

City Council Chamber, City Hall, Tuesday, June 19, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, June 19, 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 Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Rob Todd out of the city on city business.

At 1:56 p.m. Mayor Brown stated that they would start with a presentation by Council Member Robinson. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Keller, Vasquez, Castillo, Parker, Quan and Sanchez absent. (NO QUORUM PRESENT)

Council Member Robinson stated that today they were joined by a number of representatives from the Autism Society of America, Ms. Vickie Fleming, President of the Houston Chapter, Ms. Pam Brown, President of the Brazoria County Chapter, Ms. Teresa Peterson, Vice-President of the Brazoria County Chapter and Ms. Carol Patrozie was also present, that there would be a proclamation from the Mayor highlighting autism awareness, that these young ladies were with Cycle USA effort, that it was a cross country effort to increase awareness of the Autism Society of America, that Mr. John Keating, a member of the police force in Canada was visiting in Houston and traveling across the County with several other folks in his group and they stopped at the City of Houston City Hall, that unfortunately John and the other members of the group could not be present because they were cycling their way to A&M and College Station and then on from College Station to Dallas, that he wanted to thank Vickie and the rest of the members of the organization, Autism Society of America for the effort they were taking in trying to bring awareness to this effort and to give them a small proclamation on behalf of the City, and read a proclamation on behalf of Mayor Brown. Council Member Robinson. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Vasquez, Parker, Quan and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that he thought they could all appreciate that they had some difficult times in the City, that 10 days ago they went through the worst natural disaster to hit Houston, that it happen with little notice but its effect would last a long time, that unfortunately they lost 22 lives and their thoughts and prayers continued to go out to the families of those who lost their lives, that the medical center lost years of valuable research, the downtown theater district suffered terrible losses of instruments, musical scores and costumes, that some 1,500 business were severely damaged, that close to 30,000 homes were damaged and thousands of people were displaced, that they suffered one of the very worst experiences the loss of home and possessions, but as a great City they were determined that they would not lose their spirit, that Houstonians come together and help each other during times of need and that had been happening during this storm, that today they were pleased to be able to give a check for \$25,000 from the Fannie Mae Foundation to the Houston Area American Red Cross, that Mr. John McDivid, CEO, of the Houston Area Chapter was present to accept the check, that this money was really critical to their recovery efforts so they sincerely appreciated the Fannie Mae Foundations generosity, that the Fannie Mae Foundation was in Houston to

present a home buying fair designed to increase home ownership for low and moderate income and first time home buyers so they saw first hand how badly hit many people were thus they were compelled to assist Houston in its recovery by issuing the check, that he wanted to personally than Mr. McDivid for all that he had done, that he had seen him out there out in the streets and in the shelters, that his people had done a tremendous job and they wanted to sincerely thank him for what he had been to accomplish and on behalf of the Fannie Mae Foundation presented the check to him. Council Member Robinson. Council Members Tatro, Galloway, Boney, Vasquez, Quan and Sanchez absent.

Mr. McDivid stated that he wanted to thank Mayor Brown and the Fannie Mae Foundation, that when he first saw the Mayor out on the field they did not have the 3 feet of rain yet and the second time he saw the Mayor they had the 3 feet of rain, that there was no question, this was a totally community effort, that he said yesterday at another meeting that it was easy for people to criticize and for them to criticize but it was another thing to cooperate, that this was the time to cooperate, that there was a great deal going on out there and there was an awful lot of people at work, that there were City and County employees, Red Cross volunteers, other volunteers and church groups, that it was a massive effort and it would take a massive effort to satisfy the disaster caused needs of the victims out there so he thanked them all very much and appreciated their continued support while they get through this difficult time. Council Members Tatro, Galloway, Boney, Vasquez, Quan and Sanchez absent.

Mayor Brown recognized Mr. Richard Cantu, Director, Mayor's Assistance Office, for a presentation. Council Members Tatro, Galloway, Boney, Vasquez, Quan and Sanchez absent.

Mr. Cantu stated that on behalf of Mayor Brown he wanted to make a presentation to the Engineering CADD students from Barbara Jordan High School, that a couple of months at one of the Mayor's mobile City Hall's a young student from Barbara Jordan, Ms. Luisa Pedraza, met with the Mayor and expressed her need to be recognized, her, her fellow students, classmates and teacher, that they participated in the Build Your Dream Vehicle semi finals competition, sponsored by Domelar Chrysler Corporation in April with their car, The Aquaria, which was a hydro electric vehicle powered by water, that they won first place and won \$3,000 and a trip to Auburn Hills, Missouri, and invited the students and their teacher, Mr. Stewart, to join him at the podium. Mr. Cantu stated that they had an overall certificate for the entire Engineering CADD Team, Mr. Adam Umbali, Ms. Cynthia Romano, Mr. Christopher McDaniel and Ms. Luisa Pedraza and an individual certificate for their teacher and leader Mr. Stewart. Council Members Tatro, Galloway, Boney, Vasquez, Quan and Sanchez absent.

Mayor Brown stated that he wanted to bring these young people to the City Council meeting because often times they hear the negative about the young children and here they find some that were doing outstanding work and a very significant championship and wanted to make sure that all of Houston recognized their good work so he was happy that they were present. Council Members Boney, Vasquez, Quan and Sanchez absent.

Mayor Brown recognized Council Member Tatro for a presentation. Council Members Boney, Vasquez, Quan and Sanchez absent.

Council Member Tatro stated that they were present to honor one of the unsung heroes of Houston particularly in the Spring Branch area and would like to honor Mr. Oscar Trujillo for all of his community activity and invited Mr. Trujillo to join him at the podium, that Mr. Trujillo had been a General Manager at Fiesta Mart for 15 years at Store #8 at Wirt and Kempwood, that for many years Mr. Trujillo had opened Fiesta Mart on Tuesday's and Thursday's to participate in the City vaccination program, that not only Fiesta but Mr. Trujillo had been one of the unsung heroes helping out the community and helping out with gift certificates and people in need, that he and his wife had also helped personally with people in Spring Branch area through Fiesta, that Mr. Trujillo had been a great supporter of the Neighborhood Cleanup Program, registering voters and furnishing refreshments for civic clubs and area activities in churches, that Mr. Trujillo had been more than a good corporate sponsor he had been a true friend to the community and the neighborhood, that he had made Spring Branch a better place to live for everyone who was around there, and presented a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, proclaimed Tuesday, June 19, 2001 as Oscar Trujillo Day in Houston, Texas. Council Members Boney and Vasquez absent.

Mr. Trujillo stated that he wanted to thank his employees present and Fiesta Mart for all their support, that it was their backing that had really made him a help to the community, that he wanted to thank everybody and also to Ms. Flores who was a catalyst in the Spring Branch area. Council Members Boney and Vasquez absent.

At 2:13 p.m. Mayor Brown convened the meeting of the City Council and Council Member Keller led everyone in the prayer and pledge of allegiance. Council Members Boney and Vasquez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Todd out of the city on city business. Council Members Boney and Vasquez absent.

Council Member Sanchez and Keller moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Boney and Vasquez absent.

Council Member Sanchez moved to suspend the rules to hear Mr. Steve Williams at the end of the 3 minute speaker list, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Boney, Vasquez and Robinson absent. MOTION 2001-0654 ADOPTED.

Mr. David Waddell, appeared and stated that he was an attorney with Hoover, Bax and Slovachek and was present on behalf of Kinsel Industries, that Kinsel was not present because they were involved in the debris removal for the City of Houston, one of three contractors who had been selected to do that, that he was present to speak on Item No. 42 of which Kinsel was the low bidder, that there was a protest and he would tell them that they were disappointed in the protest, that normally the protester in that case was a contractor of high professionalism and confidence and it appeared that the protest in this case must have been filed out of frustration, that the first protest letter that was written was date May 8, 2001 and read "I am writing to contest the award of the above project to Kinsel Construction on the basis that the bid was blatantly unbalanced, the

award to Garver Construction (who was the protester in this case) will result in an ultimate savings to the City in an excess of \$500,000", that was written within three business days after the bids were open so there may not have been proper time for the protester to take a look at exactly what was going on, however two weeks later a similar letter was written indicating the same allegations with regard to unbalanced bidding, that a week later on May 29, 2001 the protester wrote a letter apologizing for the two prior letters of protest and indicated that the two first protests were in error, that if they attempted to take a look at the third to determine what the protest was still about it was difficult to say why Garver was protesting the bid; that the third letter read, "while this issue was somewhat complicated to evaluate" apparently the protester had difficulty in evaluating why they were protesting Kinsel's low bid, that Kinsel's low bid was almost \$200,000 less than the next lowest bidder, that he had to tell them that because it was difficult to evaluate that was not a reason to throw the bids out in this case or not to award to the low bidder, that what happened in this case was that there were items that the City was requesting to be taken care of in this bid that did not need to be completed and Kinsel did its homework and was aware that those items did not need to be bid and did not bid them, that they bid them for \$1 instead of what the normal unit cost was, so did Kinsel have inside information, not hardly, that Kinsel followed all the rules and guidelines and procedures in this case and came out to be the low bidder, if they were not to have bid the items that did not need to be completed then the City would never have known that the bid out to be \$200,000 less, that Kinsel by doing its homework and bidding items only that needed to be completed saved the City over \$200,000, that his question was what should Kinsel have done that they did not do to win this bid. Council Members Boney, Vasquez and Boney absent.

Upon questions by Council Member Goldberg, Mr. Waddel stated that they did not estimate anything, that what they suggested was that now that Garver had a chance to look at the bid and Garver knew that the work did not need to be completed, that in the design or bid specs 3 manholes were specified and that came straight from the Public Works Department in an interoffice memo, that Kinsel bid \$1 on a cured in place pipe, that was the slipliner that goes inside an existing pipe to repair any cracks that may be in the pipe so they could continue to operate that pipe without having to dig a trench, that there would not be a change order required in that specification. Council Members Galloway, Boney and Parker absent.

Upon questions by Council Member Keller, Mr. Waddel stated that the units were the same for both contractors that it was the dollar amount for those units that was different, that Kinsel knew that those items did not have to be completed so they only bid \$1 for those, that the issue was that there was never a perfect bid out there all the RFP's that are sent out were going to have some mistakes in them and this was actually less than 10% of the total bid price, and Council Member Keller asked Mayor Brown if he could have some get with him as to the question of whether they put out a request for the contractor to address 14 manholes or 3, and Mayor Brown stated that they would get someone from Public Works to meet with him. Council Members Galloway, Boney, Castillo and Parker absent.

Upon questions by Council Member Bell, Mr. Waddel stated that Kinsel was known for doing their homework and what they did was go down the pipe that was going to be taken care off and pulled the manhole covers and looked down in there and asked if there

was a liner already in there and yes there was so they did not need to bid that one so they bid it for \$1, that they were not going to charge the City again for something they knew did not need to be done, that if everybody knew everything in a bid situation then they would have the same dollar amount for everything with the exception of some efficiencies and that sort of thing, that there were always items and the City could not be held responsible for every nook and cranny that they were putting out to bid, that they did the best job they could, that there had to be a point in which they say this is too bad a mistake and they needed to re-bid it, but he did not think that was the case here, that Kinsel believed in partnering with the City and they had always worked together with the City to try to get the best value and that was what occurred in this case. Council Members Galloway, Ellis and Parker.

Council Member Robinson stated that when the folks from Public Works came and visited with him his recommendation and suggestion was that this ought to be taken back and re-bid and he did not know why it was here, that the issue as he understood it from the briefing from the Public Works Department, and they never talked to him about sliplining and manholes, they talked to him about a 7,300 quantity requirement and it turned out that they only needed 300 as opposed to 7,300 and that was a significant number to him, that was a bad precedent for the City to set, and he asked Mr. Waddel when did Kinsel know that what they bid for \$1 did not need to get done and Mr. Waddel stated that he did not know the answer to that and Council Member Robinson asked that he get back with him, and stated that the other question he had was that even though the amount was de minimus, \$1, if they did not need it why were they ever charging \$1, and Mr. Waddel stated that he thought they were required to put some dollar amount in there or it could be thrown out as unbalanced, and Council Member Robinson stated that if they told him they did not need then he did not even want to see \$1, that he understood their position but asked if they saw his point, that they were asking him to pay taxpayers money, even \$5 or \$10, for something they say they did not need because maybe there was some requirement, that he did not think the law read that way and hoped they did not have a City ordinance that said that, and Council Member Robinson stated that he hoped they would take this back, that it was nothing between Kinsel and Garver he had concerns that the City process was screwed up and thought it would be fair to everybody. Council Member Ellis absent.

Council Member Tatro stated that he believed that the process was flawed and they knew that work was on the bid specs that did not need to be done, that he talked to some contractors about this and they said it happens quite regularly in water/wastewater and that was their concern that they had bid documents going out and he respected the contractors bidding it in accordance, that they often issue addendums and extend bid deadlines and it could have been done in that instance, and he believed that the only proper way that the taxpayer could best be represented was to rebid it with the proper quantities. Council Members Boney and Ellis absent.

Mr. Jewel Hunt, 3202 Ann Arbor, Houston, Texas 77063 (713-782-7534) appeared and stated that he was present to address problems that had happened to his mothers house, Ms. Jay Sam Hunt, that she lived adjacent to a water district that had serious problems with the water mains that had erupted and broken, that if people had taken the time to do their job right they would not have this problem, that her house had collapsed basically because of the water main that was opened, which had been abandoned in

1972, that he had pictures to pass out to the Council Members of some of the devastation that had occurred to her home due to the water district, that there had been several people from the water district who had come in and examined the problems that had occurred to her home, that Mr. Millege, the director, came out and saw the problem and his words were that it was the City's problem that occurred the damage to her home, that they were trying to get this in front of the courts, which they did not want to if they did not have to, that they had a meeting in Council Member Goldberg's office with Mr. Bibler and he explained to them the problems that they had to get to this point, which they had gotten their attorney to address the problems and there was a new statute which he would give them notice of for this, that it was *Texas Supreme Court Texas Natural Resource Conservation Commission vs. Tammy White*, which was argued January 31, 2001, that this appellate ruling was overturned by the State Supreme Court which now gave them a ninety day period to try to address these problems, that the value of the house had depreciated from a \$245,000 to less than \$100,000 and the only reason it had depreciated was because of the water damage that had occurred from a burst main that was abandoned in 1972, that his mother was 76 years old and in poor health, that her home was falling down around her and the City of Houston had always come to everyone who needed some help, that they had the flood damages that occurred and people from all walks of this town had come into help, that they had an elderly woman whose home was destroyed by the process of the City's water mains, that it was a very emotional feeling for him and his mother, that all they would like was for the right thing to be done. Council Members Boney and Ellis absent.

Mayor Brown asked Mr. Bibler to update them on what the legal issue was, and Mr. Bibler stated that Mr. Hunt or someone on his behalf, before his mother and father claimed in 1993 regarding this matter and they denied the claim in 1994, did not pursue a lawsuit regarding the matter and it would be of course the City's position, and his attorney may disagree, that with respect to the 1993 and 1994 claims the statute of limitations had expired, that more recently he indicated that Mr. Millege had confessed that the City mistakenly opened a water line and caused some further damage, that his information from the Public Works Department says that Mr. Millege may not have said that, at least that was the not the version he was getting, but whatever the facts were there apparently was an allegation that some further event had occurred in the very recent past, the last couple of months, and he had suggested that Mr. Hunt again file a claim and had suggested that perhaps he might want to consider asking legal counsel to assist him in doing that, that his recourse was to file a claim against the City and this time if he was not happy with the resolution of it he would suggest that he file a lawsuit because it was probably not advisable that if they had a situation like this and they disagree to just sit on their rights, that they needed to go ahead and file a lawsuit if they disagreed, the same as if someone disagrees with the adjustment that they get from their insurance company on their cars, that they needed to take some action and not wait for 8 to 10 years and then come back about it. Council Members Boney and Ellis absent.

Council Member Goldberg stated that it was actually a lot worse than the pictures showed, that this was actually right behind their backyard, and what had happened was that the slab or foundation that they set the water tank on cracked and it leaked so they had to abandon the water tank and it was still there, that it was right next to a wellhead which they used to fill it up, that it happened in 1993 and in the meantime there was a large underground pipe that someone accidentally turned on and caused further damage,

that the house was cracking and in the pictures they could see that there was raw sewage in the pool, that the water from the abandoned pipe that was mistakenly turned on had cracked the foundation even further, that he encouraged Mr. Hunt to get an attorney and thought he had hired an attorney who would pursue the claims on his behalf. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Council Member Keller stated that he would like to know who designed the project, that he would like to look at the design drawing and see where the flaw was and if there was some gross negligence, and asked if Mr. Hunt knew who caused the irruption or the damage to the 32 inch main, and Mr. Hunt stated that from what he understood it was a City worker who had the valves open, whether it was mechanically done or not. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Upon questions by Council Member Parker, Mr. Hunt stated that all of the pictures he passed out occurred from 1993 to present, and if they were to go through some of the pictures it began with how it looked prior to the original devastation, that he had a series of pictures of the tank and the door of the side of the tank, and the last pictures with the stagnant water in the swimming pool and so forth was an ongoing occurrence, that it progressively got worse each year because of the subsidence problems that were in there, that in 1993 he did not take any further action because it was kind of difficult to do because of the limits which they could go against the City, that they claimed immunity and with immunity problems it was very difficult to do, that since there was a new tort reform on claims, which he stated earlier with the State Supreme Court, now there was a window of opportunity to go and file these things, that they did not want to go to court but after meeting with Mr. Bibler the only avenue they had was to go to court, that if they ever become an agenda item then everyone on Council would be familiar with the agenda item. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Mayor Brown asked if Mr. Hunt now understood his course of action, and Mr. Hunt stated yes, that they were very familiar with it and appreciated their time and efforts in listening to him. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Council Member Tatro moved to suspend the rules to hear Mr. Norman Adams out of order and add Reverend James Dixon after Mr. Adams, seconded by Council Parker. All voting aye. Nays none. Council Member Rob Todd out of the city on city business. Council Members Galloway, Ellis and Vasquez absent. MOTION 2001-0655 ADOPTED.

Mr. Norman Adams, 918 Drane Court, Houston, Texas 77008 (713-869-8364) appeared and stated that he was present representing the Greater Heights Area Chamber of Commerce and as his letter to Council stated also the rest of Houston, that Reverend Dixon was present and his church was located in the northwest part of the Heights but he had to leave, that the flood they had on June 9, 2001 and the devastation that it had wrecked on the City had yet to even be felt, that he did not think that they could even begin to imagine was damage had been incurred, that he had personally been involved in wading through houses, pulling carpet and helping people bust sheetrock and try to get their house dried out, that he suspected at least in the Timbergrove neighborhood where he lived that one out of ten had flood insurance, that these folks were devastated and in a lot of cases they had elderly people, that as he looked at the Houston Chronicle this past weekend and he passed it around to all Council Members he

saw an article that was put out by the Planning Department, Permitting Department, and he understood that the purpose of all of the permit process was to protect the citizens, and he would submit to them that the devastation of the flood was not normal, that it was not daily business and it was a time for special action, that in talking to Council Member Galloway earlier she had a valid point that houses that were flooded up the roof may be subject to condemnation and he would say that they could even insert into his suggestion a rule that this would apply only to houses that had four feet of water or less inside the house, but certainly in those houses for them to have City rules right now that tell the homeowner, (1) if their home was located in the flood plain they had to contact the City before making any repairs, that he had highlighted it in yellow, that (2) permits were also required for replacing sheetrock, doors and windows, that permits were required for relocating a condensing unit from its original location and replacing a condensing unit with one of a different tonnage rating, and last permits were required for replacing toilets, faucets, sinks or any kind of plumbing fixture that was disconnected or reconnected to the wastewater system, that in these houses all of the kitchen and bathroom cabinets and fixtures had to be busted out and in a lot of cases they had already been broken out and drug out of the houses, that what he was asking them to do was to grant a six month moratorium on the requirement that the homeowner have permits, that he was not saying to allow shoddy contractors to do the work, that they had their inspectors in the field and they already had a system in which plumbers, electricians and air conditioning contractors had their insurance on file with the City and were licensed with the City, that they had the inspectors out in their cars so let the inspectors police the neighborhoods to see that only licensed contractors were doing the work. Council Members Galloway, Ellis and Vasquez absent.

Upon questions by Council Member Sanchez, Mr. Bibler stated there were two issues as Mr. Adams pointed out, that part of the issue had to do with the City's flood insurance program and in order for the City to be eligible for the homeowners to be allowed to buy insurance from Mr. Adams and others for floods they had to comply very scrupulously with FEMA regulations, that in essence FEMA dictated that ordinance to them, that there was no circumstance that he knew of under which they could waive requirements of the Flood Ordinance, that they could ask FEMA, but basically they handed them that ordinance and said to adopt it without changing a word and enforce it as is written or they would not allow Mr. Adams or others to sell flood insurance in Houston, that was the deal on flood insurance; that aside from that and getting off into the building code, yes they probably could do a moratorium, but they could not, unless they wanted to take General Fund dollars and subsidize the inspection process, use those inspectors to do the inspections because they were running off of the cash register over there and all of their funds came from the building permits, that even the City did not take free building permits for its own projects and that was done so that people who were buying building permits were not subsidizing people who were not buying building permits, otherwise they turn their permit fees into a kind of illegal tax. Council Members Galloway, Goldberg, Ellis, Keller and Vasquez absent.

Council Member Sanchez stated that he thought the speaker brought up an interesting dilemma that some of the home owners had, that he did a forum last night where there were a lot of people who did not know how to speak English and the last thing they were going to want to go through was some kind of bureaucratic agency and then pull permits, and if there was a way that Council could assist for a short period of



time so they could at least rip out the sheetrock and install new sheetrock and if it meant a moratorium on building permits that was something that the administration ought to seriously consider and give to Council to vote on to aid the families that were (1) very low income, (2) no insurance, and (3) were having a terrible time. Council Members Galloway, Goldberg, Ellis, Keller and Vasquez absent.

Council Member Boney stated that he thought a lot more people would get ripped off from contractors who did not get the permits or do the work right, that he thought that the building permits and the inspection process was one tool that the City had to go through that not as qualified contractor to assure that the senior citizen who did not know AC from DC did not get ripped off, that what he would prefer to do to address Mr. Adams issue, because he thought it was a fair one to bring up, was to see if they could expedite the permitting process. Council Members Galloway, Goldberg, Ellis, Keller and Vasquez absent.

Council Member Boney moved to suspend the rules to hear from Mr. Robert Litke, Director, Planning and Development, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway, Goldberg, Ellis, Keller and Vasquez absent. MOTION 2001-0656 ADOPTED.

Upon questions by Council, Mr. Litke stated that as the advertisement that they put out in the papers over the weekend to help the public and make them aware of the needs, their goal was obviously to protect the public and make sure that when it came to electrical and plumbing work, which was pretty critical, that they use licensed contractors and licensed contractors could pickup permits, that plans were not necessary unless they were dealing with major structural issues, which was not the bulk of the work load, that permits could be picked up very rapidly, that the only impediment, in fact, to getting a permit in a matter of 10 minutes was the question of how many people were in line, that they were prepared and were looking at the issue of where they could station people out in the field to increase the number of locations to make it easy for people to come in, that there was no backlog, they had their inspectors out in the field doing damage assessment and they had people out in other locations because their main office was down, that they had been taking in some emergency repair permits, that not a lot of people had come out yet and were probably still trying to work through their insurance problems, that they could handle the workload without a problem, that the office and permit office was open now at 2636 South Loop West and they had been processing a relatively small number of permits, because that was all they had so far, that the only slow down was (a) because their whole operation was down for several days and (b) they were not handling as many major plan reviews because they had people doing emergency work, but anybody who would come in today for a permit for flood repair, electrical or plumbing work would pickup a permit in no time, about 10 minutes, that without question there would be an enormous surge and they could put 20 to 50 people on processing permits and their major concern was making sure that their computer systems, which were not up and running, would be up and running and if they set up field offices that would be their primary concern, that they did this back in 1994 in a much more limited area around Kingwood, but they believed they could handle it and protect the public and provide timely inspections at the same time, that he would say that within the next couple of weeks they were going to see a lot of people coming in to get things done,

that they had identified some 30,000 plus housing units, that they would try to identify areas where they could put out a van or trailer and get telecommunication service to make it easier for the folks, that if they were to find a legal way for a moratorium on permits for six months or so, as they had discussed it with staff the major reason for getting a permit was to allow the Planning Department to track and send inspectors out to make sure the work was done in accordance with the code, that if they did not have a permit they would not know who was doing the work. Council Members Galloway, Castillo and Bell absent.

Council Member Tatro asked if the permitting process and the submitting of drawings a FEMA requirement or simply a logging of the permit with the City, and Mr. Bibler stated that he thought the issue was in relation to the notice that was published in the newspaper which talked about both the City's permit process and their Flood Plain Management Ordinance, that the Flood Plain Management Ordinance was dictated by FEMA, its adoption and scrupulous enforcement was required for the continued availability of flood insurance to those 10% of the homeowners who might elect to buy it, that he was making the distinction between the Flood Plain Management Ordinance, which he believed was Chapter 29 of the City Code on the one hand and the building code on the other hand, that FEMA requires the City to enforce certain rules or else flood insurance could not be sold within the City limits and the bulk of those rules were incorporated into the City Code, that it ties in to the reconstruction of properties in flood plains and he believed that was the reference that was made in the newspaper article, that they may specify that in certain circumstances certain work could not be done, and Mr. Litke stated that the main issue with FEMA and the flood plain, was if their house required major structural change or it was more than 50% damaged then they would have to build three feet above the flood plain and would need FEMA review, if they were dealing with an electrical or plumbing permit it did not apply, that it was not an issue, this was intended for major structural issues, that he thought that Mr. Adams misunderstood the issue and perhaps the Planning Department could have been clearer in their newspaper notice, but they were in a rush to get information out. Council Members Galloway, Boney, Castillo, Quan and Bell absent.

Upon questions by Council Member Parker, Mr. Litke stated that it was correct that they were providing permits currently, that they had an office up and running, that they may be diminished to do permits on line because of computer problems, but that would be up as soon as they got the computers back on, that they were going to be putting up satellite locations in the critical areas as rapidly as possible, that they have had about 100 people come over to the South Loop area for permits, that yes he thought it was going to build up gradually, that in his opinion rather than doing away with permits for a period that they get up and running as rapidly as possible to make the permitting process as quick and painless as possible and to make sure that their end of the process runs smoothly, that they needed a license for electrical, plumbing work and HVAC, that a home owner could get a general permit, that they could rip off and put on sheetrock without a permit, that it was when it got to be a structural issue they needed a permit, and Council Member Parker asked Mr. Litke that as he got his deployment plan that he distribute it to Council so they could get it out to their constituents and review it for placement of satellite locations, and Mr. Litke stated that they would absolutely will, that as he pointed out he wanted to get the information out to the press over the weekend and perhaps it could

have been more clearly worded but they did it and got the information out which was important. Council Members Galloway, Boney, Castillo, Bell and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Litke stated that he could assure him that if it was not a structural issue they could do their work without permits, and he could assure him that their inspectors would be out in the field to be helpful and not to be heartless bureaucrats, that the newspaper notice was intended to address where there was structural damage, that even if a permit was required they would work with the people and not shut a job down, that they were out to help the public and not play a bureaucratic game, that in an effort to get information out they might not have been as precise in their terminology as they should have been, but it really was intended to be where there were structural issues rather than just recovering or putting a door up that had been knocked off its hinges, that he made a mistake and apologized. Council Members Galloway, Boney, Castillo, Bell and Robinson absent.

Reverend James Dixon was added to the speakers list by motion, but had left the Council Chamber before his name was called. Council Members Galloway, Boney, Castillo, Bell and Robinson absent.

Ms. Donna McPherson, 12827 Fawnway, Houston, Texas 77048 (713-295-5626) appeared and stated that she worked for Public Works and Engineering Department and had been having several problems in the department and had tried to go to the head to try to get the problems resolved, that she had written letters to Tom Rolon, Bea Link, and her mother wrote a letter to Kim King, of which she was not aware of, stating the problems she was having, that she had talked to her immediate supervisor Jena Goosby and had tried to talk to James Miledge and no one seemed to be willing to help her out with the problem, that she had several issues, that the first one was that she had applied for family medical leave back in January and did not hear about her leave until yesterday around 3:15 p.m. when it got back to her department head that she was going to speak in front of City Council, that the second issue she had was that she was a client with the Texas Commission for the Blind and had been having problems with her vision for the last year, that the Texas Commission for the Blind was willing to purchase special equipment that may help her on her job to help her perform her job better, that they had gone to her office and looked over her worksite and talked to her supervisor to see if there was anything that the City had in place that might assist the Texas Commission for the Blind to buy the special equipment for her, that at that time her supervisor told them that she would get back with them because she had to find out more information if there was a program that the City had to help buy the equipment, that her supervisor got back with the commission and told them that their department did not have anything to assist the commission with the equipment, that the commission also wanted to know if they purchased the equipment would she be able to go into another office because the equipment had a voice device and there were four other women in her office and they were afraid it would interfere with their work and productivity; that the other issue was the way certain managers talk to the employees and if the employees talk back to them they get offended and say they had an attitude problem and wanted to give them time off, that they would be written up, that she had several problems and it was not just her, it was the whole department, that she worked at 7101 Renwick in the payroll department; that she wanted to know should she have waited that long for family medical leave, was that the policy that the City had in place to wait that long before getting a response, and also she

thought the City did help the handicap out and should they not have money set aside to assist her in performing her job. Council Members Tatro, Castillo, Parker, Bell and Robinson absent.

Mayor Brown stated that Ms. Delores Jacobson, ADA Coordinator, would meet with her and make sure that her accommodations were taken care of, that he would also speak to her department director about the problems with her worksite. Council Members Tatro, Castillo, Parker, Bell and Robinson absent.

Mr. Russel Hankins, 807 Saybrook, Houston, Texas 77024 (713-465-8542) appeared and read from a copy of a letter he had written to Mayor Brown which stated that just hiring more firemen may not be the right answer, that fire departments all over were 30 to 40 years behind the times, that some still maintained a 24 hour shift, even two consecutive 24 hour shifts, that it was unreal, that chemical plants had long worked a 24 hour 7 day schedule and the plants fill the schedule with swing men who might work 3 days on one job and 2 days on another, that employees were paid the rate for the job performed, that four men at a pumper or ladder site was not an unrealistic objective, that they were solidly in favor of safety precautions, however there was no reason for the fourth man to actually ride on the truck from the station to the fire location, that he could be dispatched from a nearby location and drive a suburban to the fire, arriving at or before the fire truck was set up to attack the particular fire, that this way they would not need the fourth man all of the time only at the fire site, that these were just some way to improve the fire department efficiency. Council Members Tatro, Castillo, Keller, Parker, Bell and Robinson absent.

Mayor Brown asked Mr. Hankins if he had a firefighter background and Mr. Hankins stated no, and Mayor Brown thanked him for being present and sharing that with them. Council Members Tatro, Castillo, Keller, Parker, Bell and Robinson absent.

Ms. Cynthia Horton, 6575 Ashcroft No. 1107, Houston, Texas 77081 had reserved time to speak, but was not present when her name was called. Council Members Tatro, Castillo, Keller, Parker, Bell and Robinson absent.

Ms. Sharon Alexander, 719 E. 42<sup>nd</sup> Street, Houston, Texas 77022 (713-692-2739) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Castillo, Keller, Parker, Bell and Robinson absent.

Ms. Zandria Harrold, 719 E. 42<sup>nd</sup> Street, Houston, Texas 77022 (713-692-2739) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Castillo, Keller, Parker, Bell and Robinson absent.

Ms. Charlotte Henry, 2031 West Burrough, No. 4A, Katy, Texas 77449 (281-398-5119) appeared and poetically voiced her personal opinions until her time expired. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

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

Ms. Juanita Ojeda, 3125 Lafferty, Pasadena, Texas 77504 (713-943-8851) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Mr. Lee Gonzales, 8038 Gulick, Houston, Texas 77075 (713-991-3619) appeared and stated that he had some maps and pictures to pass out to the Council Members and was present to speak on the poorly designed drainage in their neighborhood, Skyscraper Shadows, that for over 30 years the 8100 block of Gulick had flooded multiple times, that it had been reported and the City had come out to supposedly fix the problem, that the problem still existed and was growing, that the last effort to correct the drainage was in 1999, that civic club officers escorted the individuals from the County and City through the neighborhood to point out the problems, that the major problem they were having was that water was not routed toward the flood control ditches which bordered Monroe and Valentine, their east and west boundaries, that this had been pointed out for over 30 years, that the water continued to be routed to the center of the neighborhood and finally exiting on Almeda Genoa, that as they could see on the maps the majority of the red arrows pointed toward the center of the neighborhood, that the areas that appeared to be lakes was where the water pooled up, that it was particularly disheartening when they see their neighbors house flooding and the large flood control ditches were not full, that during the height of Tropical Storm Allison on Saturday at 5:00 a.m. the Monroe flood control ditch still needed approximately 3 feet before overflowing and the Valentine ditch needed about 2 ½ feet, that in some areas water was flooding over Monroe in attempt to reach the flood control ditch because adequate drainage was not being provided, that when the City did attempt to fix the problem poor engineering was used, for example the culverts near his house were 25 inches in diameter and were completely clear, which could be seen in the top photo, that yes the City did realize that the water was not draining so they routed it towards Almeda Genoa, that one would think this was good, however the culverts the City installed were 16 inches in diameter and were buried too low to allow adequate water flow, which they could see in the bottom photo, that as a result this exacerbated the flooding problems, that in an attempt to fix yet another problem it also resulted in a lake, that instead of routing water to the nearest exit point the engineers decided that they needed to route the water one street down, turn left then right, and then towards an exit point, that with these additional turns a new lake was formed during heavy rains, ironically if the water was routed straight to the drainage ditch there would be plenty of capacity since the water did not reach the tops of those ditches, which was shown in the smaller picture, that there were several other areas just like this that continued to flood year after year, that they point this out often and the engineers only show them drainage plats that were 40 years old and not accurate, that a survey of the entire neighborhood would clearly show that the water was not routed towards the exterior of the neighborhood, that he was present to ask the City to first clean out the culverts of all the ditches in the neighborhood and finally pleading that the water be rerouted toward the flood control ditches instead of the center of the neighborhood. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Mayor Brown stated that Mr. Gary Norman, Public Works, was present and would meet with him, that obviously Mr. Gonzales put a lot of effort in making his presentation and they would see what could be done to correct the problem. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Mr. Mehran Ahmed, 10010 Kirk Aspen Dr., Houston, Texas 77089 (281-481-8528) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Mr. Juan Trevino, 8659 Hinman, Houston, Texas 77061 (713-641-6658) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Ms. Rose Scott Williams, 13100 Stone Field, Houston, Texas 77014 (281-300-8957) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Castillo, Keller, Parker and Robinson absent.

Mr. Santos Reyes, Jr., 5111 Pebble Springs Dr., Houston, Texas appeared and stated that he was present to discuss a drowning incident that happened during Tropical Storm Allison, that this incident took the lives of Isabella and Antonio Cordoba, that these loss of lives should have never happened, that he first wanted to commend Mayor Brown and the City Council for declaring the area a disaster area as quickly as possible and requesting the help of the national guard and federal government, that he wanted to commend Mayor Brown for trying his best to warn the people of Houston and the surrounding areas of the danger of the flooding and the possibility of being swept away, but as they all knew people would do anything to get home or check to see if their loved ones were okay, that checking to see that their loved ones were okay was all that Isabella and Antonio Cordoba wanted to do, that what happened before, during and afterwards should be a black eye to the national guard, that his wife had gone to the flood area to try to get help for friends who were renting from them at Gregdale and Highway 90, that she was told at two locations, the fire station at Highway 90 and near Mesa Drive and the rescue team at Maxey Road and Wallisville Road that they could not help because of the location of their friends was in the County jurisdiction, that she was told to go to US 90 and Uvalde and on her way to that location she encountered a national guard truck and they were in the area of Market Street and Normandy and were looking for CE King Parkway and US 90, that they were about five to six miles from that location and were lost and his wife offered to show them where they needed to go if they would help rescue her friends, that they agreed and followed her to Gregdale and US 90, that when they arrived at the location the guard truck made one trip into Gregdale Road and came out with no one, that his wife then got into the truck with the guard and returned to find their friends, that they located the family and started boarding the truck, but at this time Mr. and Mrs. Cordova attempted to cross a small creek that was overflowing Gregdale with about waist high deep of water, that his friend Mr. Bolivar Brito tried to signal for them to stop but the current caused the truck to slide into the side of the road and into the edge of the creek, that Mr. Brito then took off running to try to help the Cordova's, that he got to the truck and tried to stop it from going over the side and tried to get the door open but the current was too strong for the door to open, that at the same time the guard truck had gone to the dead end of Gregdale to turn around, that they had on board his wife and one year old baby in the front seat and Mrs. Brito and her 13 year old son and 8 year old daughter in the back of the truck, that this was what the guard reported to the Houston Chronicle, "that guard spokesman, Robert Luna said that the soldiers were busy evacuating families from the flooded homes and already had four adults and one baby in the back of their truck when the accident occurred, that rather than stop to help Luna said the soldiers called 911 and they were checking into this", that as they entered the water

the truck started making waves and his wife tried to get the driver to stop but the deeper they got the bigger the waves got and at the same time the current had caused the Cordova truck to turn parallel with the creek and Mr. Brito still hanging onto the truck trying to save them, that by this time his wife was hysterical because she could not get the driver to stop and the guard on the passenger side dialed 911, that he could not give the operator directions so his wife had to grab the phone to give the information to the operator but before anyone could do anything else the wave from the guard truck reached the Cordova truck, which took on water in the cab and it took two or three seconds for the truck and Mr. Brito to go into the creek, that before the truck disappeared Mrs. Cordova had grabbed Mr. Brito from the arm in her last attempts to survive but she still had her seat belt on and Mr. Brito had to break away or else he would have drowned also, that the national guardsmen never stopped to help save the Cordova's and it was not until the guard truck went to US 90 to turn around and come back did they try to help, that Mr. Brito was able to hang onto a tree trunk and the guardsmen only had about eight feet of cord to try to toss to Mr. Brito, that he finally swam to the bank and got himself out, that his wife went to the flood waters above her knees to see if Mr. Brito was okay but the guardsmen never got their shoes wet, that Mrs. Cordova's body was recovered between 8:00 p.m. and 9:00 p.m. that evening and Mr. Cordova's body was not recovered until Monday, that the image that would always stay on his wife's mind will be right before the truck went under she saw Mr. Cordova remove his seatbelt and lay his head on his wife's shoulder, that they could only guess that he knew the end was near, that Tuesday evening the national guard called his wife to hear her side of the story and said they were sorry that the loss of lives had occurred and the reason they did not have any rescue equipment was because they had left in such a hurry they did not have time to store the gear into the trucks, that he hoped to God they never had another disaster such as this one, but if they did he strongly recommended that if they did need to call the national guard to please make sure that they did have the basic equipment for rescue, that a 50 foot  $\frac{3}{4}$  inch rope might have made the difference between life and death, and Mayor Brown stated that they all expressed their sympathy for the loss of life and would certainly keep everyone in their prayers. Council Members Galloway, Tatro, Keller, Parker and Robinson absent.

Mr. Neal Sweat, 1322 M.L.K. Dr., Louisiana 70535 (318-276-3736) appeared and discussed events in 1975 and 1976, ownership of property and voiced his personal opinions until his time expired. Council Members Galloway, Tatro, Keller, Parker and Robinson absent.

Mr. James Ross, 3101 N. MacGregor Way No. 177, Houston, Texas 77004 (713-528-8812) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Tatro, Keller, Parker and Robinson absent.

Ms. Katie Dorfman, 1710 Albans, Houston, Texas 77005 (713-629-0481) appeared and stated that she was with Scenic Houston, that as they may recall their Executive Director, Cece Fowler spoke before Council last week on the Sign Abatement Fund and they left with the impression that the Sign Abatement Fund was safe, that they received recent information that it may be in danger and that by rolling it into the General Fund it would be available to spend on other City activities, that the Sign Abatement Fund currently had \$2 million in it to pay for billboard removal in connection with beautification efforts, that even though this money had not been used in the past she was certain that

they would need it in the very near future, that they could easily identify billboards whose removal would dramatically increase the appearance of Houston, that they needed to use the Sign Abatement Fund to pay for those, that this was especially important now because under the quality of life initiative being led by the Greater Houston Partnership, and many other groups in the City, community leaders had focused on the way Houston looked, that their City could and must look better, that the proposed plan would make their City one of the most desirable places in the Nation to live, work and play, but implementation of the plan, which included more attractive signage, and the elimination of billboards would require money from many sources both public and private, that the Sign Abatement Fund would be a great help in closing the gap between the funds they had for this purpose and the funds that they needed for this purpose, that they were sensitive of the monetary demands that were placed on the City in the aftermath of the flood, but they must maintain their City's long term vision and the City had to look better if they were going to continue to compete effectively for economic development, that she encouraged them to support the efforts of their business leaders and the citizens of Houston and maintain the money and the Sign Abatement Fund for its originally intended purpose. Council Members Galloway, Keller and Robinson absent.

Council Member Parker stated that she was misinformed about what they were doing with the Sign Abatement Fund and her understanding from discussions with F&A was that they were essentially making an accounting change and instead of having a separate fund they were going to roll it into the ending fund balance, that they were going to continue to track it to appropriate money to it and it would still be available, but they were not going to show it as a separate item, that was apparently not what was in the budget as they received it and she was intending to offer a clarifying amendment tomorrow at Council. Council Members Galloway, Keller and Robinson absent.

Council Member Parker moved to suspend the rules to hear from Dr. Scheps, Finance and Administration, at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Rob Todd out of the city on city business. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0657 ADOPTED.

Upon questions from Council Member Parker, Dr. Scheps stated that he thought what Council Member Parker had stated was true and a clarifying amendment would help, that there was no plan to spend the money it was there in the ending balance, that of course in future budgets they could designate it in ways that Council chose, they could keep track of the revenue that would have gone into a separate fund, that there was no separate fund anymore so there was no transfer to be made, but they could easily keep track of the revenue that would generate it from this source, and when Council chose to spend money on this they would know exactly how much money would have been in that fund, that they would have accumulated revenue from this source in the MOFAR every month, and Council Member Parker asked if doing away with the separate Sign Abatement Fund would they effectively repealing the ordinance they passed in 1998, and Dr. Scheps stated that they probably needed a vote to repeal the ordinance, and Mayor Brown stated that could be done legally and was the best course of action, to not repeal the ordinance, and Dr. Scheps stated that it had a transfer built into it, to a fund, and if they did not repeal or at least modify the ordinance there would be another \$150,000 going into this fund, and Council Member Parker stated that hopefully with an amendment



they could have language which allowed the amount to accumulate so they could keep track of it without putting it into a separate fund and starting all over again and also with repealing the original ordinance so they could continue with the legislative intent of some day dealing with issues of billboards and other types of beautification issues in the City. Council Members Galloway, Keller and Robinson absent.

Council Member Boney stated that he supported Council Member Parker's initiative regarding not repealing the ordinance, that he thought they ought to drop that from their language, that he thought they needed to amend the ordinance so they could keep track of any additional revenue that came in, and he would like for the staff and Legal Department to start working on that language so they could do that either this or next week. Council Members Galloway, Keller and Robinson absent.

Council Member Goldberg asked if the County had a similar fund to buy billboards, and Council Member Boney stated that no one liked to buy billboards and what had happened was that TXDOT had said if the City asked them to buy the billboard for abatement they were going to take that amount of money out of highways, that people did not think it was generally a good rule of thumb to use taxpayer dollars to buy a billboard and when the Federal Legislation was passed in Washington, which basically protected the existing billboards along federal highways, it really stopped a lot of the major abatement, which was part of the clutter on the major freeways, that this issue really needed to be considered on a case by case basis and thought the flexibility in the ordinance would allow them to do that. Council Members Galloway, Keller and Robinson absent.

Mr. James Cumming, 4001 Oakridge, Houston, Texas 77009 (713-863-0433) appeared and stated that he lived in the Heights and was present with his son, who just made the All Stars in T-Ball for the Heights Norhill, that they had their first game last night and his team won 25 to 15, that he taught kindergarten in Houston Independent School District and was present about an issue that concerned him, that apparently there was going to be a City Council Ethics Committee meeting coming up today, tomorrow or the next day, that he was a poor Democrat and he could not even afford cable, that he had lived in a three room duplex for the last 11 years, that his main point was that he would hate to see anybody lose their job or income if they ran for office for Council, Mayor or whatever and he understood through the paper and hearsay that it might be the case if this Ethics Committee forwarded something to the Mayor, that he did not know exactly what was going to happen, that he would like for them to tighten ethics in the off season, last year, this year and after the November election, but not just now as things were heating up in the election season, especially if somebody had to lose their job because of this, that also if they were going to tighten things up please include City Council persons and aides in any tightening up of the rules, that he understood that these rules had been in place and may not have been operative for certain people who ran in the past, that they should be consistent here, that it was ashamed that good people who wanted to run for office had to give up their jobs, that if he wanted to run for school board or something in his capacity as an educator he would have to give up his job and how was he going to feed his family, that it was ashamed that good people who were working in City government had to give up their jobs just because they declared their candidacy or filed a treasurer report. Council Members Galloway, Keller and Robinson absent.

Mr. Steve Williams, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was late because he was attending to the needs of the wife and family of a firefighter who lost his life in a tragic accident, that they would be going through a very trying time for them; that he was present to speak to them about the firefighters that served the City and served it well, that they had recently been through some tough times together and weathered Tropical Storm Allison and the trouble she brought, that they were recovering from those disasters, that they had over 50 members who had flooded out themselves and were seeking out a disaster relief fund through their own union, that for their endurance in caring for the citizens that they protect, he thanked them, that like they help the citizens of Houston in the times of needs, his position as President of the Houston Professional Fire Fighters Association and Local 341 was to help the firefighters he represented in their times of needs, that he was present to seek their cooperation in insuring the continued safety of the citizens of Houston and was present to speak and seek their cooperation in insuring the continued safety of their firefighters, that he was present to seek their cooperation in gaining benefits for their firefighters, that Council Member Ellis, Keller, Robinson and Vasquez accepted the Mayor's challenge to find funding for the fire department as it related to staffing and their membership applauded them, that they found the funds for fire protection and more, and he was present to ask the Mayor to make sure that the monies they found for fire protection were used for fire protection, that over the last several years they had seen the Houston firefighters perform over and above expectation of any and for all citizens, that they continued to perform above expectations as evidenced by the service, dedication and professionalism of their firefighters during Tropical Storm Allison, that the men and women who served them went above and beyond the call of duty, that they accomplished their mission of saving lives and property when other City departments were crippled and rendered impotent by the rising waters, that during the firefighters contract negotiations with the City they had maintained that safety for the firefighters was the number one priority and if the Mayor and Council Members had adopted that same priority they would insure a great level of safety for the citizens, that the safety of the City was stated in the City Charter, that the safety of the City and the people within the limits was in the fire department mission statement, that the Mayor had said repeatedly that safety was the number one priority, that using the funds that the four Council Members found for fire protection could help move the safety of the citizens and the safety for firefighters towards the number one priority, that this was not all he was present to speak about, that his mission and role in representing their members was in the areas, and had always been for the labor organization, of wages, benefits and working conditions, that recently their colleagues within the Houston Police Officers Union completed their contract negotiations and they commended them, that Council would vote tomorrow on whether to ratify a Meet and Confer Agreement, which would cost \$10.3 million in Fiscal Year 2002, that as they all knew the firefighters negotiations with the City had been ongoing for more than a year, that they were still without an agreement, that his job as he said before was to represent the members of the Houston Professional Firefighters Association to insure the safety and bring benefits to them, that the benefits enhancement to which he was referring should be contained in the Meet and Confer Agreement, that the City negotiators had told them the truth, that when negotiations in May 2000 up until the Police Meet and Confer was made public the City negotiators had continuously insisted they had received no direction from the Mayor that no monies were available for contracts, that each meeting they wished to speak about economical issues and benefits but the City negotiators said there was no money and there would not be any in the foreseeable

future, that if they looked at the monies dedicated in the issue that was before them tomorrow it seemed funds were readily available then but now, that he wanted for his firefighters only the benefits that were fair and equitable, that the firefighters were not greedy, that they should look at the number of hours they worked, it was more than any other City employee, that look at the job they do that others refuse to do, that worldwide no one in the fire service joins this honorable profession to get rich, they join the profession for the immense satisfaction gained from the public service, that they only wanted what was fair and equitable and by fair and equitable he meant a decent wage in line in the amount of work they did as the third largest fire department in the United States, pay for firefighter special certifications that nobody else has in the City and to do what they did in Tropical Storm Allison, and their bases for their ability to serve and protect and pay for additional education that a firefighter attains that enables him or her to serve the public better, that remember, without the dedication and commitment to excellence that their firefighters exhibit the City would only be second or third rate, that without the dedication and commitment to excellence the Houston Fire Department would not be the largest accredited fire department in the world, that without the dedication and commitment to excellence the Houston Fire Department would not have performed above and beyond the call of duty during the flood, that without the dedication and commitment to excellence more lives would certainly have been lost, that now was the time to recognize that dedication and commitment to excellence, please recognize the firefighters and direct the City negotiators to recognize firefighters with the rewards they so richly deserve. Council Members Galloway, Keller and Robinson absent.

Mayor Brown stated that he thought they all agreed that anytime a member of the firefighters loses his or her life it's a tragedy whether or not they were on or off duty, and asked for a moment of silent prayer for the family members. Council Members Galloway, Keller and Robinson absent.

Council Member Ellis stated that he wanted to encourage Mr. Williams and all of the members of the Local 341 to come together with the administration, F&A, and sit down at the table and see what they could negotiate, that it was his understanding that they had not been at the table and had not been able to negotiate, that the police union had been sitting at the table and had come up with a pretty nice contract, that he would encourage them to do the same, and Mr. Williams stated that they were scheduled to have a meeting and when he leaves Council he would be going directly over there, that he just wanted to reemphasize that they were not asking to be greedy, they were only asking what was fair and equitable, and Council Member Ellis asked Mr. Williams to sit down with Mr. Lonnie Vara, that he thought it was time to sit down and see what they could come up with, and Mr. Williams stated that for the record they only walked away from negotiations one time because there was not being anything put before them in good faith with which to work on. Council Members Galloway, Keller, Parker and Robinson absent.

Mr. Joseph Omo Omuari, 15 Charleston Park, No. 1107, Houston, Texas 77025 (713-664-8256) appeared and stated that they should all applaud the Mayor for being so compassionate during the flood by allowing the citizens to access Metro at this particular time, that it was free for the next nine days, that he was hoping the whole administration would have shown as much compassion, that the last time he was present he spoke about the small business grant proposal and he had written his proposal up and had given it to the Mayor's assistant, that he had a few more copies available just in case

anybody else wanted to look over it, that they would find that the proposal was very equitable to all members of the community. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Boney stated that he had a chance to talk with Mr. Omuari after church this Sunday about the proposal and was making an effort to describe to him some of the assets that they already had at Palm Center with Marlon Mitchell, the Small Business Development Incubator Program, that they had another initiative that worked out of the Affirmative Action Division and what he had attempted to suggest to him was that he review the existing programs to see where this may be consistent with or included in, that one initiative that they had discussed in Council was a small contractor development program where they would provide bonding and insurance assistance, but their budget did not allow them to pursue that to the end. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell 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 Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-781-2260) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.galvan.org](http://www.galvan.org), that he agreed with Mr. Adams that there needed to be a special moratorium on the permits and there needed to be some leadership and he did not see any leadership here, that the only leadership he saw was between Council Members Tatro and Sanchez, a little bit of leadership, but they had to take more leadership, that was the only leadership he saw right now, and the \$2 million in the Sign Abatement Fund should maybe go to a permit abatement fund, because he thought it was ridiculous to be spending \$2 million to remove some billboards, that he did not agree with that at all, that the \$2 million could go to the victims of the flood Allison, that to Council Members Sanchez and Tatro he hoped they were going to show some leadership because he did not think that Mayor Brown was showing any leadership, that he thought there should be a tax decrease and maybe a tax cut and that would be real leadership for the City of Houston right now. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

At 4:35 p.m. upon motion by Council Member Boney and seconded by Council Member Castillo, City Council recessed until 9:00 a.m., Wednesday, June 20, 2001.

Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, June 20, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 20, 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; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Assistant City Attorney; Dr. Phillip Scheps, Director, Finance & Administration; Ms. Martha Stein, Agenda Director present. Council Member Rob Todd out of the city on city business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

### **MAYOR'S REPORT**

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated that he would use the time that was allotted for the Mayor's Report to give again a very brief update on their disaster recovery efforts, that as they all knew from their last update the City was just a few days ago away from the most expensive natural disaster ever to hit the area and they had just begun the process to put the City back together again, that they had accomplished a lot in that brief period of time and that was due in great part to the foresight and a definite plan of action that they had in place and implemented and throughout the City they continued to work extremely hard to cleanup and rebuild the neighborhoods to what they were before the storm, that while the storm had passed and flood waters had receded helping their friends and neighbors and their City recovery was the top priority, that Monday he went to Washington, DC to meet personally with officials there and deliver an update of the recovery efforts to the federal representatives, that he had informed them of the immediate needs and discussed the opportunities available for federal funding of their local recovery programs, that he spoke with the representatives from FEMA, HUD, Department of Education and Department of Labor that just as State and Federal aid was needed after the first few hours when a storm hits similar aid and attention was needed now for the necessary steps they must take as the City recovers, that he had also spoke with FEMA to insure they were doing everything possible to qualify for a reimbursement from both insurance programs and FEMA, that damage assessment teams were still evaluating the area to make sure that all that was lost was accounted for, this was extremely important, that there was enormous amount of work to do and Houston had a number of significant issues to deal with relating to the storm and the numerous communities affected by it, but he thought they all knew that Houston was a very strong City and remained focused, that their essential objective was to get back to normal operations, that he believed they were making significant progress towards that goal and each of them had been given a copy of the Departmental Operations Report for the week of June 19, 2001, that they had a completed copy and he wanted to take a few minutes to highlight some of the efforts being performed by the City to restore the operations, that first of all Solid Waste crews and contractors were working diligently to facilitate the removal of debris and they now had a total of 229 pieces of heavy equipment

in the area and operations were underway in virtually every area affected by the storm, that the first major sweeps would be completed by June 29, 2001 and they anticipate the removal of all storm related debris on the curbs by July 30, 2001; that Public Works Department received minimal flood damage to water and waste water treatment facilities and that had been addressed and all were fully operational; that the Planning and Development 3300 Main Street Facility flooded and as a result operations were temporarily moved to another location and the majority of the staff had since returned to 3300 Main Street; that the Health and Human Services essential health lab headquarters flooded and that effected laboratory testing, the STD Clinic and vaccine storage, that presently 90% of clinical laboratory testing was available and all critical testing was being performed, that the Health Department was offering tetanus vaccinations at their health centers at no charge as well as at the disaster relief centers and the community based sites, that nine mobile centers were also operational in effected communities providing information as well as tetanus shots; that Parks and Recreation had provided crews to the Harris County Mosquito Control to operate their spraying trucks and the Health Department was also working with the County to resolved the mosquito problem, that Health and Human Services reported no disease found in mosquitoes today, that as a result of his visit to Washington, DC he spoke to the director, Mr. Albald, about the mosquito problem and just as he responded rapidly to their initial request he also responded to their request to help fight mosquitoes so for only the third time in the history of FEMA they would have FEMA funding to assist them in their spraying for mosquitoes in the area, that he was very thankful to him again for stepping to the plate when he made the request; that in Building Services, several of their buildings were damaged because of flooding but all were currently operational, that all City departments continued to work with FEMA and the City's insurance representatives to provide an accurate account of damage suffered, that currently the insurance estimate of damages for inspected property was \$9.7 million, but they should keep in mind that was only 15 of the 170 damaged locations reported, that obviously the estimate would go higher as more locations were reported, that it would take a minimum of a month to address all of their locations, that all City departments had also committed resources and services to the ongoing flood relief effort to include helping the Red Cross, area churches, schools and family assistance centers, but that was just a fraction of what the City had accomplished so far and they would continue to focus their attention on the complete recovery of the City and operations would be restored as quickly as possible, that he wanted to close by saying that they still had a number of Houstonians that needed assistance that went beyond the trash pickup and mosquito control, that they still had a number of families that needed clothes, food and shelter, that Houston had been incredibly generous and he encouraged everyone to keep up the good work, that the Adopt a Family Program was up and currently there were approximately 800 families waiting to be adopted, so he asked the residences, business and religious institutions to continue their compassionate efforts to help those who need it, that the fortitude of the City was remarkable and asked that everyone stay strong and stay patient as they continued toward a complete recovery. Council Members Castillo, Parker and Quan absent.

Council Member Boney stated that he knew the Mayor had mentioned in his report the mosquito control, that he had contacted the Legal Department after requests from Fort Bend County Commissioner, Mr. Grady Prestis, that they could spray in the City that Fort Bend was a part of, but they needed an interlocal agreement similar to the one that they previously had in order to accomplish that and hoped that the Harris County

Mosquito Control was also listening because it was almost being plagued by pestilence now.

Council Member Galloway stated that she wanted to emphasize the fact that the Health Department had set up in various areas giving out tetanus shots and they were very important as well for people who were exposed to the waste and sewage water. Council Member Keller absent.

Mayor Brown stated that as they were all aware at this time they lost a very strong leader in Ms. Ninfa Lorenzo, that her funeral was being held today at 10:00 a.m. and he would throw out to Council the idea of recessing about 9:45 a.m. and returning at 11:15 a.m. for those who would like to attend the funeral as he did and if that was something that Council would like to do he would certainly be open for a motion to that regard.

Council Member Robinson moved to recess at 9:45 a.m. and return at 11:15 a.m. for those who would like to attend the funeral of Ms. Ninfa Lorenzo, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Keller absent. MOTION 2001-0658 ADOPTED.

Council Member Castillo moved to suspend the rules to consider Item Numbers 15, 3, 2, 39, 40, 41a through 41i and 42 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0659 ADOPTED.

15. ORDINANCE relating to employment conditions, compensation and benefits of classified Police Officers of the City of Houston; ratifying an agreement between the City of Houston, Texas, and the **HOUSTON POLICE OFFICERS' UNION** reorganizing certain classifications, ranks and pay grades within the Houston Police Department, and containing other provisions relating to the foregoing subject; suspending the operation of certain ordinances; providing for severability; and declaring an emergency – was presented, and tagged by Council Members Bell and Tatro.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MUNICIPAL COURTS**:

**JUDGES** - Terms to expire January 23, 2003:

**JUDGE MARIA E. CASANOVA** - reappointment

**JUDGE W. E. B. BLACKMON** - reappointment

**JUDGE RHODA CATO** - reappointment

**JUDGE ANTONIA INGVERSEN** - reappointment

**JUDGE DEBRA CHAMPAGNE** - reappointment

**JUDGE ROXANE MARTINEZ** - reappointment

**JUDGE NANCY BAILEY** - reappointment

**JUDGE DANIEL PEREZ, JR.** - reappointment

**JUDGE DANIEL SIMMS** - reappointment

**JUDGE JOHN PAUL BARNICH** - reappointment

**SUBSTITUTE JUDGES:**

**JUDGE MARGARET MUNOZ-HARKINS** - reappointment, for a term ending  
1/23/2003

**JUDGE SHERRY APPLEWHITE** - reappointment, for a term ending 1/23/2003

**JUDGE CHERYL A. SMITH** - reappointment, for a term ending 1/23/2003

**JUDGE JOELLEN SNOW** - reappointment, for a term ending 1/23/2003

**JUDGE JOSEPH VARELA** - reappointment, for a term ending 1/23/2003

**JUDGE GORDON MARCUM, II** - reappointment, for a term ending 1/23/2003

**JUDGE JOSEFINA M. RENDON** - reappointment, for a term ending 1/23/2003

**JUDGE LYDIA JOHNSON** - reappointment, for a term ending 1/23/2003

**JUDGE ANA OTERO** - reappointment, for a term ending 1/23/2003

**JUDGE WILLIAM A. ALLEN** - reappointment, for a term ending 1/23/2003

**MR. STEVEN KIRKLAND** - appointment, to complete an unexpired term ending  
6/21/2002

- was presented, moved by Council Member Boney, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Parker absent. MOTION 2001-0660 ADOPTED.

Council Member Castillo stated that he wanted to simply give Finance & Administration an opportunity to elaborate on their handout as to the financial impact of this item.

Council Member Castillo moved to suspend the rules to hear from Dr. Scheps relative to Item No. 15, seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0661 ADOPTED.

Upon questions by Council Member Castillo, Dr. Scheps stated that the cost analysis, the five year forecast that he actually handed out on the 21<sup>st</sup> had some different assumptions to them and that was referred to in the memo and when the final Meet and Confer Agreement was produced he reran that analysis and showed that they could accommodate that increase, that it would be difficult in 2004, that 2004 was a very big year to year jump and something that they should probably prepare for in 2003 if they possibly could, that it would take continued prosperity in the economy in order to accommodate this comfortably, that he thought the way it was presented to him was that Council had sort of stated that this was the first priority and the thing they wanted to do and this was the right compensation arrangement for the police and fire and the question was, was the City in a position to do this and he thought the answer was yes, that it would take aggressive revenue sources that the projection he provided on the 21<sup>st</sup> had already had included a \$10 million increase based on their fee study and they were going to need that in order to do this at the existing tax rate in the out years, that one of the budget amendments that had already been incorporated talked about the first \$4 million of that fee study being used for municipal employee raises this year so he had accommodated that into the new fiscal projection as well, that he was not saying that it was going to be easily done, but it was achievable assuming that the economy remained strong; that he was not an expert but believed that over the three years their police officers would rise to the level to be among the best paid in the State and it was going to take some doing to get them there and that was the result of the analysis.



Council Member Vasquez stated that Dr. Scheps had done the FY02, 03 and 04 and requested the analysis side by side with the 5 year forecast and also would like to see his recommendation and what he anticipated those aggressive revenue sources were going to be.

Council Member Keller stated he did not necessarily think it was contingent on aggressive revenue streams, that he thought it was contingent on their making it an aggressive priority and if they did he thought they would have the same revenues not increased over the next two or three years, which should achieve what he was talking about, but in the event that they did not then he thought that it was incumbent upon them to make it an aggressive priority and maybe sacrifice some other expenses, that he was just on record with that and supported for the most part everything that Dr. Scheps said, but would look at other expenses.

Mayor Brown stated that Item No. 15 had been tagged.

Council Member Parker requested a moment of personal privilege and stated that Judge Mejia was present with the newest Municipal Court Judge that Council just appointed and would like to introduce him.

Judge Mejia stated that on behalf of all the judges she thanked the Mayor and Council for their vote this morning and having them re-appointed, that they also voted on a new appointee and stated that it was a great privilege for her to introduce the Honorable Steven E. Kirkland, that he was a graduate of Rice University, University of Houston Law School and his background was in Environmental Regulation and Commercial Regulation.

Judge Kirkland stated that he wanted to thank them all for their support and the trust they placed in him for the honor of this nomination, that he looked forward to working hard to maintain that trust over the coming year and earning their continued support, and Mayor Brown welcomed his on board.

2. **CONFIRMATION** of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2001:

Position One- **COUNCIL MEMBER ROBINSON**  
Position Two - **COUNCIL MEMBER KELLER**  
Alternate Position One - **COUNCIL MEMBER TATRO**  
Alternate Position Two - **COUNCIL MEMBER 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. MOTION 2001-0662 ADOPTED.

39. **(CONSIDERATION OF THIS ITEM REQUIRES SUSPENSION OF THE RULES FOR THE PURPOSE OF RECONSIDERATION OF MOTION #2001-0551 WHICH FAILED MAY 23, 2001)**

MOTION by Council Member Castillo/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering,

reviewed and approved by the Joint Referral Committee, on request from Cassandra M. Washington, on behalf of Thomas G. Richard, for encroachment of a two-story brick building into Wentworth Avenue and South Main Street and a one-story metal building into Wentworth Avenue, adjacent to Block 10, MacGregor's Blodgett Addition, Parcels ENY1-04A and ENY1-04B - **DISTRICT D - BONEY** – was before Council.

Council Member Ellis moved to suspend the rules for the purpose of reconsidering the vote by which MOTION 2001-0551 failed on May 23, 2001, seconded by Council Member Boney. Council Member Todd out of the city on city business.

Council Member Goldberg stated that he originally had concerns about this item for several reasons and his aide was passing out a map to each Council Member that showed the area, that it was true that someone from the administration was able to obtain a couple of letters in support of this item, but there was some follow up to this that he did.

Mayor Brown stated that what was before them right now was a motion to suspend the rules and not the item itself, and Council Member Goldberg asked Mr. Hall if it was permissible to discuss the item, and Mayor Brown stated that the City Attorney advised and he ruled that Council Member Goldberg could talk as to the item.

Council Member Goldberg stated that there was a letter from TXDOT saying that at that time they had no plans for obtaining a right of way where this property was and that was true, at this time they did not, however the reason they did not was because they were in the middle of doing a traffic study and he had confirmation from TXDOT, a letter, saying that in fact they were doing a traffic study and it should be completed by July 14, 2001 and at that time they would be able to make a determination whether or not they needed the property that was asking for the encroachment, so this letter from TXDOT, while it was true, was not entirely accurate, then they had a letter from the City of Houston and it was very questionable, that the person who actually signed the letter did not write the letter and he invited them to come to a meeting with TXDOT and there they learned some information that they did not know and probably should have known in order to write the letter, and it had to do with this, that on their map they would see that he had, in black lines, shown, where South Main would exit out of the Southwest Freeway and it would end up directly into Wentworth, the northeast corner being where the property was and for that reason Wentworth would become a major thoroughfare, very similar to the way Blodgett was on the other side, that Blodgett was a three lane road going one way towards the freeway, that on top of being a major thoroughfare the Spur 527, that they saw on the map, during the construction, would be closed for approximately 2 years and all of the traffic going down that Spur would be diverted either down the exit of South Main or further on down the freeway and that was a lot of traffic and there was not doubt that Wentworth would become a major thoroughfare, that the concern he had for District C was that there was no free access through that exit on South Main and the traffic would back up and people would end up going through the neighborhoods around Rice University and they would have a flood of traffic in that area and that neighborhood did not want that, that they wanted the traffic to be able to exit freely down South Main and that was only possible if Blodgett was made into a major thoroughfare, that he asked this time not to suspend the rules to bring this item back, but

wait until July 14, 2001 when the TTI study would be completed and at that time they could take a vote on whether or not they should allow an encroachment, that there was a strong possibility that the property will be condemned to make room for the thoroughfare, and he was speaking against suspending the rules at this time.

Council Member Castillo moved to call the question on bringing the item up for a vote, seconded by Council Member Vasquez.

Mayor Brown stated that what they had before them was a motion to suspend the rules and there was a debate going on and Council Member Castillo wanted to end the debate by calling the question, and Council Member Sanchez asked for a point of order and asked how many votes were necessary to bring the item up and Mayor Brown stated 10 and asked if they still wanted a roll call vote.

Council Member Castillo stated that there were two things on the table, one was a motion to suspend the rules and bring it up out of order and they started a debate, that he made a second motion to end the debate and that was the one to vote on, and Mayor Brown stated that was the one they were voting on right now to end the debate.

A vote was called on the motion to call the question. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0663 ADOPTED.

A roll call vote was called on the motion to suspend the rules.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez aye
Council Member Tatro voting aye	Council Member Castillo voting aye.
Council Member Galloway no	Council Member Parker voting aye.
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Boney voting aye.	Council Member Sanchez voting no.
Council Member Todd out of the city on city business.	Council Member Bell voting aye
Council Member Ellis aye	Council Member Robinson voting aye.
Council Member Keller aye	MOTION 2001-0664 ADOPTED.

Council Member Ellis moved that MOTION 2001-0551 be brought back to Council for reconsideration, seconded by Council Member Boney. Council Member Sanchez voting no, balance voting aye. Council Member Todd out of the city on city business. MOTION 2001-0665 ADOPTED.

39. MOTION by Council Member Castillo/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Cassandra M. Washington, on behalf of Thomas G. Richard, for encroachment of a two-story brick building into Wentworth Avenue and South Main Street and a one-story metal building into Wentworth Avenue, adjacent to Block 10, MacGregor's Blodgett Addition, Parcels ENY1-04A and ENY1-04B - **DISTRICT D - BONEY** – was again presented, moved by Council Member Boney, seconded by Council Member Castillo.

Council Member Castillo stated that he realized all of the arguments that Council Member Goldberg was making but wanted to point out that the encroachment was an existing encroachment and not that they were going to do anything new, and second, if and when the time came that the Texas Department of Transportation would want to widen Wentworth or whatever it would want to it would do it anyway and by denying the encroachment they were in effect preventing the business from carrying out its business in the meantime and it may be years before TXDOT did anything and so he thought it would be unfair at this time to deny the encroachment.

Council Member Goldberg stated that it would not be years that he had a letter from TXDOT telling him that there was a study to be completed July 14, 2001 and at that time they would make a determination whether or not the property was needed and atop of that he thought that by voting for it they were actually sending the wrong message, they were saying it was okay to take out a loan to improve their building which might later be taken by the City of Houston or TXDOT by eminent domain.

Council Member Goldberg moved to delay Item 39 until after July 14, 2001, seconded by Council Member Ellis. Council Member Castillo absent.

Mayor Brown asked how much land were they talking about, and Council Member Goldberg stated that Wentworth Street was 21 feet wide and if another lane was needed either that building or the one next to it would have to go, and Mayor Brown asked just how much property were they talking about and asked if he was correct that they were talking about three quarters of an inch on one side and half an inch on the other side, and Council Member Goldberg stated that the point was that there was already an encroachment and this right of way may have to be taken already and it was not a matter of inches it was a matter that they were sending the message that it was okay to take out a loan and improve their building when they had information in hand saying in fact that it may be taken over.

Council Member Boney moved to call the question on Council Member Goldberg's motion to delay, seconded by Council Member Castillo.

A roll call vote was called on the motion to call the question on Council Member Goldberg's motion to delay.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Boney voting aye.	Council Member Sanchez voting no.
Council Member Todd out of the city on city business.	Council Member Bell voting no
Council Member Ellis no	Council Member Robinson voting no
Council Member Keller no	MOTION 2001-0666 FAILED

At 9:45 a.m. Mayor Brown stated that in accordance with a previous motion the City Council would recess to attend a funeral and that Council would return by 11:15 a.m. and reassume their deliberations on the issue.

At 11:36 Mayor Brown reconvened the meeting of the City Council and requested a moment of silent prayer for Ms. Ninfa Lorenzo and stated that most of them who knew Ninfa knew her as being a person who cared about their City and a person who was really a family oriented person and in addition to being an outstanding business person so they would certainly miss her and wanted to keep the family in their prayers. Council Members Galloway, Keller, Castillo, Parker and Sanchez absent.

Mayor Brown stated that the Trans bids were in and would now ask Ms. Judy Gray Johnson to conduct the appropriate formality on that. Council Members Galloway, Keller, Castillo, Parker and Sanchez absent.

1. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$150,000,000.00 City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2001

Ms. Johnson stated that they had handed out a letter with the attachment of the bids they received, that it was a very good auction and they had a total of 32 bids from 12 different firms and they were very pleased with the way it averaged true interest cost of 2.53126% on \$150 million in total of tax and revenue anticipation notes, that they had 4 firms that were in the money, as they say, in terms of qualifying to receive those notes, Goldman Saks, JP Morgan Securities, Inc. and Bank of America Securities, they bid in two tranches so they were listed twice on the sheet and they just needed a Council motion to award the notes to those winning firms. Council Members Galloway, Keller, Castillo, Parker and Sanchez absent.

- 1A. MOTION awarding the Sale of \$150,000,000.00 City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2001, based on the lowest true interest cost - was presented, and Council Member Robinson moved to award as follows:

Amount	Firm	True Interest Cost
\$20,000,000.00	Goldman Sachs	2.20131%
\$30,000,000.00	JP Morgan Securities, Inc.	2.56745%
\$50,000,000.00	Banc of America Securities	2.58640%
\$50,000,000.00	Banc of America Securities	2.58640%

,seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Galloway, Keller, Castillo, Parker and Sanchez absent. MOTION 2001-0667 ADOPTED.

Mayor Brown stated that they would now move to the place they were when they recessed and that was Item No. 39. Council Members Galloway, Keller, Castillo, Parker and Sanchez absent.

Council Member Boney stated that there were several things that were inconsistent in some of the projections regarding the exit off of I59 onto Main Street, that first, the decision and the effort to secure the exit off of I59 to Main Street was done during the Lanier administration and he was centrally involved in it because it would relieve the congestion of people who wanted to go the medical center or the museum district and now had to loop off of I59 to Richmond/Wheeler and then turn back right and the way they were able to secure that and the way they secured it was to get into an extended discussion with TXDOT about Swap 59 in which TXDOT initially had plans to do a below grade fly over on I59 that would have deeply impacted his district and many of the residents of the Montrose district, that after about a year and a half TXDOT agreed with the citizens that in fact they did have a better plan and TXDOT changed their plans and everybody was happy and so that proposed projection that TXDOT initially had was changed and they also found that it would not be overly expensive to remove the transmission lines and facilitate the exit onto Main Street off of I59, that secondly, with regard to the study and the potential closure for two years while that extension of I59 was ongoing the exit off of I59 onto Richmond/Wheeler would not be closed, that the only part that was going to be closed for two years was that extension that came from I59 at Wheeler and Richmond on toward downtown, that if they looked at Wentworth they would find that if they went down to the southern side of Wentworth at Main Street they would be looking at a house, so what was being suggested was that perhaps after a study TXDOT would agree or suggest that there ought to be three lanes, that what they were really talking about was a business that had secured a loan from the SBA for about \$400,000 for operations and debt consolidation and as part of that loan, which they had already received but were now in default of, the SBA asked that the existing variance of one half inch and three eighths of an inch be extended two years to be co-termed with the loan and that was exactly what was happening and now that the Planning Commission had reviewed it and extended the existing variance two years this body then had to ratify that in order that the small business not be hurt or perhaps be jeopardized in terms of staying in business, and urged Council Members to vote for the item. Council Members Galloway, Parker and Sanchez absent.

After further discussion by Council a roll call vote was called on Council Member Goldberg's motion to delay Item No. 39.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway absent.	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd out of the city on city business.	Council Member Bell voting no
Council Member Ellis no	Council Member Robinson voting no
Council Member Keller aye	MOTION 2001-0668 FAILED

Council Member Goldberg stated that the item could not be tagged and wanted clarification from the City Attorney, that the reason it could not be tagged was because it had been on the agenda before, and Mr. Hall stated that as he had explained earlier the rule on tag said that an item was taggable by an individual, a City Council Member, the first time it appears on the agenda, that by obvious implication if they were reconsidering something they could not reconsider something that had not been reconsidered before so it was not the first time and it seemed to him to be clear, and Mayor Brown stated that he would rule that the item was not taggable. Council Member Galloway absent.

A roll call vote was called on Item No. 39.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez aye
Council Member Tatro voting aye	Council Member Castillo voting aye
Council Member Galloway absent.	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Boney voting aye	Council Member Sanchez voting no
Council Member Todd out of the city on city business.	Council Member Bell voting aye
Council Member Ellis aye	Council Member Robinson voting aye
Council Member Keller aye	MOTION 2001-0668 PASSED.

Council Member Vasquez moved to suspend the rules to consider Item No. 54 out of order next, seconded by Council Member Parker.

Council Member Robinson requested a point of clarification and asked if they were going to the items that were taken out of order originally and Council Member Vasquez stated that he was asking to take Item No. 54 next and the reason being was that Item No. 54 and Item No. 27 were related, but before Item No. 27 could actually be passed and appropriated Item No. 54 must pass first so by taking Item No. 54 first hopefully it gives sometime for the Controller to certify the funds so when Item No. 27 comes around they could hopefully pass that as well.

A vote was called on the motion to consider Item No. 54 next. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0669 ADOPTED.

54. ORDINANCE relating to the Disaster Recovery Fund; deappropriating \$11 Million from the previous appropriation from the Disaster Recovery Fund (Ordinance No. 2001-534); appropriating \$11,000,000.00 out of the Disaster Recovery Fund for (1) contract between the City of Houston and **DRC, INC** for Hazardous, Toxic and Radioactive Waste Collection, Characterization, Packaging, Transportation and Disposal, for (2) City Departmental emergency related cleanup, Hazardous Waste Removal, and Recovery of City Facilities, Equipment and Assets, for (3) Mosquito Control and for (4) Employee overtime directly associated with the flood disaster; containing provisions relating to the subject; and declaring an emergency

Council Member Castillo asked if someone could explain what Item No. 54 does, and Mr. Hall stated that this item was specially posted under the emergency provision, that Mr. Haines was present to explain in more detail, that this was an item that in fact deappropriated \$11 million of what was appropriated last week for cleanup so that it could be redirected to other cleanups, that because it was an emergency item it was posted under the emergency provision which was why it was a supplemental posting, and Mayor Brown stated that they had appropriated \$25 million last time and they will take some of that \$25 million for other cleanup items because Solid Waste would not need the total \$25 million . Council Member Galloway absent.

Upon questions by Council Member Castillo, Mr. Haines stated that the difference between Item No. 54 and Item No. 27 was that Item No. 54 was an appropriation whereas Item No. 27 was a contract for specific services related to environmental cleanup, that they had a contract presently with DRC presently for generic debris removal but this was a special consideration they were requesting and that was Item No. 27, that Item No. 54 allows the appropriation itself be approved, that the contract was for hazardous materials, that what they were trying to accomplish was that there was a unique need to deal with hazardous and other environmental debris that had to be dealt with separately. Council Member Galloway absent.

Council Member Robinson moved to suspend the rules to hear a representative from DRC, seconded by Council Member Quan. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0670 ADOPTED.

Upon questions by Council, Colonel Sid Vogel appeared and stated that he was a principal with DRC Environmental and they were doing the debris cleanup right now and were a disaster management company and did this all over the world, that coming out of the houses were enormous amounts of household hazardous waste of all types, that they would get every thing from gun powder, bullets, bombs, chemicals of all types, shapes and sizes and those came out into the debris piles, that there had already been announcements sent to the community to segregate and separate that material and in many cases people understood that and were doing that separation already, paint cans, solvents and all kinds of things and when they come out of those houses they were no longer diminimus quantities and in fact had to be handled appropriately as hazardous waste, that in many cases they were mixed in with the piles and the crews had to go into the piles and separate that stuff out, that for instance tires had to be separated out of those piles so it was not just grab the stuff and take it to the dump, they had to take that hazardous waste out and segregate and separate it and deal with it appropriately in



accordance with all federal and local laws, that another example was freon from typical refrigerators, that the refrigerators that come out of the houses have all been ruined and all that food has to come out and be handled appropriately and the freon in the back has to be taken out appropriately and be recycled and if its not its a violation of federal law, that this contract was for household hazardous waste and environmental contract was to deal with those household hazardous waste that was coming out of the houses, that for this contract they were paid by the crew day of doing the work and the other contract was by the cubic yard.

Upon questions by Council, Mr. Hall stated that essentially what they did when they appropriated the money (\$25 million) into that account was essentially have the controller certify that appropriation from that account for the four contracts they awarded last week, that was why it was necessary, based on the Solid Waste estimates that now they would not need all of the money that they appropriated in those contracts and de-appropriate it for those contracts and re-appropriate it for this contract and others that they had, that there were seven other contracts and also for the mosquito control the issue of the employee overtime was still under calculation, that they were putting this \$11 million into a pot so to speak, that they took \$25 million out of the ALP Fund and transferred it account 534 and appropriated 100% for debris removal, that they could not use it for any thing but those contracts and the amounts individually that they appropriated, and now they wanted to essentially take some of the money back out of those contracts because they were unit contracts, as had been explained by the cubic yard, and use it for other purposes now, that the money was staying in fund 534. Council Member Galloway absent.

Council Member Sanchez stated that he had a question for the Legal Department and in as much that this was an emergency action could this action, Ordinance 54 be amendment, in other words could Council by motion add another provision to this action they were about to undertake, and Mr. Hall stated that from a point of amendment perspective yes, but did not know from a practical perspective what the situation was, and Council Member Sanchez stated that the motion he would offer up was a motion to suspend the payment of building permit fees as it related to the reconstruction of single family dwellings that were affected by the disaster and Mr. Hall stated that it would be out of order because it was not included in the posting.

A vote was called on Item No. 54. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. ORDINANCE 2001-0562 ADOPTED.

Council Member Keller stated that with the permission of Council he would like to amend his vote on Item No. 39, that his intent was to vote for the passage of the item which would have been a yes vote instead of the two no votes that he previously recorded on the previous two votes, and Mayor Brown stated that with the consent of Council they would let him vote yes. Council Member Galloway absent. (Note: Motion No. 2001-0664 was recorded to reflect that Council Member Keller voted aye.)

Council Member Robinson moved to stay in session beyond the 12:00 noon hour to complete the agenda, seconded by Council Member Keller. All voting aye. Nays none.

Council Member Todd out of the city on city business. Council Member Galloway absent.  
MOTION 2001-0671 ADOPTED.

**BUDGET MATTERS** - NUMBERS 40 through 41I

40. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making appropriations from the Public Works & Engineering/Accumulated Unexpended Fund and the Housing Special Revenue Fund; making other provisions related to the subject; containing a severability clause - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. ORDINANCE 2001-0563 ADOPTED.

**BUDGET MATTERS HELD**

41. MOTION by Council Member Boney/Seconded by Council Member Ellis that Item No. 41I below, be amended to provide that the Administration review publications, newsletters, etc., to see if all of them need to be published and printed and distributed citywide and where possible those be reduced and put on our electronic system so they could be downloaded by departments that choose to use them and that any savings resulted from that be allocated to Health and Human Services, primarily in the areas of STD's and HIV - **(TAGGED BY COUNCIL MEMBER SANCHEZ)** - was presented.

Council Member Sanchez asked from a procedural perspective when would be the appropriate time to make table motions to the budget, and Mr. Hall stated that it would be his suggestion that when they finished the posted items if they did not relate to the items that were posted then obviously he could offer a motion on anything else, that if they had a motion that related to one of these items then they had to offer it at the time it was being considered because they could not offer it on the same subject. Council Member Galloway absent.

Council Member Castillo moved to call Item No. 41i first so the amendments could follow, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0672 ADOPTED.

- 41i. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2002 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund balances; amending the Code of Ordinances to increase Ambulance Fees and authorize an increase in Platting Fees; making various amendments to the proposed budgets; designating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability - **(This was item 60 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBERS TATRO and CASTILLO)** – was presented.

41. MOTION by Council Member Boney/Seconded by Council Member Ellis that Item No. 41I below, be amended to provide that the Administration review publications, newsletters, etc., to see if all of them need to be published and printed and distributed citywide and where possible those be reduced and put on our electronic system so they could be downloaded by departments that choose to use them and that any savings resulted from that be allocated to Health and Human Services, primarily in the areas of STD's and HIV - **TAGGED BY COUNCIL MEMBER SANCHEZ** – was again presented.

Council Member Boney stated that he thought his motion spoke for itself, that it asked for the administration to review publications and newsletters that they expend monies on for printing to see if they might reduce that amount and then save some monies making it possible for various departments to print those out and downloaded from their computers and any savings be allocated to help the Human Services primarily in the area of STD's and HIV, and Council Member Bell offered a friendly amendment to add childhood immunizations to his list of primary areas for use of the funds, and Council Member Sanchez asked to also add Hepatitis C which were accepted by Council Member Boney.

A vote was called on Item No. 41 as amended. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0673 ADOPTED.

- 41a. MOTION by Council Member Boney/Seconded by Council Member Ellis that Item No. 41I below, to be amended to provide that F&A direct the administration to conduct a citywide review as to whether or not they could recognize significant savings if the mobile system of identifying where City vehicles go were placed upon other City vehicles or all City vehicles and therefore save monies - **TAGGED BY COUNCIL MEMBERS SANCHEZ and TATRO** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0674 ADOPTED.

- 41b. Council Member Castillo presented the following written amendment to Item No. 41I below  
“That the \$3 million budgeted in the CDBG annual budget for NTS Neighborhood Street Overlays be counted as part of the \$50 million for Street Overlay Programs and that the \$3 million be reduced from that portion of the General Fund and applied toward a reserve in the General Government line item which together with other savings from the general fund can be used for employee performance pay increases.” - **TAGGED BY COUNCIL MEMBER CASTILLO** – was presented.

Council Member Castillo stated that in light of the flood that they had in recent days it would seem that they were going to need all of the money that they could get for street overlays and would withdraw his amendment. Council Member Galloway absent.

- 41c. MOTION by Council Member Vasquez/Seconded by Council Member Boney that Item No. 41I below, be amended to provide the following:

The Director of Planning and Development will direct a comprehensive staff review of the city's current computerized GIS/mapping systems and the utilization of such systems by city departments with the objective of improving inter-departmental sharing of geographic data and increasing the use of GIS/mapping systems to improve departmental efficiencies and effectiveness and the study should be completed by March 1, 2002 **TAGGED BY COUNCIL MEMBER TATRO** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0675 ADOPTED.

- 41d. MOTION by Council Member Vasquez/Seconded by Council Member Keller that Item No. 41I below, be amended to provide the following:  
The 311 program will be removed from the budget and management structure of the Finance and Administration Department and will be placed within the budget and management structure of the Mayor's Citizens Assistance Office - **TAGGED BY COUNCIL MEMBER TATRO** – was presented.

Council Member Vasquez stated that he had several discussions with the administration and there were issues that needed to be worked out before this could be voted on and there were some accountability issues as well and would withdraw his amendment. Council Member Galloway absent.

- 41e. MOTION by Council Member Vasquez/Seconded by Council Member Quan that Item No. 41I below, be amended to provide the following:  
The Emergency Management program will be removed from the budget and management structure of the Finance and Administration Department and will be placed within the budget and management structure of the Mayor's Office of Public Safety and Drug Policy **TAGGED BY COUNCIL MEMBER TATRO** – was presented.

Council Member Vasquez stated that he had extensive discussions with the administration and there were some kinks that needed to be worked out and they made a commitment to work with him on it and would withdraw his amendment. Council Member Galloway absent.

- 41f. MOTION by Council Member Vasquez/Seconded by Council Member Quan that Item No. 41I below, be amended to provide the following:  
The Director of Finance and Administration will conduct a study to evaluate the potential cost-savings associated with a consolidation of all departments' Public Information Officers (PIO's) into a single organization. The study shall also include an analysis of operational benefits or drawbacks to be achieved through such a consolidation. The study shall be completed by March 1, 2002 - **TAGGED BY COUNCIL MEMBER TATRO** – was presented. . All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Galloway absent. MOTION 2001-0676 ADOPTED.

- 41g. MOTION by Council Member Quan/Seconded by Council Member Robinson that Item No. 41I below, be amended to provide the following:

Eliminate line item 208 / 65 / 9100 Transfers From General Fund of \$228,313 and reduce the total budget of the Municipal Channel by the same amount. Reductions in service are to be determined by Division Director, but one suggestion is a reduction of hours of broadcast - **TAGGED BY COUNCIL MEMBERS BONEY and TATRO** - was presented.

Council Member Castillo stated that it appeared to be a case of the reductions being done on the item that had the least visible constituency, the constituents being the residents of this city who gained much of the information about what transactions went on in the City Council, the County and the various programming sources from the Municipal Channel, that he thought the savings that would occur did not offset the loss of information and the accountability that they gave to the residents of the city so he intended to vote against it. Council Member Galloway absent.

Council Member Boney stated that he agreed with Council Member Castillo and the other thing that really troubled him was that the Municipal Channel operations were devastated by the floods and may not be up for two months so there was going to be some savings because they were not in operation, that during the course of this budget year the F&A and Municipal Channel directors seek where there might be some cost savings and see if they might get there next year, that the amount of expense that was going to be incurred just to get the equipment and operation in appropriate shape he thought this was not a timely time to do this, that he would rather do the work and not cripple the Municipal Channel because he thought it was an invaluable service for the citizens to know what was going on. Council Member Galloway absent.

Council Member Parker stated that the original intent of the motion was to allow and encourage the director to think about whether they really needed to have programming from 2:00 a.m. to 6:00 a.m. and whether they could recover some of the costs of programming from other users of the system and to allow flexibility, that perhaps what was needed was an amendment to allow the Municipal Channel to recover from the flood but limit the expenditures to the funds available, that no use of General Funds other than to recover from flood damages if it was not covered by flood insurance so that they could get back to where they were. Council Member Galloway absent.

Council Member Quan stated that he was open to that, that he had asked Dr. Scheps and Mr. Haines if the damages were covered by insurance and his understanding was that everything was covered so that there would be no loss, and Dr. Scheps stated that he thought they were fully covered except to the extent that there was a deductible and they may have to bear some share of that deductible. Council Member Galloway absent.

Council Member Castillo asked if there was not going to be some restoration work in spite of the recovery of funds for capital equipment and whatever else was destroyed, and Dr. Scheps stated he thought that was likely and they would not want to put them back in the basement either so there may be a cost associated with a relocation of that. Council Member Galloway absent.

Council Member Quan stated that he certainly recognized the valuable service the Municipal Channel provided, that he understood they had a disaster and was open to

Council Member Parker's amendment to get them through this hump if they needed it, but did think that there needed to be some accountability at some point and time and accepted Council Member Parker's amendment. Council Member Galloway absent.

Council Member Robinson stated that he was opposed to tampering with the funding for the Municipal Channel because he thought they had done a good job and were operating effectively, that they were talking about a small subsidy out of the General Fund, that he was cognizant of the fact that once the two new cable companies started to build out there would be additional revenues coming in for the Municipal Channel so they could move them back to the full funding, that he thought the service to the community was so important and the truth of the matter was that they watched it during those 2:00 a.m. to 6:00 a.m. hours when they were up late so he was not sure he wanted to get rid of that slot, and was not ready to say no to the Municipal Channel. Council Member Galloway absent.

Council Member Bell stated that his understanding was that what would have to be cut was some of the outside programming that was covered, that none of the committee meetings or Council meetings would be affected by such a cut.

Council Member Robinson stated that they should do a performance review on them and evaluate it and ask the administration, F&A and the City Controller to do a performance evaluation and come back and give the Council a midterm update and then they could make that decision and pull the trigger as opposed to doing it here, and asked Council Members Parker and Quan to consider that option or alternative instead. Council Member Galloway absent.

Council Member Sanchez stated that the question he had was that the Municipal Channel was being asked to pay rent at 611 Walker and why were they the only ones being asked to do that, and Dr. Scheps stated it was because they had their own fund, that F&A, Planning and HR all came out of the central General Fund account and the Municipal Channel was not General Fund, that there were some other non General Fund departments in that building as well, and Council Member Sanchez asked if they could continue to fulfill their mission without the influx of General Fund revenue and Dr. Scheps stated that with three less people they would be able to do City Council and fixed site things that occurred in this building, but they would have a much smaller capability to go out and do community events, that they owed Council a better answer on this, that they had not given them enough of an answer to make this decision, that the money was in General Government and could not be spent on the Municipal Channel until they moved it and he was going to suggest that they leave it in General Government until they came back within 60 days and have a full hearing of the kinds of issues. Council Member Galloway absent.

After further discussion by Council, Mayor Brown stated that he was prepared to conduct a performance audit of the Municipal Channel and bring it back to City Council and share anyplace where they could find savings and move on from that point, that he would insure that it would be top priority, and Council Member Quan stated that he would be willing to withdraw his amendment at this time, and Mayor Brown stated that Council Member Quan withdrew his amendment and requested that Dr. Scheps use the process they had for auditing and put that at the top of the list and get back to Council as rapidly

as possible. Council Members Tatro and Galloway absent.

- 41h. MOTION by Council Member Goldberg/Seconded by Council Member Ellis that Item No. 41I below, be amended to provide that the water customer service center be eliminated once the 311 System is fully operational - **TAGGED BY COUNCIL MEMBER CASTILLO** - was presented.

Council Member Goldberg stated that he would withdraw his amendment, that he had passed out a summary of a discussion that he had with Karen Phillipi, Deputy Director, Water Department, and if they looked on the second page they could see that the Water Service Center was gradually decreasing percentage wise in the amount of people that actually came and paid their bills there, that from May 1999 of 2.52% to April 2001 of 1.07%, that as a matter of fact she was taking steps to implement what his amendment would have done, that with every person that came to pay their bill at the service center they were given a notice that said they did not have to go there, that they could go somewhere else, that her program was actually designed to encourage people not to attend the Water Service Center, that she had done a great job. Council Member Galloway absent.

Council Member Boney asked if when they used the alternative payment places like the grocery store did they have to pay them some percentage or fee to collect for the City and what type of impact did that have, and Council Member Goldberg stated that year by year the amount of people going to the grocery store was less and he assumed it was because of the high fees to pay there, however the mail in percentage was increasing from 65.4% to 69.3%, that at the grocery store they paid about 32 cents for each item, which was a tremendous savings because it cost them about one dollar per person per item at the Water Service Center, and Council Member Boney stated that he would just like to see a full analysis of all of this financially so they would know that they did not have any hidden costs that they were not looking at and where the best distribution was done, and Mayor Brown requested that Dr. Scheps make sure that was done. Council Members Galloway and Parker absent.

Council Member Sanchez asked what was the overall cost associated with maintaining the billing department for the City of Houston, and Dr. Scheps stated that he would have to find that out, and Council Member Sanchez asked if anyone had given any thought to allowing a private sector to process the bills that were returned by mail, and Mayor Brown stated that they had looked at that with some of the private utilities and the end result was that it would be more cost effective for the City to do it themselves, particularly since they made the major multimillion dollar investment in their water meters and their system was as good as any private sector system was right now, and Mr. Haines stated that they would be happy to give Council a summary report on what came out of those meetings.

Mayor Brown stated that Item No. 41h had been withdrawn.

- 41i. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2002 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund

balances; amending the Code of Ordinances to increase Ambulance Fees and authorize an increase in Platting Fees; making various amendments to the proposed budgets; designating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability – (This was Item 60 on Agenda of June 13, 2001, **TAGGED BY COUNCIL MEMBERS TATRO and CASTILLO**) – was again presented as amended.

Council Member Sanchez stated that he would like to offer up two amendments, that he understood the amendments were subject to a tag and would ask the Council Members not to tag the item and just consider them today.

Council Member Sanchez moved to abolish the office of Inspector General and return the firefighters associated with that office back to the fire department as suggested by the Tri Data Report and also the police officers back to the police department, and whatever financial savings were realized to transfer those back into the General Fund to be used either for disaster relief expenses or to the General Fund to support the operation of the City, seconded by Council Member Goldberg. Council Members Galloway, Keller and Parker absent.

Council Member Boney stated that he was not sure what would be the ultimate impact of abolishing the OIG in terms of were they muddying the water, clarifying the water or creating more opportunities for things to happen and not bring them to resolution in a way that was confident and clear, that he was not sure if they would be better served by it going away now, that if they needed to look at it he would like to look at it with some great deal of detail and analysis. Council Members Galloway and Keller absent.

Mayor Brown stated that the City would always have some type of system to investigate allegations of misconduct against employees, that the police and fire would have their internal affairs and the City had one with the Public Employee Integrity Group, that what the Office of Inspector General did was to bring them all together and have better training and the police career chief being in charge of all that it ended up with a better product, that if they went back to decentralization it would cost more money and end up with a less trained work force thus not getting the job done and maintaining the integrity of the workforce of the City. Council Members Galloway and Keller absent.

Council Member Sanchez stated that their review indicated that there was no reduction in the police and fire budget when the Office of Inspector General was created, that in fact the budgets had increased and also they had expended \$2.1 million every year throughout the course of the last four budgets for a total of over \$8 million and it was a substantial cost to the taxpayers, that also the Tri Data Reports recommended the return of the inspectors back to the fire department, which had not been done. Council Members Galloway and Keller absent.

Council Member Castillo stated that he had always believed that somehow the trend to begin all criminal investigations was sort of putting the cart before horse because in his past experience the administration would always begin a civilian investigation, either by the Human Resources Department or by the department head and if it reached the threshold of a criminal culpable act then it was transferred to the District Attorney's



office and was on the County's nickel and for that reason he always believed that somehow they needed to civilianize the process again and not begin with the assumption that it merited a criminal investigation and for that reason he was going to vote for the amendment. Council Members Galloway and Keller absent.

Council Member Bell stated that he thought that administrative complaints and problems needed to be handled in an administrative fashion and thought that the Mayor was correct that there would always have to be some type of mechanism for dealing with those type of complaints and centralization probably was a good experiment but he thought that now that they had some time to look at it they see that it created some problems in and of itself and that perhaps it was better to have a decentralized system to where actual criminal complaints would be handled in a criminal fashion and would be handled by the District Attorney's Office that was more than capable of addressing those concerns and administrative complaints could be handled by Human Resources in an administrative fashion and was more than capable of setting down policies and guidelines to deal with this, and thought it was time to start with a new system. Council Members Galloway and Keller absent.

Council Member Boney stated that he thought part of the problem was that OIG and the various ethic structures and functions and responsibilities were not well understood, and stated that he was going to tag the amendment because he really thought they ought to think through whatever they did on ethics before they do it. Council Member Galloway Keller absent.

Council Member Sanchez moved to override the tag on his amendment, seconded by Council Member Keller. Council Member Galloway absent.

After further discussion by Council a roll call vote was called on the motion to override the tag. Council Member Galloway absent.

ROLL CALL VOTE:

Mayor Brown voting no  
Council Member Tatro voting aye  
Council Member Galloway absent.  
Council Member Goldberg voting aye  
Council Member Boney voting no  
Council Member Todd out of the city  
on city business.  
Council Member Ellis aye  
Council Member Keller aye

Council Member Vasquez aye  
Council Member Castillo voting aye  
Council Member Parker voting no  
Council Member Quan voting no  
Council Member Sanchez voting aye  
Council Member Bell voting aye  
  
Council Member Robinson voting aye  
MOTION 2001-0677 FAILED TO  
RECEIVE A TWO-THIRDS VOTE OF  
COUNCIL

Mayor Brown stated that the vote was 9 to 4 and did not pass. Council Member Galloway absent.

Council Member Sanchez stated he would offer another motion, that it was less controversial but made eminent sense.

Council Member Sanchez moved not to abolish but to separate the Office of Mayor Pro Tem and assign it directly to the Mayor's office so that the perfunctory responsibilities of the office of the Mayor Pro Tem could continue under the direction of the Mayor and to create a Council administrative office so that Council Members could take care of the administrative needs of the City Council. Council Member Galloway absent.

Mayor Brown asked the City Attorney if by virtue of their Charter was that even possible, and Mr. Hall stated that he thought the substance of the inquiry was whether or not of that could be implemented and the answer was no, that the Charter was very clear that Council had no administrative authority for anything, that no person who worked for the City could be directed by the Council body under the City Charter and those opinions had been issued since the beginning of time he thought.

Council Member Sanchez asked if he was telling him that the Charter precluded City Council from having a budget to take care of minutes to address the issues as they related to the operation of the City Council, and Mr. Hall stated exactly, that nobody in the City was subject to the administrative control of the City Council, that the Charter was unequivocally clear and plain about that, and Mayor Brown stated that he was going to move the amendment out of order, that it was not possible under the Charter.

Council Member Sanchez stated that he was going to amend it then.

Council Member Sanchez moved to let the office of the Mayor Pro Tem continue its perfunctory operations and responsibilities under the direction of the Mayor and essentially the money associated with that office be returned to the General Fund, seconded by Council Member Ellis.

Council Member Sanchez stated that in essence it was to remove the funding from the office of the Mayor Pro Tem and return it to the General Fund.

Council Member Robinson stated that he was trying to figure out where to begin on this one, that he meant that in a most serious way, that he would use an example just so he was clear, that they no longer had purchasing at the City purchase store, and that was a complicated enough process when they were trying to get some pens and paper as a member of Council and asked who would he speak to if his staff really worked for the Mayor and the Mayor Pro Tem office really worked for the Mayor to make sure he could get some office supplies without a whole lot of hassle, and Mr. Hall stated that Council Member Robinson was right, that for a technical sense Council Member staffs worked for the Mayor and that was the person who would have to in fact execute all the personnel decisions as he did today, that the Legal Department, back then and continues to operate under the legal theory that the Mayor had delegated to the Members of Council the immediate supervision of those folks who worked on that persons staff, that he had made no such delegation of any thing else, that the people who worked in the Mayor Pro Tem's office they considered Council's staff, same way, the Mayor delegates to the Mayor Pro Tem those people who work in the Mayor Pro Tem's staff, that everybody in the City worked administratively for the Mayor, and Council Member Robinson stated that he was not contesting that, that he was trying to make sure he was clear relative to what Council Member Sanchez was trying to get done, and he was assuming that what he was trying to get done in light of that clarification was he wanted to eliminate the delegation to any

Council Member's to supervise the staff that worked in the Mayor Pro Tem's office, and Mr. Hall stated that he thought what Council Member Sanchez said was that he wanted to take the money away and give the job to the Mayor without any money.

Council Member Robinson asked Council Member Sanchez if he was essentially saying to have no staff in what they knew as the Mayor Pro Tem's office, the actual physical bodies and just transfer the responsibilities to staff members in the Mayor's office as they now knew it, and Council Member Sanchez stated that if the Mayor's office wanted to absorb the staff associated with the office of the Mayor Pro Tem he was certainly welcome to do that and that was his prerogative under his budget, that it was hard for him to imagine that this body could not come together and craft a way that was easier to buy pencils and erasers, palm pilot or a telephone or whatever service they needed in their office, that the current process was somewhat cumbersome and thought it was expensive and they could probably reduce the cost of that, that the responsibility of taking minutes of the committee meetings certainly that could fall to whatever department or whatever authority Council saw it fit to assume that responsibility.

Council Member Ellis stated that Council Member Sanchez amendment did not seem to produce any cost savings and he actually said that because he was saying that the Mayor would go ahead and absorb it, that there was no cost savings, that he was just saying that from now on he just wanted a different way of going about purchasing administrative products, and Council Member Sanchez stated that essentially that would be correct, that it would be more of a way for Council to have a more responsive determination as to what happens within the office of Mayor Pro Tem, and Council Member Ellis stated that he did not think he was going to support the amendment because he did not understand if there were any cost savings and he did not see any cost savings.

Council Member Goldberg stated that he intended to support the amendment if for anything else for an efficiency reason, that when he and the other five new Council Members first came to Council their contact to help them out was not the Mayor Pro Tem's office, when they needed insurance information, new furniture and new computer equipment it was from the Mayor's office and they had no contact with the Mayor Pro Tem's office and to this day he was not really sure what exactly they did, that he would support the amendment.

Council Member Galloway stated that she was not in support of the amendment, that as a new Council Member she did get assistance from the Mayor Pro Tem's office, and stated if what she was understanding from the City Attorney was that the Mayor Pro Tem's office really worked for the Mayor but it was a delegation from the Mayor's office to the Mayor Pro Tem, and Mr. Hall stated that what he was saying was that the employees of the Mayor Pro Tem's office were no different than every other employee in the City, that every employee was under the administrative control of the Mayor by the City Charter of the City of Houston.

After further discussion Council Member Bell moved to call the question, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan absent. MOTION 2001-0678 ADOPTED.

A roll call vote was called on Council Member Sanchez's motion to amend Item 41i relating to the office of the Mayor Pro Tem.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd out of the city on city business	Council Member Bell voting no
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2001-679 FAILED.

Council Member Tatro stated that he had passed out to Council a list of 3 budget amendments and was pulling number 2 down and would ask Council to give them favorable consideration and stated that he would read them.

Council Member Tatro stated that the first amendment to the FY2002 Budget was as follows: "Continue the publication and distribution of literature and educational information associated with the DARE Program, and end the use of all classified police officers as instructors in the DARE Program, and there were currently 63, and re-assign them back to standard police operations. Continue the D.A.R.E. program by utilizing volunteers and/or retirees from the Police Department.", and further stated and/or fire department if they were so willing.

Council Member Boney moved to suspend the rules to hear from Chief C.O. Bradford at this time, seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0680 ADOPTED.

Mayor Brown stated that having been involved in the law enforcement for a number of years it was almost impossible to rely on running the program with just volunteers, that it just did not work, that they did not have to come to work.

Upon questions by Mayor Brown, Chief Bradford stated that they had been unable to solicit retired officers to deliver the number of hours that would be necessary to carry on the D.A.R.E. Program via volunteer services, that in addition to that the delivery of the program without the uniformed Houston Police Officers would not be the D.A.R.E. Program, that secondarily they operated under the offices of D.A.R.E. America, that literature, the program and the curriculum, D.A.R.E. America owned that and the Houston Police Department would not have the ability to disseminate that information without the authorization of the D.A.R.E. Corporation so it would not be possible to comply with the amendment as proposed. Council Member Sanchez absent.

Council Member Quan stated that he had gotten calls from officers in support of the D.A.R.E. Program and would like to tag the amendment. Council Member Sanchez absent.

Upon further questions by Council, Chief Bradford stated that the D.A.R.E. Program was a program that utilized uniformed police officers and was not aware of any D.A.R.E. Program across America that utilized anything other than uniformed police officers, that there were four studies that supported the D.A.R.E. strategy and they had those particular studies currently and the information had been submitted to Dr. Scheps office and due to the flood and his activity with the flood he had not been able to consolidate all of those Council Member requests, that he understood that Council Member Vasquez had a question also about information and that information had been submitted and Dr. Scheps was in the process of putting together a consolidated report concerning all Council Member's questions, and Council Member Boney suggested that they send the information to all Council offices. Council Member Sanchez absent.

Upon questions by Council Member Vasquez, Dr. Scheps stated that they would have those reports ready on Friday, that virtually everything that Council Member Vasquez had asked for had been collected, including a plan for those things that were more complex, that he had asked for studies and comparative data, that many departments had ended up sending Council Member Vasquez information directly, but this still had a compilation of everything that he had asked for with, in some cases, a six month plan for providing when they would have the studies. Council Member Sanchez absent.

The 3<sup>d</sup> proposed amendment distributed by Council Member Tatro was before Council as follows:

"The FY02 budget shall include the lease agreement for the District A satellite office. This lease was completed in accordance with the policy guidelines developed by the Administration for the Building Services Department. Funds for this lease will come from the existing District A City Council budget."

Mayor Brown stated that he had asked Council Member Tatro to come and see him on this item because he was deviating from what had been the standard procedure, that he was asking to spend General Fund money on a district office where every other district Council Member had been able to obtain a donated fund of \$1 per year, that what he wanted to do was help him find a similar one and save the taxpayers money, that if he wanted to spend his Council office money on that he would make sure it was done, that he did not need a Council action on it, that he supported what he wanted to do, that his only thing was try to help him save a little money by using some resources he had to find maybe a \$1 per year like everyone else rather than a commercial lease that spends taxpayers money, that the lease had to come back before the City Council obviously and he was prepared to get it before City Council and did not require anything except getting it on the agenda and he was prepared to do that.

Council Member Tatro stated that he wanted to submit the amendment nonetheless, and Mayor Brown stated that he wanted to submit the amendment nonetheless even though it would be done.

Council Member Tatro stated that he had distributed the changed amendment because he believed they would have run into some legal issues about the budget amendment as it was written in the first sentence as follows:

Council Member Tatro moved that upon passage of the FY02 Budget the Mayor would submit to the City Council the lease agreement for the District A satellite office, that this lease was completed in accordance with the policy guidelines developed by the Administration for the Building Services Department, that funds for this lease will come from the existing District A Council office budget.

Council Member Tatro stated that it would come directly from their budget, that they had been through the process for about 10 months now to identify and work with the administration, and Mayor Brown stated that he understood and had no problem with it, that he would even vote for it, and Council Member Tatro stated that they tried also to look up and down Long Point.

Mayor Brown stated that he would be delighted to do that if that was where he wanted to spend his district monies.

A vote was called on Council Member Tatro's motion to amend Item 41i. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0681 ADOPTED.

Council Member Castillo stated that he had passed out a two page cleanup amendment to make changes on Page XII-4, in the column headed as Fiscal Year 2002 Budget, that there were several errors in the page that was in the budget book and it occurred on the line for Expenditures Tax Bonds and the line Ending Fund Balance and occurred on the line at the bottom of the page called Expenditures Debt Service Requirements and occurred on the line at the bottom of the page called Ending Fund Balance, that they were self correcting errors so the balances were still the same and the numbers were as shown on the revised page and moved the adoption, seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0682 ADOPTED.

Council Member Parker stated that she had indicated yesterday that she would be introducing a clarifying motion on the uses of the Sign Abatement Fund and had visited at length with Susan Taylor of the Legal Department and Judy Johnson of the Controller's office as well as Dr. Scheps, that she still thought it was important to do that but would bring it as a separate motion, that the budget did not actually do away with the Sign Abatement Ordinance so she thought they could reserve that until the next week, and the Controller's office considered the funds to be fully reserved and not unrestricted so they were protected.

Council Member Tatro moved to postpone Item No. 41i for one week, seconded by Council Member Sanchez.

A roll call vote was called on Council Member Tatro's motion to postpone Item 41i for one week.

ROLL CALL VOTE:

Mayor Brown voting no  
Council Member Tatro voting aye  
Council Member Galloway voting no  
Council Member Goldberg voting no  
Council Member Boney voting no  
Council Member Todd out of the city  
on city business  
Council Member Ellis voting no  
Council Member Keller voting no

Council Member Vasquez voting no  
Council Member Castillo voting no  
Council Member Parker voting no  
Council Member Quan voting aye  
Council Member Sanchez voting aye  
Council Member Bell voting no  
Council Member Robinson voting no  
MOTION 2001-683 FAILED.

A vote was called on Item 41i as amended. Council Member Sanchez voting no, balance voting aye. Council Member Todd out of the city on city business. ORDINANCE 2001-0564 ADOPTED.

Mayor Brown stated that he wanted to express his thanks to Council Member Castillo who had chaired the committee and did an outstanding job, that he wanted to thank all the Members of Council, that they had attended many committee meetings and worked together to bring them to the point where they were right now.

Council Member Robinson stated that he wanted to thank Dr. Scheps, Mr. Tollett and Mr. Haines for the work they did with the Council Members during the entire process and thought that because of their efforts it was a much easier and more informative process this year and hoped that they would do the same thing as they got ready to go forward to the voters on the bond referendum to come up with what ought to be the appropriate amount on that item, and Mayor Brown stated that he also wanted to express his appreciation to the members of the administration, that Dr. Scheps and his staff worked very hard so they appreciated for what they had done.

Council Member Galloway stated that she also wanted to compliment Dr. Scheps as well, that she knew it was his first endurance with Council this year and he was very appealing to all of them, and she also thanked all of the administration staff for coming in and being so in depth and giving them information that they needed.

Council Member Bell stated that he wanted to thank Council Member Castillo for the job he did and the members of the administration in putting the workshops together, that he thought they were incredibly productive this year and led to a very smooth budget process.

Council Member Vasquez stated that he also wanted to thank and recognize Council Member Castillo, Dr. Scheps and Mr. Tollett as well for all of their involvement and hoped that the spirit of collaboration and cooperation continued.

Council Member Boney stated that he wanted to thank Council Member Ellis for his leadership, that he thought it was helpful in terms of trying to help build consensus on Council and also Council Member Parker had done some tremendous work as well, and also Mr. Haines and all of the people who were part of Dr. Scheps effort, that it was a total team effort.

Mayor Brown stated that he thought they had done the work for the citizens of the City and appreciated everyone's hard work, concentration and time and energy on this.

42. ORDINANCE appropriating \$2,361,000.00 out of Water and Sewer Consolidated Construction Fund awarding contract to **KINSEL INDUSTRIES, INC** on low bid of \$2,072,854.20 and approving and authorizing professional services contract for engineering testing services with **EARTH ENGINEERING, INC** in the amount of \$60,000.00 for Neighborhood Sewer Rehabilitation in Sims Bayou, GFS R-2011-25-3 (WW4764-1); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund and Water and Sewer System Consolidated Construction Fund - **DISTRICTS D - BONEY; E - TODD and I - CASTILLO** - (This was Item 60 on Agenda of June 6, 2001, POSTPONED BY MOTION #2001-611) - was presented.

Council Member Castillo moved to refer Item No. 42 back to the administration, seconded by Council Member Robinson. Council Members Vasquez and Goldberg voting no, balance voting aye. Council Member Todd out of the city on city business. MOTION 2001-0684 ADOPTED.

Council Member Ellis moved to suspend the rules to consider Item Numbers 17 and 47 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0685 ADOPTED.

17. ORDINANCE authorizing issuance of City of Houston, Texas, Water and Sewer System Junior Lien Revenue Refunding Bonds, Series 2001A, authorizing the Mayor and City Controller to approve the amount, the interest rate, price and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain outstanding bonds; authorizing the execution and delivery of an Escrow Agreement to provide for the payment of such outstanding bonds; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Escrow Verification, a Co-Bond Counsel Agreement, and a Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency. - was presented.

Council Member Ellis moved to suspend the rules to hear from Mr. Jim Gilley, Coastal Securities, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0686 ADOPTED.

Council Member Ellis stated that yesterday Mr. Gilley's office sent over the summary of the refund results and stated that at the bottom they had two percentage savings, one was 10.4% and one was 9.8% and asked why those numbers were different, and Mr. Gilley stated that the 10.4% was a measure of the savings as a percent of the refunded bonds and the 9.8% was a measure of the savings against the refunding bonds, that it was just a different way of measuring what those savings were, and Council Member Ellis asked at what percent savings would it be beneficial for the City to move forward in refunding the bonds, and Mr. Gilley stated that the City typically uses a



guideline of about a 3% present value savings as a percent of the refunded bonds as a threshold when they consider whether a transaction made sense or not, that this transaction made a lot of sense, and the net present value savings was about \$24 million based on yesterday's calculations, and Council Member Ellis asked if they do not refund the bonds was it his opinion that they would have to raise water rates in the next fiscal year, and Mr. Gilley stated that the staff and the financial advisor had come up with a program which consisted not only of this refunding but there may be another refunding to do very soon as well as a proposed defeasance of about \$25 million in bonds that was important to reduce rate pressure, that he did not want to say that there was going to have to be a rate increase, but one of the purposes of this was the attempt to reduce rate pressure.

Council Member Boney stated that the way the interest rate was now and the bond market they would likely not have a better time, and asked if they passed the item today how soon would they go to the market and start marketing bonds and how soon did he think the transaction might be completed, what was the timeline, and Mr. Gilley stated that probably in the next several weeks.

Council Member Robinson stated that he was in support of the item and had asked the financial advisors and Mr. Haines and had made the request before and hopefully when they come forward to have some discussions, that one of the things he was interested in looking at was once they brought that Northeast Water Plant on line and they started picking up customers with an increased customer base in terms of the sale of additional water what would that do to alleviate pressures on their potential for a potential need for a water rate increase and hoped that someone would run those numbers because he thought it ought to be part of the discussion because building a water plant in and of itself was not the end all idea.

Council Member Tatro stated that he would also like to meet based on the Northeast Water Plant, that he would like to get together to discuss it, that he appreciated what Coastal had done to keep that down, but there were other extenuating circumstances. Council Member Parker absent.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Parker absent. ORDINANCE 2001-0565 ADOPTED.

47. ORDINANCE appropriating \$200,000.00 Airport System Consolidated 2000 AMT Construction Fund, CIP A-0422, \$14,308,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-0322, \$77,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-131, \$688,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-322, and \$4,526,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A0335, awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** on bid of \$17,985,511.37 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$175,000.00 for Terminal "C" New Pedestrian Bridge and West Facade Expansion at George Bush Intercontinental Airport/Houston (IAH), Project No. 490F - **DISTRICT B - GALLOWAY** - **(This was**

**Item 33 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. ORDINANCE 2001-0566 ADOPTED.

**CONSENT AGENDA NUMBERS 2 through 37**

**ACCEPT WORK - NUMBER 6**

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,875,023.12 and acceptance of work on contract with **JERDON ENTERPRISE, INC** for Improvements at John P. McGovern Lake at Herman Park, GFS F-0364-06-3 - 03.68% over the original contract - **DISTRICT 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. MOTION 2001-0687 ADOPTED.

**PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 12**

9. **SOUTHERLAND CONSTRUCTION COMPANY** for Fannin Garage Lighting Enhancement for Convention & Entertainment Facilities Department - \$25,920.00 and contingencies for a total amount not to exceed \$27,216.00 - Enterprise 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 2001-0688 ADOPTED.
10. **DALLAS PUBLIC SAFETY SUPPLY, INC** for Ammunition, New/Reload, Tactical Grenades, Targets and Accessories Contract Part II for Police Department - \$44,160.00 - 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 2001-0689 ADOPTED.
11. **ABACUS DIAGNOSTICS, INC** - \$56,900.00, **APPLIED BIOSYSTEMS** - \$50,000.00 and **MILLIPORE CORPORATION** - \$35,220.00 for Forensic Chemicals and Test Kits Part III for Police Department - 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 2001-0690 ADOPTED.
12. **HI-WAY EQUIPMENT CO., INC** - \$15,000.00 and **MAXIM CRANE WORKS (ANTHONY CRANE RENTAL)** - \$85,500.00 for Equipment Rental, Part III for Various Departments - General and Enterprise Funds - 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 2001-0691 ADOPTED.

**RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 32**

16. ORDINANCE amending prior ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series B, and authorizing the issuance of \$103,300,000.00 of additional City of Houston, Texas, General Obligation Commercial Paper Notes, Series B, for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval and/or ratification of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement; and declaring an emergency had not been received and the City Secretary announced it would be considered at the end of the agenda if received during the meeting.
  
19. ORDINANCE authorizing the City of Houston to accept a \$1,175,000.00 Economic Development Initiative (“EDI”) Special Projects Grant awarded by the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”)** in connection with the Redevelopment of Gregory School and the creation of affordable single-family housing in the Fourth Ward; authorizing the Mayor to execute and submit grant documents to HUD - **DISTRICT I - CASTILLO** - was pulled by the administration and would not be considered.
  
32. ORDINANCE appropriating \$1,818.00 out of Public Health Consolidated Construction Fund and approving and authorizing second amendment to professional architectural services contract (approved by Ordinance No. 93-1424) between the City of Houston and **SDT ARCHITECTS, INC** for Renovation of the Health & Human Services Maintenance Facility, CIP H-0022-01-2 **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. ORDINANCE 2001-0567 ADOPTED.

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

**MISCELLANEOUS**

4. ORDINANCE appropriating \$200,721.00 out of Public Library Consolidated Construction Fund as an additional appropriation for Renovation of Carnegie Branch Library, GFS E-0008-01-3; under construction contract with **R.T.G. BUILDING COMPANY**; approved by Ordinance No. 2000-330 **DISTRICT H - VASQUEZ** – was presented.

Council Member Keller stated that he was going to tag the item, that he was sure that this took place before they had Building Services and was sure that they had been working closely to tie the loose ends of it, that he did not think that the taxpayers should ever have to pay for anything like this, that the oversight was the result of an inaccurate as built drawing relied upon during the design process, that he hoped they were trying to

get retribution for this mistake, that it also cost them an additional 355 days for the project which was also a lot of money. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he was going to speak on moving on with the item, that obviously having a library closed for any length of time in that area deprived a very valuable resource to the students at Marshall Middle School and Jeff Davis High School who used that library as their only library, that they did not have a library in their schools, that whatever legal problems they had to resolve they needed to resolve them without causing any more pain and loss of having a library to the people who use it.

Council Member Keller stated that he did not like crazy change orders and that he was tagging Item 4a also, that if they had interaction going on to seek the funds from the architectural firm he would be glad for somebody to show him that and was pleased that they had taken that action. Council Member Vasquez absent.

After further discussion by Council Members, Council Member Castillo moved to suspend the rules to hear from Ms. Ollie Schiller, Building Services, relative to Item No. 4, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. MOTION 2001-0692 ADOPTED.

Upon questions by Council, Ms. Schiller stated that they had commenced to recover damages as it related to a portion of the change order, that they had not attempted to recover costs as it related to the error of the fire separation wall because the City provided inaccurate as built drawings to the design consultant, but they had notified them of an issue of \$32,833 that they did feel the architect was responsible for; that as to the status of the library now, the portion with the books was reopened to the public on January 8, 2001, that they did some work on a previous change order which was less than 5% and under the 5% cap to secure the fire separation area to be able to reopen the library to the public, that the area that was not usable, which was impacted by this, was the meeting rooms and some auxiliary functions of the library which were needed by the community, that this change order was for the contractor to construct the fire separation wall primarily, that was the big piece of it, and Council Member Tatro stated that he would also like to get some information on this in the next week. Council Members Boney and Robinson absent.

- 4a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 6 in the amount of \$205,029.00 on contract with **R.T.G. BUILDING COMPANY** for Renovation of Carnegie Branch Library, GFS E-0008-01-3 - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Keller. Council Members Boney and Robinson absent.

### **ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,234,798.04 and acceptance of work on contract with **PARALLAX SERVICES, INC** for Parks to Standard Program - Marian Park, GFS F-0363-03-3 - 04.99% over the original contract amount **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Castillo, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city

business. Council Members Boney and Robinson absent. MOTION 2001-0693 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,865,444.96 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION COMPANY, INC** for Reconstruction of North MacGregor from Fannin to South MacGregor Way, GFS N-0678-01-3 (N-0678-01) - 02.84% over the original contract amount - **DISTRICT D - BONEY** - was presented, moved by Council Member Castillo, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Boney and Robinson absent. MOTION 2001-0694 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$269,506.94 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Accessibility Compliance and Renovations for Fleet Management at Japhet Site, GFS R-0521-05-3 (4291-3) - 04.46% over the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Castillo, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Boney and Robinson absent. MOTION 2001-0695 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 13

13. **KEY MAPS, INC** for Directories, Street Guides Contract for Various Departments - \$262,743.10 General, Grant, Enterprise and METRO Funds - was presented, moved by Council Member Castillo, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Robinson absent. MOTION 2001-0696 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 37

14. RESOLUTION authorizing submittal of the Public Works and Engineering Department's Candidate Project (White Oak Bayou Legacy Woods Trail Enhancement) to the Texas Department of Transportation ("TXDOT") for nomination under the Statewide Transportation Enhancement Program and Federal Funding under the Transportation Equity Act for the 21st Century to be administered by TXDOT and approving local matching funds for such project - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Robinson absent. RESOLUTION 2001-0031 ADOPTED.
18. ORDINANCE authorizing the Director of the Aviation Department to effect transfers of certain reimbursement grant funds to the Airport System Subordinate Lien Bond Interest and Sinking Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. ORDINANCE 2001-0568 ADOPTED.

20. ORDINANCE appropriating \$50,000.00 out of Public Health Consolidated Construction Fund for Roof Repair Services under Contract No. 39756 (Chamberlin Waterproofing & Roofing, Inc) for the Houston Department of Health and Human Services, CIP H-0018 - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0569 ADOPTED.
21. ORDINANCE approving and authorizing an agreement terminating a Tax Abatement Agreement between the City of Houston and **KOCH PROPERTIES COMPANY, L.P.**, and **KOCH INDUSTRIES, INC - DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0570 ADOPTED.
22. ORDINANCE amending Ordinance No. 97-1462 to increase the maximum contract amount to various contractors for HIV Services for Health & Human Services Department; approving and authorizing first amendments to such HIV contracts to extend the terms thereof - Through December 31, 2001 - Total \$135,565.00 - General Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0571 ADOPTED.
23. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **SAN JACINTO RIVER AUTHORITY** for Aquatic Plant Control in Lake Houston; providing a maximum contract amount - \$450,000.00 - Enterprise Fund - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0572 ADOPTED.
24. ORDINANCE approving and authorizing the execution of amendment No. 4 to Lease Agreement between the City of Houston and **RAYTHEON AIRCRAFT SERVICES, INC** at William P. Hobby Airport - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0573 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and **C. H. WILKINSON PHYSICIAN NETWORK, d/b/a CHRISTUS MEDICAL GROUP** for Health Care Services in the Southwest Area; providing a maximum contract amount - 5 Years - \$5,000,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0574 ADOPTED.
26. ORDINANCE amending Ordinance No. 98-829 to increase the maximum contract amount for Disaster Debris Consulting Services under contract with **DEWBERRY & DAVIS** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0575 ADOPTED.

27. ORDINANCE relating to Disaster Recovery Services; approving and authorizing contract between the City of Houston and **DRC, INC** for Hazardous, Toxic and Radioactive Waste Collection, Characterization, Packaging, Transportation and Disposal; amending Ordinance No. 2001-534 for the purpose of authorizing the aforesaid contract to be funded from the Disaster Recovery Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0576 ADOPTED.
28. ORDINANCE amending Ordinance No. 98-528 to increase the maximum contact amount and approving and authorizing first amendment to contract (approved by Ordinance No. 1998-528) between the City of Houston and **WASTE MANAGEMENT OF TEXAS, INC** for Solid Waste Disposal Services - \$1,050,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0577 ADOPTED.
29. ORDINANCE appropriating \$30,000.00 out of Parks Consolidated Construction Fund and approving and authorizing amendment to professional environmental consulting services contract (approved by Ordinance 99-0557) between the City of Houston and **ROY F. WESTON, INC** for General Environmental Services, CIP D-0076-02-2; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - was presented, and tagged by Council Member Goldberg. Council Member Vasquez absent. (Note: Council Member Goldberg removed his tag later in the meeting.)
30. ORDINANCE appropriating \$418,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and the **DAVID BROWN ENGINEERING SERVICES, PLLC d/b/a LOTT & BROWN CONSULTING ENGINEERS** for Design of Drainage Improvement south of Little York Road, CIP M0531-01-2 (SM5017); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0578 ADOPTED.
31. ORDINANCE appropriating \$1,250,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for Regional Computerized Traffic Signal System CMAQ Project, CIP N-0650-05-3 - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0579 ADOPTED.
33. ORDINANCE appropriating \$8,353.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **WATKINS HAMILTON ROSS**

- ARCHITECTS, INC** for Design of the Southwest Multi-Service Center, CIP D-0072-02-2, D-0072R-01-2 and E-0111-01-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund and Community Development Block Grant **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0580 ADOPTED.
34. ORDINANCE awarding contract to **CYRUS DIVERSIFIED, INC dba BONTERRE CONSTRUCTION CO.** on low bid of \$669,851.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$20,000.00 for construction of **CITY OF HOUSTON'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM - STORM WATER POLLUTION MINIMIZATION PLAN - 8002 AIRLINE**, GFS M-0126-48-3 (SM-5020); providing funding for contingencies relating to construction of facilities financed by the Street and Drainage Maintenance Fund - Total \$791,000.00 Street & Drainage Maintenance Fund No. 227 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0581 ADOPTED.
35. ORDINANCE issuing a permit to **CRESCENT 5 HOUSTON CENTER, L.P.** for building, constructing, maintaining, using, occupying, operating and repairing a pedestrian walkway within and over the 900 block of Austin Street, abutting the western portion of Block 129 S.S.B.B. and the eastern portion of Block 130 S.S.B.B.; such area being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - was presented, and tagged by Council Member Goldberg. Council Member Vasquez absent.
36. ORDINANCE granting authority to **SPRINT COMMUNICATIONS COMPANY, L.P.**, a Delaware Limited Partnership, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, Telecommunications Facilities for providing authorized Telecommunications Services; providing for related terms and conditions; and making certain findings related thereto **FIRST READING** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0570 ADOPTED FIRST READING IN FULL.
37. ORDINANCE No. 2001-520, passed second reading June 13, 2001  
ORDINANCE granting to **ETS CABLEVISION, INC**, a Texas Corporation, the right, privilege, and franchise to erect, maintain, and operate a cable television system in the City of Houston, Texas, containing other provisions relating to the foregoing subject; and providing for severability **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city



business. Council Member Vasquez absent. PASSED THIRD AND FINAL READING IN FULL .

The City Secretary stated that she had announced that Item No. 16 had not been received, but it was in and she had placed it at the end of the agenda. Council Member Vasquez absent.

**NON CONSENT AGENDA** - NUMBERS 38 and 39

**MISCELLANEOUS**

38. RECEIVE nominations for Positions Four and Five of the Board of **REINVESTMENT ZONE NUMBER ONE**, with terms to expire December 31, 2002, and to name the Chair for a term to expire December 31, 2001 - was presented.

Council Member Goldberg stated that he nominated Mr. Tim Meyers for reappointment for Position Four, Ms. Ariel Lawson for appointment of Position Number Five, and to nominate Mr. Don Clark to be the Chair of the TIRZ. Council Member Vasquez absent.

Council Member Keller moved to close nominations, seconded by Council Member Boney. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. MOTION 2001-0697 ADOPTED.

**MATTERS HELD** - NUMBERS 42 through 53

43. MOTION by Council Member Boney/Seconded by Sanchez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$508,445.49 and acceptance of work on contract with **HUBCO, INC** for Construction of Neighborhoods to Standard Tier V, Second Ward, Phase I Overlay Project, GFS Q-1134-01-3 (Q-1134) - 24.77% under the original contract amount - **DISTRICT H - VASQUEZ - (This was Item 3 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBERS QUAN and KELLER)** - was presented.

Council Member Boney stated that he was in support of the item, but still had some questions about Hubco and where they stood with all that and did not have a position but would like to have someone advise him just where they were going, and Mayor Brown stated they would have someone visit with him. Council Member Vasquez absent.

A vote was called on Item No. 43. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. MOTION 2001-0698 ADOPTED.

44. MOTION by Council Member Sanchez/Seconded by Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$367,201.21 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, INC** for Construction of

Neighborhoods to Standard Tier VII, Sunnyland and East Lawndale Neighborhoods, GFS Q-1200-01-3 (OL2000) 13.62% under the original contract amount **DISTRICT I - CASTILLO - (This was Item 5 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER CASTILLO)** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. MOTION 2001-0699 ADOPTED.

45. MOTION by Council Member Sanchez/Seconded by Parker to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,080,924.00 and acceptance of work on contract with **R. P. CONSTRUCTORS, INC** for Westway Wastewater Treatment Plant Expansion, GFS R-0015-92-3 (4286-3) - 01.58% over the original contract amount - **DISTRICT A - TATRO - (This was item No. 6 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. MOTION 2001-0700 ADOPTED.
46. ORDINANCE approving and authorizing the Mayor to Execute and the City Secretary to attest a lease agreement between **L.S. DECKER INVESTMENTS, INC** as landlord, and the City of Houston, Texas as tenant, for office space at 1702 Seamist Drive for use by the Department of Public Works and Engineering - **DISTRICT A - TATRO - (This was Item 24 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0583 ADOPTED.
48. ORDINANCE appropriating \$4,134,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RAMOS INDUSTRIES, INC** on low bid of \$3,563,827.90 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$107,000.00 for 30-inch and 36-inch waterline along Campbell Road and Kempwood Drive, GFS S-0900-75-3 (WA10648); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO - (This was Item 36 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0584 ADOPTED.

Council Member Robinson requested a point of personal privilege and stated that he wanted to acknowledge Mr. Bill White, who was present in the audience, who chaired the partnership special budget task force and just sent out a report to them today. Council Member Vasquez absent.

49. ORDINANCE appropriating and transferring \$10,060,069.54 from Accumulated Unexpended Fund to the Storm Sewer Control Fund; appropriating \$10,060,069.54 out of the Storm Sewer Control Fund, and \$1,798,530.46 out of Water and Sewer System Consolidated Construction Fund; awarding contract to **GARVER**

**CONSTRUCTION LTD** on low bid of \$10,061,889.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$300,000.00 for Austin Street Paving and Drainage Improvements, Contract 3, GFS M-0244-03-3 (N-0671-03); providing funding for construction management and contingencies relating to construction of facilities financed by the Storm Sewer Control Fund and Water and Sewer System Consolidated Construction Fund **DISTRICT I - CASTILLO - (This was Item 41 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBERS TATRO, SANCHEZ and PARKER)** - was presented.

Council Member Sanchez asked if there were enough funds in the ALP to accomplish this transfer and what balance was there in the ALP afterwards, was it necessary for the administration to transfer accumulated funds, and Dr. Scheps stated that yes, that he was assuming that there was because the Controller had certified the funds, that remaining to be certified he was not sure, that it was not much because they had temporarily used the \$25 million for the flood and it pretty much, within several million dollars, took up the ALP balances, but he could get a complete report for them this afternoon, that one other thing is that \$10 million had been reserved in the ALP for possible inter fund borrowing at the end of the year, that they did not think it was going to be necessary and even if it was necessary it would be returned with the Trans they sold today, that the \$10 million would be available it was just temporarily unavailable, and Mr. Haines stated that the transfer of accumulated funds into the ALP from the Water Enterprise Fund generally did not happen until after the close of the fiscal year, if there was anything available to move into it then yes that would happen after the end of the year. Council Members Goldberg, Keller and Vasquez absent.

A vote was called on Item No 49. Council Members Tatro and Parker voting no, balance voting aye. Council Member Todd out of the city on city business. Council Members Goldberg, Keller and Vasquez absent. ORDINANCE 2001-0585 ADOPTED.

50. ORDINANCE appropriating \$2,842,000.00 out of the Street and Bridge Consolidated Construction Fund and \$612,000.00 from Water and Sewer System Consolidated Construction Fund, awarding a contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$2,916,497.80 and approving and authorizing a professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$100,000.00 for construction of Westview Drive Paving; Shadowdale to Gessner Road, GFS N-0549-03-3 (SB9022); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer System Consolidated Construction Fund **DISTRICT A - TATRO - (This was Item No. 44 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2001-0586 ADOPTED.

51. ORDINANCE appropriating \$802,426.97 out of the Water and Sewer System Consolidated Construction Fund, awarding construction contract to **PHOCO, INC**

**dba TELEPHONE COMPANY of HOUSTON** on low bid of \$729,371.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$22,000.00 for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-22-3 (4235-11); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - (**This was Item 52 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2001-0587 ADOPTED.

52. ORDINANCE appropriating \$17,035,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$14,180,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$285,000.00 for East Water Purification Plant (EWPP) Upgrade and Optimization, GFS S-0056-29-3 (10594-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - (**This was Item 53 on Agenda of June 13, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented.

Council Member Goldberg stated that on Item Numbers 51 and 52 he had tagged those items, that he had concerns with Atser because of a project that they had managed in District C that was absolutely a disaster, that he had talked with the president of Atser and was trying to overcome some of the problems and he had concerns about them on these two projects, that hopefully working with Atser and Public Works they could make sure that when they oversee the projects there was actually someone out there overseeing the management of it during the construction of it which was not the case. Council Member Vasquez absent.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0588 ADOPTED.

53. ORDINANCE appropriating \$550,000.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing second amendment to the professional services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Houston Bikeway Program Project, CIP N-0420-99-2 (SB9017); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund - (**This was Item 76 on Agenda of June 13, 2001, POSTPONED BY MOTION #2001-652, 6/13/2001**) - was presented.

Council Member Tatro stated that he thought it was time the City of Houston take another look at the expenditures and criteria by which they were building the bike trail and either reaffirm their commitment but definitely they should have a new accounting of

what the program was costing the City and what direction they were heading in. Council Members Goldberg and Vasquez absent.

Council Member Tatro moved to refer Item No. 53 back to the administration. Council Members Goldberg and Vasquez absent. MOTION 2001-0701 FAILED FOR LACK OF A SECOND.

A vote was called on Item No. 53. Council Members Bell and Tatro voting no, balance voting aye. Council Member Todd out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0589 ADOPTED.

Council Member Boney stated that while he supported the item the questions that were raised in their review of the item and what Council Member Tatro put on the table all were valid and Public Works and some process needs to review the bikeway situation in terms of the financial impact to the City and was hopeful that it would be forthcoming soon, and Mayor Brown stated that was being done, that a number of questions were being raised because the federal funding came in and the decision was made to do it and have the State design it, that there were a lot of concerns and Public Works was now looking at the entire program. Council Members Goldberg and Vasquez absent.

#### **Items received during the meeting.**

16. ORDINANCE amending prior ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series B, and authorizing the issuance of \$103,300,000.00 of additional City of Houston, Texas, General Obligation Commercial Paper Notes, Series B, for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval and/or ratification of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0590 ADOPTED.

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

Council Member Bell stated that the Ethics Committee Meeting that was scheduled for 2:00 p.m. would be delayed until 3:00 p.m. to give everybody a chance to eat some lunch, but it would still take place and they would post a sign on the door informing any of the attendees that it would be starting at 3:00 p.m., that they did not have any legal issues with that because they checked before hand and as long as they posted it and they would have a person informing folks that they did plan to start at 3:00 p.m. Council Members Goldberg and Vasquez absent.

Council Member Robinson stated that Mr. Bruce Laloon and some of the other folks had joined Mr. White in the audience and they were all part of the partnership's budget

effort and stated that he wanted to thank them for the work they did and in light of the package they sent over they now had actually three potential ideas on a November bond referendum package, that based on the recommendation from the partnership they could do \$775 million over 5 years with no tax increase, and they had a proposal from the administration at \$916 million total, \$650 million on a November referendum, and \$266 million sometime in 2002 for actually a six year CIP plan with about 2.5 cents to 3.5 cents tax increase and the suggestion he had been floating of a \$1.5 billion bond package to be applied over 10 years to a CIP which would be about \$725 million more on the back five years if they had to under the same scenario that the partnership numbers were being run on and he hoped they would be able to consider at least those three if not some additional ones when the administration starts the process of the bond workshop, that he also wanted to thank them for the work they did on the budget revenue and expenditure numbers and looked forward to working with them as they went forward in the next two years. Council Members Ellis and Castillo absent.

Council Member Robinson stated that he wanted to again thank the Mayor and the folks in the City for the work and most importantly for keeping them informed as to what was going on relative to the City's effort in the aftermath of the flooding and whatever they could continue to do in that area. Council Members Ellis and Castillo absent.

Council Member Robinson stated that he was out of town and his staff faxed him a couple of articles and one of them was about the reappraisal issue, that he would like for them to take a look at would it be more cost effective to try to help with the authority that HUD said they were going to provide the City to use CDBG and other home repair dollars to go out and help the folks that had been identified by the appraisal district in terms of residential and commercial property owners that had property damage, that he hoped they would take a look at that issue and make some decisions. Council Members Ellis and Castillo absent.

Mayor Brown stated that Council Member Goldberg removed his tag on Item No. 29. Council Members Ellis and Castillo absent.

29. ORDINANCE appropriating \$30,000.00 out of Parks Consolidated Construction Fund and approving and authorizing amendment to professional environmental consulting services contract (approved by Ordinance 99-0557) between the City of Houston and **ROY F. WESTON, INC** for General Environmental Services, CIP D-0076-02-2; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Members Ellis and Castillo absent. ORDINANCE 2001-0591 ADOPTED.

Council Member Sanchez stated that he would briefly urge the Mayor in the next week to give some serious consideration after consultation with the Legal Department to consider alleviating the burden upon the citizens who had been affected by the flood, that he noticed that the County suspended the permit fee requirement by County action yesterday at Commissioners Court and would encourage the City to take similar action. Council Members Ellis and Castillo absent.

Council Member Goldberg stated that he had hired a staff member from Municipal Courts recently to work on his staff and wanted to acknowledge her, that when the Municipal Courts were closed and they had to reset all the cases she went back to the Municipal Courts on her own time without compensation and helped them reset all the cases. Council Members Ellis, Castillo and Sanchez absent.

Council Member Goldberg stated that the other concern he had was really with the County, that they were in charge of mosquito control and he would be very leery of the City putting out any money for that, that was something that the County did and knew that yesterday they passed an additional \$350,000 to pay for mosquito control, that they had the equipment and also allocated outsourcing money for 15 additional trucks, that they needed to strongly encourage the County to expend their resources for this. Council Members Ellis, Castillo and Sanchez absent.

There being no further business before Council, the City Council adjourned at 2:01 p.m. upon MOTION 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 Members Ellis, Castillo and Sanchez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary