city; and she believed buying the property in front of the George R. Brown would secure the view and beauty there and provide green space to the downtown area.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Ms. Dawn Ullrich on Item 40, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1443 ADOPTED

Upon questions by Council Member Sekula-Gibbs, Ms. Ullrich stated that they were delighted to bring this item forth; they believed it was a win/win situation for all three parties.

After further discussion, Council Member Keller stated that he was on record of saying this should be done under guidance of the Hotel Corporation and he hoped the bylaws would be amended to incorporate that for some of the development like this; that this was not a good deal for the taxpayer and he hoped this would all be put together and start generating revenue. Council Member Goldberg stated this was at the top of his list of priorities and he believed it now insured the economic viability of areas in District C and he could not wait to see the impact Lakewood would have in that district; and thanked those who did much work to get the project where they did.

Council Member Quan asked Ms. Ullrich what exactly did the appraisals come out as and Ms. Ullrich stated that the city had their own independent appraisal done and it appraised at \$175.00 per square foot, the priced agreed upon with Crescent was \$140.00 per square foot, so it was \$35.00 less and they felt this was a good deal, and Council Member Quan stated that an allusion had been made as to the development of the property and asked Ms. Ullrich to share some of the ideas that they talked about her vision about what the property could be used for, and Ms. Ullrich stated that they were hoping the property would have a low rise retail restaurant which would be an attraction for conventioners and hotel guests as well as for ballpark and arena clientele. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that the city was buying the north and south piece of land and the center was to be retained by Crescent; and upon questions, Ms. Ullrich stated that the city had an option on the center for about 3 1/2 years and it was their intent to exercise that option when finances would allow and they would leave it as green space. Council Member Robinson absent.

A vote was call on Item 40. Council Member Keller voting no. Balance voting aye. Council Member Robinson absent. ORDINANCE 2002-1179 ADOPTED.

Council Member Galloway stated that she would release her tag on Item 31 and moved to suspend the rules to consider Item 31 at this time, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1444 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City of Houston and **GRACE SALES, INC** for Fire-Rescue Monitoring/Accountability System for Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$999,497.00 - General, Grant and Equipment Acquisition Consolidated Funds – was again presented to Council. All voting aye. Nays none. ORDINANCE 2002-1180 ADOPTED.

Council Member Galloway stated that she thought it was a very good apparatus to use in order to save lives, but she did have some concern about it because she knew they were short of manpower at this time in the Fire Department and wanted to make sure they were not going to be taking manpower away from the fires as well as a monitoring situation that they had a staff in place already.

NON CONSENT AGENDA - NUMBERS 41 and 41-1

MISCELLANEOUS

41. SELECT and confirm the appointment of either **MS. JUDY GRAY JOHNSON** or **MR. OLIVER PENNINGTON** to fill the unexpired term of the City Controller of the City of Houston effective January 1, 2003 – was presented.

Mayor Brown stated that the City Secretary would call the Council Members and they would vote for their choice for the position and after that a motion would be in order to confirm the selection.

Council Member Ellis stated that he had a question for the Legal Department and stated that he understood that if they were a District or City Council Member and if they leave their residency from their district that they would have to vacate their seat, and Mr. Hall stated that yes, if he expressed that as his intent, that he was literally changing his residency, that he would almost have to do that, that it would apply to the Mayor and Controller as well if they left the City.

Mayor Brown - Johnson	Council Member Vasquez - Pennington
Council Member Tatro - Pennington	Council Member Alvarado - Pennington
Council Member Galloway - Johnson	Council Member Parker - Johnson
Council Member Goldberg - Johnson	Council Member Quan - Johnson
Council Member Edwards - Johnson	Council Member Sekula-Gibbs - Johnson
Council Member Wiseman - Pennington	Council Member Berry - Pennington
Council Member Ellis - Pennington	Council Member Robinson - Johnson
Council Member Keller - Pennington	

Mayor Brown stated the vote was 8 to 7 in favor of Johnson.

Council Member Parker moved to confirm Ms. Judy Gray Johnson to fill the unexpired term of the City Controller of the City of Houston effective January 1, 2003, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1445 ADOPTED.

Council Member Tatro moved to suspend the rules to hear from Ms. Judy Johnson at this time, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2002-1446 ADOPTED.

Ms. Johnson appeared and stated that she wanted to thank Mayor Brown and all of the Council Members, that she really appreciated the fact that everybody was willing to talk with her about the

issues involved in the Controllers office for the next year and expressed to her what their goals were and it was going to be her heartfelt goal to make sure that she follow the best she could do for the next year to carry out the office of the Controller and meet all of the expectations that they had placed with her and she wanted to carry out that trust. Council Member Robinson absent.

41-1. 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

Council Member Keller stated that he would like to nominate Council Member Wiseman for Position One of the HGAC Board of Directors.

Council Member Wiseman stated that she would like to nominate Council Member Keller for reappointment for Position Two of the HGAC Board of Directors.

Council Member Wiseman stated that she wanted to nominate Council Member Vasquez for Alternate Position for Position One of the HGAC Board of Directors. Council Members Berry and Robinson absent.

Council Member Keller stated that she wanted to nominate Council Member Tatro for Alternate Position for Position Two of the HGAC Board of Directors. Council Members Berry and Robinson absent.

Council Member Ellis moved to close nominations for Positions One and Two and Alternate Positions for One and Two of the HGAC Board of Directors, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent.

MATTERS HELD - NUMBERS 42 through 51A

42. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 5 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1448 ADOPTED.
43. MOTION BY Council Member Quan/Seconded by Council Member Vasquez to adopt 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** – **(This was Item 15 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1449 ADOPTED.
44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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** – **(This was Item 16 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Ellis moved to postpone Item No. 44 until the next Council meeting, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1450 ADOPTED.

Council Member Robinson stated that at the end of the agenda he would like to lift his tag on Item No. 25 to lay on the table a written amendment and then would tag both the amendment and the main item, and Mayor Brown stated they would take Item 25 up at the end of the agenda. Council Member Berry absent.

45. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 - **(This was Item 19 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Ellis moved to postpone Item No. 45 until the next Council meeting, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1451 ADOPTED.

46. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 - **(This was Item 22 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1452 ADOPTED.

47. WRITTEN Motion by Council Member Goldberg to amend Item 47A below, to reflect the following:
03/09/03 - 03/14/03 - Spring Office Work Week
07/06/03 - 07/12/03 - Summer Office Work Week
- was presented.

Council Member Goldberg moved to withdraw the amendment regarding the Spring Office Work Week and keep the amendment regarding the week after the Fourth of July, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1453 ADOPTED.

A vote was called on Council Member Goldberg's amendment to amend Item 47a to change the summer workweek to 07-06-03 to 07-12-03. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1454 ADOPTED.

- 47a. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – **(This was Item 42 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented as amended. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-1181 ADOPTED AS AMENDED.
48. 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 – **(This was Item 47 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBERS TATRO, QUAN, WISEMAN and ELLIS)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-

1182 ADOPTED.

49. 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 – (This was Item 48 on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-1183 ADOPTED.
50. 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 - – **(This was Item 49A on Agenda of December 11, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Edwards moved to postpone Item No. 50 until the next Council meeting, that she had some questions that she had to have answered on the issue, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1455 ADOPTED.

Council Member Sekula-Gibbs stated that she would also like to have someone meet with her on Item No. 50. Council Member Berry absent.

51. MOTION by Council Member Goldberg/Seconded by Council Member Ellis to amend the following Sections of Item 51A below:
Section 9-4 (B) (3) - add to end of paragraph “which includes but is not limited to securing City Council approval for the method and procedure prior to issuing.” and Section 9-35 (6) - be deleted – **(TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Tatro moved to divide the question, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1456 ADOPTED.

Mayor Brown stated that their first vote would be on Section 9-4 (B) (3). Council Member Berry absent.

Council Member Goldberg stated that at this time he would like to amend the amendment to delete the entire paragraph, that it had the approval of the Aviation Department, seconded by Council Member Tatro. Council Member Berry absent.

Council Member Goldberg stated that basically he thought City Council was in charge of overseeing a lot of the expenditures and things that went on and they knew from past experience if they gave the director blanket approval over millions of dollars there was a lot of room for abuses, that he would love to list all the times, but did not want to rehash old wounds. Council Member Berry absent.

Council Member Robinson asked if it was the job order contracting part or was it to use alternative, that he thought that part of the paragraph was to use alternative delivery methods, including job order contracting and job order contracting was the one blanket methodology, the others would still have to come to Council for approval, and Council Member Goldberg stated that the job order contracting, and it raised a good point and actually he would like to turn the job order contracting into a pilot program at this time, but that would still have to come to Council and on top of that any form of procurement, like a design build, would still have to come to Council. Council Member Berry

absent.

Mayor Brown stated that was before them was a motion to amend Item 51a to remove Section 9-4 (B) (3). All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1457 ADOPTED.

Mayor Brown stated that now they would move for approval of the motion on Section 9-35 (6). Council Member Berry absent.

Council Member Goldberg stated that he would like to also change that amendment to read that "the parking rates could be established between \$1 and \$3", that part of it was that right now there was no program in place at all to decide what to do and it was in agreement also with the Aviation Department, that it was a compromise, that it would allow them to recoup some of the cost, yet if they wanted to come up with a big program to improve the parking it would still have to come to Council because it of course would require more money than that, seconded by Council Member Tatro. Council Member Berry absent.

Mayor Brown stated that Council Member Goldberg substituted an amendment, and Council Member Goldberg stated the motion was to amend Section 9-35 (6) to change the rates between \$1 to \$3, and Mayor Brown stated that was what they were voting on. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1458 ADOPTED.

Mayor Brown called for a vote on the main item, which was Item No. 51 and no vote was recorded as the question had been divided and separate votes were recorded. Council Member Berry absent.

Council Member Ellis stated that he also had an amendment that the Aviation Department submitted to clean up the language in Section 9-5 (1) and submitted the following written motion:

Add the following at the end of new Section 9-51 of the Code of Ordinance
"Temporary substitute vehicle means a vehicle used temporarily in place of a vehicle for which an airport use permit is in effect. As provided for below, a special fee is applicable, and the director is authorized to promulgate regulations allowing the use of temporary substitute vehicles.", seconded by Council Member Parker. All Voting aye. Nays none. Council Member Berry absent. MOTION 2002-1459 ADOPTED.

51a. ORDINANCE **AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Houston Airport System – (**This was Item 63 on Agenda of December 11, 2002, POSTPONED BY MOTION #2002-1429**) – was presented as amended. All voting aye. Nays none. ORDINANCE 2002-1184 ADOPTED AS AMENDED.

Council Member Robinson stated that he wanted to lift his tag on Item No. 25 and had distributed a written amendment to Item No. 25 and would like to tag the amendment and the main item.

25. ORDINANCE approving and authorizing contract between the City and **SLA STUDIO LAND, INC** for Streetscape Design for Bissonnet/Binz Streets from Bayard to Crawford in the Museum District - \$140,000.00 - Grant Fund - **DISTRICT D – EDWARDS** – was presented.

"Written amendment to Item No. 25:

To extend the northern boundary of the district to Southmore and the eastern boundary to Alameda"

Mayor Brown stated that Council Member Robinson had lifted his tag on Item No. 25 and submitted a written amendment and tagged both the main item and the amendment.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that they had lost a valuable member of the Houston Police Department, Lieutenant Robert Hadaway passed away on Sunday, that he was involved a week ago in a motorcycle accident, that it appeared to be a minor accident but had suffered complications afterwards which resulted in his death, that the community had lost a great public servant, that Lieutenant Hadaway joined the Houston Police Department in 1977 and was assigned to the northeast division and was assigned to Kingwood when Kingwood was annexed and had been there since, that he did a tremendous job of easing Kingwood through the transition and since then was very active in the community and very involved with the PIP Program and in many other areas in Kingwood, that he would be greatly missed, that he was survived by his wife, Terri Lynn, three children and two grandchildren, there would be visitation this evening from 6:00 p.m. to 9:00 p.m. at the Rosewood Funeral Home in Humble and funeral services would be held Friday morning at 10:00 a.m., that she would like to offer their condolences to Mrs. Hadaway and their family and asked for a moment of silence. Council Members Goldberg and Alvarado absent.

Council Member Galloway stated that she did not want to start the New Year off still talking about Ley Road and Mason Road, that on Ley Road they had been acquiring property for the last four years and they had not even begun to start on the street, that she did know why when it came to District B why they moved so slowly, that she certainly wanted some answers as to what had taken them so long to get started on the reconstruction of Ley Road, as well as Mason Road, which already had a contract prepared, however there was supposed to be some minor changes and they normally had many change orders on projects anyway. Council Members Goldberg, Keller and Alvarado absent.

Council Member Galloway stated that on Saturday they would be at the Settagast Heights Village Apartments distributing toys to the needy, that it would start at 11:00 a.m., that it was on Wayside and if any of her colleagues would like to come by and share a little cheer with the young people, they were more than welcome and invited to come. Council Members Goldberg, Keller and Alvarado absent.

Mayor Brown stated that they would make sure she got answers to her questions on Ley Road. Council Member Goldberg absent.

Council Member Wiseman stated that Lieutenant Hadaway's funeral would be tomorrow morning at 10:00 a.m. at Rosewood Funeral Home in Humble. Council Member Goldberg absent.

Council Member Robinson stated that the Houston Galveston Area Council, as a follow up to a presentation at the TTI Committee on dangerous intersections, had agreed to do a study for them, they were willing to put up 90% of the cost and were asking that the City of Houston put up 10% and the 10% would amount to about \$6,500, they had a difficult time contacting anyone in the City to get the project moving and they were talking about dangerous intersections in the east end and they knew they had a couple of accidents over there, so if he could get some help on it he would appreciate it. Council Member Goldberg absent.

Council Member Robinson stated that he would still like to visit with some folks to get some kind of update on Kmart, that there was an article about 10 days ago in the newspaper but would like to have some kind of ongoing, consistent information, because as he read the article they said that the official final police investigation would not occur until January and they knew there had been some occurrences in the whole process, so he just wanted to be kept informed as they went forward, and Mayor Brown stated that he would schedule the chief to come by and brief the entire Council as soon as possible. Council Member Goldberg absent.

Council Member Robinson stated that he thought sometime early next year they would hear from TXDOT about extending "No Trucks in the Left Lane" to Highway 225, they had the public hearing yesterday at the district office in Houston and all those in attendance were in support of extending it to Highway 225 and they were almost finished with an additional study on Highway 146, so there would at least be two other highways, that on Highway 225 they would have to take another vote on like they

did last time for I-45. Council Member Goldberg absent.

Council Member Edwards stated that they had been doing a lot of civic club meetings in their communities in District D regarding the street issues and the CIP issues, drainage and streets not being taken care of and wanted to give a hats off to Eric Dargan and Tracy Wingate and Mr. Attaberry, they had been real troopers out there with them doing drive thru's and talking to constituents and trying to get them to understand what was going on, that the problem she was having now was that last night they had what could have been a very contiguous civic club meeting, there were about 60 or so people there, and they were concerned because the streets that had been on the CIP for about 15 years had been once again moved back, and they talked them through the process and they accepted it and then this morning in the newspaper she saw where the Downtown District and the City had agreed to put in sidewalks by getting a combination of new bonds in the management district, and it made their whole conversation last night look ridiculous, so she would like for somebody to come and explain to her how it worked because she knew she was going to get the same constituents that she just talked to the process about why their streets were not getting reconstructed because they did not have any money and then the article was in the newspaper and it made them look ridiculous, so if Mr. Haines could talk to her on how it worked and maybe they could get some bonds to fix Perry Street and Enyard in District D, and Mayor Brown stated that he would have Mr. Haines meet with her and explain what was going on. Council Member Goldberg absent.

Council Member Edwards stated that she would like to congratulate Karen Philippi and Steve Downie, they had an elder senior citizen in their community that had been having really serious problems with their water bill and a leak and so forth and Karen and Steve walked her through it.

Council Member Edwards stated that she wanted to wish Council Member Robinson a happy birthday.

Council Member Tatro stated that he wanted to say ditto to what Council Member Vasquez had talked about on the parks fee that had been proposed or the adding or rescinding of the waiver for the parks and charging a fee to certain groups.

Council Member Tatro stated that he wanted to wish everyone a Merry Christmas and a safe holiday.

Council Member Vasquez stated that as he had expressed last week he was still very concerned about the Parks Department's proposed reduction of fee waiver's for private used sports leagues that used City fields for practice and games, that he had yet to hear any type of response from the Parks Department and the policy was scheduled to take effect on New Year's Day, that many of the leagues operated within his Council district and he was concerned about the impact on leagues in low income neighborhoods and was hoping the Parks Department would not implement that particular policy until they had the opportunity to respond to Council and to his office, that he would like the Mayor's assistance in it, and Mayor Brown stated that it had already been taken care of, there would be no decision until they did much more work on it. Council Member Robinson absent.

Council Member Vasquez stated that he would like to wish everyone happy holidays and a Merry Christmas. Council Member Robinson absent.

Council Member Keller stated that ditto to Council Member Edwards statement on Karen Philippi, she always walked the customer through the process, that she went the extra mile and they depended on her and she helped them out a lot. Council Member Robinson absent.

Council Member Keller stated that he wanted to apologize to the employees of the City of Houston, that he did not know a lot about their insurance program and plan, that he was going to be looking to Council Member Robinson a lot in the next few months as he tried to educate himself as to what their employees had to go through, that it was horrendous that he was even a part of something that allowed it to happen to the employees of the City of Houston, that HMO Blue was disgusting, that

he knew that they were protected somehow from HMO changing the rules and changing the government process, that he had been married for six months and his wife has had four doctors and his son three, that he would vote, no matter what they had to do to find a decent plan for the next budget cycle, that they should actually be calling the contract up and voting it down, that he was going to meet with Mr. Haines on it and take guidance from Council Member Robinson because he had spent so much time on it.

Council Member Quan stated that he wanted to compliment Ms. Monique McGilbra, that he had been complaining that the City had not been insightful in looking at their properties, that what the City owned was a lot of excess properties, buildings that they thought were being underutilized and Ms. McGilbra had spent some time and worked with Christian Wakefield to identify at least 9 opportunities that Building Services had to save money for the City of Houston, that she would be meeting with each of the Council Members about that and thought they would be bringing it also to the Fiscal Affairs Committee.

Council Member Quan stated that he would like to thank Mayor Brown for attending the senior gala yesterday, that he thought it was a lot of fun and they had over 1,500 seniors there and they had a great time, that he would like to thank the 100 volunteers, especially Sandra Strachan and Rogene Calvert from his office for all their hard work in putting that party together. Council Member Parker absent.

Council Member Quan stated that tomorrow they would be having the Housing Initiatives Committee meeting in Council Chamber and they would be talking about where they stood on the LARA Program, that he knew many Council Members were concerned, that Ms. Steiner would be giving them an update plus they would have a representative from HISD, that he thought there had been a lot of criticism of HISD and he wanted them to have somebody come to the meeting and tell what their position was so they could clearly understand where they stood and get that program moving, that they had been talking about it way to long and needed to get it on the road. Council Members Wiseman and Parker absent.

Council Member Quan stated that he wanted to thank Showri Nandagari, a City engineer, and Monticell Flannigan, for just taking time out of their day to come to some of the regional Council meetings that he had been hosting around the City, that they had been there and were a great resource and were doing it on their own time in the evenings.

Council Member Quan stated that they had in the audience 45 fifth graders from Elrod Elementary School, Ms. Janice Stevens class and Ms. Gallian's class, and asked that they stand and be recognized, that they were observing municipal government in action, that he also wanted to thank Ms. Sherry Eno, from the Visitor's Center for providing them with coloring books and other items, and he wanted to wish everyone a happy holiday.

Mayor Brown stated that he wanted to welcome all of the students to City Hall and was glad they were present, that they keep doing well in school and hopefully one day they would be a Council Member or Mayor or at least choose public service as a career.

Council Member Sekula-Gibbs stated that the Houston Chronicle published an article on health insurance and she supposed all of them would be interested, that the Fifth Circuit Court of Appeals had reversed itself in a very important decision allowing all people involved in HMO's to go to independent review organizations if they did not like the decision of their HMO in denying them medical treatment, that it was a vital decision and something that they had been fighting for in the medical community as well as the different consumer groups around the City and State, because all of the insurance companies that were licensed in the State were covered under the law called Patient Protection II, that Governor Bush signed in 1997, but national insurance companies, that included HMO Blue, Aetna, big firms that they would know the names of, said no, that they were exempted, that a mandate called ARISA exempted them from the State Law, but now the Fifth Circuit Court of Appeals said no it was not true, that if they practiced insurance in the State of Texas they were

covered by Patient Protection II and they must allow their patients to have an independent review if that patient did not receive treatment and they had denied treatment, that it was a very important decision and would afford 3 million people in the State of Texas the opportunity to go to the independent review organizations and secure their treatment and it would affect HMO Blue patients. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that they had received a letter from the Texas Department of Insurance telling their office that HMO Blue was giving adequate care and that was in spite of letters and a resolution that passed the City Council that said that they were very concerned that they were denying appropriate care to their 60,000 covered patients that the City provided insurance for, that was a disappointing letter that she received, that what that meant was that they had to go forward on a State level and asked Mayor Brown to remind their lobbyists to pay very close attention to the issues at the State level and change the rules at the State level so if an HMO changes the playing field that they were not obliged to fulfill the contract, because that was what happened with the citizens in the City of Houston, that they were working with HMO Blue on it and they had a meeting today with Ms. Candy Alridge and assumed that she would bring the issue up to them again, that they could not offer empty insurance to their employees. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to thank the administration for coming to the TTI meeting, especially Mr. Haines, and telling the people of the southeast part of the City of the City's conscientious and consistent effort to represent all citizens regarding San Jacinto Rail, that it was very important to a large number of people in Council Members Wiseman, Edwards and Alvarado's district about the Burlington Northern Santa Fe Rail extension and she really appreciated Mr. Haines effort to make sure it was a very balanced and consistent response to the Draft EIS statement, that for those who did not know the Draft EIS statement was issued by the Surface Transportation Board two Friday's ago and basically gave Carte Blanche to Burlington Northern to build whatever route they wanted to build and the response of the City was now to say to the Surface Transportation Board to be aware that these were the consequences of this action if the rail was built and it endangered the surface water for the southeast corner of Harris County, that it would be a serious breach of security and if it cut through Ellington, that it would be a security problem for Ellington as well as jeopardizing the quality of life for hundreds of thousands of people who lived in the southeast quadron of Harris County, that she thanked all of the Council Members for consistently taking the issue to heart and for keeping it in the forefront of the radar screen and wanted to thank the Mayor for making sure that the matter was of vital importance to the administration. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to wish everybody a Merry Christmas and a happy and safe holiday. Council Member Robinson absent.

Mayor Brown stated that they had asked for a delay of the comment period on that and also were looking at conducting an analysis of each of the routes that were proposed. Council Member Robinson absent.

Council Member Parker stated that she wanted to thank the Right of Way Maintenance folks for hosting her for their Christmas lunch on Monday, that she had a great time visiting and the food was wonderful, that ironically as she was walking to City Hall she noticed something that would impact Right of Way Maintenance, that one of the things that the division did was to clean out ditches and storm sewers and when she went and talked to civic associations one of the things she encouraged of them was to not let people push the leaves into the gutters and the storm drain system, that as she was walking over to City Hall the maintenance crews that cleaned around City Hall had their leaf blowers and were happily blowing all of the leaves out into the streets, so she would encourage maybe Building Services to talk to their crews and ask them to bag the leaves in the future. Council Members Tatro and Robinson absent.

Council Member Galloway stated that she had design that they could put over the drainage and it was flexible, that it was a design that a young man had patented and wanted to bring to the Council

and would love to have a pilot project on Main Street where they blocked the drainage and it would have a hole in it so the water could flow and would prevent trash from going down the drains, that she would bring the design with her at the next Council meeting and would like for all of her colleagues to see it because she thought it would be a great savings as far as the storm drainage was concerned. Council Member Tatro absent.

Council Member Alvarado stated that she would congratulate Mr. George Biggs and his wife, that George worked in her office and they had a baby boy last week, and his name was Thomas Grayton Tillford Biggs and weighed 9 ½ pounds. Council Member Tatro absent.

Council Member Alvarado stated that she wanted to thank the Public Works Department, that they opened Clay Street yesterday and she really wanted to commend the administration for working diligently with her office to bring relief to the folks on Clay Street. Council Member Tatro absent.

Council Member Alvarado stated that she also wanted to reiterate the discussion about Burlington Northern and the San Jacinto Rail Line and wanted to thank the administration for putting together the hearing in conjunction with Council Member Robinson, that it was a very timely manner and a very important issue to their districts and hoped they would have a positive result in the end. Council Member Tatro absent.

Council Member Berry stated that he wanted to thank Mr. Gary Schatz, Public Works, they had the opportunity to work with him over the last couple of weeks and he had come up with some very creative ways to address competing interests and find win/win situations and had been very responsive and very professional. Council Member Tatro absent.

Council Member Ellis stated that he wanted to wish everybody a happy holiday season and a Merry Christmas. Council Member Tatro absent.

Council Member Berry stated that he wanted to wish his director of Community Affairs, Mr. Carl Davis, a happy birthday. Council Member Tatro absent.

Council Member Goldberg stated that he would acknowledge that it was Mr. Bill Calderon's last day today, and wanted to thank him for working with him to change some of the ordinances to make it more fair regarding the historical tax exemptions, and in that spirit he was going to remove his tag on Item No. 27, which was his item and he wanted to take care of it before he left, that his only concerns were that it was ashamed that the County did not join in when they gave the exemptions, all it did was force them to drag out their exemptions longer and causes the City of Houston money and in the end the County benefited from it to, so it would be nice if they would rethink that.

Mayor Brown stated that Council Member Goldberg removed his tag on Item No. 27.

27. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and the **TEXAS COMPANY BUILDING, L.P.** with regard to the Marriott Renaissance Hotel to be located at 1111 Rusk (**Formerly known as the TEXACO BUILDING**); including a limitation of funding in the amount of \$4,292,043.00 – was again before Council. Council Member Tatro voting no, balance voting aye. ORDINANCE 2002-1185 ADOPTED.

Council Member Edwards stated that she had a question and did not know who to address it to, that she had seen the reports on C. E. King and Tidwell about people dropping off into a ditch and asked if anyone knew whose district it was in, and Mayor Brown stated that it was in the County but they would look into it.

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