

City Council Chamber, City Hall, Tuesday, January 30, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 30, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan and Orlando Sanchez; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Jesse Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Carol M. Galloway, Rob Todd and Carroll G. Robinson absent on city business. Council Member Chris Bell absent on business.

At 2:05 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Vasquez introduced Rev. Chris Wright with the Grace Temple Baptist Church who led everyone in prayer. Council Member Vasquez lead everyone in the pledge of allegiance.

At 2:07 p.m. Mayor Brown requested the City Secretary to call the roll. Council Members Galloway, Todd and Robinson absent on city business. Council Member Bell absent on business.

Council Members Keller and Boney moved that the minutes of the preceding meeting be adopted. Council Members Galloway, Todd and Robinson absent on city business. Council Member Bell absent on business. MOTION ADOPTED.

At 2:08 p.m. Mayor Brown stated that Council would hear from the public and requested the City Secretary to call the speakers.

Council Member Castillo moved to suspend the rules to hear from Mr. Steve Lewis and Mr. Larry Webb after Mr. Grant Martin, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway, Todd and Robinson absent on city business. Council Member Bell absent on business. Council Member Sanchez absent. MOTION 2001-0086 ADOPTED.

Ms. Olivia Reiner, 49 Briar Hollow, Houston, Texas (713-840-1777) had reserved time to speak, but was not present when her name was called. Council Member Sanchez absent.

Ms. Maria R. Villareal, 1206 Luzon, Houston, Texas 77009 (713-225-1880) had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Mr. William Thomas, Jr., 4424 Roseneath Dr., Houston, Texas 77021 (713-747-4372) appeared and stated that his opinion was that Houston needed more Intracare Hospitals and less deals in prisons; that he had a friend who had two grandsons and one grandson shot and killed his brother; that the grandmother asked him why he killed his brother and the grandson replied that he had not killed his brother; that he loved his brother and would not have killed his brother; that it was because of the psychosis that he possessed as a result of ADHD which was a sickness that was pretty widespread; that the young man who killed his brother was in prison; that he had a grandson who had ADHD and that he found some remedy for his grandson at Intracare

Hospital; that his grandson had the same attitude and the same disposition as the young man who had killed his brother; that now that his grandson had been there for over a month, he had seen a tremendous difference; that the attitude of the child had changed; that he felt that this was the case for many young people in this City; that he felt like if this was done for other children with ADHD that we would not need the prisons we now have and spent the money in building prisons. Council Member Sanchez absent.

Mr. Joseph Moss, 8901 Bissonnet No. 65, Houston, Texas 77074 (713-981-7004); appeared and stated that he was terminated because of his driving record; that the DPS made a mistake because they said his driver's license had been suspended; that he had records to show that he had a driver's license and a CDL at that time and that his MVR showed that he was denied a driver's license and he wanted Council to review this; that he would liked to have his job back and he felt that it was a misunderstanding. Council Member Sanchez absent.

Upon questions by Mayor Brown, Mr. Moss stated that he had a valid driver's license. Mayor Brown suggested that Mr. McKinney meet with Mr. Moss to follow-up on the City's behalf. Council Member Sanchez absent.

Mr. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511); had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Ms. Theresa Portis, 10011 Hammerly Villa No. 4, Houston, Texas 77080 (713-365-0671); had reserved time to speak, but was not present when her name was called. Council Member Sanchez absent.

Mr. Mohammed Loya, 8600 Sterlingshire, Houston, Texas 77078 (713-631-3260); had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Mr. Chris Bingham, 4300 N. Main Ste. A, Houston, Texas 77009 (713-864-7515); had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Ms. Alice Pruitt, 5022 Enyart, Houston, Texas 77021 (713-748-8579); appeared and stated that she had water in front of her home; that she had been calling to get this repaired, but no one seemed to be able to repair the problem; that she was tired of walking in and out of mud; that she worked seven days a week and she was a 52-year old woman with a bad leg; that the City told her they were going to repair the problem, but they had not done so; that there was a gang member in her neighborhood and they had a basketball goal there and they had broken people's car windows and spoke harshly to everyone and she wanted the Council to do something about that and she wanted Council "to clean up Enyart Street, please". Council Member Sanchez absent.

Mayor Brown suggested that the City do two things in reference to her two issues, that Mr. Johnson was present with Public Works to assist her on the flooding and that the Assistant Chief McClelland of Police Department was present and would work with her with the police related problem. Council Member Sanchez absent.

Mr. James Null, 8423 Greenbush, Houston, Texas 77025 (713-665-5111); appeared and stated that one of the principles in his Church was the inherent dignity and worth of every individual and in the workplace that translated to equal pay for equal work; that this Country had a long and unpleasant experience with discrimination with women, African Americans, Jews, Catholics, Chinese and Japanese, and more; that we didn't seem like we were getting better; that now he was talking about discrimination with another group; that in past cases he had talked about restricting hiring, transfers, promotions and training; that he was now talking about restricting benefits; that benefits were about 35%-40% of compensation; that when benefits were restricted it would restrict employees pay; that we were killing the idea of equal pay for equal work and he was asking that the City give consideration to the domestic partner benefits and treat all employees alike; that he could provide citations on wording on cost estimates from other municipalities and the only issue was equal pay for equal work. Council Member Sanchez absent.

Upon questions by Mayor Brown, Mr. Null stated that he had done some research and that cities and counties, such as Alameda County, California, Albany, New York, Ann Arbor, Arlington County, Virginia, Atlanta, Baltimore, Berkley, California, Berkley School System, Bloomington, Indiana, Boston, Mass., Brewster, Mass., Burlington, Vermont; that three states, a lot of cities, counties, school systems, 102 out of the Fortune 500, two of the largest law firms, Vinson & Elkins and Baker Botts were part of his research and that there was not a significant economic impact because it did not affect a lot of people; that gays and lesbians do not want to come out and that they do not usually have children so they are registered at their jobs as employee only and they got the benefits free from their employer; that he believed that it was about 99% because it was good business; that recruiting and training were very expensive and that in a tight job market you would not want to lose good people and if you were trying to hire you would want every person accessible available to you for hiring; that he was an entrepreneur; that diversity was critical in the work place; it had a lot of benefits and certainly things that you didn't get when people are all alike; he believed that discrimination toward gays and lesbi4ans was the last major area of discrimination in the work place. Council Member Sanchez absent.

Mr. Grant Martin, 1639 Harold Street, Houston, Texas 77006 (713-523-1762); appeared and stated that he was present speaking in favor of the City considering domestic benefits for City employees; that this problem was not such a new and big thing; that it had happened in all of the districts; that tens of thousand employees worked in this type of work place and he urged the City to follow the lead of its local business community and local corporate leaders and not risk the ability to attract and maintain quality of employees; that Alex Monroe was present week before last and spoke on behalf of Progressive Voters Action and had stated he was out on the streets talking to people about this and he believed that most people were not surprised by this; that most people were surprised that these kinds of benefits were not available; that 70%-80% had a friend who would benefit from these arrangements, meaning that they were not gay or lesbian and not covered by insurance; that all he wanted to do was to do as the local corporate leadership and business leadership in our City were doing. Council Member Sanchez absent.

Upon questions by Mayor Brown, Mr. Martin stated that corporations like Enron did not engage in social engineering or social experimentation; that this was one of many

forms of compensation they needed to offer to their employees and prospective employees in order to attract and maintain a quality work force; that there were too many other corporations, law firms and banks offering these kinds of benefits and it maintained their competitive edge in a tight market; that this type of a policy was consistent with the kind of a goal in accomplishing diversity; he believed that was one of the attractions that Houston had to offer; that part of Houston's good quality of life was in the amount of diversity offered in its work force and among its citizens. Council Member Sanchez absent.

Upon questions by Council Member Quan, Mr. Martin stated that the ordinance should apply to heterosexual as well as to homosexual couples; that he was under the impression that heterosexual couples who were not legally married were obtaining some benefits now under some sort of common law. Council Member Quan stated that heterosexual couples must sign an affidavit that were married to that person under common law. Mr. Martin stated that he believed that the City made its employees produce copies of marriage certificates and things like that; that he thought it should apply regardless of sexual orientation. Council Member Sanchez absent.

Upon questions by Council Member Tatro, Mr. Martin stated that he was somewhat familiar with the issue that was brought forward in Austin, Texas in 1992 and 1993; that he believed that aside from the cost consideration by the City of the budget that City Council should be responsible for the vote; that he believed in the concept of peace through strength and he believed that a referendum would not be the best way to go and in the 1980s when there was a referendum he believed that Enron, Continental Airlines, Fulbright & Jaworski and Vinson Elkins did not have such a practice, but that they did have this type of benefit now.

Upon questions by Council Member Keller, Mr. Martin stated that he believed the had about 23,000 employees in the City work force. Mayor Brown stated that the City was not governed under the same laws as private companies, therefore the comparison was not the same. Council Members Boney and Vasquez absent.

Mr. Steve Lewis, 2608 Sutherland, Houston, Texas 77023 (713-928-3738); appeared and stated that he had been a city employee for 23 years and was a member of the Health Benefits Advisory Committee; that the Committee was presented with a comprehensive plan on the upcoming changes to the health plan; there was one piece of the health plan that was asking Fiscal Affairs, Administration and this Council to re-visit; that a hospital admittance co-pay was changed from \$100 admission to a flat \$250 admission; that what the Health Benefits Advisory Committee agreed to was an incremental increase to the \$250 co-pay in the manner that the first day would be \$100 and then \$50 each day thereafter up to a maximum of \$250; he believed that it was better to do this incrementally; that this was the plan actually presented by the Health Benefits Committee and he was asking Council to revisit this area of the plan; that the local American Federation of State Council and Municipal Employees Chapter as well as the National American Federation of State Council and Municipal Employees Chapter were in support of the domestic partner coverage; that he believed that applied to municipal workers and not policemen and firemen and his National Chapter as well as the Local Chapter supported the same sex partner benefit.

Council Member Boney stated that in Fiscal Affairs he had received a briefing regarding the employee health care benefits and also they had offered the opportunity for representatives for employees to speak regarding the \$100 versus \$250 raise; that he had urged that members and staff meet with all employee groups again and look at it; that he wanted to look at it again and have an appreciation for the skyrocketing health care costs and that under the scenario presented by Administration that there would be no financial impact during the first year to the City employees and that the impact on the City budget was \$19,000,000 and having had the experience of needing emergency health care and pregnancy terminations he believed that \$100 versus \$250 in today's world is not a lot of money; that the City was going to have to find \$19,000,000 to keep it at this type of plan, but that they may not get to that number and keep the other numbers the same, but that they would continue to try to keep the cost to the employees at the same level. Mr. Martin stated that he knew that there was no increase in premium cost for the employee and that was deeply appreciated.

Council Member Parker stated that in the Fiscal Affairs Committee they discussed a number of plan design changes designed to reduce the overall cost increase and the Committee came out with what they considered to be a Plan A and then a fallback plan; that the Committee was under the impression that the Administration would present Plan A and then go to the fallback plan, if necessary, and the fallback plan had the maximum amount of discount we could go for and skip the intermediate set; that by going to Plan B there was a 2% savings off of the overall increase. Mr. Martin stated that the Plan B option made a lot of sense to him and that in representing American Federation of State Council and Municipal Employees' members and the lowest paid employees of the City, that they needed ask City Council for this; that he believed it was the right thing to do, to get to \$250 incrementally rather than a flat fee because of the number of emergencies and uncomplicated pregnancies that there were a number of hospitals that could handle this, but that the people who did stay longer should pay more money and those who stay less should pay less.

Council Member Quan stated that he believed the first plan was presented with the graduated deductions but that was not the plan that they had agreed upon and that the Health Benefits Advisory Committee had been looking at case law where courts had struck them down. Mr. Martin stated that the entire Health Benefits Advisory Committee was taken back by the decision to go to Plan B, but he believed that was because of the way it was explained to them; that they had someone looking into the case law where courts had struck them down, but that person was not at the Council Meeting. Council Member Parker absent.

Council Member Quan stated that any paperwork the Advisory Committee had obtained regarding where the courts had struck them down in the past be submitted to City Council. Council Member Parker absent.

Council Member Boney stated that City Council would also liked to have heard the voices of American Federation of State Council and Municipal Employees when the debate was raging regarding the \$8,000,000 tax rollback and when Council Member Ellis mentioned that the property tax revenue had increased, it didn't appear that they had the problem this fiscal year; when you have \$8,000,000 on the table, then that was when you got that \$250 down to \$100 and could give a 1% pay increase; that was when there was

a rally at City Hall when people said they wanted more money for firefighters and they wanted 4 or 5 people on each apparatus and that was \$8,000,000 you had put out; that they could have gotten a lot more things done, but if you cut your recurring revenues down before you have dealt with reoccurring costs that it would become difficult to manage the budget especially when there were unknown things like a dramatic increase in fuel costs that the City has to pay; that he would like to hear the American Federation of State Council and Municipal Employees' voice on a continuing basis. Mr. Martin stated that he would carry that message to the American Federation of State Council and Municipal Employees American Federation of State Council and Municipal Employees. Council Member Parker absent.

Council Member Tatro stated that he wanted a clarification on what Council Member Parker had mentioned regarding the flat \$250 increase on the hospital admission and Mr. Martin stated that it made a flat 2% difference in going over the incremental and that those were the numbers given to them. Council Member Parker absent.

Mr. Larry Webb, 1907 Freedman, Houston, Texas 77009 (713-223-9166); appeared and stated that he was a Houston professional firefighter as well as Local 341 and the appointed committee member for the Health Advisory Committee; that he agreed with what Steve said and that was the Committee stepped forward with an effort to try to get past a \$100 co-pay versus the \$250 co-pay, \$100 the first day and three days at \$50 with a maximum of \$250; that he believed that was part of the concerns that was not 2%; that it only represented approximately .76% of the total cost through the Plan; that the .76% was the difference between the \$100, the \$50 and the \$50 versus going straight to the \$250 co-pay; that he believed that a hospital stay for a routine pregnancies the law provided that the mother would stay overnight and that normally was a two day stay; that would cost \$100 or maybe \$150 depending on what the hospital based its day on or it could be \$150 versus going straight to the \$250; that the routine hospital visit was 4.21 days which would be less as an overall view; that another issue was allowing retired employees to come back into the plan; he believed that could save the City money; that currently if you retire as a City employee and then you go to work at another firm like Enron; he believed that Enron would provide insurance at a cost where normally for yourself it would be free; that if you decided to delete your insurance at retirement then you are not allowed a chance to come back; that in the event you stay with Enron for 3 years as an executive officer and you decided to leave Enron after 3 years you would have no opportunity to receive City insurance benefits and they were trying to force to maintain dual coverage and the City split at the Fiscal Affairs meeting was identified as being 88% funded by the City and 12% funded by the employee and he believed that could be a big savings that it would overrule the .76% alone in the cost of the \$100, \$50 and \$50.

Council Member Vasquez stated that he would like clarity in whether Mr. Webb was speaking to Council as a member of the Committee or as a member of the firemen. Mr. Webb stated that he was speaking to Council as a member of the Committee and had nothing to do with his status of meet and confer.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656); appeared and stated that he was present in reference to the continuance of the debriefing that he

had requested a week ago; that he had some results on it to report with Council Member Ellis and reported that he had met with Council Member Ellis' assistant, Xavier Herrera on January 26, 2001; that he talked to Mr. Herrera regarding himself the Houston Police Departments in more of his doings; that he talked to Mr. Herrera on January 29, 2001 and he stated that he had written his report and turned it in for Council Member Ellis review and compliance for Mr. Mercer and the Houston Policemen and women to be debriefed as to policing, crimes and criminals in Houston, Texas. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Ellis asked if there was anyone here from the Police Department who could speak with Mr. Mercer now and Council Member Boney stated that Chief McClelland was present and that Mr. Mercer should take his concerns to Chief McClelland. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Ms. Pearl Chiu, 1965 Dryden, Houston, Texas 77030 (713-398-8282); appeared and stated that her concern was that she went to the City to obtain a permit to redo a new garage at her home; that the existing garage was in very bad shape and she planned to tear it down and rebuild it with a garage apartment; that she had met all of the requirements for a permit, but the City's Water Department was telling her that she could not have a permit unless she commits to building a sewer manhole on the City sewer line which was located in her neighbors backyard; that she had copies that state there is a manhole only two doors down from her home, east of her property, and then also there was a clean-out only one door down from her home, west of her property; she wanted to know why she should build a manhole to be shared with her neighbor when there was a manhole two doors down and a clean-out one door down; that she was asking the City to solve this matter so that she may proceed with obtaining a permit as soon as possible. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated that Council had a member from Public Works, Mr. Wes Johnson, and he would meet with her regarding the manhole and the City would attempt to resolve the problem right now. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-260-9402); appeared and stated that he was before Council regarding an issue he had proposed to them about a month ago that opposed the arena site; that he believed that the arena site was blocking Crawford Street; that he wanted to keep the street opened; that he wanted to keep Crawford as a viable thoroughfare; that he believed it was a public safety issue; that we would create traffic problems on other streets by closing down Crawford and interrupt safe fire and emergency assistance to people by closing down Crawford; that he believed that it was a safety issue with the Fire Department concerning the station located near there; that he did not agree with us closing Crawford; that Enron Field was on Crawford and that the front of the stadium would be on Crawford; that both would have made Crawford a viable, vibrant street if both were facing Crawford, not blocking Crawford; that his suggestion was to move the stadium back so that it would be between Crawford Street and 59 Freeway; that they should build a new fire station on Crawford Street immediately and build the parking garages on the two blocks between LaBranch and Crawford, near Reliant Energy; that they not should build a temporary rail until a subway

can be built on Austin or Caroline; that we should build a subway on Main Street elevated over Main Street and not take the lanes off of Main Street; that they had voted for this and they said that the property was leased in the media; like the property was already spoken for and he believed that was a lie; he wanted us to re-evaluate the situation. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033; had reserved time to speak, but was not present when her name was called. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Ms. Rosemarie Monk, 3224 Mercer, Houston, Texas 77027; had reserved time to speak, but was not present when his name was called. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Ms. Ruth Rincon, 3614 Glenmore, Houston, Texas 77023 (713-643-9264); appeared and stated that she was awakened by gurgling toilets and raw sewage coming into her bathroom; that she had called the City on the 7th and it was now the 30th and that had yet to do anything about a collapsed sewer line; that this had happened ten years ago and then three years ago; that this was the third time that this had happened and no matter who she talked to or what she did nothing was being done; that this was the second time that raw sewage had come in over her toilet and into her bathtub; that she has a family of five and could not be renting hotel rooms; she will no longer imposed on her neighbors to be able to use the toilet or take a shower; she has two boys that were in college and both had to use a computer; that you can not run a household without the ability to wash dishes, do the laundry, wash the toilets, take a shower or do anything; that she had a roof over her head and that was it; that the ground in the backyard was saturated and also raw sewage in two neighbors' yards on the same block; that they had called the Health Department; that she had received a phone call from Mr. Wes Johnson; that there was no one that they could call; that their left hand didn't know what the right hand was doing; that she had called Mayor's Assistance; she spoke to Carolyn and she told her to follow up by calling the 837-0600 for Public Works; that she contacted them and they said they didn't know anything about the situation; she wanted to know where to go from here; that there were only so many hotel rooms that she was able to rent; that she had called Public Works several times – on the 7th, the 10th, the 12th, the 15th, on the 17th and the Mayor's Assistance Line; that she wanted a name of someone who could be held accountable, somebody she could talk to and will listen and do something about it. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated that the difficulty in trying to reach the City was a primary concern; that City crews had been out there and there was a electrical box that had to be removed before the waste water could be repaired; that the City was working with a supervisor at HL&P to move the electrical box so that they would be able to repair the waste water line, Mr. Robert DeYoung, who was present would give her a person that she could hold accountable and that person would be assigned to this matter; that as soon as they had the electrical box moved by HL&P the sewer line would be repaired. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez asked Ms. Rincon that she not hold Mr. DeYoung, a City employee, accountable, that there was no excuse for her to have had that problem since the 7th of January, that he would be held accountable to the problem and would monitor the situation, that he would give her his phone numbers, that he would come out there until it was fixed, that she should not have to do this and was sorry that she had to take time off from work. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Tatro, Ms. Rincon stated that the first occurrence of this problem was around January 7, 2001; that there were about 15 homes on her street that were affected by this problem; that she was the 5th house down from the corner from where the collapse was located; that on the 18th someone from Public Works came out and said they would take care of the problem; that she thought it was funny that they didn't mention anything about the electrical box being a problem; that Mr. Millege sent one of his assistants to visit with Ms. Rincon and he promised that the problem would be taken care of; that Mr. Tim Cheney had also promised her that the problem would be resolved soon; that Ms. Brewster at Public Works told her that since she had already reported this matter that the Department had a tendency of pushing the matter back if they had another report on the same problem. Council Member Boney stated that if the problem was not resolved soon that Ms. Rincon should come back to Council because Council wanted to hold the person responsible for not taking care of the problem and that Council was very sorry to have inconvenienced Ms. Rincon. Mayor Brown and Council Members Goldberg and Sanchez absent. Mayor Pro Tem Boney presiding.

Ms. Smiley Wadhwa, 6630 Brownie Campbell, Houston, Texas 77086 (281-447-3266); appeared and stated that she wanted to rent some space at George Bush airport; that she had spoken to King Entertainment, the organization that held the entire lease, that she had no responses from them; that she knew other people, such as Hudson Hughes had acquire some space after she had spoken to King Entertainment on several occasions; that her request to the City for some space was for a couple of hot dog stands; that she felt that since she is a minority that she should be given a chance to prove herself; that a certain percentage of her sales would go to the homeless; that this was the reason she was present. Mayor Brown and Council Members Ellis and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated that the airport concession contract was a very competitive contract; that there were tremendous opportunities and competition to obtain an opportunity to earn those opportunities; that the City was contractually bound for a certain amount of time before new competition goes out; that they were in the midst of that now and there were no new opportunities at the airport currently; that when the City reviewed all food concessions at the airport that new competition would be considered; that he would suggest that Ms. Wadhwa contact a national association of minority airport vendors and that she should attend one of those classes and obtain more insight how to edge into that industry; that she should contact the City's Aviation Department for the name of the association; that Mr. Cantu would find out that information for Ms. Wadhwa and also would give her the names of people she should contact so that she would know when the opportunities would come again; that it was more than a notion to start up a business at the airport and he strongly suggested that she would benefit from going to

the minority airport association to find out how she could become involved. Ms. Wadhwa stated that the current contract ran until 2008. Council Member Boney stated that he was aware of that and that she would be surprised as to the costs required to get into that business; that one of the reasons that the lease goes so long was that the City was guaranteed a certain amount of that revenue whether the vendors do or not; that the amount of financial investment required to open one of those storefronts was significant, hundreds of \$1,000s just to open the door in an effort to recover your investment; that she should not give up because the City had other contracts that were to open at other venues. Ms Wadhwa stated that she believed the City could allow her to have a couple of carts at the airport. Council Member Boney stated that they could not allow her to have a couple of carts at the airport; that if one franchise food concession has been granted for fish, then someone else would not be able to put in a competitive fish outlet in and for a certain contractual time the non-compete guaranty was assured; that at an airport facility the City wanted a certain amount of versatility in the food concessions and that there may be someone already covered by their license to have hot dogs and it would cause problem for someone else to offer the same type of food; that she needed to find out if other vendors had the type of food item she wanted to put in that was not already protected under the existing contract. Ms. Rincon stated that also wanted to know when the City would allow the vendors have stands downtown. Mr. Bibler stated that they did have a process in which the Parks Department goes through once or twice a year; that she should check with the Park Department regarding this issue; that he thought the easiest way for her to start would be through the local festivals to become established and then grow from there. Mayor Brown and Council Members Ellis, Keller and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that he was aware of not many new stands at the airport; that the City needed to ensure that our vendors provide a service to the public; that there were some services not available at the time such as foreign language vendors. Mayor Brown and Council Members Ellis, Keller and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated that Mr. Cantu should report this information to the Aviation Department. Council Members Ellis, Keller and Vasquez absent.

Ms. Paula Harrison, 7721 A West Bellfort, Houston, Texas 77071; appeared and stated that she was there to report on a problem with Hispanics always sitting at the front of the Metro buses; that they would refuse to move back even when the front part of the bus was too crowded; that she was insulted by their behavior because she expressed to them that they were guest in this Country through the Immigration Department and that they were not owners of America, but are guests of black and white, therefore were not entitled to the same rights and privileges as blacks and whites were; that Hispanics think this attitude is a discriminatory problem; that she didn't see any discriminatory part being displayed by her; that as the owner of one's house or a car or any object, it belonged to her and that she had the right to the privileges given to owners; that since she was an American she should have the right to say what was going on in her country and she felt that the Hispanics did not have a right to protest this country's government. Council Members Ellis, Keller and Vasquez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607); appeared and stated that he was present to discuss Metropolitan Transit Authority; that their regular Board meeting was supposed to be last Thursday and that he got a call and thought because of the lawsuit that the Board had changed the meeting to Thursday; that he knew that they had changed it again to next Monday; that Metro didn't want people to get on TV and give their views about the rail; Mr. Partsch-Galvan continued to express his opinion and stated that he Council Member Todd and hope and prayed that the Court would rule and have a referendum.

Council Member Boney moved that the City Council recess at 3:22, seconded by Council Member Tatro, and Ms. Maria R. Villareal approached the podium and stated that she had reserved time to speak and Mayor Brown asked her to proceed. Council Members Ellis, Keller and Vasquez absent.

Ms. Maria R. Villareal, 1206 Luzon, Houston, Texas 77027 (713-225-1880); appeared and stated that she her problem had been going on since Mr. Fraga was a Council Member; that she had reported all the problems around her neighborhood to him; that he didn't do anything, just mailed her some letters; that she had all the numbers of the people who worked for the City and that they never listened to her; that they just kept saying yes and yes; that she had contacted Mr. Rodney Glaspie once regarding public work on sewers; that the inspector was Mr. James Kelso; that the other inspectors could never find anything on the water; that was one of the reasons her husband had AIDS, cancer and respiratory problems; that she had come by to have an appointment with Council Member Vasquez and her husband died; that she had a letter saying that they had found a valve 2" wide that was closed and that was why they didn't have good water; that she had letters from the doctor asking to purify water for husband; too bad, too late, he passed away last year on September 24, 2000; that she had a little girl four years old and she really wanted somebody to know the facts; that she was not tolerating anymore waiting; that Mr. Wes Johnson sent her a letter for the reconstruction problems; that he was asking her to fill out the forms; that he stated that the prices for the reconstruction program was approximately \$12.40 per front foot; that she believed the problem was the sewer, the ditches, the water, water sewer mainline and they had a disabled person that was handicapped and could not walk through the streets because there were no sidewalks; that she had left a paper with a lot of signatures from people who live around the neighbor; that they paid taxes; that she didn't have to pay for construction because the City owed them money; that two persons had died just because of cleaning ditches around your job; that she received a letter from Council Member Vasquez asking them to fill out cards with all of the neighbors who wanted the reconstruction; that they had pictures of the ditches, dirty, stinky, that not even kids could play there and they were only a few blocks from Jefferson Davis High School. Council Members Ellis, Keller and Vasquez absent.

Council Member Sanchez stated that he wanted her to tell him what she wanted the City to do. Ms. Villareal stated that they wanted the main water sewer, the sidewalks and the ditches covered. Mayor Brown asked if Ms. Villareal had met with Mr. Wes Johnson. Ms. Villareal stated that she had many times but that she did not believe in him; that she had tried to get an appointment with Council Member Vasquez and that he was never there. Council Member Sanchez stated that Mr. Cantu would work with her and see what

the City could do to accomplish what she wanted to be done. Council Members Ellis, Keller and Vasquez absent.

At 3:29 p.m. upon motion by Council Member Boney and seconded by Council Member Tatro, City Council recessed until 9:00 a.m. Wednesday, January 24, 2001. Council Member Galloway, Todd and Robinson absent on city business. Council Member Bell absent on business. Council Members Ellis, Keller and Vasquez absent.

City Council Chamber, City Hall, Wednesday, January 31, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 31, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Brown reconvened the meeting of the City Council and stated that Item No. 40 related to the downtown fire protection and the closing of two downtown fire stations, that he wanted to use his Mayors Report time to update the Council on the Fire Departments revised plan for insuring fire protection of the downtown area, that he had a chance to meet with acting Chief Connealy and he gave him a written report which he had a chance to review, that he had spoken to him last night and had approved his recommendation, that what they had seen on the front page of the newspaper was inaccurate, that was not the plan they were presenting to Council, it was information that was old and not up to date and not accurate whatsoever, and he asked acting Chief Connealy to come forward and address the Council on this issue. Council Member Bell absent.

MAYOR'S REPORT

Acting Chief Connealy stated that with all the issues that were brought forth concerning the downtown fire stations it brought forth a lot of concern, that it typically did when they were closing fire stations or moving equipment from one fire station to another, that he went back and made a revision to the original plan that was submitted to Council last week and he wanted to emphasize that the original plan was very much within reason, but with the way it was presented and the other issues, the emotions just got heightened and raised concerns that may not be quite appropriate at that level, but nevertheless the customers had spoken and he had a great passion to make sure that Mr. and Mrs. Smith were getting good service out there, that they had revised the plan and would present it to them this morning. Council Member Tatro absent.

Chief Connealy stated that the map behind him represented the current response territories for the fire stations, both #1 and #8 and the surrounding perimeter fire stations, #1, #8, #7, 25, #18, #17, #9, #6 and #16, that those were the primary perimeter fire

stations to downtown, that they would notice how small the first alarm territories were for station #1 and #8 were in comparison to the other fire stations, that it went back in date, that station #8's property had been owned for over 100 years, back when they had horses and back in those days the fire stations had to be a lot closer because they had a team of three to six horses pulling the fire equipment; that first alarm territory was when there was a fire in the indicated response area, and engine #8, which was assigned to Station #8, would be responding to any alarms of streets in that territory, so the same thing with Station #1, that if they had a high rise fire they had equipment coming from, as currently designed, Stations #1, #8, #7, #17, #9 and #6, they were all responding into the downtown area, that as they could see again, Station #1 and #8 territory was significantly smaller, that downtown was basically one square mile and the coverage that they provided, while they enjoyed having that coverage, was not necessary, that he was going to present them some things today that would demonstrate that the original plan was sound but they were going to enhance the plan. Council Member Tatro absent.

Chief Connealy stated that the plan was that when Station #8 closed on February 2, 2001, Engine #8 and Ambulance #8 was going to stay in the downtown area during the business day from 7:00 a.m. to 7:00 p.m. and would be staged at varying locations in the immediate downtown area, at the fire alarm building during the day and the HFD Storefront, the Park Shops, that they could go to City Hall, the Library, George Brown and various places to stage during the day when the population density was the most in downtown, that they had anywhere from 125,000 to 150,000 in the downtown area during the day, that after 7:00 p.m. they would go back to Station #17 to finish out the shift from 7:00 p.m. to 7:00 a.m. the next day and would come back into town with another shift, Engine #1 and Ambulance #1 was going to be located to the fire alarm building right across the street from Station #1, that they would be there twenty-four hours, seven days a week, that they would stay there both the way Station #8 was just arranged and a system status management approach and Engine #1 at the fire alarm building until the temporary fire station was on line, that was the major difference and the concerns that were brought forth last week with the gap when the stations were closed and until the temporary stations were on line; that they had identified some property that was in the immediate downtown area that was large enough to house all of the equipment from Stations #1 and #8, that they would have two engines, two ambulances and a chief at a temporary super station near the Pierce elevated, that they were negotiating the lease currently, and they would be there until the permanent super station was completed anywhere from three to five years, that the other option if they were not able to execute the lease on the facility near the Pierce elevated was to do as originally planned was to put the temporary fire station in modular buildings at the site of the permanent super station, that they had those two options and were currently negotiating the lease and was something that they would have to bring back to Council to approve and would try to execute that as soon as possible, that the temporary super station near the Pierce elevated they expected to be able to occupy within thirty to sixty days once the lease was executed, so that would provide enhanced service in the downtown area over the previous plan, that he had visited with Mr. Eury from the Downtown Management District and showed him the maps and coverage and he was pleased with the original plan and was ecstatic with the enhanced service that they were going to be providing downtown with the latest revision. Council Member Tatro absent.

Chief Connealy displayed a second map and stated that what it represented was that the polygons were the three minute response area from the fire station in the center of the polygon, and they could see, on the maps in their packet, it showed the coverage of downtown from the perimeter stations, that what they saw in the green was the general area they were looking for in the general area they were looking for in the lease they were negotiating for a temporary station until the permanent super station was constructed and that covered downtown quite well. Council Member Tatro absent.

Chief Connealy displayed a third map and stated that the polygons represented the super station when it was finally constructed in the general area just west of the Pierce elevated, an area they were currently looking at, and again they could see that downtown was well covered, that all the polygons represented a three minute response time from those fire stations in the center of the polygons, that there was some concern with the response times coming into downtown and he provided attachments in their packets, that the average response time for Stations #1 and #8 combined was 4.28 minutes, that the surrounding perimeter stations that they saw on the board and the maps in their packet, Stations #6, #7, #9 and #18, their average response time was 5.02 minutes, that those stations represented other companies coming in on box alarms, going into a building, high rise or residential fire in the downtown area, were typically the third engine coming in and the average response time for third engine citywide was 9.49 minutes, that the average response time for first in fire equipment citywide was 5.9 minutes, so they had superb response times from those surrounding fire stations, that typically on a high rise fire would send five engines, three ladder trucks and three chiefs. Council Member Tatro absent.

Chief Connealy stated that on the next page on their downtown Key Map Response Time Analysis, there were concerns last week with all the downtown construction and how it was affecting response times, that as they could see from 1997 and 1998 and that much construction going on downtown the response times averaged anywhere from 3.6 to 4.3 minutes for the first in unit, that in 1999 and 2000 when construction took off, 4.0 and 4.2 minutes, not an appreciable difference at all, that while the construction had an impact the firefighters were very well aware of what routes to take due to construction and basically they had just a few seconds increase in response time due to that issue, that the response times from Stations #1 and #8 compared to the outlying perimeter stations was basically about 34 seconds and not a big difference, but nevertheless they heard what the community would like and they were going to do that, that they would keep Station #1 downtown until the temporary station was complete, that Engine #1 and Ambulance #1 would be at the fire alarm building, right across the street from Station #1, that Engine #8 and Ambulance #8 would be staged in the downtown area at various locations, that they would be pre fire planning and doing other activities during the day to be in the immediate downtown area to allay any concerns there may be at pulling equipment out until the temporary station was on line, that he did not subscribe to the wing it style of management, that through the accreditation process they had detailed analysis of how they looked at it when they were doing the various issues, that they had done a complete risk analysis of the City and he could tell them response times by 3/4 mile grids throughout the City and the 21 districts in the City where there was a chief and four to five fire stations in each district, so they had done the analysis and the planning, that the original plan was sound and the new plan that he presented to them this morning he thought addressed any of those other concerns that were brought forth last week, that he wished to get Council's support on the issue, that the Entertainment Bureau was ready to

occupy those facilities so they could move forth with their plans with the Arena and the restaurant and entertainment complex, but he could assure them that as fire chief for the Houston Fire Department he would not allow any segment of the community to have deficient fire and EMS protection, that as they could see with his plan that should meet all those concerns. Council Member Tatro absent.

Council Member Sanchez stated that he did not know how commercial buildings operated in terms of insurance coverage, that he could only relate it to his own residence, that when he called his insurance company for insurance protection three key questions were always asked, did he have fire detectors in his home, how far was the nearest fire hydrant and how far was the nearest fire station, and stated that he suspected that they used that for calculation of the premium, and Chief Connealy stated that the Insurance Services Organization was a service used by the industry to calculate their fire insurance, that ISO used a one half mile between engine companies and two and half miles for ladder trucks, and Council Member Sanchez asked as to the owners of downtown buildings did Chief Connealy foresee a appreciable difference in their insurance premium once Stations #1 and #8 were shut down, and Chief Connealy stated no; and Council Member Sanchez asked what was this going to do to firefighters who were already worked to the brink of being taxed, maximum extent possible, that when they took them away from a fire station that had facilities where they could re-cooperate, rest and decompress from a traumatic scene and they are shipped to an alarm station that was in deplorable condition without facilities that helped them, what did it do to morale, and the second question was how would they protect their equipment from the elements, and Chief Connealy stated that the issue with Station #1 being moved to the fire alarm building was that there were facilities there, there was a lounge where they could take a break from the issues they were dealing with all day, that it was suitable, that it was not unacceptable and did meet a need, that they were going to facilitate the firefighters being in there so they could be comfortable, and Council Member Sanchez asked if the fire alarm station taken care of all the fire code violations they were cited for, and Chief Connealy stated that he was not aware of that and could not give them an answer, and Council Member Sanchez stated that he had a copy of it in his office and he was concerned about putting sleeping quarters in the fire alarm station that was cited by the Fire Marshall as having numerous fire code violations, that it was a serious issue because the moral of the firefighters was certainly lacking and somebody had to take into consideration the stress that these professionals were enduring every day, and Chief Connealy stated that he was very attuned to the moral of the Houston Firefighters and that was one of his responsibilities, and Mayor Brown asked if they had funds to remodel the fire station, and Chief Connealy stated that they were going to modify the fire alarm building, that he had firefighters living there right now, they were called dispatchers and were there 24 four hours.

Council Member Robinson asked how much they were going to spend to refurbish the fire alarm building, and Chief Connealy stated that he had not gotten those figures back but it was going to be very minimal, and Council Member Robinson asked that he share that amount with them, and stated that he would prefer not to vote on the item today because he just got all the information and they had not had a chance to dialog, and asked what was driving the closure of Fire Station #8 and #1 on the particular dates outlined in his memo of January 31, 2001, Fire Station #1, March 1, 2001 and Fire Station #8, February 2, 2001, and Chief Connealy stated that Station #8 was remodeled several years

ago with bond money and he had air conditioning equipment and other fixtures in there that were bought with that bond money that had to be maintained for 15 years so he had to get in there and pull that equipment out of the fire station prior to being demolished for the Arena, so that was why he had to give the actual date that he had been told by the Convention and Entertainment Bureau and that was March 1, 2001, and so he had to get out ahead of time to pull the fixtures out, and Council Member Robinson asked if they could delay closure of Fire Station #1 and #8 for the thirty to sixty days outlined in their memo to Council of January 31, 2001, because it states in the third paragraph of that memo that they were now engaged in discussion for purposes of the lease and they should have that to Council within 30 or 60 days and asked if they could halt the closing of Station #8 and #1 for those 30 or 60 days until they had confirmation that there was a lease for a temporary location, and Mr. Tollet stated that he could speak for Fire Station #1, that it was alright to wait for 30 days because he thought that Chief Connealy could accommodate the request to come back to Council with a lease, that Mr. Eury was present and he could comment on the Arena construction, and Council Member Robinson stated that if they could not come back with a lease agreement the 4th paragraph stated that it would be 8 to 10 months, that he was wondering what kind of coordination was there between the Fire Department, Metro, Public Works and Engineering and TXDOT as it related to closing so that the firefighters knew what the alternative routes were if someone had changed construction from where they were on Monday to a new location on Tuesday, and Chief Connealy stated that the firefighters were constantly evaluating their response district, that they also did e-mails to the fire stations when they got noticed that there were various streets going to be closed, freeways and that issue, and they passed that along to the Fire Department, and Council Member Robinson stated that they ought not to close Stations #1 and #8 for at least 60 days until they could come back with that lease and they knew they had a temporary site. Council Members Todd and Parker absent.

Council Member Tatro moved to suspend the rules to hear from Robert Eury, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2001-0087 ADOPTED.

Council Member Bell moved to suspend the rules to hear from Steven Williams, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0088 ADOPTED.

Council Member Robinson moved to suspend the rules to take Item No. 40 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2001-0089 ADOPTED.

40. ORDINANCE appropriating \$5,034,500.00 out of Convention & Entertainment Facilities Expansion Fund (Fund Number 620) approving and authorizing the transfer of such sum to Fire Department Fund Number 48A, and authorizing and approving the transfer of the use and control of all of the land and improvements comprising City of Houston Fire Station Numbers One (1) and Eight (8) and the Fire Alarm Building from the Houston Fire Department to the Convention and Entertainment Facilities Department - **DISTRICT I** -

CASTILLO – (This was Item 32 on Agenda of January 24, 2001, TAGGED BY COUNCIL MEMBER TATRO) – was presented.

Council Member Parker moved to delay Item No. 40 for one week, seconded by Council Member Tatro. Council Members Boney and Todd absent.

Council Member Castillo moved to call the question on Item No. 40, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0090 ADOPTED.

A roll call vote was called on Council Member Parker's motion to delay Item No. 40 one week.

ROLL CALL VOTE:

Mayor Brown voting no
Council Member Tatro voting aye
Council Member Galloway voting no
Council Member Goldberg voting no
Council Member Boney voting no
Council Member Todd voting no
Council Member Ellis voting no
Council Member Keller voting no

Council Member Vasquez voting no
Council Member Castillo voting aye
Council Member Parker voting aye
Council Member Quan voting aye
Council Member Sanchez voting aye
Council Member Bell voting aye
Council Member Robinson voting no
MOTION 2001-0091 FAILED

A vote was called on Item No. 40, with Council Members Quan and Sanchez voting no, balance voting aye. Council Member Boney absent. ORDINANCE 2001-0116 ADOPTED.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Sylvia Garcia, Controller, stated that this was the financial report for the period ending December 31, 2000, that it was the mid year report and the sixth month into the current fiscal year, that General Fund revenues projected reflected a net increase of \$8.9 million over November projections, that the Property Tax Revenue projection amount increased \$5 million based on updated certification amounts received from the Harris County Appraisal District, that Sales Tax receipts, including the allocation check, received in January 2001 were ahead of last year by 6.2%, the January allocation amount represented a 5.3 increase over January 2000, that they continued to project sales taxes at budget, which represented a 5.8% growth rate for the year, that Charge for Services, principally ambulance services, increased \$3.9 million, that increased collection efforts resulted in a significant increase in fees collected, that as noted last month they continued to be a little concerned with Revenue Collections in Municipal Courts Fine and Forfeitures category, although no adjustment had been made to projection which was flat in comparison to 2000, that the number of tickets written was above those during the same period last year by 5.3% while revenues continued to be about equal, that on the expenditure side a General Fund expenditure projections reflected a net increase of \$6.5 million over November projections, that Fire Workers compensation as well as other personnel cost were being spent at a level that would cost expenditures to exceed by about \$2 million, that police seemed to be at a slight decrease at about \$1 million while Solid Waste was projected to be about \$5.5 million over budget, that the administration had initiated spending controls of the General Fund Departments but no corresponding budget adjustments had been made at this time, that the spending controls were not represented within their projections, that the projected fund balance at June 30, 2001 was now at \$72,780,000, which was about \$2.4 million more than last month and at about 6.75% of projected expenditures minus debt service and operating transfers, that concluded her report, and she requested to continue with the Quarterly Investment Report and take questions on either one at the end. Council Members Tatro, Galloway, Boney, Keller, Sanchez and Robinson absent.

Council Member Castillo moved to suspend the rules to allow the Controller to continue with the Quarterly Investment Report, seconded by Council Member Boney. All voting aye. Nays none. Council Members Tatro, Galloway, Boney, Sanchez and Robinson absent. MOTION 2001-0092 ADOPTED.

Ms. Garcia stated that this was the Quarterly Report for the Investment Report period ending December 31, 2000, that the General Pool Market Value as of December 31, 2000 was \$1.77 billion, that it was about \$480 million more than three months ago, that the net increase was from a \$600 million Airport System Bond issue offset by a Water and Sewer System debt service payment of about \$150 million, that the Airport Construction Pool Market Value was \$246 million as of December 31, 2000, a decrease of \$23 million over the past three months, that was due to money spent on airport construction, that all of those funds came from the 1998 bond issue and more than half of that bond issue now had been spent, that the General Interest Rate environment had changed over the past quarter with a market slowdown in the National economy, that yields in short term investments had declined about 50 bases points or

half a percentage point, that yields on longer term investments were down by 100 bases points, that so far the impact on the City of Houston investment portfolio had been minimal, however if yields stay low it would reduce the City interests earnings within a few months, that concluded her report. Council Members Tatro, Galloway, Todd, Sanchez and Robinson absent.

Dr. Philip B. Scheps, Director, Finance & Administration, stated that as they reported yesterday to Council Member Castillo's committee, the F&A projected at six months that both revenues and expenses would be higher than what was originally projected, revenues by about \$14.6 million, expenses by about \$9.4 million, that their ending balance projections was about \$5.2 million, however as Council Member Castillo's committee heard toward the end of the meeting that number did not include ending balance number and did not include the portion of the Health Insurance Benefits that would be placed into this year's budget, and as Ms. Culbreth reported to the committee yesterday, that could be somewhere in the range of about \$1.8 million and as she said up to \$3 million, so when they saw the report it would not include it, that would reduce the ending balance projections depending on how that negotiation ended up, that he believed it would be on the agenda next week, that the property tax data looked good, that as he reported yesterday, they had the benefit, when the report was written, and most of comments were on page seven of the report, they had twenty-four more days of data than went into the report because it was dated December 30, 2000 and now they had 31 more days of data that went into that report and those were the 30 most important days of the year in property tax collection that were actually missing from the report, that the property tax data ended up giving them a comfort that they could raise the collection ratio to 97.5% so they were now projecting that the property taxes would be about \$2.6 million over the budget that they adopted last year, that on sales tax, just like Ms. Garcia, they were not making any change now because they were missing December and December was a critical month in the sales tax year and they would not get that information until next week, that he did report to the committee that he had re-engaged Dr. Art Smith, from the University of Houston, to produce a report in about 30 days, so when they came to Council at budget time they would have Dr. Smith imprimatur on sales tax projections for next year, that Electric Franchise Revenues were up substantially, about \$12.9 million over budget and that was based on Reliant Energy projection, that they talked to the people there, but it did not make it perfect because there were still weather factors that could come in, but they were using their projection with the increase fees that had been approved, so they would get more revenues and expenses as electric bills went up, that others were smaller in terms of revenues, that they did talk about Municipal Court funds being under budget by about \$1.5 million, that Mr. Mangus was present yesterday for an extended period and believed that Council Member Castillo would have him back in front of the Fiscal Affairs Committee with more in depth information on what was going on over there so they were reducing their projection there by about \$1.5 million below budget, that on the expense side they were reporting that the Fire Department would be over budget, that Council Member Tatro asked for more detail on that and he met with the Fire Chief once and had a lot of learning to do in terms of understanding the nuance of that department, but they agreed that they would get back with the detail, that the majority of the biggest single item had to do with workers compensation and the termination pay, but there were other items within the budget, including some fuel costs that had gone up as well, that Solid Waste was over budget by about \$5.1 million and that was virtually all related to the increase in fuel price, either directly through fuel or the escalators in their contracts that track the price in fuel, that General Government was up by about \$2 million and that was the offset to that big electric franchise gain on the revenue side, that they had smaller decreased estimates in Police, Building Services and

Public Works, primarily due to vacancies, so once again he would say for a six month period they were pretty close to budget and pretty close to the Controllers projection, that it was relatively equal given the size of the budget and with only six months worth of data. Council Members Galloway, Todd and Sanchez absent.

Council Member Vasquez stated that as this point they were half way through the year and that Ms. Garcia was basically in line with the administrations projections for sales tax and expenditures, and Ms. Garcia stated that as Dr. Scheps had indicated when they saw a total variance of only about \$3 million it was not great, that what they needed to do now was just make sure they stayed on track and closely monitor and keep a tighter look at the expenditure side because that was the side that had shown some increase and some overruns in a couple of departments, that as she indicated their ending balance was slightly lower than F&A and was about 6.75% and not the 7.5% that they traditionally looked at but it was certainly more than 5%, that obviously they would always urge to try to resist the temptation to increase the expenditures instead of holding the line, and if they had anything left over that they put some money in the rainy day fund to prepare them for the future, that they were not mirror images but certainly a lot closer than they had been in other occasions. Council Members Galloway, Todd, Castillo and Sanchez absent.

Council Member Ellis stated that Dr. Scheps kept saying that they had not added the increase of Health Benefits into this years budget and the speculation was that it would be anywhere from \$1 million to \$3 million and probably closer to the range of \$2 million, and asked where that would be added into the budget, and Dr. Scheps stated that he thought it would have to appear in each department's budget, and Council Member Ellis stated that he noticed after the committee meeting yesterday that under Non Departmental Expenditures and Other Uses they had budgeted \$51.8 million in General Government and F&A had projected that they would spend \$58.2 million and asked why there was such a large increase over what they had budgeted and secondly what exactly was General Government, and Dr. Scheps stated that General Government was a catchall and the entire increase they were seeing was due to the fuel cost increase, that there were quite a few different items in General Government and he would get that for him, and Council Member Ellis stated that was about \$6 million they were talking about and asked if that was the increase of fuel and in the Electrical Franchise they were looking at a \$13 million increase in revenues, that he said earlier that most of that increase in Electrical Franchise fees would be eaten up by the fuel cost, but it was not, and Dr. Scheps stated that he did not intend to say that, that it was offset but it was only about half, and Council Member Ellis asked what was the net to the City and Dr. Scheps stated that it was about \$6 million, that they had \$12.9 million on the revenue side and about \$6 million on the expense side, and Dr. Scheps asked Mr. Haines if when he stated that the additional Health Insurance would be in the departments was that correct and Mr. Haines nodded yes. Council Members Galloway, Boney, Vasquez and Sanchez absent.

Council Member Robinson stated that Dr. Smith did a report that was presented to them at last year's budget cycle where he had conservative and moderate version of sales tax growth and wondered what actual sales tax revenue looked like in comparison to his forecast and asked that someone do a little tracking on that to see how it stacked up, and Dr. Scheps stated that he thought that Dr. Smith's middle range of his forecast was what was in the budget and right now he was right on track and that was with the December payment missing, the most important payment as yet unaccounted for, and Council Member Robinson asked for that analysis, and asked how much they had spent out of the General Fund on temporary

employees and stated that he would like to know what they had spent on temporary employees up to date and how many FTE's it equated to, and asked as to cash on hand to pay monthly bills or tax revenue anticipation notes, did they have enough so that they could come back to Council and give them an explanation as to whether they were going to issue TRANS or were they going to borrow against one of their in house accounts for short term purposes, and asked where they were on that issue, and Dr. Scheps stated that they certainly had a lot of cash this month and next month, that these were the months where the cash was good and larger, that his question was a good one and they would work together on that for the end of the year, that right now they were paying off the TRANS, that they did not need TRANS right now, that as a matter of fact when the cash came in they were paying off the TRANS issued earlier, and Council Member Robinson stated that he was just trying to look at a bill payment plan all the way to the end of the fiscal year and if they could not do it on a cash basis did they have enough authority now or would they need to come to Council to get additional authority so they would have the option of issuing TRANS depending on interest rates or borrowing against their in house funds, that as it related to the in house borrowing had they repaid all of the in house short term borrowing they had done, and Dr. Scheps stated that he did not know, and Ms. Garcia stated that she had mentioned that on the record last time they met, that it had been repaid, and Council Member Robinson stated that they had said that the surplus was in the range of 11 to 14 depending on whose numbers and asked if that was above the 6.5 year end balance, if they compared total revenues to budget they were \$14 million dollars on F&A number above the budgeted amount, and Dr. Scheps stated yes, and Council Member Robinson asked if that was \$14 million on top of the 6.5% year end funding balance that the Controller mentioned, and Dr. Scheps stated no, that their projection was simply that they would end the year with \$14.6 million more in revenue than was budgeted, that it was a different matter, and Council Member Robinson asked if the \$14 million was separate from the 6.5 year end fund balance what was the total aggregate amount of money that was going to be around at the end of the year, 5% for debt purposes, bond rating, and they were trying to get the 2.5% on top of that but they were only at 1.5% on top of the 6.5 that Ms. Garcia mentioned, and Ms. Garcia stated that was right and asked Council Member Robinson what was the question, and Council Member Robinson asked if the \$14 million a part of the 6.5% total that she referenced and Dr. Scheps stated that if their projections were perfect they would end the year with the \$75 million, not counting the Health Insurance, but without regard to that, that would be in their calculation about 7% of the total expenditures minus the debt service, if those projections came true perfectly they would need about 7%, and Council Member Robinson asked if that would include the \$14 million, and Dr. Scheps stated yes, and Council Member Robinson asked how much of that \$75 million would be the 2.5% emergency amount, and Dr. Scheps stated about \$20 million over the 5%, and Council Member Robinson asked if the \$20 million had been committed and if it had for what, and Dr. Scheps stated that Council would commit it when they approved the budget next year, that nothing had been committed until a budget was approved, that it was carried forward balances for next year. Council Members Galloway, Goldberg, Boney, Vasquez and Sanchez absent.

Council Member Tatro stated that it was important to point out that the revenues, even from the budget they passed, were estimated at \$14.6 million above the revenues they passed, that his concern was that they were six months into the year and if they used last year as an indicator they saw a lot of the expenses and estimates sliding until the end of year and then the administration ramped up their estimates of expenses towards the end of the year, which obviously caused the fund balance to drop significantly all based on projections, and here they were just six months into the year and already \$4 million plus over in Fire and well over \$5

million over budget from Solid Waste, that he was very concerned about the continued projections and hoped that with Dr. Scheps on board and moving into the next 3 or 4 months they would continue to see a more real time version of the budget as opposed to sliding up until April or May to make adjustments, that he was concerned that the \$20 million really would not be there, especially with the Health Care, that it was very disappointing to hear yesterday that they did not budget for the increase in Health Care, that it was very significant when they were putting together a plan or a financial blue print. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Quan asked Dr. Scheps how he saw the City budget and how did he see them managing the budget that they did have, Dr. Scheps stated that he saw no substantial problems, that the deliberate process went the same way in Dallas County where he had been for 12 years, that as long as the projections held and they were able to project that close then he was delighted, that hopefully the sensitivity of those projections would be a little less once they got a little distance between the projections, that he understood, were not so good in the past, that it was a normal variance to him at a six month point, that the scrutiny was good and the checks and balances were very good, that at least in County government it was the County Auditor that made the revenue projections and the Commissioners Court did the expenditure budget, so he was more or less used to the checks and balances associated with that sort of thing and did not find it a bad thing, that after seven days he did not have anything to complain about, and Council Member Quan stated that he would like for Dr. Scheps to keep Council informed if he did see things that were coming up unusual so they could play a role in supporting the process and see how they could address them. Council Members Galloway, Goldberg, Keller and Vasquez absent.

Council Member Robinson stated that \$75 million was the total accumulative surplus at the end of the fiscal year if everything stayed on projection and inclusive of the one year \$14 million, and Dr. Scheps stated yes, and Council Member Robinson stated that based on a conversation they spent some of the \$14 million and assume that they ate up the total \$14 million that would leave \$61 million, and Dr. Scheps stated that if they spent \$14 million more than what was projected on the piece of paper, the ending balance would be down by that \$14 million, that was correct, and Council Member Robinson stated that Dr. Scheps had already said that some of the \$14 million was gone because of the offsetting increase, and Dr. Scheps stated no, that the expenditure projections were what they were, that Fire was over budget so that projection was already built into that \$70 million ending balance, it was not specific to that \$14 million, that the money to him was fungible, it was just revenue coming in, and Council Member Robinson stated that they not talk about it at the table and requested that Dr. Scheps visit with him because they had a mathematical difference. Council Members Galloway, Goldberg, Keller, Vasquez, Quan and Sanchez absent.

Council Member Castillo moved to accept the reports, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Vasquez, Quan and Sanchez absent. MOTION 2001-0093 ADOPTED.

Council Member Castillo moved to suspend the rules to take Item No. 18 and No. 19 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0094 ADOPTED.

18. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Variable Rate Demand Multifamily Housing Revenue Bonds (Concord at Palm Center Apartments) Series 2001A and Taxable Variable Rate Demand Multifamily Housing Revenue Bonds (Concord at Palm Center Apartments) Series 2001B - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. RESOLUTION 2001-004 ADOPTED.
19. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds, Series 2001 (GNMA Collateralized Mortgage Loans - RRG Houston Apartments Projects) and Taxable Multifamily Housing Revenue Bonds, Series 2001-T (GNMA Collateralized Mortgage Loans - RRG Houston Apartments Projects - **DISTRICTS A- TATRO; B - GALLOWAY and F - ELLIS** – was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. RESOLUTION 2001-005 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for terms expiring August 31, 2002:
 - Position 1 - **MR. HOWARD MIDDLETON**, reappointment
 - Position 2 - **MS. TAMMY TRAN**, appointment
 - Position 3 - **MR. JAMES R. JARD**, reappointment- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0095 ADOPTED.

Mayor Brown recognized Ms. Tammy Tran, one of the new appointees, who was present in Chambers. Council Members Galloway, Keller and Robinson absent.

Council Member Sanchez requested that Item No. 35 be squared and to be considered separately. Council Members Galloway, Keller and Robinson absent.

3. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for airport leasing (concession) contracts through September 30, 2001, in compliance with DBE Ordinance Nos. 89-226, 99-893 and DOT/FAA requirements - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0096 ADOPTED.
4. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Parks to Standard Program - Phase II Marian Park, GFS F-0363-03-3 - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0097 ADOPTED.

PROPERTY - NUMBERS 8 and 9

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Meyer Jacobson, on behalf of Buford Ray Anderson and Buford Anderson Family Limited Partnership, a Texas Limited Partnership (Buford Anderson, general partner), for abandonment and sale of 2,850 square feet of excess, fee-owned Lathrop Street rights of way, being part of Lots 1 and 2, Block 19, Subdivision Nb. 2 of the Liberty Heights Addition, adjacent to 6906 Denison Avenue, Parcel SY1-028 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0098 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-304, located at 7221 Ley Road, owned by World Awakening Church, Reverend Irving Washington, Pastor, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N0587A-00-1 - \$1,080.00 - Street & Bridge Consolidated Construction **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0099 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 16

LOW BIDS

12. **HUFFMAN REFRACTORIES, INC** for Refractory Repairs for Department of Public Works & Engineering - \$27,324.47- Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0100 ADOPTED.

OTHER

14. **UNDERGROUND, INC** for Six Sewer Cleaning Trucks for Department of Public Works & Engineering - New and Replacement - \$493,400.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0101 ADOPTED.
15. **AMEND MOTION #99-193, 2/10/99**, amended by Motion No. 99-1860, 10/27/99, **TO INCREASE** quantity to purchase six additional Trailer-Mounted Air Compressors for Public Works and Engineering and Aviation Departments, awarded to **INGERSOLL RAND EQUIPMENT SALES** for a total increase of \$68,880.00 - Replacement - Enterprise and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0102 ADOPTED.

16. **AMEND MOTION #2000-546, 4/19/00**, amended by Motion No. 2000-1300, 10/25/00, **TO INCREASE** quantity to purchase two additional Heavy Trash Loader Trucks for Solid Waste Management Department, awarded to **LAWRENCE MARSHALL CHEVROLET, L.P.**, for a total increase of \$173,508.00 - Replacement - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0103 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 33

Mayor Brown requested that Mr. Hall explain why the administration pulled Items No. 22 and No. 25 from the agenda, and Mr. Hall stated that several Council Members had asked him about the memo that was circulated regarding Item No. 22 and No. 25, that they were presently in a hearing that had been called the Metro Rail Lawsuit, that it had been recessed until tomorrow morning at 10:00 a.m., that the substance of the legal issue that was being debated was whether or not the City of Houston could give permission to use City property, not just streets, but any City property without using what had been described as the Franchise Provisions in the City Charter, that he thought that all the parties agreed that as it related to Metro the State law granted them the authority to use the streets, that what was being debated and contested as a legal issue was whether or not permission for Metro to repair or alter the streets, by written permission, could be done only by that franchise process, that why then would that apply to Item No. 25, that the general provision in the Charter was not limited to streets or Metro, that it was the use of any City property, so that if in fact that was the holding of the Court they would have to redo the process by which they grant permission to use any City property, that they were not now opining on that except to advice that it was the issue and if that litigation required them to do that they would be seeking ways for the City to do business without having to go through the three reading process and all that business for all the routine things they do that grant people permission to use City property. Council Members Galloway and Robinson absent.

Upon questions by Council Members, Mr. Hall stated that they would know fairly quickly whether or not the temporary injunction was going to be issued, because the present temporary restraining order was set by its own terms to expire by 4:00 p.m. tomorrow, that it could be extended pending completion of the hearing, that it would not answer finally the fundamental question because obviously they would prosecute an appeal if they did not prevail on that, but in the meantime it was in their interest to pursue every opportunity and method to include even maybe relief temporarily from the courts, but continued at everything else until this issue was resolved, but if the logic of that ruling was applied to everything they did it would shut down much of what they do, that the restraining order just said they could not proceed, but the issue that everybody agreed they were debating was whether or not they had to do permission to use City property by franchise and franchise alone. Council Members Galloway and Robinson absent.

20. ORDINANCE approving and authorizing the submission of an application for grant assistance from the **STATE CRIMINAL JUSTICE DIVISION (CJD), OFFICE OF THE GOVERNOR**, to fund the Police Storefront Crisis Team Grant Program in the City of Houston; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the City of the Police

Department, or any designated Assistant Chief, to accept such grant funds, if any, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$26,646.00 Grant Fund - \$21,285.00 General Fund - \$47,931.00 Total - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0117 ADOPTED.

22. ORDINANCE issuing a permit to the **SALVATION ARMY** for constructing, maintaining, using, occupying, operating and repairing two four-inch conduits for communication cables under and within Center Street and Hemphill Street, such areas being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT H – VASQUEZ** was had been pulled from the Agenda by the Administration, and was not considered.
25. ORDINANCE approving and authorizing contract between the City and **MS. AGNES CHRISTOPHER** for a Food and Beverage Concession at Brock Park Golf Course; and approving and authorizing contract between the City and **MR. JOSE ULABARRO** for a Food and Beverage Concession at Sharpstown Park Golf Course - 1 Year - Revenue - **DISTRICTS B - GALLOWAY and F – ELLIS** was had been pulled from the Agenda by the Administration, and was not considered.
26. ORDINANCE approving and authorizing agreement for Materials Security Systems and Maintenance for the Library Department between the City of Houston and **MINNESOTA MINING AND MANUFACTURING COMPANY (3M)**; providing a maximum contract amount - 5 Years with 5 one-year options - \$4,850,000.00 - General Fund - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0118 ADOPTED.
28. ORDINANCE awarding contract to **SMITH-MOBLEY, INC** for Concrete Repair Services for Various Departments; providing a maximum contract - 1 Year with two one-year options \$581,424.00 - General and Fire Department Revolving Funds - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0119 ADOPTED.
29. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **FORT BEND COUNTY** for Reconstruction of Chimney Rock from Beltway 8 to Indian Lakes, CIP N-0665-01-2 (SB9038) - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0120 ADOPTED.
31. ORDINANCE appropriating \$156,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to professional services contract between the City of Houston and **JNS CONSULTING ENGINEERS, INC** for Design of Neighborhood Street Reconstruction NSR 430, CIP N-0362-43-2 (SB9016); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0121 ADOPTED.

33. ORDINANCE appropriating \$3,355,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **P.M. CONSTRUCTION & REHAB, L.P.**, on low bid of \$3,000,000.00 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES** in the amount of \$25,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-98-3 (4257-24); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. ORDINANCE 2001-0122 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **CITY OF HOUSTON HEALTH FACILITIES DEVELOPMENT CORPORATION**:
- Position 1 - **MS. FRANCES J. WALKER**, reappointment, for a term to expire 1/1/2003
 - Position 2 - **MS. SHARON K. BERRYMAN**, reappointment, for a term to expire 1/1/2002
 - Position 3 - **MS. IRENE PORCARELLO**, reappointment, for a term to expire 1/1/2003
 - Position 4 - **MR. HARRY D. HOLMES**, reappointment, for a term to expire 1/1/2002
 - Position 5 - **MR. ARTHUR M. GAINES, JR.**, reappointment, for a term to expire 1/1/2003
 - Position 6 - **MR. JAMES J. DONATTO**, reappointment, for a term to expire 1/1/2002
 - Position 7 - **MR. MICHAEL E. ROME**, reappointment, for a term to expire 1/1/2003
 - Position 8 - **MR. JAMES HERNANDEZ**, appointment, for a term to expire 1/1/2002
 - Position 9 - **MS. TRACI BRANSFORD MARQUIS**, appointment, for a term to expire 1/1/2003
- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2001-0104 ADOPTED.
5. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 1999 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2000 MTFP in map form, was presented, and tagged by Council Members Quan, Castillo, Tatro, Goldberg, Boney, Keller, Sanchez and Vasquez.

Council Member Quan stated that it was a very important item dealing with their overall transportation needs, that this was an opportunity to give citizens an opportunity to talk about the long range plans on major thoroughfares.

Council Member Castillo stated that his concern was that in the east end they had a terrible problem in terms of connecting streets, there was not a well established or developed

street grid like there existed in other parts of town, mainly because the east end of town had always been industrial and relatively undeveloped, that every time they cut off a street they isolated major square mileage in the east end from access to thoroughfares, that he asked who had asked, that things may be deleted from the major thoroughfare plan by government agencies or individuals and in this case BFI requested that the street be taken off the Major Thoroughfare Plan and obviously they planned to use some of that land for a landfill and so he had a concern about that. Council Members Galloway, Todd and Robinson absent.

ACCEPT WORK

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,631,681.85 and acceptance of work on contract with **MESA SOUTHWEST CONSTRUCTION COMPANY** for Parks to Standard Program - Phase I Miller Outdoor Theatre Improvements - Package 1, GFS F-0351-81-3 - 04.43% over the original contract amount General Improvements Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented, and tagged by Council Member Quan. Council Members Galloway, Todd and Robinson absent.

Council Member Castillo stated that the item was over budget and he had asked what caused the overruns and apparently there was some discussion about who was the cause of the overruns, that he had asked for a report and was told that he would get something in writing, and Mayor Brown stated that he would make sure that happened immediately. Council Members Galloway, Todd and Robinson absent.

Council Member Quan stated that he did intend to tag the item, that he had some concerns regarding the MWBE Report, that Mesa had completely ignored the City's request for an explanation as to why they had not complied. Council Members Galloway, Todd and Robinson absent.

PROPERTY

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ron Nielsen, R. G. Miller Engineers, Inc, on behalf of The St. Joe Company (Marshall Bruce Snyder, president), for abandonment and sale of a 20-foot wide drainage easement and a 12-foot wide drainage easement in exchange for the conveyance to the City of a 30-foot wide drainage easement and a 20-foot wide drainage easement, all located in the R. B. Gaut Subdivision, William White Survey, Abstract 836, Parcels SY1-024A, SY1-024B, LY1-006A and LY1-006B - **STAFF APPRAISERS - DISTRICT G – KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Members Keller and Parker. Council Members Galloway, Todd and Robinson absent.
10. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of 77,152 square feet of land, located at 207 Highridge Street, Lot 14, Block 5, Tammarack Woods Subdivision and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount and to reject and return any bids for less than the

minimum amount - **STAFF APPRAISERS - DISTRICT I – CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0105 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

11. **R. B. EVERETT & COMPANY** for Asphalt Paver for Department of Public Works & Engineering Replacement - \$186,058.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0106 ADOPTED.

OTHER

13. **GULFTON AREA ACTION COUNCIL** for Compensation for space leased for the Comprehensive Strategy related programs - \$19,212.00 - Grant Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0107 ADOPTED.
17. **PEPPER LAWSON CONSTRUCTION, INC** for Emergency Repair of Force Main for Department of Public Works & Engineering - \$574,500.00 - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0108 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 18 through 35

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a utility easement containing 350 square feet (0.0080 acre) of land, more or less; vacating and abandoning said tract of land to Joseph S. Coselli, the abutting property owner, in consideration of owner's dedication of a utility easement containing 546 square feet (0.0125 acre) of land, more or less; such easements being out of Lot 8, Block 90 Tall Timbers Section of River Oaks Addition, located in Houston, Harris County, Texas and owner's payment of \$300.00 and other consideration to the City of Houston - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Todd and Robinson absent. ORDINANCE 2001-0123 ADOPTED.
23. ORDINANCE assigning recently added territories to adjacent districts from which District Council Members are elected until such time as district boundaries may be changed pursuant to the Charter - **DISTRICT E – TODD** – was presented.

Council Member Todd moved to suspend the rules to hear from Mr. Jerry Wood, Planning and Development Department, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-108A ADOPTED.

Council Member Todd asked Mr. Wood to explain the legal implications of the item and why it was that they were having to automatically add it to District E. Council Member Tatro absent.

Mr. Wood stated that the area that was annexed for general and limited purposes in January 2001, in the Baybrook MUD area, was not assigned to any City Council district, that two years ago the City Council passed an ordinance that created the City Council districts by assigning the territory that was in the City at that time to districts, that because this area was not in the City at that time it was not in a district and needed to be assigned so they could have a starting point for the redistricting process, that by assigning it to a City Council district they could also go through with a submission to the Department of Justice and the Voting Rights Act of the annexation itself in order to pre-clear that before the elections next year, that the Department of Justice, under the Voting Rights Act, had a right to spend 60 days reviewing an item, but they also had a right to reset that 60 day time period by requesting additional information, so it was not entirely predictable how long it would be before they got pre-clearance for the annexation, that they would also have to submit to the Department of Justice the redistricting plan itself once it was completed, which was one reason why they would have a fairly short schedule for that once it was on its way, that this territory was exclusively contiguous to District E; that they were hoping to get population figures earlier than the end of March, that the estimate for the total population of the City, per a 1999 Federal Census Estimate, was 1,845,000, that they were not entirely certain where they would be at as of April 1, 2000, that there was always a problem of the undercounts being concerned, that he was very certain that they were under the population cap at which they had to add more districts, because that was 2.1 million. Council Member Tatro absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2001-0124 ADOPTED.

24. ORDINANCE approving and authorizing contract between the City of Houston and **GENERAL SYSTEMS DESIGN, INC** for Software License and Installation; Training; Support and Upgrade Services for Health & Human Services Department; providing a maximum contract amount 3 Years with two one-year renewal options - \$801,850.00 - Equipment Acquisition Consolidated Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0124 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, L.P.** for Wireless Communication Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$5,000,000.00 - Central Services Revolving Fund – was presented, and tagged by Council Member Castillo. (Note: Council Member Castillo removed his tag later in the meeting.)
30. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Construction Inspection Services for various Water and Wastewater Projects, CIP R-2011-02-2; providing funding for contingencies relating to construction of facilities financed by the Water &

Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Boney. (Note: Council Member Boney removed his tag later in the meeting.)

32. ORDINANCE appropriating \$315,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CARTER & BURGESS, INC** for Design of Westview Paving; Shadowdale to Gessner and Brittmore to Beltway 8; CIP N-0549-02-2; (SB9022); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A – TATRO** – was presented.

Council Member Quan stated that he believed there was a discrepancy between what was on the agenda versus what the RCA really indicated as far as the amount involved, that the agenda showed \$324,000.00 when in fact the RCA was at \$315,000.00, a \$9,000 reduction. Council Member Galloway absent.

Council Member Quan moved to substitute corrected pages to reflect the correct amount of \$315,000.00 instead of the \$324,000, seconded by Council Member Tatro.

Council Member Robinson asked if they did not have to re-post the item, because they were amending down and Mayor Brown stated no they did not. Council Member Galloway absent.

A vote was called on the motion to amend to Item No. 32. All voting aye. Nays none. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-109 ADOPTED.

A Vote was called on Item No. 32 as amended. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0126 ADOPTED.

34. ORDINANCE appropriating \$295,000.00 out of Police Consolidated Construction Fund for payment of the cost of Land Purchases/Condemnations, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with the South Central Police Substation Project; Parcel Numbers IYO-002, IYO-003 and IYO-004, CIP G-0058-02-01 **DISTRICT I – CASTILLO** – was presented, and tagged by Council Member Goldberg.
35. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Leaking Petroleum Storage Tank (LPST) Remediation under professional environmental Services contract with **ERM-SOUTHWEST, INC** approved by Ordinance No. 97-206, GFS D-0046-03-2 – was presented, and tagged by Council Member Sanchez.

NON CONSENT AGENDA - NUMBER 36

PROPERTY

36. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Julianne M. Birdsall of Walter P. Moore and Associates, Inc, on behalf of American General Life

Insurance Company (W. Larry Mask, real estate investment officer) and Knickerbocker Corporation (W. Larry Mask, real estate investment officer), for abandonment and sale of four sanitary sewer easements, all located within the John Austin Survey, A-1, Parcels SYO-076A, SYO-076B, SYO-076C and SY1-029 **APPRAISERS - DISTRICT D - BONEY** – was presented, Council Member Boney moved to appoint Mr. George Wyche and Charles G. Rencher, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-110 ADOPTD.

MATTERS HELD - NUMBERS 37 through 41

37. MOTION by Council Member Sanchez/Seconded by Council Member Castillo to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,165,826.05 and acceptance of work on contract with **M. T. CONSTRUCTION COMPANY** for Rehabilitation of Wilcrest Drive (Segment Two): from Harwin Drive to Richmond Avenue, GFS N-0644A-03-3 (N-0644A-03) - 01.75% over the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICT G - KELLER** – (**This was Item 5 on Agenda of January 24, 2001, TAGGED BY COUNCIL MEMBER KELLER**) – was presented. All voting aye. Nays none. MOTION 2001-111 ADOPTED.

38. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$176,534.29 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhood to Standard Tier VI, Westbury Overlay Project, GFS Q-1155-01-3 (255-99/Q-1155) - 21.38% under the original contract amount - Street & Bridge Control Fund **DISTRICT C - GOLDBERG** – (**This was Item 8 on Agenda of January 24, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) – was presented.

Council Member Goldberg stated that he wanted to thank Mr. Brevenec for his hard work in this matter, and that he was in favor of the item.

A vote was called on Item No. 38. All voting aye. Nays none. MOTION 2001-112 ADOPTED.

39. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)** in connection with the City's Reinvestment Zone Number Seven over the Old Spanish Trail/Almeda Corridors Area - **DISTRICT D - BONEY and I - CASTILLO** – (**This item was Item 29 on Agenda of January 24, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ**) – was presented. All voting aye. Nays none. ORDINANCE 2001-127 ADOPTED.

41. ORDINANCE amending **CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to actions of former City Officials; containing findings and other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (**This was Item 53 on Agenda of January 24, 2001, POSTPONED BY MOTION #2001-0085**) – was presented.

Council Member Parker stated that she had distributed an amendment to her colleagues for their consideration, that there was a letter from Mr. Bibler, City Attorney's office and a proposed amendment to what was before them, the so called revolving door ordinance, that she had raised an issue that perhaps they were setting the bar too low in terms of prohibiting employees from lobbying and indicated that she wanted to work on that language and in so doing she guessed she volunteered to also research several other issues for Council Members and two of the issues were represented in the proposed amendment, that a question was raised whether they should just not mirror the Federal Revolving Door Statute, which prohibits member of the administration and the Legislative Branch from lobbying, that one of the interesting issues in the Federal Statute and why she did not think it would apply here was that Legislative Branch members could not lobby Legislative Branch members but they could lobby Executive Branch members and vice versa, that because of the interrelated nature of their Legislative and Executive branches here, specifically that the Mayor was actually a member of both, she could not see any way to incorporate any of that, that the second item was setting the bar too low and capturing a lot of employees that probably should not be, that she tried to address that by the use of pay grades and it was specifically looking at executive staff, but not executive level employees, that there was not a convenient way to break it, so she chose a pay grade of 29, that meant that Council Members staff would all be exempted if they used that pay grade; that the area was the contractor loophole, where someone could negotiate a contract and then go and work for that company, in the letter from Mr. Bibler they would see a Legal Department opinion as to other statutes that pertained to that issue, however it was her feeling that their language put it into one place, that while the Legal Department did not write this, they did vet it for her and would do their best to enforce it if Council passed it, that it clearly established what the Council's intent was on the issue. Council Members Boney, Keller and Robinson absent.

Council Member Parker presented the following written motion: "I move to amend the draft Revolving Door Ordinance, which is Agenda Item No. 41 as follows:

- (1) Add a new Subsection (e) to proposed City Code Section 18-88 in Section 2 of the Ordinance to read as follows:
 - (e) if, within one year after commencement of a contract between an individual/company and the City, the company or individual who negotiated and entered into said contract with the City hires a City employee who had substantial and personal involvement with the negotiation of said contract, then said contract shall be subject to cancellation and/or the individual/company shall be barred from additional contracting with the City for a period of three years. For purposes of this subsection (e), the term and substantial and personal involvement means that a person, either as a person assigned to handle or participate in the handling of the matter or as a supervisor making decisions with respect to the matter, exercised discretion or decision-making in the handling of a matter that then was associated with a specific party or parties.
- (2) Amend Subsection (d) of proposed City Code Section 18-88 in Section 2 of the Ordinance by adding the following sentence at the end of the existing text:

City employees who serve in classifications to which the City's uniform pay grades system applies and who are assigned to pay grade 29 or below shall also be excluded from the term City Official."

Council Member Castillo stated that he wanted to thank Council Member Parker for the hard work that she did, that her work covered the cap that was unintentionally left in the original recommended proposed ordinance, that he intended to support it and urged his colleagues to support it. Council Members Boney, Keller and Robinson absent.

Council Member Bell stated that he had no problem with the first amendment and actually offered some of the language which appeared, that he had seen the letter from Mr. Bibler and it looked that the Legal Department might have some concerns with that amendment but agreed with Council Member Parker that those could be addressed along the way and thought that particular amendment should be passed, that as to the second amendment he would disagree, that what the Ethics Committee was faced with was the appearance of impropriety and trying to address it, and if they were going to address it then they should address it all the way and did not think that members of the public were going to differentiate between Members of Council and senior staff members in the Mayor's office and Council staff members, that what they would see was people working at City Hall and then if they immediately left and came back to Council to lobby then there was an appearance of impropriety. Council Member Boney absent.

Council Member Bell moved to divide the question, seconded by Council Member Tatro. Council Members Parker, Castillo, Galloway, Quan and Vasquez voting no, balance voting aye. Council Member Boney absent. MOTION TO DIVIDE THE QUESTION ADOPTED.

Council Member Quan asked what was pay grade 29, and Mr. Haines stated that it was middle management level positions, high level specialist positions, that typically pay grade 30 and above would be deputy directors, senior assistant directors and department directors, and Council Member Quan stated that he agreed with Council Member Parker that the bar was set too high previously. Council Member Boney absent.

Council Member Sanchez stated that he wanted to thank the Chair and the members of the committee, that it was a good ordinance. Council Member Boney absent.

Council Member Robinson asked what was the penalty for violation of the ordinance as it now stood prior to the amendments, and Mr. Bibler stated that the maximum fine was \$500, and Council Member Robinson stated that he thought this was a lobbying ordinance to keep people from lobbying and since there was not standard he was worried about what happened, that the basic punishment now was \$500 and they were talking about terminating a contract so he had some of the same questions raised in the memo, that he could not support it as it was written right now. Council Member Boney absent.

Council Member Bell stated that the ordinance was never meant to just address lobbying, that the first part of the original ordinance did have to do with lobbying, but the second had to do with contracting with the City, that situations where someone might immediately leave the employment of the City and then go and become an owner in a firm and begin getting City contracts. Council Member Boney absent.

A vote was called on part 1 of Council Member Parker's amendment to Agenda Item No. 41, with Council Member Robinson voting no, balance voting aye. Council Member Boney absent. MOTION TO AMEND SECTION 2 OF ITEM 41 TO ADD A NEW SECTION (e) ADOPTED.

A roll call vote was called on part 2 of Council Member Parker's amendment to Agenda item No. 41.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Castillo voting aye
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Boney absent	Council Member Sanchez voting no
Council Member Todd voting aye	Council Member Bell voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2001-0113 FAILED

A vote was called on Item No. 41 as amended. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0128 ADOPTED.

Council Member Castillo stated that he would remove his tag on Item No. 27, that he had not had an opportunity to meet with Mr. Wells on the item but understood that they were going to try to find the time to do that, and Mayor Brown stated that Mr. Wells would be enthusiastic. Council Members Galloway and Boney absent.

Council Member Vasquez moved to suspend the rules and bring bag Item No. 30 and moved to override the tag, seconded by Council Member Sanchez. Council Member Boney absent.

The City Secretary stated that Council Member Castillo had released his tag on Item No. 27. Council Member Boney absent.

27. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, L.P.** for Wireless Communication Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$5,000,000.00 - Central Services Revolving Fund – was again before Council. All voting aye. Nays none. ORDINANCE 2001-0129 ADOPTED.

Mayor Brown stated that next was a motion to suspend the rules to override the tag on Item No. 30. Council Member Boney absent.

Upon discussion by Council Members, Council Member Castillo stated that he wanted the City Secretary to note that there was more than 10 Council Members present.

Council Member Vasquez stated that the reason he was requesting to override the tag was because it dealt with water and the sewer system, that it was an issue that was citywide and thought they needed to move forward on the water and sewer system and asked Council

Members indulgence to override the tag and move forward on taking care and solving some of the water and waste water sewer problems.

Council Member Keller stated that he would never overrule a tag, but this was a public safety health issue, that they could not stop those kind of projects, that it was a citywide issue and a citywide ordinance, that he felt that every district representative owed it to his constituents to try and get it corrected as soon as possible. Council Members Galloway and Boney absent.

Council Member Sanchez stated that a tag was a legitimate issue and thought that when a Council Member tagged an item there was always room to bring it up for discussion and thought that Council Member Boney should be present to air out his concern about it, and stated that otherwise he thought they should move forward on it. Council Members Galloway, Boney, Ellis and Parker absent.

Council Member Todd asked if procedurally they could make a procedural motion on a previous item that had been called at any time, and Mr. Hall stated that no, that a tag was a specific issue of Council rules, that there was not parallel kind of provision generally in Roberts Rules of Order, that Council had not before taken the position that they had to make the motion at the very time that the tag was made, but anytime in that same meeting they could suspend the rules to override the tag, that had been the tradition for a long time. Council Members Galloway, Boney, Ellis and Parker absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sanchez stated that on December 6, 2000 he sent a request to the Houston Police Department because he was concerned about a very important public safety issue and that was the hit and run incidents in the City of Houston, that on January 29, 2001 in the Houston Chronicle there was highlighted a hit and run case of a family whose victim was struck and killed in District I off of Leander Street, near the Manchester and Smith addition, that the woman's body was dragged for 8 blocks, that he requested from the chief some statistics on the incidents of hit and run in the City for the last 5 years and in 1996 there were 17,000 hit and run cases in the City of Houston, that year to date as of December 15, 2000 the number of hit and run cases in Houston was 20,618, that only 3,000 of those cases had been cleared by the Houston Police Department, that 12,807 had been declared no information or correct information and only 4,000 of the balance were under active investigation, that it seemed to him from the observance of the television accounts of this and the meager mention that these crimes got in the newspapers, he believed it was disproportionately affecting minority communities, particularly the African American and Hispanic communities, that he did not know what was causing the situation, that he did not have a breakdown from the Houston Police Department in terms of ethnicity or race as to the victims of the crimes, but exacerbating the situation was that there was a statute of limitations on these crimes of three years, and there were victims out who if they could not get resolution of this case in 36 months all hope and opportunity was lost to bring the perpetrator of the crime to trial, that he was terribly concerned of those statistics and knew they were terribly difficult cases to work on, but his suspicion was in terms of priority these sort of cases were getting very little priority or not enough, that he knew that the memo had been copied to the Mayor by the police chief and urged him to review it because it was important public safety data that was rather alarming and would implore him and the chief to put their heads together in terms of coming up with a plan to

increase the clearance and charge rate from the current one. Council Members Galloway, Parker, Quan and Robinson absent.

Council Member Boney stated that he had tagged Item No. 30 because he had some questions that had not been answered or resolved, but in an effort to continue the struggle toward building consensus that he had heard from his colleagues he would release his tag on item No. 30 at this time. Council Members Galloway, Parker and Robinson absent.

Mayor Brown stated that on Council Member Sanchez's issue, Chief Brashears was present in Council Chambers and had heard what was said and he would ask him to go back to the Police Department and develop a program to address this concern. Council Members Galloway, Parker and Robinson absent.

30. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Construction Inspection Services for various Water and Wastewater Projects, CIP R-2011-02-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was again before Council. All voting aye. Nays none. Council Members Galloway, Parker and Robinson absent. ORDINANCE 2001-0130 ADOPTED.

Council Member Castillo stated that he wanted to bring to the administration's attention a problem that was no infrequent and that was when Public Works projects came to a conclusion that the department maintains a retainage until the final acceptance of the work was done, that the problem arose when they had subcontractors who did work for the prime contractor that did not get paid because the prime contractor was holding a retainage on them, and so in this case it concerned the Southeast Service Center of the Solid Waste Department on Central Street, that the work was complete and the Public Works Department had some problem accepting the work and as a consequence to subcontractors they were waiting on a final payment of outstanding invoices to their prime contractor, so he hoped that Public Works could look at that and try to resolve what ever the issues were and try to get the subcontractors paid so they could keep doing business, they were Genoa Construction and S&S Masonry, subcontractors to Williams Industries. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Castillo asked the Public Works Department to consider that US90 alternate, which was Wayside, from the Gulf Freeway to Buffalo Bayou, was very heavily traveled by industrial traffic going from the Gulf Freeway to I10 or beyond and it had outlived its useful life many times over, that the drainage system did not work on it anymore, that the sub base was all deteriorated an it really needed reconstruction, and he stated that he thought they either ought to use the City's influence to urge the Highway Department to put it on their emergency repair or reconstruction list and take other steps to get that major thoroughfare in a condition that was safe and productive for the commercial users as well as the public. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Castillo stated that as to the lady that was present yesterday to speak about her problems with the collapsed sewer line since January, he went by that location and found 10 public work crews out there to repair her sewer and they were still there when he

went home around 9:30 p.m. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Mayor Brown stated that he was delighted that they took care of the problem and was glad that they responded as fast as they did, that he would have Public Works look at the other issues that he brought up. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Bell stated that he wanted to thank Mr. Vara to meet with him this week on the Health Benefits Plan, that his understanding was that the cost of care that was delivered during the life of a plan could be dramatically affect the price of the plan in the future, that he was somewhat surprised under the present plan that there was no provision for any coverage of Chiropractic care, that he understood that there had been a lot of debate about that particular type of care over the years, that the new plan had come forward and again there was no provision for any type of Chiropractic care, that Mr. Vara had said that he would get the information on what the cost involved would be to add that type of coverage, that he did not know exactly what the procedure would be, but he would very much like for the administration to consider it, because from a fiscal standpoint it seemed to make a lot of sense. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Mayor Brown asked Mr. Haines to look at that, that he agreed and had spoken to a number of people in the past on that and it seemed that if there was no extra cost then it was something that they should pursue. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Todd stated that he agreed with Council Member Bell, that perhaps before they dived head forth into that it there was probably some authority that could guide them into that. Council Members Galloway, Boney, Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Todd stated that the meningitis outbreak in Montgomery County that had to some extent spread to the south was of concern to him, that meningitis had touched his son when he was young so he knew how it could really be a life altering thing for a person who got it, that he had spoken with Dr. Kendricks about it late last week and knew that she was monitoring the situation, that he wanted to make certain that they alerted parents out there of the implications of the disease. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Todd stated that he received a copy of a letter that went out from the Houston Police Officer's Pension system and apparently on July 1, 2001 it was a critical date for the pension system, that currently the City contributed a minimum of 16.2% of their payroll to the firefighters and municipal employees to their pension system and in the police officers Meet and Confer Agreement they were at 16%, that they were informally capping the percentage of that monetarily at \$30.6 million and it was his understanding that the informal cap was not going to be observed since they were now raising the amount for firefighters and employees and if that was the case in July of 2001 they were going to be spending \$10 million to \$12 million more on that pension for the police officers and asked Mr. Haines if he had a comment on that or if he was aware of it and looking into it, and Mr. Haines stated that he had met with the pension board and they had expressed to him their commitment to absorb against

that cap on an incremental basis as opposed to all at once, that they had committed to give that to them in writing and looked forward to hearing from them on it, that they had made a commitment that while that cap was in place they did not intend to call on that cap unless they had to, that there was some other issues involved in it including what they called a 13th pay period, that the cap was not in the agreement it was something that was done informally about four or five years ago, so if they insisted on the terms of the contract they would be entitled to the full 16% but he had been given an assurance from the board that it was not going to happen. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Todd stated that a few weeks ago he received an Attorney General's opinion from Mr. John Cornyn, about Chapter 283, the Local Government Code, that when they voted on the Street Cut Ordinance, Council Member Vasquez submitted an amendment that state that they would have 30 days of the AG opinion if it was determined that 283 did not require the ordinance to be applied to non telecommunication's utilities that it would automatically be returned to Council for consideration of amendments, that the opinion appeared not to require that it be included, and asked Mr. Hall if he agreed, and Mr. Hall stated that they had five or six of the lawyers engaged on trying to rationalize the requirements in the Attorney General's opinion with the totality of the scheme, that they were having problems with was the question of whether or not they could in fact issue permits to everybody else who was a certificated carrier and issue none at all to the franchises, that they thought there may be an interpretation that did not require that, but they needed a few more days. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that when they received their reports yesterday at the Finance Committee meeting regarding the progress on different projects he noted that Public Works, while on budget, was significantly behind on several areas that were very meaningful to the citizens, that he would like for them to look at this, that he knew that Mr. Rolan was trying to balance out the work this year as opposed to stacking into the later part of the year. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that he also wanted to offer his support for the idea of including Chiropractics, that it was something worthwhile to look at. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that this weekend the Holocaust Museum was having its second Human Race and would encourage all the viewers to take time to participate. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that during the Fiscal Affairs Committee meeting, Dr. Scheps mentioned the RFP that was going out for the Cash Management Policy that they talked about during the budget last year and his concern about that in hearing RFP was the process, that it went out and it took people 30 days to respond and they were looking at a delayed time frame, that he asked the administration to give a strong look at pulling down the RFP and moving forward with the retiree group so they could get the cash review in this fiscal

year. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Quan, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that he understood that Representative Noriega, at the Stated level, had submitted a bill and the substance of the bill would require the Fire Department to staff four men on each engine and ladder truck, so it was a bill that made its way to the House floor committee which would have significant impact on the City, that he would ask Council Member Sanchez to take a look at that in the Legislative Committee and would ask the administration with the lobbying efforts being directed by the administration to review that and get back to Council on both the economic impact and what the City's position would be. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Quan, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that he had just received a letter of resignation from Mr. Art Story of the board of the HAWC (Houston Area Water Corporation), that he would like to have the administration's reply to it within the next week or so, and would like to know how the administration would move forward with a replacement of that board member. Council Members Galloway, Goldberg, Boney, Keller, Vasquez, Parker, Quan, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Castillo stated that they were hearing that they were back to taking the Fire and Police Department's business back to Austin and asked what was wrong with that scenario, and Mr. Hall stated that the Legislature passed the Meet and Confer for the purpose of having the issues of pay and benefits for all the City of Houston public employees to include police and fire locally, that they would be opposing that legislation because one of the principles was that they would oppose un-funded legislative mandates, that obviously the Legislature, he would not think, would contemplate paying for such a requirement that they had placed on them, that it did not mean that he did not agree with the requirement just that it ought to be an issue decided by the City Council and obviously by some people in Austin who were not going to put any money into the solution. Council Members Galloway, Goldberg, Boney, Todd, Keller, Vasquez, Parker, Quan, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:40 p.m. upon MOTION by Council Member Castillo, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Boney, Castillo, Parker, Bell and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary