

City Council Chamber, City Hall, Tuesday, March 20, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, March 20, 2001, with Mayor Pro Tem Boney presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of city on city business. Council Member Rob Todd absent on city business.

Council Member Parker stated that she had a proclamation to present in support of Texas for Alternatives to Pesticides and invited the representatives, Ms. Lorraine Wolfe and Ms. Rochella Cooper to join her at the podium. Council Member Parker read and presented the proclamation which stated that Earth Day would be observed on March 21, 2001. Council Member Parker stated that she wanted to remind Council Members that the representatives of TAP had appeared before Council and that she remembered their talk about pesticides being sprayed in City parks without regard to the timing of whether children may be playing in those same City parks immediately after the spraying; that they had raised similar issues with the school districts in the area and it was her understanding that they had some success; that she wanted to remind Council Members to educate themselves on this issue.

Ms. Cooper thanked everyone for honoring them and for taking time to give serious thought to a major issue that was confronting them; that in cities all around the country, that they had distributed copies of a new report entitled "Poison School, Invisible Threat for Invisible Actions"; that after considerable research and investigation it was becoming more and more evident that they were placing our most valuable resource, our children, at risk everyday; that attend school, play in City parks and walk our streets; that the poor locations chosen for school buildings and the decision to use pesticides inside and outside school buildings put the children at risk; that economic arguments had been used to fight selection criteria and in defense of easy pesticide spraying; that the true cost to society had not been measured; that every child exposed to toxins from the residuals in parks and playground was one more candidate for asthma, attention disorder and a host of other preventable illnesses; that they all remembered DDT and now recognized the dangers that it presented; that it took 17,000 cases of pesticide poison from the mid-90s before Dursband was eliminated from the list of approved pesticides; that Diazanone was next; that as leaders in the community she urged them to take the time to review the new report; that unfortunately Houston was included due to the poor sighted decision reflected in the location of Caesar Chavez High School adjacent to several chemical plants; that TAP called upon them to ensure the health and well-being of the children whose developing bodies were more susceptible to poisons than adults; that as those people responsible for the parks of Houston they were asking Council to review the policies of the City and make sure that they were not allowing children to play in parks recently treated with poisons and that they were not subjecting public employees to a work environment that was unhealthy. Mayor Pro Tem Boney and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Vasquez introduced two students from Looscan Elementary who were present to drop off some awards and presentations for the Mayor, that unfortunately

the Mayor was on his way to Austin to take care of City business, and asked Ms. Lupe Gomez and Mr. David Gonzalez to stand and be recognized, that also present was their teacher, Ms. Mary Streva. Mayor Pro Tem Boney and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

At 2:20 p.m. Vice Mayor Pro Tem Castillo called to order the meeting of the City Council, and Council Member Vasquez lead everyone in prayer and the pledge of allegiance. Mayor Pro Tem Boney and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo requested the City Secretary to call the roll. Mayor Brown out of the city on city business. Council Member Todd absent on city business. Mayor Pro Tem Boney and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Members Vasquez and Tatro moved that the minutes of the preceding meeting be adopted. Mayor Brown out of the city on city business. Council Member Todd absent on city business. Mayor Pro Tem Boney and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Steve Williams, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he represented the Houston Professional Firefighters Association Local 341 and that wanted to address the issue on the current procurement of personal protective clothing by the Houston Fire Department; that who or what manufacturer was awarded the bid was of no importance to them; that the successful winning of this bid process was to produce to the Houston Fire Department the best protective clothing that was available; that it was the belief of the Union and the Administration they had the same mission; that the clothing must provide the flame and thermal protection while performing their duties as firefighters; but it also must be recognized that the membership wanted the assurance that the Department had secured the safest product while addressing the associated problems of heat stress and on-going wear of these ensembles during high humidity and summer months in Houston; that durability, serviceability and safety was expected, that nothing less and nothing more; that recently a number of issues had been raised regarding this garment, the thermal barrier, which was the inter-component of the protective personal equipment that they wore; that this provided the thermal protection to the firefighters, that it should be first pointed out that Local 341 only became involved in this process only a few weeks ago because of safety concerns that had surfaced, that those members of the department that had been involved from the beginning were union members who had either been asked or had volunteered to work with the administration on the gear committee and not at the request of the union, that it was clear though that each and every one of them shared in the mission to select the best gear and accomplish the mission of providing the best protection to the membership, that they carried with them knowledge and varying years of experience to provide that; that some factors which should be considered in basing the recommendation on the thermal barrier were the physiological bases addressing the safety of the firefighters and it should provide a physiological benefit to firefighters; that requirements should provide some benefits for the intended target population, namely the firefighters who must frequently wear protective clothing; that while they depended on this clothing for protection tests provided limits to the product used in the thermal protection

offer which could subject the members to exposure from just wearing it; the closed cell foam-based thermal barrier presented a departure from the conventional proven technology that was currently used in the fire service; that NFP standard on fire protective clothing did not contain any requirements that anticipated the use of foam-based products and instead had the requirements pertained primarily to textiles; that was why foam-based thermal barrier was able to meet the NFP standard; that the liner was tested as a component, not each product used within; that there were many new materials available in textile composites for use by all manufacturers, but he was aware of only one that used that product in their gear as a foam-based thermal barrier; that research on this issue had produced pros and cons, concerns and threats, support for all to not appropriate for usage in personal protective equipment; that there were many issues relating to off-gassing, the threats of hydrogen cyanide gas, hydrogen chloride gas, everything they were confronted with as firefighters are confronted with off-gases; that the specific gear ensemble that was tested was only tested through practices at their training academy for one day; no long-term field testing had been conducted on the ensemble which had been proposed; that they asked was for the Department and the Administration to ensure that all of their concerns related to the safety of the gear and adequate field testing should be established and conducted with a limited number of those ensembles which would allow for Administration and the Union to ensure that any and all issues related to the foam-based thermal liner were addressed; that in closing, they had to be concerned for the safety of the firefighters; that any concern about the foam-based thermal liner needed to be addressed; that the Fire Department was an aggressive, metropolitan Fire Department with a known high volume of fire calls; that their Department was the third largest in the country and the firefighters each and everyday placed their lives on the line to protect their citizens from the tragedy of fire; that all they asked in return was they were provided the best protective clothing and equipment; that if this could be done through additional long-term field testing on a limited number, they were asking this be done. Mayor Pro Tem Boney absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Ellis, Mr. Williams stated that they had concerns and that one thing that had been done was outside the normal passed practices and that was the field testing; that the request for process was started in December 1999 and a number of gear manufacturers provided gear and they started field testing; that in November of last year this particular garment was beefed-up at the request of the Department and it was his understanding that a number of manufacturers were eliminated from the process and that only a one-day test was performed at the training academy; that they had surveyed throughout the country from east coast to west coast, there were departments that had the product and swore by it and there were departments that said they wanted to do away with it; that they had safety concerns; that on behalf the members if there were any safety concerns they had to address them with Administration and with the Council and that was what they were doing; that the product had some concerns that are carried with it that in order to evaluate it on their level; that Tulsa, Oklahoma swore by it, but he wondered if they were a department that was aggressive or made the volume of calls which post a 30% of their runs they made every year were pressure related; that they wanted field testing done for at least six months; that according to the fire chief and Captain Wallace Page they needed to buy so many number of ensembles in which to administer or issue to the members in the field, take their gear and clean it through a national safety cleaning to provide to the training

academy; that they always looked to the opportunity to be involved in any gear; that there would be members that say they should be, but if the gear poses a safety concern which some of the material did, they wanted to be involved in looking at it; that as the Union in looking into this for a short period of time, they had some of the same concerns that were pros and cons and that was why they were asking for the additional field testing to take place with limited number of gears; they did not want their membership, a large volume of them, put out there as guinea pigs; that a good analogy was that Firestone Tires made a good product for so many years, then there started to be some identifying problems and he did not want their membership put in a situation where years down the road that their members were subjected to safety concerns; that he believed that purchasing a limited amount of the product and allow it to be tested in the field for the next six months prior to them purchasing a large amount. Mayor Pro Tem Boney absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Parker, Mr. Williams stated that in their process of researching an issue they had not found any department that was parallel to their size that had used the gear that they could use as a benchmark. Mayor Pro Tem Boney absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker moved to suspend the rules to hear from Chief Connealy and Captain Wallace Page, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on city business. Mayor Pro Tem Boney and Council Member Ellis absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2001-0274 ADOPTED.

Upon questions by Council Member Parker, Chief Connealy stated that they had agreed with the Union to purchase 200 sets of gear initially to be tested in a longer period of time; that they felt comfortable in how it was done and that they agreed to reassure that the firefighters were wearing nothing but the best; that they should buy the 200 sets and leave the contract in place so that if in case they made a chemical fire they would have extra gear that would give them the ability to replace the gear; that they had agreed to go through the summer for the testing to make sure that the gear made it through the most difficult time of the year. Mayor Pro Tem Boney and Council Member Ellis absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Parker, Mr. Williams stated that they had gone as far as looking at a corridor of stations that had high response and would be entering into active fires to even the stations with less response but would be standing around wearing the gear; that they wanted to look at the broad range of the effects of this type of gear; that they could cancel the contract with 30 days notice. Mayor Pro Tem Boney and Council Member Ellis absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Robinson, Mr. Williams stated that he had a meeting that morning with Chief Connealy and Capt. Page and that they had agreed upon a six-month field testing; that it would get them through the high humidity, high heat months and the six-month test period should provide the adequate field testing needed to make the decision to purchase; that they were going to take some of the gear after one month, two month, three month and do various spot checks throughout the whole six-month period so that they would collectively have a good evaluation on whether the gear

provides the best protection to their firefighters; that they would send to Council Members in writing whatever the agreed time line and process each step along the way so that they would know what to expect at what point in time. Mayor Pro Tem Boney and Council Members Goldberg and Ellis absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Galloway, Capt. Page stated that they had not received any concerns from other employee groups on this issue; that he assumed they all agreed; that the gear was new to the City of Houston; that it had been in production since 1995 across the United States; that it had been out in the field and had been tested and found NFPA compliant and UL approved. Council Members Goldberg and Ellis absent.

Upon questions by Council Member Galloway, Mr. Williams stated that in their research on injury issue they were not able to come forth with any data, but there were some departments they had talked to that had related some instances of injury; that for them to use this as a benchmark, they were not departments equal in size or aggressive as Houston Fire Department and they chose not to address; that in talking to the Administration those were the things that they were going to watch for in this concept of gear for the reason while beefing the material up in the shoulder areas, arms and the knees that they wanted to make sure that injury issues did not come up; that the monitoring in the six-month testing period would be very controlled; that the request to beef it up came in November of last year which was outside the original parameters when they were brought in and because the material itself had some information that was cause for safety concern that was when they entered into looking at this; that in conversation they felt that they were going to look at this and if anything occurs whether their side or other employee group's side and if there was a need to stop what they were doing then that would occur; that if it was before six months, he felt that the Fire Chief and the Administration would be accountable. Council Member Ellis absent.

Upon questions by Council Member Galloway, Chief Connealy stated that they would initially order 200 sets, up that out in the field for the test and if they test successful then they would continue to buy based on the recommendations of this group between the Administration and the men. Council Member Ellis absent.

Upon questions by Council Member Vasquez, Chief Connealy stated that he would be okay with the impact of the six months; that it would get them through the period they looked at during the summer. Mr. Williams stated that he was in complete agreement with the six-month testing they would be able to determine whether the pros and cons really exist in this issue; that they were not interested in dealing with the vendors; that they wanted to get with the Administration and the Council in dealing with this and that was what they had been doing; that they had researched it through all of their agencies; that they had met with the committee that tested the gear and then met with Capt. Page and the Chief that morning and they were collectively in agreement on this matter. Council Member Ellis absent.

Upon questions by Council Member Keller, Mr. Bibler stated that the issue regarding the two items was not two different vendors; that the question turned out to be that perhaps one of the contracts was in the name of the wrong vendor; that they had used an assumed name on their bid and they were supplying a corrected contract that

was the real name of the vendor; that it was a correct of the contract with the same company. Council Members Ellis, Castillo and Parker absent.

Mr. Steve Allison, 6415 Poe Avenue, Dayton, OH 45413 (937-850-9544) appeared and stated that he was the North American Vice President for Lion Apparel; that their world headquarters were located in Dayton, Ohio; that he was present to represent all of their North American employees to let them know that they were poised and ready to serve the Houston Fire Department, Houston firefighters and the City of Houston; that all of the Lion Apparel materials to be used that Houston firefighters had stood the test of time; that no valid studies or documentations existed that any of the products they used caused any added stress injuries or contributed to any burn injuries; that firefighters in Houston were one if not the most tactically aggressive fire departments in the world; that they required upgrades of technology as soon as possible; that Lion Apparel was a company of long-standing support of the fire service; that their 103 year reputation was predicated on providing the best safety through the firefighters world-wide and they stood ready to serve. Council Members Ellis, Keller, Castillo and Sanchez absent.

Council Member Quan moved to suspend the rules to hear from Mr. Jack Reilly, Mr. Alan Schiernbeck and Ms. Mary Grilliot after Ms. Bryan, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on city business. Council Members Ellis, Keller, Castillo and Sanchez absent. MOTION 2001-0274-1 ADOPTED.

Ms. Flora Casillas Bryan, 5480 Gander Rd. South, Dayton, OH 45424, appeared and stated that given Union President Williams' remarks that she would defer any comments. Council Members Ellis, Keller and Sanchez absent.

Mr. Jack Reilly, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that he had spoken to Council about two weeks ago and he was a retired Captain from New York City Fire Department and now worked for Total Fire Group; that he would also defer to the Union President's message, but encourage the Council and the Fire Department to not only include Lion Apparel's bunker gear, their alleged new foam, but to also include new bunker gear that might be available from Total Fire Group Morning Pride to put it on an equal basis; that it seemed they were testing a new product against seven year old technology that happened to be out in the field and that he encouraged the parties involved to have new bunker gear supplied by Total Fire Group also. Council Members Ellis, Keller and Sanchez absent.

Mr. Alan Schiernbeck, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that he was the Vice President of Market Development of Total Fire Group; that he felt Mr. Williams' comments were very germane to the situation; that he did not believe that the Department should rush into buying a product that was not proven in the City of Houston; that although he agreed with Mr. Reilly, the question remained somewhat on the price difference and he wanted the Council to know that the outer shell material that was proposed by their competitor was a full 7%-10% lighter than the proven fabric that the Department had worn for the last seven years in the field and that the face cloth on the thermal liner was a full 15%-18% less fiber content; that when they looked at the difference between the wear and durability in protection they needed to take into

consideration that there were actual fabric differences that helped make up the difference in the price. Council Members Ellis, Keller and Sanchez absent.

Ms. Mary Grilliot, No. 1 Innovation Court, Dayton, OH 45414 (937-264-2662) appeared and stated that she was deferring to President Williams' remarks; that she found herself at somewhat of a disadvantage; that new Lion Apparel product would be tested against her product that was seven years old; that it did not seem to be an even playing field; that if they were looking at what state of the art technology in the field, she suggested that they look at 200 sets from them which also performed exceptionally well throughout their entire testing protocol; that she could have 200 sets in Houston within five work days; that if 200 sets of her gear was compared with 200 sets of the foam product she knew what the winning field test unit would be. Council Members Keller and Sanchez absent.

Upon questions by Council Member Quan, Chief Connealy stated that based on Ms. Grilliot's offer that he did not know whether he had an opinion on it, but that basically what they were going to do the evaluation of the 200 sets from Lion and that he did not know if they had the finances to buy 200 sets from Total Fire to do this evaluation. Council Members Keller and Sanchez absent.

Upon questions by Council Member Quan, Capt. Page stated that in the original testing Total Fire Group provided their latest state of the art that did not perform as well as the gear from Lion and that was why the evaluation was in favor of Lion Apparel for recommendation and that they did not have seven year old gear but gear that was within two months of being purchased from Morning Pride. Ms. Grilliot stated that the one-day burn building test was the only place where there might have been an advantage for the Lion gear; that if there was a one-day advantage with a product that would not work in the field it was a moot point; that was the one area of product superiority that was cited for Lion; that as to Capt. Page's comments that some gear was just several months old, it was produced to the spec that it was written seven years ago; that the gear she must produce to the spec that the Department adopts; that the product that was out in the field that the new technology sets of Lion gear would be built to a spec that was seven years old; that she believed that the one-day burn building test quite neatly takes her out of competition; that it was now all of a sudden it was Lion against seven-year old Morning Pride technology, a vendor who had performed exceptionally well; that the only place that Morning Pride's current technology product versus Lion's current technology product where Lion was seen to have an advantage was the one-day burn building test; that her point was the product that did well in the one-day building test would not do well in the field because of embrittlement, compression and all the other issues that spoke about two weeks ago; that if they did not test her current product, the field testers would not be comparing Lion's state of the art versus other's state of the art they would be comparing Lion's state of the art with antiquated technology. Capt. Page stated that they did ask for their state of the art in December 1999; that they tested it for six-month time frame over the summer months with all of the same material that was available now; that the only difference they had requested was an enhancement in some thermal protection and they provided that to them, but did not excel in that area; that no vendor was excluded during that process and they asked for their very best available to show them; that they did test it on that accord and he wanted to point out that he was not testing the gear over the next six months against what they already have; that they were testing based on its own

accord; that in the event the Lion gear did not test well, they would be giving Council a proposal after the six-month time frame and spell it all out. Council Members Keller and Sanchez absent.

Council Member Parker moved to suspend the rules to hear from Judge Glenn Taylor, Ms. Mary Van Kerrebrook, Ms Nancy Gabany and Mr. Tom Juarez out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on city business. Council Members Keller and Sanchez absent. MOTION 2001-0275 ADOPTED. Council Members Keller and Castillo absent.

Judge Glenn Taylor, 836 Austin Street, Hempstead, Texas 77445 (713-529-8448) appeared and stated that he was the County Judge of Waller County, Texas; that he was born in the Heights, native Houstonian and as a small child he was transplanted in Waller County where his father was elected to the office of Waller County Judge; that the long-standing issue of the Waller County Airport arose during his recent administration, he was called before the State Legislature to testify about this item; that now he had come to them to talk about something that he thought was wrong; that it was wrong for the City of Houston taxpayers, the citizens of Waller County, for the City Council who made the agreements 20 years ago that caused them to sell the land to the City of Houston and zone the land with height restrictions for the purpose of building an airport; that in southern Waller County there were 1400 acres of land that the City of Houston owned that the City Council had approved as a mitigation site; that to help our construction it took 1400 acres of Waller County land out of existence; that when Mr. Vacar of the Houston airport system met with him he stated to Mr. Vacar that it could be worked out, they would agree to put a restrictive covenant on the land where it would not be used for an airport and that would allow Mayor Brown to honor his commitments; that he still wondered what those commitments were; that they had an appeal pending in Washington, D.C.; that he had found out that the lobbyist for the City of Houston had contacted a representative in another jurisdiction in a remote part of Texas and asked that representative to admit a bill in the State Legislature that said the City of Houston had a right to convey a gift of land to a non-profit 501C-3 organization without taking it before the public so that the public would know that \$5.8 million purchase of that airport site would be given away in the secrecy of a chamber, he felt that destroyed all and any of some ideas that someone would try to help them; that he was requesting that they take the initiative to go to the Mayor's office over the next 10-14 days and share with them the impact on Waller County that their mitigation plan would have; that the County who was supported by the Exxon field and had a \$1.5 billion value; that in two years it fell over 50% to \$742 million; that on his chart everything they saw in dark blue was the flood plain and a natural mitigation area; that the yellow site on the chart was what the City of Houston had purchased in agreement with Waller County; that they had 60,000 acres of rice under plow at that time; that they had 4,000 acres of rice under plow now; that by taking and placing this site in mitigation and excavating four feet they would be creating an artificial attractant for more fowls; that it not only precludes the possibility of having anything developed on that site as far as homes and businesses, that it also affects every landowner for a five-mile area which was the light green circle on the map; that it was basically the entire southern portion of their County and that the City of Houston was required by law to put up 13 acres of mitigation to do the expansion at Bush Intercontinental and by placing this into mitigation they were taking 1400 acres out of their



potential economic development revenue stream in perpetuity. Council Member Keller absent.

Upon questions by Council Member Robinson, Judge Taylor stated that he planned to do everything that he could to protect Waller County; that it included a suit against the City of Houston and a possible condemnation of the property; that the current zoning restrictions were such that he would have to take to the lawyers to determine the correct answer would be or the jury, one or the other. Mr. Bibler stated that the City of Houston had asked them to adopt the airport zoning restrictions; that the restrictions had to do with height restrictions and development that would effect the safety of airplanes flying in and out of the area. Judge Taylor stated that there were zoning restrictions placed on this property 20 years ago at the request of the City of Houston . Mr. Bibler stated that if Waller County was to sue the City of Houston that it would depend on the cause of action, where it was filed and what it was all about. Council Member Robinson stated that it might be easier to settle this or go back and six months to a year was less time than the potential delay from litigation and then going to the Appellate Chamber. Mayor Pro Tem Boney stated that for clarity, there might not be any delay at all regardless of what kind of lawsuit or appeal if Waller County was to file one; that they had already started constructing the airport and if there was a change in their wetlands plan he wanted to know if they would have to stop and resubmit a new wetlands mitigation plan to FAA. Mr. Vacar stated the Corp of Engineers issued a 404 permit which was the final environmental clearances for \$1.7 billion worth of work; that the Corp expected them to honor the permit as issued in its express and language that they would propose the verbatious wetlands' portion of the mitigation occur at West Side Airport; that as far as the Corp was concerned as long they were proceeding in good faith to do that, then they would be fine with us on the permit; that if the City of Houston were to take an action that said we were not going to follow the permit as issued then the Corp would have a standing to issue a de cease and desist which they have done in other cases; that they had no plans of changing the permit; that the memo he had sent to Marty Stein picked up on the point that if they were to go through the process of changing their mind about the mitigation program that had been approved that it would require an overall review by every agency that participated and that review process would take six months to a year and then another permit would be issued presumably because at this point we don't know what it would be because it had not been proposed; that was the delay they were trying to avoid and he believed at that point if they decided to change their program now the Corp would be concerned that we were not following through on the basis the permit was issued; that would be a self-initiated change by the City of Houston; that he did not know if there was another jurisdiction to file a suit or an appeal that the other jurisdictions, the FAA and the Corp might hear, but there had been a complaint filed with a Federal court in Washington, D.C. on the environmental impact statement, record and decision and that was pending; that it had been filed by Waller County and the defendant was the FAA; that the City of Houston was not a party to that suit; that with any other lawsuit that he did not know what lawsuit they were talking about because he thought that a lawsuit to stop the activity at Bush Intercontinental Airport because it was in Harris County and not Waller County. Mayor Pro Tem Boney stated that it would seem to him that the time to have this discussion was at the time they had to debate about West Side Airport and using it potentially for wetlands which was about a year or two ago that they had that long debate and discussion. Council Members Galloway and Goldberg absent.

Upon questions by Council Member Tatro, Judge Taylor stated that he was contacted in the first few months that the City of Houston had identified a plan to place this land in mitigation and that he was familiar with the issue; that he went to the Committee on Natural Resources and testified at the State level and behind him was Council Member Roach and the lobbyist for the City of Houston and that he was never asked by the City of Houston to discuss the economic impact on Waller County when the City of Houston had made this decision. Mr. Vacar stated that the cost of the mitigation on the 404 permit if it were to come back before Council with the plan to build the man-made mitigation site would be a bid on the construction work and that would come back to Council in the form of a construction contract. Council Member Tatro stated that he recalled when the City proceeding to submit to the Corp of Engineers their preferred site they had dollar figures attached to them and to him that was an act on behalf of the Administration to tie them in to certain dollars to have mitigation based on the pledge for the West Side Airport and those would come back to Council, if approved, in a completed form and they would then simply write the check; that there was no financial analysis done before the 404 permit was submitted looking at what the possible financial ramifications would be to the City; that it was a decision made by the Administration and Council would have to write the check regardless of whether it was the best economic decision or not and that he did want to meet with Judge Taylor and as this prepares to get back before Council he wanted them to be educated on this because it was a costly issue, it did affect their neighbors and did affect the future infra-structure and he believed that regionalism was a significant issue in working together. Council Members Galloway and Goldberg absent.

Mayor Pro Tem Boney stated that he clearly remembered that debate and in fact were not to use the West Side Airport as a site pending its approval for wetlands mitigation; that they would have to spend more money to purchase some wetlands credits somewhere else; that was actually the least expensive alternative. Mr. Vacar stated that it was an alternative that it appeared to be less costly but beyond all of that if they had the support of the environmental community would probably have saved them a year and a half in the environmental impact as well. Judge Taylor stated that it was before the United States Supreme Court was handed down that said the Corp of Engineers had no authority over that land and that was before the case indicated that you only needed 13 acres to do the expansion and additionally it offered Mr. Vacar 71 acres of natural mitigation. Council Members Galloway and Goldberg absent.

Upon questions from Council Member Ellis, Judge Taylor stated that they did own property in Waller County, but not a large portion like the City of Houston owned; that they owned about six city lots; that the City of Houston already owned the bar site; that they already had sufficient land within their control to do the mitigation without negatively impacting them. Mr. Vacar stated that they had not acquired the bar site yet; that it had been proposed as the site required by the Corp of Engineers just like West Side was the only property the City of Houston owned which has been proposed for the vindication for the verbatious wetlands; that bar was the forested wetland component of this and that it was to be acquired; that one was forested wetland and the other was verbatious wetlands and they have to be mitigated independently. Council Members Goldberg, Keller and Robinson absent.

Upon questions from Council Member Quan; Judge Taylor stated that the ultimate goal for Waller County would be the development of their own airport; that when the Exxon field dried up and their value depleted by over 50% they knew that they were going to have to shift towards some type of real capital improvements as opposed to oil stored under ground; that the airport was for small airplane and not for general aviation; that the County had received a \$500,000 grant to do a study for general aviation at the airport and depending on how the study comes back they would move towards selecting a site and that could be anywhere in Waller County, but the activity on the mitigation site was precluding all of the areas for a five-mile radius around that site from being in the running; that this was the only site in Waller County that would meet the criteria for the general aviation; that they started out with 100+ acres at Intercontinental that were subject to court jurisdiction under the prevailing law at the time; that the Supreme Court case came down a couple of months ago and said that the pothole wetlands were not any longer subject to the reach of the Corp of Engineers or the EPA; that the Corp wrote them a letter indicating that they had determined that there were 12.9 acres remaining; that the determination was never made by the Corp what multiplier was actually required for that 12.9 acres; that they did not know what the actual number was; that they try to save some money by mitigating less land by asking the Corp of Engineers and every other agency how much they would have to do there, but they would suffer a six month to a year delay in that process or, alternatively, they could use the existing mitigation plan which was eminent to be approved by the Corp of Engineers and save all that time and expense; that was what he had recommended and that was what they had done. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mayor Pro Tem Boney stated that when they had the debate regarding the West Side Airport and General Aviation and General Aviation's staff was going by way of 8-track tape and if you looked at the economy now, there were not a lot of people buying private planes for General Aviation use. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Quan stated that his concern was that this was not in anyway going to compete with their operations at any of their other airports, so General Aviation Airport, he did not know how much business it would take away from Bush or Hobby and that he was also concerned that they were welcomed to do whatever they wanted to in their County; that we could not necessarily tell them they could not do it, but if they wanted to play an 8-track tape that was out of date, it may not be the most prudent thing to do. Council Members Galloway, Goldberg, Keller and Robinson absent.

Upon questions by Council Member Bell, Judge Taylor stated that was serving as County Judge in 1999; that he had not found the written guarantee saying *quid pro quo* but the County Judge at the time was still alive and he stated that was their plan with the City of Houston; that he had gone through all of the documents and sent copies to the City's lawyers; that in 1999 while the City was debating the subject, he was present and complaining and City Council Members testified before the Natural Resources on the subject. Council Member Bell stated that at the 1999 debate on the issue, he did not hear anyone from Waller County speak. Judge Taylor stated that he was complaining and would be on file; that sometimes he had the same problem in that there were some things said by Council that he did not exactly hear and when he did hear it he was never sure that he got the right spin on it and that was why he was bringing the issue about

filing the Bill; that while they have an appeal pending all of a sudden the Bill shows up to convey the land away that was prompted by the City of Houston and he was not entirely sure whether all of the Members of Council understood how egregious that was to be in on-going talks now that they had finally come about even though it was down to the point where he had to show up before City Council; that he had objected at the Legislature, he had objected at the meetings and when he met with Mr. Vacar he did not think that Mr. Vacar would think that there was any doubt about his objections; then when they started going to the Commissioners one-on-one, he believed that they indicated that they had objected before so he was not sure that the City Council and the City of Houston were aware that there was an effort to convey the land away without anybody knowing it; that there was no plan pending with funding for the airport; that he believed there were two separate issues, one was the building of the airport and that was completely separate from taking dry pasture land and taking water out from under ground and pouring it on top which violated their own subsidence rules inside the City of Houston; that lowering the water table there would make less water to come to the City of Houston so while there was no plan to build an airport with funding, there was the idea upon his court and citizens of Waller County to protect this 1,400 acres from falling out of a revenue stream or never being available for anything; that it was one thing for the City of Houston to renege on their agreements of 20 years ago, but it was another thing to take and destroy the land where they could never use it for anything ever; that he was not present to make an airport, but he was present to make sure that some other jurisdiction did not come and limit their opportunities to not only the land that the City owned but also to all of the land around it. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mr. Vacar stated that they had no knowledge about any bill in Legislature to give away land; that under Federal law the City of Houston, the Aviation system was precluded from giving away the land, it can not be done, they could not under Federal law act on it; second, the mitigation program proposed for the West Side Airport site does not involve any pumping of water from underground and putting it on the top of the ground; that particular site was never subject to an environmental review by anyone and, therefore, there was absolutely no determinations that had been made whether it was appropriate for an airport for the City or anybody else; that no environmental impact statement had ever been done to clear it for that purpose; that he had been told there were already wetlands existed on that site that may preclude it from ever being considered for an airport site. Judge Taylor stated that there had never been a study done saying that there were any natural wetlands on the property and he had shown Mr. Vacar a cell site where there were 71 acres of cell natural wetlands existing on a 300-acre piece of property and this has had no study showing that there was any natural cell on it. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Vasquez stated that he wanted to invoke the 5minute Rule. Council Member Parker stated that since they had three other speakers on that issue and if she had questions she would bring them up to the next speaker. Council Member Tatro stated that since we had a visiting Judge from another County, he believed they were trying to rush this issue to a close with only two speakers left on the agenda; that he did not think that was respectful to the Judge on a significant issue in trying to close it out before it had reached its due around Council. Council Member Vasquez stated that he did not know whether this issue would be resolved this day and that was why he invoked the 5-minute Rule; that there were other citizens present with other complaints and there

were still three more speakers on this particular issue. Mayor Pro Tem Boney stated that he was going to invoke the 5-minute Rule at the request of Council Member Vasquez; that he appreciated what Council Member Tatro was saying, but he fully felt that they would not be able to resolve this issue that day, and since a number of the Council Members had invited the Judge to their offices for private meetings, he was sure that the matter would come back before Council for discussion and that they were going to move on. Mayor Pro Tem Boney thanked the Judge. Council Members Galloway, Goldberg, Keller and Robinson absent.

Ms. Mary Van Kerrebrook, 7520 Creekwood Dr., Houston, Texas 77063 (713-547-8506) appeared that stated that she was the President of the Board of Directors of the Katy Prairie Conservancy which was a non-profit land trust working to protect wildlife habitat in Waller and Harris County, Texas; that the West Side Airport saga began a decade and one-half ago with the City's acquisition of the 1,400 acres of land for a proposed airport; that the airport was unneeded and a very dangerous safety risk as well as environmentally unwise; that in the late 1990's the Federal Aviation Administration stated that the site should not be used as an airport; that one and one-half years ago a broad coalition of Houston conservationists, hunters, environmentalists, community leaders, the National Rifle Association, the Commercial Pilots Union and the aviation industry along with many others joined together to support the concept of wetlands mitigation on the former West Side Airport site; that pursuant to Federal law the City obtained an agreement with wildlife agencies and that agreement both authorized and required implementation of the plan that was proposed by the City; that it was their perspective the City's mitigation plan was and remains a good idea; that it continued to enjoy the support of an unprecedented and broad coalition of Houston citizens; they believed that City Council should reframe from destroying it. Council Members Tatro, Galloway, Goldberg, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Nancy Gabany, 310 Imperial Bend, Katy, Texas 77493 (281-263-8286) appeared and stated that she lived in Remington Trails in Waller County; that the proposed West Side Airport that Houston had the 1,400 acres was very near them; that they were pleased that the City was going to do the mitigation plan to offset your plan at Bush Airport; that they were very concerned that Waller County was opposing the mitigation plan; that all of them in their neighborhoods and surrounding neighborhoods would be affected by the airport should it go in; that their property values would drop; that the safety hazards and the birds and wildlife that they enjoy and that there were a lot of neighborhoods going up there that would be bringing the tax dollars back into Waller County; that she would encourage City Council not to let Waller County tell them what to do with their land and to go forward with the mitigation plan. Council Members Tatro, Galloway, Goldberg, Keller, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Gabany stated that her opinion was that the property values would actually increase as long as it remained a mitigation area; that when Judge Taylor spoke of the value dropping from \$1.2 billion down to \$700 million he was talking about tax dollars that were coming in; that they knew the Exxon plant was drying up and she believed that they should have done something several years ago; that there was an environmental study Judge Taylor referenced that a \$500,000 grant had been given for them to do an environmental study; that she knew they had not done an

economic study there; that there was a 1988 Peat, Marwick study done and she did not see how it was valid now; that she did not feel that there was an impact for a general aviation airport; that anyone who thought they were going to move air cargo up and down I-10 was nuts; that because of the traffic conditions she believed anyone who would need to get to an airport they would go to Sugarland Airport; that the economic study should have been done first and the environmental study was pending, so they did not know whether they could put an airport there; that she saw growth in her neighborhood because of the preservation of nature; that there was a development underway in her subdivision; that she was located in phase two and four phases were planned; that the property values of the homes there start about \$300,000 and on up and she believed that was a very good tax base for Waller County. Council Members Tatro, Galloway, Goldberg, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Tom Juarez, 5702 4<sup>th</sup> Street, Katy Texas 77492 (281-391-2202) appeared and stated that he was a land developer, a resident and concerned citizen of the Katy-Waller area; that he was the developer for Remington Trails; that they had taken a lot of special care to have acreage lots in natural surroundings and in keeping with the rural look of the area; that his company, TCBI, had gone to great lengths to develop and cultivate a rural atmosphere remnant of early farming communities; they had developed rice land that brought in a little tax dollars for the County; that now they had two expansions going to Remington Trails, another 66 lots; that the lots averaged between one-half acre and one on-half acres to five acres; that the land had a tax base of \$70 million with what they had coming up and they were planning to do another 750-1,000 acres also in the vicinity, all of which was next door to the airport mitigation land; that the airport would make a crease in the atmosphere that had the country look, kids playing in the wetlands made it easy for them to be safe; that the 1,400 acres was one of the five sites entertained for this type of a structure; that he strongly opposed a development that would destroy a development that would destroy feeding grounds or natural habitat for any geese or waterfowl in a natural fly zone for the geese migrating from the north; that the proposal in the past had been turned down by the FAA because of the fly-way of the geese; that the ingress and egress of I-10 were already over crowded and even improvements of I-10 it would be ten years before it would be accessible; he urged Council to continue with their plans for the natural wildlife; that if the mitigation continues they would developed another 1,000 acres and increase the value of the land about another \$200 million. Council Members Galloway, Goldberg, Keller, Parker and Robinson absent.

Minister Angel Lopez, 2220 South Piney Point Rd., Houston, Texas 77063 (713-782-4128) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Keller, Parker and Robinson absent.

Mrs. Beatrice Coleman, 6819 Morrow St., Houston, Texas 77091 (713-697-61900) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Keller, Parker and Robinson absent.

Mr. Edmond Evans, 7918 Feather Creek #77, Houston, Texas (832-237-0520) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Keller, Parker and Robinson absent.

Mr. Keith Silas, 2814 Stallings, Houston, Texas 77088 (281-447-5793) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Keller, Parker and Robinson absent. (NO QUORUM PRESENT)

Mr. James W. Garrett, 12114 Sand rock Dr., Houston, Texas 77048 (713-991-4615) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Keller, Parker and Robinson absent. (NO QUORUM PRESENT)

Mr. Christopher Cato, 7710 Boggs Rd., Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Keller, Parker and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Boney directed Mr. Vacar to submit the letter they had received from the FAA about the possible bird hits so that new Council Members have the benefit of that information. Council Members Tatro, Galloway, Goldberg, Keller, Parker and Robinson absent. (NO QUORUM PRESENT)

Mr. Jacob Padilla, 7418 Alderson, Houston, Texas 77020 (713-674-2256) appeared and stated that he was present to address an issue in the Denver Harbor area; that he was talking out the multi-service center that was being built in Denver Harbor; that the Park Advisor had a meeting with some of the members and they wanted to make it a super recreation center that would take away from the programs they had discussed through a number of meetings that would benefit the community, such as their senior citizen program, WIC, teen pregnancy, possibly a drug and alcohol counseling; that Mr. Roy Wilson mentioned that senior citizens would no longer be funded and they would have to pay to use the facility; he believed that was wrong; that they had pushed and fought for a community service center; they would also want the recreation center to be a community center/recreation center and there should be a gym and the original community programs that they felt a community center should offer. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Castillo stated that the City had every intention of the Denver Harbor Multi-Service Center being a multi-service center; he thought that a lot of the confusion came from the way they talk about things; that Mr. Padilla had referred to the building as a community center and it was not a community center and that it was a multi-service center; that a community center referred to a facility operated and managed by the Parks Department which was like a meeting place; that this was not a meeting place, it was a service place; that he had read the correspondence between the Mayor's Office and the Director of the Health Department relating to what would be going in the center; that it was exactly what they had talked about 5 years ago; that whatever information Mr. Padilla had gotten from someone else was not correct; that, in fact, one of his priorities was to asked for about \$700,000 to finish out the second floor and assured Mr. Padilla that they had not retrogressed on any of the agreements they had before. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Vasquez stated that they were committed to having programming there and they would work with Mr. Padilla to clarify that information. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Castillo stated that because it was being referred to as a community center a lot of people believe that it was a community center just like Judson Robinson Community Center and others, but it was not; that it was a multi-service center and there was the same plan for the Department of Health and Human Services to be the administrator of the building; that the Parks Department would be a tenant simply because they have the gymnasium and the recreation activities in it. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Parker stated that because it was a multi-service center that it would have multiple users so the activities that Mr. Padilla was talking about may have to be scheduled; that it had to be available to multiple users; there would be kids coming in for after school programs, senior citizens and different groups would not be able to have it all the times, but the scheduling function would up to the Health Department as the landlord, so they would be responsible for making sure the senior citizens get their hours. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mayor Pro Tem Boney stated that Council Members should keep in mind that they were forced to cut the City of Houston's Health Department budget by \$1.1 million last year; that as they went into the budget process they needed to make sure the money was there. Council Members Galloway, Goldberg, Keller and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Padilla stated that he recalled the project had been scheduled four or five years ago. Council Member Castillo stated that engineering and design was added to the CIP about three years ago. Mr. Padilla stated the was present to ask that they be included and not overlooked as a community and that they be involved in what would be happening. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mr. James. H. Johnson, 3730 Heather brook Dr., Houston, Texas 77045, had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mr. Luther L. Vander burg Jr., P.O. Box 610510, Houston, Texas 77208-0150 (832-242-2848) appeared and stated that he was present to speak about accountability in the projects that had been approved and the projects they had opposed; that his group was the Houston Transit Ridership Association and that were environmentalist; that his group found that one of Council's flaws was that the present metro project there had been no commission and nobody sitting on the board of leadership of Houston, Texas, that has asked for a commission to know what the exact costs were; that they had tried to get the cost of the Golden Spike Ceremony from Metro; that they were told by the Federal Legislature to make that note to the City Council and he wanted to know what the actual final cost was; that the one point he wanted to make was the Brown Center Hotel; that downtown was now two destinations; that we had 3,600 square miles and that they were making an error by putting all of their eggs in one basket, concentrating on one tiny area where it had nineteen problems and eventually someone would be accountable for those



decisions. Council Members Galloway, Goldberg, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Williams, 3850 Arbor, Houston, Texas 77584 (713-807-0313) appeared and stated that he had worked at Hobby Airport for sixteen years and he was terminated because he had accepted a tip; that he told the passenger that he could not accept a tip but he did accept the tip and he told his supervisor that he had accepted the tip; that his supervisor said that he would try to get him only two weeks suspension, but instead he was terminated. Council Members Galloway, Goldberg, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Boney, Mr. Williams stated that he had been through the appellate process and the way up to civil service; that he had spoken with Mr. Vacar, but he would not listen to him. Mayor Pro Tem Boney stated that the city employment rules for a civilian as well as the police and fire they had very set rules regarding discipline and termination and once he had been completely through the grievance and appeal process and terminated, it would be impossible for any mayor or city council overturn that; that if there was any remedy all, it would be in a civil lawsuit at the Courthouse; that he would suggest that the NAACP had a free legal clinic and that the option would only going to be through the Courts and that Council did not have the legal authority to overturn a Civil Service Commission rule. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Mr. Abdullah Adutahoun, 6110 Fairdale No. 12, Houston, Texas 770057 (281-850-8527) appeared and stated that he was a driver and he had picked up a passenger to go to Greenway Plaza; that when he got to Wesleyan there was a school zone there; that he had driven there for nine years and knew the area well; that he slowed down for the school zone; that there was a cop present and he pointed to him and told him to pull over; that the police officer said he was speeding and he told the officer that he was not speeding; that he asked if the officer had radar and the officer said no, but that he could estimate; that he had a witness who had to leave the country, but wrote a paper for his behalf; that he presented the paper to the Judge when he went to Court and the Judge told him that the guy should have come with him; that she would not look at the paper the guy wrote for him; that he did not think this was fair; that he believed the cop lied in Court; that the cop swore that he had radar and he swore that he did not have the radar; that the way he was parked and even if he had radar that he would not get him. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Council Member Sanchez asked him if he had legal counsel in the Court. Mr. Adutahoun stated that they had tried to make a deal with him in Court to dismiss the case if he took a defensive driving course; that he said no; that he was not guilty; that he was not speeding; that he had a witness, but they did not listen to him; that he did not need an attorney to tell the truth. Council Member Sanchez stated that when he needed some legal representation to walk him through the legal process; that he may not be privy to all

the particular rules associated with the Court of Law, so he probably should get an attorney. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Upon questions by Council Member Bell, Mr. Adutahoun stated that he had been to Court and that he had a witness. Council Member Bell stated that since the witness was not in court with him that the Judge could not accept that he had a witness. Mayor Pro Tem Boney stated that Mr. Adutahoun could file charges against the officer through Internal Affairs, but he believed the challenge would be to prove that the officer was untruthful and demonstrating that he was not in a position to estimate or did or did not have radar. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Ms. Brenda Jackson, 13131 Eldridge Meadow, Houston, Texas 77041 (281-449-0002) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Mr. William Beal, 4718 Birchwood Street, Houston Texas 77016 (713-633-0126) appeared and stated that in the name of the Father, Lord Amas, God of the Universe, the son, Lord Jesus Christ, God of the Universe and the Holy Ghost, in sight perception and reality, planet earth, mankind; that he sang "Somewhere Over the Rainbow" until his time expired. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

Mr. James Putsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated good afternoon and happy first day of Spring; that it was gorgeous outside so he did not really have too much to say; that when the U.S. Supreme Court let stand a decision by Ohio school officials that a student did not have a free speech right to wear shock-rocker Marilyn Manson t-shirts at school and that was very dangerous, that we had gotten to a point where we needed to abolish the Supreme Court; that he believed that Switzerland should be bombed because Mr. Adutahoun's friend was there; that the United Nations had no business being in Geneva. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

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

At 4:26 p.m. upon motion by Council Member Sanchez and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, March 21, 2001. Council Members Galloway, Goldberg, Keller, Castillo and Robinson absent.

City Council Chamber, City Hall, Wednesday, March 21, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 21, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker,

Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:15 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Brown convened the meeting of the City Council. Council Members Boney, Keller, Castillo and Parker absent.

### **MAYOR'S REPORT**

Council Member Sanchez moved to suspend the rules to take Items No. 65 through 70 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Boney, Keller, Castillo and Parker absent. MOTION 2001-0276 ADOPTED. Council Members Boney, Keller, Castillo and Parker absent.

Mayor Brown stated that he wanted to acknowledge the presence of former Mayor Bob Lanier in the audience.

### **MATTERS RELATED TO CONVENTION CENTER HOTEL DEVELOPMENT - NUMBERS 65 through 70**

65. ORDINANCE approving and authorizing first amendment to contract between the City and **REPUBLIC PARKING SYSTEM, INC** for Parking Operations and Management Concession Agreement for the Convention and Entertainment Facilities Department; providing a maximum contract amount - \$395,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0222 ADOPTED.
66. ORDINANCE appropriating an amount not to exceed \$7,300,000.00 out of the Fund Balance of the Convention & Entertainment Operating Fund in order to provide the funding for the repayment of the Promissory Note between the Albert Thomas Redevelopment Corporation and **TEXAS COMMERCE BANK NATIONAL ASSOCIATION (now CHASE BANK)** and for the release of the Absolute Assignment of Garage Payments between the City, as assignor, and Texas Commerce Bank National Association, as assignee – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0223 ADOPTED.

### **NOTE: THIS ITEM CONTINGENT ON PRIOR ADOPTION OF ITEMS 65 AND 66**

67. ORDINANCE authorizing the issuance of City of Houston, Texas, Convention & Entertainment Facilities Department Hotel Occupancy Tax and Special Revenue Refunding Bonds, Series 2001A, Hotel Occupancy Tax and Special Revenue Bonds, Series 2000B and Hotel Occupancy Tax and Special Revenue Adjustable Rate Bonds, Series 2001C; authorizing the Mayor and City Controller to approve certain terms thereof and certain other procedures relating thereto; providing for the payment thereof; authorizing the Defeasance, final payment and discharge of certain outstanding bonds and commercial paper notes; making other provisions

regarding such bonds and matters incident thereto; awarding the sale of the bonds and authorizing the purchase of Municipal Bond Insurance and a Reserve Fund Surety Policy; approving a Preliminary Official Statement and authorizing distribution thereof; approving preparation and distribution of a Final Official Statement; authorizing Bond Purchase Agreements, an Escrow Agreement, Paying Agent/Registrar Agreement and agreements with the Bond Insurer and any Reserve Fund Surety Policy Provider; authorizing an interlocal agreement with the Houston Convention Center Hotel Corporation which includes without limitation, authorization to (i) loan up to \$350,000,000.00 in connection with the Convention Center Hotel and associated garage, and finding and determining that the Convention Center Hotel and associated garage qualify as a Local Government Code Section 380 Program pursuant to the terms and conditions adopted by Ordinance No. 99-674 (ii) sell to the Houston Convention Center Hotel Corporation Block 288, S.S.B.B., to be used for the construction of the garage; finding and determining that public convenience and necessity no longer require the continued use of (x) a portion of the Jackson Street right-of-way extending from the north right-of-way line of Polk Avenue to the southern most right-of-way of Dallas Street or (y) a portion of excess street right-of-way along the eastern boundary of Block 279, S.S.B.B. and along the eastern boundary of Block 288, S.S.B.B. (being a portion of the Chenevert Street right-of-way); vacating and abandoning said portion of the Jackson Street right-of-way and such portions of excess street right-of-way in Blocks 279 and 288, S.S.B.B. to the Houston Convention Center Hotel Corporation, the abutting owner – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0224 ADOPTED.

68. ORDINANCE consenting to management agreement between the Houston Convention Center Hotel Corporation and **HILTON HOTELS CORPORATION** for Operation and Management of the Convention Center Hotel – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0225 ADOPTED.
69. ORDINANCE issuing permit to **HOUSTON CONVENTION CENTER HOTEL CORPORATION, A Texas Non-profit, Local Government Corporation**, for constructing, maintaining, using, occupying, operating and repairing certain subsurface vault space, aerial encroachments, and aerial pedestrian walkways adjacent to Blocks 278, 279 and 288, S.S.B.B., and within portions of Polk Avenue, Dallas Avenue, Avenida De Las Americas and Chenevert Street, such space being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0226 ADOPTED.
70. ORDINANCE changing the name of that portion of Dallas Street between Crawford Street and Avenida De Las Americas to Lamar Street - **DISTRICT I – CASTILLO** – was presented.

Council Member Goldberg moved to amend Item No. 70 to rename the street Avenida West instead of Lamar, seconded by Council Member Ellis.

Mayor Brown stated that he wanted to point out that this was addressed by the Planning Department and after careful deliberation and looking at all the issues that Dallas was the appropriate decision to make on that one, that it was not something that arbitrary. Council Member Boney absent.

Council Member Tatro stated that he assumed that they had done some extensive work and asked Council Member Goldberg the reason he wanted to alter it, and Council Member Goldberg stated that the hotel was part of the convention center and was sure that they went out as a package in their advertising and thought that it created an atmosphere that it was going to be the convention center area, that people that would come there would obviously be from out of town and it may make it easier for them to find directions, that he discussed it briefly with Mr. Tollett.

Mayor Brown stated that there were reasons, that for Traffic Engineering purposes it was a problem, that having a duplicate name was a problem, so the matter had been discussed and debated by the Traffic people as well as Planning and this was the best solution not to violate City Policy.

Council Member Parker stated that Mayor Brown had made her point, that they had enough streets in the City of Houston that changed names in midstream and there were similar names, that if she was looking for a hotel in downtown and was a tourist, she would rather be looking for a street that had some continuity and that she would have a chance of stumbling across, such as Lamar, than a street that was half a block long in front of the Convention Center Hotel, that the only way to know it was there was if she had a key map.

A roll call vote was called on Council Member Goldberg's motion to amend Item No. 70.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd voting no	Council Member Bell voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2000-0277 FAILED

A vote was called on Item No. 70. All voting aye. Nays none. ORDINANCE 2001-0227 ADOPTED.

At 9:16 a.m. upon motion by Council Member Sanchez and seconded by Council Member Vasquez, the City Council recessed for fifteen minutes. All present voting aye.

The City Council reconvened at 9:36 a.m. in Council Chambers to complete the meeting and Mayor Brown stated that they would move to the Consent Agenda. Council Members Todd and Keller absent.

Council Member Galloway moved to suspend the rules to take Items No. 54 and No. 78 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Members Todd and Keller absent. MOTION 2001-0278 ADOPTED.

54. ORDINANCE appropriating \$190,204.14 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **MALLOY REAL ESTATE LIMITED PARTNERSHIP, LTD.** for the construction of Sanitary Sewer Lines on North Houston Rosslyn Street, CIP R-0800-33-3 **DISTRICT A – TATRO** – was presented, and tagged by Council Member Galloway. Council Member Todd absent.
  
78. 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 – (This was Item 36 on Agenda of March 7, 2001, - TAGGED BY COUNCIL MEMBER CASTILLO) – **was presented.**

Council Member Galloway stated that she wanted to commend the Mayor's staff for getting Item No. 78 back on the agenda, that they had so many junked cars that had been abandoned in her community and district and they really needed to have something done about them and she hoped that her colleagues supported the item.

A vote was called on Item No. 78. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0228 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 64**

#### **MISCELLANEOUS** - NUMBERS 1 through 4

1. CONFIRMATION of the appointment of the following to the **CITY HALL PRESERVATION COMMITTEE**:
  - Position 11 - **MR. CHRISTOPHER A. SHELTON**, for a term to expire December 31, 2002
  - Position 12 - **MS. ANITA GARTEN**, for a term to expire December 31, 2001
  - Position 14 - **MR. JAMES THOMAS**, for a term to expire December 31, 2001
  - Position 15 - **MR. MICHAEL BROWN**, for a term to expire December 31, 2002- was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0279 ADOPTED.
  
2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **WESTCHASE DISTRICT** for Law Enforcement Services of 1 sergeant and 5 deputies from Harris County Constable Precinct 5 - **DISTRICT G – KELLER** - was presented, moved by Council Member

Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none.  
MOTION 2001-0280 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$16,900.00 Enterprise Water & Sewer Fund- was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0281 ADOPTED.

#### ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,267,032.65 and acceptance of work on contract with **BROWN & ROOT, INC** for Park Row Reconstruction from Broadfield Boulevard to Southcreek Drive, GFS N-0644-12-3 (N-0644-12) - 00.64% over the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - DISTRICT A – TATRO – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0282 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,053,730.47 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of Intersection Redesign, GFS N-0662-15-3 (N-0662-15) 09.10% under the original contract amount - Street & Bridge Consolidated Construction Fund DISTRICTS A-TATRO; B - GALLOWAY; D - BONEY; E - TODD; G - KELLER; H – VASQUEZ – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0283 ADOPTED.

#### PROPERTY - NUMBER 11

11. RECOMMENDATION from Director Department of Public Works & Engineering **TO AMEND MOTION #87-2663 9/23/87**, which authorized the sealed bid sale of the ? 21,923 square-foot former Water Plant Site, located at 10,006 Whiteside Lane, Lots 1 and 2, Block A, Witte Forest Section 1, to add Items 3, 4 and 5 to include additional bid sale requirements - Parcel S87-28 DISTRICT A – TATRO – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0284 ADOPTED.

#### PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 18

#### OTHER

13. **KRIS COMPACTION** for Solar Powered Speed-Alert Trailers and Arrowboards for the Department of Public Works & Engineering - New and Replacement - \$29,694.00 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0285 ADOPTED.

14. **CUSTOM BUILT TRAILERS** - \$33,825.00 and **TRAILER WHEEL AND FRAME COMPANY** \$188,231.00 for 31 Trailers for Aviation and Public Works and Engineering Departments - 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. MOTION 2001-0286 ADOPTED.
15. **INTERNATIONAL TRUCKS OF HOUSTON** for One Flatbed Truck Body with Digger Derrick for Department of Public Works & Engineering - Replacement - \$64,415.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0287 ADOPTED.
16. **HAHN EQUIPMENT CO. INC** to Furnish and Install Eight Submersible Pumps for the Department of Public Works & Engineering - \$25,159.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0288 ADOPTED.
18. **NORTH SHORE SUPPLY COMPANY**  
\$134,170.17, **CONTECH CONSTRUCTION PRODUCTS, INC** - \$28,562.00 and **CITY SUPPLY CO., INC** - \$98,200.00 for Pipe, Black and Galvanized for Various Departments - General, Enterprise and METRO Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0289 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 26 through 60

26. ORDINANCE approving and authorizing a lease agreement between **GULF COAST LEGAL FOUNDATION**, as lessor, and the City of Houston, Texas, as lessee, for space at 1415 Fannin Street to be used as a Downtown Police Storefront Facility - **DISTRICT I – CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
27. ORDINANCE approving and authorizing a lease agreement between **WESTHEIMER SHOPS, L.L.C.**, as Landlord and the City of Houston, Texas, as tenant, for space at 8940 Clarkcrest, Houston, Texas, for use by the Houston Police Department - **DISTRICT C - GOLDBERG** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
31. ORDINANCE appropriating \$42,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (REVBD 2000 NON-AMT Construction-538) and approving the purchase from Aldine Independent School District a tract or parcel of land being designated as Tracts 12 and 13, out of Lakeview Park, an unrecorded subdivision, out of the John Skorupski Survey, A720, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, for a purchase price,



including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0229 ADOPTED.

32. ORDINANCE appropriating \$80,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of a 0.9951 acre tract of land out of the Amos Barber Survey, Abstract 125, Houston, Harris County, Texas, and the improvements located thereon, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Carrie Laverne Edmond to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0230 ADOPTED.
33. ORDINANCE appropriating \$190,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (REVBD 2000 NON-AMT Construction-538) and approving the purchase of Lot eleven (11), Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, and the improvements located thereon, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Beatrice C. Page to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0231 ADOPTED.
34. ORDINANCE appropriating \$260,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (REVBD 2000 NON-AMT Construction-538) and approving the purchase from the **UNITED STATES OF AMERICA (FEDERAL AVIATION ADMINISTRATION)** approximately 19.49 acres out of the T.S. Roberts Survey, A-660, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0232 ADOPTED.
35. ORDINANCE awarding contract to **WESTCHESTER FIRE** as lead Insurance Company; **TRAVELERS INSURANCE GROUP**; **ESSEX INSURANCE COMPANY**; **CHUBB CUSTOM INSURANCE COMPANY**; **COMMONWEALTH INSURANCE COMPANY**; **ZURICH AMERICAN INSURANCE GROUP**; **UNDERWRITERS AT LLOYDS** and **ROYAL INSURANCE GROUP** in the amount of \$2,447,430.00 for General Property Insurance including Flood Insurance had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
42. ORDINANCE awarding contract to **REPUBLIC WASTE SERVICES OF HOUSTON** for Non Hazardous Waste Collection, Transportation and Disposal

Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one year options - \$3,384,910.73 General, Enterprise and Other Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.

44. ORDINANCE approving and authorizing sponsorship agreement between the City and **TURKEY CREEK HOMEOWNERS ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 4 Months - \$288.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0233 ADOPTED.
49. ORDINANCE appropriating \$2,778,816.85 out of Water & Sewer System Consolidated Construction Fund for construction of Water and Sanitary Sewer Lines for Canal Street from Drennan Street to 65th Street as approved and authorized between the City of Houston, Texas and the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** by Ordinance No. 93-169, CIP S-0443-19-3 and R-0537-12-3 (SB9037-06) - **DISTRICTS H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0234 ADOPTED.
50. ORDINANCE approving and authorizing agreement between the City of Houston, Texas, the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** and **HARRIS COUNTY, TEXAS** for the Reconstruction of Almeda Genoa Road from Almeda Road to State Highway 288, CIP N0493-01-3, accepting \$4,000,000.00 from the Metropolitan Transit Authority, depositing such funds into the METRO Special Fund, and appropriating \$4,000,000.00 out of the METRO Special Fund; accepting \$1,500,000.00 from Harris County, Texas; depositing such funds into the Harris County Construction Fund, and appropriating \$1,500,000.00 out of the Harris County Construction Fund **DISTRICT D – BONEY** had been pulled from the Agenda by the Administration, and was not considered. Council Member Robinson absent.
53. ORDINANCE appropriating \$33,172.39 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and the **TOC-DS COMPANY** for construction of Water Lines along Briar Forest from Valedictorian Drive to Highway 6, CIP S-0800-29-03 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0235 ADOPTED.
59. ORDINANCE approving and authorizing contract amendment between the City of Houston and **ST ENVIRONMENTAL SERVICES, INC** for operation of the Kingwood Sewer and Water System; providing a maximum contract amount - \$1,800,000.00 - Enterprise Fund - **DISTRICT E -TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0236 ADOPTED.

60. ORDINANCE approving and authorizing second amendment contract between the City of Houston and **S & W WATER MAINTENANCE INC** for operation of the Forest Cove Sewer and Water System; providing a maximum contract amount - \$480,000.00 - Enterprise Fund **DISTRICT F - TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0237 ADOPTED.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of supplemental allocation of funds for continuation of third year of contract in the amount of \$760,000.00 with **ESPEY HUSTON AND ASSOCIATES, INC d/b/a PBS&J** for professional services on wastewater treatment plant biomonitoring testing, toxicity reduction evaluations and TNRCC (TPDES) permit assistance and compliance issues - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0290 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$273,943.27 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Martin Luther King Drainage Improvement, GFS M-1000-01 - 04.23% under the original contract amount – Storm Sewer Consolidated Construction Fund - **DISTRICTS D - BONEY and E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0291 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$599,484.15 and acceptance of work on contract with **CONN'S CONSTRUCTION, INC** for MUD 266 Lift Station Replacement, GFS R-0536-03-3 (4276-13) 03.22% under the original contract amount - Enterprise Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0292 ADOPTED.

**PROPERTY**

9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-356, located at 7809 Ley Road, owned by Shekdin Wong and Juvenda Wong, for the **LEY ROAD PAVING PROJECT** from Homestead Road to North Wayside Drive, CIP N-0587B-00-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0293 ADOPTED.

10. ORDINANCE appropriating \$59,750.00 out of Fire Consolidated Construction Fund Number 413 to pay the amount of the Agreed Final Judgment and the Appraiser's Invoice in connection with the settlement of the eminent domain proceeding styled City of Houston v. Oscar B. Trevino, et al., to acquire Parcel Number H99-1, for the Fire Station No. 27 Relocation Project; GFS/CIP C-0072-00-1 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0238 ADOPTED.
  
- 10a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Oscar B. Trevino, et al., Cause Number 713,515; for a total consideration of \$150,000.00 and pay appraisal services of \$3,500.00 in connection with **FIRE STATION NO. 27 RELOCATION PROJECT**; GFS/CIP C-0072-00-1 - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0294 ADOPTED.

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

#### **LOW BIDS**

12. **ADA RESOURCES, INC** for Fuel, Diesel Low Emission Part II for Finance & Administration Department - \$1,550,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0295 ADOPTED.

#### **OTHER**

17. **LINDALE AUTO SUPPLY** for Automobile and Light Truck Automatic Transmission Parts, Part II for Various Departments - \$80,000.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0296 ADOPTED.
  
19. **AMEND MOTION #99-39, 1/13/99**, amended by Motion #99-1978, 11/17/99, **TO INCREASE** quantity to purchase sixteen additional Modular Ambulance Bodies for a total increase of \$704,000.00 for Fire Department, awarded to **FRAZER, INC** - New and Replacement Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Quan. Council Member Robinson absent.

Council Member Sanchez stated that he would like to ask his colleague if there was anything that could be answered for him so they could move forward with the purchase of the equipment that was desperately needed in the Fire Department, that maybe the administration could answer questions by the end of the Council Meeting. Council Member Robinson absent.

Council Member Quan stated that he would be glad to talk to the administration, that he was concerned with the fact that there was no MWBE component with that, that previously Frazer did have such a component and it was removed subsequently by Strategic Purchasing, that he had gotten complaints from other people that they did in fact provide parts to Frazer that should be included, so if Strategic Purchasing wanted to talk to him about that he would be glad to talk to them.

Mayor Brown stated that they could consider the item until the end of the agenda, and Council Member Quan stated that he would remove his tag on Item No. 19 so the item could be considered at the end of the agenda. Council Member Robinson absent.

Council Member Sanchez moved to postpone Item No. 19 to the end of the agenda, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0297 ADOPTED.

Mayor Brown requested that if anyone from Purchasing was in the audience that they get an answer to the question. Council Member Robinson absent.

20. **INFOSOL INCORPORATED** for Professional Services for Municipal Courts Administration Department - \$20,040.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Members Goldberg and Keller. Council Member Robinson absent.

21. DECLARE **DAVIS TRAILER & TRUCK EQUIPMENT, INC** non responsible for a period of 2 Years for failure to comply with performance and delivery schedules and award to **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for 137 Dump Truck Bodies for Various Departments Replacement - \$1,517,903.31 - Enterprise and Street & Drainage Maintenance Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Quan stated that he just wanted to make mention that it was interesting that they were buying this from the Department of Justice, that he thought it was a good move for the City and understood that they were competitively bid as the lowest ones and thought that served two purposes, and Mayor Brown stated that they had saved money on it. Council Member Robinson absent.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0298 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

22. RESOLUTION supporting the passage of Senate Bill 87 and House Bill 587 by the 77th Texas Legislature to enhance penalties for crimes motivated by hate, prejudice, or bias – was presented.

A roll call vote was called on Item No. 22.

ROLL CALL VOTE:  
Mayor Brown voting aye

Council Member Vasquez voting aye

Council Member Tatro voting no	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Boney voting aye	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	RESOLUTION 2001-0012 ADOPTED

23. ORDINANCE amending **CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; relating to the Houston International Festival – was presented, and tagged by Council Members Bell, Keller and Ellis.
24. ORDINANCE approving the issuance of bonds by the Old Spanish Trail/Alameda Corridors Redevelopment Authority; providing for continuing disclosure with respect to such bonds; and containing other provisions relating to the foregoing subject - **DISTRICTS D - BONEY and I- CASTILLO** – was presented, and tagged by Council Member Sanchez.
25. ORDINANCE approving and authorizing a contribution agreement between **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** and City of Houston, granting to the City \$35,300.00 to underwrite a portion of the lease payments for a lease agreement at 1415 Fannin to the City for use as a downtown Police Storefront Facility - **DISTRICT I – CASTILLO** – was presented, and tagged by Council Member Sanchez.
28. ORDINANCE issuing a permit to **HANOVER R.S. LIMITED PARTNERSHIP** and **RELIANT ENERGY-HL&P CO.** and **LOFTS AT THE BALLPARK, L.P.** for constructing, maintaining, using, occupying, operating and repairing two six-inch private water lines, two six-inch private fire protection water lines and two two-inch conduits for primary electrical distribution under and within Capitol Avenue, St. Emmanuel Street and Texas Avenue, as well as two elevated pedestrian bridges across, along, over, under and upon the street at 2020 Texas Avenue, 2120 Texas Avenue and 2120 Capitol Avenue, all such areas being within public street rights-of-way of the City of Houston, Texas and abutting Blocks 183, 196, and 197 S.S.B.B.; containing findings and prescribing the conditions and provisions under which said permit is issued - Revenue **DISTRICT I- CASTILLO** – was presented, and tagged by Council Member Robinson.
29. ORDINANCE approving and authorizing application for grant assistance from the **FEDERAL EMERGENCY MANAGEMENT AGENCY, UNITED STATES FIRE ADMINISTRATION** for funding through Title XVII (Assistance to Firefighters) of the Fire Prevention and Control Act; declaring the City's eligibility for such grant; authorizing the Houston Fire Chief to act as the City's Representative in the application process; to accept such grant funds, if awarded, contingent upon City Council's appropriation of required matching funds in the FY02 Budget, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2001-0239 ADOPTED.

30. ORDINANCE approving application to the **U.S. DHHS/CENTER FOR DISEASE CONTROL AND PREVENTION (CDC)** for the City's Epidemiology and Laboratory Capacity for Infectious Disease Surveillance Services; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the April 4, 2001 through March 31, 2004 period, and to accept and expend subsequent awards, if any, during the project period; authorizing five (5) new staff positions to be funded by the grant \$805,611.00 Revenue - \$39,951.00 In Kind – was presented. All voting aye. Nays none. ORDINANCE 2001-0240 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.**, for Legal Services in connection with the Redistricting of City Council Districts - \$237,000.00 - General Fund – was presented and tagged by Council Members Castillo, Robinson and Keller.

Council Member Robinson stated that he knew that the firm had worked for the City for the last fifteen years and he was trying to find out if anybody else had worked with the City on redistricting so they would have a secondary source of expertise and if anyone else was going to work on the item with them and how much had they paid the firm over the last fifteen years since they had worked for them, that it was an issue that he continued to talk about, that he thought they put themselves in a dangerous position when they only had one source of expertise on these kind of issues, and Mayor Brown stated that he would have the Legal Department visit with him on that. Council Member Galloway absent.

Council Member Keller requested that they add his tag on Item No. 36. Council Member Galloway absent.

37. ORDINANCE approving and authorizing contract between the City and **CALLIER & GARZA, L.L.P.** for legal services in connection with Michael Blackburn, et, al, v. City of Houston, et, al., Cause No. 2000-63937, in the 215th Judicial District Court of Harris County; and Michael Burk A/N/F of Rachel Burk v. City of Houston, et, al; Civil Action No. H-00-3509, in the U. S. District Court; and Pedro Martinez, et al. v. City of Houston, et al., Cause No. 2000-60474 in the 234th Judicial District Court of Harris County - \$40,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0241 ADOPTED.
38. ORDINANCE amending Ordinance No. 2000-288 to increase the maximum contract amount for contract between the City of Houston and **WICKLIFF & HALL, P.C.** for Legal Representation of the City in the Reliant Energy's Unbundled Cost Service Application and related matters before the Texas Public Utility Commission - \$275,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0242 ADOPTED.
39. ORDINANCE approving and authorizing contract between the City and **DR. DENNIS W. SMITH** for Evaluation of the Mayor's 2000-2001 After-School Achievement Program - \$36,000.00 Housing Special Revenue Fund – was

presented. All voting aye. Nays none. Council Member Galloway absent.  
ORDINANCE 2001-0243 ADOPTED.

40. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract for Cleaning & Janitorial Services for Various Departments to **ON OUR OWN SERVICES, INC** - 5 Years - \$387,858.00 - Parks Special Revenue and Central Service Revolving Funds - **DISTRICTS D - BONEY; G - KELLER and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0244 ADOPTED.
41. ORDINANCE awarding contract to **STRIPES & STOPS COMPANY, INC** for Pavement Marking Services for Public Works & Engineering Department; providing a maximum contract amount 1 year with 1 one year option - \$198,019.89 - METRO Fund – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0245 ADOPTED.
43. ORDINANCE amending Ordinance No. 96-364 to increase the maximum contract amount and approving and authorizing first amendment to contract for Facilities Management Services for the Police Department between the City of Houston and **MERIDIAN MANAGEMENT CORPORATION** 1 Year - \$586,392.00 – General Fund – **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0246 ADOPTED.
45. ORDINANCE approving and authorizing amendment to interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Tanner Road from Gessner Road to Campbell Road approved and authorized by Ordinance No. 2000-309, CIP N-0589-01-2 (N-0589-01) - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0247 ADOPTED.
46. ORDINANCE approving and authorizing amendment to interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Shepherd Drive from U. S. Highway 59 to South Rice Street approved and authorized by Ordinance No. 2000-254, CIP N-0611-02-2 (SB9018) - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0248 ADOPTED.
47. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY** for the Improvement of Fulton Street, CIP N-0542-02-3 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0249 ADOPTED.
48. ORDINANCE appropriating \$582,918.00 out of Water & Sewer System Consolidated Construction Fund for construction of Water and Sanitary Sewer Lines for Lamar Street from Main Street to LaBranch Street as approved and



authorized between the City of Houston, Texas and the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** by Ordinance No. 93-274, CIP S-0443-18-3 and R-0537-11-3 (SB9037-05) - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0250 ADOPTED.

51. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”)** for the Houston TranStar Automated Incident Management Strategies and Support System Project - \$99,000.00 - General Mobility Improvement Fund – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0251 ADOPTED.
52. ORDINANCE approving and authorizing a contract between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”)** for the Houston TranStar Dissemination of Traveler Information Project - \$90,525.00 - General Mobility Improvement Fund – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0252 ADOPTED.
55. ORDINANCE approving and authorizing a Treated Water Supply Contract between the City of Houston and the **CITY OF PASADENA** - 40 Years – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0253 ADOPTED.
56. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **HOUSTON FUEL OIL TERMINAL COMPANY** - Through December 31, 2020 – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0254 ADOPTED.
57. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **HUI SH DETERGENTS, INC** - Through December 31, 2020 – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0255 ADOPTED.
58. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **KELLOGG BROWN & ROOT, INC, BROWN & ROOT ENERGY SERVICES DIVISION** - Through December 31, 2020 – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0256 ADOPTED.
61. ORDINANCE appropriating \$1,122,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional services contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for construction Management Services for various Wastewater Projects, CIP R-0267-03-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member

Keller. Council Members Galloway and Quan absent. (Note: Council Member Keller removed his tag later in the meeting.)

62. ORDINANCE appropriating and transferring \$1,650,000.00 out of the Accumulated Unexpended Fund to the Storm Sewer Control Fund, appropriating \$1,650,000.00 out of Storm Sewer Control Fund, and approving and authorizing professional services contract between the City of Houston and **THOMPSON PROFESSIONAL GROUP, INC** for the Drainage Study, CIP M-0220-02-2 (SM5013); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Control Fund - **DISTRICT E - TODD** – was presented, with Council Member Tatro voting no, balance voting aye. Council Members Galloway and Quan absent. ORDINANCE 2001-0257 ADOPTED.
63. ORDINANCE appropriating \$317,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing second amendment to professional engineering services contract between the City of Houston and **HNTB CORPORATION** (approved by Ordinance No. 96-1168) for Design of Ley Road Grade Separation at HB&T Railroad, GFS N-587B-01-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0258 ADOPTED.
64. ORDINANCE appropriating \$4,353,366.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **RATNALA & BAHL, INC** for Inflow Correction and Hydraulic Modeling, CIP R-0543-02-2 – was presented. All voting aye. Nays none. Council Members Galloway and Quan absent. ORDINANCE 2001-0259 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 71 through 73

**MISCELLANEOUS**

71. **SET PUBLIC HEARING DATE** relative to **CURFEW ORDINANCE REVIEW**  
**SUGGESTED HEARING DATES - WEDNESDAY - APRIL 11, 2001 - 9:00 A.M.**  
**and WEDNESDAY - APRIL 18, 2001 - 9:00 A.M.** – was presented, Council Member Boney moved to approve the suggested hearing dates, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Quan absent. MOTION 2001-0299 ADOPTED.

Mayor Brown stated that the hearings would be heard on Wednesday, April 11, 2001, 9:00 a.m. and Wednesday, April 18, 2001, 9:00 a.m. Council Members Galloway and Quan absent.

**PURCHASING AND TABULATION OF BIDS**

72. RECOMMENDATION from Department of Finance & Administration to make the following awards for Communication Cables and Supplies Contract for Finance and Administration Department \$3,000,930.43 - Central Service Revolving Fund:
- TX ELECTRICAL INFORMATION AND COMPUTER CORP.** - \$624,327.00
  - A & M ELECTRONICS SUPPLY CO.** - \$504,682.00
  - CABLING SYSTEMS SUPPLY, INC** - \$437,081.00
  - ANEIXTER, INC** - \$393,518.63
  - GRAYBAR ELECTRIC** - \$370,837.30
  - LITECOM, ADI** - \$304,765.00
  - ALLTEL COMMUNICATION PRODUCTS** - \$149,674.60
  - WARREN ELECTRIC TELECOM & UTILITIES** - \$142,285.90
  - ATLANTIC CABLE INTERNATIONAL** - \$70,759.00

**COUNCIL DRAW LOTS**

**ITEM 18** due to receiving identical bids from **WARREN ELECTRIC TELECOM & UTILITIES** and **TX ELECTRICAL INFORMATION AND COMPUTER CORP** in the amount of \$1,500.00 – was before Council, and Council Member Keller drew Warren Electric as the successful bidder.

**ITEM 39** due to receiving identical bids from **LITECOM, ADI** and **ANEIXTER, INC** in the amount of \$1,500.00 – was before Council, and Council Member Keller drew Litecom, ADI as the successful bidder.

Council Member Boney moved that the recommendation be adopted and awarded as drawn, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Quan absent. MOTION 2001-0300 ADOPTED.

73. RECOMMENDATION from Department of Finance & Administration to make the following awards for Safety Equipment Supplies Part III for Various Departments - \$493,501.14 - General and Enterprise Funds:
- NES/THE PLANK COMPANY** - \$15,332.60
  - PUMPS & EQUIPMENT OF TEXAS, INC** - \$75,000.00
  - RESCUE CONCEPTS** - \$164,500.00
  - SAFETY SUPPLY, INC** - \$55,684.84
  - SECURITY SAFETY & SUPPLY COMPANY** - \$67,425.18
  - SPECIALTY RESCUE & FIRE SERVICE** - \$80,000.00 and
  - VALLEN SAFETY SUPPLY COMPANY** - \$21,016.02

**COUNCIL DRAW LOTS**

**ITEM NO. 20** due to receiving identical bids from **RESCUE CONCEPTS** and **SECURITY SAFETY & SUPPLY COMPANY** in the amount of \$14,542.50 – was before Council, and Council Member Vasquez drew Rescue Concepts as the successful bidder.

Council Member Keller moved that the recommendation be adopted and awarded as drawn, seconded by Council Member Boney. All voting aye. Nays none. Council Members Tatro, Galloway, Castillo and Quan absent. MOTION 2001-0301 ADOPTED.

**MATTERS HELD** - NUMBERS 74 through 85A

74. 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 – (This was Item 33 on Agenda of March 7, 2001 TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO, KELLER, BELL and ELLIS) – was presented.

Council Member Sanchez stated that he understood that there was an agreement between the administration and the firefighters on the apparel and his question was if there was anything in writing before they moved forward with the contract. Council Members Galloway, Castillo and Quan absent.

Council Member Sanchez moved to suspend the rules to hear from Chief Connealy at this time, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway, Castillo and Quan absent. MOTION 2001-0302 ADOPTED.

Upon questions by Council Member Sanchez, Chief Connealy stated that there was nothing in writing between them and the union, other than his word to President Williams, of the firefighters union, and that President Williams believed him when he told him that they would do the test over the next six months to make sure that their concerns were carefully reviewed. Council Members Galloway and Castillo absent.

Council Member Parker moved to refer Item No. 74 back to the administration, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway and Castillo absent. MOTION 2001-0303 ADOPTED.

**NOTE: THIS ITEM REPLACES ITEM 74 ABOVE**

- 74a. ORDINANCE approving and authorizing contracts between the City and **LION APPAREL** and **MORNING PRIDE MANUFACTURING, INC** for Firefighter Personal Protective Equipment; providing a maximum contract amount - \$7,335,474.25 - General and Equipment Acquisition Consolidated Funds – was presented.

Council Member Sanchez stated that he would offer an amendment that would authorize the purchase of 200 suits to be used in the field for six months and the item then would come back to Council for reauthorization to purchase the balance of the suits, or in the alternative break it out and authorize the purchase of 200 suits and then bring back another item for the balance at the termination of six months, and however the Legal Department or the Fire Department wanted to work out that language. Council Member Galloway absent.

Chief Connealy stated that the contract had the ability to be canceled in thirty days notice and so having that ability they needed the ability to buy beyond the 200 suits, that they had mentioned this yesterday, that if they make a chemical fire, for example and then they would have contaminated gear, they would have to get rid of it they needed the ability to buy additional gear, so this would give them that mechanism, that he had no problem putting it in writing to the Union or whatever concerns they may have of the agreement between the two of them, and Council Member Sanchez stated that he did not want to place undue burden on the department, but asked if he could get the Legal

Department to type up a brief LOA or Letter of Understanding or Agreement to attach to the ordinance, and Chief Connealy stated that he would defer to Mr. Bibler. Council Member Galloway absent.

Mr. Bibler stated that this was a contract between the City and an apparel company and was bid on a multi year basis for a large quantity of products, that if they wanted to change it to 200 units they would probably get the same price as a rural fire department in Nebraska, that they could not do those kind of amendments at the table, they would have to go back to the contractor and it was unilateral they would have to agree to it, that if the Fire Department wanted to enter into a side memorandum that was not a part of this contract that was fine, but if they started to tamper with the contract they would have to have the agreement, and Council Member Sanchez stated that he understood it was not binding but it would give him and perhaps some of his colleagues and some of the firefighters some level of comfort. Council Member Galloway absent.

Council Member Parker asked Council Member Sanchez if he would consider having an automatic report back and establishing the date now of when he would want a full report to Council with representatives from the Union and the administration, that rather than waiting for the letter of agreement to go ahead and establish that it would be an agenda item on a certain date so they would have an assurance that they would come back and report, and Council Member Sanchez stated that would be fine, whatever was least cumbersome, and Mayor Brown stated that they were certainly prepared as Council Member Parker said, to bring it back to Council. Council Member Galloway absent.

Council Member Bell stated that it was his understanding that the way the contract was written it would allow the department to take delivery of as many sets of gear as they all saw fit along whatever time schedule they set within the time period specified in the contract, and Chief Connealy stated that it was correct, that their intention was to go ahead and take 200 at this time and do the field test that was discussed in Council yesterday, that if the results of the field test did not meet the standards that they were looking for the Fire Department then, under the terms of the contract, was allowed to back out of any further purchases of fire equipment from that company with no penalty, that if they did not have a consensus between labor and management and this was the gear they wanted to put the firefighters in then they needed to either modify the gear to get that consensus or get out of the contract completely, that the consensus would be an agreement between the administration, the department and the union representation and that this was the way to proceed. Council Member Galloway absent.

Council Member Robinson stated that it was his understanding, and he had made a request, that Chief Connealy would send to the Council Members whatever the ultimate agreement was in writing, and asked if it would be coming sometime soon and Chief Connealy stated yes, and Council Member Robinson stated that during the course of the discussion yesterday an explanation to Council Members that there would be a one month, three month and an ultimate six month evaluation and at the end of six months a final wrap up on it, but they would be privy to the one and three month review that the Chief and the frontline firefighters would be engaged in and Chief Connealy stated yes, that they were committed to that, and Council Member Robinson requested that they send whatever the document was as soon as possible, and Chief Connealy stated that

they would get that to the Council Members next week so they would know what was taking place between labor and management. Council Member Galloway absent.

After further discussion by Council, Council Member Parker stated that she would commit to schedule one of the two Neighborhood Protection and Quality of Life meetings in September for a report back on this and Mayor Brown stated that he would make sure that would happen.

A vote was called on Item No. 74a. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0260 ADOPTED.

75. RECEIVE nominations for Position 13 of the **CITY HALL PRESERVATION COMMITTEE** for term to expire December 31, 2002 – **(This was Item 48 on Agenda of March 7, 2001, POSTPONED BY MOTION #2001-266)** – was presented.

Council Member Boney stated that he had passed out to Members of Council the resume and attached memo nominating and reappointing Dr. W. M. Acajou to the City Hall Preservation Committee Position 13. Council Member Galloway absent.

Council Member Quan moved to close the nominations for Position No. 13, seconded by Council Member Robinson. Council Member Galloway absent. MOTION 2001-0304 ADOPTED.

76. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation to REJECT bids received for New Cargo Area Infrastructure at George Bush Intercontinental Airport/Houston, Project No. 560 – **(This was Item 12 on Agenda of March 7, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0305 ADOPTED.
77. 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** – **(This was Item 25 on Agenda of March 7, 2001, TAGGED BY**

**COUNCIL MEMBER QUAN**) – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0261 ADOPTED.

79. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** – **(This was Item 38 on Agenda of March 7, 2001, - TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney Presiding. ORDINANCE 2001-0262 ADOPTED.
80. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23** – **(This was Item 39 on Agenda of March 7, 2001, - TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney Presiding. ORDINANCE 2001-0263 ADOPTED.
81. 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** – **(This was Item 40 on Agenda of March 7, 2001, - TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney Presiding. ORDINANCE 2001-0264 ADOPTED.
82. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and **ROLLING FORK PUBLIC UTILITY DISTRICT** – **(This was Item 41 on Agenda of March 7, 2001, - TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney Presiding. ORDINANCE 2001-0265 ADOPTED.
83. 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 N0668-06-2 (SB9061) – **(This was Item 53 on Agenda of March 7, 2001, POSTPONED BY MOTION #2001-0271)** – was presented.

Council Member Keller moved to amend Item No. 83 to substitute a revised contract, seconded by Council Member Sanchez.

Mayor Pro Tem Boney stated that the administration had discussed it with Council Member Keller and were in agreement with it, and asked if someone from Legal could speak to what was the essence of the change.

Council Member Keller stated he had spent dozens of hours with Mr. Rolan over this, that this effort was not of a legal nature but to structure changes to the contract, that the contract was in his opinion more onerous, that it was more in the City's favor, that it

changed from a five year to a three year, added accountability and further defined the scope of services in a black and white way, that it allowed them quicker termination with the person they had the contract with and allowed the City to terminate them in a cleaner way, that they were voting to do this \$755,000 which would basically help them monitor 25 projects that had a bulk volume of about a \$100 million. Mayor Brown, Council Members Galloway, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Quan moved to suspend the rules to hear from Mr. Tom Rolen, Director of Public Works, relative to Item No. 83, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Parker and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2001-0306 ADOPTED.

Mr. Rolen stated that as Council Member Keller stated they had spent several hours together addressing and reviewing his concerns, that they had made some modifications to the contract and while on the surface they may not seem major, they had strengthened the scope of work, looked at different ways they could do things, that Council Member Keller felt comfortable that the accountability that was required was there and they would recommend to Council that they would approve the revised contract. Mayor Brown, Council Members Galloway, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that there were two issues really on this and that was the funding source that was identified on the RCA and the contract itself, that the funding source was identified as coming from District A projects and there was a District A project slated for this year, \$2 million for TC Jester, that they had a TIRZ out there which helped to offset that and actually completed the project so there was not a need for the \$2 million for that particular project, but they did have significant needs in the District and he had demonstrated those to the administration, that this contract was not in the CIP and he did not have a problem with the contract being approved but he did have a concern with the funding source being identified as District A dollars that ostensibly now would not be able to be reallocated within the District, that he wanted to thank Mr. Haines and the Director, Mr. Rolen, for meeting with him, to discuss the projects, that the greater point that he wanted to relate to Council Members that these were District A dollars, that he had asked for a commitment on behalf of the administration if they could give them a guarantee that the scarce dollars that District A was getting in the CIP would remain in the CIP, that he received a letter yesterday saying that the administration would not commit to that and further would not even commit to the remaining \$1.2 million, that it was very disappointing, and asked Mr. Haines for a commitment on behalf of the administration to earmark those dollars within the next two years and not take from the District for CIP projects in District A. Mayor Brown, Council Members Goldberg, Galloway, Todd, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Haines stated that as he had stated in the memorandum to him that they recognized that there were a couple of projects that Council Member Tatro had an interest in, that they believed that those projects, in terms of what he was saying, was the allocation of un-funded surpluses and whether or not they remained in a Council Member's district, that was an item he would rather defer to Council Members to answer as they got into the CIP process itself, that the administration was not willing to make a commitment for the remainder of the funds to stay in the district, that what Council



Member Tatro was asking for was a policy decision to be made that they had not done in the past and that was to earmark either programmed or unfunded or unspent dollars to remain within the districts from year to year, and Council Member Tatro stated that he did not see any difference to the policy where District Council Members had been able to reallocate CIP projects within their district, that he thought that policy had been a long standing policy here at Council on behalf of the administration and saw that no different than this, and Mr. Haines stated that the difference here was that this particular project was in his CIP and was completed and on the other hand to allocate from an unfunded or an appropriated project to another un-funded project and not do the one in favor of the other he was absolutely right, that had been done in the past. Mayor Brown, Council Members Goldberg, Galloway, Todd, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Tatro moved to postpone Item No. 83 for one week, seconded by Council Member Vasquez. Mayor Brown, Council Members Goldberg, Galloway, Todd, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that this contract applied to management and administration of projects across the City in all districts, that it was not a contract solely related to District A, that they had a previous policy that if CIP dollars were not spent in that district that they may not necessarily come back that year but they ultimately do. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell stated that the question was as a matter of practice and why it may not be a requirement, how many of those CIP dollars that went unspent then did not come back to the district, and if they were going to delay this he would be anxious to talk to several of the Council Members and find out if that had been the practice in the past or generally speaking those dollars did track back to the district, which he assumed they probably would, that also in looking at the backup that was provided it was his understanding that Council would be approving a measure that would allocate this funding with PGA&L to run until August, and Mr. Rolen stated that was the original plan and the funding, the way they had it programmed now, would carry them through November, that it would now be a one year contract with two one year renewal options with a potential for three, and Council Member Bell stated that since the revisions to the contract had been made and many of them were not privy to those discussions at the appropriate time he would support the motion to delay the entire item, both the main item and the amendment. Mayor Brown, Council Members Galloway, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Upon questions by Mayor Pro Tem Boney, Mr. Rolen stated that it was difficult to try to figure out exactly how many folks they would need to do this because they had difficulty in trying to fill the positions that they had, that the engineering market at this particular point and time was a very competitive market and they could talk to consultants who could tell them of the difficulty they were having hiring people to do the work, and Public Works had not been successful in filling their positions, that in regard to a week delay what that would do was that it would just be another week before they could avail themselves of those resources and the Public Works folks would continue to struggle along with the exceptionally high work load that they had, that they had a need and to hire

people and bring them onboard was a long protracted period, that they would certainly look at it in the future, but right now there was an immediate need that they needed to address. Mayor Brown, Council Members Galloway, Vasquez, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell tagged the motion to amend Item No. 83. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

A vote was called on Council Member Tatro's motion to postpone Item No. 83 for one week. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2001-0307 ADOPTED.

84. 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 – **(This was Item 54 on Agenda of March 7, 2001, TAGGED BY COUNCIL MEMBERS BELL and TODD)** – was presented, and tagged by Council Member Goldberg. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that he would release his tag at this time as he understood that someone wanted to make an amendment. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to bring to their attention two items in terms of an amendment to Item No. 84 that he had circulated, first was a piece of paper with a written amendment at the top and second, as backup material a resolution from Metro, that Item No. 84 was a resolution in principal, that Section One stated that the City Council supported the construction of the presently proposed rail corridor along Main Street between the central business district and the Astrodome Complex area, that Council had already passed this particular item and while it passed Council there were several people who voted against it so in respect to their disagreement with that this particular amendment suggests that they delete Section One, primarily because as a Council they had already approved that, and if the Courts wanted to continue their discussion with it and if the legal process wanted to continue, then they could continue that as well; that Section Two was the exact same language that came from Metro's resolution that was passed last week, that he preferred not to read it and asked that they look on the second page of Metro's resolution and they could see that in Section One it was the same language, except where it said that the City of Houston intends, as opposed to Metro intends, that in the particular resolution that was passed by Metro it basically said that there would be no extension of the Main Street corridor line without it being submitted and approved by the voters, that he thought it was important that Council speak out on this particular issue and go on record, that was what the amendment was all about, that he was trying to narrow the discussion and narrow the issue to the particular concern about the potential future extensions of anything related to rail. Council Members Boney, Keller and Robinson absent.

Council Member Vasquez moved to amend Item No. 84 as follows:

Section 1: Delete

Section 2: Revise to read as follows:

The City of Houston intends that development of any rail beyond the METRORail Project between Downtown Houston and the Astrodome area will only occur if such development has been submitted to the voters of the Metro service area for approval and has in fact been approved by such voters as a part of a rail transit system plan. Upon completion of such feasibility studies as may be required, any rail transit system plan will be submitted for voter approval, and will include such provisions as identification for travel corridors, estimated time for system development, approximate costs and, if necessary, authorization for issuance of bonds.

Council Member Bell asked Council Member Vasquez if the amendment that he offered would it call for a vote on just the rail expansion project or the rail expansion project coupled with various road projects, and Council Member Vasquez stated that if they looked at the fourth sentence from the bottom they basically talked about a rail transit system plan and that would include road projects in his opinion, that he was not a transportation expert obviously, but they would propose a plan and it would be more of a mobility plan than an actual plan, that it had yet to be determined but was in the future and it was his understanding that they wanted to come forward with a system plan and that would include roads as well. Council Members Boney, Keller and Robinson absent.

Mayor Brown stated that Metro's resolution was designed to address simply the issue of rail and not a broader plan, that obviously their overall system included more than rail but their resolution specifically addressed the rail issue. Council Members Boney, Keller and Robinson absent.

Council Member Vasquez asked Council Member Bell if he wanted to amend it to include some language related to roads, and Council Member Bell asked if he would accept that as a friendly amendment, and Council Member Vasquez stated that if they could come up with the language he would accept it as a friendly amendment. Council Members Boney, Keller and Robinson absent.

Council Member Quan stated that he would speak in support of the amendment as well, that he knew that there had been a great outcry for a vote on the Metro system plan and that was what they had sought to obtain consensus on with that abbreviated meeting that fateful Monday, that they were not very articulate in expressing that but he believed that they were almost all on the same page but he saw that with the amendment they could build a greater consensus and speak in support in a louder manner, that as Council Member Vasquez had said some of the items brought up in Section One were already voted on and they were on record on that and so it seemed a bit redundant so he would second the motion for the amendment. Council Members Boney, Keller and Robinson absent.

Council Member Todd stated that he supported the amendment because as Council Member Vasquez pointed out it allowed for the court system to deal with it, that this proposal was particularly attractive because if they noticed in the last section it

clearly stated that it would include “if necessary, authorization for issuance of bonds”, which he took it to mean regardless of the funding mechanism if there was going to be an extension of the rail plan beyond Main Street, regardless of the funding source, it would have to go to the voters, and he would urge everyone to support the amendment. Council Members Goldberg and Boney absent.

Council Member Castillo stated that he appreciated the efforts of Council Members Quan and Vasquez to provide alternative language for what was on the agenda, however upon just a cursory look at the resolution it was obvious that the resolution was crafted for another jurisdiction, that if they were to support the amendment as written it would require Metro to include in the call for the ballot language such as travel corridors, estimated time of development, approximate costs, etc., and that would just not be workable, and stated that he was going to tag the amendment for the purpose of getting the makers of the amendment and the Legal Department perhaps time to work something out that would be workable. Council Member Robinson absent.

After further discussion by Council, Council Member Vasquez stated that he was willing to work with Legal and asked for their commitment to work with him over the next week to bring it back next Council meeting, and Mr. Hall stated that Legal would work with him on anything he wanted. Council Member Boney absent.

The motion to amend Item No. 84 was tagged by Council Member Castillo and Council Member Goldberg tagged Item No. 84. Council Member Boney absent.

85. MOTION by Council Member Todd/Seconded by Council Member Quan to amend Item 85A 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” - **(This was Item 55 on Agenda of March 7, 2001 TAGGED BY COUNCIL MEMBERS GALLOWAY and BONEY)** – was presented.

Council Member Castillo moved to table Item No. 85, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0308 ADOPTED.

- 85a. 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 55A on Agenda of March 7, 2001 TAGGED BY COUNCIL MEMBERS GALLOWAY and BONEY)** – was presented.

Council Member Castillo moved to table Item No. 85a, seconded by Council Member Vasquez, with Council Members Ellis and Bell voting no, balance voting aye. Council Member Boney absent. MOTION 2001-0309 ADOPTED.

**Items Received during the meeting were considered as follows:**

26. ORDINANCE approving and authorizing a lease agreement between **GULF COAST LEGAL FOUNDATION**, as lessor, and the City of Houston, Texas, as lessee, for space at 1415 Fannin Street to be used as a Downtown Police Storefront Facility - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0266 ADOPTED.
27. ORDINANCE approving and authorizing a lease agreement between **WESTHEIMER SHOPS, L.L.C.**, as Landlord and the City of Houston, Texas, as tenant, for space at 8940 Clarkcrest, Houston, Texas, for use by the Houston Police Department - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0267 ADOPTED.
35. ORDINANCE awarding contract to **WESTCHESTER FIRE** as lead Insurance Company; **TRAVELERS INSURANCE GROUP**; **ESSEX INSURANCE COMPANY**; **CHUBB CUSTOM INSURANCE COMPANY**; **COMMONWEALTH INSURANCE COMPANY**; **ZURICH AMERICAN INSURANCE GROUP**; **UNDERWRITERS AT LLOYDS** and **ROYAL INSURANCE GROUP** in the amount of \$2,447,430.00 for General Property Insurance including Flood Insurance – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0268 ADOPTED.

**Item postponed to the end of the Agenda was considered as follows:**

19. **AMEND MOTION #99-39, 1/13/99**, amended by Motion #99-1978, 11/17/99, **TO INCREASE** quantity to purchase sixteen additional Modular Ambulance Bodies for a total increase of \$704,000.00 for Fire Department, awarded to **FRAZER, INC** - New and Replacement Equipment Acquisition Consolidated Fund – previously moved by Council Members Boney and Sanchez, and tagged by Council Member Quan – was again before Council.

Council Member Quan stated that he had a chance to meet with Mr. Wells and believed that his questions had been answered at this time, that a good faith effort would be made to speak with Frazer regarding minority participation in the future and stated that he was willing to withdraw his tag on Item No. 19. Council Member Boney absent.

Council Member Bell stated that he thought it was important that they pass the item, that he wanted to state that he had been informed by Chief Connealy that after this addition of ambulances they would only be 10 short of having an ambulance in every fire station, that he knew that a number of them had put that as a priority in this budget period to try to have ambulances in each and every fire station. Council Member Boney absent.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0310 ADOPTED.

Council Member Keller state that he wanted to remove his tag on Item No. 61, that he had a couple of meetings and phone calls to alleviate his concerns and would be given a full briefing on it, and Mayor Brown stated that Council Member Keller removed his tag on Item No. 61.

61. ORDINANCE appropriating \$1,122,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional services contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for construction Management Services for various Wastewater Projects, CIP R-0267-03-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was again before Council, and tagged by Council Member Sanchez. Council Member Boney absent.

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

Council Member Goldberg stated that from time to time he talked about different City employees and departments that saved the City some money and someone discovered that there was a way that the City was wasting money and possibly could save millions, that he would like to take a chapter out of former Council Member Driscoll's book and use the chalkboard behind him, that there was a sewage drainage project that was going on in his district which he had no idea was going on and was over \$5 million, that it caught him by surprise and he did not know where the money was coming from, that a majority of it was a complete waste of money and there had been many delays in it, that what he wanted to explain was that the streets were in the Willow Meadows area and was where the project was going to go on, that first of all in the area there was a church and an HL&P easement and so what they were doing was instead of going from the lift station and use the HL&P easement to West Belfort or a place where there happened to be a treatment plant they decided they would tear up every single street around the church instead of just going behind the church in the parking lot, that there were some engineers who were members of the church asked them to do that and they did not do it, that they then proceeded to move on in an area and do a street drainage project where the following year there would be a complete street reconstruction project going on, that the ironic part was that he discussed the neighborhood street reconstruction project with someone from Public Works and that person knew about both projects and nothing was ever coordinated, that when he brought it to that person's attention it was a complete shock that there were two projects doing the exact same thing going on a year apart, that he did not understand why there was not any coordination, that the church was upset and there was an elementary school who was upset because the street in front of the school had been closed since January and nothing was going on, that they turned a two way street into a one way street right in front of the school and the explanation was that the engineering and design was faulty, that there was a gravity sewage line going in and it tied into Stella Link and through the wisdom of the engineering company they actually made the sewage line lower than the line they were supposed to meet in, that they made it 10 inches lower and now they had to start all over again, that the reason it upset him was that for months he had been trying

to get the documentation on it and was not getting it, that he was just not getting the cooperation he needed and it was a \$5.5 million project that was a complete waste of money, and he asked the administration's help to at least get the documentation he had been asking for. Council Members Boney, Ellis and Castillo absent.

Council Member Robinson stated that one of the things he had spent a lot of time on recently was trying to find out why they did not have one consistent GIS system in the City, that when they talked to the experts and even in Public Works they would tell them that they had data in so many different systems and they could not even talk to each other, so if they were in one area of Public Works they could not look at the data in another division of Public Works to coordinate what they were doing, that was one of the things they had to work on, that they told him they were trying to get to that basis and he thought that kind of technology would have helped on some of that coordination, that they now had a website that Transtar had started and one of the issues that Transtar talked about was the difficulty of getting data updated on their system, that they had to get a little better with the information coordination and sharing among the various departments or they would never get rid of that problem, that notwithstanding all of the efforts they took to pass the Street Cut Ordinance they still had a coordination problem. Council Member Castillo absent.

Council Member Sanchez asked Council Member Goldberg for the balance of his time in order to discuss the matter, that on Stella Link, as Council would recall, they just paid \$27 million a few months ago to Brown and Root, the contractor who reconstructed Stella Link, that the sewer project that Council Member Goldberg talked about that had a design error that where it was out of line was in front of Shearn Elementary School, that the contractor had abandoned the project, that there was a very narrow lane and children were crossing in between backhoes and streets that had been dug up and in mud, that the traffic was impossible, that the whole neighborhood, which was Westwood, was a war zone, that Stella Link was completely torn up in the 9700 block, that there was no excuse for the street to be in the condition that it was in now, that he would like to have that addressed. Council Member Castillo absent.

Mayor Brown asked Mr. Rolan to address the problem, and Mr. Rolan stated that Stella Link, as Council Member Sanchez stated, was recently reconstructed by the City, and a utility went in there and started working in it without doing the proper procedures, that they stopped that utility and were requiring them to comply with the requirements of the Street Cut Ordinance, that they had gone back, regrouped and were doing that, that a private contractor was coming under the street and boring under the street and they found Southwestern Bell's lines, not once but twice, and so they had to uncover those so Southwestern Bell could repair them, so there was a problem there, that was not a planned incident and not a matter of a coordination in terms of the lack thereof, it was a permitting job that should have bored under and everything should have been fine, but it did not happen that way; that in regard to the traffic flow and traffic patterns, that whenever they came in for the permits they attempted to coordinate those as best as they could, now whenever they had an emergency happen, like what happened when they were boring under Stella Link, those they did not anticipate, so when that happens they try to accommodate the situation as best as they possibly could, that they were not City projects, that he would personally look at that and get with his folks and see if there was anything else they could do with the traffic, that his guess was that they probably

properly studied and properly permitted and had a good traffic control plan for the utility company that was scheduled to be in there, that whenever they had an emergency that kind of messed things up; that in regard to the subdivision work it was a project that they had been working on and were going to go a certain alignment and there was some consideration given to going in another alignment, which if they just looked at the alignment per se it would be a shorter distance, that the decision was made that going that shorter distance did two things, (1) it would have required a right of way agreement that the general feeling was that it would have taken longer to have gotten that, and additionally going the alignment that they did allowed them to tie on to some services, some residences, and it would have made that a lot easier, so that was part of that logic; that in regard to the roadways, it was his understanding, that if they were talking about the one he was thinking about, they had a subdivision that was separated and it was a neighborhood street reconstruction, that the south half was going to be done this year, and the concern was raised that if they could go in there and do the waterline they would have the streets torn up and it was his understanding that staff, in fact just this week, came and indicated to him that Council Member Goldberg had asked the question if they could go in there and reconstruct those streets in the northern part, where the waterline was, as part of the reconstruction of the southern half, and he said fine, that they were in the process of combining or adding those to the southern, so those would be constructed, so they would not be in there tearing up the streets and putting the utilities in, that he understood that Council Member Goldberg had asked why they did not coordinate it and it was his understanding that the waterline was going to be in the northern part and the reconstruction was going to be in the southern part and the reconstruction on the northern part was a year or two down the road, but they were going to be working on reconstructing those streets and would work with Council Member Goldberg on that, that it was their standard procedure whenever they started projects like these, that in the pre-construction conferences to notify the respective district Council Member's office and invite them to that, that what they had done additionally, something new that he had started, that on neighborhood reconstruction projects when the PER came out they were scheduling a meeting with the respective district Council Member in the neighborhood that was effected so that they could have input, so hopefully with the new procedure they had implemented they could head off maybe even earlier some of the concerns that they were voicing.

Mayor Brown stated that he would resolve the issue by asking Mr. Haines to conduct a performance audit on the project to determine what happened and that would give some guidance for avoidance of any future problems.

Council Member Todd stated that about three weeks ago the Council Committee on Regulatory Affairs passed the Civility Ordinance proposal and knew that it was filtering its way up through the Mayor's office and the Legal Department and assumed it would be on the full agenda in the near future, that he knew there were a lot of folks in town who were watching that ordinance and wanting for it to be a reality and he urged that it be placed on the agenda at the earliest convenience.

Council Member Galloway stated that she wanted them to revisit the City ordinance that governed the cell and communication towers, that the towers were being erected right in the heart of their neighborhoods, especially in District B, that most of the communities in District B were older neighborhoods and were in the process of being



redeveloped, that those neighborhoods did not have deed restrictions or zoning restrictions, that there were people protesting in the Acres Homes Community concerning a tower that was going to be erected in the heart of the community on Mansfield Street, that on Mansfield they had quite a few new homes as well as homes being constructed and this was beginning to be a very serious problem, that in District B they had approximately 4 towers that were either going to be erected in District B or already stood, that she would appreciate one of the Mayor's staff meet with her so they could figure out legally how they could go about changing the ordinance to prevent them from coming into the heart of the community.

Council Member Parker stated that it had come up in the Neighborhood Protection Committee once and had been deferred to after March because they were sending some staff members to get new technical training and they would be taking that issue up either in April or May in the committee, that it was already scheduled.

Council Member Galloway stated that she was very excited and glad that they were able to get back into the business of getting rid of abandoned houses, that she could not wait for the big kickoff when the Mayor was going to have the houses destroyed, especially near the schools, that she did know that they had a list of approximately 570 homes and would like to get a listing of those houses to be demolished so she could see just where they were in District B as well as some that they may perhaps add to the list. Council Member Todd absent.

Mayor Brown stated that he would have someone from the Planning Department brief her on the tower ordinance, that they had met with residents from Acres Homes on that and they were looking at it along with the Legal Department. Council Member Todd absent.

Council Member Robinson stated that a couple of weeks ago they passed out of the Transportation, Technology and Infrastructure Committee a resolution in support of the Southeast Biotechnology Development in the Medical Center area and he was just asking for an update about when they thought it would come to the full Council agenda, that he had the opportunity to work with Public Works and go out and visit with the neighborhood in that area to answer some of their questions and hoped they would continue to meet with them as they developed the project, that the reason he was interested in it was that there was an old press release, and he would send a copy to the Council Members, that the AEA, the high tech organization, back in December of last year put out a press release that pointed out that Houston was the third fastest growing high tech city nationally in America, that they were the second largest high tech city in Texas behind Dallas and ahead of Austin, those were statistics between 1993 and 1998, that one of the things that he would like to continue was to promote their image as a high tech city and continue to draw more venture capitalists and high tech jobs to the Houston area.

Council Member Robinson asked the administration look at putting back on the agenda the resolution in support of an increased and enhanced transportation funding, that they all knew that was a majority priority not only in the State but in the City and region, that he wanted to make sure that this body was on record in support of additional transportation funding, that he did not want the Legislature to pass a mobility bond fund program or to increase the gas tax, which he was not in support of, but if they did and

there was additional money out there they would not get a chance to get their fair share of those monies at the State level.

Council Member Robinson stated that during the course of Mr. Rolen's response he did not respond to the GIS system development, that was an ongoing and major concern to him that all of the information that they had about their infrastructure was not on one database that was readily accessible to all of the departments in the City or anybody else outside of the City, so they had a multi million dollar operation going on by Montgomery Watson to evaluate their sewer system and it was not on a common GIS database, that the waterlines were not on a common database, they were all over the place and that was a bad thing and they needed to have one common database or the problem that Council Member Goldberg talked about would continue to happen, that he would continue to ask that they look at that database development in the Public Works Department.

Council Member Robinson stated that he was told from TXDOT that sometime around June or July they would have a final report on the I10 No Trucks in the Left Hand Lane Experiment and to date the demonstration project was far more effective than they had anticipated it would be, that he was hoping that when they did come back they would take advantage of the opportunity to pick some of the high incident areas and move the project to those areas also and not necessarily across the entire City area.

Council Member Robinson stated that there was a lot of work going on at Transtar and hoped that one of the things they would take a look at was stationing some member of the Fire Department Hazmat Unit out at Transtar, even if it was on a part-time basis to take a fuller advantage of that and initiate the process of looking at moving the hazardous route off 610 to some other route further out under the process that was allowed by State law.

Council Member Quan stated that he was pleased that Council did pass Item 22 on the Hate Crime Act to show their support of that, that a lot of it occurred because of lack of understanding especially among young people, that to that end they had been working on a program called the Youth Cultural Exchange Program, where they had taken 70 kids from around the City with different ethnic, religious and social backgrounds and taken them to different parts of town, that last week they were at Saint Jerome's Catholic Community and he wanted to thank Father Dan Shield and those individuals for hosting the event, that it had gone a long way to open people's eyes of different faiths and different backgrounds, that they started their program at Saint Paul Missionary Baptist Church and next month they would be at the Islamic Center, that if there were people interested in getting their children or students involved to feel free to contact him, and he yielded the balance of his time to Council Member Tatro. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that he wanted to talk about the Fire Department, EMS and the staffing situation, that he wanted to thank members of the 341 Local for working over the last month just to educate him on the issue, that it was a significant issue, that staffing and the program that they had partially embarked on and that was the squad units, that in the last budget cycle another letter from Chief Tyro recommended that they hire 200 cadets and the budget contained 150 cadets rather than the recommended 200; that they had embarked upon this year knowing that they had a

staffing issue and knowing that they were not funding the Fire Department up to the staffing levels that were needed; that the Tridata report came out on October 12 and on October 13 they embarked on a pretty comprehensive plan in one day's analysis and that was not analyzed by Council and did not know if the union had an opportunity, that one of the first and foremost things that Tridata recommended was an increase in staffing, that it was classified as urgent, that the administration agreed on that but when the budget allowed; that Tridata recommended a plan in the near future to staff all fire engine and ladder and heavy risk units with a minimum of four personnel; that Tridata in its staffing said that one must recognize that although the NFPA did not have a standard for the four, and they believed they would by May, the four person per engine and per ladder had become a standard of care in the firefighting industry and often considered in lawsuits, and so Council being out of the loop with the recommendation by the administration to proceed with the squad units, he thought they had to take a look and say what was proper staffing and how far were they going to deplete suppression; that as to the next step to adding EMS Tridata recommended adding 15 ambulances, putting an ambulance in each station; that adding ambulances and squads in April would virtually exhaust all funding they had for overtime and would essentially deplete all apparatus from having four personnel, that in December they put 11 squads in place and at that time the City had 17 ambulances in reserve; that with the 17 ambulances in reserve and with the decision of taking men off of suppression he believed they should have at least gotten the transport asset in the equation and they failed to do that, that as they approached April and they did not have a Meet and Confer Contract in place, it would be his recommendation that before they added any more squad units that they have one ambulance per station and if the new Meet and Confer Contract was not in place and they had not identified sources of funding for overtime to staff the new apparatus, so that they did not continue to deplete the suppression staff and put them at risk of safety and less efficiency, that they should consider transferring the existing squad units to ambulances, and he would ask the administration that in its proposal to add ambulances in April to either (1) come with a Meet and Confer Contract to the table, or (2) so they did not deplete further the suppression resources to add ambulances but put them into the squad positions. Council Members Galloway, Parker and Robinson absent.

Council Member Vasquez stated that he agreed with some of the comments by Council Member Tatro and hoped that they could especially get the Meet and Confer resolved as they approached the budget time; that he wanted to thank Captain Yorek of the Central Division for his help over the last few weeks with the day laborers, and he also wanted to thank the businesses for their cooperation. Council Members Galloway, Goldberg, Boney, Parker and Robinson absent.

Council Member Vasquez stated that last weekend District H sponsored a cleanup in the Ryon addition area in the near northside, that he wanted to commend Mr. Tommy Lyons of the Harris County Community Supervision and Corrections Office for his help in supervising the group of community service workers who did a great job and they were very pleased with the effort that he did. Council Members Galloway, Goldberg, Boney, Parker and Robinson absent.

Council Member Vasquez stated that this was their second week of doing seven cleanups in seven weeks and this weekend they would have two of them, one in the Lindale and Irvington area, from Cavalcade to 610 and the Lindale Civic Club was

involved in that, that they were also doing one in the Second Ward with the Second Ward Residents Association and Mr. Paul Mesa, that they were proceeding right along in their plans, that they took the spring cleaning very serious in District H and he encouraged anybody that wanted to come out and join them and be a part of that to do so. Council Members Goldberg, Galloway, Boney, Parker and Robinson absent.

Council Member Keller stated that they had Keep Houston Beautiful this weekend which his district was excited about, and knew that some of the other districts were manning their staffs and volunteers to take projects on, that he knew of three that they were going to undertake in a major way and they had volunteers from the community to do so, that the weekend after that would be Trash Bash Weekend. Council Members Galloway, Ellis, Parker and Robinson absent.

Council Member Keller stated that he slept better at night knowing that he voted to roll the tax rate back when he found out that they achieved \$1.6 million revenue in addition to what they anticipated in that budgeted cycle. Council Members Galloway, Ellis, Parker and Robinson absent.

Council Member Boney stated that as to the issue of the \$ 8 million tax rollback that while Council Member Keller was correct in asserting that they did have some additional revenue so in a sense that \$8 million had to some degree been recovered they still had \$8 million less potential in their revenue stream, that they had eliminated the possibility of giving public safety, law enforcement and fire a raise, they had eliminated the possibility of giving the civilian municipal employees a raise, that they had to cut the Health Department Budget \$1.1 million in the midst of an epidemic of HIV and AIDS, that they only had one mobile unit to go around and test for HIV and AIDS in Houston and Los Angeles had five, that he thought that it would have been more prudent to establish some real cash rainy day surplus and put that aside and then get to the end of the budget year and if they had some surplus funds determine what was the best use for them. Council Members Galloway, Ellis, Vasquez, Parker and Quan absent.

Council Member Sanchez stated that he always had to remind Council Member Boney that the budget process was several months prior to the rollback and there was no contemplation for all the programs that he just outlined in the budget. Council Members Galloway, Boney, Ellis, Keller, Vasquez, and Quan absent.

Council Member Sanchez stated that he thought that the Street Cut Ordinance was a good step and a step in the right direction, that he noticed when he traveled down State highways the absence of barricades and sheet metal covering holes that had been drilled to access utilities, that the reason was that the Texas Highway Department had what was called a Turnkey Policy, that once they were in their right of way and secured a permit to operate in the right of way they stayed there until finished, that was to ease traffic flow and eliminate congestion, that if for some unforeseen reason the contractor could not finish the hole had to be backfilled and replaced to its original condition until which time they could return to finish the job, that the problem in the City was that they had utilities that would come and had to cut the street for about 2 to 4 miles to install their utility and then put in additional manholes, that it was more expensive for them to get to one hole and replace it to its original condition than it was to go down 5 miles, which may take 2 months, and then come back and do it all at one time, it was more convenient for

them and saved money, that the problem was that the citizens were stuck in traffic that was reduced to one lane that had sheet metal covering holes and it created an impossible congestion problem in the City of Houston, that while the Street Cut Ordinance was a step in the right direction he thought they needed to start examining policies similar to TXDOT's. Council Members Goldberg, Galloway, Boney, Ellis, Keller, Vasquez, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Sanchez stated that he happened to stop in at Fire Station 28 and they have an ambulance, pumper truck and ladder truck, that on Thursday or Friday night he noticed that the ladder truck was going out and he asked what the call was for and it was for an EMS call because the ambulance and pumper truck were out so they had to send the ladder truck, which cost approximately \$700,000, that he asked if that was not a lot of wear and tear because the streets were so torn up on Chimney Rock and they said absolutely, that it was his understanding that under Lester Tyra's administration the Warranty Division of the Houston Fire Department was dismantled and some people within the Fire Department actually launched a complaint with the office of the Inspector General and at the end of the day the complainants who were investigated, that those individuals had requested a copy of the OIG report and it was denied them by the City Attorney, that he was curious if Council Members would have access to that OIG report on the elimination and questions surrounding the Warranty Division of the Houston Fire Department, and Mr. Hall stated that he did was answering a question for one of the other Council Members and did not hear entirely what Council Member Sanchez said and Council Member Sanchez stated that he could watch the tape and maybe respond next week. Council Members Goldberg, Galloway, Boney, Ellis, Keller, Vasquez, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Sanchez stated that ABC ran a story about some prominent Americans whose identity was stolen and it was a huge problem, that fortunately those people had the resources to repair their credit and hire sufficient legal counsel to deal with all the difficulties that were associated with having their identity stolen, but it was an increasing problem, that he was a victim of an identity thief and he found out about it when he applied for credit for the purchase of an automobile, and he wondered what steps the Houston Police Department was taking because in his case they knew who the suspect was and the date of the occurrence but there was never any resolution, that it was an exploding problem, and costing millions of dollars, that he wondered if the Chief might be able to tell him what the Houston Police Department was doing, not just in terms of being aware of it but actually putting resources into the problem to bring these cases to resolution, and Mayor Brown stated that they would have the Police Department get back with him. Council Members Goldberg, Galloway, Boney, Ellis, Parker and Quan absent.

Council Member Castillo stated that he had an opportunity Saturday a week ago to attend a meeting at the Park Place Library for discussion of the library's master plan, that the meeting was very well attending, principally by residents of the Park Place Community who were very upset that perhaps that the Park Place Library was going to lose its regional designation and become just a branch library, which would reduce its services and resources, although it was still just a plan and not come to Council for approval nor had they approved any bond issues to finance it, that the Library Director had assured them that it was just rolling out the plan and not an action item, that he

would like to advocate on their behalf that it was not necessary to demote one library to upgrade another, that he wanted to make that a matter of record, that he was surprised because the basis for their decision was that the census indicated that there was a reduction of population in the Park Place area and nothing could be more to the contrary, that they had built three new schools in the area because of the growing population, that the consultants needed to go back and revisit their census numbers. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

Council Member Castillo stated that he had personally spoken to the Mayor about the Chicano Family Center which provided a wide spectrum of social services to people in the east end, that they continued to work to try to resolve the issue that the City granted them a \$700,000 facility grant to help acquire and renovate the facility and there was some overage and they were trying to amend the contract to finance the difference and for their information there was a great article in the Family Section for the east end in the Chronicle that had a great summary of the services that were offered and all of the great people that worked in that center. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

Council Member Castillo stated that today they voted to fund a contract for Gray's Towing Service to remove vehicles from residences that were accumulating vehicles in violation of the City's code, that he wanted to point out that he had tagged it last time because he was apprised that there was still some discussion at the Automotive Board that they did not have a renewal of their license, that he received a letter from the Strategic Purchasing Department pointing out that all of the problems had been resolved, that he had his staff early today check with the Automotive Board Staff and in fact they do not have a renewal of their license, that what they got was an extension until May of their current license. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

Council Member Bell stated that he wanted to commend the administration, Mr. Tollett, former Mayor Lanier, Ms. Garcia and her department and all of those who worked so hard over the last few months to make the Convention Center Hotel contracts that were before Council today a reality, that given what was stated during the committee hearings the other day they were all anxious to see how some of the financial aspects would work out, but now that they reached this point all of them hoped it would be a success. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

Council Member Bell stated that regarding the Medical Center area he had the privilege of meeting with Dr. Winardi, the Director of the Medical Center, and it was a very important briefing, that he thought there was a new era dawning in the City of Houston, that the Medical Center was often operated as somewhat of an island onto itself and taking care of most of its own needs and not sought that much interaction with the City of Houston, but as Council Member Robinson pointed out there would be mobility issues in the future and security issues in the future and they would need the City's involvement and they needed to do everything they could to make sure that it continued to be a wonderful asset for the City of Houston. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

Council Member Bell stated that Council Member Ellis asked him to state that he supported Clean Houston too, but he had to leave. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent.

There being no further business before Council, the City Council adjourned at 11:47 a.m. upon MOTION by Council Member Todd, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Goldberg, Galloway, Boney, Ellis and Parker absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary