

City Council Chamber, City Hall, Tuesday, May 15, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 15, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise Parker and Carroll Robinson; Mr. Harlan Heilman, Senior Assistant City Attorney, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Jew Don Boney and Orlando Sanchez absent on city business. Council Member Rob Todd and Gordon Quan out of city on city business. Council Members Bert Keller and Chris Bell absent on personal business.

Council Member Robinson stated that he would like to take an opportunity to introduce a number of fourth, fifth and sixth graders from Energize for Excellence Academy who were present along with their principal Ms. Lois Bullock, that the group of outstanding young kids under the tutelage of Texas Southern University Debate Coach Dr. Thomas Freeman and one of Dr. Freeman's outstanding debaters Mr. Terrick Brown, were successful participants, and he thought they were first and second place winners in a number of citywide and district contests in poetry, that Energize for Excellence was a charter school in the Houston Independent School District system, that their principal, Ms. Bullock would introduce several of the winners in order for them to give a rendition of the poetry that they participated in. Council Members Tatro, Goldberg and Vasquez absent. NO QUORUM PRESENT.

Ms. Bullock stated that she was so privileged to have the opportunity to share with them some very positive experiences that their school had honored, that present today were some of the recipients of the first, second and third places, that present today were Ms. Jenay Allen, a fourth grader, Ms. Sasha Omana, a fifth grader, Ms. Nadia Emmons, a sixth grader and Ms. Patricia Sheaths, a seventh grader, and two of the students shared poetry and a song with the audience. Council Member Goldberg absent.

Mayor Brown stated that he wanted to make one presentation himself, that it was an honor for the City of Houston to have in the audience the Honorable M. M. Matomela of South Africa and had with him a very distinguished delegation, that Houston valued the relationship it held with their Country and were proud that Texas Southern University had joined with their province to create a partnership in the area of sustainable development, that he looked forward to seeing their ties continue to grow and the possibility of reestablishing consular representation in Houston, that he had made that suggestion when he met with their president and he said that he was very favorably inclined and when they had a chance to speak to him again for them to tell him that they were anxiously awaiting that decision, that they had also spoken to the ambassador and thought it was a good thing to do, that they wanted to share even more between Houston and South Africa because their relationship had been a very positive one, that in order to demonstrate Houston's appreciation of their visit he was honored to present him with an Honorary Citizenship of Houston and welcome certificates to his delegation, that it was an honor to make him an Honorary Citizen and as he went back home he would also serve as their goodwill ambassador. Council Member Parker absent.

The Honorable M. M. Matomela stated that on behalf of the people of the Cape and the people of South Africa he wished to thank Mayor Brown for the honor, that when they

went home they would feel part of this world, that they were looking forward to a long term relationship where both communities could benefit and make their lives a better life, and a member of the delegation presented Mayor Brown a gift as a token of honor.

At 2:12 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Galloway led everyone in prayer and the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Boney and Sanchez absent on city business. Council Members Todd and Quan out of the city on city business. Council Members Keller and Bell absent on personal business.

Council Members Castillo and Robinson moved that the minutes of the preceding meeting be adopted. Council Members Boney and Sanchez absent on city business. Council Members Todd and Quan out of the city on city business. Council Members Keller and Bell absent on personal business.

Mayor Brown requested the City Secretary to call the list of speakers. Council Member Robinson absent.

Ms. Hollis Tautenhahn, 2909 Nottingham, Missouri City, Texas 77459 (713-201-5053) appeared and stated that she had been asked by Affirmative Action to report on the happenings since last Friday's hearing, that yesterday they had a successful mediation with Morganti Construction and Ms. Velma Laws was the mediator and helped to bring out all the issues between her company and Morganti and ultimately to facilitate a resolution, that is in all mediations there was a lot of give and take but by mid afternoon they reached a tentative resolution which should be finalized later this week, that while she was still disappointed that it took so long to get to this point she was satisfied with the result and believed that the process eventually worked as intended, that with that said she was very proud to have been a part of last Friday's hearing and felt that the necessary steps were being taken to insure that what happened to her did not happen again, that she thought that everyone involved in this had helped to improve the system, that she was greatly thankful for the entire City Council's involvement in this matter and appreciated Mr. DeLeon's and Ms. Law's involvement in helping her and Morganti to resolve their differences. Council Member Robinson absent.

Ms. Karen Kay Kristopher, 5161 San Felipe, Ste. 320, Houston, Texas 77056 (713-866-4014) appeared and stated that she wanted to thank them for the good work in the City of Houston, that Houston was a City of global importance and a lot of good things were coming out of the City of Houston, that she knew that several ministries around the City were praying for the people in authority in the City, that they had some things though that needed to be taken care of, that she knew how important the libraries were to the Mayor of the City, that they were told by the media and various arenas that the crime was going down but in fact all sex crimes against the children and females of the City had steadily climbed the last ten years, that behind every sex crime pornography was usually found, that last year the Children's Internet Protection Act (CHIPA) was signed into law in December and that law noted that any library receiving federal funding could not display any pornography on their internet's in the library, that as late as yesterday she checked the libraries in her area and there was still pornography allowed on the internet and as much as she was proud of the City of Houston and surrounding areas she was really

troubled by the amount of pornography, that the pedophiles were entering the libraries and they could use a visitor's card and clock in on the computers, that she was asking the City Council to take charge of the library situation and asked that they follow the federal mandate signed last December, which was federal law right now, that they hold citywide meetings and let the public participate in the decency of being held or not held in the City libraries, that the federal law, CHIPA, mandated that the public could participate in the decency that was being formed in the libraries, that no hearing had been called by anyone, that the federal law also mandates that all City libraries which were funded by the federal government be filtered, that she would pray that Council would take an aggressive stand and implement the federal mandate and filter out every computer in every library in the City so that AT&T, which was the internet provider of pornography for the City of Houston, could not provide pornography to the children and attract the pedophiles and the sex addicts into the Houston libraries. Council Member Robinson absent.

Mayor Brown stated that she was correct, that the U.S. Congress did pass the Children Internet Protection Act and the Legal Department was now in the process of reviewing that to determine what action the libraries should take, that Ms. Jessica Pugil of the library was present and would be delighted to meet with her and work with her on the issue. Council Member Robinson absent.

Council Member Parker stated that it was important to point out that they did filter all the computers that were being used by the children, that they formerly had work stations that were for children's use only and now she understood that they monitored library card use and anyone under eighteen was subject to filtering on all of the machines, that she did not want it categorized that it was a free for all at City libraries, that adults were able to access a wide range of information on sites that were not available to children and thought they should continue to do that. Council Member Robinson absent.

Ms. Liz Ghrist, Two Twin Circle, Houston, Texas 77042 (713-781-2260) appeared and stated that she was grateful for the opportunity to publicly thank Mayor Brown and the Council on behalf of the Cultural Arts Council of Houston and Harris County, that they valued their trust in them, that she had passed out booklets that they had prepared to show Council what they had been doing and was told that this particular City Council was very interested in financials so their financials were also included in the back of the book, that their contract with the City of Houston, through the Convention and Entertainment Facilities Department allowed them to nurture, fund and promote the arts in their community, that as the current president of the Cultural Arts Council she saw first hand the results of their investments in the arts of the community for their citizens and visitors, that their Grants Department, through its various programs, provided funding to more than 160 nonprofit arts organizations and some 40 individual artists, that represented in the group was the diversity of the City from world class performing arts and museums to very small nonprofit startups and the art they presented ranged from established and traditional art forms to the most innovative and emerging new art forms, that two of the grant programs, Neighborhood Arts and Regional Touring, provided funding for the presentation of art throughout the community making art available to all of the citizens, that mindful of their stewardship responsibilities their investment in CACHE's Management Assistant and Organizational Development Enterprise, called MODE, provided business training and in depth services for arts organizations and arts administrators in effective nonprofit management, that this nationally recognized program

provided its ongoing services to over 400 artists and arts professionals every year representing more than 120 organizations, that the work of the Civic Art and Design Program was evident throughout the City, that George Bush Intercontinental Airport, the pillars adjacent to the Wortham Theater and the vibrant mosaic that were parts of Cotswold 2000 were examples, that working with both the private and public sectors this program facilitated the inclusion of art and artists designed functional enhancements in their urban infrastructure, that they were excited to work with the City through the Civic Arts Ordinance and enlivening Houston's built environment for their visitors and citizens, that their investment in CACHE was supported by more than 130 volunteers who served as board members, committee members and panelists in their grants review processes and by a very dedicated hard working staff, that their investment in CACHE had real economic benefits too, that the Periman Report stated that the cultural arts were an indispensable part of the Texas economy, permeating and adding values to hundreds of key industries, that she encouraged them to read the Profiles and Support booklet and was sure that they would be as proud as she was of Houston's artists and organizations. Council Member Robinson absent.

Council Member Castillo stated that he wanted to commend her and the volunteers that worked with the Cultural Arts Council on its board and committees and thanked her for all her work, and Mayor Brown stated that he wanted to thank her also, that she put a lot of time and effort and arts were important for the City and asked that the other members present in the audience stand and be recognized. Council Member Robinson absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he was present to talk about what happened at the Ethics Committee Meeting which was exactly what he figured would happen, that they passed the buck, that they said they could not do nothing, that it was out of their jurisdiction, that he even tried to bring something up to them and he was met with some sarcastic statements by one of the members, and he asked Mayor Brown who picked the president and vice-president, was it the Mayor or Council and Mayor Brown stated that they would find out for him, and Mr. Winters stated that public officials could get away with just about anything and then they wondered why not many people were out there voting, and stated that he was told that the Ethic's Committee had not met since November of last year and asked if that was something that was normal, and Mr. Harlan, Legal Department, stated that he believed that they met on an as needed basis when an issue did come up, and Mayor Brown stated that there was really no reason for them to meet if there was nothing before them, but he would have someone call Mr. Winters and give him an answer to the question that he asked. Council Member Robinson absent.

Mr. Darrin Prior, 841 E. 28th Street, Houston, Texas 77009 (713-426-4427) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Deborah Elaine Allen, 8800 Gustin Ln., Houston, Texas 77031 had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and stated that behavior, people stiffened, mental and physical growth, denied citizenship, that his concern behavior, buffalo conspiracy, who what Briscoll family, conspiracy, conspiring, youth and taking his and other good parents children, who was Ron Holiday, Brazil, Miami, Dade County, Florida, projects or project conspiracy, Texas, five states have been part of this, that his concern since 1971, Civil Service since 1972. Mr. Taylor continued to express his personal opinions until his time expired. Council Member Robinson absent.

Mr. Gerald Florence, 7322 Laura Koppe, Houston, Texas 77028 (713-633-4107) appeared and stated that he was president of the Rosewood Civic Club located in northeast Houston, that the problem they were having was a block party located on Homestead, that he was present petitioning the Mayor due to the absence of their City Council person that they had not gotten any kind of communication from whatsoever, that the block party was supposed to be an 18 week permit and he personally as well as the community was appalled at the way that these youngsters had overwhelmed their community, that they were part of the Super Neighborhoods and were in the process of trying to develop their community into a family community and he would like to applaud the Northeast Houston Police Department, that came out and supported them, that in the beginning when it first started it was out of control and was still out of control, that he was present petitioning for the community that something be done, that the block party be stopped, that their children were at risk, that they were trying to develop their community in bringing the families in the community back to the park, that they just had a park dedicated in Rosewood Park, that the whole community was in an uproar over this, that they would like to see it stopped immediately and if it was an 18 week permit he would like to see what they could do to stop the permit in general that it should not be a permit where a community could be invaded by any ethnic group regardless of whatever they wanted to do, that he was upset with his Council Member because he did not feel like he or the community were being represented. Council Member Robinson absent.

Mayor Brown stated that his Council Member was out there on Mother's Day on the job at nighttime while it was going on and was out there with the police officers and had been keeping him up to date on it as it transpires and as recently as this afternoon they had been in communication about it and as recently as today he had been speaking with the police chief about it, that he had one of his staff members out there this past Sunday as well and as he stated the police department had been dealing with the problem and he was now looking at if they had to continue the permit and because of the work of the Council Member he shared Mr. Forence's concern, that she shared videos of what went on out there and had been on top of it and had been working very hard, that they did intend to address the problem. Council Member Robinson absent.

Council Member Galloway stated that she had met with community presidents out there during the process, that she had been meeting with Reverend Collins of Sweet Home Baptist Church, Reverend McGowen and Reverend Bell, that they all met this past Sunday from 8:00 p.m. to 12:00 p.m., that she was out there the Sunday before with the police officers, that they were monitoring the situation, but they had laws that governed different activities that went on out there and so they were meeting in order to get some type of resolution within the law in order to curtail some of the activities, that those young people were in compliance as of right now with what ordinance they had, except for a few

who were ticketed, that they were continuing to meet and also to put some things into the Legal Department in order to create some more ordinances to control the situation. Council Member Robinson absent.

Council Member Castillo stated they had similar problems in his district, that he thought that kids found places where they thought there would be no resistance and thought they could do whatever they wanted, however the law did provide all citizens certain rights to congregate and assemble peaceably in a way that did not intrude on other people and sometimes it was very difficult to find that fine line between their rights and your rights and thought that was a dilemma that government faced every time it came up and was sure that Council Member Galloway and the Mayor would follow through. Council Member Robinson absent.

Council Member Galloway stated that she would like to recognize the group of young people who were present from the Energize for Excellence Academy and asked them to stand and be recognized and Mayor Brown welcomed them to City Hall and invited them to visit again when they were not in school. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to bring to everyone's attention that today was Council Member Tatro's Birthday. Council Member Robinson absent.

Mr. Christopher Cato, 7710 Boggs Rd., Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Mr. Joe Peabody, 11011 Hall Rd., Houston, Texas 77089 (281-481-4735) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Alice Jenkins, 10445 Greens Crossing, Houston, Texas 77038 (832-498-0056) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Genelia Smith, 3232 Francis, Houston, Texas 77004 (713-751-0072) appeared and stated that she was present concerning Lot 8 Block 3 Forest Home in Third Ward, that when the City came out in 1997 to do sewer line work on the Corner of Blodgett and Franks adjacent to her home at 3200 Block of Francis the sewer line had burst overnight and what happened was that a big hole had opened from her kitchen to the driveway and her foundation fell and the blocks fell into the hole, that she had pictures showing how her house looked today, that she had four children and her concerns were that there were rodents, snails, flying roaches and every thing coming into her house and the City refused to do any thing about it, that today was the first day that she had anyone to call her about her concerns about her home because she said she wanted to come to the Council meeting, that it hurt her because she was a young mother with four children and no one was trying to help her and she did not know which way to turn, that they told her that she had to file a claim for legal and they did not tell her that from the beginning, that she did not know what to do now and she needed help, and Mayor Brown stated that Mr. Gary Norman, Public Works, would work with her and meet with her now and show her

what needed to be done. Council Members Galloway, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Jerry Lofton, 8108 W. Montgomery, Houston, Texas 77088 had reserved time to speak, but was not present when his name was called. Council Members Galloway, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. James Leonard, 4930 Clumore, Houston, Texas 77021 (713-741-0155) appeared and stated that the dog catcher was causing him problems, that his wife stated that she was afraid of him, that she hit him on the nose and his nose bled, what rights did a man have, that he had enough and was going to leave the City, and Mr. Leonard continued to express his personal experiences and opinions until his time expired, and Mayor Brown stated that he seemed to have a number of concerns and stated that Ms. Dillard, Citizens Assistance, would help him address his concerns. Council Members Galloway, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Geneva Kirk Brooks, P.O. Box 20523, Houston, Texas 77225 (713-664-2718) appeared and stated that she was present to talk about the way that the City of Houston inspectors were being used as tools by the CAI-Chubb Homeowners Associations to conduct a reign of terror against a 78 year old widow and that 78 year old widow was her, that she wanted to plead with them to stop the reign of terror being conducted by the Houston City Inspections in collusion with CAI-Chubb Homeowners Association president who recently took over her subdivision of Knollwood, that she thought they were familiar with the fact that since 1995 they had 4,500 home foreclosures under the new law that was passed in 1995, that CAI-Chubb managers used moles to seek out their targets to use for their foreclosure procedures, that the mole they used for her was Cheryl Ann Bean, that she approached her for temporary work saying that she was interested in helping her with property rights, that she originally hired her as a maid but shortly thereafter she showed her a mental health warrant which she said was prepared for her by David Dan Getmen, d/b/a GOD, doing business as GOD, which she prepared against Mayor Lee Brown to get him committed, that she immediately told Ms. Bean to find another place to live and that she did not need her services, that in Judge Alexander Greens court on April 12, where she had started vacate procedures because she could not get Ms. Bean to move, she said she worked for the homeowners association and that her title was block captain, that in documents that she filed with Texas Workforce identifies herself as a whistle blower, that she admitted that she had forged a document which gave her Ms. Brooks permission to live in the maid's quarters, but it was a forged document, that she turned it over to the police department and the information was in the handouts for Council, that the sad part of the whole situation was that on or about April 17, 2001 she came home from an errand and in front of her house was a whole bevy of City cars along with the CAI-Chubb Homeowners Association president, and Mayor Brown stated that Mr. Gary Norman, Public Works, would meet with her, and Ms. Brooks stated that she had brought some things to pass out to the Council so they could read all of it, that she had no idea that the inspectors had come to her house for the purpose of trespassing and going into the back of her house without her knowledge or permission, that this was the way Stalin and Hitler act on tips from disgruntled people or people who were asked to spy, that she wanted to know who called the inspectors so she would know how to respond, that it was strange to her that when the City gets a call from somebody that they do not investigate and see if it is a mental case or if it is somebody

who had a vendetta out for the owner, that they had violated her constitutional rights, that she had handouts for the Council with all of the information, and Mayor Brown stated that he would have Mr. Norman meet with her and look into all the issues that she had brought to their attention and report back to them. Council Members Galloway, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Alfred Jack, 813 Wavery, Houston, Texas 77007 (713-628-9682) appeared and stated that since 1971 the City was to provide sewage hookup in the White Oak Terrace and they only did it on one side of the street and that was where the problem was, that he was present to get to the bottom of this, that they said they did not do it in all areas, and Mayor Brown stated that Mr. Paul Nelson, Public Works, would meet with him and see what needed to be done to address his concerns, and Mr. Jack stated that he had some handouts for the Council Members. Council Members Galloway, Goldberg, Castillo and Robinson absent. NO QUORUM PRESENT.

Upon questions by Council Member Tatro, Mr. Jack stated that it was for sewer service, that there was no tap from the street to the curb, that on one side of the street they had it and on the other side they did not, that underneath the street there was supposed to be a sewer line, that it was not on his street, that it was running down the street but there was no hook up, that he had a house sitting there for eight months, that the line was not extended far enough, and Council Member Tatro stated that he knew there were places and had actually worked with the administration to try to get some lines extended and asked that Mr. Nelson let him know if it was an extension or a long run that they were talking about. Council Members Galloway, Goldberg, Castillo and Robinson absent. NO QUORUM PRESENT.

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

Mr. William Beal, 4718 Birchwood Street, Houston Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Castillo and Robinson absent. NO QUORUM PRESENT.

At 2:57 p.m. upon motion by Council Member Ellis and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, May 16, 2001. Council Members Boney and Sanchez absent on city business. Council Members Todd and Quan out of the city on city business. Council Members Keller and Bell absent on personal business.

City Council Chamber, City Hall, Wednesday, May 16, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 16, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis,

Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Ms. Susan Taylor, Assistant City Attorney, City Attorney's Office; Ms. Sara Culbreth, Deputy Director, Finance and Administration; Ms. Martha Stein, Agenda Director present. Council Member Rob Todd out of city on city business.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

MAYOR'S REPORT - Briefing on Bus Operations System Safety Program by representatives of the Metropolitan Transit Authority

At 9:08 a.m. Mayor Brown reconvened the meeting of the City Council and stated that he wanted to use the time allotted to him to hear from the Metropolitan Transit Authority, that as they knew that was a commitment that he made, so they could talk about their bus safety program and invited the chairman or whoever was going to present it to please come forward. Council Members Tatro, Galloway, Goldberg, Boney and Robinson absent.

Ms. Shirley DeLibrio, President & Chief Executive Officer, stated that they looked forward to the opportunity to appear before them today to discuss their recent accidents that involved a Metro contract vehicle operator and one of their own operators and to discuss their overall system and safety programs, that with her today was the Metro Police Chief Tom Lambert and Mr. Tom Gruff, who was the head of their bus safety programs, that he was Metro's Director of Safety and Training, that they would join her if there were questions that she could not answer, that as they were aware they had experienced two tragic accidents the past week, that the first accident occurred on Monday, May 7, 2001, at approximately 7:22 a.m. in the 10800 Block of the 290 HOV lane, that the accident resulted in the death of a nine year old girl and was being investigated by the Houston Police Department, that the Metro contract vehicle operator had been suspended without pay pending the completion of the investigation by the Houston Police Department, that the operator had undergone post accident drug and alcohol testing as required by Metro's zero tolerance drug and alcohol policy and the Federal Transit Administration, that the test results were negative on this operator, that again the Houston Police Department was investigating the accident and no action would be taken against the operator until the investigation was concluded, that the second accident occurred on Tuesday, May 8, 2001 at approximately 7:04 a.m. in the 4600 Block of West 43rd Street, that the Metro Police Department investigated this accident and the bus operator was cited for traffic violations and had now been terminated, that the operator also took the required post accident drug and alcohol test and the tests were negative, that she wanted to reiterate that Metro was and had one of the safest transit records in the Country and they were very proud of their overall safety performance, that one of the things that she instituted early on when she joined Metro was to really get the entire Transit Authority involved in their safety program, that they brought in a new training instructor early on to reiterate the importance of safety and everyone of them carry around cards that had their mission statement and value statement, that every employee in the agency had one and every one on their value statement they also selected randomly roughly 50 employees who really sat down and put the value statement together, that all of them who were on the professional side

carry around their mission statement which clearly defines that their mission was to provide safe and quality service, that as she stated they were very proud of their overall safety performance, however when an accident resulted in the loss of a human life it was her view that they should look at every aspect of their safety and training program, that the board had directed that this take place and it had, that she had provided for Council's review and information a summary of their safety and training program that they had implemented at Metro over the years, that additionally the summary would also identify several activities that they had been discussing for some time as part of their ongoing safety analysis and she had asked staff to accelerate the implementation based upon the safety and training review that they just had, that finally, an earlier study by the Houston Chronicle did not show a relationship between accidents and the number of overtime being worked by operators, that even though overtime was not a factor in either of the two accidents she had asked staff to take another look at this issue, that once the analysis was completed appropriate action, if any, would be taken, that she certainly wanted to be able to answer all their questions they may have about the incident and also had made sure that the staff had put at each Council Members place their program that was in place today and on the back two pages was an accelerated program of things that they wanted to do, that there was not such thing as being too safe and thought that they could always improve, that she did reiterate that they had a very good safety record and thought the accidents were two fluke accidents but as she said when they loss a life there was no price they could put on a human being so they were leaving no stone unturned to make sure they were doing everything possible to have a safe system. Council Member Boney absent.

Upon questions by Council Member Ellis, Ms. DeLibrio stated that there had not been a problem with overtime and accidents, that there had been no correlation with any of the accidents that they had that they could attribute to someone working too many hours and not having enough rest period; that every bus was on a schedule but they had made it very clear that safety came before their schedule so no operator was to take risks on trying to make the points, especially with the traffic, that they continued to look at their schedules and revamp them, like with all of the construction going on downtown right now they had changed some of the schedules and allowed more running time, because they understood that there were those variables that create the schedule to be different, that if a bus was speeding down the street or if the public felt there was a safety issue they could call 713-635-4000 to report that driver, the bus number and the time; that they did take into consideration all of the construction and that most of the buses were running a little bit slower than they had in previous years and were taking it into account, that they had safety meetings every month and their safety director did remind the operators at the safety meetings that safety was their number one and not the schedule; that as to the cost savings involved with bus drivers working overtime as opposed to hiring more bus drivers, they were in the process of hiring more bus operators, that one of the problems they were having was that right now it was very difficult to get bus operators at the salaries they were paying, that the economy was good and people were opting to work at, like the Burger King, which actually paid more than they did for a starting operator, so they were in the process of trying to hire more operators, and they were looking at their schedules and one of the things that she wanted to look at when they talked about the overtime was everyone of their schedules, that some of their schedules had as much as 12 hour pieces of work that an operator work, that she was looking at what would happen if they changed that to 10 hours and

then increase on another line, what would be the cost implication; that as to the similarity of the two accidents, they had looked at it from their perspective and could not really talk about the one that was under HPD and what similarities it had, that clearly the one from Metro was from speeding and not being able to control the vehicle; that one accident occurred on the HOV lane and one did not. Council Member Boney absent.

Upon questions by Council Member Bell, Ms. DeLibrio stated that the accident that occurred on the HOV lane was still under HPD investigation and knew they had not yet cited the operator, that as to the early reports that there was a failure to brake they did not have any knowledge as to why there was a failure to break, that of course their concern was that they keep a reasonable speed and they should be able to brake, that not having seen the investigation yet from HPD she did not know quite what they had come to as a conclusion; and Council Member Bell asked if the operators performance was graded in some fashion as to whether they were making their stops at the scheduled times, and Ms. DeLibrio stated that in fact their supervisors were randomly out in the streets and they checked points and when a bus showed up late and the operator says there was construction or an accident that slowed them down, they were not reprimanded for that and they knew it, that if a driver is shown to be routinely missing his stops they would bring him in to be interviewed and listen to his side of the story, that it could impact them to the fact that a supervisor would bring them in and talk about it, that what they would do if an operator says there was a particular problem on that route and was consistently late on that route they would send someone out to look at what was going on in that route, that they would send a supervisor out there to identify the issues and what the problems were; and Council Member Bell asked if any other city had experienced with a system where they might not have to place so much pressure on the appointed time, was there any way to keep that out of one's personal file, and Ms. DeLibrio stated that they had to have a schedule because people had to know when the bus was going to arrive, but as she had stated they made it very clear to the operators that it was not maintaining the schedule at all costs, that safety was their number one issue, that they did have an opportunity where their operators meet with the planning people who do the scheduling of the buses and they had those meeting purposely so if the operators were having a problem keeping the schedule for whatever reason they did have the planners right there to talk about why and that was why a lot of routes get added more time to it; that as to aggressive drivers it was a good suggestion to have a number to follow up on printed on the back of the bus and as they were looking at their safety things they would definitely incorporate that. Council Member Robinson absent.

Upon questions by Council Member Goldberg, Ms. DeLibrio stated that as to the safety locations of the bus stops they did analyze the bus stops and if operators complained about a particular bus stop they went out there and work on moving the bus stop, that pretty much they stayed on top of where the bus stops where, that the bus stops were usually in agreement with the local folks about where they wanted bus stops; and Council Member Goldberg stated that he had called about two bus stops which were only 200 feet apart on Stella Link just south of Loop 610, that it caused a traffic jam in the neighborhood and the residents who lived there complained about it and still nothing had been done about it and Ms. DeLibrio stated that she would look at that and get back with him. Council Member Robinson absent.

Upon questions by Council Member Quan, Ms. DeLibrio stated that at present time there was not a limit of overtime and that was one of the things they were looking at should they have a limit of overtime, that at most transit properties there was not, that they were looking at that as she went back and looked at all of the overtime and how much overtime people were spending, and should there be a certain amount of hours break between the time a bus driver was behind the wheel to the time that he resumed back on, that right now there was none, that it was not that easy to go on numerous shifts, that the runs had a certain time and then there was an opportunity for overtime to bid on different routes, that a lot of times when an operator gets additional time everyone of their divisions had what was called a ready room, that there was a lounge there where they could go and rest for a couple of hours so it was not like they were constantly working the entire 12 or 14 hours, but they were looking at that and should they have a restriction or time limit that the operators could drive, that they could not see the correlation, that most of the overtime was given based on seniority, so it was the top seniority folks who had the most overtime and when they looked at their records, and the Chronicle did a very excruciating look at all of their records, there really was no correlation with the amount of time they were working overtime and accidents, in fact they had one of the best records, that they were looking at all of that and as she said they did not want to leave any stone unturned in this analysis; that they had one garage that was totally contracted out, that both the maintenance and operations of the Northwest Garage was contracted out and it did save Metro millions of dollars by privatizing that particular garage and it was probably roughly 15% of their fixed route service which equated to around 200 operators, that they were held to the same standards as Metro operators, that they did report to Metro and their safety instructor got involved with their operations as well, that they were contracted to Metro and there were certain things that were on their own, that when they contracted them out Metro was indemnified so any accident that they had they were responsible for their accidents and that was part of their contractual deal with them, that Metro changed to a zero tolerance policy about a year and a half ago, where they had no alcohol or drugs at all, that it used to be one offense and when they changed to that they had their contractors change to that also, so they pretty much had to follow Metro's rules, that the Metro Lift was also contracted out because it was cheaper to privatize some of those services; and Council Member Quan stated that his concern was the clearing of traffic and that it took about 3 hours before traffic was restored and those cars and people on their way to work were just stuck there, and asked if they had a plan or worked with the police on a plan to clear traffic as quickly as possible, and Ms. DeLibrio stated that they did work with the police, TXDOT and Transtar and in analyzing the particular accident on the HOV lane she did think that one of the things they discovered was that it took too long, that what they were trying to do was back all the cars out and the problem was that they had so many articulated buses that were in the HOV lane so it was difficult to free the cars, that it took too long to summon TXDOT to bring in the machine that moved the barriers, that they had corrected that, that in the future that was one of the first things that they would do, that they did it very conscientiously, because had they brought in this piece of machinery, which was a pretty good size, they would have had to close an additional lane and they were trying to un-complicate things as much as possible; and Council Member Quan asked if there were governors on the buses that would regulate or limit their rate of speed, and Ms. DeLibrio stated there were no governors on the buses, that the buses could go 70 or 80 miles an hour, that one of their concerns was that a lot of times when they were dead heading back to the garage and did not have any

passengers on them that they may see some of that and that was why part of their new analysis that they were going to do and improvement analysis was to get out there and actually have radars and they were working with their police department as well as their safety department to do that and they were going to talk to HPD and ask for their help too. Council Member Goldberg absent.

Council Member Tatro stated that some of the calls and emails they got were in the neighborhoods and not necessarily the freeways and stated that his question was with the Metro Police and their ability to contact Metro about a particular route if they were going through some of the subdivisions at a high rate of speed and asked if their officers were also policing the drivers for speed on various routes, and Ms. DeLibrio stated that they could contact Metro if they had a substantial complaint in an area about the speed, that the Metro Police did give tickets to their operators, that it was a regular routine and also their responsibility was to police the buses to make sure that they were run safely, that they also did undercover rides if they got a complaint on a bus driver; and Council Member Tatro stated that they had a public speaker, Mr. Jones, who was a visually impaired gentleman who had issues and problems in bringing his dog on the bus and they understood that was a State law that had been in existence for 50 years, and Ms. DeLibrio stated that they had been in contact with him and they had also made sure that they posted in all of the divisions that it was to be allowed, that as long as they had a seeing eye dog that was harnessed they were supposed to allow them on the buses, that they had alerted all of their operators and the safety instructor, who had safety meetings with the operators every month, would continue to reiterate that. Council Members Goldberg and Quan absent.

Council Member Vasquez stated that he appreciated Ms. DeLibrio's coming before Council and her explanation of the situation and also the explanation of how to prevent future incidents like this, that his comments were that he hoped they would go the extra mile also, that he knew that as an institution they had a lot of resources, both formally and informally, and he hoped that the extra mile they would go was to provide some type of financial assistance to the family, either an educational trust fund or something that they could setup informally through some of their vast resources that they all knew they had, and thought they would get citywide support for that as well, and Ms. DeLibrio stated that she would definitely talk to the contractor because Metro had indemnified them so they were totally responsible, that they had been very cooperative, that they immediately setup counseling for all of the riders that were on the bus that saw the tragic accident, that she went to the services on Friday night of the family and they all certainly realized that it was a very tragic situation and they wanted to do everything possible; and Council Member Vasquez stated that he knew that a couple of weeks ago they had the release of the TRIP report and asked Ms. DeLibrio if she wanted to make any comments on that, and Ms. DeLibrio stated that it did not come to any conclusions and it pretty much talked about rail and about rail changing the urban scheme and the opportunity for rail in certain corridors, that there was no real plan on how they were going to reduce congestion, that the toolbox that was in the explanation of the trip really spoke that it was going to take rail, toll roads, good traffic management and traffic signalization as well as a continuation of building roads and a good bus system in order to reduce congestion, that was what she got out of it, that she also got out of it that rail was certainly one of the elements that could change the traffic and the urban scheme. Council Member Boney absent.

Council Member Keller stated that on Agusta and Woodway the operators had stopped for breaks and that was in the 4:00 p.m. to 5:00 p.m. to 5:30 p.m. hours and Woodway was heavily traveled, that when they stopped it was near the intersection of Sage and Woodway and it caused everyone who was going west, which was everybody leaving downtown from Memorial and Memorial turns into Woodway and they used that to travel, that it was just for a break and they stop to go into the store right next to the Exxon, and asked Ms. DeLibrio if they had a policy for that as far as where they could stop the buses for breaks, and Ms. DeLibrio stated that yes they did and that was probably one of the restroom breaks and was assigned for the break, but they were supposed to pull up so they would not impair traffic, that they would take a look at it; and Council Member Keller stated that he had a problem with one possibly alluding to their being a problem as far as the pay scale or that causing them to possibly have a lack of quality as far as the drivers, that they were in the business of transporting people by bus and did not know what other priority could be greater than the person driving the bus, and Ms. DeLibrio stated that they negotiate a contract every three years and when they negotiated that last contract it was a pretty good scale for starting salaries for their bus operators, however the economy was great now and so people were paying a lot more than they were and she was sure that it would be the first issue on the negotiating team when the contract was up . Council Members Tatro, Goldberg, Vasquez and Quan absent.

Council Member Boney stated that it seemed to him that they had most of the procedures in place to review whether or not alcohol or drugs had been involved, they checked the background of the drivers and track that so if they found a driver that had been unsafe either by terms of speeding or other violations they had a way to progressively discipline them all the way to termination and Ms. DeLibrio stated yes, that was already in place; Council Member Boney stated that in Metro's plans for the rail and other improvements that they were doing particularly in the downtown corridor to the Astrodome it was important that the area that was Third Ward, which cuts across that middle was identified as Third Ward, that Midtown's boundaries end and then the Third Ward picks up and then there was the Museum District, that there had been a number of complaints, resentment and anger, etc., expressed to his office by his constituents that in Metro's documents they had renamed Third Ward, Midtown, and historically it was important that they be identified as they had been historically identified, and asked that they please correct that. Council Member Boney stated that there was a device that some police departments had and did not know if HPD had it or not, but it was a device that was kind of a spring loaded metal that breaks the glass of the side windows, that the front and rear windows were tempered and very hard to break the glass in case of an accident there, but this was actually a device that was made and distributed to some police departments and asked if she would look at that and the officer that was explaining it on television said that he kept one in his car and all of his family's cars, and Ms. DeLibrio stated that she would have her chief look at that; and Council Member Boney stated that as to the overtime issue, if the driver was driving safely and they had some indication of the level of tolerance, he did not think that they ought to cut peoples overtime just because they were able to work harder and drive safely at the same time. Council Members Tatro, Vasquez, Castillo and Sanchez absent.

Council Member Robinson stated that he would be interested in seeing, instead of the snapshot, a three to five year look at speeding ticket, moving violation, route accidents, were they having accidents on a particular route or stop or location in the City, that when they looked at overtime at the various backgrounds was there any correlation between who was getting moving violations and who had been involved in accidents, that he was also interested in how involved the drivers were in the development of the programs in her presentation and any other programs that they were going to develop over at Metro, and Ms. DeLibrio stated that they did get the drivers and the union involved in programs that they were going to set up so they fully understood the impacts and who better than the driver knows what they were going through out there so they did ask for their input, that on accidents the safety director had a map and every time there was an accident they mapped out that particular area where there was an accident and then they look at and if they see a pattern of several accidents then they go and see if it was an intersection and what could be done and work in conjunction with HPD or other entities if there was a problem there, that they did check accidents and tickets and part of the analysis that they do and part of the fact that they had so many vacancies was that they did terminate if operators had four preventable accidents, that was four accidents that they were responsible for; that one of the things in her presentation and one of the things that they had at New Jersey Transit that was very effective was a simulator, much like the pilots had and they had it for their drivers, that they were in the process and put it in their capital program for next year but were going to accelerate that because it really gave them real time incidents, that those were the things they were looking at on how they could improve on their safety and how they could help the drivers, and Council Member Robinson stated that she mentioned four accidents per year and asked if they had an aggregate number, that instead they had two every year for five years and did that ever trigger anything, and Ms. DeLibrio stated that it did not, that it freed itself each year, and Council Member Robinson requested that she share a copy of the Rail Safety Plan with him. Council Members Boney, Keller, Vasquez, Castillo and Sanchez.

Mayor Brown stated that completed their questions and thanked Ms. DeLibrio for being present and thanked her chairman and members of her staff and members of the authority for being present. Council Members Boney, Keller, Vasquez, Castillo and Sanchez.

At 9:52 a.m. Mayor Brown stated they would move to the Agenda.

Council Members Ellis moved to suspend the rules to take Items Number 46, 27 and 28 out of order at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Todd out of city on city business. Council Members Boney, Keller, Vasquez and Castillo absent. MOTION 2001-0503 ADOPTED.

46. ORDINANCE authorizing \$56,900,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0026, \$250,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0422 for compliance with the Civic Art Program, awarding construction contract to **THE MORGANTI GROUP, INC** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental

Airport/Houston (IAH), Project 444B - **DISTRICT B – GALLOWAY** – (**This was Item 51 on Agenda of May 2, 2001, POSTPONED BY MOTION # 2001-457, 5/2/01**) – was presented. Council Member Tatro voting no, balance voting aye. Council Member Todd out of city on city business. Council Members Boney, Vasquez and Castillo absent. ORDINANCE 2001-0416 ADOPTED.

The City Secretary announced that Item No. 47 had not been received, however it was a moot item with the passage of Item No. 46.

27. ORDINANCE approving and authorizing contract between the City and **CAMP DRESSER & MCKEE INC** for Energy Deregulation and Energy Conservation Consulting Services; providing a maximum contract amount, BSD 01-0739-25003 - \$650,000.00 - General and Enterprise Funds – was presented, and tagged by Council Members Quan, Tatro and Keller.

Council Member Quan stated that obviously they were all concerned about saving money and energy and energy conservation, that they had asked for a copy of the contract and received it yesterday about 4:30 p.m. and they had not had a chance to really go over it and stated that he would like to tag the item for a week to give them further time to review it, and Mayor Brown stated that the item was tagged by Council Members Quan, Tatro and Keller.

Council Member Robinson stated that he hoped during the interim they would have a chance to review the contract, that one of the issues they had brought before the TTI Committee was this item to look at how they could drive down their energy bills in the coming fiscal year and what they needed to start doing to prepare for deregulation, that he thought it was going to be vitally important that they get this item done and work with the Building Services Department and all of the other departments to try to keep a hold on their electricity costs, that he knew that was the issue that the Council Members would be looking at, that in the contract, which he had a chance to review last night, they were in the neighborhood of about \$75 million to \$78 million this past year and they heard projections of upward of \$114 million for their energy bill unless they really start moving forward on conservation, that he thought this was going to be a good item for the City and hoped that in addition to the department heads and staff members, when they pass it, that Council Members with ideas should start sharing with each other because they were going to have to drive that cost down if at all possible, that he wanted to thank Ms. McGilbra and her staff for working with the committee on this item.

Council Member Boney stated that he would echo most of the comments made by Council Member Robinson, that this contract was not only vital in terms of the opportunity to drive down costs but also actually generates some savings that could be realized in next years budget.

28. ORDINANCE appropriating \$281,325.00 out of Public Library Consolidated Construction Fund and awarding construction contract to **R. HASSELL BUILDERS, INC** on bid of \$1,475,000.00 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$35,000.00 for Renovation of Walter Branch Library, CIP E-0026-01-3; providing funding for construction management and

contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund \$1,365,555.00 CDBG Fund - **DISTRICT F – ELLIS** – was presented, and tagged by Council Member Goldberg. (Note: Council Member Goldberg removed his tag later in the meeting.)

Council Member Robinson moved to suspend the rules to take Item No. 44 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0504 ADOPTED.

44. ORDINANCE approving and authorizing the restated and amended Cost Sharing agreement for the Southeast Water Purification Plant between the City of Houston and **THE GULF COAST WATER AUTHORITY, THE CLEAR LAKE CITY WATER AUTHORITY, THE CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT, THE LA PORTE AREA WATER AUTHORITY, THE HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55, THE CITY OF PASADENA, THE CITY OF SOUTH HOUSTON, THE CITY OF WEBSTER, THE CITY OF FRIENDSWOOD** and the **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** – **(This was Item 24 on Agenda of May 9, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER)** – was presented.

Council Member Tatro stated that he supported the item, that it was for the Southeast Water Plant to do with bringing the capacity and the interlocal agreements with the other jurisdictions from 80 MGD to 120 MGD, that they also understand that there was a contract working its way through for engineering and studies to go from 120 MGD to 240 MGD and he would like in the next week to get from Mr. Ordat or Mr. Rolan the timing on that contract and when that contract would be coming through, that obviously as they expand the water plant on that side they had the proponents that were also in need of that water, and Mayor Brown stated he would make sure they gave him an answer.

Council Member Robinson stated that he had already started talking with folks in Public Works and they had initially planned to bring the contract to the TTI Committee in June and they may have to combine it with the Northeast Water Plant issue, but it was already being worked on and they were supposed to be briefing folks in the next couple of days, that it was a model of what they ought to be doing and stated that he was glad that it was on the agenda.

A vote was called on Item No. 44. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0417 ADOPTED.

Council Member Keller moved to suspend the rules to take Item No. 45 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0505 ADOPTED.

45. ORDINANCE appropriating \$1,890,924.00 out of Fund No. 49F; C. O. Series 2001A; \$386,897.00 out of Water & Sewer System Consolidated Construction Fund; \$215,059.00 out of Storm Sewer Consolidated Construction Fund; and \$129,800.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing third amendment to contract between the City of Houston and the

HOUSTON DOWNTOWN MANAGEMENT DISTRICT for Phase II Design of the Cotswold Project, GFS 12000-01-2 – **(This was Item 28 on Agenda of May 9, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Sanchez moved to suspend the rules to hear from Mr. Bob Eury, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Todd out of city on city business. Council Member Tatro absent. MOTION 2001-0506 ADOPTED.

Upon questions by Council Member Sanchez, Mr. Eury stated that they were running about 60 days behind schedule on Phase IC and Phase 1A and 1B were fully complete and pretty much on the original targeted schedule, that Phase 1C was taking extra time because of the utility work involved, that they were complying with the Street Cut Ordinance and more important the utility contractors that were involved in relocating were complying as well, that it had made it a little more complex in terms of getting the work done, but they were coming along with it, that they were doing everything they could to work in there, that they knew they were in the County area and was a tough area, that they were closing down whole blocks at a time and they felt it would help speed the work along, that they were trying to work very hard to make sure that the sidewalk areas through the closed blocks stayed open so that at least pedestrians could get through, but he would be the first to say that when they were building an entire street, as they were, it was disruptive, that the district had meetings with stake holders in the area so to how they could reduce the impact on them during peak congestion hours, and more importantly they tried to continue to meet with the owners as well, that they had basically stake holder meetings and thought they were not legally or officially public, but were stake holder meetings and they had more meetings scheduled as well, that they had a meeting with judges coming up next week and working with the County area and the courts area next week, that they could telephone directly to the project office 713-220-2003 or their office 713-650-3022, that the Project Construction Director was Mr. Tom Davis, who was present, that they would respond, either by e-mail or direct, to everyone of those requests for information, that they also had a web page for Cotswold, that it was under the Downtown District web page and they could follow the project along. Council Members Tatro, Keller and Robinson absent.

Upon questions by Council Member Bell, Mr. Eury stated it was correct that the water component of the original Cotswold project was replaced by the fountains that they saw placed on some of the streets, that there were eight fountains in Phase 1C, that the fountains were generally a collaboration between the architect and the artist and as a result the art work had been before the Municipal Arts Commission and Public Works signs off on the plan and they had that signoff as well, that there was a screening mechanism before they actually moved forward on them, that he did not know if all of the fountains had been approved but would get back to him on it. Council Members Tatro, Keller, Vasquez and Robinson absent.

Upon questions by Council Member Quan, Mr. Eury stated that Phase 1C was on Preston, from Enron Field all the way to the Wortham Theater, and Council Member Quan stated that he noticed when he drove down Prairie Street it was uneven and asked if it was meant to adjust or what was the situation and Mr. Eury stated that it depended on where he was experiencing the undulation, that if it was at or near an intersection it was

more likely because they were building the blocks in between the north and south streets, that the north and south streets were part of Metro's Transit Street Project, so what they had to do was obviously get the grade right in between and when they got to the intersection they had to come back to the old grade, that they would eventually get adjusted as soon as that street was rebuilt, and Council Member Quan stated that he would like to setup a time with Mr. Davis to walk the project and see how it was coming along. Council Members Tatro, Keller, Vasquez and Robinson absent.

Upon further questions by Council, Mr. Eury stated that this was coming back by way of an amendment to the original agreement, that if Council did not approve it Phase II would not move forward, that they would just standby until it was approved at some future point and time, that they were only asking for Design Work at this point, that it was \$2.622 million for design of Phase II and also Franklin Street, which was also part of Phase III and was in conjunction with Metro as a transit street, that what they were trying to do, overall with their schedules, was work towards the opening of the ramps on US 59 and the northeast corner of downtown, that was what sort of kept them in an expedited mode trying to move it along, that obviously Council would have to balance the priorities in terms of what they wanted to do, that they were trying to be kind of cautious saying lets only go a step at a time, that they were back to do Phase I construction, and now Phase II Design and when they got it complete they would be back for the actual funding on Phase II Construction, that they would do it a piece at a time and it also gave them more experience with the project and hopefully the pencils would get sharper in that process; that there had been a very coordinated effort with everybody on this during the construction period and perhaps every bit as important after construction, making sure as they changed lane configuration and all that, that it would work, that it was a jointly funded study by Parsons Transportation Group, that found that they had acceptable levels and desirable levels of mobility once they were complete, that during the construction it was a daily endeavor in terms of working with everybody on coordination, that levels of coordination between all of the agencies had really come up in terms of the construction work downtown, that Preston had very few bus routes on it and that was what led them to do a complete street closure and any route they might have had would move over to Franklin Street or Texas Street, that as Metro begins work on Congress Street and Franklin Street they would have to coordinate, but generally they did not have quite as high a level of bus traffic on the east west streets as they did the north south streets; that as far as the financing for the project, the improvements from street level and above generally came from the incremental parking revenues over what they already had in the area, that underground was really coming from both the Enterprise and Capital Improvement Budget in terms of utility work on the part of the City, that they continued to look at the estimates of how they thought they would come out and as they said in the Project Re Plan, which he thought everybody got a copy of, they were at this point, with the experience they had with pre Cotswold and some of the early completed work on parking revenues, they saw them as kind of being either slightly to the black or slightly to the red, depending on what estimates they had and he thought at this point it kind of put them close to the mark, and of course that was strictly parking revenue and not including sort of induced development, that they were going to continue to monitor and thought one thing they saw coming in the summer months was to resurvey the parking revenues, and one issue they had as they complete was that they had to let parking revenues be in and parking meters be in place a while so they would begin to get a normal pattern of traffic

and they were beginning to get that in Phase I. Council Members Tatro, Castillo and Robinson absent.

A vote was called on Item No. 45. Council Member Sanchez voting no, balance voting aye. Council Member Todd out of city on city business. Council Members Tatro, Castillo and Robinson absent. ORDINANCE 2001-0418 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the award by the Coastal Water Authority to **BOYER, INC** for the Expansion of the Bayer Culvert on the Cedar Point Lateral Canal System – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of city on city business. Council Member Robinson absent. MOTION 2001-0507 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$68,269.10 Enterprise Water & Sewer Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of city on city business. Council Member Robinson absent. MOTION 2001-0508 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBERS 10 through 17

10. **PROJECT DEVELOPMENT GROUP, INC** for Asbestos and Lead Abatement Services for the Library Department - \$27,227.00 and contingencies for an amount not to exceed \$28,588.35 General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0509 ADOPTED.
13. **CONTROL CONCEPTS, INC** to Furnish and Install Centrifuge Starters for the Department of Public Works and Engineering - \$74,400.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0510 ADOPTED.
16. **KENNY INDUSTRIAL SERVICES, LLC** for Sewer Cleaning Services for Department of Public Works and Engineering - \$315, 540.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0511 ADOPTED.
17. Omitted

ORDINANCES – NUMBERS 19 through 32

19. ORDINANCE consenting to the addition of 5.028 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0419 ADOPTED.
20. ORDINANCE consenting to the addition of 308.7605 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 196**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0420 ADOPTED.
26. ORDINANCE approving and authorizing an amendment to the contract between the City and **CARTER & BURGESS, INC** for the design of Westview Paving; Shadowdale to Gessner and Brittmore to Beltway, GFS N-0549-02-2 (SB9022) - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0421 ADOPTED.
30. ORDINANCE awarding contract to **JIMERSON UNDERGROUND, INC** on low bid of \$593,840.00 and approving and authorizing professional services contract for engineering services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$18,000.00 for construction of IRA Street Storm Sewer Outfall, GFS M-0126-13-3 (M-0126-13) - \$678,000.00 Street & Drainage Maintenance Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0422 ADOPTED.
32. ORDINANCE appropriating \$1,018,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** on low bid of \$925,203.00 and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$28,000.00 for Westbury Village Lift Station Replacement, GFS R-0267-39-3 (4275-27); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Todd out of city on city business. ORDINANCE 2001-0423 ADOPTED.
33. Omitted
36. ORDINANCE appropriating \$1,286,550.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO INCORPORATED** on low bid of \$1,056,406.00 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$20,000.00 for construction of two Five (5) Million Gallon Water Storage Tanks at the Spring Branch Pumping Station, GFS S-0600-24-3 (WA10596-24); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT A** –

TATRO had been pull from the Agenda by the Administration and was not considered.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. 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** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Ellis moved to suspend the rules to hear from Mr. Bill Calderon, Planning and Development, at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0511A ADOPTED.

Upon questions by Council Member Ellis, Mr. Calderon stated that usually on projects that came forward that were to be funded in part by a zone, where the City had also participated in projects, in most instances an interlocal agreement was brought forward to City Council in advance of the project that sets forth what the zone would reimburse the City for and in what timeframe those reimbursements would be received by the City, that this was Tax Reinvestment Zone Number One, that there had been significant growth in the zone, that in the case of this project in order to contemplate a 100% of recapture of all of the costs incurred it would require an amendment to the project plan, that in this project final engineering costs had not yet been quantified, but it was estimated that the total cost that the TIRZ would reimburse the City for this project was going to be in the \$1.3 million range, that was approximately 25% to 30%; that at this point they were contemplating bringing an interlocal agreement forward to put this reimbursement in place, that when this work was originally contemplated the project was actually identified as a joint City and Metro project and the vast majority of the funding for it was going to be split effectively 50-50 by the City and Metro, that due to contracting problems that Metro encountered in the 1996 or so timeframe, with minority contracts, their contracting basically came to a halt while those issues were resolved and because the City had already made commitments to the residents in the zone to get this work done then Public Works Director, Mr. Schindenwolf effectively agreed with Metro in an unwritten fashion to go ahead and have the City cover the costs inside the TIRZ providing Metro would come in an cover the remainder of the costs, and Council Member Ellis stated that his concern was that they had about twenty some TIRZ's throughout the City and of those he thought some areas were not blighted areas and thought that the Council should not have approved those TIRZ's, that they were going to lose an enormous amount of revenue to the General Fund and he wanted to make sure that those TIRZ's were spending their tax dollars for the infrastructure, that the City was going in and doing the work for them and plus they were getting the increment and that was not fair to all of the taxpayers in the City of Houston and he waned to see more participation from more

affluent TIRZ's and with that said he asked where were they tracking the reimbursement from the TIRZ's, and Ms. Culbreth stated that as those reimbursements came in they did track them by the TIRZ's and it went back into the City's General Fund, that they could show how much reimbursement, and Council Member Ellis requested that they do for the budget cycle was not only take a look at the historical calculation from the TIRZ's, but take a look at a projection of how much lost revenue over the next twenty years and how that was going to affect the General Fund, that he thought that they needed to probably revisit some of the TIRZ's to start to look at what type of participation they were going to work with the City on. Council Member Galloway absent.

Council Member Goldberg asked if the money to pay for the project was coming out of the CIP or the General Fund, and Mr. Calderon stated that he believed that the money for the project was coming out of the CIP, that the reimbursement would come back into the City from the TIRZ pursuant to the interlocal agreement that they would bring to City Council for approval, that the reimbursement would go into the General Fund, and Ms. Culbreth stated that the General Fund would actually be the one for any debt that they would have incurred and that was where the payment would be going, but the property taxes and any increment was normally recorded in the General Fund, and Council Member Goldberg asked why there would be an agreement that the City and Metro pay for the entire project without the TIRZ paying for part of it, that the entire project was within the zone of TIRZ Number One, and Mr. Calderon stated that was correct about the boundary of the TIRZ, that he believed that the reason why an interlocal was not put into place and why the TIRZ did not contemplate was when the project plan was first put together and brought to City Council for approval that plan did not include these improvements, that the plan provided for redevelopment of infrastructure throughout the zone, plumbing, water and sewer lines, and such to enable development within the zone and some paving within the zone, that subsequent to the zones creation and plan approval Gerald Hines and others involved in the development of the Galleria brought forward a request that Hidalgo Street be widened in part to provide for a diversion of traffic out of the Galleria area and into the western parts of the City and the plan proposed at that time was significantly greater than any TIRZ's plan would have contemplated, that at the time this project was brought forward the Uptown TIRZ did not exist. Council Members Galloway and Bell absent.

Council Member Boney stated that it was important to understand with regard to TIRZ Number One was that it was the very first TIRZ that the City created and they were in a large learning curb with TIRZ Number One and a number of procedures and decisions that were made in TIRZ Number One would not be made with any of the later TIRZ's because they had fully realized all of the issues related to effectively generating new projects and managing them as well, and Council Member Goldberg stated that his concern was that Council Member Ellis had mentioned that maybe the property there had increased by two or three times, but it was probably four times as much and yet the City benefited nothing from the increase in property values, and they needed to at least be able to offset by using that money to pay for improvements that went totally within the TIRZ boundaries, and Council Member Boney stated that perhaps they ought to look at TIRZ Number One and dialog with their board. Council Member Galloway absent.

Council Member Sanchez stated that he remembered that when the TIRZ's were being created one of the arguments that he made was that they had to be very careful

because what they were doing was they were taking revenue that would have come to the City and giving that pot of money to an authority board that was not elected by the City of Houston to spend that revenue, albeit, according to the project plan that was approved by the Members of Houston City Council at that time, but the argument that he made was that if the TIRZ's were successful that someone needed to take the TIRZ's and take a serious look at this and get the authority's to come back to the table and say they project and predict based on revenue projections and property valuations that they could retire the debt in 10 years versus 30 years and that meant that the money then had to come back to the City of Houston, that he did not know if that required an amendment of the project plan and the interlocal agreement, but that was what they needed to do to make sure that those monies came back to the General Fund revenue to help them meet the increasing demand created upon the City by the success of the TIRZ's, and stated that he would appreciate some analysis and was something that needed to be looked at. Council Members Galloway and Vasquez absent.

Mayor Brown stated that he appreciated Council Member Sanchez's advise on that but wanted to point out that they were already doing that, that he had already directed such a study to do exactly what Council Member Sanchez was suggesting at this time, that Planning and Development was doing the study, and Council Member Sanchez stated that he would like to see the study. Council Members Galloway and Vasquez absent.

Council Member Robinson stated that he would also like to see the study, that he was glad that they were having a discussion because he had asked about this since he got on Council, overlaying the CIP against the project plans and seeing why they were spending City tax dollars inside those TIRZ's when they were collecting money, so if someone was doing that study he would love to see it, that he would like to see a couple of things included in the report, how much money the TIRZ's spent on infrastructure to date, how much were they scheduled to spend over the next three to five to ten years on infrastructure inside the TIRZ and overlay the 5 year CIP against those numbers and see where they were duplicating services, and if they were duplicating services what were they doing with the money that was being freed up by the City investing the tax dollars in those areas to pay for infrastructure, that he would also like to know if they received any reimbursement from any TIRZ, and Mayor Brown stated that he was equally concerned and had asked the Chief Administrative Officer to look at this and asked Ms. Culbreth to give them a briefing as to what they were doing. Council Members Galloway and Vasquez absent.

Ms. Culbreth stated that this year with the CIP they were overlaying and taking into consideration what was being constructed in the TIRZ in relation to what they were doing with the CIP and that would be part of the CIP presentation, that with regard to the review being done on the revenues, Planning and F&A were looking at what those increment increases were from year to year and determining what those project plans called for so that they could determine ways and come back to Council with amendments to those agreements to recapture or else to use that money to pay off debt as Council Member Sanchez suggested earlier so they would not have that obligation out there since they were throwing off more money than originally anticipated, and Mr. Calderon stated that pursuant to the interlocal agreements that they had in place right now the first payment to the City would be due in the year 2005 from Midtown for money that was spent by the

City in that zone, that they had a similar interlocal in OST that would begin payments in 2006 for infrastructure work that was done by the City in that TIRZ, that the interlocal agreement that they would bring forward on the Lamar Terrace reimbursements would have a similar timeframe structured into the interlocal and they would give them more detail on that once they had all the financing in. Council Members Galloway and Vasquez absent.

Council Member Castillo stated that he wanted to agree with many of the points that had been made about recapturing the increment once the bonded debt was paid off, that he also wanted to point out that the TIRZ's had been a success and was glad that they were talking about recapturing the increment that had been generated as a result of that success, that secondly, although they did forgive the property taxes for the period of time of the TIRZ agreement they also had to keep in mind that they generate sales taxes from all of the people who were now moving to the City and taking advantage of the housing that was being created in many cases and so the developments became magnets for maintaining their talent pool in the City and they were seeing a growth within the City that would not have happened absent the TIRZ's. Council Members Galloway, Ellis and Robinson absent.

Upon questions by Council Member Tatro, Mr. Calderon stated that this project was not in the TIRZ plan, that the TIRZ was created in 1990, that the request for the project did not come forward for a couple of years after the zone was created, that the City began work on this project in 1997, that it was wholly within the TIRZ, that the City would be reimbursed for those portions of the project that were not originally part of the Hidalgo mobility plan, which was approximately \$1.3 million of the \$4.5 and it would go to the General Fund reimbursement. Council Members Galloway, Ellis and Robinson absent.

Council Member Keller stated that he understood that it was not in the agreement for Lamar Terrace and for the TIRZ plan that he had just answered to Council Member Tatro, and stated that this was not in the Uptown TIRZ, that the Uptown TIRZ was going to present a check to the City today for affordable housing, that the Uptown TIRZ had taken it upon themselves to take \$8 million out of the City's responsibility and put \$8 million of its own money to fix San Felipe, that was the definition of a good TIRZ; and Council Member Keller asked if the funding for the TIRZ come through Council, and Mr. Calderon stated that every penny that the zone had generated to date since it started generating revenue had been forwarded to the City for use in the service of debt that the City initiated to fund construction on the east side of the TIRZ, that the City issued bonds in 1992 for the zone, that they issued a second set of Certificates of Obligation last year to fund infrastructure on the westside. Council Members Galloway and Robinson absent.

After further discussion by Council, Council Member Quan moved to call the question on Item No. 3, seconded by Council Member Vasquez. Council Members Boney and Sanchez voting no, balance voting aye. Council Member Todd out of the city on city business. Council Members Galloway and Robinson absent. MOTION 2001-0512 ADOPTED.

A vote was called on Item No. 3. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway and Robinson absent. MOTION 2001-0513 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,860,170.43 and acceptance of work on contract with **JALCO, INC** for Installation and Relocation of Emergency Generators at Various Ground Water Pumping Stations, GFS S-0700-02-3 (10447-2) - 00.66% under the original contract amount - **DISTRICTS B - GALLOWAY; C - GOLDBERG and D - BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0514 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,709,674.64 and acceptance of work on contract with **WM. H. GRAY CONSTRUCTION CO., INC** for Construction of 84” Water Main along Kashmere, Collingsworth and Lockwood, GFS S-0900-31-3 (9744) - 01.07% under the original contract amount **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0515 ADOPTED.

PROPERTY

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from George T. Sharman of Sharman Construction Company, Inc., on behalf of Venetian Blind & Floor Covering Shop, Inc., (Bill Gaul, president) for abandonment and sale of a 12-foot wide alley, located from Lester Street to Reinerman Street, in exchange for the conveyance to the City of a 12-foot wide sanitary sewer easement, between Lots 6 through 9 and Lots 10 through 13, then along west line of Lot 13 and connecting to Lillian Street, all within Block 3, Settegast and Dodge Addition, Parcels SY1-055, SY1-069, SY1-070, SY1-071, SY1-072, DYI-023, DYI-024, DYI-025, DYI-026 and DYI-027 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0516 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBERS 7 through 17

7. **SCANLIN SIGN SERVICE, INC** to Furnish and Install Exterior Sign Frames with Overhead Lighting System for the Convention and Entertainment Facilities Department - \$37,656.00 Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0517 ADOPTED.
8. **B P EQUIPMENT, CO.** to Furnish and Install a Cashier Booth for the Health and Human Services Department - \$18,400.00 - General Fund – was presented,

moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0518 ADOPTED.

9. **AMEND MOTION #98-1754, 11/4/98, TO EXTEND** expiration date for an additional nine months from November 3, 2001 to July 20, 2002 for Diagnostic Test Kits Part II for Health & Human Services Department, awarded to **ORGANON TEKNIKA CORPORATION** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0519 ADOPTED.
11. **PERKINELMER INSTRUMENTS** for Purchase and Installation of X-Ray Security Equipment for Municipal Courts Administration Department - \$50,028.00 - Municipal Courts Building Security Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0520 ADOPTED.
12. **LIVING EARTH TECHNOLOGY CO., INC** for Surface Material, Playground for the Parks and Recreation Department - \$154,612.80 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. Council Member Keller absent.

Council Member Castillo stated that he had asked for some information on this, that he was not going to tag it because there was a need to move on with this, but he noticed that in the goal for minority participation they had included a tire contract, that this was for chips that were used to cover playground surfaces, that he had raised the question before about including irrelevant items as minority participation in contracts, that it was better to have a zero goal if it was not a big enough contract or if they could not find anybody, than to substitute an irrelevant item for the participation component, that in the reporting it made it appear like they were meeting all of the MBE components when a lot of them may be irrelevant to the items that were being purchased, that he knew that purchasing was looking at it to see if they could find something out, and Mayor Brown stated they were looking at it. Council Members Boney, Keller and Sanchez absent.

Council Member Tatro stated that at Memorial Park they had recently installed some new exercise equipment and he had a lot of complaints from users that the mesh top of the equipment was such that sitting or laying on it was very painful to the users and asked that they consider that in the future purchase of exercise equipment, that also at Memorial Park the exercise area had wheelchair type equipment there, but there was no wheelchair access to that area, that it had to be wheelchair accessible and he hoped they would take a look at that also, and Mayor Brown stated they would make sure that was taken care of. Council Members Boney and Sanchez absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Boney and Sanchez absent. MOTION 2001-0521 ADOPTED.

14. **TROY CONSTRUCTION, L.L.P.** for De Leon Street Storm Sewer Rehabilitation for the Department of Public Works and Engineering - \$258,742.00 and contingencies for a total amount not to exceed \$271,679.10 - Street and Drainage Maintenance Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Boney and Sanchez absent. MOTION 2001-0522 ADOPTED.
15. **AMEND MOTION #2001-106, 1/31/01, TO INCREASE** quantity and amount to purchase one additional Asphalt Paver for \$186,058.00 for Department of Public Works and Engineering, awarded to **R. B. EVERETT & COMPANY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Sanchez absent. MOTION 2001-0523 ADOPTED.

ORDINANCES

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Park Row Street right-of-way containing 1,437 square feet of land, more or less; being located in the David Middleton Survey, A-535, Harris County, Texas; vacating and abandoning said tract of land to GPI Development, Ltd., the abutting owner, in consideration of the owner's dedication back of the abandonment tract to the City as an easement for waterline and storm sewer purposes containing 1,437 square feet of land, more or less and payment of \$718.00 and other consideration to the City - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Sanchez absent. ORDINANCE 2001-0424 ADOPTED.
21. ORDINANCE approving and authorizing an occupancy agreement between the **SISTERHOOD OF FAITH IN ACTION, INCORPORATED**, as occupant, and the City of Houston, Texas, as owner for space in the Acres Homes Multi-Service Center - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Sanchez absent. ORDINANCE 2001-0425 ADOPTED.
22. ORDINANCE approving and authorizing an agreement between the City of Houston and **COMMONWEALTH TEXAS (GARDEN CITY), LLC** to provide a loan of Federal "Home" Funds in the amount of \$1,300,000.00 to pay eligible costs in connection with the acquisition and rehabilitation of the Garden City Apartments to provide housing to Low-income persons; making various findings and provisions relating to the subject - **DISTRICT B - GALLOWAY**

Council Member Parker stated that she was going to tag the item. Council Member Sanchez absent.

Council Member Castillo moved to suspend the rules to hear from Ms. Margie Bingham, Director, Housing and Community Development, seconded by Council

Member Tatro. All voting aye. Nays none. Council Member Todd out of city on city business. Council Member Sanchez absent. MOTION 2001-0524 ADOPTED.

Upon questions by Council Member Castillo, Ms. Bingham stated that it was a \$9.3 million acquisition and rehabilitation of 250 units of apartments in the Acres Homes area, that the structure was as follows, the Harris County Housing Finance Corporation was issuing \$8 million worth of bonds, similar to what the Houston Housing Finance Corporation would do in some instances, and the City of Houston's Home Program was proposing \$1.3 million for a total of \$9.3 million, that it was a statewide certified CHODO and generally in many of their developments the City's amount was considered the equity on behalf of the CHODO or the non profit agency, that the City's fund was considered the equity in this transaction, and it was subordinated in the second lien position and the first lien was the \$8 million from the Harris County Housing bonds, that this was a statewide CHODO and normally the City's CHODO's did not put equity into transactions, that the investors who were going to do the acquisition or rehabilitation had over 5,000 units throughout the Country. Council Member Sanchez absent.

Council Member Parker stated that they used to bring these items before Council committee and had the opportunity to ask questions and get a better grasp of the overall picture of where, when and how these projects were being developed and was not sure when the decision was made that they would come directly to Council, but it made it more difficult to get the questions answered and assumed that Council Member Castillo would welcome these in the Fiscal Affairs Committee if there was no other more appropriate committee to report through, and Council Member Castillo stated that they had these before, that they had housing bonds from TSU, Houston Baptist and Saint Johns and normally they gave them an opportunity to head off any of the questions by Council and would certainly welcome them, and Council Member Parker stated that if there was a particular rationale for when these were brought to committee and when they just bypassed committee and went directly to Council she would welcome hearing it, and Ms. Bingham stated that they perceived this one as a routine acquisition and rehabilitation loan and were willing to do whatever the desire of Council was, that they did see the three Houston Housing Finance Corporation deals and those were the first time in the City's history that the Houston Housing Finance Corporation had induced bonds for multi family housing utilizing the 4% tax credit, other than the development that they did for the Housing Authority, the 100 units, that they perceived that as a new program that needed to be brought before the committee to be explained, that the department was willing to do whatever was the desire of the Mayor and City Council.

Council Member Parker stated that she appreciated the fact that Ms. Bingham was making sure that Council was aware of new programs and new types of financing and it would be up to the committee chairman but she would like to be kept abreast of these and stated that she would remove her tag on the item.

Council Member Goldberg stated that he would echo the sentiment of Council Member Parker, that it may be routine in their department but there had been problems in the past and thought that items like these should be brought in front of a committee or at least briefing for Council Members.

Council Member Tatro asked if the Harris County Housing Finance Corporation moved forward with their agenda item and Ms. Bingham stated that yes they had.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Todd out of the city on city business. ORDINANCE 2001-0426 ADOPTED.

Mayor Brown stated that he wanted to recognize two former Council Members in the Council Chambers, Council Member Gracie Saenz and Council Member Judson Robinson III.

23. ORDINANCE authorizing acceptance of a grant from the **UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION** and approving and authorizing an Interlocal agreement between the City and the Midtown Redevelopment Authority for the renovation of the 410 Pierce building for use as a High Tech/Bio-Medical Business Incubator; declaring the City's eligibility for such grant; authorizing the Director of the Planning and Development Department to act as the City's representative and to accept such grant funds and all subsequent awards, if any pertaining to the project - **DISTRICTS D - BONEY and I - CASTILLO** - was presented, and tagged by Council Member Sanchez.

Council Member Parker stated that she would tag the item as well, that her question had to do with the disposition of the Hargess College property.

Council Member Boney moved to suspend the rules to hear from Mr. Bob Litke, Director, Planning and Development, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd out of city on city business. MOTION 2001-0525 ADOPTED.

Upon questions by Council Member Boney, Mr. Litke stated that they were able to accept a weeks delay without jeopardizing the possible grant funds, that yesterday a building permit was issued to the contractor to begin the reconstruction work for the 410 Pierce building for occupancy by the Houston Technology Center, that the contract had been let and the renovation work should be completed within 6 months and HTC should be able to take occupancy at that time, that the HTC had been working in a virtual reality mode and were occupying space in Allen Center and had been very actively working within the business community and had identified several budding businesses and they had introduced those businesses to a wide range of local support capabilities including venture capitalists, who he knew in at least three cases, had put significant funds into the small sort of start up companies, that in addition to that the HTC through its network had been working with a significant number of small companies and exposing them to a lot of information and resources that they otherwise would not have, that they also were working on a second grant that they would submit to the Feds in order to get money to do Phase II of the Houston Technology Center, which would be the 408 Pierce building, presently owned by Midtown and anticipated to be part of the expanded HTC Program; that the function here was intended to create incubated capabilities for budding entrepreneurs in the High Tech/Bio Medical area, and Council Member Boney stated that they were extremely generous to this organization in many multiple ways and stated that he would like to have a list of the board members and would like for them to track financially what they were able to generate or cause to happen in terms of financial

impact and he was very much interested in monitoring diversity throughout the project and asked that Mr. Litke provide information and he would be happy to support it, and Mr. Litke stated that he would do that and would venture that Council Member Boney would be very pleased with the report because they were covering all of those areas quite effectively. Council Members Goldberg and Castillo absent.

Council Member Parker stated that she was supportive of the project, but had questions about the transfer, that this was originally proposed for the Hargess property and it was proven that it would be too expensive to rehab so that these other properties were chosen and stated that she wanted to know what the disposition of the Hargess College property was going to be since Council put restrictions on its later use, and if that decision was not being made at all in terms of the item that was on the agenda before them she was happy to remove her tag, but she wanted that resolved at some point to her satisfaction, and Mr. Litke stated that the two were not connected, that the Council approval for the disposition of the Hargess College property called for any excess profit over and above the cost that Midtown incurred in acquiring the property be returned to the City, the General Fund, that right now Midtown was trying to negotiate with several property owners in the so called super block properties on both sides of Hargess who bring together a large scale mixed use development, that if they succeed then the Hargess piece would be part of that development and they, whoever they may turn out to be as developers, would buy the Hargess tract as part of the larger deal and after Midtown pays of its debts for acquiring Hargess property, cleaning it and demolishing it, the excess would go to the City as mandated, that on the other hand if they do not end up negotiating a satisfactory deal then Midtown might put that piece of property out for development as a unit in and of itself, that they had the authority to put together a package and transfer the land and if they made a dollar in profit it would come back to the City, and Council Member Parker stated that it was not integral at all to this deal and would remove her tag. Council Members Goldberg, Boney and Castillo absent.

Mayor Brown stated that Council Member Parker removed her tag on Item No. 23. Council Members Goldberg, Boney and Castillo absent.

Upon questions by Council Member Sanchez, Mr. Litke stated that Council Member Sanchez's amendment, which Council approved, which said that if Midtown sold off this property after expense the revenue would come back to the City of Houston was still in place. Council Members Boney and Castillo absent.

Council Member Sanchez stated that of the 21 Tax Increment Reinvestment Zones it was projected, and the projections were based on a growth rate of zero to two and a half percent property valuation increase, that the City would spin off to the increments \$2.1 billion, that Reinvestment Zone Number One, Lamar Terrace, was a 40 year zone, that in 1993, when they approved the expanded version of the TIRZ, the property included in the TIRZ was valued at \$11 million and the year 2000 valuation was \$30 million and was almost a tripling in 7 years of the property valuation and was indicative of the growth that some of the TIRZ's had experienced, that he agreed that these things were beneficial but it did not mean that they needed to continue to spin off the money to the TIRZ authority board and let them come back and continue to amend their project plans with new and better programs, that they needed to be aggressive about getting that money back into the City coffers, and asked Mr. Litke if he was conducting the review of the

projected revenue based on the accelerated valuations and Mr. Litke stated yes, and Council Member Sanchez asked him to share that information with Council; that he wanted to make sure that revenue came back to the City as quickly as possible, that if there were additional projects that needed to be done in that area he would prefer that the City do that rather than the TIRZ authority board, that he hoped that Mr. Litke would call him soon and share with him some of the issues he was looking at and how soon he proposed to get some of the authority boards back to the table with a potential amendment to the project plan. Council Members Boney and Castillo absent.

Council Member Robinson stated that he would like to see the report also, but it always concerned him that whenever they talked about money and the word was that it was too complicated, that he was certain they knew how many of these TIRZ's had issued debt and was sure they could find out what the terms were on the bonds, that normally they had the right, except under extraordinary circumstances, to pay off the debt early, and he assumed they had the right to go back and renegotiate their participation in the project plans, so if they wanted to get out of something they could go back and say they wanted to get out of the deal or modify the term, that he hoped somebody would come and visit with him. Council Members Boney and Castillo absent.

Council Member Ellis stated that as far as each individual TIRZ they had to be looked at as a separate entity and evaluated on that zones terms, but to say that they wanted to start looking at different ways that they could bring money back to the City's coffers from these TIRZ's and that it was extremely complicated he thought not, that it was a simple formula and if they took a look at what the debt service was going to be and if the zones were generating more revenue than what was committed to the debt service than that needed to come back to the General Fund and to the City of Houston. Council Members Boney and Castillo absent.

Upon further discussion by Council, Council Member Vasquez moved to call the question on Item No. 23, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of city on city business. Council Member Castillo absent. MOTION 2001-0526 ADOPTED.

24. ORDINANCE approving and authorizing first amended interlocal agreements between the City and the **HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE** and the **DEPARTMENT OF PUBLIC SAFETY** for Automobile Theft Prevention Authority/Major Accessory Shop Enforcement Grants – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Castillo absent. ORDINANCE 2001-0427 ADOPTED.

25. ORDINANCE appropriating \$3,590,455.00 out of the Water and Sewer System Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Reconstruction of South Main Street (U. S. Highway 90A) between Hiram Clarke and Beltway 8, CIP S-0521-M1; providing funding for contingencies relating to construction of facilities financed by the Water and Sewer Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Castillo absent. ORDINANCE 2001-0428 ADOPTED.

29. ORDINANCE appropriating and transferring \$2,384,635.00 out of Accumulated Unexpended Fund to the Storm Sewer Control Fund, appropriating \$2,384,635.00 from the Storm Sewer Control Fund, and appropriating \$112,365.00 from the Water and Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** on low bid of \$2,096,519.79 and approving and authorizing professional services contract for engineering testing services with **FURGO SOUTH, INC** in the amount of \$65,000.00 for Frostwood West Drainage Improvements, GFS M1001-01-3 (SM5008); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Control Fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Todd out of the city on city business. Council Member Castillo absent. ORDINANCE 2001-0429 ADOPTED.

31. ORDINANCE appropriating \$1,159,500.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** on low bid of \$1,053,702.00 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$32,000.00 for Hidden Echo Lift Station, GFS R-0267-36-3 (4275-24); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway and Castillo absent. ORDINANCE 2001-0430 ADOPTED.

34. ORDINANCE appropriating \$3,049,300.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on low bid of \$2,675,000.00 and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING AND TESTING SERVICES, INC** in the amount of \$80,000.00 for Waterline Replacement in the Scenic Woods Subdivision, GFS S-0035-71-3 (WA10580); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway and Castillo absent. ORDINANCE 2001-0431 ADOPTED.

35. ORDINANCE appropriating \$1,278,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding a contract to **D. L. ELLIOTT ENTERPRISES, INC** on low bid of \$1,120,845.00 and approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$33,000.00 for Water Main Replacement in Broadmoor Subdivision, GFS S-0035-68-3 (WA10584); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council

Member Todd out of the city on city business. Council Members Galloway and Castillo absent. ORDINANCE 2001-0432 ADOPTED.

37. ORDINANCE appropriating \$2,161,640.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **TEJAS CONSTRUCTION COMPANY** on low bid of \$1,877,605.00 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$20,000.00 for construction of an Eight (8) Million Gallon Water Storage Tanks at the Southwest Pumping Station, GFS S-0610-23-3 (WA10597-23); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway and Castillo absent. ORDINANCE 2001-0433 ADOPTED.
38. ORDINANCE appropriating \$1,154,300.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, INC** on low bid of \$977,588.00 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$30,000.00 for 48-inch Waterline along Westview from Wisterwood to Gessner, GFS S-0900-48-3 (WA10613); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT A-TATRO** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway and Castillo absent. ORDINANCE 2001-0434 ADOPTED.
39. ORDINANCE appropriating \$1,671,200.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION COMPANY, INC** on low bid of \$1,359,250.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP** in the amount of \$40,000.00 for Pressure Reducing Valve Station Improvements Package #1, GFS S-0900-76-3 (WA10658); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D- BONEY; E - TODD and I – CASTILLO** – was presented, and tagged by Council Member Goldberg. Council Members Galloway and Castillo absent.
40. ORDINANCE appropriating \$1,071,869.00 out of Water and Sewer System Consolidated Construction Fund, as an additional appropriation for the Construction Management Services Contract with **LOCKWOOD, ANDREWS & NEWNAM, INC**, approved by Ordinance No. 99-312 CIP S-0900-43-3 (10448-2) – was presented, and tagged by Council Member Keller. Council Members Galloway and Castillo absent.

NON CONSENT AGENDA – NUMBERS 41 through 43

MISCELLANEOUS

41. MOTION to set a date not less than seven (7) days from May 16, 2001 to receive nominations for Positions Nine and Eleven of the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION** with two year terms to expire March 1, 2003 – was presented. Council Member Boney moved to set May 23, 2001 to receive nominations for Positions Nine and Eleven of the Archaeological and Historical Commission, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of city on city business. Council Members Galloway, Goldberg and Castillo absent. MOTION 2001-0527 ADOPTED.

42. MOTION to set a date not less than seven (7) days from May 16, 2001 to receive nominations for Position 5 of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD** for a term to expire March 1, 2003 – was presented. Council Member Boney moved to set May 23, 2001 to receive nominations for Position Five of the Wastewater Capacity Reservation Review Board, seconded by Council Member Vasquez.

Council Member Quan stated that he thought it was a very important board and as they looked at the development of the City and their wastewater, that he was a little disturbed by the fact that this board had not met for the last two years and so he would just put a little fire under the board to make sure they performed their duties. Council Members Galloway, Goldberg, Castillo and Sanchez absent.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Todd out of city on city business. Council Members Galloway, Goldberg, Castillo and Sanchez absent. MOTION 2001-0528 ADOPTED.

43. RECEIVE nominations for Position 20 of the **HOUSTON READ COMMISSION**, the three year term to expire January 1, 2004 – was before Council and Council Member Quan stated that he circulated the resume of Mr. Onne Jeu, that Mr. Jeu had served on the board for the past three years and was an active member of the Chinese Baptist Church and was a local businessman and nominated Mr. Jeu for reappointment to Position 20 of the Houston Read Commission. Council Members Goldberg, Castillo and Sanchez absent.

Council Member Vasquez moved to close the nominations for Position 20 of the Houston Read Commission, seconded by Council Member Keller. All voting aye. Nays none. Council Member Todd out of city on city business. Council Members Goldberg, Boney, Castillo and Sanchez absent. MOTION 2001-0529 ADOPTED.

Council Member Goldberg stated that he wanted to release his tag on Item No. 28. Council Members Boney, Castillo and Sanchez absent.

28. ORDINANCE appropriating \$281,325.00 out of Public Library Consolidated Construction Fund and awarding construction contract to **R. HASSELL BUILDERS, INC** on bid of \$1,475,000.00 and approving and authorizing professional services contract for engineering testing services with **HVJ**

ASSOCIATES, INC in the amount of \$35,000.00 for Renovation of Walter Branch Library, CIP E-0026-01-3; providing funding for construction management and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund \$1,365,555.00 CDBG Fund - **DISTRICT F – ELLIS** – was again presented. All voting aye. Nays none. Council Member Todd out of city on city business. Council Members Boney, Castillo and Sanchez absent. ORDINANCE 2001-0435 ADOPTED.

MATTERS HELD - NUMBERS 44 through 47

The City Secretary stated that Item No. 47 had been received from the City Controller but was moot because of the passage of Item No. 46.

47. **NOTE: The following is a new item and an alternative to Item 46 and shall not be considered if Item 46 is adopted**

ORDINANCE authorizing \$58,608,409.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF) CIP A-0026 and \$250,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF) CIP A-0422 for compliance with the Civic Art Program, awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for the Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston (IAH), Project No. 444B - **DISTRICT B - GALLOWAY**

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Ellis stated that next week they would start their budget workshops and knew they were all excited about that, that there were three issues that he wanted to talk about that were going to affect their Fiscal 2002 year budget, that he was hoping that Item No. 27 would have passed today because it dealt with the consultants that were going to help them with the deregulation of the energy sector, which was going to be before them starting in January 1, 2002, that he would hope that the administration had time to meet with the consultants and would take a look at how that was going to affect the City's expenditures and assumed that it would be a cost savings to the City if done right, and secondly how the deregulation was going to affect their electrical franchise fees, that he would hope that they would bring in Reliant Energy so they could discuss how they thought it was going to affect the fees as well. Council Member Castillo absent.

Council Member Ellis stated that they kind of beat up the TIRZ today, that as he stated before he would like to see what affect they have had, historical affects so far, on the General Fund and then a projection from the administration, the Planning Department and F&A, as to what type of affect they would have on the General Fund budget in the future, that he knew that Council Member Sanchez alluded to the fact that over the next twenty to thirty years it would be a loss to the City of about \$2.1 billion but thought that was offset also with some CIP projects that were taking place inside each individual TIRZ's, that those were two items that he thought were extremely important for Council to

be able to evaluate so that they could adopt a budget for Fiscal Year 2002. Council Member Castillo absent.

Council Member Ellis stated that there had been a lot of talk about increasing the ad valorem tax rate and he just wanted to say that he would be strongly opposed to any increase in the ad valorem tax rate, whether they called it a restoration or whatever they wanted to name it, it was a tax increase, that they had the preliminary report from the Appraisal District and they knew now that they were looking at a 10% increase in the property values and that was going to be an increase in taxes to all property owners in the City of Houston and they knew that for a fact at this time, that if they double dipped and increased the tax rate than they were basically putting a bigger burden on the tax payers, so he just wanted to go on record as saying that he would be opposed to any property tax rate increase and would like to vote for the Fiscal 2002 Budget but if a property rate increase was included he would be unable to do so. Council Member Castillo absent.

Council Member Goldberg stated that he wanted to remind everybody, especially public officials, that Friday they were having their Bike to Work Day, that Council Members Parker and Quan were participating, that if anyone needed bikes they could get bikes for elected officials, that they were meeting at 8:00 a.m. at Rice University and they could park their cars there, that they had a route they were going to use and would be using the bicycle lanes, that they anticipated that it might take an hour, that they would have a press conference at City Hall, that he would like everyone who could participate to do so, that they would also have some restaurants participating with food and snack giveaways. Council Members Boney and Castillo absent.

Council Member Sanchez stated that he thought that most Houstonians had received their property valuation from HCAD and suspected that most of them would have a 10% increase, that they would be paying additional revenue to the taxing entities, particularly to the City of Houston, by way of property taxes, that this was all interesting because there had not been one vote by a taxing authority, that is the City of Houston or Harris County, to increase property taxes yet as they all knew the City experienced \$38 million just in property tax revenue increase last year and it was anticipated to have between \$55 million to \$60 million additional revenue next year, that these were record revenues and they were setting record expenditures, that he had often said that they were becoming known as the City that did less with more, that in fact the administration admitted to a projected revenue increase of \$60 million for Fiscal 2002 and yet said every penny was accounted for and they could not even afford to bring the Fire Department up to national staffing standards without a property tax increase, that was just not acceptable, that when taxpayers see the City pouring asphalt down the drain and stuffing water meters in the garbage they deserve a better answer than they need more money, that he proposed that they split the \$60 million tax windfall with the people who worked for it, earned it and sent it to City Hall in the first place, the taxpayer, and here was how they should proceed, (1) that they craft a budget that was extraordinary judicious with spending, account for every dime, cut every ounce of waste, bring critical needs of the City of Houston, including traffic management, street repair and public safety up to standards, (2) that they put it in place a very tight spending control so that they would not get themselves into those borrowing to make payroll situations and wasteful spending patterns, and (3) that they take every bit of excess and give it back to the hard working

Houstonians who need it to meet their own family budgets. Council Members Boney, Castillo and Parker absent.

Council Member Galloway stated that she wanted to thank Mayor Brown for his appearance at the Northeast Community Meeting last night, that his remarks on the State of the City was most informative and she could assure him that the clergymen and civic leaders that attended that meeting really did receive a valuable insight from Mayor Brown as well, on the process and procedure in which to obtain information from the City and also addressing a solution for their problems and especially the problem with the cruising and the traffic on Homestead, that after Mayor Brown left she met with some of them during the refreshment hours and they spoke very highly of that visit. Council Members Boney, Castillo and Parker absent.

Council Member Robinson stated that he wanted to chime in on the budget issues and wanted to make a couple of observations, that (1) he was not running for Mayor so he could say that he agreed with Mayor Brown, that he was quoted in the paper as saying that they ought to take the politics out of the City budget process and if they were going to do that then they could not make the number one priority, that they all said at the table, fire department staffing, a political issue by not including in the department base budget and putting it at the end and tying it to a property increase or restoration, that he thought that was purely political and they ought to make the case that if someone wanted to make the case for a tax increase they ought to make it on something else and not tie it to the emotional issue of public safety, that he thought right off the top the \$9 million plan that Chief Connealy talked about ought to be modified and they ought to put a place holder of \$12 million in the General Government Account with the \$11.6 million, that was his understanding that the administration was already going to put there, to deal with Meet & Confer for the police department so they would have a pot of about \$24 million, that he thought that they all talked about the need for better City services and the only way they could deliver better City services was on the hard work of the City employees, that they could not just take care of the police and firefighters they had to take care of the civilian workforce and right off the top they ought to earmark \$9 million to give them a 3% increase and they ought to convert the 2.5% fund balance that they carry now to a real cash account and put \$5 million in hard cash in a rainy day fund and that was how they should start the budgeting process, that he was glad to hear what Council Member Sanchez said because last year he talked about a tax payer dividends program and could not get anybody in the City to really buy into the idea and they had to go through so much gyrations and that was the only way they could return money to the taxpayers without cutting rates, that they had already cut rates in the City so he did not think that folks ought to come down to City Hall and talk about cutting the tax rate, that he thought there were other places in the County that they ought to go and visit, but if they did have excess revenues they ought to develop a mechanism to take care of it, that he wanted to remind the Council that he pushed for asking the Legislature to examine lowering the percentage of valuation that could be applied to tax bills and people sat at the table and said they could not understand what the heck he was talking about and they lost that vote and now everyone was talking about the increase in property valuation, that clearly there was a mechanism put before them and they rejected it in terms of the majority of Council, that he thought they ought to go back and ask the Legislature to look at that issue especially in light of the fact that they were going to take up school financing as one of the major interim issues between this session and the 78th session in 2003 and they ought to say

lets lower the percentage that could be passed on and that the Legislature could do, that he wanted to be clear, that he wanted to be like Council Member Ellis so that nobody could misunderstand him, that he was not going to vote for a tax cut and he was not going to vote for a tax increase, that they had already voted to lower the City's property tax rate, but he would not vote for the budget if they included a property tax increase and they try to tie it to increase funding for fire staffing because they were playing politics with public safety, that he was not going to play politics, that he had never voted against the City budget in all of the time that he had been here, but that was going to be a major make or break issue for him and his four priorities right of the top, once they established what their General Fund Revenue was going to be, had to be \$12 million for that additional first year of Chief Connealy's plan, the place mark holding of \$11.6 million for the police department, convert to a true cash rainy day fund and \$9 million for the civilian work force. Council Members Boney, Castillo and Parker absent.

Council Member Quan stated that he wanted to invite each of them to the picnic tomorrow at Sam Houston Park and would like to thank Council Members Parker, Keller, Castillo, Bell and Goldberg for donating cakes to the cakewalk, the Parks Department for their efforts in providing games, the library for their story book reading, Coca Cola for the drinks, Peaco for ice cream, that they would have a kite demonstration by Marshall Erin in the Legal Department as well as the Heritage Society making the homes available for the people to visit. Council Member Castillo absent.

Council Member Quan stated that on Saturday they had their first Ms. Senior Houston Pageant and Mr. Marvin Zindler would be their master of ceremonies for the pageant and he had distributed tickets to each Council Member to distribute to seniors in their neighborhood and invite them to participate, that they had 9 women who were participants in the contest and were very enthusiastic about it and wanted to thank several corporations who had helped underwrite it including Haliburton and United Engineers. Council Member Castillo.

Council Member Quan stated that more and more people were having issues dealing with navigating the health system as their parents age and the University of Texas School of Public Health along with the Asian Health Coalition would be sponsoring a forum this Saturday on how to navigate the health care system and how to look at long term care for seniors and how to look at insurance and estate planning, that it was going to be available on Saturday, May 19, 2001 at the University of Texas Public Health on the first floor from 8:30 a.m. to 4:00 p.m., that it was a \$10 fee and if they would like more information to contact their office on any of these items at 713-247-2013. Council Member Castillo absent.

Council Member Tatro stated that he wanted to echo Council Member Ellis's sentiments and did not know anybody's budget priorities that stipulated a tax increase, that the ordinance that was passed and revised back in 1994 with the proposed budget and CIP calendar stated that the administration would put forth budget priorities, policies and strategies to Council in November and Council would approve or weigh in on those during April and obviously the Mayor had not submitted those and he thought that was adding to part of the concern about the statements around the property tax and whether it was a restoration or an increase and whether that was actually going to happen, that he thought they needed to be financially honest in submitting the budget and could see no

reason why if the administration was going to move forward with presenting the budget with Council Member priorities that an initial budget would be submitted with an increase, that it was not necessary and hoped that it would not be the first step into the budget process and until they see it they would not know which direction they were headed so obviously the initial submittal they would await with baited breath, but the question he had was when would they see it, if the budget was due next week were they going to subscribe to the budget ordinance and was he going to issue budget priorities, policies and strategies to Council to be addressed by Council, and Mayor Brown stated that they should have them and also in addition to that he had met with every Council Member to discuss his priorities and to hear from Council Members and they should have that in their offices, that they were issued late yesterday. Council Members Galloway, Boney and Castillo absent.

Council Member Vasquez stated that his number one priority was to produce a fiscally responsible budget with all of its components, that his priority was not police and fire, that he supported police and fire but his priority was infrastructure and thought they had been putting less money into that and thought they needed to, as much as possible, grow their infrastructure to keep up with the growth and to maintain the deterioration of their older neighborhoods, that they could have a lot of discussions, but he thought they needed to stay focused on what was best for Houston and hoped that all of them were free to vigorously engage in discussion and hoped that it was not debate, that he did not think that debate would get them anywhere, but thought the overriding issue, given the dynamics of the budget and given the tightness that they were all projecting in seeing was to focus on what was best for Houston and hoped they would all keep that in the forefront of their minds as they approached these next couple of weeks and actually come together to pass a budget. Council Members Galloway, Boney and Castillo absent.

Council Member Vasquez stated that he wanted to thank Mayor Brown, that they passed a number of weeks ago the Near Northside Planning Dollars and the Social Compact Dollars and all of those things were up and running and this Saturday, May 19, 2001, at Moody Park, starting at 7:45 a.m. they were going to have the first visioning workshop from those dollars that were spent and the community was very excited to have the opportunity to shape the future of their neighborhood and to shape the revitalization that they were expecting, that it was also part of what Ms. DeLibrio mentioned about changing the urban scheme. Council Members Galloway, Boney, Castillo and Bell absent.

Council Member Vasquez stated that he knew that Item No. 47 on the agenda today was not certified, but that item dealt with Manhattan and although Manhattan had been a very active vendor in the City they did not necessarily have a good relationship and a good reputation with some of the small subs and some of the minority vendors as well, so he wanted to put Aviation on notice that if they were going to bring forward agenda items that had Manhattan as the general contractor or as the prime that they needed to bend over backwards to make sure that their reputation was not continued, that he did not want to see similar situations as they had this past week again perpetuate itself in the future. Council Members Tatro, Galloway, Castillo and Bell absent.

Council Member Keller stated that he was glad that Council Member Quan brought up Older Americans, that his office was researching and working on seeing how the City

could do what the County was doing as far as referring their property taxes annually or freezing their property taxes annually and deferring them each year so that it could be undone, that a lot of their citizens that were 65 years or older bought houses at a time where the cost of that house was more than the taxes they were paying. Council Members Tatro, Galloway, Castillo and Bell absent.

Council Member Keller stated that he wanted to let everyone know that it was annual police week and he asked for a moment of silence to honor all of the officers who had given their lives for our safety in the line of duty. Council Members Tatro, Galloway, Castillo and Bell absent.

Council Member Keller stated that he wanted to congratulate HPD Narcotics officer, Brian Carr, who was the husband of his chief aide, Janet Carr, that Brian seized 3,576 pounds of marijuana, almost two tons, worth \$8 million from a tractor trailer last Monday, May 7, 2001, that it was concealed in a shipment of frozen meat and was one of the largest seizures ever noted at HPD narcotics history, that along with Brian were Sergeant Mike Harrison, Jeff Boody, Ronnie Philips and Lieutenant Norman White, that he would also like to acknowledge in his district Officer Neil C. Sapre from the westside station and Sergeant Robert Furstenfeld from the Auto Theft Division. Council Members Tatro, Galloway, Castillo and Bell absent.

Council Member Keller stated that he would like to thank Ms. Bea Link who went out three times to a constituent in his district, that she took it upon herself to let the buck stop with her, that she went out three times and met with the constituent on her own time and on a weekend to make sure it was done. Council Members Tatro, Galloway, Castillo, Quan and Bell absent.

Council Member Keller recognized his cousin, Ms. Erin Murphy, who was a sophomore at Memorial High School and who won the State Championship in 5A Tennis. Council Members Tatro, Galloway, Castillo, Quan and Bell absent.

Council Member Vasquez stated that he knew that the HAWC Board had just recently passed unanimously and agreed to a contract negotiated with Montgomery Watson and would like to know when the Council was going to take up that contract and if it was going to go before TTI or not and would like for that to be as soon as possible, and Mayor Brown stated that they would get him an answer.

There being no further business before Council, the City Council adjourned at 11:53 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Tatro, Galloway, Castillo, Quan and Bell absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary