

City Council Chamber, City Hall, Tuesday, April 3, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, April 3, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Jew Don Boney absent due to being ill. Council Members Bert Keller and Carroll Robinson absent on personal business.

At 1:55 Mayor Brown stated that there would be several Council presentations and the first one was Council Member Ellis. Council Members Tatro, Goldberg, Todd, Vasquez, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

Council Member Ellis stated that today they were present to talk about National Tartan Day which was April 6, 2001, and stated that there were two individuals present, Mr. Douglas Beaton and Ms. Sia Beaton and invited them to the podium, and Council Member Ellis read a resolution that was put forth by the United States Senate which stated that whereas April 6 had a special significance for all Americans and especially those Americans of Scottish decent, that the Scottish Declaration of Independence was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document, that this weekend they would be celebrating on April 7, 2001 at 64040 West Bellfort at the Morris Frank Library, a celebration of the National Tartan Day. Council Members Tatro, Goldberg, Todd, Vasquez, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

Mr. Douglas Beaton stated that as the president of the Houston Highland Games Association, a group that was dedicated to the promotion and the preservation of Scottish culture in the area he wanted to thank Council Member Ellis and the other Council Members for allowing them this opportunity and added his invitation to participate in the special Tartan Day festivities as well as attending as their special guests the three day Houston Highland Games and Celtic Festival which would be held May 18, 19 and 20, 2001 and introduced his wife Ms. Sila Bell Beaton, a spokeswoman for the Texas State Bluebonnet Tartan. Council Members Tatro, Goldberg, Todd, Vasquez, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to welcome the students and faculty of Ryan Middle School to City Hall today, that it was certainly a pleasure to have them visit Council and hoped that they learned about the municipal political process, that as they knew today was the kickoff of the Don't Dump on Houston Campaign, that even though Ryan Middle School was not in her City Council District she was very interested in the cleanliness and safety of all their neighborhoods, that as they knew she was known as the Queen of Trash Abatement, that the Don't Dump on Houston Campaign was an excellent way to bring awareness and attention to the neighborhood protection issues, that she believed if they all worked together they could eradicate neighborhood problems that were caused by people who dumped and littered in the neighborhoods. Council Member Galloway invited students from Ryan Middle School to the podium who made a presentation regarding their Don't Dump on Houston Campaign, and after the presentation the students asked the City Council to take an oath to faithfully do their best

to decrease, reduce, reuse and recycle waste to preserve and protect their environment and to make the world a better place to live in. Council Members Goldberg and Todd absent.

Mayor Brown stated that they would all agree that the boys and girls from Ryan Middle School did an outstanding job and recommended that their teachers give them an A+ for their assignment, that often time they heard a lot about the children and from what they saw today their future would be in good hands because of the young people they saw present today. Council Members Goldberg and Todd absent.

Mayor Brown stated that present today was the Willowridge Basketball Team, some real champions and invited the coach to join him at the podium. Mayor Brown stated that their march to the State 5A Championship this year was a little more exciting than last years because there were some closer games versus last years blowouts, and wished a special congratulations to Coach Ronnie Courtney, that clearly the coach was blessed with an abundance of talent, but he demonstrated caring and commitment to each of his players and they liked to win for him, that no coach could ask for more, that Willowridge was considered among the very best boys teams to play basketball in many years, not only in this State but throughout the Nation, that the Division 1 Championships awarded to T.J. Ford, Daniel Ewing and Benny Taylor and the McDonalds All American Awards to Daniel and T.J. indicated just how true that was, and read a proclamation which proclaimed that Lee P. Brown, Mayor of the City of Houston, proclaimed April 3, 2001 as Willowridge High School Eagles Basketball Team Day in Houston, Texas. Council Member Goldberg absent.

Coach Courtney stated that he wanted to thank them for allowing them to be present for such a prestigious award, that on behalf of the Willowridge Community, family, the basketball team and the staff, they wanted to say thanks for being able to represent Houston at the highest level. Council Member Goldberg absent.

Mayor Brown invited Mr. Tom Buchanan, Director, Solid Waste, to the podium and stated that he wanted to issue another proclamation to respectfully acknowledge the efforts of Dr. Martin Luther King, Jr. and his movement to improve the working conditions of sanitation workers, that in March of 1968, Dr. King arrived in Memphis, Tennessee to lead sanitation workers on a march to protest low wages and poor working conditions, that Dr. King was killed on April 4, 1968 shortly after bringing the concerns of sanitation workers to national attention, and in recognition of Dr. Kings contribution to the Solid Waste Industry, Houston's Solid Waste Department would like to commemorate this event for the first time this year, that he was joined at the podium by five employees who were Houston Solid Waste Workers at the time Dr. King was assassinated, that they knew first hand the role that Dr. King played in contributing to their well being and it was fitting that they were present today to honor his week, and read a proclamation that stated that the City of Houston's Solid Waste Management Department would join forces with cities across the Nation during the first week of April 2001 to honor Solid Waste employees and recognize Dr. Martin Luther King Jr.'s support of sanitation workers and his contributions to the Solid Waste Industry, that the City of Houston recognizes the contribution of its Department of Solid Waste Management employees as well as Dr. Martin Luther King Jr.'s legacy and dream and extended best wishes to all for a successful and rewarding commemoration and stated that Lee P. Brown, Mayor of the

City of Houston, proclaimed April 5, 2001 as Department of Solid Waste Management Dr. Martin Luther King Jr. Commemoration Day in Houston, Texas. Council Members Goldberg, Vasquez and Sanchez absent.

Mr. Buchanan stated that as the Mayor indicated they had five employees in the Solid Waste Department that were employed in 1968 or earlier when Dr. King was assassinated, that Mr. Charles Idelbird joined the department on October 27, 1965 and he made a whopping \$75.02 biweekly at that time, that Mr. James Sterling joined them in October 1966 and was making the same pay, that they also had Mr. Morgan Hunt, Mr. James Clark and Mr. Lawrence Batiste, that Mr. Hunt and Mr. Clark joined them in 1967 and Mr. Batiste in 1968 and had been working hard for the citizens of Houston ever since, and it was certainly an honor on their behalf to accept the proclamation for the first annual commemoration ceremonies. Council Members Goldberg, Vasquez and Sanchez absent.

At 2:23 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Parker stated that since it was her day to deliver the prayer she wanted to comment that she went to two funerals on Saturday, Ms. Norma Lee, who was a very strong earlier feminist activist in Houston and Mr. Pedro Martinez who was the Names Project Houston, that Names Project created the AIDS Memorial Quilt and both of them succumbed to cancer and asked that everyone join her in a moment of silent prayer and then led everyone in the pledge of allegiance. Council Member Goldberg absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Boney absent due to being ill. Council Members Keller and Robinson absent on personal business.

Council Members Sanchez and Vasquez moved that the minutes of the preceding meeting be adopted. Council Member Boney absent due to being ill. Council Members Keller and Robinson absent on personal business.

Ms. Gloria Trevino, 12526 Olympia, Houston, Texas 77077 (281-752-8884) appeared and stated that she represented Victims in Petition for Justice and stated that on August 25, 1998 she appeared before Council and presented them with a memorandum about two to three inches thick outlining an argentous enterprise of harassment and criminal oppression against her and her family by powerful members of the community, that she asked where all the millions of dollars in funding that was being allocated to assist victims of discrimination and systematic abuse, that she would like to ask Council to appoint an attorney or an agency to assist her in addressing these blatant violations of civil and human rights, which now included another unlawful aggression to swindle her out of her home, that she would like to present addition information to the Mayor and Council at this time. Council Member Todd absent.

Mayor Brown asked who were the ones who were committing the acts that she was referring to, and Ms. Trevino stated that at this time it was the Homeowners Association and also some officials that had alienated them against her, that it was more than that, that it was the mortgage company, that her mortgage was paid off in 1982 and the mortgage company was involved in this attempt and they never wanted to release themselves from the deed even though they had been paid and HUD had not wanted to

assist her in this matter so they were constantly trying to take her home, and Mayor Brown stated that as she knew and as they had shared this information with her before, the City did not have jurisdiction over those organizations, but what they could do was to ask the City Assistance personnel and use whatever information they had to refer her to someone who might be helpful to her and Mr. Cantu would meet with her and see how they could be of assistance in referring her to the right agency. Council Members Todd and Sanchez absent.

Mr. Alfred J. Jack, 813 Waverly, Houston, Texas (713-862-6218) had reserved time to speak, but was not present when his name was called. Council Members Todd and Sanchez absent.

Ms. Sylvia Brooks, 1301 Texas, Houston, Texas 77002 (713-390-8700) appeared and introduced a team from the Houston Area Urban League, and stated that they were present to thank them, that she knew that many of them had to say no to their request to support their membership campaign, but they knew that they were all thinking about them so they wanted to make a special award to Council, particularly to those Council Members who represented the entire City Council at their last membership drive, Council Members Quan, Parker, Goldberg and Castillo, that they were great and came in second this year, that the most important thing was that they took the time to help one of the many non-profits who were competing for resources in this community and competing for their time, that the award was presented to the Houston City Council in recognition of their ongoing support of the Houston Area Urban League Membership Drive, that their March 22, 2001 performance was the most creative in the history of the membership drive. Council Members Todd and Sanchez absent.

Mr. Joseph Young, P.O. Box 15872, Houston, Texas 77020 (713-671-2576) had reserved time to speak, but was not present when his name was called. Council Members Todd and Sanchez absent.

Mr. Monty Hanson, 726 Cimarron, Houston, Texas 77081 (281-362-9767) appeared and stated that he was present before Council last September about the need for a public skate park in the City of Houston, that he wanted to thank Mr. Hill and Mr. Baptiste of the Parks and Recreation Department, that he had met with them and they were 100% supportive and really encouraging as far as he continuing this project, that they recommended that he look for a location for a skate park before anything and after searching through a list of parks he determined why not Watonga Parkway, which was located in Council Member Tatro's district, that it was the home of a place called easy seven, which was basically a cement drainage ditch that had been Houston's unofficial skate park for twenty plus years, that he and a group of interested parties had formed a Houston Public Skate Park Project and they were looking to form as a non-profit organization and had an appointment April 11, 2001, with the Houston Volunteers Lawyers Association to help them organize under the 501C3 Code of the IRS Statutes to facilitate fund raising and things in that direction, that he had spoken with Parks and Recreation officials in both Austin and San Antonio and both of them informed them that skate parks were in the works in both of those cities, that in Galveston the Island Skateboarders Association had already allocated a location for a park at Menard Park on the Seawall and they were in the process now of soliciting funds, that their target goal was \$250,000 to have cement outdoor skate park built, that their organization, that

Houston Public Skate Park Project would not only be interested in funding this park but also organizing contests, demo's and in addition facilitating the building of smaller local skate parks such as the Kingwood Project that Mr. Hill had informed him was already on the way as well, that he had a lot of emails sent to him from people all over the City and the project had snowballed and was going around by word of mouth, that he was putting out flyers and a newsletter would be done at the end of the week, that he received invitations from builders as far away as Oregon, Santa Fe, New Mexico and also two parks in Arizona to visit their concrete parks and speak with the people who use the parks and to examine the facilities and how they had come about, that he was just looking for what his next step was to help the City bring along this process. Council Members Todd and Sanchez absent.

Council Member Tatro stated that Mr. Hanson had mentioned Watonga Park and asked if the Parks Department had come back with any recommendation, and Mr. Hanson stated that they had been out there to look over the sight and they seemed to be in line with that as a location, that it was fairly centrally located and was located off the 610 Loop and almost adjacent to the TC Jester Park, that it was a 30 acre facility and had a swing set and two or three baseball backstops and also a lot of nice oak trees and a lot of nice open rolling land, that the Houston Public Skate Park had taken it upon themselves and purchased a trashcan and were keeping the area up, that as far as liability issues went he had presented Mr. Hill and Mr. Baptiste with a document which was a small bit of legislation which was passed through the Texas House of Representatives releasing municipalities from liabilities as far as injuries in skate parks go as long as there were proper signs posted saying "skate at your own risk", that Austin's park was going to be universal for skateboards, BMX and roller blades, that it was started by a small group that had a tennis facility donated and they built all their own ramps, that it was a public facility. Council Members Todd and Sanchez absent.

Ms. Sadaqah Osborne, 5407 Chenevert, Houston, Texas 77004 (713-524-5767) appeared and stated that she brought the Council greetings from the George Mickey Leeland Library and Museum of African History, Culture and Social Change which was located at 5407 Chenevert in the Museum District, that she was on the Board of Directors of the Library which was an agency of the Black United Fund of Texas, that their Cultural Exchange Program, which had been an ongoing project of their curator, Ms. Cleo Glenn Johnson, since she worked for the late Congressman Mickey Leeland's office back in the 1980's; and with her was a group from Nairobi, Kenya, which had been with them since March 17, 2001 and also present was Terri Green, the Chair of the Volunteer Committee for the Black United Fund of Texas and Phyllis Glen their campaign manager and invited them to address Council in their own way, and Mayor Brown thanked them and stated that on behalf of all the people who lived in Houston extend a very cordial welcome to them and was delighted that they were present in Council, that they clearly recognized that their presence helped them understand about their country and strengthened the ties between Houston and their country. Council Members Todd and Sanchez absent.

Mr. Shelton Morris, 7520 Hornwood, Ste 505, Houston, Texas 77036 (281-777-0012) appeared and stated that also present was Ms. Michele Haywood, who was the owner of Atlas Medical Supply and she had allowed Houston to maintain a company which allowed them to stay on the cutting edge of technology, that he had

passed out a syringe and paperwork for each Council Member, that new technology had made it possible for them to eliminate the transmission of blood born pathogens while providing protection for the health care workers, that because of the new technology he humbly requested Council's adoption of new free management systems in the area of immunization and vaccination, that the reason that he asked for the adoption was that the syringe had a needle and when they used the needle they must then insert it into a sharps container and then the sharps container must then be picked up by BFI and go to a landfill and the needle once it came out of an infected person's body it becomes a transmitter and that was a problem, the transmitter, that it provides no protection for the health care workers because once it becomes a transmitter it is contaminated and then the health care worker is at risk, that by the same token a new type of syringe, which he was displaying, was a new free injection management system and most of the Council Members had received tapes on this type of procedure, that it needed no sharps container, BFI or landfill, that it was not a transmitter, that it was faster, more effective and safer, that the old syringe was concocted right after the Civil War, that it was old technology and they were fighting a biological warfare with old technology and it was not going to work, that they needed to stop the transmission of blood born pathogens and in this case they were referring to Herpes B, Herpes C and AIDS, that the only way to do that was to remove the transmitter, that the State of Texas came out with guidelines indicated retractable syringes or new free ejective systems, that they were giving them a choice, but as they looked at the documentation that he had presented to Council, even the retractable needle did not get rid of the problem, that the needle was the problem, that retractable needles were not 100%, that to fight and combat the problem they needed solutions, they needed to protect the health care workers that were out there everyday giving vaccinations or immunizations to people that they did not know with all kinds of diseases, that he was a fireman for 10 years and he got a coat for protection, that his brother was a lieutenant for the Houston Police Department and he got a bulletproof vest, but to him the most dangerous in the world was to go to work everyday and become at risk with no protection and the syringes provided no protection, that the needle free injection system did provide protection, that what he was asking the City to do was two basic things, to insure the termination of blood born pathogens, and secondly in the process of doing that they would kill two birds with one stone and that was providing protection for the health care worker through new free ejective systems, that the new system was antiquated and the needle free system was the direction that the City, County and State should take. Council Members Todd and Sanchez absent.

Upon questions by Mayor Brown, Mr. Morris stated that they had the opportunity to bring the very first immunization technology conference to Houston and they had representatives from all over the States to attend, that they had indicated the fact that there were problems with the cost factors, but as they could see with the information he had given them it did not justify that decision, and Mayor Brown stated that he would make sure that the whole package that Mr. Morris had submitted to Council was given to the Health Director and ask that she evaluate the product. Council Members Castillo and Sanchez absent.

Upon questions by Council Members, Mr. Morris stated that he did not work for the company, that he had a PHD and was a disabled veteran, that there were a lot of cities and counties that had adopted the system, that it was the only way to stop the blood born pathogens, AIDS, that the private sector, Piney Point, was going to this system, that the

City of Houston, through State or Federal Regulation, was going to have to move to one of two, either retractable or needle free, that if they looked at the graph that he gave them they would see the effectiveness of the new free syringe versus the retractables, that there was a margin of error in the retractables, that with the new free management system there was no margin, that there was not a transfer of blood born pathogens, that the military uses it and what basically happens is the new system requires no needle and there was no foreign object going into their body and it was more effective and faster, that it did not need a sharps container, BFI or a landfill, that it did not transmit blood born pathogens, that it was approved by the FDA and if they looked in their packets as of March 28, 2001, FDA had now released the product for AIDS, so it was the solution to their problem, that the medicine got into the arm through air pressure, that there was a CO2 container in the instrument and what basically happened when the trigger was activated the serum leaves the syringe at such a rapid rate that it penetrates into the skin and goes into the body without a needle, that they could set up 100 vials for massive immunization and cut their time down, their vaccination and immunization time down, that the new system did not have to go through a special procedure they could just go into a trash can; that they had to stop the transmission, that they could not control a person's sexual preference or intravenous drug users, but they could control their transmission of the disease. Council Members Ellis, Castillo and Sanchez absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he had a correction, that there was a fireman whose funeral was Monday, that he was the first Black fireman to become a chauffer in the Houston Fire Department in 1963, that he was also the first Black to become a senior captain in 1972 and was also one of the first to be promoted to district captain in 1978, that the problem was that there was nobody there, that other firemen were there but as far as anybody from the Mayor's office or the Fire Department Chief was not there, that he thought that any man who had put in 28 years to the Houston Fire Department should have had somebody represented there, that when he retired in 1986 he had a retirement party and some Council Members were there, that people from the Commissioners Court were there, Senator Rodney Ellis was there, that it was kind of sad to him, that he had sent Mayor Brown some information about what happened from the family because he had been in contact with them; that in regards to Council Member Boney, he was in contact with some people from the police department, but right now every time he called they were not there and there was no answer and he was not getting calls back, that from the Ethics Department of the City he was getting the same thing, that he was trying to figure out what was going on, nobody was saying anything to him, that he had done everything that he was supposed to do, that it concerned the \$20,000 that Council Member Boney had supposedly paid for computer consultation, that he had brought it before Council Member Boney about a month ago and he would not answer, that it was about his financial records, and Mayor Brown stated that he would suggest that if he had a particular complaint he should file it, and Mr. Winters stated that he had filed a complaint, and still nothing was being done, and Mayor Brown stated that he did not know anything about that; that he would be glad to contact the deceased fireman, Mr. Barnes, family, that for some reason the message did not get around as it should have and he would follow up on it. Council Members Tatro, Ellis, Castillo and Sanchez absent.

Mr. Louis Alcayaga, 4835 Hollow Hook, Houston, Texas 77041 (713-690-7208) appeared and stated that he was present because on December 22, 2000 he went to the

Planning Department to submit some plans and they asked him for a water permit but the place where they are building the house does not have City water, but they asked him to put in an application and they told him it would take about a week and now it was three and a half months later, that they had a water well, and Mayor Brown stated that Mr. Paul Nelson was present and would meet with him and help him resolve his problem. Council Members Tatro, Ellis, Castillo and Sanchez absent.

Council Member Todd moved to suspend the rules to add Mr. Robert Horton to the speakers list after Mr. Galvan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Sanchez absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Tatro, Ellis and Sanchez absent.

Ms. Paula Harrison, 7721 A. West Bellfort #184, Houston, Texas 77071 (713-635-9503) appeared and stated that she was present to speak on the charter school problem, that she felt that charter schools should be held accountable for the same strict guidelines as public schools and should be required to make students wear uniforms, that she had noticed many of the students that attended charter schools looked like street thugs and not displaying a positive image to the public, that she had also noticed the lack of accountability for providing a spokesperson for concerns such as hers, that public schools had the Federation of Teachers to speak on concerns of the public, that she would appreciate the Mayor discussing her concern with the Department of Education and insist that charter schools comply with the public schools accountability. Council Members Tatro, Galloway, Ellis and Sanchez absent.

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

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that April 3, 2001, www.galvan.org. that his name was James Partsch-Galvan ex-spouse of Richard William Partsch of Zurich, Switzerland, that he was a candidate for Houston City Council and one of his planks in his platform this year was to rename Eleanor Tinsley Park to Elizabeth Spates Park, that he would further galvanize to change the City's policy of naming parks, buildings, etc., that the City's policy should be to name parks, buildings, etc., after deceased people only because then it becomes too political and the living person gets free political advertising at the taxpayers expense, that he wanted to name Eleanor Tinsley Park to Elizabeth Spates Park. Council Members Tatro, Galloway, Ellis and Sanchez absent.

Mr. Robert Horton appeared and stated that recently he had been doing some things for a year and God had blessed him to be a very, very wealthy man and he needed the City to help him claim his money and then he could help the City, that he saw all the problems that people were talking about. Mr. Horton continued to express his personal and financial opinions until his time expired. Council Members Galloway, Ellis and Sanchez absent.

At 3:05 p.m. upon motion by Council Member Robinson and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, April 4, 2001. Council Member Boney absent due to being ill. Council Members Keller and Robinson absent on personal business.

City Council Chamber, City Hall, Wednesday, March 28, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 28, 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; Ms. Martha Stein, Agenda Director present.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Brown reconvened the meeting of the City Council and stated that their first item of business would be a report from the City Controller and Finance and Administration on the current financial status of the City. Council Members Tatro, Ellis, Keller and Robinson absent.

MAYOR'S REPORT

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

Ms. Sylvia Garcia, Controller, stated that she was pleased to present the monthly report for the period ending February 28, 2001, that it was the eighth month of the current fiscal year and the report would be related to the General Fund, that the General Fund revenue projections reflect a net increase of \$5.5 million from January's report for a total of \$1,273,000,000, that it was \$11.7 million more than originally budgeted, that the electrical franchise fees had increased to \$89.7 million, an upward adjustment of \$7.3 million, that this was the only significant change that they had made from last month's report, that this amount was based on meetings they had with Reliant Energy over their last projections and looking at their projections for the rest of the year, that a corresponding increase of electrical cost was reflected in the contingency category in the General Government Section of the report, that they also saw a slight reduction in the charges for services in the Direct Interfund Services Category, that on the expenditure side the General Fund expenditure projections reflected a net \$3.1 million over January's projections for a total of \$1,278,000,000, that Department Projections remained unchanged with the exception of Fire, Police and the Solid Waste Departments, that General Government was increased to reflect electrical cost mentioned above and interest expense for the Trans borrowing to be paid June 30, 2001, that as stated before the administration had initiated spending controls in most General Fund departments but no corresponding budget adjustments to reflect the \$5.1 million had been made at this time, that these spending controls were not

represented within their projections, that the projected fund balance at the end of the Fiscal Year reflected an increase of \$2.4 million or at about 5.6% of projected expenses minus debt service and operating transfers, that as she stated to the Fiscal Affairs Committee yesterday they were pleased to report that they were moving forward with the Cash Management Audit to be co-managed together with the administration and to be independently done by McConnel, Jones, Lanier and Murphy, that she thought now that they had resolved the issues related to the Cash Management Audit and now needed to focus on making sure that they had cash to be managed, that approaching very soon they would have to review the appropriation ordinance that the administration needed to bring forward and that probably was their first immediate challenge, that she was present today to say that they would not be prepared to certify anything above the current revenue projections in this report, which again were \$1,273,292,000, that the projected expenses from the administration were currently at \$1,278,905,000 and simple math would tell them that there was still about \$5 million or so that they had to work with together with the administration, that it simply meant that cuts would have to be made in terms of \$5 million or there had to be some reasonable expectation that revenues could come in higher, but at this time she could not see how they could certify anymore than their current projections, that secondly they were in agreement with the administration that they would have a cash shortfall toward the end of the year which would make it difficult to make all of their operating disbursements, that they thought that it would probably be between \$12 million to \$25 million, so once again they were faced with the issue of whether or not they could pay all of their bills at the end of the fiscal year, that they had two challenges ahead of them and the most immediate one was dealing with the certification issues, and that completed her report. Council Members Galloway, Parker and Sanchez absent.

Dr. Scheps stated that he would be referring to page 7 in the fiscal monthly report and their projections showed that revenues for the year would be approximately \$16.7 million higher than budget and in terms of this particular fiscal monthly report they had only made one change and that was the Sales Tax adjustment upward which was recommended by Dr. Smith based on an adjustment that he made; that their expenditures were about \$17.3 million higher than budget, that the biggest change was that there were small positive changes in the Library and the Mayor's office in this particular report because of some vacancies; that the General Government expenditure estimate went up for several reasons and one was that they were presented with the new insurance proposal and that added about \$150,000 to the General Government category; that for the consultant expense they had a number of consulting engagements including the Cash Management engagement and the redistricting engagement and they thought they should include some additional funds in there and as an estimate for the current fiscal year they had added \$460,000 for that; that Interest Expense was the largest one and this was the interest they paid on the TRANS borrowing and on the inter fund borrowing from other City funds and they had an under prediction in there, both F&A and the Controller's office had adjusted that to about \$1.1 million; that overall they had some other small changes back and forth but those were the major ones, that overall they projected a fund balance of about \$70 million which was about \$600,000 less than the budgeted ending balance; that in terms of the variance with the Controller's office they had a variance in the revenue of about \$5 million, which was down from \$9.6 million a month ago so they had closed that gap and they had a variance of expenditures of about \$4.3 million which was down from \$7 million a month ago, so they had closed that gap as well; that he had made some comments in his letter about some of the other initiatives

that were going on and Ms. Garcia had already mentioned the Cash Management Audit; that they had a pre bid conference on the fee study yesterday and several firms showed up so they hoped to have a proposal to announce, that the proposals were due by the fourteenth so he hoped by the end of the month they could have a firm selected to do that; that he had said before that the competitive analysis that Council requested probably would not get done until the summer and he found out in the interim that they actually had a couple of firms engaged to help them already to manage competition so he had asked them to at least give F&A a proposal so they would have something to base their analysis on what they should do in that regard and hopefully they could do that a little faster than he had thought before; that on Debt Policy they were not getting along quite as fast as he thought they would, that they had one meeting with the financial advisor in the Controller's office and they had drafted something and had a second meeting planned for this week; that a Management Audit of Finance and Administration was under way with a May deadline for that submission; that on zero based budgeted they met again yesterday with the Parks Department and they were preparing their budget in that fashion and Council would see it on June 7, 2001, that yesterday he also handed out a proposed hearing schedule to those Council Members that were at attendance at the Fiscal Affairs meeting; that on Cash Forecast they had worked diligently to try to close the gap on the forecast and they still had more to do in that regard and hopefully they would continue this week, that it ought not to be that difficult to agree but they had some setbacks because of the accounting system that they were unable to create at the same interpretation to some entries in the system; that 2002 Budget preparation was ongoing and F&A was meeting with each department and what they were trying to do was understand the nuances of what they were requesting, that the Mayor had clearly said that they ought to start out with a no new programs type of a budget and that was probably going to be appropriate given their revenue picture and what they were trying to do was flush out on a continuation basis each department and if they had things that were mandated F&A needed to make sure that they understood those things where program expansions were something that Council had already approved for example and they had to staff a facility that would be coming on line, and that concluded his report. Council Members Vasquez and Parker absent.

Council Member Sanchez asked if there was anyone from the Fire Department was available to answer questions on response times, that he had noticed that on Fire Response the average response time now was up to 8.1 minutes, and even with the flying squads that they had instituted the first response time for EMS calls was approaching nine minutes, that these were not good trends and he wondered to what they attributed the increase, and Mayor Brown stated that he would have the fire chief give him a response to that, that he was not in the audience and they would have to write something on that. Council Member Quan absent.

Council Member Robinson asked if on the General Government Fund he could get a list of all the expenditures in which it was not going to be recurring in FY02, that he was trying to see if there was going to be any additional funds that they could point out for purposes of Meet and Confer, that he was surprised from Dr. Scheps comments that it seemed they were adding the money for redistricting and it had not already been in the General Government account, and Dr. Scheps stated that he would be glad to get him that list. Council Members Vasquez and Parker absent.

Council Member Robinson stated that last year Ms. Garcia had given Council a set of revenue projections and asked if she intended to give Council a set this year, and Ms. Garcia stated yes; that as to the Revenue Forecast, especially in the Sales Tax area, Council Member Robinson asked Ms. Garcia for a little bit more detail on the backgrounds of how her formula had performed in comparison to the Barton Smith formula because he knew that the Controller's office used a little different number so he did not know if it had been modified as a result of the stuff that had been coming from Dr. Smith, and Ms. Garcia stated that she would be happy to do that and as they did last year with all their predictions they would let Council know what the assumptions were and what they used. Council Members Vasquez and Parker absent.

Council Member Boney asked if had heard correctly that they expected a difference in the Cash Flow of \$12 million to \$25 million by the end of the budget year, and Ms. Garcia stated that was what they were looking at now, that it was Cash Flow, money to make all of their disbursements, that the revenues that they would certify with regard to the certification were all based on the accrual basis, and if they looked at Cash Flow in looking at what they could pay bills with they had to have actual cash so it was two different things, but yes they were looking to run out of cash some time in early June, and Dr. Scheps stated that they disagreed on the significance of this, that the City had borrowed money for Cash Flow purposes, that he was doing it 21 years ago when he worked for the Controller's office, that it became a routine part of doing business in an environment when all their revenue came in three months of the year, so borrowing was not indicative of a problem per se, and borrowing on June 30th was not the biggest borrowing day of the year, that was sometime in September, that borrowing in June was merely because of the reporting significance of that day, not because it was a financial significance, that they disagreed that there was a problem related to Cash Flow, that borrowing was good it had kept the tax rate low for years, that as to Council Member Boney's question the answer was revenue and expenditure, that he agreed with Ms. Garcia that they had a challenge there, that she had the power to certify revenues and she had said that she only intended to certify only a certain amount of revenue and if that held that was higher than the expenditures, that it was a challenge that they had to work on over the next week or two and they had to get it done so he thought that was the bigger problem than the Cash Flow problem; and Council Member Boney asked approximately how much had been the increase to them percentage wise or aggregate dollar wise in terms of energy costs, particularly Reliant, and Dr. Scheps stated that he would be guessing but he would say probably \$5 million or \$6 million on the energy side but he would ask Mr. Al Mays to confirm that and get back with him, that they were generating more revenue in terms of their share, that it was more like \$12 million or \$13 million. Council Member Robinson absent.

Council Member Tatro asked if it was last years actual or last year budget that they operated under and Dr. Scheps stated last years actual, that they were operating under the continuing resolution spending with the authority to spend at last years levels as they did every year, that he understood it was routine, that they did the certification in mid April last year, and Council Member Tatro asked what was the effect if the certification was delayed past April, and Dr. Scheps stated that he would like to get the Certification Ordinance on the agenda next week or the week after, as soon as possible and that he did not think it needed to go to that point, and Ms. Garcia stated that she was sure that the Legal Department could give them a definitive opinion, but obviously if they were

working on the continuing and were working on the actuals from last year they could not spend more than that, that they would not be able to certify any further spending above that on any item, that the bottom line was that they had to find a way to hold the line, and Council Member Tatro stated that his concern was that the gap was going to be widened and they would be pressured for that certification, and asked the administration at what point and time could they project that they would get to the level of the continuing resolution, and Dr. Scheps stated that they could do that, but he would prefer just to have the solution on the agenda next Wednesday. Council Members Parker, Sanchez and Robinson absent.

Council Member Keller stated that they could both identify increases and revenues, but at the same time with their consultants were there some ideas from the City's side of the table as to how they could do things more efficiently with the increased revenue, that the Council had come up with five ideas and he would like to see five ideas as to how they could not only identify increases but how they could identify possible ways to make decreases or efficiencies, as far as a procedural manner in certain departments, that was something that he would like to see at the same time, that if they had those to please send them to him, and Ms. Garcia stated that they would be happy to work with him on that. Council Members Ellis, Sanchez and Robinson.

Council Member Boney moved to accept the report, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis, Sanchez and Robinson absent. MOTION 2001-0350 ADOPTED.

Council Member Castillo moved to suspend the rules to consider Item No.'s 22, 23, 25, 29, 46 and 30 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0351 ADOPTED.

22. ORDINANCE approving and authorizing interlocal agreement between the City of Houston, **HARRIS COUNTY** and **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MARKET SQUARE ZONE)**; relating to the participation of Harris County in the Reinvestment Zone - **DISTRICT I – CASTILLO** – was presented.

Council Member Castillo asked if the import of the ordinance was that the County was capping their contributions and asked if that was a fatal blow to the success of the redevelopment plan for the TIRZ, and Mr. Litke stated no, that the County cap reflected the agreement that the County had initially adopted for the original zone and as far as Market Square was concerned they were in negotiations with the County, respecting the expanded zone, and that would follow later, that they had resolved Gulfgate, that the cap would not effect the project in any negative way whatsoever. Council Members Todd and Robinson absent.

Council Member Boney asked how did they come to be in a situation where they created the TIRZ's and had not come to a final agreement of the level of participation of the County, that Midtown and Market Square were pretty old TIRZ's, and Mr. Litke stated that they were and this he guessed they could say was really a cleanup, that the original County orders, when the TIRZ was being considered, reflected the values of the original zone and this was really a cleanup to resolve any open issues on the original zone, and

with respect to Midtown the expansion of the original zone was relatively small, that with Market Square they were in negotiations regarding the expanded zone but they wanted to cleanup and cap any outstanding issues with regard to the original zones; that there were no anticipated TIRZ's that he was seriously looking at. Council Member Todd absent.

Upon questions by Council Member Sanchez, Mr. Litke stated that there were twenty Tax Reinvestment Zones, that they had agreements with HISD and/or other school zones participating in everyone of the twenty zones, that the City of Houston participated at 100% level, that HISD's participation varied from zone to zone, that the purposes of the ordinance today was to finalize the agreement with Harris County for those four zones. Council Member Keller absent.

Upon questions by Council Member Robinson, Mr. Litke stated that in Gulfgate the participation was \$3.6 million, in Market Square the participation was \$8.5 million and that was in the original zone, and in Lamar Terrace the participation was \$1.96 million, and in Midtown it was \$58.9 million, and Council Member Robinson asked if it was a full 100% participation by the County, and Mr. Litke stated that at the County's rate it reflected about 39 cents, that in the County only the sub jurisdictions were not participating; and Council Member Robinson asked what other concessions were made to the County for their participation in terms of deviation from the normal contracting processing, and Mr. Litke stated nothing in the way that he would consider, that the County wanted to audit in the zone, which was a reasonable request, that they wanted to see any special studies that the City did or asked the TIRZ's to do on behalf of the City, and with respect to the two zones in this particular package that contribute to the one third affordable housing set aside they had agreed with the County that they would get their one third back for County use; that they were in discussions with the County on specific zones and they may lead to conclusions that some project activities in a given zone might be undertaken by the County for the zone and in other zones the County would simply contribute its dollars, or contribute its dollars specified for specific projects that the County would otherwise undertake but in this particular case would not physically execute, and Council Member Robinson asked that someone come and see him so they could go through all twenty.

Upon questions by Council Members, Mr. Litke stated that as to the County's getting back one third of their TIRZ money for affordable housing the County contributions would come in through the City and into the zone and then the one third of the County's contribution that would be related to affordable housing set aside, would be paid back to the County, that one third was a State law, that everybody was paying into the one third but the County was seeking to take back one third of their contribution for their affordable housing program, that it was one third of the cap, that they did not abate, that what the County did between 1996 when the ordinance was passed and today was paying in, except for 1999, that they were participating at the rate that they were dealing with here, that they had a County order and were paying in pursuant to that order and then they wanted to sort of clean it up by having an agreement; that the limit of \$8.5 million was based on the increment projections on the finance plan at the time it was created in 1996; that it was a new creation in effect, that it would only apply in those zones that were created with the obligation of for a one third set aside and the County wanted to expand its capacity and funding resources to do their affordable housing program, which was why they had asked for one third of their money to be returned back for their program, but it would only apply to those zones that were contributing to the affordable housing set

aside and there were seven of those out of the twenty. Council Members Goldberg, Boney, Todd and Vasquez absent.

After further discussion a vote was called on Item No. 22. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Vasquez absent. ORDINANCE 2001-0301 ADOPTED.

23. ORDINANCE approving and authorizing First Amendment to interlocal agreement between the City of Houston, Harris County and **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)**; relating to the participation of Harris County in the Reinvestment Zone - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Vasquez absent. ORDINANCE 2001-0302 ADOPTED.
25. ORDINANCE approving and authorizing agreement between the City of Houston and **J & B RICHMORE MANAGEMENT, L.L.C.** to provide a loan of Federal Home Funds in the amount of \$325,538.00 to finance a portion of the costs to acquire and rehabilitate a 46-unit apartment building at 7611 Jalna Street to house low and very low income residents - **DISTRICT A – TATRO** – was presented, and tagged by Council Members Tatro and Keller. Council Members Goldberg, Boney, Todd and Vasquez absent.
29. ORDINANCE approving and authorizing first contract amendment between the City of Houston and the **CHICANO FAMILY CENTER, INC** to provide an additional \$192,399.00 in Community Development Block Grant Funds to cover additional construction costs related to a facility located at 7524 Avenue E Houston, Texas - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0303 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City of Houston and **COVENANT COMMUNITY CAPITAL CORPORATION** to provide a Community Technology Initiative Grant in the amount of \$525,000.00 to establish and administer a Savings Program for up to 200 eligible low-income families – (**This was Item 36 on Agenda of March 28, 2001, TAGGED BY COUNCIL MEMBERS TATRO, PARKER and CASTILLO**) – was presented, with Council Members Ellis, Keller and Parker voting no, balance voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0304 ADOPTED.
30. ORDINANCE appropriating \$1,795,043.00 out of the Homeless And Housing Consolidated Fund and approving and authorizing an agreement between the City of Houston and **BEAZER HOMES TEXAS, L.P.** to provide a grant to subsidize a portion of the costs to construct 297 affordable single-family homes - **DISTRICTS D - BONEY and E – TODD** – was presented.

Council Member Boney moved to amend Item No. 30 to reduce the number of homes from 297 to 264, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0352 ADOPTED.

Council Member Quan stated that he liked the item and thought it was a way to build affordable housing, but to also provide those enhancements to the neighborhood that would make it a place where people would want to live and would have pride in their neighborhood, that he looked forward to other projects of this nature in the future. Council Member Goldberg, Castillo and Sanchez absent.

Council Member Boney stated that this project enjoyed the support of Ms. Vivian Harris and a number of the civic community leaders there and the neighborhood had been particularly challenged because some developers had come in and put in a product that did not enhance the neighborhood and in fact brought the neighborhood down, that there were no driveways for the cars, no places for children to play and streets were too narrow for traffic and neighborhood play, that this project was different and that was why it had the support of the community and his support as well, and Council Member Quan stated that it also provided trees on the streets, fences and walled communities so that people felt it was a special neighborhood and not just a low income neighborhood that nobody else wanted to live in. Council Member Goldberg, Castillo and Sanchez absent.

Council Member Tatro stated that a good point of this was that so many times homeowners associations got a bad rap, especially during the legislative sessions and that was one of the enhancements that this particular venture would bring to the table and it would actually be a stronger subdivision for it. Council Member Goldberg, Castillo and Sanchez absent.

Council Member Keller asked what was the erroneous posting, and Council Member Boney stated 297 instead of 247, that it was not a miscalculation, and Mr. Hall stated that this was a program and a project that the administration had planned to bring about two months ago that developed some difficulty with the lenders and others about the specific provisions to assure that the houses that were enumerated would actually be low income housing for a requisite period of time, that they had to go back and redo the process and that was what adjusted the number, that they had actually sent a new caption but the old caption got published instead. Council Member Goldberg and Sanchez absent.

Council Member Todd asked if from an Open Meetings Act standpoint if they simply amend it so that the error in the posting applied to the number of units did it still comply with the Open Meetings Act, and Mr. Hall stated yes, that they had actually spent some time dealing with that issue because they were anxious too to get this moved on since it had been in the process of being refined for about six weeks, that they believed that the requirement that the posting give fair notice of what this was about was satisfied by the posting that was actually presented to Council today, that was the legal standard, that as they recognized it was not a requirement that they post in the detail that they do in Houston and he was advised that they were probably the only major city that did it in that way, but it was their view that any person who would be interested in this item had been given fair notice about what it was about so that they could come and provide input if they chose to, that technically the only thing they would need under the statute was something about affordable housing. Council Member Sanchez and Robinson absent.

A vote was called on Item No. 30 as amended. All voting aye. Nays none. Council Member Sanchez absent. ORDINANCE 2001-0305 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item No.'s 28, 21, 19 and 37 out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0353 ADOPTED.

28. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON AREA WOMEN'S CENTER, INC** to provide \$500,000.00 in Community Development Block Grant Funds under the Neighborhood Facility Renovation Program in connection with the acquisition of a facility located in the Plaza Del Oro Area - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0306 ADOPTED.

Council Member Quan moved to suspend the rules to hear from Ms. Ellen Cohen, Executive Director, Houston Area Women's Center, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0354 ADOPTED.

Ms. Cohen appeared and stated that she just wanted to thank the Mayor and City Council for providing them with the resources to purchase the land so that they could build the shelter for battered women and rape survivors, that they were very grateful.

21. ORDINANCE approving and authorizing interlocal agreements between the City of Houston, Harris County and (1) **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE)**; and (2) **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** relating to the participation of Harris County in the Reinvestment Zones - **DISTRICTS C - GOLDGERG; D - BONEY and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0307 ADOPTED.

19. RESOLUTION authorizing the City Attorney to take appropriate action as he determines necessary with respect to legal challenges relating to Clean Air issues affecting the Houston/Galveston Ozone Nonattainment Area – was presented.

Council Member Robinson stated that he had distributed two written amendments, that there were originally three but he had visited with the Legal Department and the two amendments to the item spoke to notification to Council on an ongoing basis relative to potential or actual interventions into litigation, that as he understood it there was one existing lawsuit that they may want to take a look it, but out in the not too distant future there may be additional litigation and the City Attorney had agreed that the amendments were consistent with what he intended to do so he would like the two amendments considered and voted on at this time. Council Member Tatro absent.

Council Member Robinson moved to amend Item No. 19 as follows:

Amend Item No. 19 to require:

1. Written monthly updates to all Council Members on relevant discussions on contemplated and actual interventions;
2. ~~Prior Council approval before entering into any settlement that is binding on the City; and~~

3. Written notice to all Council Members regarding retention of any outside expert or legal counsel no matter the expenditure amount.

Council Member Boney asked if he was able to have the opportunity to discuss the amendments with the Legal Department administration and Council Member Robinson stated yes, and Mayor Brown asked Mr. Hall if he wanted to respond.

Mr. Hall stated that Council Member Robinson did discuss these with them and it was obviously their intent, that if he could take a moment just to explain what this was about he thought that the RCA was fairly self explanatory but as all of them recognized it was going to be a rather long and protracted process and it was possible that they could have administrative proceedings, as they had, lawsuits, which were not just environmental groups, that there were industry groups who had suggested they would do that if they did not get relief, and though the City was not directly parties in most of that, obviously they had some responsibility, he thought, to at least participate in the discussions about how that would be implemented and what the impact would be on the people of our City, that unless they had this capacity they could not quickly intervene in one of those proceedings, that he would say that in a lawsuit right now, their representatives, Dr. Berger and Mr. Hall, who was present, were participating, but they were participating at the largest of the parties right now, that they had no right to be there and if at any point they decided they did not want them there they would ask them to leave, that in this instance they would have at least the option to seek intervention and have a right to be at the table to participate in those, even though they were not the party of interest was not against the City, that it was against businesses and the way business was done in the City though.

Council Member Keller asked Mr. Hall if he foresaw a projected cost to the City to have a seat at the table, and Mr. Hall stated that at this point their contemplation was that they would use the consultants that they had right now, that Mr. Hall had been retained by the City to provide counsel to the City on that issue, that lawyers that were working on this were in-house and they would have to come to Council with any contract and they fully expected to, that one of the amendments suggested that if they retained any additional expert, even if they were within the \$15,000 limit, they would notice Council and they had no problem with that, that he would like to think that somebody could give him a good projection, but the fact of the matter was that they could not and did not know who might do what in this process so they could not figure with any certainty what they were going to be required to do, that it depended who was offended enough to take action.

Council Member Ellis asked if on Amendment 3 did it mean that Mr. Hall could go out and hire a law firm in this process or would he have to come to Council, and Mr. Hall stated that he had misread it, that what he was suggesting was that even the authority that he had for those that were under \$15,000, they had to come to Council for anything above \$15,000. Council Member Keller absent.

Council Member Boney stated that he thought that this was something that they needed to do, that they needed to preserve their opportunity to at least have a voice on all matters related to environmental issues in the City, that he thought that Council Member Robinson's amendment simply preserved Council's oversight potential and capacity in allowing the people of the Legal Department to act in the City's interest, so he was in support of Item No. 19 as amended.

Council Member Sanchez asked if there was litigation to occur it could be from any party within the affected area, and so there might be a lawsuit filed by some party in Fort Bend County against the TNRCC that could potentially have an affect on Houston, and Mr. Hall stated yes, and Council Member Sanchez stated that he just did not understand the resolution, and Mr. Hall stated that the issue here was that not to have a law firm do it, but for the City to do it themselves, that the problem that they faced was that many of the negotiations were questions of working out issues, presently for instance, Mr. Hall and Dr. Berger advised that the City should not file an intervention at this moment because there were productive discussions underway, and they had been allowed a seat at the table, that they could not assure that they would change their mind at any point that maybe those talks might get pretentious and the Legal Department would not have the several weeks that it might take to get authorization to intervene, not money, but for them to intervene, that the judge allowed intervention, that was the proper legal procedure that even if they were not a party they could become a party to the suit. Council Member Sanchez absent.

Mayor Brown stated that there was ongoing litigation that did not involve the City of Houston, but things that were being discussed or potentially discussed would involve the City of Houston, for example if there was a decision to stop the construction on I-10, that would have significant impact on the City of Houston, that at his request they allowed the City's consultants to be involved but whenever the time came where it was appropriate for the City to intervene they did not have a lot of time to do so and that was why they were asking that Council approve the resolution, so they would not end up being left out and hurt by virtue of what was going on right now.

Council Member Bell stated that when the Legal Department decides that it wants to intervene or file suit against a party he was not familiar with that decision being brought before Council presently, and Mr. Hall stated that the reason for that was that it depended on what it was about, that if it was to file a claim for something that was owed to the City then they had a general authority to do that, that they had at least interpreted this as not be in that category, that as Council Member Bell knew when the Legal Department affirmatively filed suit for an affirmative action against somebody they now had to seek Council's permission to do that, and Council Member Bell stated that most of them thought that was the authority vested in the Legal Department to take whatever action they deemed appropriate to protect the interests of the City, that he thought that was what the City Legal Department was charged with doing and if they were going to have to be passing these specific types of ordinances then maybe they needed to revisit the Charter, and Mr. Hall stated that Council passed general ordinances that allowed the Legal Department to pursue collection of debts or claims that the City had against other persons, but what he was calling affirmative litigation they had to always have that specific permission to do that, outside of the requirement for allocating a contract, that they had to have the authority to file the lawsuit, and Council Member Bell asked if somebody could point him to that section, that he certainly did not want to tie the hands of the Legal Department and thought that if they needed this authority that they should probably look at that because there were going to be other questions besides just clean air, and Mr. Hall stated that typically they had come to Council from time to time for authority, but they had time to do that, that the problem here was that sometimes strategically their advisors did not think it was necessary for the City to "intervene" as was the case several weeks ago, they were allowed at the table and what they were trying to avoid was a situation where

things started to move or got out of hand and the City did not have the authority to formally intervene, and Council Member Bell stated that he did not remember any such circumstance where the Legal Department had come to Council and ask for permission to intervene or file a lawsuit, and Mr. Hall stated that he would get him a list, that they had done it since he had been there. Council Member Castillo absent.

Council Member Vasquez stated that starting with Amendment 3, Council Member Robinson had "written notice, etc." and he would ask Council Member Robinson to consider the word "prior written notice", and Council Member Robinson stated that he would be amenable to that and stated that his amendment stated that his discussion with the City Attorney was not a posted item, and he was in full support, that he thought it was such an important public policy issue that Council ought to be continuously updated because it had significant impact down the line and that was the only purpose for the amendment.

Council Member Vasquez stated that he would agree that Council ought to be kept in the loop and he was trying to make sure that it happened before the fact and not after the fact with suggesting that the sentence start with the word "prior" and he asked if Council Member Robinson would accept it as a friendly amendment, and Council Member Robinson stated sure.

Mr. Hall stated that the Legal Department would have a problem with that because it would conflict with their ordinances, that right now they did not have to have Council's permission for under \$15,000 that was in the Charter, so it was not a question of getting Council's permission, that what Council Member Robinson was suggesting that with what authority the Legal Department had already been given by the people of the City of Houston in the Charter, that they merely notify Council if it was an under \$15,000 contract that they were doing that, that he did not have any problem with that at all, but Council Member Vasquez's amendment suggested that in some kind of way they needed permission to do under \$15,000, that if it was over they needed to come to Council anyway, and Council Member Robinson stated that he was not suggesting that they needed permission, and Council Member Vasquez stated that he would accept Mr. Hall's interpretation of that and withdraw his friendly amendment.

Council Member Vasquez stated that moving to Amendment 1, he was concerned about the word relevant and thought that the interpretation of that could vary depending on departmental level of government and so he would suggest that they delete the word "relevant" and before the word "discussions" and after the word "discussions" the word "on" that they replace that with the word "concerning", so that it would read "Written monthly updates to all Council Members on discussions concerning contemplated and actual interventions.", and Mayor Brown stated that they talked about it everyday and he talked about it everyday and it would be totally inappropriate to try to capture every discussion they had every time they talked about it, that sometimes they talked about it several times a day, that it would not be possible, that they were all relevant to what they did, that he talked to people outside and inside City government everyday on this issue because it was so important.

Council Member Robinson stated that when he wrote the amendment his concern was that (1) he did not think that they could capture everything, and (2) he was also

sensitive to the fine line that there were going to be some discussions that they did not want out too soon because of strategic reasons and the like and he was trusting the good judgment and that was why "relevant" was that qualifier, and Mr. Hall stated that based on their discussions he understood that he meant at that time that Council wanted to be aware of any action that the Legal Department was going to take or any discussions that involved issues of policy, and as the Mayor suggested they had discussions daily about these kind of things and frankly they did not have the capacity to report all of those, that none of them were confused that Council Member Robinson wanted to make certain that anything that was relevant to any significant consequence or policy question or anything like that Council be made aware of, that he thought it was very appropriate and they wanted to do that.

Council Member Vasquez asked Council Member Robinson if he was interested in the contemplation component or the actual intervention component, and Council Member Robinson stated that it was the contemplation and the intervention, and the contemplation would ultimately, in his mind, based on his experience and conversation with the City Attorney, was the various discussions that the Mayor described at some point they reach a critical mass and it crosses over that they were going to make the decision to go and that was where he thought the relevant would come where they would get some information from the City Attorney that they decided to move, as opposed to everyday conversations, and Council Member Vasquez asked Mr. Hall if that would be his definition and interpretation of relevant, and Mr. Hall stated yes, and Council Member Vasquez stated that he was willing to accept that and understood the practicality involved.

Council Member Quan asked how often the Legal Department provided Council reports on litigation and Mr. Hall stated monthly, that this would not be litigation only, for instance it would be any significant issue where there was an administrative proceeding or otherwise, that was their intent, to keep Council informed as to what was going on as the SEP process continued, and Council Member Quan stated that he was cautious of the cost of intervention as well as opening themselves up for any other type of liability, and asked absent this what would be the normal course of procedures in order to get the Legal Department involved, how would they do it if Council did not go with Item No. 19, and Mr. Hall stated that if for instance their people, meaning their representatives, were invited out because they challenged the way the discussions were going the Legal Department would have to prepare an ordinance, post it on the agenda, bring it to Council and it would be subject to a tag maybe and it may be over by the time they got authority to have Ms. McAbee intervene, and Council Member Quan asked how often did he anticipate using this power, and Mr. Hall stated he did not think much because he thought that most of the parties would understand the relevance of their being at the table in discussions that would impact the lives of the citizens of the community, but he could not assure that, but this was only on this particular issue and only to gain a seat at the table.

Council Member Todd asked Mr. Hall if the City intended to advocate anything that was outside of the SEP, and Mr. Hall stated that it was kind of hard to answer, that a couple of the Council Members asked him that and thought that was one of the reasons Council Member Robinson's amendment was appropriate because Council would then be advised of what the issues were so if they had a concern or a position or whatever, it could be discussed, and Council Member Todd asked how would they know that the actual things that were being advocated were things that Council supported, and Mr. Hall

stated that right now, as Ms. McAbee was advising, many and most of the issues that were presently on the table were actually challenges to things that were in the SEP, but as they recognized there had been an indication that there were to be additional items to help them reach the national standards, and he could not tell them what all of those were and that was why he thought Council Member Robinson's amendment was so appropriate, and Council Member Todd asked if there were any critical hearings or dispositive motions coming up in the next few days, and Mr. Hall stated that there were discussions on the one that presently existed right now and the City's people were participating in it because they had just been granted permission and were told they could and they welcomed that participation, but as he indicated, they could frankly invite them out at any time too, and Council Member Todd stated that he supported conceptually the item, but wanted to think about and talk further to Mr. Hall about the item, and he stated that once the amendment was put into the main body he would like to tag the main motion. Council Member Ellis absent.

After further discussion, Council Member Castillo moved to call the question on Item No. 19, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2001-0354-A ADOPTED.

A vote was called on the motion to amend Item No. 19 presented by Council Member Robinson. All voting aye. Nays none. Council Member Keller absent. MOTION 2001-0355 ADOPTED.

Item No. 19 as amended was before Council, and tagged by Council Member Todd. Council Member Keller absent.

Council Member Boney asked Mr. Hall if he anticipated anything in the next seven days of a potential harm to the City, and Mr. Hall stated that he was not aware of anything that was at least imminent. Council Member Quan absent.

Council Member Bell stated that he would like take a point of personal privilege and introduced two tenth graders were present in Council as part of the Cy Fair High School Career Day Field Trip, Nick Fox and Patrick McQue and they were joined by Mr. Mike Warrant their teacher, and Mayor Brown welcomed them and stated that they were very happy to have them present.

37. 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 – was presented, and tagged by Council Members Galloway, Robinson and Sanchez. Council Member Quan absent.

Council Member Vasquez moved to suspend the rules to consider Item No.'s 31, 32 and 34 out of order, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0356 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City and **THE SOCIAL COMPACT, INC** for an Economic Analysis in the Federal Urban

Enhanced Enterprise Community \$100,000.00 - Grant Fund - **DISTRICTS B - GALLOWAY; D - BONEY; H - VASQUEZ and I – CASTILLO** – was presented, and tagged by Council Member Parker. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to respect the Council Member's prerogative to tag the item, however he was wondering if they could move it to the end of the agenda which would give him the opportunity to discuss the item with Council Member Parker and talk with Mr. Litke if possible, and asked Council Member Parker to remove her tag so he could move it to the end of the agenda and she stated that she could also remove her tag later in the meeting. Council Member Robinson absent.

32. ORDINANCE approving and authorizing contract between the City and **ENVIRONMENTAL SIMULATION CENTER, LTD** for the development of an Animated, Three Dimensional Marketing Tool and Redevelopment Scenarios for segments selected in the near Northside and Third Ward Corridors to attract investment and retain businesses - \$210,000.00 - Grant Fund - **DISTRICTS B - GALLOWAY; D - BONEY; H - VASQUEZ and I – CASTILLO** – was presented and tagged by Council Members Todd, Keller, Parker and Tatro. Council Member Robinson absent.

Council Member Keller stated that since Item No. 33 was not in he was going to have some discussion with Council Member Vasquez and any other Council Member, that he just wanted to educate himself as to how these could be compatible, that they were working together in this effort instead of two studies being done across the street from each other. Council Member Robinson absent.

Council Member Boney stated that as to Item No. 32 and that he had discussed it before with Mr. Litke and noticed the absence of language that he was looking for and asked if it was embodied in the description of the Third Ward as opposed to the other description that was on the item. Council Member Robinson absent.

Council Member Vasquez moved to suspend the rules to hear from Mr. Litke at this time, seconded by Council Member Keller. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0357 ADOPTED.

Upon questions by Council Member Boney, Mr. Litke stated that in the contract they did make reference to the Scott Street area and the northside Fulton area in specifics for the study as they had talked about, that they had flexibility but they specifically at the very inception were talking about Scott and Fulton in the near northside, but there was flexibility to do other streets in other areas, that they make reference in the scope of work of the intent to look at Scott and Fulton, but they were not limited to that, that they had control over that in the grant. Council Members Goldberg, Todd, Keller and Robinson absent.

Council Member Galloway stated that she wanted to add her tag to Item No. 32. Council Members Goldberg, Todd, Keller and Robinson absent.

Council Member Boney stated that to the Council Members looking at Item No. 31, there was great significant value to doing an economic survey for hidden market buying, that traditional market studies did not find the dollars that were often in these areas, so

there was significant of potential rendering for the City by virtue of having the study of this nature. Council Members Goldberg, Todd, Keller and Robinson absent.

34. ORDINANCE appropriating \$26,000.00 from the Parks Special Fund approving and authorizing agreement between the City of Houston, Texas, **HARVEY JOHNSON** and **TEXAS SOUTHERN UNIVERSITY** providing for deaccession of "The Miracle of Life" Mural and transfer of ownership to Texas Southern University, and for Professional Fine Art Services to create a replacement mural by Harvey Johnson for Clinton Park Community Center entitled "All God's Chilluns Got Wings" - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Members Goldberg, Todd, Keller and Robinson absent. ORDINANCE 2001-0308 ADOPTED.

Council Member Boney moved to suspend the rules to hear a representative of TSU relative to Item 34, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Todd, Keller and Robinson absent. MOTION 2001-0358 ADOPTED.

Ms. Sarah Troddy stated that Mr. Harvey Johnson was not present due to being ill, that she was with the faculty of Texas Southern University and also served on the Municipal Arts Commission, that they were very happy to have the transfer of "The Miracle of Life" to Texas Southern University, that it gave them an opportunity to restore the mural and to add it to the collection of murals that they now had on their campus, that Mr. Harvey Johnson, a twenty year faculty member at TSU, was a student and protégée of Mr. John Biggers and they now had three murals on their campus by Dr. Biggers and they would now have three by Mr. Johnson. Council Members Goldberg, Todd and Sanchez absent.

Council Member Boney stated that Mr. Biggers passed away just a month or so ago and there was a memorial scheduled at TSU, and Ms. Troddy stated that it would be on April 21, 2001 at 3:30 p.m. in the Hanna Hall Auditorium, and Council Member Boney stated that he hoped that Members of City of Council and the City would offer special recognition to Dr. Biggers who was truly an international giant in the arts. Council Members Goldberg, Todd and Sanchez absent.

Council Member Robinson stated that he and Dr. Troddy had worked together at Texas Southern University and one of the things they had tried to get done, which they did, was to do the art museum on campus and preserve the art that was out there, that Texas Southern University had the largest mural collection done by Dr. Biggers anyplace in the world, that he was really excited that they had done this, and Dr. Troddy stated that this brought their collection of murals to over 120 on the campus and that was the largest collection of murals anywhere in one institution, that they had a lot of visitors to their campus just to see the murals, and Mayor Brown stated that they were glad to be a part of this. Council Members Goldberg and Sanchez absent.

CONSENT AGENDA NUMBERS 1 through 43

MISCELLANEOUS - NUMBERS 2

2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **SPRING MEADOWS PROPERTY**

OWNERS ASSOCIATION and **WESTBRANCH COMMUNITY ASSOCIATION** for Law Enforcement Services of 1 Deputy from Constable Precinct 5 - **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0359 ADOPTED.

ACCEPT WORK – NUMBER 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,576,953.94 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Reconstruction of Hidalgo Street from Chimney Rock to Yorktown; Yorktown from Richmond to West Alabama; Fairdale from Lampassas to Yorktown, GFS N-0672-01-3 - 02.82% over the original contract amount - **DISTRICT C – GOLDBERG** had been pulled from the Agenda by the Administration, and was not considered. Council Member Goldberg absent.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$578,479.57 and acceptance of work on contract with **BROWN & ROOT, INC** for Construction of Neighborhoods to Standard Tier V - Alabama Place Overlay Project (OL-228-97), GFS Q-1128-01-3 (Q-1128) - 02.10% under the original contract amount **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0360 ADOPTED.

PROPERTY - NUMBERS 8 and 8A

8. ORDINANCE appropriating \$86,181.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. the Heirs of Willie Hill and Lula B. Simon, deceased, et al., to acquire Parcel Number EY1-018, for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport; GFS/CIP A-0024 **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0309 ADOPTED.
- 8a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. the Heirs of Willie Hill and Lula B. Simon, deceased, et al., Cause No. 744,173 to acquire Parcel Number EY1-018, for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport, GFS/CIP Number A-0024 - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0361 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 18

12. **DX DISTRIBUTORS, INC** - \$2,368,890.00 and **ALTIVIA**- \$41,526.00 for Chemical, Caustic Soda Contract for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0362 ADOPTED.
13. **WARREN ELECTRIC CO.** - \$65,730.00 and **TURTLE AND HUGHES, INC** - \$92,414.25 for Electric, Non-Metallic Fittings 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 2001-0363 ADOPTED.
16. **GLOBE ELECTRIC CO., INC (Bid No. 2)** for Gell Cell Batteries for Department of Public Works & Engineering - New and Replacement - \$217,487.80 - METRO Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0364 ADOPTED.
17. **POWER FIELD SERVICES, DIV. OF MARINE CONNECTION** for One Emergency Generator for Department of Public Works & Engineering - Replacement - \$42,100.00 - Fleet Management Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0365 ADOPTED.
18. **BEASLEY TIRE SERVICE, INC** - \$66,705.56 and **REMINGTON TIRE DISTRIBUTOR, INC dba GRAY'S WHOLESALE TIRE DISTRIBUTORS** - \$173,071.10 for Automobile Tires and Tubes Contract Part II for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0366 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 38 through 43

33. ORDINANCE approving and authorizing contract between the City and **WEBB ARCHITECTURE CORPORATION** for a Near Northside Economic Revitalization Plan - \$145,000.00 - Grant Funds **DISTRICT H – VASQUEZ** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
38. ORDINANCE amending Ordinance No. 97-1632 to increase the maximum contract amount; approving and authorizing a First Amendment to contract between the City of Houston and **JOHN WARNER HORSESHOEING, (formerly known as Bob Bruce Horseshoeing)** for farrier services for the Houston Police Department - 3 years - \$21,275.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0310 ADOPTED.
41. ORDINANCE appropriating \$1,530,000.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **R.K. WHEATON, INC** on low bid of \$1,341,288.00 and approving and authorizing professional services contract

for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$41,000.00 for 23,238 Linear Feet of Water Line Replacement in the Denver Harbor Subdivision, GFS-S-0035-45-3 (10545); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0311 ADOPTED.

42. ORDINANCE appropriating \$2,000,300.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **INTRA CONSTRUCTION CORPORATION** on low bid of \$1,754,634.00 and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** in the amount of \$54,000.00 for Water Line Replacement in Bruner Subdivision, GFS-S-0035-46-3 (10546); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS G - KELLER and H – VASQUEZ** had been pulled from the Agenda by the Administration, and was not considered.
43. ORDINANCE amending Ordinance No. 98-528 to increase the maximum contract amount for Solid Waste Disposal Services under contract with **WASTE MANAGEMENT, INC** \$1,500,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0312 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **JOHN T. JOSEPH**, Employee #48031 – was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Quan stated that he was a bit disturbed by the item, that it seemed that the Fire Department had a policy whereby they reported requests for extensions of leave long after the individual had served their time on leave and were back on the job, that this individual was gone from January 1998 to October 1999 so he had been back on the job already for about 17 months before the item ever came to Council, that he would like to see if there was some way they could amend that policy so that when this happens it would come to the Council's attention in a more timely manner, and Mayor Brown stated that he would agree and would ask the Fire Department to change their policy to comply with what Council Member Quan requested.

A vote was called on Item No. 1. All voting aye. Nays none. MOTION 2001-0367 ADOPTED.

3. RECOMMENDATION from Director Building Services Department for approval of Change Order 1 in the amount of \$74,900.00 on contract with **PROJECT DEVELOPMENT GROUP, INC** for Environmental Abatement and Disposal Fire Station No. 1 and 27 Artesian, GFS I-0010-01-5 **DISTRICTS H - VASQUEZ and I –**

CASTILLO – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Quan.

Council Member Quan stated that on this item they had been in touch with Senator Rodney Ellis's office about trying to remove the historical designation for the Old Central Water Plant because if they could do that they could save the City about \$75,000 on some of the costs in this asbestos abatement so he would like to tag the item to see how their discussion went with Senator Ellis's office on getting it done, and Mayor Brown stated that the item was tagged by Council Member Quan.

4. RECOMMENDATION from Director Building Services Department for approval of a list of additional contractors for Pre-qualification as Asbestos/Lead Abatement Contractors, deleting those pre-qualified contractors from previous years that are no longer in business and rescind Motion #95-1757 which approved pre-qualified Asbestos Abatement Contractors in previous years – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0368 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Aviation for approval of final construction cost of \$23,945,748.30 and acceptance of work on contract with, **J. D. ABRAMS, INC** for Remote Aircraft Apron at International Airlines Building (Terminal D) at George Bush Intercontinental Airport/Houston (IAH), Project No. 501, CIP A-0203 - 02.68% over the original contract amount **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Keller stated that Item No. 22 had a bonus payment with the strength of the pavement, that the FAA also did, and gave the City the right to do, was that if somebody did not achieve that strength, the City, with the FAA's help, had the right to require the contractor to redo the entire runway or project, whatever that was, and he thought that was incredible, and asked if there was a way that the City could parallel a bonus penalty, as the Federal Government did with its aviation, and Mayor Brown stated that he would ask the Legal Department to take a look at that. Council Member Parker absent.

A vote was called on Item No. 1. All voting aye. Nays none. MOTION 2001-0369 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **AMEND MOTION #1998-1718, 10/28/1998**, to DECLARE **DUPONT HOSPITAL & LABORATORY CO., INC** in default and hold them non-responsible for two years for failure to deliver on their bid for Medical, Dental and First Aid Supplies for Various Departments – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0370 ADOPTED.

10. **AMEND MOTION #2000-909, 7/12/2000**, to DECLARE **PACIFIC WASTE INDUSTRIES, INC** in default and hold them non-responsible for two years for failure to deliver on their bids for Equipment Rental for Various Departments – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Quan stated that he applauded Strategic Purchasing in their efforts to find folks who were in default and bar them but he did have a chance to research this issue, that they had located the owners of Pacific Waste Industries, and unfortunately it seemed the principal had a heart attack and was unable to deliver, so they understood the situation there and thought this was the proper action.

A vote was called on Item No. 10. All voting aye. Nays none. MOTION 2001-0371 ADOPTED.

11. **AMEND MOTION #98-1762, 11/4/98**, amended by Motion #99-1863, 10/27/99 and Motion #2000-1301, 10/25/00, **TO INCREASE** quantity to purchase four additional Medium-Duty Cabs & Chassis for a total increase of \$144,480.24 for Department of Public Works & Engineering, awarded to **OLYMPIC INTERNATIONAL TRUCKS, INC dba INTERNATIONAL TRUCKS OF HOUSTON** - Replacement - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0372 ADOPTED.
14. ORDINANCE appropriating \$315,000.00 out of Fire Consolidated Construction Fund for Construction of Ambulance Bay and Relocation of a Portable Building for the Fire Department – was presented.

Council Member Ellis stated that he wanted to speak in support of Item 14 and Item 14a, that he had the opportunity to visit some of the fire stations within his district and one of the issues was that at Station 51 where the ambulance bay was going to be constructed, that they had a pumper and ladder truck there and were having to make calls that an ambulance should be making and it was deteriorating both of those vehicles, so he wanted to applaud the administrations efforts to place an ambulance at this location.

Council Member Quan stated that he wanted to second what Council Member Ellis talked about, that he had spend 24 hours at Station 51 and they did over 20 runs at that time and most of those runs could have been accommodated with an ambulance, that the station was built many years ago and only had two bays and so that ambulance would relieve a lot of load from Station 10 and accommodate the southwest area, and asked the administration to move forward as quickly as possible, and Mayor Brown stated they were doing that.

A vote was called on Item No. 14. All voting aye. Nays none. ORDINANCE 2001-0313 ADOPTED.

- 14a. **BASELINE PAVING & CONSTRUCTION, INC** for Ambulance Bay and Relocation of Portable Buildings for Fire Department - \$300,000.00 and contingencies for an amount not to exceed \$315,000.00 - **DISTRICTS A - TATRO and F - ELLIS** – was

presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0373 ADOPTED.

15. **CONTINENTAL MANUFACTURING** for One Concrete Mixer Truck Body for Department of Public Works & Engineering - Replacement - \$25,490.00 - Equipment Acquisition Consolidated Fund – was presented.

Council Member Bell stated that he was pleased to learn that these particulars batteries they were buying were not to replace stolen batteries, that as everyone would recall it was a major problem with the school zone lights and they were informed by Public Works that these were all to replace worn out batteries, that he had been informed by the school board members that they were very concerned with the school zone lights not flashing at appropriate times, that he did not know if that was due to worn out batteries or some failure in the mechanism that drives the lights, but it should be a concern to all of them, that the lights were the best warning device that they had, that there were usually signs posted to mark school zones as well, but they did not capture the attention of the drivers like flashing lights did, that apparently it was a wide ranging problem that was not specific for any one community in Houston and he would very much appreciate an update from the Public Works Department as to what they plan to do to address the problem, and Mayor Brown stated that he would have Public Works give him an update.

Council Member Sanchez stated that he noticed that a number of the school zone signs only advised them of when to drive 20 miles an hour when the lights were flashing, but others also had the flashing lights and posted times, so he guessed that it was incumbent upon the driver to drive the posted school speed limit during those times, that he did not know what the policy was and why some had the times and some did not, and Mayor Brown stated that he would find out and report back to him.

A vote was called on Item No. 15. All voting aye. Nays none. Council Members Castillo and Robinson absent. MOTION 2001-0374 ADOPTED.

RESOLUTIONS AND ORDINANCES

20. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas, **PCS PRIMECO, L.P. and CHEVRON USA, INC - DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. Council Members Castillo and Robinson absent. ORDINANCE 2001-0314 ADOPTED.
24. ORDINANCE amending Ordinance No. 99-487, passed May 19, 1999, which approved and authorized the submission of the 1999 Consolidated Plan and the grant application for the 25th Community Development Block Grant (“CDBG”) Program, among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title I of the Housing and Community Development Act of 1974, as amended – was presented. All voting aye. Nays none. Council Members Castillo and Robinson absent. ORDINANCE 2001-0315 ADOPTED.

Council Member Galloway stated that Item No. 24 had to be corrected on the RCA to District D, that it was not District B, and Mayor Brown stated that they would correct it. Council Members Castillo and Robinson absent.

- 24a. ORDINANCE appropriating \$15,419.00 out of Parks Consolidated Construction Fund awarding construction contract to **TIMES CONSTRUCTION, INC** on low bid of \$414,000.00 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$13,000.00 for Parks to Standard Program Phase II - Neito Park Water Playground, F-0363-49-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - \$450,000.00 CDBG Fund for a total of \$465,419.00 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0316 ADOPTED.
26. ORDINANCE approving and authorizing the City of Houston to enter into an agreement with **LOCAL INITIATIVES SUPPORT CORPORATION** and to provide \$150,000.00 in Community Development Block Grant (CDBG) Funds for the provision of Organizational Development Assistance to Community Housing Development Organizations (CHDOS) – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0317 ADOPTED.
27. ORDINANCE approving and authorizing the City of Houston to enter into an agreement with **LOCAL INITIATIVES SUPPORT CORPORATION** and to provide \$150,000.00 in Home Investment Partnerships Program (HOME) Funds for the provision of Technical Assistance to Community Housing Development Organizations (CHDOS) – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0318 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City of Houston and **OGDEN, GIBSON, WHITE & BROOCKS, LLP** for Legal Services related to a lawsuit styled Brett W. Ligon v. Constance Acosta; Civil Action 2001-09549; in the 269th District Court of Harris County; providing a maximum contract amount - \$40,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0319 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **HEWLETT-PACKARD COMPANY** for Professional Maintenance Services for Hardware, Software and Network Support for Hewlett-Packard Computing Complex; providing a maximum contract amount - 1 Year with two successive one year renewals - \$270,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0320 ADOPTED.
39. ORDINANCE appropriating \$301,692.00 out of Police Consolidated Construction Fund and approving and authorizing the Second Amendment to professional services contract between the City of Houston and **PRICE CONSULTING, INC** for Design of Roof Replacements and Roof Surveys for Houston Police Department Facilities, CIP G-0066-05-2; providing funding for contingencies relating to

construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0321 ADOPTED.

40. ORDINANCE appropriating \$359,616.60 from the Storm Sewer Consolidated Construction Fund for construction of a Sewer Outfall Structure at Gessner Road Bridges Crossing Buffalo Bayou in the Texas Department of Transportation (“TxDOT”) Bridge Replacement Project; approving Change Order No. 2 to agreement between the City of Houston, Texas and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** approved and authorized by Ordinance No. 2000-983, CIP N-0611-30-3 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0322 ADOPTED.

NON CONSENT AGENDA - NUMBER 44

PROPERTY

44. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, on behalf of Houston Independent School District (HISD), for abandonment and sale of Freeman, Everett, and Chestnut Streets, between Quitman and Henry Streets, Mrs. C. M. Allen’s Addition, and a right of entry for Houston Independent School District, Parcels SYO-055A, SYO-055B and SYO-055C - **APPRAISERS - DISTRICT H – VASQUEZ** – was presented, Council Member Vasquez moved to adopt the recommendation of Mr. Frank Flores and Mr. William Kvinta, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0375 ADOPTED.

MATTERS HELD - NUMBERS 45 through 48

45. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$616,305.23 and acceptance of work on contract with **FIREMEN CONSTRUCTION, INC** for Houston Zoological Gardens - West Entry, GFS F-0364-04-3 - 04.11% over the original contract amount - Parks Consolidated Construction Fund - **DISTRICT D – BONEY – (This was Item 12 on Agenda of March 28, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg stated that he wanted to thank Issah Dadouch of the Houston Zoo, that it was still a little perplexing for him to believe that the gated area that consisted of two twelve by twelve ticket booths, a canopy and a drive-up area was \$600,000, but he had been through all the costs and appreciated his time spent with him, that other than a few minor mistakes and some poor planning with the zoo friends he could not find anything where the costs were out of line. Council Member Robinson absent.

A vote was called on Item No. 45. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0376 ADOPTED.

47. ORDINANCE appropriating \$102,500.00 out of Convention & Entertainment Construction Fund, and approving and authorizing architectural services contract between the City of Houston and **AUTOARCH** for Design of Renovation of the Wortham Center Marquees and the Jones Hall Marquees, CIP B-0011-01-2; providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Convention Fund - **DISTRICT I – CASTILLO – (This was Item 47 on Agenda of March 28, 2001, TAGGED BY COUNCIL MEMBERS BELL and CASTILLO)**

Council Member Bell stated that he was going to support the item since it was for the design of the signs, but thought that they should all look at the designs very carefully when it came back to Council, that they were very expensive signs but also there had been a question raised and Mr. Tollett had assured him that they would comply with the Sign Ordinance, but thought that they all would like to make sure that they complied with the spirit of the ordinance and not just the letter of the law and be as tasteful as possible.

A vote was called on Item No. 47. All voting aye. Nays none. ORDINANCE 2001-0323 ADOPTED.

48. ORDINANCE appropriating \$200,870.00 from the Water & Sewer Consolidated Construction, \$251,552.00 from the Street & Bridge Consolidated Construction Fund; authorizing amendment to interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”)** for Replacement of the Woodway Bridge Crossing Buffalo Bayou under the TXDOT Off-State System Bridge Rehabilitation and Replacement Program Agreement approved and authorized by Ordinance No. 97-408, CIP N-0611-25-2 - **DISTRICT G - KELLER – (This was Item 49 on Agenda of March 28, 2001, TAGGED BY COUNCIL MEMBER BELL)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0324 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that she wanted to inform her constituents watching the municipal channel that she would be hosting three townhall meetings this month, that tomorrow night at 6:30 p.m. she would be hosting a townhall meeting for the Fifth Ward Community at the E.O. Smith Education Center located at 1700 Greenhurst, that as they knew the Fifth Ward Community received funds for the Weed and Seed Project and the community of course was very excited about this project and detailed information would be given at the meeting on that project; that on Thursday, April 17, 2001 at 6:30 p.m., in the Pleasantville Community, she would be hosting another townhall meeting and this would be held at Howard Middle School, located at 1600 Gellward, and this meeting was designed for all department heads or their designee's to be present to answer concerns of the community, and the last townhall meeting of the month would be on Thursday, April 26, 2001, at 6:30 p.m. in the northeast area of her district and this townhall meeting would be solely for the purpose of the proposed Northeast Multi Cultural Center to finalize the site location for that center and that would entail residents who live

north of the 610 North Loop as well as residents who live east of 59 North and they were all invited to that meeting which would be held at Forest Brooks High School located on Tidwell Road. Council Member Boney absent.

Mayor Brown stated that he wanted to remind Council Members that Council would reconvene at 1:30 p.m. to receive a briefing on redistricting.

Council Member Robinson stated that on Thursday, March 29, 2001 he went out to 3603 Wyoming at the request of a constituent and the curb in front of her house had been removed and this occurred about two or three years ago when they did a street repair project out there but they did not replace the curb and when she contacted the City she was told that she was now responsible for paying to replace the curb, that he wanted someone to go out there and look at it because it was not something where a curb did not exist and she wanted a curb, that she had an old photograph of her house that showed her driveway and the curb in place and in perfect order, that the street repair is in pretty bad shape and there was a big hump in the middle of the street and whenever it rains the water settles right into the curb, so weeks after any significant rain there is a big puddle right in front of her house; that there was also another construction project going on in front of her house and one of the contractors was fixing a water line right at the intersection and there were not barrels or barricades so if they were coming in late in the evening they would have no idea there was a construction project going on, that his big concern was he did not know how the City ended up telling somebody that they had to pay for a curb that was in existence at the time they went out to do the project and the contractor tore out the curb, and Council Member Robinson stated that he would yield the rest of his time to Council Member Bell. Council Member Galloway, Boney and Ellis absent.

Council Member Bell stated that in light of everything they had been reading and hearing at City Hall regarding the Houston Area Water Corporation he felt compelled to go back and watch a replay of a television broadcast back from August 23, 2000 and that was the day that Council voted on and discussed at length the creation of the Houston Area Water Corporation, that he wanted to reacquaint himself with the various positions that Members of Council took on that day when the HAWC was originally created and compare it to the way the HAWC had actually played out, that he was opposed to the creation of the local government corporation but he did not want his remarks to be taken in the vein of "I told you so", because he really did not think that was the case after watching the comments that were made at the table that day, that he thought that had the HAWC performed in the way many of them had hoped that they would have nothing to complain about, but that was not what had occurred, that they were first told that there would be regular briefings regarding what was taking place with the HAWC and those had never been scheduled nor had they occurred, and to be fair they were also told that they could request a briefing at any time from Public Works officials and he was sure that some of those briefings had occurred, but the only problem with that was that if they were not kept in the loop they really did not know what questions to ask in those types of briefings, that it was also made clear that it was the hope of many Council Members when it was created that it would be an autonomous body and that it would be making an independent decision that could then be brought back to the City Council for consideration and possible approval, that Council Member Boney, who was an ardent supporter of the creation of the HAWC, said at least once if not three times during the course of that meeting, and he

quoted, "I think that we ought to give the greatest amount of latitude to the LGC to view all matters of developing the Northeast Water Treatment Plant, make a recommendation to Council of the best way to go and save the taxpayer the greatest amount of money", and if they had been given the greatest amount of latitude he did not think they would have a great deal to complain about, that Council Member Keller had very high hopes on that particular day on how the local government corporation would be created and asked for it to be an expert type board that could tell the Public Works Department what to do, but that was precisely what had not occurred, that first of all, probably the foremost expert on the panel, Mr. Storey from the County, resigned earlier this year from the local government corporation sighting certain conflicts that he had as a County official, but also due to the direction of the board, and based on all reports, both from what they had read in the newspaper and from private sources, the Public Works Department had done all it could to impose its desire upon the supposedly independent body, and when the independent body refused to go along the decision was then delayed, so what they were left with was basically a fatally flawed process and had it played out, as many of them had hoped, perhaps at the end of the day they would have been brought a decision by the panel that could have been acceptable to them all, but that was simply not the case based on any of the information they were receiving, basically they heard that it was not an autonomous body that was being allowed to act in any independent fashion, that a tremendous amount of pressure was being brought to bear upon them to reach the decision that was desired by the Public Works Department and not the other way around, and so what he would call upon the local government corporation to do today, the members of the Houston Area Water Corporation, was to act in accordance with their bylaws to save their credibility and preserve their independence for another day and dissolve the Houston Area Water Corporation and allow this decision to come to Council where it should have been made in the first place, and he knew that the first argument to that taking place was that they would forfeit their opportunity to do Design Build Operate, but as some colleagues had pointed out, there had also been reports that it was not going and there was a possibility that it would not save a tremendous amount of money in the long run for the City anyway, so if that was the overwhelming desire of this body there was a chance that it would not even play out as well, so everything that they had hoped for, and he thought that his colleagues acted in good faith in hoping that this would be a good mechanism for completing this project, but that was simply not the way it was playing out and before it went any further he thought the board should take it upon itself, not to wait for the administration or anyone else to try to dictate to it what it should do, but take it upon itself to dissolve the corporation, the local government corporation, in accordance with its bylaws, and let this matter come back to Council where it should be decided since they were elected to make these types of decisions. Council Members Galloway, Ellis and Sanchez absent.

Council Member Robinson stated that they had scheduled meetings and people may agree or disagree about the information that had been received, but every month he had on the TTI agenda a briefing from the administration on the water corporation and they had the opportunity to ask some tough questions and they had been pretty inundated, that Council Members Tatro, Vasquez, Keller, Castillo and Parker had been soldiers in this effort of being here, that Council Member Quan had been there and Council Member Todd's office had been represented on that issue, that also they all got a copy on a monthly basis of the agenda, that he understood the point of his concern but he wanted to take the point off the table that they were not getting information. Council Members Galloway, Todd, Ellis and Sanchez absent.

Mayor Brown stated that there should be a response to the Council Members concerns and asked to suspend the rules to hear from Mr. Rolan. Council Members Galloway, Todd, Ellis and Sanchez absent.

Council Member Robinson moved to suspend the rules to allow Mr. Tom Rolan, Director, Public Works and Engineering, to respond at this time, seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Todd, Ellis and Sanchez absent. MOTION 2001-0377 ADOPTED.

Mr. Rolan stated that hopefully he could address all of Council Member Bell's concerns, that initially in regard to the board members, the board members were presented and approved by Council, the issue of advising the Council and bringing them along and keeping them apprised, Council Member Bell was exactly correct, that they had attempted to do that the best they could by periodic briefings to the Transportation, Technology and Infrastructure Committee, that additionally they provide Members of Council with the notices of all the meetings and the minutes from the previous meetings, that they were not doing that initially for the first few meetings and Council in the TTI Committee asked that they do that and they went back and took that whole package of previous handouts, minutes and agendas and provided that to the Council Members, that in regard to Public Works and Engineering, if he understood the Council Member correct, slowing down the process, that with all due respect he did not concur that was the process, that what had happened was that the Public Works and Engineering, along with the consultant, were basically staffed to the LGC, that they had gone through the process and had presented recommendations to the LGC and the LGC took those recommendations under advisement and sent them back and requested that they get additional information and look at it differently from the three proponents, that they did that and presented the information to the LGC and the LGC asked them to go to the proponents again and give them an opportunity to gain some additional information and they did that, that it was submitted yesterday and they were in the process of compiling that and the review committee would review it, and they were scheduled to present that information to the LGC in a meeting this Monday, that he knew there had been a lot of discussion and this was the first that he heard this morning that Public Works was influencing the board, but if anybody had an opportunity to go to any of the board meetings he thought it would be pretty clear that the board members were individual thinkers and they were taking the responsibility that was given them extremely seriously and he thought they were doing the best they could to proceed as deliberately and practically as they could to bring this issue to a point where they would authorize negotiations to begin with a proponent and then the negotiations would occur and hopefully those negotiations would be positive and would result in a contract which the LGC would approve which would then come to this body for approval because their Charter did require that this body approve that contract, their Charter required that this body approve any borrowing that they do, and their Charter also provides that the rate making or the rate that they charge for water from that plant would be approved by this body, so with all due respect he thought that Public Works did not slow down the process, that they had tried to run to keep up with the board, very candidly, and once again he would reiterate that he thought the board was working as deliberately as they could and thought they were taking this charge very seriously and understood the importance of the regional water issue, that at one of their meetings they even asked the proponents to come in and if they had any ideas if there was a better way

to do what was being done to let them know, so he hoped that addressed the points, and if he left any out to please tell him and he would be glad to address them. Council Members Galloway, Ellis, Castillo and Sanchez absent.

Mayor Brown stated that he wanted to caution Council to not be too specific on this issue, that it was not a posted item. Council Members Galloway, Ellis, Castillo and Sanchez absent.

Council Member Boney asked Council Member Bell if he had attended any meetings of the LGC or had he reviewed any of the meetings of the LGC, and Council Member Bell stated no, that he had basically relied on reports that he had gotten from various sources, and Council Member Boney stated that he had not been to the meetings and tended not to take information from the internet and newspapers as gospel, that if he had concerns about the LGC he would contact board members of the LGC, but he believed that it was a better process for Council to be somewhat arms length from the matter and let the LGC do the pre-work, as they did with the hotel corporation and then present their results to Council periodically as the hotel corporation did, and Council Member Bell stated that he would assume, because of Council Member Boney's previous comments, that he was every bit as disturbed as he was when he started reading reports in the newspaper, if he had seen them, about the City Attorney engaging in conversations with the Chair of the Local Government Corporation about the very matter that they were supposed to be deciding in a very autonomous fashion, and Council Member Boney stated that if he had that concern he would take it up with the appropriate parties directly. Council Members Galloway, Todd and Ellis absent.

Council Member Castillo stated that he had a point of order and it was that they had remarks by a Council Member that required a response from a staff member for which they suspended the rules and so he did not think it was time for any debate. Council Members Galloway, Todd and Ellis absent.

Council Member Quan stated that he was the one who asked the administration to update them and was happy to hear from Mr. Rolan that they were getting close to that, that he had extensive conversations with Mr. Berg and his feeling as opposed to dissolving the LGC was to let them do their job. Council Members Galloway, Todd and Ellis absent.

Council Member Quan stated that he was happy to see that they had now selected a bicycle coordinator, that there was an injury this week in west Houston, and he was still getting complaints from people asking how did they drive the streets with the bike lanes, and would like to meet with the new coordinator as soon as she begins the job. Council Members Galloway, Todd and Ellis absent.

Council Member Quan stated that this week officials from the Police Departments of New York, Chicago, Los Angeles and Atlanta were in Houston looking at efforts made by the Houston Police Department as far as working with Community Development, that Houston had been one of the City's that had received a half million dollar grant from the Department of Justice to look into how their methods of trying to work with the problems of the community, and he thanked the Houston Rockets for hosting them last night during their visit here. Council Members Galloway, Todd, Ellis and Castillo absent.

Council Member Quan stated that this weekend the annual Japan Festival was being held at Hermann Park and would be on Saturday and Sunday. Council Members Galloway, Todd, Ellis and Castillo absent.

Council Member Tatro stated that he had discussions with Mr. Rolan and Mr. Haines regarding the bond election and the non necessity thereof for November and Mr. Haines had mentioned that they were close to scheduling out what was remaining and what they had in the CIP and coming to a final decision and accounting thereof of whether this November it was going to be a necessary bond election for them to go out to the public for that and thought they needed to have that information and if not he would like a drop dead date from the administration when that schedule would be available. Council Members Galloway, Todd, Ellis, Castillo and Sanchez absent.

Council Member Tatro stated that he wanted to pick up on the HAWC discussion, he had been able to attend three board meetings, that a few weeks ago the Chronicle had an editorial on Water and Sewer Enterprise Fund and they agreed with the position he had taken so he wanted to take this opportunity to agree with the Chronicle review board on their position on the HAWC, that he thought that they all started out with good hopes about the HAWK, that one of the big concerns was that the scoring matrix was supposedly the rule by which they were judging the teams but yet Mr. Berg came before them and said that the board really had no input into that scoring matrix and the administration was developing the entire scoring matrix, that it would be presented to the board at the same time the administration made its recommendation; that the scoring matrix was a subjective criteria put together by the administration in analyzing whose proposal was best and that was tremendously open to question, that since the board did not have input there he thought that Council should significantly question that and Council's input was also significant, that he thought that it would be beneficial, as Council Member Bell had suggested, that the administration, possibly to continue a Design Build scenario, if they were to continue, put three packages together, have them all brought back to Council for approval, so they could keep the Design Build aspect, that he thought that the final recommendation coming out of the HAWC was going to cause them significant pressures from here on out and would throw this into a significant issue, that he thought the HAWC did have a valid structure, but only if it was to put three DBO's together and move them forward. Council Members Galloway, Todd, Ellis, Castillo and Sanchez absent.

Council Member Vasquez stated that the Northside Easter Egg Hunt was going to be held this weekend and they were preparing 10,000 Easter Eggs associated with this, that it was sponsored by the North Central Civic Association. Council Members Galloway, Todd and Ellis absent.

Council Member Vasquez stated that he wanted to thank the Rockets Organization, that last night before the game they awarded the grants to the Vecinos Unidos Program in which they gave out 50, \$1,000 grants to grassroots neighborhood organizations, and that was a suggestion that was created prior to the Arena Campaign that they get more involved at a grassroots level and the Rockets delivered on that and had been very committed to the program as a whole, that they actually received over 130 applications for the grant and so they were making plans and discussions about continuing the program and increasing the funding. Council Members Galloway, Todd and Ellis absent.

Council Member Vasquez stated that he thought that Council Member Bell brought up the issue in the most appropriate manner possible, given the magnitude of the issue itself and the political environment and recognized the difficulty of it, but he was further concerned about the environment around Council becoming even more politicized as they approached the fall of this year; that Council Member Bell had mentioned the article in the newspaper, that Public Works was not identified as a participant in that conversation, that there were other administrative representatives in other departments that were actually involved and did not believe it was appropriate to single out Public Works, that he was not at the point where he was willing to trash the HAWC Board or organization as a whole and would like to see them make a recommendation and thought it would come to Council either way. Council Members Galloway, Todd and Ellis absent.

Council Member Keller stated that he wanted to thank the administration, and Doug Miller, for the constituents of District G, that this weekend the railroad crossing just inside the Loop would be fixed where it had a deflection of about three inches for quite some time, that the construction would start at 5:00 a.m., Saturday, April 7 and end at the end of the weekend. Council Members Galloway, Todd and Ellis absent.

Council Member Keller stated that as to the HAWC, he carried the water on this item quite a bit and was not withdrawing his support of it at this time, that he did push hard and still believed that the majority of the members on that board should be engineers, that the original intent of the HAWC was to buffer them from making a lot of the decisions and evaluations and keeping up with all the briefings. Council Members Galloway, Todd and Ellis absent.

Council Member Boney stated that he thought that to begin to intervene because of reports, rumors and media articles was not the best time to begin to intervene, that he thought that this matter was big enough that they could stand the lull of 90 days, the fact that this was such a huge decision with a lot of implications, and a lot of lobbying going on, he thought it was going to be a better process, regardless of how it came out in the end, and he thought that the LGC and the board was going to be on notice that whatever their process had been and whatever their recommendations were, they were going to be scrutinized and it should pretty well be justifiable on its own. Council Members Galloway, Todd, Ellis and Keller absent.

Council Member Parker moved to remain in session beyond the scheduled noon recess to complete the Council presentations, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Boney, Todd, Ellis and Keller absent. MOTION 2001-0378 ADOPTED.

Council Member Sanchez stated that Saturday, about 9:00 a.m. he noticed at the intersection of Willowbend and Cliffwood there were about eight City trucks engaged in changing the traffic lights, that he thought that was a bit excessive and wondered why that number of personnel and wanted to know if they were being paid overtime. Council Members Galloway, Boney, Todd, Ellis and Keller absent.

Council Member Sanchez stated that on an issue that Council Member Goldberg brought up a couple of weeks ago, which was the water line design, that it would seem to

him that it would be beneficial for the citizens, that once the City realized that there was a design error, rather than simply abandon the project as they had done, that they would at least backfill the street and open up a lane, that they had hundreds of citizens trying to leave the Westwood neighborhood and hundreds of parents and students trying to get to Shearn Elementary all going down to one lane, and Mayor Brown stated that he had been given a brief on it and understood that he was okay with the process as it was proceeding and if it had not been addressed he would make sure that it was addressed, and Council Member Sanchez stated that he would like someone from Public Works to tell him what the plan of action was. Council Members Galloway, Boney, Todd, Ellis, Keller and Quan absent.

Council Member Sanchez stated that they were coming up on the budget process and they knew he had taken an interest in the staffing levels of the Fire Department, that the administration had reported that the price tag to bring HFD staffing levels to the recognized minimum staffing was about \$40 million, that he would like to see the numbers of how much money the City would save if they could bring the staffing levels up to minimum standards therefore decreasing the cost of the salary paid to firefighters that were on injury leave. Council Members Galloway, Boney, Todd, Ellis, Keller and Quan absent.

Council Member Sanchez stated that this year he would be afforded the opportunity to review the proposed budget by the Fire Department as submitted to the administration as he had received one the last two years. Council Members Galloway, Boney, Todd, Ellis, Keller and Quan absent.

Council Member Tatro stated that he had asked for those departmental budgets submitted to the administration yesterday at the Fiscal Affairs Committee meeting and thought they would be very productive to their budget process. Council Members Galloway, Boney, Todd, Ellis, Keller and Quan absent.

Council Member Parker stated that the discussion on the HAWC had been really interesting, that she had heard one colleague say that he had not attended any of the LGC meetings, read the minutes, attended the briefings, but knew there was a problem over there, and she thought that she heard another colleague say that this had not kept them from being lobbied, that she would hate to admit, if she was that naïve as to believe that by creating a local government corporation that it would totally protect them from being lobbied, that she would say that it had been a fairly effective buffer up until now and the focus of the companies that were bidding had been over at the HAWC and not City Hall, that they clearly knew that this was going to be a major money, big league, arm twisting lobbying effort, that she heard any colleague say to do something, even if it was wrong, that speed was somehow a benefit in this deliberation, that she had talked to the Chairman and he had not indication that he was at all intimidated by whatever pressure he was under and thought that it was going to take the time it takes to get through the process and she wanted to see the work product that the HAWC produces, that she wanted to allow them to finish their work and come in and justify their decision, then she would take the information that they had gathered and she would make her decision, that she was not going to jump to a conclusion and assume that because they were under pressure that they would not come to a decision that could not be justified and was not the best decision for the City, that she was really surprised that they seemed to be quailing

over here, that if they were doing it now she would hate to see what was going to happen to everybody's backbone when the lobbyists descended on them when the HAWC does make its decision. Council Members Galloway, Boney, Todd, Ellis and Keller absent.

Council Member Castillo stated that as they would recall the closing down of the downtown fire stations was approved with a commitment that they would have everything completed including the move of the fire station to the new temporary location by April 1, 2001. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Council Member Castillo moved to suspend the rules to have Chief Connealy come forward and give them the report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent. MOTION 2001-0379 ADOPTED.

Chief Connealy stated that they opened up the temporary station yesterday on schedule and they would do a formal grand opening when they had the pole barns in place, that they were about three to four weeks behind, that it was going to house the apparatus but they had hired a guard and they were securing the apparatus 24 hours per day and so the station was open and the firefighters were very pleased, as he understood from the feedback that he was getting, that they had lots of room and were comfortable and they met the deadline. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Upon questions by Council Member Castillo, Chief Connealy stated that yes, the station was responding to calls for service at this time, that they had two engine companies, two ambulances and a chief, that it was the same apparatus that was at Station 1 and 8 respectively, that they would have the pole barn in a couple of weeks and the fire trucks would park inside, that the station was in service, that as to the permanent fire station, they were looking at the proposal going to Lot H right next to the Fonde Recreational Center, that there may be some economies of scale to be gained there, that it was right off of Memorial and Rusk, that they were looking at moving the proposed location from Midtown, that it had not been finalized yet, that the City owned the property there on Lot H, that they had proceeded also looking at McGowen and all of the surveys being done, and they were also doing one last look in downtown to make sure they were not overlooking any properties that would be available, that they had a three year lease with two one year options on the temporary location so they could go up to five years, that it was his intention to get the permanent station built within three years and they were working with Building Services right now to accomplish that goal. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Mayor Brown asked Chief Connealy if he had received accreditation on his trip last week, and Chief Connealy stated yes, that it had been a two year effort, that they started in April 1999 and they voted unanimously to accredit the Houston Fire Department and it made them the largest accredited Fire Department in the World, did it mean they were perfect, no, but they did have a plan and vision of where they were going, that they were very surprised that a department Houston's size could accomplish it, just for the sheer size of the Houston Fire Department, because many departments were struggling with this and they were the standard, that he was very proud of the members of the Houston Fire Department, that this was not a project that he did by himself by no means, that it

was a group effort and the team did a great job and the commission was going to be in Houston to formally congratulate the department and present the plaque to them, that it was some really good news for the Houston Fire Department. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Mayor Brown stated that he wanted to congratulate Chief Connealy and all of the men and women in the department because that was quite an accomplishment, that it was not easy to become accredited by a public safety agency and the fact that Houston was now the largest in the world was a compliment to what he had done. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Council Member Vasquez stated that he wanted to congratulate the Mayor and Chief and asked Chief Connealy what the award meant to the Fire Department, and Chief Connealy stated that it meant that typically in the fire service, and he was speaking about the National Fire Service, they had not done a really good job analyzing and reviewing from top to bottom what they were doing, that they had to document and show and describe what the current situation was and the various issues in the department, administrative, programs, everything they were doing, and so they do an analysis, describe what was currently going on, make an appraisal of it and more importantly they develop a plan on how they were going to make improvement on that and each year they had to visit and send an update to the commission of where they were at with further improvements because this was not an accredited program where they had no problems, that it showed that they had done the analysis, which was typically not done, and with the strategic planning that they had in place now and the accreditation process and the review that was done through the group that came in and did an audit of the department, they saw that there were many good things going on in the Houston Fire Department, that he could assure them that the customers out there were getting good service 99.99% of the time but he wanted to make sure that in that .01% they do better in those areas so they were continually evolving, but it was a joint effort between the International Association of Fire Chiefs and the International City Managers Association, that it was new to the fire service, that he had initiated it and requested that they pursue it and quite frankly many people stated that they could not do it, but he liked a challenge and they proved them wrong. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Mayor Brown stated that he spoke with the assessors and they were very seasoned firefighters, and one shared with him that they came to Houston with the mind that they would not accredit the department, but once they made their rounds and saw how professional the department was and the things they were doing they completely flip flopped on that and made to the recommendation to accredit. Council Members Galloway, Boney, Todd, Ellis, Keller and Sanchez absent.

Council Member Parker asked how large was the property in Midtown, and Chief Connealy stated that it was one square block, that he did not recall the exact square footage, that the lots they were looking for had to be large enough, but they were looking at obviously a piece of property that could support an eight bay super station with parking and everything that went along with the Fire Department, that their goal was approximately 60,000 square feet. Council Members Galloway, Boney, Todd, Ellis, Keller, Vasquez and Sanchez absent.

Council Member Bell stated that he appreciated most of the comments that had been made by his colleagues regarding the HAWC, that to think that they could take politics completely out of the political process was somewhat absurd and to suggest that the administration had not engaged in politics in relation to the local government corporation was somewhat laughable, that the types of things that were appearing in print were not the type of things that were going to show up at briefings or be reported upon at briefings, that it was obvious that folks from the administration were engaging in the process and were trying to affect the decision for one reason or another, that they should be consistent and say, well it has not played out the way we had hoped and do something about it. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Sanchez absent.

Council Member Goldberg stated that currently the Greater Houston Partnership was running television ads about how Houston should improve their air quality and he would like the administration to look into one aspect that he had briefly experienced with, that it had to do with light synchronization and traffic management, that he wanted to thank Mr. Wiersig for working with him on it, that there were two streets in District C, Willowbend and West Belfort that at various times of the day had very little traffic and they rewired those intersections so they would not have large piles of cars waiting at a red light with no crossing traffic through the intersection, that also late at night the traffic lights revert to blinking red lights or yellow lights so they would not have cars standing for no reason at all, that he would like the administration to form some sort of task force that would look into better light synchronization especially in the downtown areas and traffic management. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Sanchez absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that there was a problem at Shearn Elementary, that the construction project had been abandoned for months, that he met with principle of Shearn Elementary, Ms. Mendoza and also the Building Services Department of HISD, Ms. Hennigan, and they were trying to find a solution to that traffic problem there, that he would someone to meet with him and see if they could not build a sidewalk from the school to Stella Link to divert bus traffic. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Sanchez absent. (NO QUORUM PRESENT)

At 12:24 p.m. upon motion by Council Member Tatro and seconded by Council Member Parker, City Council recessed until 1:30 p.m., Wednesday, April 4, 2001. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Sanchez absent. (NO QUORUM PRESENT)

At 1:38 p.m. the City Council reconvened in the Council Chambers to complete the meeting of the City Council. Council Members Boney, Todd, Sanchez and Robinson absent.

Mayor Brown recognized Mr. Jerry Wood, Planning & Development, who stated that Mr. Anthony Hall was on his way and Mr. C. Robert Heath and Ms. Myra McDaniel of Bickerstaff, Heath and Smiley were present for the presentation on the legal aspects of the redistricting. Council Members Boney, Todd, Sanchez and Robinson absent.

1:30 P.M. - Council Briefing on Redistricting Issues by the Planning & Development Department, the Legal Department and Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.

Mr. Heath stated that they were going to talk a little about some of the legal issues in redistricting that they would be facing and then going through a little about the process, that Ms. McDaniel was basically going to address some of the procedural issues and what was going to be happening, that he was going to give a very brief background of some of the legal issues. Mr. Heath proceeded to discuss and demonstrate some Power Point Slides and stated that they had a very aggressive timeline and with an overview of the process and the legal issues they had right now and next week looking at criteria to adopt, and a plan proposed to come up around April 20, 2001, but looking to adopting something by the early part of June, that if they did it by early June it gave them four or five months to get Department of Justice clearance and it was going to take them a minimum of 60 days to pre-clear a plan and make take 120 days, that they had under State Law until early August to adopt a plan; that they were going to be looking at different legal problems and legal options and the obligations that they had, that there were five of them, (1) One Person One Vote, that districts had to have equal population and these districts had equal population when they were drawn 10 years ago, and now that the 2000 Census came out, as expected, they were not equal anymore, (2) Voting Rights Act, that they had to comply with Section 2, which said they could not discriminate against minority groups in their voting strength, that they also had to worry about Section 5 of the Voting Rights Act, which was the one that said that for covered jurisdictions, and every entity in the State of Texas was a covered jurisdiction, must submit any election change to the Department of Justice or to a federal court in Washington, D.C. for approval before it could be implemented, that they were going to have to submit their plan to the Department of Justice and the standard that they were going to look at, was there retrogression or backsliding on minority voting rights; that the next was Shaw versus Reno, a case that was decided in 1993, that it said that even though under Section 2 and 5 they were going to be looking at issues of race to make sure that they did not discriminate against racial minorities they could not base their plan predominately on issues of race; that the last was State law issues, that there would be State deadlines and procedures, that the August 5, 2001 date was a State law. Mr. Heath continued to demonstrate additional slides and discussed the history of redistricting and the redistricting procedures that they would be using and the changes to be made. Mr. Heath stated that the very last slide that he was going to talk about was the Approximate Population Changes Required for the various Council Districts, that they could see on the slide each of the Council Districts was somewhat off the ideal, that these were preliminary numbers and approximate, but essentially District B was going to need to gain about 20,700 persons to be ideal in size, that District H and I lesser numbers, and if they went to the bottom of the slide, District F had about 31,500 more persons than the ideal, so they would be loosing, just as District A and E would. Council Member Quan absent.

Upon questions by Council, Mr. Heath stated that this was what they would need to gain or loose to hit precisely on the ideal district but there would be some tolerances, and Mr. Wood stated that generally the districts that were within 10,000 of the ideal would be within the tolerance range, and Mr. Heath stated that 4,000 over was about 2% off the ideal and they had the possibility of as much as a 10% swing from the largest to the smallest, that it did not have to be exactly 5% each way, it could be 6% over and 4% under, and it

was almost about a 20,000 person swing, and that he would defer to Ms. McDaniel. Council Member Quan absent.

Ms. McDaniel stated that one of the things that Council was going to look at doing next week was Adopting Criteria and that would be (1) Identifiable Boundaries, (2) Maintaining communities of interest and neighborhoods, (3) Using whole voting precincts, (4) Basing plan on existing districts, (5) Adopting districts of relatively equal size, (6) Drawing districts that are compact and contiguous, (7) Keeping existing representatives in their districts, and (8) Narrowly tailoring plan to comply with the Voting Rights Act; that they would also ask Council to Adopt Rules for any plan adopted, (1) Council will follow 2000 census geography, (2) Any plan submitted must be a complete plan, (3) All plans submitted to the Council should conform to the criteria, and (5) All plans must be based on PL94-171 data. Council Members Keller, Quan and Bell absent.

Upon questions by Council, Ms. McDaniel stated that they were going to adopt the criteria, that she mentioned at the beginning, so that the boundaries could be easily identifiable, that they have communities of interest, that long list of things she discussed at the beginning, that the attempt was going to be to measure things in terms of the criteria so they wanted something that followed as many criteria as it could, that it may or may not be able to follow all of them. Council Member Quan absent.

Ms. McDaniel stated that they would be reviewing the first draft plan and evaluate it and bring it Council and it would be a plan drafted by staff and then the Council would provide directions for modifications and they would be consulting with Council on whether it was meeting the legal criteria and legal obligations, that the Council would have the opportunity to review other drafts after that first draft had been changed to meet the suggestions that they give and they would also be looking at drafts presented by other people and other groups; that they needed to be sure to get ample publicity and public participation, that they needed to demonstrate to the Department of Justice, when the whole thing was done, that they had the public notified and they had the opportunity to be heard, that the interested parties had an opportunity to participate in the decision making, so that they would be able to comment on both the plans that Council had drawn and also plans that other people had drawn, that they would be setting up meetings around town and there would be public hearings, which Council may or may not attend as they liked, but the public needed an opportunity to do that; that they would be collecting copies of everything done to show to the Department of Justice, that one of the things that she was going to ask Council to do was to keep a log of all of the people that they were going to be talking with and to keep copies of communications that they get from the public, that the copies shown to the Department of Justice would include statements and speeches, copies of comments from the public, excerpts from the minutes of Council and it would also include letters that had come to Council Members individually and comments that were made to Council Members individually; that the Public Hearings would have recommendations from interested people and they would be presenting to interested people various things and explaining the plan that the Council was currently looking at, and would also be talking about the various advantages and disadvantages of other plans being drawn; that after they had taken all of those things under consideration the plans would be tested against State and Federal Law, including the Voting Rights Act to make sure that they had followed the City's legal obligations, they would then analyze the issues using non-race based factors; that after they had done all of those things and the Council

has told them how they want the final plan tweaked, they would bring it before the Council and there would be a resolution that would set out how the plan conforms to the criteria and Council's interest and would explain the process undertaken by the Council; that they would then send out a submission to the Department of Justice and they would have 60 days to interpose an objection. Council Members Keller, Quan and Bell.

Upon questions by Council Members Boney and Robinson, Ms. McDaniel stated that she was the Secretary of State at one time and was now based out of Austin, and Mr. Heath stated that in talking about the Kingwood situation in particular, in the factors they had to balance everything, that they were not going to get perfect closure or perfection on any factor, that they were all balanced and the problem with Kingwood was that it was not close to anything, that there was no compact and contiguous district involving Kingwood; and Mr. Wood stated that Council Members would be getting a spreadsheet that would show the deviation numbers, and Ms. McDaniel stated that she wanted Council to understand that they were going to be relying heavily on Mr. Wood, that he would be drawing maps, that they would be doing legal analysis but would be working very close with Mr. Wood, who had a great deal of expertise in the City of Houston and in all of its districts and communities, that they would be working through Mr. Wood with the Council Members; and Mr. Wood stated that the raw data would be put on the City's website. Council Member Tatro absent.

Upon questions by Council Member Todd, Mr. Heath stated that they would provide Council Members with a color copy of the presentation; that geographic compactness was element that they were going to look at and thought that typically Councils, legislatures and so forth looked at several different issues, one of which was going to be compactness; that in the criteria they adopted four years ago, functional compactness was one of the things mentioned, and Council Member Todd asked if they went through the criteria and on a basis of most important to least important, prioritize them what order would they go in, and Ms. McDaniel stated that other than saying that they had to follow the Constitution of the United States, there were no most or least important, that she did not have one that was most important, and Mr. Wood stated that he followed the advice of his attorney's in establishing the hierarchy, and Mr. Heath stated that he did not have one that was most important, that they were going to comply with voting rights because it was the law. Council Members Tatro, Ellis and Keller absent.

Upon questions by Council Member Vasquez, Mr. Heath stated that ultimately they were going to be working with a range, that he would provide information on what the range looked like, and Mr. Wood stated that the average district population would be 217,070 and that he would send him some information on that; that if they did not submit a complete plan it was not very meaningful; that they would like for the public to come forward with an entire plan, that the first draft would come April 20, 2001, that Mr. Wood would design the first initial draft, and Mr. Wood stated that the first draft would be an attempt to balance district population using criteria that they had available and with the advice of counsel, that they would be going to each of the Council Members between now and then, and when he said counsel he meant legal counsel.

Council Member Quan stated that he would like a full size color copy of the presentation, and asked if they had numbers on the Asian Community as well, and Mr. Heath stated that when he was putting the presentation together he was trying to get

numbers for the Asian population and did not have them immediately, that this was from the 1990 data, that they could get them, and Mr. Wood stated that in 1990 the majority of the Asian population in Houston was non-citizen, and Council Member Quan stated that he knew that studies had shown that 9 out of 10 of Asian Americans were not born in the United States, so probably a high percentage were not citizens but he would be curious to what the numbers would be, and Mr. Heath stated that it was over 50% and Mr. Wood stated that was in the enumerated Asian population and they knew there was a tremendous undercount in the Asian population, especially in 1990, and Mr. Heath stated that the question of citizenship on the census was on the long form; and Council Member Quan asked if they were guessing or using numbers from 1990 and how were they figuring out the percentage, and as they prepared their charts or drew their boundaries were they speculating that it would stay the same, and Mr. Heath stated that they would look at how effective a district was, and Mr. Wood stated that 10 years ago, in 1991, they did not have citizenship information either, that they knew there was a differential in citizenship rates in the Hispanic population in different parts of town, that they sought testimony as to what was believed to be true from people who were familiar with those communities and they could do a similar process, and Council Member Quan stated that he would encourage that. Council Member Sanchez absent.

After further discussion by Council, Mr. Heath stated that they would have an Adopt the Rules Criteria meeting on April 11, 2001, that they would provide each Council Member with a color copy of the presentation, that he would provide some additional information regarding waiving the residency requirement. Council Members Tatro, Galloway, Keller, Quan, Sanchez and Robinson absent.

There being no further business before Council, the City Council adjourned at 2:48 p.m. upon MOTION by Council Member Castillo, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway, Keller, Quan, Sanchez and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary