

City Council Chamber, City Hall, Tuesday, March 6, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, March 6, 2001, with Mayor Lee P. Brown presiding and with Council Members Carol M. Galloway, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Jesse Cantu, Director, Debbra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Bruce Tatro and Gabriel Vasquez absent on personal business. Council Member Mark Goldberg absent on City business.

At 2:09 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Keller lead everyone in prayer and the pledge of allegiance. Council Members Tatro and Vasquez absent on personal business. Council Member Goldberg absent on City business. Council Members Boney, Todd and Robinson absent.

At 2:10 p.m. Mayor Brown requested the City Secretary to call the roll. Council Members Tatro and Vasquez absent on personal business. Council Member Goldberg absent on City business. Council Members Boney, Todd and Robinson absent.

Council Members Castillo and Bell moved that the minutes of the preceding meeting be adopted. Council Members Tatro and Vasquez absent on personal business. Council Member Goldberg absent on City business. Council Members Boney, Todd and Robinson absent.

Ms. Mary Grilliot, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared, distributed a booklet of information for each member of Council and stated that she had avoided doing throughout her entire 20-year career and that was protesting the award of a protective clothing contract to a City Council; that she had agonized over this decision and decided that this was not just a business issue; that she firmly believed that the safety and health of Houston Firefighters was at serious risk; that if this contract or clothing was awarded as recommended, Houston Firefighters would be wearing a key thermal liner insulation enhancer made of PVC foam that embrittles, chars and crumbles away at fire ground temperature; that this was testing done at the Houston burn building where the PVC foam that was added to the liner on the recommended product embrittled after only two thermal exposures; that the current liner did not do so; that since they offered alternative technology without that downside and they could see on the test samples being passed around; that when the foam embrittles and breaks away with movement critical firefighter insulation can be lost; how could the City defend itself when in the event that firefighters were burned in the future and review of their gear shows foam embrittlement and insulation loss; when the foam material embrittles it released toxic hydrogen cyanide and hydrogen chloride, 1/8th inch from the firefighters skin inside the garment's moisture barrier; that this toxic release was confirmed by the foam manufacturer's own Material Safety Data Sheet; that the foam also released a host of other chemicals; that they had provided numerous Fire Department references that used the foam product and reported severe rashes and discomfort; how will the City defend itself in the event of a firefighter contracting skin cancer after he was required to wear bunker garments that admittedly off gassed toxic substances at fire ground temperatures; that Houston was moving to this controversial foam liner supplement, a multi-million-dollar use of taxpayer's dollars, after only one day use at the training center;

that while the total Houston clothing analysis covered a longer period, the lengthy field portion of the test did not include foam product; that it was only used in the burn building for one day; that they had provided numerous fire department references that did use the foam in the field and they reported intolerable heat stress; that firefighter stress was not just a comfort issue, stress remains the leading cause of firefighter death; how would the City defend itself in the horrible event of a firefighter heart attack death when they had specified a liner supplement the firefighter was required to wear in his bunker gear that increases stress capture more than 50%; that the foam manufacturer's own material data warning sheet advises the product should not be stored in confined areas at temperatures above 104 degrees F and how hot does the interior of a parked fire truck get in the heat of a Houston summer; that Mr. Schiernbeck would continue her remarks. Council Members Boney, Todd and Robinson absent.

Mr. Alan Schiernbeck, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that evaluation leading to this recommendation was actually conducted in two parts; there was a relatively lengthy field test conducted and that by most field tester accounts they had won; that the field test was followed, after new administration of the program arrived at the Fire Department by a one-day burn building test; that their one-day burn building gear was enhanced with the same expanded Dead Air technology they used in the field test phase of the evaluation; that they had tested the same technology in the field and in the burn building; that one of their competitors choose to add foam to their system for that one day burn building test only and only on that one day; that they did not use the foam in the field test gear during the long portion of the evaluation; that foam was a good insulator for this one day test, maybe even slightly better than their alternative dead air; that it was only good for one time and if it ever embrittled and fell away it was history; that not only was any small foam insulation advantage very temporary but foam would be horrendously uncomfortable in the field during the hot months; that the field test in the burn building was done on a 50 degree day, causing severe rashes; that they could also have put foam into the burn building test gear which was very important and they could have fooled the one-day burn building test also just as the competitor did; that the foam was a safety hazard and a comfort disaster in the field; that they felt it would have been a complete disservice to the City and the firefighters to use it in that one-day test; that the Dead Air product's performance would have improved over time and work well in the field; that Houston had used the dead air technology in the field for over 7 years in the Fire Department; that they believe it was the prime reason that Houston burns were so low; that dead air was the most widely used thermal enhancer in the fire service and had proven exceptionally functional, durable and comfortable; in fact only one firm promotes foam in their market place because of these problems and that one firm the award was recommended; that there were severe economic downsides as well as safety issues; that the recommended gear was not designed to interface perfectly with the existing multi million-dollar pool of useable gear; that in a significant percentage of cases, you would have to issue both a coat and pants when only one piece of the existing set was worn out; that this recommended award would vastly increase your protective clothing purchases, needlessly, to the tune of millions of dollars; that an award to their firm would completely avoid the extra expense; that to inspect the liners for damage which would occur and was proven at the burn building you would have to cut the liner open, which was recommended per NFPA 1851, examine it and then re-sew; that we could imagine the cost of that; their proposed gear had a patented, easy access inspection port to allow complete avoidance of this issue

and the large recurring assembly and re-assembly cost; that the difference would dramatically increase your maintenance costs on a recurrent basis into the future; that the recommended gear would require far more maintenance due to the foam being damaged; that in closing he wanted to emphasize their regard for the Department; that he recognized they all were acting in good faith; that they believed such a problematical decision was being made only because there had been a significant turnover of personnel during the field testing evaluation and although intelligent individuals were doing their best that they were doing so with an incomplete background and did not see the full picture; that because of staff turnover essentially only one person had become the primary conduit for all information and information characterization; that as an attachment they had summarized the Department's counter arguments to all of these issues, as presented to them by the Department, and that their responses would verifiably show the counter arguments were fundamentally flawed. Council Members Boney, Todd and Robinson absent.

Upon questions by Council Member Ellis, Mr. Schiernbeck stated that his company had gone through the bid process and were not picked; that it was their understanding that during actual field evaluation which was conducted in the firehouse that the foam product was not included into the product; that after the evaluation in the field as a manufacturer they were asked to produce a best and final offer set of gear; that other manufacturers were also asked to do the same; that at that point the gear that was produced to information they were given, the foam was then inserted for final decision; that the product was changed and to their knowledge the product that the Fire Department would be purchasing would be the upgraded product; that when they went through the bid process it was started by Strategic Purchasing from Houston Finance and Administration and then administered by the Fire Department, later with the Strategic Purchasing becoming involved again. Council Members Boney, Sanchez and Robinson absent.

Council Member Ellis moved to suspend the rules to hear from Capt. Wallace Page, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Bruce Tatro and Gabriel Vasquez absent on personal business. Council Member Mark Goldberg absent on City business. Council Members Boney and Sanchez absent. MOTION 2001-0241 ADOPTED.

Council Member Ellis asked Capt. Page if he had heard last two individuals testify as to apparel for the Houston Fire Department and if he believed their allegations in their testimony. Chief Page stated that part of the statements were true as far as what happened but that their allegations were not totally correct; that as far as the foam enhancement that was in the gear in the beginning was there from the beginning of the evaluation; that they did not believe the allegations it to be true that the apparel would off gas some hydrogen cyanide, hydrogen chloride and some other toxic gases; that every piece on their garments off gases those products; that everything in this room off gases those products and that was why they wore self-contained breathing apparatus and their product would emit those gases as well. Council Members Todd, Sanchez and Robinson absent.

Upon questions by Council Member Keller, Chief Page stated that it was a little over a \$7 million award; that a little over \$4 million would be for Lion Apparel that would have a

coat, a pant and then a little over \$3 million was for a boot, glove and helmet which Total Fire had been recommended for an award, so it was a split award; that in his opinion they were not happy with what the other vendor was using for thermal protection in their gear, but as an evaluation team they were totally satisfied with it in their testing and found nothing wrong with it; that every item to be bid on was specified in the RFP; that it was a fair and level playing field; that he had not actually talked to the people in the Fire Fighters union; that they had over a dozen people involved in the evaluation process; that as far as the union goes, they were invited to a meeting with Total Fire when they came to talk to the Fire Chief and they decided not to attend; that he had spoken to one member and conveyed all of their information to him and stated that as soon as they were ready he would explain the whole process to them; that there was a lot of confusion about exactly what was being used in this garment because it could not be let out during the process due to the evaluation process itself; that the question in concern was a lot of people thought they were using a rubber lining that back in the early 70's and 80's there was a neoprene liner that was used that was outlawed and could not be used anymore; that he believed that was what they were confusing this with; that some of the Executive Board of the Union had been briefed. Council Members Boney, Todd, Sanchez and Robinson absent.

Upon question by Mayor Brown, Capt. Page stated that the Houston Fire Department in general, F&A coordinating with Planning and Research and nine individual firefighters did the evaluation, testing in the burn building and the field testing; that doing evaluations was their main objective and he would recommend the new gear and be proud to wear it; that it was not only his recommendation; that they had done evaluations, a matrix, and came up with a score for all the gear and that made the decision; that other cities like Atlanta, Georgia, Austin, Texas, Cincinnati, Ohio, Dallas, Texas, London, the United Kingdom, LA County, LA City, Milwaukee, New Orleans, Oklahoma, Omaha, Philadelphia, Portland, in the United States were using the same or some variation of this type of gear; that in calling around he had received no comments other than accolades about the product; that the company that was protesting the award was getting over \$2 million from the City for other pieces of equipment that were evaluated as being the top in their field as far as the helmet, boot and glove; that based on their evaluation there was no bias in the award. Council Members Boney, Todd and Sanchez absent.

Upon questions by Council Member Bell, Capt. Page stated that the contract was not handled on a low bid basis. Ms. Grillot stated that this was done on a request for proposal basis and because it was a safety issue and high technology purchase that her company wanted to make sure they were able to look at all of the available technology; that the proposal did allow you to negotiate the product as you go through the process. Upon further questions by Council Member Bell, Mr. Schierenbeck stated that there was another company that did provide this type of equipment until the last day of last year which was when their contract ran out and that this contract was the replacement. Council Members Boney and Todd absent.

Upon questions by Council Member Bell, Ms. Grillot stated that she had no doubt that all parties involved were conducting themselves honorably and with the interest of the Houston firefighter at heart; that she believed that the process had suffered because of unavoidable personnel changes and individuals coming into the process and seeing only parts of the picture such as the burn building addition to the testing protocol was

added after Capt. Page took over the leadership of the project because the previous individuals moved out to the field so various people had been coordinating or running the program and Capt. Page stepped in later in the process; that they had talked to four different people that examined the liners of the garments and felt the foam was an addition at the one-day burn building test; that a burn building test did not replicate the stress imposition the firefighters face on the fire ground; that stress was what killed firefighters; that this was something they had addressed, did they want to load up the product that would be cripplingly ineffective in the field that would have health and stress implications and they chose not to add the polyvinyl chloride foam; that they used to do that, but at one point there were a number of health issues raised with the polyvinyl chloride foam; that they had been using at the time in isolated thermal enhancement areas; that they went to outside testing labs and asked them to check out the allegations and the scientist who did the testing came back with horrendous examples of toxic off gassing that were provable; that they had provided to the Department the horrible off gassing that occurs with the foam product; they had MSDS sheets in Section 2 of the hand out, for the product that show the ARAMID product does not off gas at NFPA testing's protocol fire ground temperatures and the foam product does; that she took strong exception to the thought that all products off gas; that all products did off gas at some point but the products that off gas at the temperature range the firefighter could sustain himself on the fire ground were of concern; that the ones that don't off gas until the firefighter would not be able to sustain that temperature was not an issue; that he would have expired for other reasons; that there was only one firm that promotes foam because of the health issues; that in the past many of them had used it, and recall happened in other fields; that in Section 10 of the binder shows that recall had happened in the medical field and information from another in the fire industry that was speaking out against form; that as more of the issues arose many firms paid for outside testing to determine if it wasn't a health issue and when they determined it was they immediately dropped it; Lion was the only firm that was promoting it; that a number of the cities that Mayor Brown mentioned have had significant problems with the foam; that in Philadelphia there were four significant burns under the knees where the foam was placed; they have transcripts and the four individuals' names; that in Austin the Department was having considerable difficulty with the foam crumbling and falling to the bottom of the liner; that firefighters feeling heat as a result; that they had an outside cleaning facility there and the cleaning facility was concerned about the toxic implications of this product when they clean it; that it was true that the product was very cheap and you are at a tremendous cost disadvantage when you don't use it; that she was a business person and she had a responsibility to her people; that it was very hard for her not to use a product that gives a tremendous cost advantage and could fool certain one day tests like the burn building; that in Section 4 there was a reference summary of three separate fire departments that had given them a very strong narrative with contacts to verify and at the end of that Chapter reference to about 12 fire departments that have had crippling problems with the foam that were not addressed by the manufacturer and they were all available for them to talk to; that it was true that a number of cities had ended up with foam if their specs were loose enough to allow it because it was cheap but the problem was that tremendous problems occurred; that there was a documented case in the book in Section 4 where rashes were so severe on 20% of the members that the department had threatened to sue to have the liners replaced and ultimately when that happened they ended up replacing them themselves at considerable out-of-pocket expense; there was another account in Section 4 where a department used this liner and phone numbers for you to

call and verify that this was the case; another fire department where the core temperature of their firefighters was 2 degrees higher when they wore the liner and stress was what killed firefighters and 2 degree core temperature was huge; that the biggest cost issue that Houston had to be concerned about was that they would have a multi-million dollar investment in gear that was doing a heck of job for them; that the new gear did not interface so they would have to replace coats and pants when just a coat wore out. Council Members Boney, Todd, Keller and Sanchez absent.

Upon questions by Council Member Quan, Capt. Page stated that during the evaluation process most individuals use mannequins to test things to a level of what they did at the burn building; that they subjected themselves to extreme heat of between 1,000 and 1,500 degree on their coats which was flash-over conditions; that was when it was non-habitable that they would have to leave and that was what they were simulating to reduce their injuries to firefighters; that during that time the foam did degrade because it was to that temperature and it took the heat instead of their skin taking the heat; that it would have to be replaced and as far as cost the manufacturer had fully supported this product to the extent that they agreed to replace any and all of it if anything went wrong with it during the life of the contract and that would include the labor to do it; that it was 5 year contract with two 1 year extensions; that material safety data sheets were provided by companies that store these things in mass quantities so that it would not be set outside in the sun; that even the cavalier PVI exterior should not be in direct sunlight otherwise it would degrade; that most of their firefighting was done in direct sunlight; that it was a problem that was inherent with the fiber; that they were special fibers and materials that allowed them to go into a hostile environment and save lives; that the difference in the padding they were using was that the foam protected a thermal layer that it was the thermal barrier; that Morning Pride Total Fire used air; that they built up an area with cross sections of fiber of material to create a panel of air and once they compressed it would be gone; that with the foam insulation once they set something on it that it would not go away, it was still there so they were able to have better thermal protection during the extreme heat that they put it through; that he had been working on this committee since 12/6/99, day one of when their RFP went out; that what Ms. Grillot was referencing was that they were a team in planning and research, that it was the Chief, himself and a firefighter that was in control of the project; that the Chief had gone back to the fire station which means that he was it and there had always been a team concept and they never did stray from that. Council Members Boney, Todd, and Sanchez absent. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Capt. Page stated that 4 companies competing in this area submitted proposals and 3 out of the 4 submitted samples for testing at their facility; that they did the same test on all 3 samples they received; that it was the evaluation committee, the same exact individuals, that did the whole testing during the whole process; that they never changed evaluators; that in the beginning of evaluation Morning Pride Total Fire submitted 6 or 7 different types of gear and Lion Apparel submitted 2 and Globe submitted 1; that they narrowed it down to the final three, one from each manufacturer and then asked for changes in that gear based on their recommendations from the field testing which was enhancement of the insulated thermal barriers in the shoulders and arms; that they had asked all three manufacturers to do that, but only one succeeded in that area; that the interchange ability issue was for the coat and pant fitting together correctly, both pants were identical as far as height and the

Lion coat was 4" longer in front than the Morning Pride coat; that the interchange ability did not play into this fact because they interchange exactly if not better; that they would continue to use the existing gear until it reached its useful life and they would replace with the new contract; that they had a cleaning and maintenance program already in effect in which they inspect the gear; that a new standard was coming out from the NFPA that they had to inspect the gear twice a year; that Total Fire had a patent on inspection part and that they would have to pay an extra \$5 to them but that it was a mandate they would have to pay for it; that their gear was being modified to fit their specifications so that it would not be the same with other fire departments; that a lot of the fire departments used this close cell foam as a total thermal barrier in their entire ensemble, from waist all the way to shoulder; that they were going to use the quilted bat liner as the primary thermal protectant which was in the existing gear but they added additional thermal protection in their shoulders and arms to protect them in cases of flash over and high temperature areas because anywhere the gear touched you was the closest heat radiation through the garment because it was skin contact; that anywhere it compressed because of the air pack when you bend your arm it touches and that was where you would have your injuries; that the gear that had been chosen was superior because they would be able to bend their arms and not feel any discomfort; that he had personally communicated with other cities that used Lion; that he was given about 6 or 7 references from Morning Pride on the departments that had bad luck with it; that most of them used the total thermal system which none of them cared for but none of them had given injuries; that they didn't care for it because some people would get hot in it which caused rashes but they said was simply their preference and they decided not to go with it but no injuries due to foam being degraded; that the garment was lifetime warranty, the foam was full warranty on the replacement of it no matter what happened for the life of the contract; that they had a clause in their contract that stated if it had not worked out they would not do this anymore, meaning that would cancel the contract within 30 day notice. Council Members Boney, Todd, and Sanchez absent.

Mayor Brown asked Capt. Page if he had contacted Philadelphia and if he was aware of any lawsuit there. Capt. Page stated that was unaware of this. Council Members Boney, Todd and Sanchez absent.

Council Member Robinson stated that he wanted to take a delay on this; that he intended to tag it so that he would be able to spend more time; that he had information he needed to discern; that he believed that the garment described in the contract that wanted Council to approve was a modified garment that was not standard issue. Capt. Page stated that it was made close but they had asked for extra thermal insulation in certain areas; that it was standard off the racks with the exception of the extra padding they had added. Council Member Robinson further stated that he hoped Capt. Page would find out about Philadelphia; that Capt. Page had them "whipped sawed" between to groups of experts; that Ms. Grillout was stating specific names and he wanted Capt. Page to contact these people. Council Member Robinson stated that Capt. Page had said the places that he had called were not necessarily satisfied with the equipment and that was a personal choice but it was their choice. Capt. Page stated that there was a difference in orientation of the garment; there was an orientation that would put the foam a little closer to the body with a moisture barrier that did not wick away moisture; that it made you feel wet and certain cities in the United States used it and liked the orientation, some did not and that was what he meant by a matter of preference; that in one

particular instance in Indiana, the township evaluated the gear in the manner of reverse orientation; that they evaluated it for several months, decided that they liked it and bought it and then after they bought it and put it on the firefighters in the field the firefighters decided they really did not like it, then they decided to buy new apparel; that the basic form of this gear was exactly like what the City firefighters had been using; that they were only adding thermal protection to protect them in the hazards of the flash-over conditions so that were going to phase it in over time; that if for some reason this does not work out, then they would be able to cancel the contract. Council Member Robinson asked Capt. Page where the concerns had been raised about the gases or deterioration or was it a complaint that had been raised in regards to that product in other cities and Capt. Page stated that they were raising it as far as that product, but like he said almost every piece, that he had the nomax material that they used in the liner that was actually closer to their skin than the foam and off-gassed small amounts of hydrogen cyanide and various other chemicals. Council Member Robinson asked if that complaint had been lodged by this company and other places where they had not been bidders, they had been raising a public safety concern on a consistent basis or was this the first time the public safety issued had been raised. Capt. Page stated that it was the first time that he knew about it. Council Member Robinson stated that when Capt. Page made his calls he wanted him to find out whether the folks in Philly, Austin, Dallas, London, DeKalb County, whoever had heard this same complaint from people in the past that this was a public safety issue as opposed to a stalking horse for contractual difference of opinion. Capt. Page stated that most of what he had run into, and that he had contacted both references on both sides, was that it was a matter of preference and customer service. Council Members Boney and Sanchez absent.

Council Member Keller asked Mayor Brown if he would get a copy of the lawsuit in Philadelphia and Mayor Brown stated that he would ask the Fire Department to do so. Council Member Keller stated that he also wanted to know what the representatives from the Firefighters Union in Philadelphia and Austin felt. Council Members Boney and Sanchez absent.

Upon questions by Council Member Parker, Capt. Page stated that he didn't know of any groups that did independent evaluations of this kind; that there were a lot of individual people who did testing on the products, like just the foam or just material, but that as far as their gear itself not besides NFP standards that were set forth throughout the country, and everything they had tested was NFP approved. Council Members Galloway, Boney and Sanchez.

Mr. Jack Reilly, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that the counter arguments to the Captain's input on interchange ability were in Section 1 and 5 of the binders; that he was retired from the New York City Fire Department; that some of his best friends had died in flashovers, backdrafts, falls as well as cancer from exposure to toxic elements and components such as those created by the decomposition of polyvinyl chloride; that he had joined Total Fire Group in 1994 and was Vice President, Metro Accounts; that he was present to speak to them as a firefighter; that on February 27, 1975, a fire in the New York City Telephone Company switching center in lower Manhattan vividly brought home the danger of polyvinyl chloride, most of the firefighters that responded on the first alarm were now deceased; that the New York City Fire Department Medical Office tagged their medical folders to track their

health for follow-up care but for the firefighters it was too late; that exposure to the same polyvinyl chloride that would be present in your proposed new bunker coats and bunker pants was determined to be the probable culprit for the devastating high levels of cancer and other health problems; that a new shape, a new thickness, a new design but basically the same polyvinyl chloride product; that a report that was handed out to them by Deborah Wallace, Ph.D. prepared for the New York City Uniform Firefighters Association stated that as polyvinyl chloride approaches its ignition temperature, it offgases hydrogen chloride, hydrogen cyanide, as well as chlorinated hydrocarbons; that actually when polyvinyl chloride was subjected to heat it produced large numbers of decomposition products before it actually ignites, including poisons, cancer causing compounds and potent irritants; that Dr. Wallace indicated that small increments of damage from many sub-acute dosages of carbon monoxide, polyvinyl chloride and other common combustion products and could result in much greater damage from later acute doses than would be experienced by someone without those many sub-acute doses; that the report also concluded that the toxic smoke offgassing from burning polyvinyl chloride had long term effects on a high proportion of the firefighters who fought that fire in the polyvinyl chloride foam at the switching center; that they could be assured that their sons and their daughters and their family members who were firefighters would experience sub-acute doses of offgassing from the decomposing of polyvinyl chloride foam in your firefighting clothing and he implored them not to allow polyvinyl chloride in any shape or form in their firefighters bunker coats and bunker pants. Council Members Galloway, Ellis, Sanchez and Robinson absent.

Upon questions by Council Member Bell, Mr. Reilly stated that he was employed by Total Fire Group; that both Total Fire and Lion Apparel were both located in Dayton; that they were two independent companies from the beginning; that they may have some people who now worked for Lion and used to work for Total but he was not aware of it if there were. Council Members Galloway, Boney, Ellis, Sanchez and Robinson absent.

Mr. Gerald Matheaus, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that he had been a professional firefighter for 25 years and he had retired recently and then volunteered for 15 more; that at the present he was working with Total Fire Group because they believe in what they do; that they showed the firefighter's interest in safety was first and that was his concern at all times, and they were true-hearted people, whatever they did they stood behind it and they stood in full view of everybody with all the facts and figures in front of them; that he knew for a fact that the foam has had problems over the years because he was an instructor at the Texas A&M project for the last 21 years; that in that process several times firefighters had come out having problems with their gear to find out what the problem was with the liner; that he could first hand, document as he had seen day to day from front line use so he knew that it did happen and there could be some consequences beside that; that when you start mixing the gear in the field was what he was concerned about; that they would put it in one station or two stations and consequently those guys worked at different stations during their shifts; that they would be wearing that particular gear on-line with the older existing gear; there would possibly be some problems with that, over-protected or not protected, he did not know; that at a short period of time the two burns that they had during the process showed significant damage; that he wanted to know if it was going to take three to destroy it enough to where the next time they went out and wouldn't have this extra lining and that he didn't know, but he believed the questions were present; that

the facts were present and he felt that the documentation they had furnished to them, they were almost scientific to a degree, but the answers were in there; that they put those forth to them to look at and try to make their own judgment. Council Members Galloway, Ellis, Sanchez and Robinson.

Mr. Jeffery O. Stull, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that he was President of International Personal Protection in Austin, Texas; that he provided expertise on the area of personal protective clothing and equipment; that he had provided a study for the U.S. Fire Administration, International Association of Firefighters and also he had worked for every manufacturer in this industry in terms of providing consulting support as well as for major fire departments across the United States; that he represented the United States for all matters related to international standardization of protective clothing; that Total Fire Group hired him to investigate this product many years ago that all the information they saw in Section 3 was the report that he had prepared for Total Fire Group; that he was available to answer any questions; that this foam material was a unique product; that it was a product that met the relevant standard, National Fire Protection Association standard for firefighter protective clothing; that it was a product that was not anticipated by the standard; that it provided decomposition at temperatures much lower than other than other temperatures of the gear that caused decomposition of other materials; that when it compresses under heat it retained that compressed state; that it was not a material that would show long lasting performance in the field; that just recently the Texas Commission on Fire Protection had enacted a law that would outlaw a specific material that was used in firefighter protective clothing, a moisture barrier; that it turned out that particular moisture barrier deteriorated inside the liner and as such would not be easily detected by the firefighters and there was a loss of protection for those clothing items; that the Texas Commission on Fire Protection was fazing that out and requiring all municipal fire departments take that clothing out of service or replace the liner; that he believed that this represented another potential situation that the Houston Fire Department would face and that was a product that deteriorates over time and resulted in the loss and safety of the firefighters; that he was available to answer any questions relative to any aspects of the technical documentation that were provided in Section 3 of the binder. Council Members Galloway, Boney, Todd, Ellis, Sanchez and Robinson. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Stull that it wasn't the liner they were talking about there; that it was a different product, but it was a product that the Commission discovered was deteriorating inside a liner and as a consequence that there was a safety need to have it removed from the Municipal Fire Services; that he had tested the foam they had and he found it started to decompose around 400 degrees F; that comparable materials would actually not decompose until perhaps 700 degrees F so it decomposed at a lower temperature than the other products in the service; that there were different phases, different temperatures for a fire, but what would be considered an ordinary fire fighting condition was where it involved a structure that you would have temperatures that ranged perhaps 250 degrees F all the way up to 500-600 degrees F; that most average exposure temperatures would be around 400 degrees F that would cause degradation of that particular foam material. Council Members Galloway, Boney, Todd, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Ron Bartles, 2506 Williams Dr., Georgetown, Texas 78628 (512-930-4232) appeared and stated that he was the State Marketing Manager for TIBH Industries and he was present to recognize the Mayor and to commend the City of Houston for their purchases from people with disabilities; that with the award they were recognizing the fact that the City of Houston was a top ten customer through the State Use Program in the State of Texas; that there were over 5,300 individuals with disabilities that were employed on an annual basis earning wages of over \$18 million; that the City of Houston was one of six cities in the State of Texas that was receiving the award; that just a number of years ago there were one or two cities that purchased from people with disabilities through this program and was led by the City of Houston and the other cities in this State were following that example; that they had 27 political subdivisions that actively purchased from people with disabilities; that in the City of Houston there were five community rehabilitation programs that employed individuals with disabilities through the State Use Program; that they were, Center for the Retarded, Goodwill Industries, On Their Own Services, Southeast Keller Corporation and the Texas House; that the City departments that were working with them were the Fire Department, Parks and Recreation, Public Works and Purchasing; that we had 123 disabled citizens of Houston that were employed because they were providing these job opportunities; that he wanted to point out that this was not a welfare program and that it was a workfare program; that they were employing 123 disabled individuals on City contracts that were now productive taxpaying citizens of the State of Texas and of the City of Houston; that he wanted to mention a special thanks, in addition to the Departments he had mentioned, to Mr. Calvin Wells and the entire staff of the Strategic Purchasing Division that do keep them in line and work with them on all of those projects and thanked all of them for their support of individuals with disabilities by providing the work opportunities; that Mr. Wilford Scott was present to present the award and also wanted to introduce Mr. Danny Hill from TIBH, from the Dallas-Fort Worth region and was present because of the award. Council Members Boney, Todd, Parker, Sanchez and Robinson absent.

Mr. Wilford Scott, 2600 W. Loop West No. 475M, Houston, Texas 77054 (713-667-4900) appeared and stated that he was present to present and read the award from TIBH Industries to the City of Houston. Council Members Boney, Todd, Parker, Sanchez and Robinson. (NO QUORUM PRESENT)

Mayor Brown thanked them for coming to the City Council Meeting and making the award and giving the recognition for what they were trying to do; that they thought it was the right thing to do and were delighted to be recognized by them and he appreciated their taking time to come in and address the City Council on that issue. Council Members Boney, Todd, Parker, Sanchez and Robinson absent.

Ms. Comfort Nnadi, 4811 Mimosa, Houston, Texas 77469 (281-344-1899) appeared and stated that she saluted Mayor Brown and City Council Members; that she was an evangelist and had the utmost desire to acknowledge their commendable efforts on behalf of African missions "Women and Children organization sited in Nigeria. Children's Expo Houston based Youth and Children Organization International Glorious Ministries, women, children and youth faith-based counseling and educating personally present to Mayor Lee Brown this souvenir; to express our gratitude and sincere appreciation for the supportive and encouraging ways that you have been working with women and children's faith based organizations, and related programs; They would also like to challenge Mayor

Brown and the other City Council Members to consider establishing a residential and transitional Center for teenage mothers and un-wed teenage mothers in controlled environment which is a program of International Glorious Ministries; Support African Missions organizations of which African-American youth cultural and heritage organization is a part of its mission was to encourage this program at international level in Houston; God bless you, the entire Council Members and all Houstonians, in general. Council Members Boney, Sanchez and Robinson absent.

Mayor Brown thanked Ms. Nnadi for being present and wished her the best in her important work and that the City would be as supportive as they could. Council Members Boney, Sanchez and Robinson absent.

Mr. Donald Thomas, 6225 Lockwood Dr., No. 5, Houston, Texas 77026 (713-635-3923) had reserved time to speak, but was not present when his name was called. Council Members Boney, Sanchez and Robinson absent.

Ms. Ruth Webb, 14250 Kimberly Lane, No. 339, Houston, Texas 77079 (281-558-5580) had reserved time to speak, but was not present when her name was called. Council Members Boney, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Carroll Cocchia, P.O. Box 7156, The Woodlands, Texas 77387 (936-441-4572) appeared and stated that she thanked them for taking time for her; that they had quite a few minority Chamber of Commerce in Houston; that they needed to work together and she had spoken to Council Member Quan on this; that she had already been joined by the Asian Chamber of Commerce; that they wanted to form an inter-council of minority Chambers so that each Chamber would be represented by 2-4 people on an inter-council; that the inter-council would be overseeing the unity, the harmony, everyone would know what everyone else was doing, working together on projects and because of that they would have more strength; that they would be able to put into effect better programs toward education; that they would be able to nurture businesses; that would be able to develop programs like mentorship, global diversities through the Department of Commerce; that they would be able to recruit and provide scholarships for their children and for their business people; that they did this separately but together they would be much more effective; that the Native American Chamber of Commerce was a new organization, just 1-1/2 years old; that they had been supported by Mayor Brown and Council Member Quan; that they had almost 200 members with a large corporate advisory council and they wanted to join their brothers and sisters of all minorities; that they wanted to put into effect programs that would help get people off the streets, bring in more people from other states looking for a place to develop their dreams with seed money, helping entrepreneurs; that Houston would become a place where people would come to grow and prosper; that if they would have letters of endorsement that they might present to the different chambers that it would make a big difference; that she would be meeting with Mr. Calloway with the Citizens Chamber; that she would be very grateful and it would be helpful if the Mayor and City Council would give her letters of endorsement that the letters would give her greater impact. Council Members Boney, Keller, Sanchez and Robinson absent.

Council Member Quan thanked her for being present and stated that she would have his support and that the Mayor had several advisory boards that they could work

together with them; that they had been working on an office and immigration refugee affairs that would let people know about such resources and different Chambers of Commerce available and who they could go to find people who spoke their language and had similar experiences as their own. Council Members Boney, Keller, Sanchez and Robinson absent.

Mayor Brown stated that they certainly would be working with her and she had their support as well as Council Member Quan. Council Members Boney, Keller, Sanchez and Robinson absent.

Mr. Alfred J. Jack, 813 Waverly, Houston, Texas 77077 (713-862-6218) appeared and stated that he was present because at 6414 Ashland the contractors came there and broke the street and they have not filled the hole, that had been there over a month and he believed a child or someone could fall in that hole and he wanted the hole filled, that was why he voiced opinion about it. Council Members Boney, Keller, Sanchez and Robinson absent.

Mayor Brown stated that Mr. Gary Norman was present and would meet with Mr. Jack immediately; that they would help him take care of the problem. Council Members Boney, Keller, Sanchez and Robinson absent.

Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Members Boney, Keller and Robinson absent.

Ms. Phebe Reasoner, 820 Harold, Houston, Texas 77006 (713-468-3949) appeared and stated that she was present to tell them about some problems that she had that involved negligence and gross negligence; that she had two floods inside her home and numerous floods outside her home; that her neighbors had experienced the same thing and they were caused by a back-up in the City sewer line; that she had been in contact with the City's Public Water Department from January 26 to date; that the City had not acted appropriately, in fact, they had done things that had aggravated the problem and as of last Wednesday she had a flood of human excrement in her home; the City had come out repeatedly, not investigating the problem, in fact all they had done was temporarily unblocked the blockages and replaced a clean-out cap; that everyone had a clean-out valve outside their house and if you take the cap it would allow a plumber to get in to inspect the line; that in their case the problem was the escape valve and until the blockage was resolved it allowed sewage to flow outside her house, which while that was not good, it was much better than inside the house; that the cap replacement caused her most recent flood; that she would not be present if she had been able to resolve this; that she was asking them to resolve this problem promptly and permanently. Council Members Boney and Keller absent.

Mayor Brown stated that Mr. Gary Norman was present and would meet with Ms. Reasoner immediately; that they would help him take care of the problem; that he had been told there were some people out there that afternoon; that the problem was around the corner of her house and they were supposed to be fixing that; which would take care of her place, and he would assign a particular person who was present the responsibility and he would hold him accountable. Council Members Boney and Keller absent.

Upon questions by Council Member Bell, Ms. Reasoner stated that she had her first flood on January 26; that her latest was last Wednesday; that her house was flooded twice; that she had four adjoining townhomes and that she could not count how many times they had flooded; and there had been numerous overflows outside; that she had her clean-out valve cap off, so instead of flooding in her house, there was flood outside and that had been constant between January and February after January 26th; she believed that she had about 10 floods; that she had repeatedly spoken with people at dispatch with the City's Water Department and it felt like she was falling into a black hole; that they said they would take a note, they couldn't expedite the process, there were similar situations around the City and they would let people know, that it takes a few days for them to get there; that there were many times that had she called back to find out what had happened; that she had been told someone from the City had been there, so she called back to find out what had been done and she was told the report had been done and the problem had been resolved, only for her to go outside and see a continual stream of eruptions flowing and thankfully outside her house at the time; that the townhomes were 15-17 years old; that the first time anyone looked at what caused the problem was last Thursday; that her most recent and most terrible flood was Wednesday; that she called every department she could think of to get help; that they sent out two men who had actually been out to the house on repeated occasions and they tested to see what was causing the problem; that apparently her townhomes linked to the City's lines; that you had your private sewer lines connecting to the City's lines; that where the connection occurred there was some of kind repair in the City's line that disrupted their connection; there was some original negligent repair work that disrupted it and since then she had a flood; that she believed if they had looked at this in January, maybe 27th or 28th, they could have had a road crew out and had that resolved before any of their houses flooded; that was the first time that she had heard about it and that was last Thursday; that her first conversation with the Water Department was Friday, January 26th; that when she called she was not told specifically who to call and she just kept calling; that she asked who else she could call and they actually suggested that she contact City Council; she asked what else could she do to help; that this was an emergency and could they understand that this was a risk to her neighbors and to herself when you have human excrement going outside; that they assured her in a very somber tone that their was nothing they could do and that they would make a note of it. Council Members Boney and Keller absent.

Mayor Brown asked Ms. Reasoner to give Mr. Norman the name of the person she had called and had told her that nothing could be done so that they could follow-up on that as well. Council Members Boney and Keller absent.

Mr. David Reay, 14018 Queensbury Lane, Houston, Texas 77079 (713-468-3949) appeared and stated that he was the manager of a softball team called the Buffs; that his team competes in national tournaments and a lot of times money was invested in their team; that it was very important that they practiced softball on a regular basis; and had been reserving City of Houston's practice fields for 18 years; that all during those years he had followed the first come, first served rule that was established by the Parks Department; that the first rule for reserving a field was that the reservation must be made in person and it also stated that a reservation could not be made earlier than 8:00 a.m. Monday morning for the current week; that the first page of his handout was a copy of the

Parks Department rules that were faxed to him; that the highlighted portions of the page was the actual language used by the Parks Department to explain the first come, first serve rule and a reservation could only be made for the current week; that on Monday, February 19th the reservation rules were violated; that he was at the Parks Department Office at 8:00 a.m. that morning in order to make a reservation for the Agnes Moffet softball practice field on Hammerly and to his amazement a clerk told him that the field had been reserved for 2 months; that he asked the clerk how anybody else could reserve the field due to the fact that he was the first person in line; that the clerk was unable to explain to him why the first come, first serve rule was allowed to be violated; that the second page of his handout was a fax from a private group called Baseball U.S.A. requesting practice field reservations for two months; that the fax was a clear violation of the Parks Department rules that state that all reservations must be made in person and that reservations for the current week; that for the past several weeks he had spoken to many people in the Parks Department, including Mr. Roy Wilson, who was the Director's assistant; that not one person was able to answer why he was not allowed to reserve a field if he was the first person in line; that he was asking City Council for their help in making sure that the Parks Department goes back to its public access, first come, first serve rules.

Upon questions by Council Member Todd, Mr. Reay stated that he was the coach of an adult softball team; that Baseball U.S.A. has the Agnes Moffet field reserved on Tuesday, Thursday and Sunday; that at Nottingham Park a group called Texas Thunder had that park committed for 5 days a week; that of the 18 years he had been in that field, he had never come across a situation like this situation; that he had not contacted the other groups to talk to them about this. Council Member Todd suggested that Mr. Reay talk to the other teams to make sure they were all on the same page; that his kids were in youth baseball and that he had the feeling these other teams would like to coordinate with you so that everyone would be able to have the fields on a regular basis; that he was certain they could do better than what you are getting right now. Council Members Boney, Keller and Robinson absent.

Upon questions by Mayor Brown, Mr. Reay that they did not have any guidelines for long term reservation rules for practice; that he lived near these parks and there were no leagues going on in either of the parks on any of the nights they had been reserving. Council Members Boney, Keller and Robinson absent.

Council Member Castillo stated that he was going to make the same points that Council Member Todd had made with the addition that with summer coming up soon that there was always a conflict between the teams that play soccer, Little League base ball and in some cases Little League football; that he believed they should give priority to the youth teams and also make available other fields where adults could play; that adults could play later at night and at fields that were not necessarily neighborhood fields and he felt that it would just take some goodwill and good planning at the Parks Department and that they should accommodate everybody who wanted to play. Council Members Boney, Keller and Robinson absent.

Mayor Brown stated that he was told that he was offered alternative dates. Mr. Reay stated that he had been offered Wednesdays and basically the only two days they could work out were Tuesdays and Thursdays; that all he wanted was to have a fair shot

at one of those fields; that if they went by the rules in acquiring the field, he believed that would be fair; that he believed the two fields he was talking out were both made for adult softball program and not made for youth. Council Members Boney, Keller and Robinson absent.

Upon questions by Council Member Quan, Mr. Reay stated that Council Member Tatro's aid, Mike Howard had spoken to him; that Mr. Howard told him that he had talked with Mr. Spellman and about 5 people in the Parks Department and when he spoke with Mr. Spellman he said there was a different set of rules regarding league play; that he asked Mr. Howard for a copy of those rules, but had not received them; that they had been reserving the fields for 18 years, actually the two fields were put in 1986 and before that they had reserved Knob Hill and other fields in that area; that this was the first time they had a problem with the first come, first serve basis rule. Council Member Quan stated that he would also work with Council Member Tatro's office to also make sure Mr. Spellman got the rules to him. Council Members Boney, Keller and Robinson absent.

Mayor Brown stated that Mr. Brian Hill was present and that he could meet with Mr. Reay and follow up so that Mr. Reay would get clarification on all the rules and copies of them that would be taken care of right away. Council Members Boney, Keller and Robinson absent.

Ms. Khistina DeJean, P.O. Box 88084, Houston, Texas 77288-0084 (713-728-5609) appeared and stated that she was present to ask City Council to assist her in giving child support back to a father that was harassing her and also assault was going to reoccur. Council Members Boney, Keller and Robinson absent.

Mayor Brown asked if she wanted to give the child support back who had the child support and Ms. DeJean stated that she did. Mayor Brown asked Mr. DeYoung to talk to her to see what service they could provide to her. Ms. DeJean stated that she would like to leave something with the Mayor; that it was child support. Council Members Boney, Keller and Robinson absent.

Ms. Hortensia El-Trabulsi, 6018 Lawn Lane, Houston, Texas 77088 (281-931-4178) had reserved time to speak, but was not present when his name was called. Council Members Boney, Keller and Robinson absent.

Mr. Jim Harrison, 2500 S. Shore Blvd., League City, Texas 77573 (281-334-3873) appeared and stated that he owned Clear Lake Shuttle Bus and that he was present concerning ordinance changes that had affected his company; that he had a charter sightseeing permit for the last ten years and was in good standing with the City of Houston and all the aviation departments and the fees and taxes that were levied by the City of Houston at about 6-8 months ago, they changed the ordinance pertaining to what kind of equipment could be purchased by a charter sightseeing company from 15 passenger vans and the ordinance was adversarial to his business relation and what kind of equipment he could provide for his company under this charter sightseeing permit; that at the time they changed the ordinance he called the City of Houston Administration and Regulatory Office and told them exactly what he thought this did to him; that his equipment was grandfathered in, but the business was not and he believed that the business should be grandfathered in because he built his business on these types of

vehicles even though he owned bigger equipment than 15-passenger vans and gave him diversity, they had given him access to more business at the same time; that they were one of the safest pieces of equipment that you could have on the road and that he had built his business and found his niche with this equipment; that for 9-1/2 years the City of Houston had accepted his fees and permits with this equipment; that he still had 6 vehicles or charter sightseeing permits that were 15-passenger and he believed that the company should be grandfathered in before this ordinance and not the equipment. Council Members Boney, Keller and Robinson absent.

Council Member Todd stated that he would encourage Mr. Harrison to meet with Ms. Jacqui Croy because he didn't know that the answer to what Mr. Harrison was asking and then call his office and let him know how it turns out. Council Members Boney, Keller and Robinson absent.

Mr. Harrison further stated that basically what they had done was change an ordinance from reading what a charter sightseeing piece of equipment could be; that they changed it by one seat and that takes 15-passenger vans out of the realm of charter sightseeing permits, but you could get a limousine permit and have vans and one extended limousine; that he did not want to be in the limousine business; he never had wanted to be in the limousine business, it was a really tough industry and super competitive and he had found his niche and abided by all the City approval for 9-1/2 years before they changed it and said by one seat it changes what a charter sightseeing permit could allow; that he believed it was so un-business friendly and adversarial to him as a business that had been operating to pay his fees for 9-1/2 years; that he had approximately 12 vehicles in his fleet; that he had a 29-passenger, a 26-passenger, an 18-passenger, and the rest were 15-passenger vans; they do private bookings under charter sightseeing rules, they pick up people, take them where they want to go and take them back to their origination; that he was located in the main lobby of Southshore and with the Nassau Bay Hilton and he had just expanded to Galveston; that his system had not been broken; that he was prospering, he was employing people and paying his taxes, he was growing his business and then he had been hit over the head with an ordinance change; that he was doing airport traffic and had all of his aviation permits and all vehicles had charter sightseeing permits and aviation permits which were all current on their fees; that he was investigating getting a scheduled run back and forth to Hobby Airport; that he had not broken the news yet, but he was in the process of getting his SGT permit and could not go forward until he had that and he believed that his company should be grandfathered in and not the equipment; that he thought there was a cut-off point when you were trying to grow to different companies, but for 9-1/2 years he has operated under one rule and now in mid-stream he has to buy a limousine and get into the limousine business which he did not want to be a part or he could not buy 15-passenger vans and he felt that was discriminatory against that piece of equipment in general and it limits him on the basis that he had a business relationship with the City of Houston. Council Members Boney, Keller and Robinson absent.

Mr. Dwight Burton, 3721 Seabrook, Houston, Texas 77021 (713-748-2119) had reserved time to speak, but was not present when his name was called, Council Members Boney, Keller and Robinson absent.

Mr. Kerry LaBlanche, 12500 Dunlap, #463, Houston, Texas 77035 (713-283-6697) appeared and stated that he was present to make a complaint about the Houston Police Department and in particular the Traffic Division. The City Secretary stated that Council would like for him to make his sworn statement and administered the oath to Mr. LaBlanche. Mr. LaBlanche stated that between May 2000 to January 1, 2001 that he has been pulled over approximately 10 times by police and it resulted in two tickets; that he was pulled over for frivolous reasons and he had proof to show that the tickets were not only frivolous but they were even fictitious; that he was in morning traffic on his way to work that morning and traffic had slowed down and there was an officer to his right and normally that was what traffic did when they see the cops they slow down, that's a normal reaction; that he was in the fast lane and he was proceeding to move over and the officer darted up behind him and pulled him over; that he was observing the speed limit; that the officer stated that he had clocked Mr. LaBlanche at going 80 miles an hour and Mr. LaBlanche told the officer that was not correct and that he was going the speed limit and the officer knew that and the officer proceeded to write the ticket and upon further investigation Mr. LaBlanche called his Sergeant and the officer who pulled him over was M.D. Smith and his Sergeant's name Sergeant Barber and they were out of the accident division of 61 Riesner and he asked his Sergeant if Officer Smith had any previous complaints against him and the Sergeant said yes that similar complaints were filed against this officer; that he was employing a public outcry against police officers who did the traffic division; that he felt he was a law-abiding citizen, he paid insurance, and what goes on when the cops pull them over and they get tickets it effects everybody; that the tickets drive up insurance costs; that he observed every law and he had not had a ticket in 15 years, but recently the police presence has been felt and he did not think they had been very fair; that he had not contested the ticket in court because he had gotten it that day; that he would have come sooner when he felt that he was being pulled over much too many times to be considered normal and he didn't because his job was at stake and the only reason he settled to take defense driving for one ticket that he received was because his job was at stake, that he was a single person and no one supported him, he supported himself and he did not want to lose his job and he figured that was the only way to resolve the issue; that he had not filed a complaint against the police officer but after today he would; that he just wanted to publicly make a statement to let Mayor Brown know that there was a problem; that he speaks for the City of Houston, he lived in Westbury and he traveled Dairy Ashford, Greenway Plaza and drove everywhere.

Mayor Brown stated that there were two things he could do; that Chief McClelland was present and Mr. LaBlanche should meet with him and he would tell him how to file a complaint against the officer and the other was to plead not guilty and take it to court and argue his case.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd, Keller and Robinson absent.

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

Mr. William Beal, 4718 Boicewood Street, Houston, Texas 77016 (713-633-0126) appeared and stated that in the name of the Father, Lord Amos, God of the Universe, Son, Lord Jesus Christ, God of the Universe and the Holy Ghost in sight perception and reality the Roman Catholic Church, Ronald Wilson Reagan, 66 vanished, excommunicated, George Walker Bush, Jr., vanished, excommunicated. Mr. Beal continued to voice his personal opinions until his time expired. Council Members Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated a Happy Birthday to Lester Stewart, 23 years old, the Virgo full moon will be this Friday, March 9, 2001, whose station, free speech, take Pacifica back, his brother Richard Wayne Galvan was a Houston firefighter and he did not support Item No. 33. Mr. Partsch-Galvan continued to express his personal opinions until his time expired. Council Members Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7961 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) advised from the audience that he would not speak. Council Members Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

At 3:48 p.m. upon motion by Council Member Tatro and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, March 21, 2001. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 7, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 7, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, 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. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Mark Goldberg absent on city business.

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

At 9:12 a.m. Mayor Brown convened the meeting of the City Council. Council Members Sanchez and Robinson absent.

MAYOR'S REPORT

Council Member Castillo moved to suspend the rules to take Item No. 28 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Sanchez and Robinson absent. MOTION 2001-0242 ADOPTED.

28. ORDINANCE approving and authorizing lease agreement and development agreement between the City and **HOUSTON AQUARIUM, INC** for Redevelopment of Fire Station No. 1 and the Central Waterworks Building as a Restaurant and Entertainment Complex - **DISTRICTS H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Robinson absent. ORDINANCE 2001-0205 ADOPTED.

Mayor Brown stated that Mr. Tillman Fertitta was present and invited him to the podium since they had just past his item. Council Member Robinson absent.

Mr. Fertitta stated that it will be an unbelievable project for the City of Houston and one of the main stays for the City, that it will help the convention business and also help move the further economic development of Galveston and Houston and that was what public and private partnership was supposed to do, work to create economic development, that he thought that spending the \$20 million to \$25 million on this project and having the educational part of it for the school kids, who would get to come to it everyday; that Houston did not have a public aquarium for being as large a city as it was, and also from the standpoint of the whole entertainment part of the project, that he was tremendously excited about it and thought they were going to take a part of downtown and give it a whole lot of new life, and thanked City Council and Mr. Tollett's team for doing all of their research and helping them get the project going so they could finally get it open hopefully by the end of 2002. Council Member Robinson absent.

Council Member Vasquez moved to suspend the rules to take Item No. 29 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Robinson absent. MOTION 2001-0243 ADOPTED.

29. ORDINANCE appropriating \$906,290.00 out of Convention & Entertainment Facilities Expansion Fund, transferring such funds to the Convention & Entertainment Construction Fund, appropriating \$906,290.00 out of Convention & Entertainment Construction Fund; determining that the formal taking of competitive bids is not required for the work described herein; approving and authorizing construction contract between City of Houston and **PROJECT DEVELOPMENT GROUP, INC** for Asbestos/Lead Abatement and Disposal, Underground Storage Tanks Removal and Cleanup of a Large Pit - Fire Station No. 1 and Central Waterworks Building, I-0010-01-5, providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICTS H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0206 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

Ms. Sylvia Garcia, City Controller, stated that this was the Monthly Financial Report for the period ending January 1, 2001, that this was a report with five months remaining in the current Fiscal Year, that in regard to the General Fund the revenue projections reflected a net

decrease of \$5 million from those presented in their December report, that the revenues varied between them and the administration in six different areas, Property Tax, Sales Tax, Electric Franchise, Gas Franchise, Other Franchise and Miscellaneous, that with regard to Sales Tax they had decreased their projection by \$5.5 million, that year to date collections were running at about 3.35% above last year and they were projecting the balance of the year at 4.75%, that this was the lower range of projected growth rate as given to them by Barton Smith, that again they were using a more conservative lower range for Sales Tax; that the second area where they had decreased their projections were Municipal Courts, that she believed that most of Council was quite aware of the trend that had been occurring in Municipal Courts, that the Courts presented a full report to the committee yesterday, that they had lowered their projections by \$1.5 million and were cautiously optimistic that they would now be able to meet that projection; that with regard to expenditures they had several departments over budget and they had seen an increase in expenditures of \$9.4 million, that particular attention should be placed on both Police and Fire, that they had used an adopted budget plus factored in the Compensation Contingency and Workers Compensation, that the total for Police was \$8.5 million and for Fire it was \$5.3 million, that also of course there was Solid Waste, which they talked about last month; that the ending Fund Balance was projected now to be at about 5.36% of projected expenditures minus debt service and operating transfers, that this was a net decrease of \$14.4 million, and that concluded her report. Council Member Ellis absent.

Dr. Philip Scheps, Director, Finance and Administration, stated that he was referring to page 3 of the Monthly Financial Report, that on the revenue side they were projecting total revenue of about \$1.277 billion, which was about \$16 million over the approved budget, that the two changes that they made this month were Gas Franchise Fees, up substantially at \$4.5 million based on projection year to date, and Sales Tax, down \$3.2 million, and as the Controller had done they had reduced that, that Bart Smith had given them their report and he stated that he had put it in the mail to Council Members yesterday afternoon and the number they showed in the report was actually Bart Smith's number for the current year and in addition he had given them their revenue estimate for FY 2002, so that was important, that it resolved one level of uncertainty as they were preparing the FY 2002 Budget, that the December number was bad for Sales Tax, as he had mailed each Council Member, and the January number did rebound a little bit, although January was a smaller and less important month than December, that when he talked to Dr. Smith by email he was pleased and gratified that the number had come back and it had justified his assumptions that they would see in his report that some of that December amount was statistical noise and not necessarily indicative of a sustained down trend, so the difference between F&A and the Controller was about \$10 million in revenues and virtually all in franchise fees, that they had plans to try to reconcile that, that the biggest single number was Electric Revenues, and of course they were using Reliant's numbers, that the Controller was not yet prepared to rely on Reliant's numbers as they had but they had plans to talk until they had a meeting of the minds in that particular area, that was their largest source of difference; that in expenditures, they made three changes in the current month, one, the Health Insurance, the \$3.9 million that they talked about before, that it had now been explicitly incorporated into the expenditure numbers, that Solid Waste was up about another \$1.1 million from the prior month, that he asked the question as to why they did not know that last month and the answer was that last month was more of a trend analysis and this month was a more detailed analysis of their expenditures and the gas cost, that was sort of the other side of the equation when they got higher franchise fees from the gases it was shown as about a \$700,000 increase in gas costs; that overall they were about \$15 million over the approved budget, and the two departments being over were Fire and Solid Waste, which

was what they reported last month, that the difference between overall expenditures, between F&A and the Controller, was remarkably small, that two independent organizations producing expenditure projections for the year, a \$3 million difference out of \$1.3 billion, that was a pretty good omen that the two organizations had come up with an overall expenditure level that was very similar, that he did go check and see his department's prediction record on expenditures this time last year, February 2000, that he looked at the MOFAR to see whether that predicted very accurately the end of the year and it absolutely did, that the projections were right on for 19 departments, and there were very small differences for 3 departments, that he was please, that he knew that Council Member Bell had asked him on several occasions how confident he was of these numbers and what assurance what he could give, and that was his response, that they did a pretty good job last year and they had two organizations that were generally agreeing, that the largest single difference was in the Police Department and again he and Ms. Garcia needed to work on it, that she was showing more Workers Comp expense for the Police Department by about \$3.5 million and she had not yet recognized the Mayor's directive that \$2 million be taken out of the Police Department, that if they would all recall the Mayor directed each department to reduce their budget by 1%, not Fire or Solid Waste, and the Police to take \$2 million out, and Ms. Garcia had not recognized that yet because it was not formally in the budget, it was the Mayor's directive, that F&A of course did in their projections, but that \$3.5 million in Workers Comp, which they were going to try to resolve this week, Ms. Garcia may be right, but he did not think so, but they had that on a watch list, that the Workers Comp for the Police Department and the \$2 million in Mayor's Directive were the two things that really drove the wedge between them in the Police Department, that they would continue to work on that. Council Members Todd, Vasquez and Quan.

Dr. Scheps stated that his letter gave a quick update on the management initiatives that Council asked for, that he would just touch on those, that zero based budgeting, that the Parks Department was producing its budget on a zero base now and Ms. Culbreth was taking the management lead to work with Parks but they would see that on a different basis when the Mayor presents his recommended budget on May 18, 2001, that the Management Audit of F&A had begun and Bob Bowers was doing that under Mr. Haines direction and he had a statement of work that he had presented and was going to go through and give Council information on what F&A did and what they were supposed to do and any improvements that he could suggest, and debt policy he hoped to have back to discuss in about a month, that the financial advisors, Controller's staff and F&A were meeting on Friday afternoon, that a draft had been circulated and they were going to put that together, that was something else that Council had asked for; that Cash Management RFP, that as he said yesterday, they got three responses back on Cash Management, that they actually got four, that was a fourth that was circulated incorrectly within the City, that they would be making a decision on that fairly quickly on that RFP, that three of the four were big five accounting firms and the fourth was a smaller firm; that Fee Study, they were going to mail that this week and it may have already been mailed today, that they were committed to get that in work, that as he had mentioned at Council Member Castillo's committee, this was a type of engagement that had worked extremely successfully for him in the past in Dallas County, that they ended up raising a lot of revenue based on a contingency, and in this case it would be something that the consultant would not get paid if Council was not convinced that the changes ought to be made; that Purchasing Policy was another lesser known question that Council asked and he suggested that they try to do that this summer, that Mr. Wells was aware of it but they would come back with a more full explanation of how they intended to address that within the next couple of months; that FY2002 Budget was well under way with the departments having received their targets, their adjusted

targets, that because of the Health Insurance change they did ask them to be prepared for a 3% decrease, that it was a fairly routine thing and it was not the first year they had been asked incidentally, that always, because the City's budget process was such an awkward timing relative to when they find out about the Property Tax they had very little time from the time that they really get hard information from HCAD to the time that Council has to be approving the budget, so asking for potential scenarios simply reflected the prudence of not know what that Property Tax base was going to be and not even having a good predictive amount until about another month went by; that he would like to come back to Council Member Castillo's committee with preliminary revenue estimates at the April meeting so at that time he would be able to be a little bit more explicit about where they would think they would stand revenue wise; that Council Members had been asked to provide input to the CIP and that hopefully would come up in the next couple of weeks and they would let him and the Mayor know what their priorities were, that the Mayor's proposed budget was scheduled to be out May 18, 2001, and that concluded his report. Council Members Todd, Vasquez and Quan.

Council Member Bell asked Dr. Scheps if they were going to be checking Dr. Smith's report against other sources of information or how the report would be incorporated into the budgeting process, and Dr. Scheps stated that he thought that in the first cut in April they would incorporate it, that they would assume that he was the best authority that they had, that what he asked his staff to do was qualitatively to take the current year and take past years and give him qualitatively sort of bullish and bearish idea, job growth, was it better this year than last year, retail sales, utility connections and anything they could think of to try to give more flavor to the direction, that he did not think that they were going to get an explicit prediction of Sales Tax that was any better than Dr. Smith's, so he was assuming that they would very heavily rely on Dr. Smith's unless it seemed like it was illogical in some way, and Ms. Garcia stated that number one, she had not seen the report and had not been given a copy of the report so she could not comment on that on what Dr. Smith had said or not said, that they also all relied on talking to the State Comptroller, because obviously she watches these numbers and it was her area of expertise and knew that she had already stated that there was a slowdown, but was not suggesting there was a downturn, just overall in terms of the State of Texas, that obviously they would look to the State Comptroller for some direction, that she issued the report for the Houston Region, that they also looked at the Federal Reserve Bank and what their economists were saying, but they would look at a couple of different areas, and Dr. Scheps stated that Ms. Garcia would get her copy of the report at the same time that Council did. Council Members Todd and Quan.

Council Member Parker stated that most of her questions were answered yesterday and looking at the report last night she saw another area and that was the Special Revenue Funds, that she noticed that on virtually everyone of them the ending fund balance was significantly lower than the beginning fund balance, that the Special Revenue Funds tended to be funds where fees were designed to go into the fund and pay for the services out of that fund and the fact that all of them were showing much lower balances other than the two Fire Special Revenue Funds concerned her, but then she got to Building Inspection, page 32, and she saw that under net current activity there was a \$3 million difference between the Controller and F&A projection on Building Inspection and that was a really critical area for a lot of neighborhoods and asked if that actually reflected that they were doing less or fewer inspections, was that less construction going on, and Dr. Scheps stated that he believed that was the delay in modifying their building, that they originally budgeted to renovate the building they were in and

that just simply would not be done this year, and Ms. Garcia stated that they would get back with her on that. Council Members Todd, Quan and Quan.

Council Member Tatro stated that he wanted to thank Dr. Scheps for the extensive analysis that was presented with the financials this month; that as to the Solid Waste budget, he noticed that in the difference Dr. Scheps had that the most significant contributor to the situation was due to CPI escalators and their contractual obligations and asked Dr. Scheps to expound on that, and Dr. Scheps stated that they had obligations for refuse disposal and as far as the predictability, he believed they had escalators built into them for fuel price and for CPI and the question was were they predictable at the time the budget was approved, that he would like to review that and get back to him on the timing of that, and Council Member Tatro stated that his concern was if Solid Waste had predicted something a little bit higher and did Council and administration budget actually less hoping that Solid Waste could make that mark.

Council Member Robinson stated that if the departments had given them true hard costs and they were starting to prove the actual costs, and even though they bring the numbers down to bring them into line with the revenue forecasts, if the revenue reality did not meet the true hard cost they were going to have a problem and they would end up eating into the surplus that they had, that they had to figure out what in the departments were secondary essentials and really have to target in or otherwise no matter how rosy the forecasts, in terms of revenues, and actual revenue projection, they would end up the year with deficits, and that was a point that he thought would be interesting to go back and look at; that he wanted to go back to a couple of things that they talked about in committee, that he was still very interested in some kind of information from the administration about their cash needs between now and the close of this fiscal year and the first two quarters of the next fiscal year, that they all knew they had to borrow, his only concern was that he did not want to be surprised, that he would like to know when they reached those points so that they could make a decision or they could be provided the options that the administration was looking at; that the other thing he talked about yesterday was a place holder for Meet and Confer, that no one knew what was going on in Meet and Confer outside of the administration, that they had to include \$3.9 million worth of Health Care and they did not have a place holder, that they kind of talked about it but they never really said, lets just put a figure in the budget for FY2001 because they knew they actually had to fill that blank, that last time, two years ago, they put \$10 million in General Government and it was the place holder, that year, for Meet and Confer, that they did not do the same thing with Health Care this past budget cycle; that he knew that in his letter, Dr. Scheps, talked about the fact that he would come back in the next couple of months with purchasing, that as they discussed in the committee meeting there were a lot of departments running around with plans on purchasing and how they were streamlining and saving, but none of them could identify which departments there were savings coming from, so as he did his purchasing plan he would hope that he would be able to show them, like Mr. Wells did when he did the cell phone contract, where the offset was coming from every department so they could calculate that into the FY2002 Budget, and he thanked Mayor Brown for the report from the Municipal Court folks. Council Members Vasquez and Quan absent.

Council Member Sanchez stated that on page 67 of the report, in the category of the Police Department, he noticed that there was a decrease in the objective of major crimes clearance rate from 40.2%, which was the objective in Fiscal Year 2000, down to 38.8% and asked to what did they attribute that to, and Dr. Scheps stated that he would have to ask the

Police Department to get back with him, that he was not sure. Council Members Vasquez, Quan and Robinson absent.

Council Member Keller stated that he wanted to briefly relieve the guilt that may have been put upon some of the Council Members that voted for a tax cut, with the fact that revenues were up even with the tax cut. Council Members Vasquez, Quan and Robinson absent.

Council Member Castillo moved to accept the report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Vasquez, Quan and Robinson absent. MOTION 2001-0244 ADOPTED.

Council Member Galloway moved to suspend the rules to take Items No. 21, 22, 31 and 33 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Vasquez and Robinson absent. MOTION 2001-0245 ADOPTED.

21. RESOLUTION in support of Office of Civil Rights Settlement Funding for Texas Southern University – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. RESOLUTION 2001-0010 ADOPTED.
22. RESOLUTION in support of Full Formula Funding for Houston Community College System – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. RESOLUTION 2001-0011 ADOPTED.

Council Member Robinson stated that he wanted to thank Council for the two items that they just passed relative to the funding for Texas Southern and Houston Community College, that he wanted to thank the administration for putting the two items on the agenda, that with the combination of these two and the University of Houston Resolution sent a pretty powerful message about where they stood relative to the future economics of the City, and Mayor Brown stated that he certainly hoped they would be successful. Council Member Sanchez absent.

31. ORDINANCE appropriating \$36,000.00 out of Homeless and Housing Consolidated Fund and authorizing agreement between the City of Houston and **GREATER HOUSTON URBAN REDEVELOPMENT CORPORATION** to provide a grant to subsidize a portion of the costs to develop nine (9) Residential Lots as Affordable Single-Family Housing - **DISTRICT B- GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0207 ADOPTED.

Council Member Galloway stated that she wanted to thank her colleagues for supporting this item as well, that they were really in the business of affordable homes.

33. ORDINANCE approving and authorizing contracts between the City and **LION APPAREL** and **TOTAL FIRE GROUP** for Firefighter Personal Protective Equipment; providing a maximum contract amount - \$7,335,474.25 - General and

Equipment Acquisition Consolidated Funds – was presented, and tagged by Council Members Robinson, Quan, Tatro, Keller, Bell and Ellis.

Council Member Robinson stated that he wanted an opportunity to visit with the folks that were present at the Public Session yesterday, that he was not opposed to the item he just had some questions, but there was so much information coming at them yesterday, and Mayor Brown stated that they would have someone visit with him.

CONSENT AGENDA NUMBERS 1 through 47

MISCELLANEOUS - NUMBERS 4 through 5

4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **SOUTHBRIAR COMMUNITY ASSOCIATION** for Law Enforcement Services of 1 deputy from Harris County Precinct 5 - **DISTRICT G – KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0246 ADOPTED.
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **WILLOW MEADOWS CIVIC CLUB** for Law Enforcement Services of (1.5) deputy (ies) from Harris County Precinct 7 - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0247 ADOPTED.

PROPERTY - NUMBERS 6 through 8

6. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-361, located at 7815 Ley Road, owned by Leon C. Booker, Jr., for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 \$3,276.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – had been pulled from the Agenda by the Administration, and was not considered.
7. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KYO-13, located at 7503 South Freeway, owned by Hartman REIT Operating Partnership, L.P., a Delaware limited partnership [Hartman Commercial Properties REIT, a Texas Real Estate Investment Trust (Allen R. Hartman, president), general partner, for the Water Line Easements for the **SOUTH UNION SUBDIVISION PROJECT**, CIP S-0035-48-1 - \$10,880.00 - Enterprise Fund - **DISTRICT D - BONEY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0248 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 20

10. **TECOM UST SYSTEMS** for Installation of Fuel Storage Tanks for Police Department Replacement - \$154,971.00 and contingencies for an amount not to exceed \$162,719.55 General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0249 ADOPTED.

OTHER

13. **GOMEZ FLOOR COVERING, INC** for purchase of New Carpet including Installation from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Library Department - \$63,804.72 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0250 ADOPTED.
14. **MORGAN BUILDINGS & SPAS, INC** for One Mobile Modular Building for Mayor's Anti-Gang Office - \$66,676.00 - Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0251 ADOPTED.
15. **AMEND MOTION #99-1595, 9/8/99, TO INCREASE** spending authority on award to **TEXAS ANIMAL SPECIALTIES** by \$6,656.25 from \$26,625.00 to \$33,281.25 and **HARLAN SPRAGUE DAWLEY, INC** by \$2,503.13 from \$10,012.50 to \$12,515.63 for Feed, Live Mice and Rats for Parks & Recreation Department - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0252 ADOPTED.
16. **HI-WAY EQUIPMENT COMPANY** for One Asphalt Repair Truck Body for Department of Public Works & Engineering - \$60,810.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0253 ADOPTED.
17. **MATECO TRUCK EQUIPMENT** - \$222,212.00 and **HI-TECH TRUCK RIGGING & EQUIPMENT COMPANY** - \$25,485.00 for Platform and Utility Service Truck Bodies for Department of Public Works & Engineering - New and Replacement - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0254 ADOPTED.
18. **NES/LONE STAR RENTALS (Bid No. 2)** for One Self-Propelled Platform Lift for Department of Public Works & Engineering - New - \$58,788.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0255 ADOPTED.

20. **HERTZ EQUIPMENT RENTAL CORPORATION** for Equipment Rental Part II for Various Departments - \$109,150.00 - General, Enterprise, Fire Department Revolving and METRO Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0256 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 47

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the West 18th Street Right of Way containing 14,417 square feet of land, more or less, being located in the Henry Reinerman Survey, A-644, Harris County, Texas; vacating and abandoning said tract of land to Albertson's Inc., abutting owner, in consideration of the owner's dedication of (i) two easements for street right of way purposes (aggregate total of 11,141.4 square feet of land, more or less), (ii) an easement for sanitary sewer purposes containing 5,846 square feet of land, more or less, (iii) an easement for utility purposes containing 3,634 square feet of land, and (iv) payment of \$300.00 and other consideration to the City - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2001-0208 ADOPTED.
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of T. C. Jester Boulevard Excess, Fee Owned Street Right of Way, containing 1,567 square feet of land, more or less, being out of Lot 1047, Cottage Grove Addition, First Section, Harris County, Texas; vacating and abandoning said tract of land to Harold W. Schmid, abutting owner, in consideration of owner's payment of \$6,268.00 and other consideration to the City - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2001-0209 ADOPTED.
27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Excess, Fee Owned Street Right of Way, located in Lots 1738, 1739 and 1740, Block 75, Kashmere Gardens, Park Section, containing an aggregate of 18,174 square feet of land, more or less; vacating and abandoning said tract of land to Christ Temple Apostolic Church, Inc., of Houston, Texas, abutting owner, in consideration of owner's payment of \$7,300.00 and other consideration to the City - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2001-0210 ADOPTED.
44. ORDINANCE appropriating \$3,631,114.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **HORSESHOE CONSTRUCTION, INC** on low bid of \$3,370,200.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** in the amount of \$25,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-11-3 (4257-27); 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 Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2001-0211 ADOPTED.

46. ORDINANCE appropriating \$7,700.00 out of Public Health Consolidated Construction Fund and approving and authorizing amendment to professional architectural services contract between the City of Houston and **JACKSON & RYAN ARCHITECTS, INC** for the Design of the Health and Human Services Bureau of Animal Regulation (BARC), Animal Control Center - North, GFS H-0011-05-2; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B – GALLOWAY** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Galloway and Robinson absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 (formerly known as the UPPER KIRBY MANAGEMENT DISTRICT) BOARD OF DIRECTORS:**
 - Position 1 – **MS. SHARLET MATAK**, to complete a term ending 6/1/2003
 - Position 2 – **MR. ROBERT AXELSON**, to complete a term ending 6/1/2003
 - Position 3 – **MR. WILLIAM “TOMMY” DICKEY**, for a term to expire 6/1/2005
 - Position 4 – **MR. MORRIS PENNER**, for a term to expire 6/1/2005
 - Position 5 – **MR. ROBERT SCHULTZ**, for a term to expire 6/1/2005

– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. MOTION 2001-0257 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER 19 (UPPER KIRBY DISTRICT) BOARD OF DIRECTORS:**
 - Position 1 - **MS. ANTOINETTE M. JACKSON**, reappointment, for an unexpired term ending 7/20/2001
 - Position 2 - **MR. ROBERT SCHULTZ**, appointment, for a term to expire 7/20/2002, and as Chair, for a term to expire 12/31/2001
 - Position 3 - **MR. JOHN CHIANG**, reappointment, for an unexpired term ending 7/20/2001
 - Position 4 – **MR. EMIL PENA**, reappointment, for a term to expire 7/20/2002
 - Position 5 – **MS. JUDY R. PENNER**, reappointment, for an unexpired term ending 7/20/2001

– was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city

business. Council Members Galloway and Robinson absent. MOTION 2001-0258 ADOPTED.

3. REQUEST by Houston International Protocol Alliance for establishment of a Sister City relationship with Abu Dhabi, United Arab Emirates– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2001-0259 ADOPTED.

Mayor Brown stated that present in Chambers were some people who had worked extremely hard on Item No. 3 and asked that they stand and be recognized and stated that they appreciated their good work and thought this would be beneficial to the City. Council Member Galloway absent.

PROPERTY

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert J. Collins of Andrews & Kurth, L.L.P., on behalf of AEW McCord, L.P., [McCord Development, Inc., (Frederick R. McCord, president), a Texas corporation, general partner], authorizing (1) the abandonment and sale of a 70.35-foot portion of the Travis Street right of way, a 70.45-foot portion of the Main Street right of way, and a 70.86-foot portion of the Polk Avenue right of way in exchange for the reconveyance to the City of the abandoned street right of way and (2) an encroachment agreement authorizing three canopy encroachments, one each into the Travis Street, Polk Avenue, and Main Street rights of way, all adjacent to Block 296, South Side Buffalo Bayou, Parcels SYO-039, EN98-009A, EN98-009B, EN98-009C and AY1-012 - **STAFF APPRAISERS - DISTRICT I – CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2001-0260 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

9. **MIKE CALVERT TOYOTA** for five Hybrid-Electric Compact Automobiles for the Planning and Development Department - \$97,750.00 - Building Inspection Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Quan stated that he favored the item and thought it was a good idea to be looking at Hybrid-Electric cars, but would like a report back to Council in approximately six to twelve months just to let them know how that experience was going, that it was their venture into this area, and Mayor Brown stated that they would give him a report back. Council Members Galloway and Keller absent.

A vote was called on Item No. 9. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Keller absent. MOTION 2001-0261 ADOPTED.

11. **ACT PIPE & SUPPLY** for PVC Gravity Sewer Pipes and Fittings Part II for Department of Public Works & Engineering - \$272,322.77 - Enterprise Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Keller absent. MOTION 2001-0262 ADOPTED.

OTHER

12. REJECT bids received for New Cargo Area Infrastructure at George Bush Intercontinental Airport/Houston, Project No. 560 – was presented, moved by Council Member Boney seconded by Council Member Sanchez, and tagged by Council Member Tatro. Council Members Galloway and Keller absent.

Council Member Tatro stated that he understood the significance of moving all of the Intercontinental projects forward, but understood that there were some legal issues around this and would like to have a briefing or if someone could visit him from the Legal Department, that the difference between the bids were significant, that with the significance in the bids and the importance of Intercontinental Airport projects he hoped that they were really looking at this closely to be able to get going, not only for the taxpayers best deal but to be able to keep on the timeline schedule, and Council Member Robinson stated that he had some of the same questions and would like someone to visit with him, and Mayor Brown stated that someone would visit with both of them. Council Members Galloway and Keller absent.

19. **THE SCRUGGS COMPANY** for Emergency Water Plant Equipment Repair for Department of Public Works & Engineering - \$39,730.20 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Keller absent. MOTION 2001-0263 ADOPTED.

RESOLUTIONS AND ORDINANCES

23. ORDINANCE amending the Code of Ordinances, Houston, Texas by amending **SECTION 44-5** concerning matters relating to the exemption of certain Historic Sites from Ad Valorem Taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause; providing a repealer – was presented.

Council Member Castillo moved to suspend the rules to hear from Mr. Bill Calderon at this time, seconded by Council Member Parker. . All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway and Keller absent. MOTION 2001-0264 ADOPTED.

Council Member Castillo stated that there was a provision that the exemption may be revoked if the owner of the historic property was delinquent in tax payments, and Mr. Calderon stated yes, that delinquency occurred if taxes had not been paid as of January 31st, that any time period after the deadline was cause for revocation, that technically they would be delinquent, that it was his understanding that the property owner would have the ability to go before the ARB to state their case before a final determination was made so there was some relief of some kind. Council Members Tatro and Galloway absent.

Council Member Robinson asked if they ever had a situation where one of the historic tax abatements were revoked, and Mr. Calderon stated that not to his knowledge, that they currently had four buildings that had been designated under the current ordinance and in checking with the City's tax office yesterday it was his understanding that two of those four were currently receiving their historic exemption, one was inactive at this point and the other one had not yet begun to receive it because they were not complete with the improvements and that was the Humble Building, which the folks in Louisiana were restoring into a Marriott Hotel.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0212 ADOPTED.

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two (2) waterline easements, a utility and drainage easement; two (2) storm sewer easements, and a portion of the Strey Lane Street right of way (Aggregate of 59,682 square feet of land, more or less); all easements being located in the Isaac Bunker Survey, A-121, Houston, Harris County, Texas; vacating and abandoning (i) Parcel SY1-019A, Waterline Easement, Parcel SY1-019B, Storm Sewer Easement and Parcel SY1-019C, Strey Lane Street right of way (Aggregate of 49,007 square feet of land) more or less to Metro National Corporation, the abutting owner, in consideration of owner's dedication of a Waterline Easement, two (2) Fire Hydrant Easements, and a Water Meter Easement (Aggregate of 18,070 square feet of land, more or less), and owner's payment of \$139,216.00 and other consideration to the City; (ii) Parcel SY1-025, Waterline Easement, Parcel SY1-025B, Utility and Drainage Easement, and Parcel SY1-25C, Storm Sewer Easement (Aggregate of 10,675 square feet of land), more or less to Primary Properties Corporation, the abutting owner, in consideration of owner's payment of \$45,396.00 and other consideration to the City - **DISTRICT G – KELLER** – was presented.

Council Member Quan stated that this was an item that had come up before Council on different occasions, that he had asked for copies of the traffic study and the flooding study on two occasions, that he checked his records back in July and October and they had never received those responses and so he was going to tag the item until they got a chance to look at those.

Mayor Brown stated that Item No. 25 was tagged by Council Member Quan, and stated that they would make sure that he got what he requested.

30. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** providing up to \$793,884.00 in Housing

Opportunities for Persons With AIDS (“HOPWA”) Funds for the Administration of a Short-term Rent, Mortgage and Utility Assistance Project, which sum includes a limitation of additional funding in the amount of \$396,942.00 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0213 ADOPTED.

32. ORDINANCE approving and authorizing contract between City of Houston and **CALLIER & GARZA** for Legal Services related to a lawsuit styled Susan A. Hartnett, individually and as administratrix of the estate of Derek Jason Kalseman v. City of Houston, et al; Civil Action H-00-1165; in the United States District Court for the Southern District of Texas, Houston Division; providing a maximum contract amount - \$70,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0214 ADOPTED.
34. ORDINANCE approving and authorizing second amendment to contract between the City and **BAKER & TAYLOR, INC** for Acquisition, Cataloging and Processing Services for the Library Department; amending Ordinance No. 96-39 to increase the maximum contract amount \$1,500,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0215 ADOPTED.
35. ORDINANCE approving awarding contract to **TEJAS MECHANICAL, INC** on low bid of \$681,250.00 for Heating, Ventilation and Air Conditioning Services at the Zoo for Parks and Recreation Department; providing a maximum contract amount - General Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0216 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City of Houston and **GRAY’S TOWING SERVICE** for Removal and Disposal of Junked Motor Vehicles for Public Works & Engineering Department – Revenue – was presented, and tagged by Council Member Castillo.
37. ORDINANCE approving and authorizing third amendment to contract between the City and **AT&T COMMUNICATIONS, INC** for Long Distance Services for Various Departments – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0217 ADOPTED.
38. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** – was presented, and tagged by Council Member Tatro.
39. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23** – was presented, and tagged by Council Member Tatro.
40. ORDINANCE approving and authorizing Water Supply Contract between and among the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 261** and

WINDFERN FOREST UTILITY DISTRICT – was presented, and tagged by Council Member Tatro.

41. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **ROLLING FORK PUBLIC UTILITY DISTRICT** – was presented, and tagged by Council Member Tatro.
42. ORDINANCE appropriating \$3,689,913.45 out of Water & Sewer System Consolidated Construction Fund for construction of Water and Sanitary Sewer Lines for Fannin Street from Pierce Street to Commerce Street as approved and authorized between the City of Houston, Texas and the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** by Ordinance No. 93-274; CIP S-0443-20-3 and R-0537-13-3 (SB9037-07) - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0218 ADOPTED.
43. ORDINANCE appropriating \$3,100,000.00 out of Metro Special Fund, \$394,111.90 out of Street and Bridge Consolidated Construction Fund and \$2,924,888.10 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$5,661,204.60 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$135,000.00 for Alameda Road Reconstruction from Alabama to Hermann Drive, GFS N-0736-01-3; providing funding for contingencies relating to construction of facilities financed by the Metro Special Fund, Street and Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - BONEY and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0219 ADOPTED.
45. ORDINANCE appropriating the sum of \$167,883.00 out of the Fire Consolidated Construction Fund, determining that the formal taking of competitive bids is not required for the work described herein; Approving and Authorizing a construction contract between the City of Houston and **CERTIFIED/LVI ENVIRONMENTAL SERVICES, INC** for Asbestos/Lead Disposal and Demolition for Fire Station No. 27, CIP C-0072; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0220 ADOPTED.
47. ORDINANCE appropriating \$40,000.00 out of Fire Consolidated Construction Fund, \$300,000.00 out of General Improvements Consolidated Construction Fund, and \$50,000.00 out of Theater District Operating Replacement and Reserve Fund as an additional appropriation to seven (7) Asbestos and Lead Professional Consulting Services contracts listed in Exhibit A, GFS D-0033-53-2, I-0050-AS-2, I-0051-AS-2, D-0033-52-2, I-0054-AS-2, I-0053-AS-2, D-0033-51-2 \$30,000.00 – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0221 ADOPTED.

NON CONSENT AGENDA - NUMBERS 48 through 51

MISCELLANEOUS

48. RECEIVE nominations for Positions 12 and 14 of the **CITY HALL PRESERVATION COMMITTEE** for terms to expire December 31, 2001 and Positions 11, 13 and 15 for terms to expire December 31, 2002

Council Member Parker stated that she wanted to re-nominate the current people, Ms. Anita Ganten, Position 12, Mr. James Thomas, Position 14, Mr. Christopher A. Shelton, Position 11 and Mr. Michael Brown, Position 15.

Council Member Sanchez moved to close the nominations for Positions 12, 14, 11 and 15, seconded by Council Member Boney. Council Member Goldberg absent on city business. MOTION 2001-0265 ADOPTED.

Council Member Boney moved to postpone nominations for Position 13 for one week, seconded by Council Member Tatro. Council Member Goldberg absent on city business. MOTION 2001-0266 ADOPTED.

PROPERTY

49. RECOMMENDATION from Director Department of Public Works & Engineering **TO AMEND MOTION #88-2803, 11/9/88**, which authorized the sealed bid sale of the 28,810-square foot former water plant site, located at 8002 Park Place Boulevard, Lots 1 and 2, Block 18, Acre Villa Subdivision, **TO APPOINT** a replacement **APPRAISER** and add Items 4 and 5 to include additional bid sale requirements - **APPRAISERS - DISTRICT E - TODD**- was presented.

Council Member Todd stated that Item No. 49 was accidentally posted as being attached to District I so he would yield the floor to Council Member Castillo. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Castillo named Mr. Thomas Bazan as the appraiser and moved approval of the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0267 ADOPTED.

50. RECOMMENDATION from Director Department of Public Works & Engineering **TO AMEND MOTION #97-928, 5/21/97**, which authorized the sealed bid sale of various parcels, including Parcel S89-07, the 97,871-square foot former South Wayside Water Facility, located at 6056 Belfort, out of Reserve A, Block 23, Belfort Park Section 3, **TO APPOINT** a replacement **APPRAISER - DISTRICT E - TODD**

Council Member Todd named Mr. George Wyche as the appraiser, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0268 ADOPTED.

51. RECOMMENDATION from Director Department of Public Works & Engineering **TO AMEND MOTION #98-1477, 9/16/98**, which authorized abandonment and sale of a 15-foot-wide alley, between Roy and Sandman Streets, **TO APPOINT APPRAISERS - DISTRICT H - VASQUEZ**

Council Member Vasquez named Mr. David R. Bolton and Mr. William Kvinta as the appraisers and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0269 ADOPTED.

MATTERS HELD - NUMBERS 52 and 53

52. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from City Attorney for supplemental allocation of \$41,200.00 for legal services contract with **OLSON & OLSON** for legal representation of the City in an eminent domain lawsuit filed by the State of Texas and involving a portion of MacGregor Park - Property & Casualty Fund **DISTRICT D - BONEY** – (**This was Item 4 on Agenda of February 27, 2001, TAGGED BY COUNCIL MEMBERS TODD and QUAN**) – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0270 ADOPTED.
53. ORDINANCE appropriating \$755,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Street and Bridge Program Management, CIP N-0668-06-2 (SB9061) – (**This was Item 32 on Agenda of February 27, 2001, TAGGED BY COUNCIL MEMBERS QUAN, TATRO, KELLER and VASQUEZ**) – was presented.

Council Member Tatro stated that he appreciated Mr. Rolan meeting with him last week, that he had a couple of issues, that when they first read this the source of funding was from funds allocated to District A, that clearly this was a contract with projects yet defined which could benefit any district, that his concerns were that, number one, they understood that this was not budgeted in the CIP and number two, any time money was taken from a district with needed projects there should be cause for concern from district Council Members, that if it was unforeseen by the administration he did not believe that the people in District A should be targeted as not receiving those capital dollars now, that he would ask for Council Members support on that, and stated that he would move to suspend the rules to hear from a representative of Public Works at this time, and Mayor Pro Tem Boney stated that they did not have anyone from Public Works present in Chambers prepared to speak on the matter, that they had anticipated a delay on the item and would have some one ready and prepared to speak at that time. Mayor Brown absent. Mayor Pro Tem Boney presiding.

After further discussion, Council Member Keller moved to postpone Item No. 53 until the next City Council Meeting, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2001-0271 ADOPTED.

Council Member Bell stated that during that course of time he would appreciate a briefing as well because he did think the contract raised some fairly significant questions, and Mayor Pro Tem Boney stated that they would ask Public Works to meet with him. Mayor Brown, Council Members Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Galloway stated that she too would like a briefing on this because she too had some concerns about her district as well. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

MATTERS RELATING TO METROPOLITAN TRANSIT AUTHORITY – NUMBERS 54 through 55A

54. RESOLUTION supporting an Election being called by METRO for the issuance of Tax-supported debt prior to any expansion of the Main Street Rail Corridor Project of the initiation of construction of any other Rail Corridor – was presented, and tagged by Council Members Bell and Todd.
55. MOTION by Council Member Todd/Seconded by Council Member Quan to amend Item 55A as shown below:
“amend this item such that the support, such that Metro can do the MIS Study and pre engineering study and then put the matter up for a public vote in the service area but no later than December 2004” – (**TAGGED BY COUNCIL MEMBER CASTILLO ON FEBRUARY 26, 2001**) – was presented, and tagged by Council Members Galloway and Boney.
- 55a. MOTION by Council Member Todd/Seconded by Council Member Quan as follows:
Motion to Support Service Area Wide Election on Main Street Light Rail Project
“Motion seeking City Council pass a resolution in support of HB No. 1725, currently before the Texas Legislature, that would authorize a Service Area Wide Election on Metro’s proposed 7.5 mile Main Street Light Rail Project.
Be it resolved that the Houston City Council calls on Metro to support HB No. 1725.
Be it further resolved that the Houston City Council and Metro request the Texas Legislature pass HB No. 1725.” – (**This was Item on Agenda of February 26, 2001 and TAGGED BY COUNCIL MEMBER CASTILLO**) – was presented, and tagged by Council Members Galloway and Boney.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Ellis stated that two weeks ago he brought up the issue of the Walter Branch Library and had put the blame on the contractor but it seems that it was not the contractor’s fault but a problem in Building Services, that as they knew the Walter Branch Library was closed for renovation and now that renovation was going to take up to two years to be completed and his district only had two libraries, Henington-Alief Regional Library, one of the City’s most heavily used libraries and believed it was going to cause an undue burden, that two weeks ago he requested that someone come and talk to him about this and Mayor Brown directed someone from the administration or Building Services to come by and no one had come by to see him, that he would appreciate the

Mayor's support in this issue and would like to come to a solution with this problem. Council Member Castillo absent.

Council Member Ellis moved to suspend the rules to hear from Ms. Barbara Gubbin, Director, Houston Public Library, at this time, seconded by Council Member Boney. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Castillo absent. MOTION 2001-0272 ADOPTED.

Council Member Boney asked Council Member Ellis to explain the problem with Building Services, and Council Member Ellis stated that apparently in the proposal that they put out it was a faulty RFP and he was blaming the contractor but they did not have complete clarification of what the issue was and that was why he needed someone to come by and see him, and Mayor Brown stated that he would make sure that someone would visit with him. Council Member Castillo absent.

Council Member Ellis asked Ms. Gubbin if there were any plans to put in a temporary library out in that area, and Ms. Gubbin stated that no they were not, that they had looked at their budget and with the reductions that they took they did not have financing for it, and Council Member Ellis stated that he would like to offer a solution, that he had a district office out there which had about 5,000 square feet and thought that they could designate about 2,500 square feet for a temporary library in that area and asked if they could possibly do something like that, and Ms. Gubbin stated that what they talked about was that they could place some books out there and do some checkout but it would be a very basic service, because part of the challenges now with the role that technology played in the library was that access to the catalog had to be through computers and that would mean that they would have to install all the computer technology and hook it into the library system to address the catalog issue and have hookup to the internet and so forth and that was where the costs lay in terms of making that available, that certainly they would talk to him some more about doing some very basic library service, and Council Member Ellis stated that he looked forward to meeting with her in the next couple of days. Council Member Castillo absent.

Council Member Galloway stated that last night she had attended the Library Hearings that they were having around the City and commended Ms. Gubbin and her staff for enlightening all of the constituents in the Scenic Woods area for a good job that they were doing and some plans that the consultant had recommended and also for getting the input from the community themselves as to what they really wanted in their community as far as the library. Council Member Castillo absent.

Council Member Galloway stated that she was at the Pleasantville Civic Club meeting last night as well and at that meeting there were some concerns in the Pleasantville Community about some water and sewer leaks that had been going on for quite some time, that she would like to get a report on where they were on the water and sewer leaks. Council Member Castillo absent.

Council Member Galloway stated that there were some concerns in the Pleasantville Community that large trucks come into the area and wash their trucks down and they thought that there may be some chemicals being washed out into the ground and contaminating the soil out in that area, that it was located on Market Street, across

the street from the Budweiser Company, that she would like someone from HAZMAT to get with her or get someone out there and checkout the washing down of the trucks in the vacant area. Council Member Castillo absent.

Council Member Galloway stated that another concern in the Pleasantville Community was Market Street, that the street really needed reconstruction between McCarthy and 610 Loop and she would like for someone to look into that as well. Council Member Castillo absent.

Council Member Robinson stated that he had read in the paper that morning that Senator Brown had filed a bill relative to public hearing process for concrete batch plants and knew that they had a number of citizens come down and complain about those issues and would hope that they could get the lobby team in Austin to look at that bill, that he knew that Ms. Swindel and Representative Edwards had been having community meetings about a potential plant that was out there and would hate for a piece of legislation to pass that would impact the folks around there, that hopefully next time they had a Legislative Committee they could get an update on this as part of the overall effort. Council Member Castillo absent.

Council Member Robinson stated that recently they had a couple of 18 wheeler accidents, one of them involving some hazardous chemicals, that he was interested in finding out if they could get a person from the Fire Department stationed out at the Transtar Incident Management Center, that they told him that they had the facilities available to include HFD along with HPD and they would like to get them involved in those discussions, that there was also some discussions going on by Galveston County about changing their hazardous material route and because of the way the State law was structured they had to consult with the City of Houston because it came up in the Clear Lake area also, so hopefully the hazardous material unit from the Fire Department would be involved in those discussions. Council Member Castillo absent.

Council Member Quan stated one of the items that was near and dear to the Mayor and himself was the development of the 311 System, that he knew they were hoping to have that on board by April 1, 2001 but understood it had been delayed to some time in May, that he wanted to continue to monitor that and try to get that system going as soon as possible, that it would be a great avenue for the citizens to communicate with the government. Council Member Robinson absent.

Council Member Quan stated that he wanted to support Mayor Brown on his actions yesterday in transporting Mayor Lanier, that he knew it was a tough call but thought that common sense dictated that they do what was appropriate, that in a situation like that they had regulations and they had reality and sometimes they just had to do what was best, that he thought Mayor Brown did the right call. Council Member Robinson absent.

Council Member Quan stated that on the Library Plan he had received calls from constituents regarding the Park Place Library being downgraded from a regional library, that he was concerned about that, that he grew up in that neighborhood and knew how important that library was to the citizens of southeast Houston, that he wanted to make

sure that they continued to consider it as a regional library. Council Member Robinson absent.

Council Member Quan stated that next week they would have their Annual Government Connections Conference, that every week they passed millions of dollars of contracts in Council, but he just wanted the viewers and the citizens to know that they were open to bring in more people to do business with the City, that it was a wonderful opportunity to learn how government went about procuring contracts and issuing contracts and not only the City of Houston, but the State, County and Federal Government, that it was a wonderful event held annually at the George R. Brown and would be on March 20, 2001. Council Member Robinson absent.

Council Member Tatro stated that he wanted to talk about a project that came before Council some time ago, that it was a substantial grid of water and sewer lines that were being laid throughout the City, from 36 inches down to 18 inches, that Lockwood Andrews Newnam was managing the project and they had let the project out in 23 or 24 separate engineering contracts and at that time he and Council Member Keller raised issues and concerns about just the sheer volume of contracts that were going out on the grid, that the contracts were let and the engineers were working on them and to come back to Council would be the construction contracts, that he wanted to thank Mr. Showri Nandagiri and Mr. Hamlet Hovsepian for coming to meet with him on the water and sewer project, that his concern was that he wanted to encourage the administration to combine some of the those construction projects because obviously they had a large grid of pipeline being laid out, some them contiguous and some of them patching up some spots between waterlines. Council Member Galloway and Robinson absent.

Mayor Brown stated that there would not be a Council Meeting next week, that the next regular meeting would be March 20 and 21. Council Member Galloway and Robinson absent.

Council Member Vasquez stated that he wanted to thank HPD for the effort that was ongoing in District H regarding the day labor camps, that Captain Yorek over that area was very cooperative in working with the businesses in that area, the day laborers and the social service organizations in trying to relocate the day laborers in such a manor that there is less criminal activity and that could focus on actual working and being responsible to the neighborhoods, but in the process of being involved and learning about that it was clear to him that there needed to be some reform or refinements of the day labor system, that he knew that other Council Members had been involved and hoped that Council Member Todd would consider taking up the topic in Regulatory Affairs because he thought there could be some ordinance, basically the problem was on the contractor side not the worker side and that contractors were stopping in the middle of the street and creating traffic problems, that he hoped there could be some remedies through an ordinance or through some executive actions, and Council Member Todd stated that he would be happy to look at that and perhaps they could meet and discuss it more fully before they put anything on the agenda, and Mayor Brown stated that Council Member Quan had been working very diligently on that issue. Council Member Galloway and Robinson absent.

Council Member Keller stated that some of the points that Council Member Tatro made were very valid, that combining some of those projects would result in savings and would decrease the margin of error which would basically save time and discount a possibility of a large number of change orders, so he hoped that it would be considered. Council Member Galloway and Robinson absent.

Council Member Boney stated that they had a very outstanding CIP Meeting on Monday, March 5, 2001 at the Museum of Fine Arts and wanted to thank Mayor Brown and all the department heads that attended the meeting, that he wanted to particularly thank his staff who really exceeded themselves with the amount of work that they put in to make it a success, Kimberly Nichols, Carl Shaw, Vascola Stoney, JaKarla Spiller, Andy Villatoro, Kijana Wiseman and Shameka Israel and the Municipal Channel and all their crew. Council Member Galloway and Robinson absent.

Council Member Sanchez stated that he had heard Council Member Quan say that he applauded Mayor Brown for the common sense he used yesterday in the incident that occurred with Mayor Lanier, that he submitted that in the event that he ever needed paramedics or EMT's he did not want common sense used by elected officials in his case, he wanted the judgement of the paramedics and the Houston Fire Department exercised upon his situation, that he thought that yesterday's situation was a disturbing one, that there were some conflicting accounts as to how the patient yesterday was transported, either by his own request or by the request of someone else, that the question that he had was when the first responder units, the SUV's that Council had authorized recently, were put onto the streets, it was indicated to him that this would simply be a responding unit and not a transport unit, so the question he had was did they have a policy as to what the SUV's should do, particularly as it related to transporting patients. Council Member Galloway, Todd and Robinson absent.

Council Member Sanchez moved to suspend the rules to hear from Dr. Persse, at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-0273 ADOPTED.

Upon questions by Council Member Sanchez, Dr. Persse stated that there was not a written policy, that it was the standard operating procedure that all patients go in ambulances, but when the squads were first put into place the discussion that was held with the paramedics was that patients would not be taken in the squads but rather they would be taken in an ambulance, that a policy was not written because at that time, and they had discussed it with the State, they feared there could be a one and a million chance that someone could be shot at Herman Park and they would be right across the street from the Trauma Center, and so they did not put in a policy because they wanted the paramedics to be able to use their good judgement that in the rare situation to put the patient in the squad and take him to the surgeons, that he had been in discussion with the State about this and they would write a policy, but the State agreed that they should not make it so tight that in the rare situation where it was in the patients best interest that they go against State rule, but the State agreed that they should have the latitude to do that in rare cases, that the ambulances were licensed by the State Department of Health to make sure that they are equipped properly and it good working order and they got inspected for cleanliness and stocking and things on those lines, that the squads were

not licensed by the Department of Health because they were not intended for patient transport, that the medic equipped and capable units were 36, that they were available and fully staffed and ready to respond everyday unless one of them was out for a mechanical reason, that when the squads were put in place, the way it worked there was actually an increase of one paramedic capable unit when that change occurred, that they would have a written policy soon and one that the State would approve, that the Texas Department of Health would be investigating the situation yesterday, and Council Member Sanchez asked if he would be willing to share the TDH's findings with Members of Council, and Dr. Persse stated that he believed it would be a public document and would be happy to go through it with him. Council Members Galloway and Robinson absent.

Council Member Sanchez stated that the other issue he wanted to bring up was the issue of congestion on the roadways, that he had noticed recently and particularly around the 610 area, where I59 and 610 meet, near the Galleria, that in many cases what they experienced was perhaps 13 wreckers or tow trucks in the vicinity of two vehicles that had been involved in a collision and for hours traffic was tied up, and asked if there was anything they could do to perhaps work with the Metropolitan Transit Authority Police Department and the City of Houston to expedite the movement of those vehicles from the streets so they would not continue to cause congestion, that he was also concerned that the Transtar System, having cameras all over the transit ways, were not deploying police agencies quickly enough to remove those vehicles therefore eliminating a partial cause of the congestion on the highways, that he would appreciate if they could look at that and perhaps report back as to what was the policy of the Houston Police Department and Metro, and Mayor Brown stated they would look into it. Council Members Galloway and Robinson absent.

Council Member Boney stated that at the CIP Meeting, Chief Connealy explained to the citizens that the City of Houston had the best save rate of any major city in the Country, and Dr. Persse stated that the City of Houston had an excellent cardiac arrest survival rate and in fact the City of Houston had about a 25% to 27% survival rate, and that was survival to the patient going home from the hospital and returning to their previous life style, that the American Heart Association states that the national average was less than 5%, so Houston does very well, that their strategy of deploying the paramedics, ambulances and the first responders was one such that they focused on getting the care to the patient as quickly as they could, that there were a couple of other cities that used a similar philosophy and strategy and those included Seattle, Boston and Milwaukee, they and Houston sort of compete for the top percentages and then the rest of the cities in the Country were about 10% behind them, and they were using Houston and Seattle as models to emulate as they redesign their systems; that one of the great advantages of the squads was that it sort of helped at both ends of the spectrum in patient illness severity, that they were able to get a trained professional rescuer, whether it be on the engine or paramedic squad there very quickly so if the patient was in a life threatening situation they could start caring for him, that on the opposite side of the spectrum, if it was somebody who called and did not have a life threatening emergency the squad could handle that and serve the public and get the ambulance back on service to it was available to do a transport elsewhere; that the new defibrillation units were being deployed throughout the City and that came from mirroring a project done in Chicago. Council Members Galloway, Todd and Robinson absent.

Council Member Parker stated that she wanted to bring up an issue that she thought had been resolved some time ago, that back in April 1999 she was approached by the Director of the Houston Area Women's Center about the critical need to expand their Battered Women's Shelter to have more shelter beds available and they were interested in seeing if the City could assist in their efforts, either through land in the City inventory on which to build or the use of CDBG or similar funds to assist in building a new shelter, that they had a very positive meeting with the Mayor and started working with Director Bingham in Housing and Community Development and as she understood the funds were identified and commitments were made and the Women's Center embarked on their capital campaign and in fact had been touting the City's support in their efforts, but she just found out that they were about to have a ground breaking, they went ahead and purchased the land, and here they were almost two years later and they still had not received any support from the City, that she was not sure how that happened but would like to expedite that because if they were going to publicly thank the City when they break ground she would like for the City to have actually done something for which to be thanked, and Mayor Brown stated that he also thought they had carried out their commitment and would look into it right away. Council Members Galloway, Todd and Robinson absent.

Council Member Bell stated that yesterday at the Public Session they heard from a speaker named Ms. Reasoner who had experienced a great many sewage problems, both in her home and outside since the end of January, that one of her main complaints was that she had called numerous times to the City and could not be directed to the right place as to where she could get information about her problem and that was a great degree of concern to him because given what they had seen over recent weeks regarding the sewage problems it would seem that the Water Department or whoever was receiving most of those calls would make the necessary arrangements so that when people did call they would not have the added frustration of being led around the block numerous times before they could get some answers, that he would very much hope that situation would be addressed, that a point of greater concern was the fact that the Council had approved \$3.5 million for emergency repairs, and there was some concern uttered in February, when that item was passed, that there did not seem to be a plan in place to adequately address the situation, that if they would recall they were originally being asked for \$1.5 million and within a week Council was told that the number would have to be increased to \$3.5 million leaving some of them to believe that maybe the Public Works Department maybe really did not know how large the problem was or what it was going to take in order to get their arms around it, that now they found out, according to Public Works own numbers when they checked, that on February 22, 2001 just before they allocated the funding, that there were 161 sewer breaks, 45 sewer stoppages and 85 homes reporting sewage inside the home, that as of March 5, 2001 these were the numbers, sewer breaks were down to 158, sewer stoppages were up to 53 and sewage in homes had risen to 109, that perhaps when the Public Works Department comes to brief him on the PGA&L Contract they could also provide an explanation for why even with a very significant increase in funding they seemed unable to eradicate the problem.

There being no further business before Council, the City Council adjourned at 10:45 a.m. upon MOTION by Council Member Tatro, seconded by Council Member Quan. All

voting aye. Nays none. Council Members Galloway, Todd 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