

City Council Chamber, City Hall, Tuesday, June 26, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, June 26, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson absent on personal business.

At 1:58 p.m. Mayor Brown stated that they had several Council presentations and the first one would be by Council Member Galloway. Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker and Bell absent. (NO QUORUM PRESENT)

Council Member Galloway stated that they had a distinguished gentlemen and wife and daughter present, that he was passed over for honors and medals when he had served in three wars, that he was being recognized by the City as well as District B and invited Mr. Herline J. Hendry Sr. and his wife and daughter to the podium, that after her office was contacted about Mr. Hendry she was able to contact the Congressman and United States Secretary of Defense and they saw that Mr. Hendry had been overlooked and Mr. Hendry received three Meritory Service Medals, a Longevity Service Award ribbon, Outstanding Unit Award, three Good Conduct Medals, a National Defense Service Medal, a Vietnam Service Medal, a Republic of Vietnam Campaign Medal, a Small Arm Expert Marksmanship ribbon, a Channel Service Medal, a Navy Occupation Service Medal with Asia Clasps, a World War II Victory Medal and the Honorable Service Lapel Pin, that these were all the medals that Mr. Hendry received when the government realized that he had been overlooked for serving his country, and presented a proclamation to Mr. Hendry which stated that Lee P. Brown proclaimed June 26, 2001 as Herlin J. Hendry, Sr. Day in Houston, Texas. Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker and Bell absent. (NO QUORUM PRESENT)

Mrs. Hendry stated that she wanted to thank Council Member Galloway wholeheartedly because she was the one who made this happen after she had a conversation with her, that Council Member Galloway was a hard worker, not because of what she had done for them, but because of what she had seen of Council Member Galloway in the community. Council Members Goldberg, Todd, Castillo and Bell absent.

Mayor Brown stated that they had 40 members of Houston SPLUNGE a Catholic Youth Inner City Retreat and were present with their co-directors Mr. Joe Peabody and Ms. Karen Barten and asked them to stand and be recognized, that he had a chance to meet with them last week and invited Mr. Peabody to come forward and explain what they were doing, that it was a very exciting program and something that would certainly benefit their City now and into the future.

Mr. Peabody deferred his comments to two of his students, Ms. Maga McCormick and Clay Malonson, Ms. McCormick stated that they both attended St. Pius X Catholic High School and that they were present with SPLUNGE, which meant Special People Living a Uniquely Nourishing Growth Experience, that what they had been doing this week was living downtown in the inner City at All Saints Church and living a simple life style, which meant that the girls could not use blow dryers or curling irons or any of those other things that they always used, that they had been sleeping on the floor, that earlier in the week they went to Loafs and Fishes and helped serve lunch to the homeless there, that on Sunday they hosted their own homeless picnic and saved the best of their food and gave it to the homeless, that yesterday they helped to build houses with Habitat for Humanity and then went to the Star of Hope Woman's Transitional Center and helped clean out there and talk to some of the people there, that they had learned so

many things from doing this experience, that one of the major things that everybody had said they learned was that the homeless were people to and had feelings to, that most of the people in the group had said that they would come back to and would help to continue serving the community as they had this week, that the homeless were there because of choices they made in their lives and with one wrong choice they could also be there and also be that person standing on the street corner that nobody wanted to look at, that with what they had seen and experienced this week they just wanted to say to the City Council that their City was a very diverse City and in the next few years the population would continue to grow and that the City Council and also the people of the City needed to think about what they were going to do in the future when the population did grow so that they would not have as many homeless people, that they needed to think how they could create new jobs and housing for those people and just how they could take care of them. Council Members Goldberg, Castillo and Bell absent.

Mayor Brown thanked the students for being present and stated that they were delighted that they were having the experience they were having and would go back and make the City a better City. Council Members Goldberg, Castillo and Bell absent.

At 2:11 p.m. Mayor Brown convened the meeting of the City Council and Council Member Boney led everyone in the prayer and pledge of allegiance. Council Members Goldberg, Castillo and Bell absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Robinson absent on personal business. Council Members Goldberg and Bell absent.

Council Members Boney and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Goldberg and Bell absent.

Mr. Barry Mandel, 440 Louisiana, Houston, Texas 77002 (713-223-4544) appeared and stated that he was Executive Director of the Theater District Association, that as they all knew the theater district was hard hit two weeks ago during Tropical Storm Allison, that years of work and millions of dollars were lost due to the flood, that he thought that everyone was aware that the civic center garage was out of service and meant an interruption of revenue to the City and had a very negative impact on the theater district, the City of Houston and the office buildings in their district, at the Alley Theater the wardrobe, set design shop and small theater were destroyed, at the Wortham Center the costume and wardrobe shops of the Houston Ballet, Houston Grand Opera were heavily damaged and at Jones Hall the Houston Symphony and Society for the Performing Arts were hit the hardest, losing offices for more than 50 people as well as archives, instruments and irreplaceable assets, that in face of this devastation the arts organization rallied, determined that the show must go on, and it did, that the weekend following the storm the Houston Ballet performed Giselle at the Wortham, the SPA presented the Mormon Tabernacle Choir at Reliant Arena, the Alley moved performances of the world premier of Carpet Baggers Children to Stages, the Broadway Series moved Best Little Whorehouse in Texas from Jones Hall to the Wortham and the Symphony continued its summer community performances around the City, that not only did the show go on but the repairs began, that the City of Houston, including the highly valuable staffs at the Wortham and Jones Hall, had been working around the clock and making good progress, that this summer the art groups were making the best of a very bad situation but needed the City Council's vision and understanding in that they had a very short period of time to make repairs, that the phones were ringing, that more than a million tickets were sold each year to theater district events and these tickets were showing active concern for the situation, that the performing arts accounted for an economic impact of \$200 million annually to the City and failure to open Jones Hall by September 1, 2001 would have a huge financial implication, that over 50 restaurants, hotels and small business in the district were

already feeling the impact of the loss of parking, that in the fall when their art season begins theater district ticket holders were a primary customer base for these business, that they were able to compensate for the lack of parking on a short term basis during the summer season because the season was fairly limited, but in the fall the lack of parking would have a major negative impact on the arts, that reporters from all over the world were calling to check on the Houston Symphony, SPA and the Alley in their district, and as one of only five cities in the Country with resident companies in the four disciplines of the performing arts the Houston Theater District was truly synonymous with the image of Houston in hundreds of cities around the world, that all of these reporters were asking them to keep them informed and were ready to support them by reporting their progress, that he was present for two reasons, first, to commend Mayor Brown, City Council and the entire City staff for all of the extraordinary measures they were taking to deal with the damage of Tropical Storm Allison, but he was also present to ask for their help and on behalf of the theater district he respectfully requested that they consider the following, that please do not delay the vote on the recommendations from F&A to authorize the proposed emergency disaster recovery purchase orders as well as Item Numbers 29 and 30 on tomorrow's agenda, that make that reopening of the civic center garage a high priority, that this was of vital importance, not only to the theater district, but also for the City of Houston and the central business district, that commit to repairing Jones Hall by September 1, 2001, that failure to open Jones Hall by September will not only have huge repercussions for the Houston Symphony and Society for the Performing Arts but will impact tourism, the economy and what he felt would be a blemish on Houston's image around the world. Council Members Galloway and Bell absent.

Council Member Boney moved to hear from Ms. Ann Kennedy out of order after Mr. Mandel, seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Todd, Castillo and Bell absent. MOTION 2001-0702 ADOPTED.

Council Member Boney asked if they had any estimate of what the financial impact of the disaster was on the theater district, and Mr. Mandel stated that they did not just yet, that the City, from the Convention and Entertainment Facilities Department, had worked hard at first trying to make sure that the spaces and areas that were hardest hit were safe for people to try to go down into, especially in the garage area as well as the offices of the Symphony and SPA, that their insurance carrier, John L. Wortham, had been with them through every step of the this but they still not have a total figure, that some of the materials and equipment was insured and in varying forms, that there were things that were not able to be insured for the full value, like the symphony's musical library, that they could not really replace those items so there was no insurance for the full value of the items because they were basically irreplaceable, that they were also talking directly with FEMA, was there some reimbursement especially as it applied to mitigation and changes that they might be willing to make that would relocate some of the areas that were hardest hit so if this were to happen again it would not be as disastrous as it had been now. Council Members Galloway, Todd and Castillo absent.

Council Member Quan stated that he was weighing heavily on the issue because as he knew they circumvented their normal bidding process to get this done and he just wanted to make sure they were going to be able to address it in an efficient manner, but at the same time maintain quality of control on it, and Mr. Mandel stated that all he could tell him was what he had witnessed from the personnel of the Convention and Entertainment Facilities Department and they too had those exact same concerns, especially when they saw over and over on the news about people coming into town trying to take advantage of the situation, that they had been fiscally sound in the decisions they were making and the contractors they had relations with in the work that was being done, so it may not be going through the full triple bid process and the extended period and process that takes place, but they were watching very carefully to make

sure that they were not being abused in the situation and were kind of multiple bidding the processes but in a short duration. Council Members Galloway, Todd, Castillo and Bell absent.

Ms. Ann Kennedy, 333 Clay Street, 9<sup>th</sup> Floor, Houston, Texas 77002 (713-345-5571) appeared and stated that she was the Executive Director and CEO of the Houston Symphony, as Mr. Mandel alluded to, that she had been in her job for 3 months, that they had suffered catastrophic losses and she was present to speak in support of Item No. 14 Ordinance 30, the proposed emergency funding to support Jones Hall, that she wanted to thank them from the bottom of her heart on behalf of the musicians, staff and volunteers for responding as rapidly, effectively and decisively as they did to the disaster, that she was down there at noon on Saturday June 9, 2001 and the water was at the ceiling of their offices, that everyone saw it on the news and if the City had not responded as they did they would be in very deep trouble, that they had a major challenge and she was convinced it would be their launching pad to the efforts, that because of their efforts Jones Hall was stabilized, that the challenge now and the enormous task they faced now was completing the repair work on Jones Hall by September 1, 2001, that they had a season that ran from September 1 to May 31 and they shared the hall with the Society for Performing Arts and thought that they all knew that Jones Hall was fully booked every weekend and there was not a dark weekend in the hall, that they had already sold tickets for 26 weekends, three performances each weekend, that the Society for Performing Arts similarly had already sold their season, that in addition they had guest performers, just as the Woodlands and Compaq Center did, that were booked a year or more in advance, so what she was saying to them was that it was as if they could put off a concert or two or three or reschedule them, that it was not possible, that they would do whatever they had to do but opening on September 1, 2001 was vital, that their livelihood was in jeopardy on that one, that they were very aware that they were not the only people who suffered in this disaster, they had musicians one who held on to a culvert and one whose companion was washed away, that they had increased their performances since the flood and had performed at Red Cross shelters, that her voice mail was full of musicians volunteering, that the Houston Symphony was going to be fine, but they really needed the support of all of their friends and she begged them to consider favorably the emergency funding and if there was anything they could do to help in the recovery to please let her know. Council Members Tatro, Galloway, Todd and Castillo absent.

Mayor Brown recognized Council Member Tatro for a presentation. Council Members Tatro, Galloway, Todd and Castillo absent.

Council Member Tatro stated that joining them today were some young residents from District A, ages 6 years to 18 years of age, a group called Kids Who Care, that they were joined by their director, Ms. Ann Novero and Assistant Director, Ms. Rachel Hall, that they were present to perform and would also receive a certificate because they were going to be appearing and performing "Earth and Soul" on June 29, 2001 at the Spring Woods High School Auditorium in District A and would be performing a song for Council today. Council Members Galloway, Goldberg, Todd and Castillo absent.

Ms. Novero stated that she was the Houston Director for Kids Who Care, that they may remember that last summer they were present to perform a number for Council from their touring company, that they were very excited this year and had partnered with Spring Branch ISD, that the majority of their students were on scholarship to come to their camp, that they did a three week camp and it was their first year to be in Houston, that they had a 13 year history in Fort Worth, that they would like to invite them to their performance on Friday evening at Spring Woods High School at 7:30 p.m., free admission, that they were doing a fabulous original exciting musical called "Earth and Soul", which was about protecting the earth and the community that lived here, and she invited the students to perform the number called "Angel of Hope". Council Members Galloway, Goldberg, Todd and Castillo absent.

Mayor Brown stated he wanted to introduce Mr. Doug Crumbrey, National Vice President of Properties with Ace USA Group, the parent company of Westchester Fire Insurance Company, the City's primary insurance carrier, and Mr. Rick Jones their insurance broker with John L. Wortham and Son and invited them to the podium. Council Members Galloway, Vasquez, Castillo and Sanchez absent.

Mr. Jones stated that they were the insurance brokers for the property program and he had to say that the last few weeks had been quite interesting, that as time went on they were developing more information, but due to the magnitude of the catastrophe they were able to get Mr. Crumbrey to make a presentation to the City to show their concern and their ability to act quickly and promptly in this type of situation. Council Members Galloway, Vasquez, Castillo and Sanchez absent.

Mr. Crumbrey stated that on behalf of USA Group and Westchester Fire Insurance Company he wanted to present the City with a check for \$5 million to help begin the rebuilding and restoration of this great City. Council Members Galloway, Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that as they knew Westchester Fire Insurance covered all of the City properties that were located within the 100 year flood plane for both fire and floods, that the company, as they had seen, demonstrated the "step up to the plate" to advance the City the full amount of the policy limit on those properties, that he was told by the insurance staff that it was almost unheard of for an insurance carrier to advance this amount of money to a policy holder, so he wanted to express his appreciation to Mr. Crumbrey because he changed his schedule so he could bring the check before tomorrow's agenda portion of the Council meeting where they would be considering spending some of the money, that he wanted to thank both of them for facilitating the advance, that it was important to know that they joined the legion of individuals who had gone above and beyond the call of duty in helping Houston recover from this disaster and on behalf of all Houstonians he expressed his sincere gratitude and appreciation for the speedy service, that the check represented only a portion of the \$50 million of insurance coverage they had on the City's facilities. Council Members Galloway, Keller, Castillo and Sanchez absent.

Mr. Darrell Scott, 8601 Broadway Blvd. No. 12375, Houston, Texas (713-649-5294) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Keller, Castillo and Sanchez absent.

Mr. Joseph Moss, 8901 Bissonet, Houston, Texas 77074 (713-981-7004) appeared and stated that he was present to discuss his termination from the City due to his failure to make his supervisor aware of his drivers license being denied, that he had no recollection, that he had been in court since December 16, 1998 to date due to his identity, that he felt that was a problem from that case that overlapped to his City job, that he always had his drivers license, that he had tickets for speeding violations that showed he had his drivers license at the time that his drivers license was supposed to be denied, that he had custody of his son and they were taking child support out of his check, that it stated clearly in his custody papers that no retroactive child support had been ordered for him because he had custody of his child for three months, that he had been court for that since December 16, that the IRS took his money for the child support and then sent him a letter apologizing to him and saying that it was a mistake, that he had all of that paperwork, that he did not know what was going on and felt that he or the Solid Waste Department should not be responsible for other people's actions, that he wanted the Council to know that he was not aware that his drivers license was supposed to be suspended. Council Members Galloway, Goldberg and Castillo absent.

Mayor Brown asked Mr. Moss if he was before Council previously and Mr. Moss stated yes, and Mayor Brown stated that the last time he appeared before Council he asked Mr. Moss to get with Mr. McKinney to see if they could resolve the issue and asked if that happened, and Mr. Moss stated that he met with Mr. Mckinney and he talked to him but he was not aware of all of the stuff that was going on, and Mayor Brown asked if it was correct that he did not respond to what Mr. McKinney asked him to do and Mr. Moss stated that he asked him to get him some paperwork, but he could not afford a lawyer and he had to go to the places himself and be on their time frame, and Mayor Brown stated that Ms. Monica Rucker was present and after the Council Members asked their questions he could meet with her and if there was information that was requested it was very important that he give it to them otherwise there was nothing anyone could do to help him. Council Member Galloway, Goldberg and Castillo absent.

Upon questions by Council Member Boney, Mr. Moss stated that he was employed by the City of Houston in the Solid Waste Department, that he was terminated in September of 2000, that he appealed the termination to the Civil Service Commission, that he was terminated because the department was not sure whether he had a valid drivers license or not, that in his position with Solid Waste he was required to drive a City vehicle, that his license was never suspended but it appeared to be suspended, and Council Member Boney advised him that the NAACP on Wheeler Avenue had lawyers and a free legal clinic every Saturday and all he had to do was call the NAACP and schedule an appointment and some lawyers would give him input on his situation so that was where he could get some free legal guidance. Council Members Galloway, Goldberg and Castillo absent.

Mr. Derrick McBride, 93151 ½ Kelburn, No. 1, Houston, Texas 77016 appeared and voiced his experience with a DNA testing request and also requests that the request be made to his congress people, and Mayor Brown requested that he meet with Mr. Richard Cantu to see if he could help him get what he wanted from the congress people. Council Members Galloway, Goldberg, Castillo and Parker 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 Galloway, Goldberg, Castillo and Parker absent.

Mr. Richard Morris, 713 Ashcroft, Houston, Texas 77081 (713-977-0088) had reserved to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Castillo and Parker absent.

Mr. Joel Ringer, 713 Ashcroft, Houston, Texas 77081 (713-977-0088) appeared and stated that he was present to voice his concerns regarding the regulation of downtown valet parking, that currently valet parking was not regulated and the word regulator and regulations did not vote well especially with small business, but the fact was it benefited the safety of the consumer in the end so it was worth addressing, that the goal of the valet service was to sufficiently and safely provide valet parking relocation for consumer demand to downtown businesses, that they felt that the following four preliminary proposals should be heard and considered for future business ordinance, that first of all a valet service company should register with the Traffic Management Division listing the address of the property location where they are licensed to operate, that this would help the department recognize any changes needed to improve the traffic flow in a particular area of a downtown block if needed, that the registration of these locations led to his next suggestion for the opportunity to reserve or rent parking meters with a valid function was ideal for the assurance for consumers to the downtown businesses, that this would be based on City approval and the recognition of such downtown property owners, that in the absence of meters they would like the opportunity to form certain passenger loading zones

near the entrance of such particular businesses, that his next proposed regulation would be to produce plans to increase traffic flows around construction sites in the downtown area, that one plan was to have minimum distance between different valet service companies and this would insure better safety and less backup of traffic flow caused by passengers loading and unloading in one certain area of a City block, that finally his last major idea was to have valet companies submit signage proofs to the City Public Works Department for approval, that signs should be safely placed and remain in the high standard of the downtown appearance, that he knew that this was very premature and nothing had been passed yet, but he thanked them for their consideration regarding a downtown valet parking ordinance. Mayor Brown, Council Members Galloway, Goldberg and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that it was not premature that actually his timing was excellent, that she had been working on a valet parking ordinance for some time in cooperation with the restaurant industry and the downtown management district, that they had not gotten the final version approved by legal or she would be happy to give him a copy, that they had addressed a number of the issues he mentioned and their primary concern was that as an unregulated industry valet parkers at this time were not required to have insurance, that they did not even have to prove that their parkers had a valid drivers license, so they thought that some basic regulation of the industry was appropriate and in fact long overdue, that she had given a copy of their proposed draft to Council Member Boney who was the Chair of the Regional Planning Committee which would be hearing the ordinance, and asked Mr. Ringer if he was a downtown business owner, and Mr. Ringer stated no, that he represented a company called R&R Partnership, and Council Member Parker stated that she would be happy to visit with him and talk about what was in the ordinance or he could contract Mr. Bob Eury of the downtown district he could walk him through it as well, that she hoped to see it on a committee agenda very soon and the more business they got downtown the more important it was that they get the valet parking issues nailed down, and Mr. Ringer stated that they were trying to raise the level of service where valet companies were recognized as a legitimate business, and Council Member Parker stated she thought they were a legitimate business, but thought they ought to be regulated and did not know if whether the valet companies were quite as eager to be regulated as some of them were to regulate them, but thought they had an ordinance that made sense. Mayor Brown, Council Members Galloway, Goldberg and Castillo absent. Mayor Pro Tem Boney presiding.

Upon questions by Mayor Pro Tem Boney, Mr. Ringer stated that he represented R&R Partnership, that they operated 30 locations around town and did other manage service such as parking lot sweeping and shuttle bus services but their main division was valet parking, and Mayor Pro Tem Boney stated that he would strongly suggest that he visit with Council Member Parker who had done a tremendous amount of work on the ordinance and was well versed on it. Mayor Brown, Council Members Galloway, Goldberg and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Todd stated that the subject of valet parking regulations had been discussed going on four years and there had been a variety of proposals come forth, that some were simply to find out if there were any criminals who were parking cars, that there were a lot of complaints coming in about items that were missing from cars after they had been parked, that some of the complaints were that valet parkers were coneing off metered parking downtown, that there had been a number of suggestions that had come forth from the City and some established a pretty detailed regulatory structure, permits and the whole thing, and asked Mr. Ringer if he was going to recommend something to deal with some of these issues what would he recommend, because some of them were legitimate points, and Mr. Ringer stated that they felt for the safety of the consumer and just to bring in more business just the bagging of certain meters and creation of loading zones, that would be a rent that the valet companies would have

to offer to the City, that they recognized that City parking meters were reserved for the public or the people, that he felt their company was far above and different than any typical valet company in the City, that they use an extensive background check where they recognize any people convicted of felonies, and they also try to put in secret shoppers where they often audit their own people, that they carried all of the requirements for insurance, that he felt that valet companies ought to have insurance to a certain level, and Council Member Todd invited Mr. Ringer to put his comments in writing and send it to his office and he would make certain that they got the right attention at least from his committee's perspective. Mayor Brown, Council Members Galloway, Castillo and Sanchez absent. Mayor Pro Tem Boney presiding.

Mr. Willie Scott, 1122 Ensbrook, Houston, Texas 77099 (713-845-7451) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Castillo and Sanchez absent. Mayor Pro Tem Boney presiding.

Ms. Mary Ann Moore, 9614 Mary Grove, Houston, Texas 77038 (281-874-5494) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Galloway, Castillo and Sanchez absent. Mayor Pro Tem Boney presiding.

Ms. Cynthia Session, 1814 Allerton Dr., Missouri City, Texas 77489 (713-525-8527) appeared and stated that she was an Auditor III in the Department of Public Works & Engineering and had been with the City of Houston for approximately 9 years with an outstanding and impeccable performance and personnel record, that she was present to address the issues of disability discrimination and Workers Compensation retaliation because her efforts to find relief at the department level had failed, that Council being the ultimate authority and looking out in the best interest of the citizens of Houston she appealed to them for relief and assistance, that she went out under Workers Compensation leave and subsequently had a baby and had adverse personnel action taken against her, that was why she could relate to the current Andrea Yates situation because while going through her own postpartum struggles, in conjunction with her carpal tunnel syndrome, she lost the use of both hands, that it was a proven fact that the stress levels of a woman was elevated after having a baby and after having her body returned to its normal state it may not always occur as planned or as anticipated, that senior management tried to fire her after not returning to work after exhausting her family medical leave, although she had not been released by the doctor to return to work, that she was told that the reason for the firing was because she was on unauthorized leave and her absence had caused the department an undue hardship, to date the outcome of the hearing was still unknown, that this violated Chapter 14, Section 14-172 of the Code of Ordinances which stated that voluntary leaves of absences shall in no way be regarded as an unauthorized absence or a disciplinary action, that the managements actions also violated Progressive Discipline Policy 1-22, that under the advice of her supervisor she applied for a leave of absence without pay and received no response of the status until the Indefinite Suspension Hearing on March 26, 2001, that after she did return to work on April 16, 2001 she was issued a written reprimand for the same charges presented in the hearing, that on April 30, 2001 she was notified that she would lose all City benefits including medical coverage because management was electing to change her employment status from permanent full time employee to temporary part time employee without accessing her current health care status, that as a result she was forced to abandon her therapy treatment, that on May 7, 2001 she was sent to the Utility Maintenance Division under the pretense of an audit when in fact the Utility Maintenance manager informed her that it was a permanent reassignment, that furthermore his limited knowledge of auditing and the functions of audits had resulted in her being subjected to requests that compromised her independence as an auditor, that when she conferred with the audit manager he finally admitted that it was a transfer and was necessary under the pretense of departmental needs, however she had not received any work assignments with the exception of a menial and humiliating task of copying a box of documents and had remained idle daily since returning on April 16, 2001, that she felt there had been a reckless



abuse of power transpired with minimal consideration given for the human aspect of what their behavior was having on her life, that she also felt that her mother and her neighbors and the taxpayers of District D had little appreciation of what was happening to her in seeing the misuse of their tax dollars. Mayor Brown, Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that she had already begun the complaint and the investigation process which was already under way, that Chief Richards was present from the Office of Inspector General who could explain the process, but they needed to finish that process before Council or the administration could take further action because there had been an investigation initiated based upon her complaint and invited her to visit with Chief Richards to make sure that he had all the concerns that she was raising before him, that he would be best able to tell her if there was something that would be unable to be addressed by the OIG investigation and what other department or agency would be appropriate for that. Mayor Brown, Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Quan, Ms. Sessions stated that she just showed up for work every day and had been idle since April 16, 2001, that she worked for Public Works and Engineering and had been an internal auditor for nine years in that section before she went out with an injury and to have a baby, and Council Member Quan stated that he could understand her frustration and was concerned about how the City was spending its money as well, that he was sure she wanted to be productive in her job and adding to the administration of the City, that he wanted to follow up with her also just to see if they could not find a more meaningful job for her, that he appreciated her being present because he sometimes heard other situations like this and did not think it was a very efficient way to use the tax dollars or the talents of the people. Mayor Brown, Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Jose A. Rodriguez, 8215 Cowart, Houston, Texas 77029 (713-672-7580) appeared and the City Secretary stated that he had indicated to the staff that he was going to make a complaint or allegation against a Houston Police Officer and if so his statements should be given under oath and Mr. Rodriguez answered yes and the City Secretary administered the oath, and Mr. Rodriguez also indicated that he would need a translator, and stated that he was present with an affidavit signed by four of his neighbors that he could leave as part of the record, that he also had photos of his property that he had taken showing that it was clean, that he had a stack of citations that he received from a police officer who was sent over by his neighbor Mr. Julio Fajardo, that the tickets were for such things as inoperable vehicles, open storage of a washer, auto parts on the ground, accumulation of stagnant water, and other auto parts and inoperable vehicles, that he had a stack of certified letters from Neighborhood Protection and the Houston Police Department, that they were sending the same thing over and over and asking him to clean these things up and he had proof that he had done it, that it was at some apartments that he owned, that they just kept giving him the same citations over and over, that the citations were dated since April 2000, that he felt it was a result of a disagreement he had with a neighbor of his and since then he had continued to send the authorities, that he had been to court and had paid a total of about \$700 in fines. Mayor Brown, Council Members Galloway, Todd, Vasquez, Castillo and Bell absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney suggested that Mr. Rodriguez meet with Chief Richards so that the Chief could review the matter and see if there was appropriate grounds to complain or file disciplinary action against the police officer, but he would also like for him to meet with the Neighborhood Protection representative, Mr. Simpson, who was present so they were clear as to what was a violation and what was not and that the violations had been taken care of. Mayor Brown, Council Members Galloway, Todd, Vasquez, Castillo and Bell absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Sanchez, Mr. Rodriguez stated in Spanish that he had been to court and paid about \$700 for tickets that he felt was not his fault, that he had received 9 tickets last year and some of them were repetitive, that now he was receiving certified letters stating that he had things unclean, that he felt that his neighbor had friends who worked as inspectors and since they were his friends he sent them to Mr. Rodriguez property all the time, that the inspectors names were Mr. Martinez and Mr. Perez, that his neighbor, Mr. Julio Fajardo, was currently campaigning for a position in the neighborhood, that he kept sending the inspectors to Mr. Rodriguez and two other neighbors, and Council Member Sanchez stated that it seemed like a highly concentrated effort, that he had not been to his neighborhood, that they sure would like to get that kind of attention in certain areas of the City that he had called for and made requests from Neighborhood Protection, that Mr. Rodriguez was sure at the brunt of a very aggressive Neighborhood Protection initiative that he had never seen before and would like to get an explanation for that, and Mayor Pro Tem Boney requested that Mr. Cantu join Chief Richards in his meeting with Mr. Rodriguez to see if they could bring this to some resolution and closure. Mayor Brown, Council Members Tatro, Galloway, Todd, Vasquez, Castillo and Bell absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Donald Buzbee, 14503 Eagle Pass, Houston, Texas 77015 (713-455-7577) appeared and voiced his personal opinion on the Anti Discrimination Order, Gay Pride Parade and homosexuality and stated that they would all be judged by God someday and spoke until his time expired. Mayor Brown, Council Members Tatro, Galloway, Todd, Vasquez and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he agreed with Mr. Buzbee that they would all be judged by God someday. Mayor Brown, Council Members Tatro, Galloway, Todd, Vasquez and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Aubrey Vaughn, 5025 Telephone Rd., Houston, Texas 77087 (713-644-4882) appeared and stated that he had passed out a handout that told of his experience with the recent flooding, and voiced his personal and religious opinions and his opinion on homosexuality until his time expired. Mayor Brown, Council Members Tatro, Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Otis Jordon, 4101 San Jacinto, Houston, Texas 77002 (281-438-0449) appeared and stated that wanted to thank the Mayor and Council for what they had done for the Houston Fire Department, that he knew what they had heard in the newspapers, but there were firemen out there who appreciated what had been done, that he had been with the department for 22 years and going back 20 years ago and remembering the type of fire trucks they rode in then compared with the kind they ride in today, air conditioned and enclosed cab, so there was some stuff being done that they appreciated, that he wanted to take the opportunity to discuss the promotional testing for the Houston Fire Department, that it was a major concern of the Houston Black Firefighters Association, that Council Member Robinson had spoken on the subject at the budget hearing a couple of weeks ago and he wanted to take this time to bring it to the forefront, that the current multiple choice exam had been in existence for many years and historically this system had not provided a high percentage promotion for supervisory positions for minorities, that there were a number of charts and studies to show this, but according to the chart that he presented to Council, from Captain and above they only made up 4% of the supervisory positions in the Houston Fire Department, that Hispanics 8% and the other percentages, non-minority, was 88%, that the way that they tested in the Houston Fire Department was that they bring a list of books out of which they had a book committee which was composed of members of the fire service who were in the fire department, and those members worked the station with other fire fighters and information kind of leaks out of what was on those test early before they

get them, then they had to communicate with the lady that gives the test over at the Civil Service testing, so they kind of coach her and tell her what should be asked and what was important to firefighters and they had a problem with that, that they were present today because they wanted to go to an assessment to where they could be tested on skills and ability instead of knowledge, that they would get a better candidate and officer, that being an officer in the fire department most of the time they would either be managing people on the fire ground, in the fire station or cleaning up apparatus back at the station, so this was their major concern and asked for Council's support to help them solve this, that they did not have a seat at the Meet & Confer, even though they were members of that organization and this organization asked for their support in changing the system in their contract. Mayor Brown, Council Members Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Jordon what kind of testing system did they use in New York, Chicago and Los Angeles for promotions, and Mr. Jordon stated that in New York and Chicago they used the same one as Houston, but the majority of the systems in the United States they used multiple choice tests but had other criteria to go along with that, that he thought that Los Angeles had assessment, that Phoenix was a department that they got a lot of their information from and used in their assessment, that an assessment center did not eliminate standardized test, it just added additional criteria, and Mayor Pro Tem Boney stated that Mr. Jordon had raised an implication that some firefighters had a definite advantage into knowing what was on the test by virtue of some individual providing some information and asked if that was correct and had he filed a formal complaint against that individual, and Mr. Jordon stated no, that this had been going on for the history of the fire department, and Mayor Pro Tem Boney stated that if there was a feeling or evidence of that then they needed to file a formal complaint because that was something, he thought, that all Members of Council and the administration would take care of immediately presuming they could find evidence to substantiate such an allegation or claim. Mayor Brown, Council Members Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she agreed with him in that the fire department had a huge unbalance in its supervisory positions, not just for people of color but also for women, that they had a hard time getting women up through the ranks as well, that he was aware that the police department was increasingly going to an assessment center promotion process and getting away from the standardized testing and asked if he would like to see something similar in the fire department and Mr. Jordon stated yes, and Council Member Parker stated that she would imagine that the management of the fire department would be very interested in seeing something like that, and Mr. Jordon stated that the management had talked about assessment centers, but had not put any information out there to educate firefighters, and that would be something that would have to be negotiated through a Meet and Confer contract and their group was not part of the Meet and Confer discussions, that the organization did not have a position within the firefighters union, just as individual members, but to get a position on the executive board with Local 341 was by vote and they were outnumbered 3,200 to 500 and they would not get a position, and Council Member Parker stated that she would be interested in seeing what the racial and ethnic makeup was of the union leadership, that she absolutely supported assessment centers and thought it would help solve some of the problems for promotions. Mayor Brown, Council Members Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he thought the biggest concern was keeping the scores for a certain period of time, that it was expressed to him that there was a problem there, that there may be 10 openings and people scored 14<sup>th</sup> or 15<sup>th</sup> on the list and then they had to take the test again, that they did not keep the scores and asked if that had been resolved, and Mr. Jordon stated that it had not, that the past two captain exams they had 32 people promoted and right

now they had 45, but the last exam before this one they had some minorities in position to be promoted at 61, 62 and 75 and these guys made 100 on the test and they cut the list off at 32 to prove a point that they did not want to promote somebody, but as soon as the next test was given they promote 32 people and they were at 45 already and it was only a year and a half on the list and this was the kind of manipulation they had over and over again all the time, that they create jobs when its convenient for a certain group of people, that they thought the assessment center would prevent this. Mayor Brown, Council Members Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Mark Clark and Hans Martichek had done a really excellent job in negotiating on behalf of the police officers and they did several things in their model and one was that they researched and brought the comparison data between what police officers were making in Dallas, San Antonio, Fort Worth and Houston, comparable cities and comparable situations so that Council could see the difference in the disparity, and he suggested that Mr. Jordon's organization do the same thing if in fact other major cities were using the assessment center, to show them what cities were using an assessment center, the strengths and weaknesses and bring Council a review of what an assessment center process and structure would look like that he thought would past muster and had been validated across the Country and also put it in writing and also put in writing what they thought were the weaknesses or faults in the current promotional system and keep the dialog going over the course of the year, that timing was very important and now they were at the end of the budget day and the deal had more or less been cut on Meet and Confer and it was not likely that they were going to open that right now, but they would probably open it up again next year but there was no reason to not start right now. Mayor Brown, Council Members Galloway, Todd, and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Keller asked who was the group or parties with the authority right now to supposedly doctor the list, and Mr. Jordon stated that the chief was solely responsible for creating jobs, and Mayor Pro Tem Boney stated that the way it worked was that the standardized test and the way the folks are ranked, when they got a different administration they do a review of what they think was necessary in terms of management for the City and obviously each chief or each Council Member think they need x amount of supervisors and then they go down that list and order until they satisfy whatever was management strategy and they had different chiefs present them different management strategies in terms of how many supervisors, district captains, etc. Mayor Brown, Council Members Galloway, Todd, Ellis and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he was present to extend an invitation, that he had passed out a press release to Council Members, that "Asia" the super rock band from England would be flying into Houston to perform at a fund raiser targeted for the Hispanic Community, that with the help of Houston Charities, KKQK, Budweiser, Garden in the Heights and the staff of the Westheimer Street Festival they hoped to raise \$30,000 to \$40,000 through donations, raffles and all the proceeds from the food and beverage sales, that KKQK's weekly "Musica en la Plaza", which was attended by thousands every Thursday at the Garden in the Heights would be converted into a fund raiser, that the City and those who had not suffered because of Tropical Storm Allison must not forget that there was still thousands that needed a helping hand from day to day. Mayor Brown, Council Members Galloway, Todd, Keller and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Joseph Omo Omuari, 15 Charleston Park, No. 1107, Houston, Texas 77025 (713-664-8256) appeared and stated that he was present once again to discuss the business grant program, that the program initially was a \$45,000 Small Business Grant distributed equally

through ethnicity by population rates, that Council Member Boney had directed him to the other programs which they had and he had asked what was the success rate of the program. Mayor Brown, Council Members Galloway, Todd, Keller, Vasquez and Castillo absent. Mayor Pro Tem Boney presiding.

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 thought that more of them should have been in this years Gay Pride Parade, that he was in the last Art Car Parade with Rainbow the Clean, that his last two e-mails to Council Members Vasquez and Sanchez had not been returned, that someone needed to be fired, that people did not want the \$2 million spent on sign abatement they wanted this money and more spent on recovery expenses from damage done by Tropical Storm Allison, and continued to express his personal opinions relative to members of Council until his time expired. Mayor Brown, Council Members Galloway, Todd, Keller, Vasquez and Castillo absent. Mayor Pro Tem Boney presiding.

At 3:52 p.m. upon motion by Council Member Quan and seconded by Council Member Ellis, City Council recessed until 9:00 a.m., Wednesday, June 27, 2001. Council Member Carroll Robinson absent on personal business. Mayor Brown, Council Members Galloway, Todd, Keller, Vasquez and Castillo absent. Mayor Pro Tem Boney presiding.

City Council Chamber, City Hall, Wednesday, June 27, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 27, 2001, with Mayor Pro Tem Jew Don Boney, Jr. presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Assistant City Attorney; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown 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.

At 9:19 a.m. Mayor Pro Tem Boney reconvened the meeting of the City Council and stated that the first order of business was a Public Hearing. Council Members Galloway, Todd, Quan and Sanchez.

## **HEARINGS**

1. **PUBLIC HEARING** to consider the creation of a Reinvestment Zone for **LIEBHERR-AMERICA, INC - DISTRICT B - GALLOWAY - 9:00 A.M.**

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Calderon would make some remarks concerning the hearing. Council Members Galloway, Todd, Quan and Sanchez.

Mr. Bill Calderon, Planning and Development Department, stated that this mornings hearing was being held on the question of creating a Tax Abatement Reinvestment Zone for Liebherr-America, Inc., that the City of Houston received an application from Liebherr-America, Inc. on March 29, 2001 and considered the application complete on that date, that Liebherr-America, Inc. was a wholly owned subsidiary of Liebherr International, which was a leading manufacturer and distributor of earth moving equipment, mining trucks, construction cranes and concrete mixing equipment, that the American headquarters for Liebherr-America, Inc. operations was currently located in Newport News, Virginia, where they also manufactured large

mining trucks, that in addition to the Virginia facility Liebherr-America, Inc. owned a 66,000 square foot building in Seline, Michigan which houses a machine tool distribution center and a aero space remanufacturing facility, that Liebherr-America, Inc. currently had approximately 450 employees in the United States and locally Liebherr-America, Inc. employed 5 sales people operating in an office just south of George Bush Intercontinental Airport, that those sales people service the entire Country, that Liebherr-America, Inc. was considering constructing a 53,000 plus square foot crane remanufacturing facility on 13 acres in northeast Houston and the site they were proposing for this project was located in Council District B, that the construction of this facility would generate a total investment estimated to be \$6.4 million of which \$6.2 would be considered abateable, that the abatement if approved by Council would change the City's average annual income during the abatement period increasing it by \$37,000, that after the abatement period the average annual income that the City would receive would go up by just over \$61,000, that this project was competitively sited with the two existing locations in Newport News, Virginia and Seline, Michigan and both of those locations did offer tax incentives and in fact both locations had provided previous incentive assistance to Liebherr-America, Inc. on projects in both locations, that the applicant was not seeking any variance of the City's Tax Abatement Ordinance and Liebherr-America, Inc. was a Greater Houston Partnership client and Mr. Ronald Jacobson, President of Liebherr-America, Inc. was present and available to answer any questions that Council might have regarding this project and representatives of the Greater Houston Partnership were also present and available, and that concluded his comments. Council Member Sanchez absent.

Upon questions by Council, Mr. Calderon stated that the corporation was currently operating out of two other locations in the United States and both of those locations had provided incentive assistance to the company in the past and in one of the two locations they actually had land available for development and they were weighing all options at this point, that they brought this project to Houston and were interested in receiving incentive assistance from both the City and the County, that the County had indicated an interest in providing such assistance, that currently they were providing remanufacturing operations on an as needed basis out of the Newport News facility and had on occasion provided the same in Houston from leased space on an as needed basis and the company anticipates that this component part of their business would in fact expand because sales were going up and the company did accept trade-ins of older cranes as they negotiate a sale of a new crane and Houston was one of three sites that they were looking at for placement of this facility, that currently they did not have a significant part of their operation in Houston, they only had 5 sales people, that they were not proposing at this time to eliminate the 5 sales positions, but one of the distinct possibilities would be that they would select another location for the remanufacturing operation which would mean a loss to the City of the \$6.4 million investment and the loss of a minimum of 25 jobs that the company would propose to create, that the 5 sales people located in Houston did service the entire Country, that one of the reasons for having the plant in Houston was that it added to their manufacturing base and that was one of their target industries, that as a matter of fact when the Tax Abatement Ordinance was first contemplated by City Council it was targeted specifically at manufacturing and industrial type projects, that the added good news, should the company locate in Houston, was that they were going into an area of town where they did not typically see large investments by companies setting up shop, that as to the aggregate financial impact positive to the City by the relocation, the partnership had estimated an annual indirect impact of \$27 million to the local economy by this operation, that it was fairly significant, that they had also estimated that there would be a minimum of 23 indirect jobs created as a result of their location to Houston, that the company was proposing 25 direct jobs at this point, that this was not a consolidation it was an expansion of their national operations. Council Member Sanchez absent.

Council Member Galloway moved to suspend the rules to hear from Mr. Ronald Jacobson at this time, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out

of the city on city business. Council Member Sanchez absent. MOTION 2001-0703 ADOPTED.

Council Member Galloway stated that she had met with Mr. Jacobson on this and the proposed site was in District B of which she was very proud of, that she had also introduced Mr. Jacobson to Dr. Ford who was president of the North East College to work on some type of partnership as far as training, that they were going to be very good neighbors. Council Member Sanchez absent.

Mr. Jacobson stated that it was important to note that it would be an expansion of their worldwide distribution organization in cranes, that they had now not a manufacturing facility in North America so that it was absolutely incremental to their investment, that they would hire within the first two years 25 people, two of which they would bring as their manager and technical manager from Europe in order to provide the infrastructure for the people they would hire locally, that as Council Member Galloway had indicated they met yesterday with the community college people and thought they would move forward immediately with a program to start training skilled mechanics with their products and in that regard they looked to being in Houston, that they were considering also their plot in Virginia where they had 40 acres available for expansion and in Michigan also where they had 15 acres available, that they looked forward to being in Houston, that it offered some advantages that Michigan and Virginia did not, but overall all three sites would be capable of supporting a manufacturing site like this so they were looking forward to the abatement as an additional incentive that they could use to justify their locating their facility to Houston.

Council Member Sanchez stated that there were a number of tax abatements that were not performing according to the agreement and asked Mr. Calderon what actions had they taken to recapture the tax payers revenue, and Mr. Calderon stated that they had identified all of the companies that were currently out of compliance with their tax abatement agreements and had been in communication with each of them, that they had brought forward a number of those contracts to City Council for termination, that slightly more than a million and a half dollars had been recaptured to date and they had intentions of bring about another half dozen to Council once they received executed termination agreements from the companies, but they were aggressively pursuing those incidents where companies default, that of the companies that they had granted tax abatements to that were not performing according to the contractual agreement they had recaptured 100% of the taxes abated in all but two instances, that in those two instances 50% of the taxes were recaptured, that in the 1997 ordinance that was brought to Council they added a component part of the ordinance that allowed for negotiation in lieu of termination, however those negotiations had let them to recapture in every instances and in the instance where they had recaptured only 50% was based on performance, that the company performed highly on one of the two eligibility criteria, either investment or job creation so they basically gave them a pro rata credit for that performance, that of the half dozen or so proposed to come to Council for termination they would be pursuing 100% of the taxes owed to the City. Council Members Todd, Vasquez and Parker absent.

Council Member Galloway stated that she wanted to thank Mr. Jacobson for meeting with them and coming to Houston, that they were certainly going to welcome them with open arms, and Mayor Pro Tem Boney invited a representative from the Houston Partnership to the podium. Council Members Todd, Vasquez and Parker absent.

Mr. Jeffrey Marsel stated that the partnership fully supported the project, that it was a fantastic project for the City and a great opportunity for Houston. Council Members Todd, Vasquez and Parker absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Tatro.

Mayor Brown out of the city on city business. Council Members Todd, Vasquez and Parker absent. MOTION 2001-0704 ADOPTED.

## **MAYOR'S REPORT**

Council Member Robinson moved to consider Item Numbers 64 and 5 out of order, seconded by Council Member Tatro. Mayor Brown out of the city on city business. Council Members Todd, Vasquez and Parker absent. MOTION 2001-0705 ADOPTED.

64. 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 - (**This was Agenda Item 15 on Agenda of June 20, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO**) - was presented.

Council Member Sanchez stated that he would like to offer up an amendment to Item No. 64, that the item be contingent upon the elimination of the Office of Inspector General and that the firefighters associated with the Office of Inspector General be returned to the fire department as suggested by the Tri Data Report and whatever savings may be realized for the administration to use to assist with the pay raise of the police officers, seconded by Council Member Tatro.

Mayor Pro Tem Boney stated that he wanted to ask the City Attorney if that motion was in order and legal at this time. Council Member Galloway absent.

Mr. Hall stated that as he understood the question it was an attempt to amend the ratification or amend the agreement in the ratification process, that he wanted to explain that the statute required for both parties in this negotiation ratify the agreement and that had meant that their options were to either to approve or not approve the agreement, because the agreement was actually reached between the bargaining parties and there was the option and requirement by the union that they submit it to their membership for ratification, that the same language appeared for the City Council, that City Council had to "ratify", had the option to ratify or obviously had the option not to, but the negotiation could not take place by the ratifier, that what he was suggesting to them was that the option was to not ratify and to send the bargaining team the direction that they had to go back and try to negotiate that provision, that the point was that this was a product of a negotiation, that nobody could say that it was this or that, that they did not ever have to agree, that was where they were, that this was a union bargaining process in effect, give and take on both sides, that they reached an agreement that both sides agreed to present to their respective principles, that this was being brought before Council because the Mayor, who was responsible for appointing the bargaining team, had reached an agreement with the union to present it to City Council for their ratification, that this dealt with the issues of benefits for the fire and police officers.

Council Member Sanchez stated that it seemed to him that the Mayor could negotiate all he wanted to but it was up to this body to approve, amend, accept, deny, reject or do as it wished with the item before them as they did on numerous items, and Mr. Hall stated that everything but amend, that his point was that if they did not accept this agreement that had been in fact negotiated and presented to the police officers and ratified by them, no matter how they couched it, they had rejected or refused to ratify the agreement and that would send the whole thing back to bargaining with, that there was not a process that allowed either them or Council to just



straight up amend the agreement, and Council Member Sanchez stated that he disagreed with Mr. Hall. Council Member Galloway absent.

Council Member Tatro asked if they submitted the amendment would it require the agreement to go back to be ratified again by the union, and Mr. Hall stated no, that was the problem, that the bargaining team for the police officers was not required to submit that, if Council refused to ratify the agreement, in every provision, that it was in fact a rejection of the agreement by the Council and it would send the whole thing back to negotiation. Council Member Galloway absent.

Council Member Todd asked Council Member Sanchez if he was not seeking to change the terms of the Meet and Confer agreement, what he was seeking to do was to change what was posted for action today, and Council Member Sanchez stated that he did not know if it was a change because it did not change any of the items posted it was simply a supplement to the item posted, and Council Member Todd asked if it would be more accurate to couch his motion as a motion to supplement rather than a motion to amend, because if it was a supplementation motion it would appear to get him around the concerns that Mr. Hall had raised, and Council Member Sanchez stated that if that language moved the amendment forward he did not have a problem with it. Council Member Galloway absent.

Council Member Todd stated that he agreed that the OIG elements of this was clearly not part of the Meet and Confer Agreement and agreed that it would probably require some sort of re-negotiation of it, but if this was simply a supplementation to the action item before Council would that not appear to get them around his concerns, and Mr. Hall stated that if they were talking about an item on the agenda that included the salaries of thousands of people they obviously had the option of dealing with the salary of any one of those, but here they were talking about a process authorized by statute for negotiating of benefits for the employee group, that they had been negotiating and had reached an agreement and the question in the statute was whether or not both sides ratified that agreement in the very traditional way that they were ratified, that once the agreement had been reached and presented the option of both of the parties was to accept or reject it, that if they accept it conditionally they had in fact legally rejected it.

After further discussion, Council Member Castillo requested a point of order and stated that this debate had gone on for about 10 minutes and suggested that they move to the next speaker.

Council Member Robinson stated that he was supportive of the substance of the amendment and wished that last week they would have been allowed to vote on it because he thought it was going to be a continuing issue, that they had 9 votes on Council who wanted to eliminate the office of OIG and either the administration was going to come forward and do it in a procedural manner so they could get an up or down vote or they were going to have Council continue to do this and he thought it made no sense for the administration to put themselves in that position.

Council Member Castillo stated that he agreed with Council Member Robinson that this matter was not going to go away, that the majority of Council wanted it and was enough majority to override any tag or delay, that it was something that had to come up in the proper procedure and the point had been made and he would ask Council Member Sanchez to withdraw his motion and bring it up at a more proper time.

Mayor Pro Tem Boney stated that he would speak with the Mayor and see if they could at least begin a full and appropriate discussion on the OIG and any changes, amendments or abolition that might need to be considered, but it was not germane to the discussion today and

he would certainly see that the administration understand that there was a great sentiment and concern about the OIG and its operation and whether or not it ought to continue to operate.

Council Member Bell stated that he agreed with the statements made by Council Members Robinson and Castillo and wished that the amendment to eliminate OIG had been brought forth in a more timely manner so it would not have been subject to tag last week and could have been discussed fully by the Council and most likely would have passed given the level of support for it and he would hope that the administration would follow up on the recommendations of Council Member Robinson and either send this proposal to a committee to be brought forth to the full Council or simply bring it to the full Council for consideration. Council Member Todd absent.

After further discussion by Council, Mayor Pro Tem Boney asked if Council Member Sanchez would allow them to have a discussion with the Mayor to facilitate a full discussion of OIG so that it could come to Council for some final resolution, that he made that commitment and felt that the Mayor would facilitate that happening and happening in quick time, and Council Member Sanchez stated that he hoped Mayor Pro Tem Boney spoke for the Mayor today and that he would abide by his commitment at the table today, and Mayor Pro Tem Boney stated that he spoke for Jew Don Boney, but would make a strong recommendation to the Mayor, and thought that the Mayor would be responsive, and Council Member Sanchez stated that what he would offer then, and after listening to the comments of Council Member Robinson, that he would pull down the amendment just because he did not want to jeopardize the long drawn out Meet and Confer Agreement by the Houston Police Officers who very much deserved a pay raise, and simultaneously move for a special session.

After further discussion by Council, Mayor Pro Tem Boney stated that in abundance of time and trying to be flexible he was going to rule that they move on with the agenda and requested that Mr. Hall provide to all Members of Council the Statute that enabled Meet and Confer at the State Legislature and supplemental interpretations by the Legal Department to all Members of Council.

Council Member Tatro moved to suspend the rules to hear from Dr. Philip Scheps at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. MOTION 2001-0706 ADOPTED.

Council Member Tatro stated that he had sent Mr. Scheps a memo yesterday with regard to the Meet and Confer and not dealing with the specifics of the contract but the funding and financials of the City as they related to funding sources available, that obviously with the passage of this item they would go on with the fiscal year, but also they had a pending Fire Department Meet and Confer out there, and asked if the current contract was passed, based on the revised financial projection, how much money would be left for the administration to negotiate the Fire Department Meet and Confer contract above the fund balance and the Rainy Day Reserve Fund, and Mr. Scheps stated that based on the projection, which was what his question was, the revenues and expenditures equal in future years which meant none, which meant that any additional increase in anything, that fire was included in this agreement through parity, but he was talking over and above what was in the agreement, that the money would be available because they had additional revenues or because expenditures dropped, that they could drop a balance, but that was not a source of recurring compensation, so he did not include that, that the spreadsheets were balanced, that revenues equaled expenditures roughly, and Council Member Tatro asked if the current contract was passed how much money had the administration identified in the two, three and four budgets as available for the Fire Department Meet and Confer, and Dr. Scheps stated that the amount in this agreement was \$1.6 million this year, \$1.7 million in 2003 and \$11 million in 2004, that nothing had been identified over and above what was

in the agreement, and Council Member Tatro stated that Dr. Scheps had done an original five year projection and in that he had allocated \$11.8, then \$28 million and then \$28.7 million, and asked when he went in to do the original five year projection he had this money set aside for HPD how much did he have set aside for fire in the original five year projections, and Dr. Scheps stated that at the time he had about \$30 million in each of the next two years but the negotiations had not been complete and that to him was a place holder and as he said in his letter at the time he just put 2.5% of recurring expenses in as a place holder and it ended up it was more than they needed in 2003 but less than they needed in 2004, but he did not know that at the time so he was just complying, that there was nothing specifically identified, that for the fire department he had a place marker for the 2002 amount the \$11.7 million that they had been talking about throughout the 2002 budget because they had a budget to approve, that the place marker in future years was for everything, it was municipal, fire, police and whatever came along, that he did not know at the time what the final version of the Meet and Confer for police was going to be so it was unidentified in future years, that he did not know how it was going to come out at the time, and Council Member Tatro asked if they passed the item today based on the projections they had for financial statements for the upcoming years they leave nothing on the table to negotiate with fire, and Dr. Scheps stated based on that projection and that set of assumptions.

Mayor Pro Tem Boney asked if by virtue of parity the fire department would receive a raise as well as the police department, and Dr. Scheps stated that was correct, and that was the \$1.6 million, \$1.7 million and \$11 million in the next three years that would go to fire fighters by virtue of the negotiation agreement with the police department and by parity, that in the budget they just passed they added a fourth fire fighter class and accelerated the three existing classes and added \$6 million in an extra board line item, that it was additional and above what they would get from the parity, and there was step of course for police and fire, and Mayor Pro Tem Boney requested that he quantify that in terms of a memo for the Council Members. Council Member Ellis absent.

Council Member Quan stated that Article 15 of the Meet and Confer Agreement provided for the Police Officers Civil Service Commission, that this was a new commission and they were taking them out of the Firefighters and Police Civil Service Commission that was previously in place, that he had a chance to speak with some of the union folks and was looking at the issue of who set the rules for the new commission, that it seemed like the rules were being set by the labor relations committee or a subcommittee there of which was made up of the police department, that they had to be a member of the HPD in order to be a member of the labor relations committee and asked what safeguards or input did the City of Houston or Council have to oversee those regulations and did they come back to Council for ratification or was it just adopted, that it sounded that the Mayor appoints 12 to 15 people to the commission and another group sets up the rules for this commission on disciplining officers and it was all done within that context and Council never sees anything, and Ms. Connie Acosta, Legal Department, stated that there was no provision for the rules that were adopted to be voted on by Council or approved by Council, that what was anticipated was that the attorneys for both the unions and the City would cooperate with the Labor Relations Committee to come up with standard rules, that generally she would envision that what would happen was that they would take the rules that they currently went by in the other Civil Service Commission, modify them to the extent that they needed to be modified for the uniqueness of the police department and then adopt them, that the Labor Relations Committee would recommend them to the new Police Civil Service Commission once it was in affect and they would then adopt them as the rules of their commission. Council Members Ellis and Robinson absent.

Mr. Vara stated that negotiations of Police Meet and Confer was a give and take proposition, that they were still going to have a Civil Service Commission for the police and would still be appointed by the Mayor the same as the current Civil Service Commission, that

what the City gets, which was very important to them, was that where as now police officers that were suspended two days or less could request and go to arbitration, they agreed no, for two days or less they go to Civil Service Commission and that saves everybody a lot of money and problems out there and hopefully, because they built on these agreements, and hopefully they would be able to build upon that agreement. Council Member Robinson absent.

Council Member Quan stated that he just wanted to make sure when these rules were set, if the police officers were setting up the rules to monitor themselves, that they have some way of oversight to make sure that the rules were fair and just, and Mayor Pro Tem Boney stated that the police were not arbitrarily setting up the rules, and Ms. Acosta stated that no, this was approximately the same procedure they went through for the regular Civil Service Commission, that hearing rules were basically the same no matter where they did them, that had to be practical, efficient and had to operate for the purpose of the commission in order for the commission to get their work done, so she did not envision anything strange or unusual and would probably look like business as usual with the rest of the commission. Council Member Robinson absent.

Council Member Castillo stated that he had talked to Mark Clark and Hans Marticiuc and had some concerns, that they mailed him a copy of the section of the contract that had to do with the Civil Service Commission and there were certain things that they were not privy to until they got them in Council and somehow he would like to see that order change, but one of the qualifications, for example, for a person to be appointed to the police officers Civil Service Commission was to be a resident of the City of Houston or live within 30 miles of the City of Houston and to him that meant that somebody from Sealy, Conroe, Pearland or Alvin would be making rules or voting on procedures that dealt with City of Houston employees, that he hoped that the Mayor would take everything into consideration when he makes his appointments and that it be changed at the earliest opportunity to renegotiate it to amend the contract, and asked whether the State statute that dealt with Meet and Confer sets the order of ratification of these agreements, whether the officers take the vote first and then Council or whether Council could just as well take the vote first and then the officers, and Ms. Acosta stated that Chapter 143 of the Texas Local Government Code did not set the order, logically speaking they had done it in the last two contracts, where the officers had ratified first and then go to City Council because as a practical matter it was more efficient, and Council Member Castillo stated that it may be efficient in one way, perhaps administratively, but legally it was not as efficient because in Council they could have the consensus of 15 Members of City Council and on the part of the union they had to have the majority of all the members of the police department to ratify a contract, and Mayor Pro Tem Boney stated that as an administrative police the Mayor had chosen to appoint only citizens of Houston to boards and commissions, that it was a standard general police since he took office. Council Members Tatro and Sanchez absent.

Council Member Vasquez stated that he was concerned about Dr. Scheps five year forecast and knew that he originally submitted one back in May and then after Meet and Confer he submitted a revised five year forecast and in the revised forecast the estimates were more optimistic than the original one and asked Dr. Scheps to go on record publicly and explain that, and Dr. Scheps stated that forecasts were for different forecasts and by the time the last weeks forecast came out it was apparent that the final Meet and Confer Agreement had come out, that there were some additional causes for optimism, just because the appraisal district amount kept going up, but it also became apparent that the City Council, by public statement, wanted to do this and so that last forecast was more backing into what would have to happen to make this reasonable, in other words whether he could make the statement that this could be accommodated with reasonable assumptions and the answer was absolutely if this growth continued at 8% revenue growth, which was less than this year, if it continued at 4.5% sales tax growth which was less than this year, if they held the growth on the expenditures to a certain

amount, that the demonstration of the last iteration was to show that reasonable assumptions would allow the Meet and Confer Agreement to be afforded, and Council Member Vasquez stated that he would like to see a worst case scenario as well from Dr. Scheps, that if in the event on conservative assumptions, the original assumptions, what that would look like and what the financial impact would be to the City and asked him to get those to the Council Members in the next couple of weeks, that he would also like to direct his attention to a concern for the O&M Budget, that usually when they increase the CIP and expand the capital program there were increased pressures on the O&M Budget so he would like to get Dr. Scheps comments as to what the impact would be for future budgets based on the Meet and Confer Agreement, and Dr. Scheps stated that once they approve the CIP they would have some operating impact but of course that depended largely on what ended up being approved as a CIP, but there would be an operating budget impact and it would need to be folded in there, and Council Member Vasquez asked who was the caretaker on the larger financial picture of what was going on, and Dr. Scheps stated that he would say it was Mr. Haines and they would be structuring a full discussion for Council within two or three weeks. Council Members Todd and Sanchez absent.

Council Member Vasquez asked Mr. Vara if he had negotiated both of the contracts, police and fire, and Mr. Vara stated yes, and Council Member Vasquez asked if they were setting a precedent that the union should expect hefty increases with every contract, and Mr. Vara stated no, because he believed that what they were doing here was taking care of getting them to market and above market, that it was rectifying the problem, that he would see that they did not have a lot of ground to make up so they were not going to be looking at another big package like this, that the goal was to keep them at market. Council Member Todd absent.

Mayor Pro Tem Boney asked Mr. Vara if there was not a straight time provision in this contract, and Mr. Vara stated yes, that it was strategic officers staffing that allowed them to get the officers back to straight time up to six hours in a 14 day period, and Mayor Pro Tem Boney stated that it was some give and take on the part of the police union on that and Mr. Vara stated yes. Council Member Todd absent.

Council Member Robinson stated that they should do like they did with the budget and sit down and look at the permutations, that there ought to be serious discussion about going out to the voters and letting them know that even within the existing property tax rate they ought to be able to lift how much of that rate they could spend in Operation and Maintenance, that Council would have to make some decisions about what they wanted their expenditure priorities to be. Council Members Todd and Castillo absent.

Council Member Parker moved to call the question on Item 64, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Todd and Castillo absent. MOTION 2001-0707 ADOPTED.

A roll call vote was called on Item No. 64.

ROLL CALL VOTE:

Mayor Brown out of the city on  
city business.

Mayor Pro Tem Boney voting aye  
Council Member Tatro voting aye  
Council Member Galloway voting aye  
Council Member Goldberg voting aye  
Council Member Todd voting aye  
Council Member Ellis voting aye  
Council Member Keller voting aye

Council Member Vasquez voting aye

Council Member Castillo voting aye  
Council Member Parker voting aye  
Council Member Quan voting aye  
Council Member Sanchez voting aye  
Council Member Bell voting aye  
Council Member Robinson voting aye  
ORDINANCE 2001-0592 ADOPTED

Council Member Castillo moved to suspend the rules to hear from Mr. Hans Marticiuc and Chief C. O. Bradford at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. MOTION 2001-0708 ADOPTED.

Mr. Hans Marticiuc stated that it had been a long time coming, that he was a 21 year Houston Police Officer and for 17 years of those 21 years he saw very little interest in City government in raising police compensation to their comparative cities, that during those same 21 years they buried 26 police officers who were killed in the line of duty and add to this the toll of the personal family sacrifice of officers having to work extra jobs to maintain a moderate lifestyle because of low salaries, that in 1998 many of the Council Members were present and approved their first Meet and Confer contract and that was a very large step towards resolving the disparity in pay between them and their model cities, that despite all that they were still below market and they as an organization were very aware that they could not correct 20 years of neglect in one year and so they were patient, that thanks to this Council and Mayor their patience had paid off and the 2001 Meet and Confer Agreement brought them up to par with their comparable model cities, that this was a creative agreement in terms of both budget process as well as addressing the concerns of both the police department and its officers, that with this agreement in place the issues of recruitment, retention, education, promotions, discipline, staffing and manpower alterations as well as drastic improvements in the efficiency and operations of the Houston Police Department would be implemented and resolved, that this agreement made them all winners, they as police officers and Council as elected officials and certainly the citizens of Houston, that the citizens could be assured that they were going to attract the best and most qualified candidates after this is implemented, that public safety had been an important issue for this Council and Mayor and they had just shored that up and shown their high commitment to that cause.

Chief Bradford stated that he wanted to say a big thanks to Mayor Brown and every Member of Council for ratifying this particular contract, that it was important now that Houston Police officers did a very good job working with the citizens throughout the City, that it just seemed right that they step forward and reward and compensate the officers in a way that they had duly warranted, that in addition to that he would be remiss if he did not say a very special thanks to the majority bargaining agent, who he thought had done a very good job of working with the management of the Houston Police Department and himself as chief to move their police department forward, so a big thanks to the majority bargaining agent, the HPOU, and also the bargaining team, they put in countless hours to negotiate this process and it had been a give and take process, that operationally it was a doable deal and they could make it work in the police department from an operational standpoint, that the team members included, Lonnie Vara, Michael Lofton, Mick Baylor, Craig Ferrel, Jr., Connie Acosta, Hans Marticiuc, J. J. Berry, Wayne Mosley, Ronnie Martin, Tom Hayes, Mat Collie, John Walsh, Ron Sweet and Mark Clark, that these were the official team members on both sides, that he commended both groups on those sides because they did an excellent job, that in addition to the hard work the officers throughout the police department gave input to the team as to what was acceptable and what was not acceptable, that this contract enhanced the educational requirements for police officers and had a college degree requirement for promotional opportunities, gave the management the ability to place civilians in more positions throughout the organization, it establishes physical fitness standards for police officers and allowed for the better management of their disciplinary process, it exempts supervisors and above from overtime status and it requires the officers to complete their State as well as HPD mandated training for firearm certification and physical fitness standard activity on their own time, so it allows for the police department to move forward.

Mayor Pro Tem Boney stated that Article 18 was most significant because it dealt with the education incentive for the officers and asked Chief Bradford to specify some of those points,

and Chief Bradford stated that he thought it was really important to understand that they had nearly 2,000 of their police officers now who were college graduated officers and that was really significant when they reflected back just 5 to 10 years ago, they had just a few hundred officers, that they were moving forward, that it was not as some of the officers stated that just because they had a college degree it did not make them a better police officer, and he stated true, but they more than likely had exposure to some discipline and broader exposure and they read some books and met some requirements and also had done something that society had said was important, that he believed that doing that was a leadership role, that there was a requirement also that a police officer serve five years in entry level grade before he or she becomes eligible to promote to a supervisory status, in the past that was two years, so that was a plus, that in addition to that if they were going to promote and retain that promotional slot they must acquire college hours and college degrees at different levels throughout the organization, that he thought it was a big plus and a win win.

Mayor Pro Tem Boney stated that he wanted to clarify some information requests for Council so they could get that in a timely manner, the State statute and the memorandum of details with regards to Meet and Confer, what was allowable and what was not, the five year forecast with the worst case scenario for all Members of Council, the benefits that the firefighters also received by virtue of the agreement with parity with the police department and the full discussion on OIG so that this matter could be brought before Council and he would speak to the Mayor about that. Council Member Todd absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 17, 58, 59, 60, 61 and 62 at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent. MOTION 2001-0709 ADOPTED.

5. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval to begin negotiations with **LAKWOOD CHURCH** to redevelop Compaq Center **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. Council Members Todd, Keller and Robinson absent.

Council Member Tatro stated that he wanted to know what specific restrictions were in the RFP for land use and secondly it also indicated that bids would include reasonable rent payments to the City and asked if he RFP say it was a lease or did the RFP put out the possibility that it could be a purchase, that he would like to see those specific items within the RFP. Council Members Todd, Keller and Robinson.

Council Member Vasquez stated that his comments were a point of personal privilege, that he wanted to thank Pastor Olsteen for his efforts during the flood, that one of his staff members was flooded out and spent the night there on Saturday, so he wanted to publicly thank him for opening up the church and for all the efforts that they had gone through. Council Members Todd, Keller and Robinson absent.

Council Member Vasquez moved to suspend the rules to hear from Pastor Joel Olsteen at this time, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Todd, Keller and Robinson absent. MOTION 2001-0710 ADOPTED.

Pastor Olsteen stated that they were glad to do it and appreciated their recognizing them and appreciated all of their support on this item, that he would be happy to answer any questions they had, that they like they put together a win win proposal for the City and for the church and

hoped that it would move forward at the right time. Council Members Todd, Keller and Robinson absent.

Council Member Goldberg moved to suspend the rules to hear from Ms. Jane Page, Crescent Development, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent. MOTION 2001-0711 ADOPTED.

Upon questions by Council Member Goldberg, Ms. Page stated that she was Senior Vice President for Crescent Real Estate Equities and was responsible for overseeing all of their Houston assets, that the main piece of their proposal entailed to propose a land exchange or swap, that they had conversations with Council Members and officials of the City and recognized the fact that there was a desire for the City to own a parcel of land in front of the convention center and the convention center hotel, so their proposal was to swap parcels of land in a non cash transaction, to swap the Compaq Center land for a portion of the super block with the City.

Council Member Ellis asked how much was the value of the property that they had in place to swap with the City for the Compaq Center, and Ms. Page stated that she wanted to display a board that summarized their proposal and gave a little bit of the financial information, that they took recent land comparables in both areas of Greenway Plaza and downtown and also sought the advise of experts in land values of both of the locations, and they derived a value of the Compaq Center land at \$35 per foot and that land comprised 306,000 square feet so the value for the Compaq land was \$10.7 million, that the downtown land was 127,000 square feet on the southern portion of the super block and that land value equated to \$12.7 million, that there were other items in the proposal that were more detailed that maybe they would not want to get into at this point and would be happy to answer questions privately, that there were several other issues that they wanted to bring to the table, that the City and Crescent had an ongoing relationship and they anticipated and wanted a future relationship so they were trying to cleanup some issues they had and also anticipate some needs that the City had one of them being the super block, and Council Member Ellis stated that everybody had been talking to him about the fact that the Compaq Center was only worth \$11.4 million because of all the restrictions that were on it and noticed that Crescent was offering a land swap of \$12.5 and asked if that was only for the land itself and asked if they would go in and tear down the Compaq Center, and Ms. Page stated yes, that there was a demolition item of \$1,075,000 so when they got down to the very bottom it was a \$12.5 million value that Crescent looks at the proposal and with all of the items it was a \$12.8 million value that the City would recognize in the transaction. Council Members Todd, Vasquez and Sanchez absent.

Council Member Ellis stated that they had just finished with the Meet and Confer contract and noticed that Item No. 5 was a recommendation to allow the City to negotiate with Lakewood Church and asked if that meant that they would negotiate and bring back a contract that Council would have to accept at that time without any amendments, and Mr. Lewis, Legal Department, stated that they would bring back a lease agreement, just as they did many other lease agreements, and they were typically available for being amended at the table, obviously subject to the other party agreeing to those changes, that the proposal called for two payments equaling a total of \$9.5 million, one at the onset of the lease and one upon completion of the renovations to the facility for a net of \$9.5 million, that there were no lease payments provided throughout the thirty years in their proposal, and Council Member Ellis stated that he assumed since Lakewood was a 501C3 that the City would collect no taxes on the property, and Mr. Lewis stated that he believed that was correct. Council Members Todd, Vasquez and Sanchez absent.

Mayor Pro Tem Boney stated that with the \$9.5 million the City would still retain ownership, and Mr. Lewis stated that yes they would, and Council Member Ellis asked what would the



property be worth in thirty years, that it would be a worthless piece of property in thirty years, and Mr. Lewis stated that he would disagree on it being worthless, that there were some restrictions on the property, but those restrictions after October 30, 2003 included availability for use as office, retail, post office and several other uses which he thought were very viable and would lend some real market value to the property, and Council Member Ellis stated that he wanted to talk to Mr. Lewis about that and would tag the item, and Council Member Parker stated that she would tag the item as well. Council Members Todd, Vasquez and Sanchez absent.

Council Member Parker asked if they did a full RFP process, that they had at least three bidders who had expressed interest early on and knew when they were discussing this in context of the new arena site downtown, and how aggressively did they pursue other entities who might be interested in the project, that she thought Lakewood would be a great tenant and she did not have any problems with that, that she had some questions about the lease including kind of a follow-up to Council Member Ellis's question if they were not going to get lease payments were they going to have O&M requirements through the life of the project to make sure that they maintain it as an asset in case they did want it after thirty years, that in terms of the offer from Crescent, it was a nice looking proposal but as far as she was concerned those were imaginary numbers, did they determine whether the per square footage that they were putting on the relative properties were fair and reasonable, did they do any active negotiations to determine whether that was a competitive offer, that she had seen and read the analysis by Coastal Securities but there was nothing in there that tells her that they actively either negotiated or looked to see if this was a viable project, and asked that someone visit with her this week and answer some of those questions. Council Members Todd and Sanchez absent.

Mayor Pro Tem Boney stated that he would also like for them to review those figures in terms of the square footage and the aggregate assumptions of what the values of both those tracts were because he kind of questioned the numbers on some of that. Council Members Todd and Sanchez absent.

Council Member Bell asked Ms. Page if she ever had an opportunity to lay out her proposal before committee or any other body of Council or was it just negotiated with one individual of the City, and Ms. Page stated that they had not had the opportunity to discuss their proposal, that Council Member Goldberg called her late last Friday and asked if he could meet with her and they met as soon as they could on Monday and that was the first and only time that they had to discuss what their proposal entailed, that they submitted it on May 4, 2001 and did not hear back from the City until last Thursday late in the afternoon, that it was a called that had been placed for another reason and she was told that they did not get the bid for the Compaq Center, that no one had informed her what the review process was for their proposal, and Council Member Bell stated that he wanted to tag the item also. Council Members Todd and Sanchez absent.

Council Member Quan asked as far as the PV street curbs were those being subtracted or added on, and Ms. Page stated that was being credited to the total value of the parcel that the City would own, that it was a credit that satisfied an obligation that Crescent had with the City for a long time, and Council Member Quan stated that Crescent was paying \$60,000 per year for improvements that the City had put in and they had 17 years to go and they were discounting that at 10% to get to that number, and Ms. Page stated that was correct, and Council Member Quan stated that in fact there was demolition on the Compaq land and asked if the purpose of the property in the future would be high rise office tower or something of that nature, and Ms. Page stated that it would be complementary uses to their mixed use facility at Greenway Plaza, whether it was office buildings or hotel facility or residential facility, that what they proposed was that they would be willing to keep the Compaq Center open if they could secure a tenant for the Compaq Center until 2012 and then make the Compaq Center available to the City for the Olympics if the City desired that. Council Member Sanchez absent.

Council Member Robinson stated that he wanted to be added to the tags, that he had a couple of questions and if they could not be answered now for someone to come and see him and asked in the context of the City who owned the Compaq Center, and Mr. Lewis stated that it titled in the City of Houston and was under the control and management of the Convention and Entertainment Department, and Council Member Robinson asked how much debt was left on the Compaq Center, and Ms. Ulrich stated that it was not debt free but there was a minimal amount left, that it was due to be repaid when their agreement with the Arena Operating Company ends in November 2003, that the minimal amount was about \$4 million and she would confirm that, and Mr. Lewis stated that all of the proposals, whichever one was accepted would be delayed because the Rockets would continue to occupy the Compaq Center and would be operated by the Arena Operating Company until the fall of 2003, at which time hopefully the new arena would be available, so at the time any of these agreements would go into affect the bond should be retired, that it would all be net profit, and Council Member Robinson stated that his next question was who would get the net profit, would it go to C&E or to the General Fund, and Ms. Ulrich stated that it had been Mr. Tollett's position that the money would come back to C&E since they paid the \$20 million to construct the new arena, that was the City's contribution and it came from their department, that the evaluation committee was outlined in the RCA, and Council Member Robinson stated that he had a lot of questions and would like for someone to come and visit him and he thought it needed to go to committee for some kind of detailed of analysis and review. Council Member Sanchez absent.

Council Member Keller requested that his tag also be added to the item. Council Member Sanchez absent.

Council Member Castillo raised a point of order, that this item had been tagged and they still had a whole agenda to go through and stated that he would move the agenda. Council Member Sanchez absent.

Mayor Pro Tem Boney requested that Ms. Ulrich and her team visit with all Council Members and make sure that all of their questions were answered, that she might want to review that tape and make sure that everybody was briefed fully on the matter before it came back, and Council Member Tatro requested that his tag also be added to the item. Council Member Sanchez absent.

The City Secretary announced that Council Members Ellis, Bell, Keller, Tatro, Parker and Robinson had tagged Item No. 5. Council Member Sanchez absent.

17. ORDINANCE amending Ordinance No. 93-1209, as previously amended by Ordinance No. 93-1315 and Ordinance No. 96-415, with respect to the issuance of City of Houston, Texas Water and Sewer System Commercial Paper Notes, Series A; amending Ordinance No. 95-232, as previously amended by Ordinance No. 96-415, with respect to the issuance of City of Houston, Texas Water and Sewer System Commercial Paper Notes, Series B; authorizing an amended and restated Issuing and Paying Agency Agreement, a Revised Dealer Agreement, and a second amended and restated Revolving Credit Agreement with respect to the Series A Commercial Paper Notes and an amended and restated Issuing and Paying Agency Agreement, a Revised Dealer Agreement, and a Revolving Credit Agreement with respect to the Series B Commercial Paper Notes; approving the use of a Revised Offering Memorandum in connection with the sale of the Series A Commercial Paper Notes; authorizing an Alternate Credit Facility with respect to the City of Houston, Texas, Commercial Paper Notes, Series B; making other provisions regarding such Series A Commercial Paper Notes and Series B Commercial Paper Notes and matters incident thereto; and declaring an emergency - was presented and tagged by Council Members Bell

and Tatro. Council Member Galloway absent.

Council Member Tatro stated that he wanted to speak to somebody, maybe their financial advisors or F&A, on this commercial paper issue. Council Member Galloway absent.

Mayor Pro Tem Boney asked if there were any other specifics that Council Members would like to have staff prepare to answer questions on, and asked Mr. Berg to be prepared to talk to all Council Members and also bring out the financial advisors along with him. Council Member Galloway absent.

**MATTERS RELATED TO HOUSTON AREA WATER CORPORATION** - NUMBERS 58  
through 62

58. ORDINANCE appropriating \$104,000,000.00 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing amendment to Interim Funding Agreement between the City of Houston and the **HOUSTON AREA WATER CORPORATION - DISTRICT E - TODD** - was presented, and tagged by Council Members Tatro and Bell. Council Member Galloway absent.

Council Member Castillo moved to suspend the rules to hear from Mr. David Berg, HAWC, seconded by Council Member . All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Galloway absent. MOTION 2001-0712 ADOPTED.

Council Member Castillo asked Mr. Berg if time was of the essence on any of these ordinances relating to the water corporation, and Mr. Berg stated that what made it of the essence was the July 18, 2001 that Montgomery Watson had said was the last day that PDD was required to hold their prices, that they had a legal opinion from Steven Jacobs substantiating their position, that the issue for him was that they should not have to get to the argument that Council Member Tatro had raised last week, that there was an argument on both sides of the issue, he supposed, on the July 18, 2001 drop date, that they did not have to get to that argument, an argument which they could lose and could cost them millions and millions of dollars if they had to go back to the drawing board, that he was unaware, and stood to be corrected by any member of the staff, of any other time sensitive matters as time sensitive as that, and Council Member Castillo asked Mr. Berg if he had been contacted by any Member of the Council to explore any other questions and what was explored at the committee meeting of the Transportation and Technology, and Mr. Berg stated that members of the staff had been contacted, and knew that Council Member Tatro had several questions that he had raised, and other Members had raised their issues with the staff, but none had been directed to him exactly, and Council Member Parker stated that actually she and he had a conversation, and Mr. Berg stated that he had forgotten exactly what the issue was about, but they talked about generally what was happening, that he thought that earlier he had spoke with and had gotten a good suggestion from Council Member Keller on how to deal with the last and final offer and thought that had been all the conversation. Council Members Galloway and Goldberg absent.

Council Member Castillo stated that he wanted to ask the City Attorney whether he had any qualms about running so close to the time limit, and Mr. Hall stated that they had obviously had questions raised by Council Members about whether or not these were time sensitive, that some of them obviously about other questions, that their feelings were, after having discussed this matter, to remember that the staff had discussed this matter, was that whether they should have done something different or not, was a question that obviously could be debated until the end of time, but thought that it was solid legal reasoning that the 180 day period ran from the time that the proposals were first presented and that they had no authority to bind the contractor beyond that original date because there was never a different date offered in any of the following steps in

the process, and Council Member Castillo asked if Mr. Hall perceived any attempt on anybody's part to run out the clock on this, and Mr. Hall stated that no, he had not seen that, and in retrospect obviously he thought that all of them wished they maybe had inserted another date in those subsequent steps so there would be more time, but that was inadvertent and did not see any attempt at this stage to prolong that or to run them up to a deadline date on it. Council Members Galloway and Goldberg absent.

59. ORDINANCE consenting to award by the Houston Area Water Corporation of the Design-Build-Operate contract for the Northeast Water Purification Plant to **MONTGOMERY WATSON CONSTRUCTORS, INC - DISTRICT E - TODD** - was presented, and tagged by Council Members Bell and Tatro. Council Members Galloway and Goldberg absent.

Council Member Tatro stated that he had been in discussion with the staff as Mr. Berg had indicated, that the issue of timing was of concern to him also, that they had a TTI meeting last Thursday and he asked a series of questions in that meeting and then went outside with the legal staff and financial consultant to the HAWC and reiterated his questions and had set up a meeting for Monday morning at 10:00 a.m., that absolutely no answers or documents came to him at that 10:00 a.m. meeting, that the staff of the HAWC simply showed up to talk, that he had given very specific questions multiple times, that they were trying to get information and if they got some cooperation he thought things would move much more smoothly and that was part of the reason for that tag and that was to give some incentive to the HAWC to move forward. Council Members Galloway, Goldberg and Parker absent.

60. ORDINANCE approving and authorizing lease agreement between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the site of the Northeast Water Purification Plant **DISTRICT E - TODD** - was presented, and tagged by Council Members Bell and Tatro. Council Member Goldberg absent.
61. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the sale of Untreated Water from Lake Houston **DISTRICT E - TODD** - was presented, and tagged by Council Members Bell and Tatro. Council Member Goldberg absent.
62. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the purchase of Treated Water from the Northeast Water Purification Plant - **DISTRICT E - TODD** - was presented, and tagged by Council Members Bell and Tatro. Council Member Goldberg absent.

### CONSENT AGENDA NUMBERS 2 through 57

#### MISCELLANEOUS - NUMBERS 2 through 6

2. CONFIRMATION of the appointment or reappointment of the following to the Board of **REINVESTMENT ZONE NUMBER ONE:**
- Position Four - **MR. TIM MYERS**, for a term to expire December 31, 2002
  - Position Five - **MS. ARIELLE LAWSON**, for a term to expire December 31, 2002
  - Chair - **MR. DON CLARK**, for a term to expire December 31, 2001

- was presented, seconded by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0713 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREATER GREENSPPOINT MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2005:

Position 1 - **MR. KEN HATFIELD**, reappointment  
Position 2 - **MR. ALAN FINGER**, reappointment  
Position 3 - **MR. JOHN D. FIELDS**, reappointment  
Position 4 - **MR. THOMAS JASIEN**, appointment  
Position 5 - **MR. JOHN RIDGWAY**, reappointment  
Position 6 - **MS. DARIA SHEARER**, reappointment  
Position 7 - **MR. CHARLES LOPEZ**, reappointment  
Position 8 - **MR. TOM WUSSOW**, reappointment  
Position 9 - **MR. J. MARK WOLCOTT**, reappointment  
Position 10 - **MR. ADAM RUIZ, JR.**, reappointment  
Position 11 - **DR. ROSARIO MARTINEZ**, reappointment

- was presented, seconded by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0714 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS**, also known as **MIDTOWN ZONE**, for terms to expire December 31, 2002:

Position Three - **MR. ROBERT D. SELLINGSLOH**  
Position Four - **MS. NICOLE CAO**  
Position Five - **MR. LONNIE L. BLANCHARD**

- was presented, seconded by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0715 ADOPTED.

6. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **S. T. WHITE** - was presented, seconded by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0716 ADOPTED.

#### **PROPERTY** - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-363, located at 7814 Ley Road, owned by Toan H. Hoang and Luyen Thi Nguyen as to the fee interest and Rung Thanh Nguyen and Nga Kim Nguyen as to the leasehold interest, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - \$93,333.12 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, seconded by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0717 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 15

10. **PEPPER-LAWSON CONSTRUCTION, INC** for Emergency Repair of a Force Main for

Department of Public Works & Engineering - \$1,114,276.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0718 ADOPTED.

11. **TURTLE AND HUGHES, INC (Bid #2)** for Traffic Signal Lamps for Department of Public Works & Engineering - \$837,827.28 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0719 ADOPTED.

15. Omitted

**ORDINANCES** - NUMBERS 18 through 57

18. ORDINANCE temporarily suspending the requirement that a Hardship Permit be obtained under the provisions of Chapter 29 of the Code Of Ordinances, Houston, Texas, for the Placement of Manufactured Homes provided by the Federal Emergency Management Agency for victims of the flooding caused by Tropical Storm Allison; containing other provisions relating to the foregoing subject; providing for severability had been pulled from the Agenda by the Administration, and was not considered.
33. ORDINANCE appropriating \$21,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing interlocal agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of a Hike and Bike Trail along Halls Bayou from Pinewood Park to Mesa Drive, CIP N-0420-31-2 (N-0420-31); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** had been pulled from the Agenda by the Administration, and was not considered.
37. ORDINANCE appropriating \$13,008,000.00 out of Water & Sewer System Contributed Capital Fund and approving and authorizing amendment to engineering services contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for an Expansion of the Southeast Water Purification Plant; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Contributed Capital Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
38. ORDINANCE appropriating \$133,550.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 98-1130) between the City of Houston and **LIN ENGINEERING, INC** for the design of Monroe Road Improvements from Fuqua to Alameda-Genoa Road, CIP N-0574-01; providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. ORDINANCE 2001-0593 ADOPTED.
47. ORDINANCE appropriating \$1,601,600.00 out of MTA Construction Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD** on low bid of \$1,308,383.50 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$97,000.00 for construction of Street Overlay Project Generic Package III, Council District D, GFS N-1037-28-3 (OL2028); providing funding for contingencies relating to construction of facilities financed by the

MTA Construction Fund **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. ORDINANCE 2001-0594 ADOPTED.

49. ORDINANCE accepting \$2,264,600.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund, appropriating \$2,264,600.00 out of MTA Special Projects Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD** on low bid of \$1,851,788.20 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING AND TESTING, INC** in the amount of \$135,000.00 for construction contract for the Generic Overlay Program in Council District B - Neighborhoods, GFS N-1037-31-3 (OL2031); providing funding for contingencies relating to construction of facilities financed by the MTA Special Projects Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. ORDINANCE 2001-0595 ADOPTED.
50. ORDINANCE appropriating \$1,800,000.00 out of Street and Bridge Construction Fund and \$1,501,800.00 out of MTA Construction Fund; awarding contract to **DURWOOD GREENE CONSTRUCTION, CO.** on low bid of \$3,420,149.70 and approving and authorizing professional services contract for engineering testing services with **McBRIDE RATCLIFF, INC** in the amount \$250,000.00 for construction of Asphalt Overlay Project in Council District H - Neighborhoods GFS N-1037-32-3 (OL2032); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund and MTA Construction Fund \$881,400.00 General Mobility Improvement Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. ORDINANCE 2001-0596 ADOPTED.
56. ORDINANCE appropriating \$4,002,828.28 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** on low bid of \$3,393,764.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$100,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-23-3 (4257-29); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund had been pulled from the Agenda by the Administration, and was not considered.
57. ORDINANCE No. 2001-582, passed first reading June 20, 2001  
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 **SECOND READING** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. ORDINANCE 2001-0582 PASSED SECOND READING IN FULL.

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

**MISCELLANEOUS**

7. ORDINANCE appropriating \$1,168,031.36 out of Water & Sewer Systems Consolidated Construction Fund as an additional funding for a contract with **OSCAR RENDA CONTRACTORS, INC** for construction of Proposed 54" Water Main along Westview from Silber to Spring Branch Creek, GFS S-0900-44-3 (WA10599); approved by Ordinance No. 2000-493 - **DISTRICT A - TATRO** - was presented.

Council Member Tatro stated that they had an opportunity to meet with the contractor and the Public Works engineers last week and appreciated their movement forward on this, that it did bring up an issue that he and Council Member Keller had spoken to in that it was a substantial water line going all the way from Post Oak to Brittmore in their district and it was broken down into a lot of segments, that he was very concerned with running into a lot of problems in this particular segment, that they had road conditions that were not considered and crumbling concrete that was not considered and was not sure if that was an engineering problem or a construction problem, that he thought that on this water line there was going to be substantial cost overruns, that he agreed that this needed to be passed and the contractor needed to get on with the work because it was actually delaying the project.

Council Member Sanchez moved to suspend the rules to hear from Mr. Tom Rolan, Director, Public Works and Engineering at this time, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of the city on city business. MOTION 2001-0719-A ADOPTED.

Upon questions by Council, Mr. Rolan stated that as to the unforeseen circumstances with this item and similar projects, typically what was done was that there were geotechnical saw borings and the reason they did was not necessarily to look at it from an environmental standpoint, that it was more a condition of the soil that they would encounter in doing the construction, that they did studies to determine if there was an opportunity or maybe a previous land use that might have led them to believe that there may be a problem, and if those findings were negative they proceed from there, and Council Member Sanchez asked who made the determination of whether or not they make some assessment of the quality of the soil for environmental purposes and Mr. Rolan stated that typically the consultant would look at the route and land use and determine if there was a reason that there might be a problem, that in this particular contract there was no problem with soil contamination, that there had been some projects where they determined that there was soil contamination and therefore some sort of remediation had to take place, that he did not know the percentage of contracts, that they were letting, had run into an environmental problem, that he had been told that maybe it was 10%, that in the instance of the 10% the tab for cleanup and remediation of the soil condition was typically included as part of the project, and Council Member Sanchez asked if the City had ever made an attempt to be reimbursed by the entity causing the contamination, and Mr. Rolan stated that he had not studied that enough to really answer that properly, that he did not know, that it had been their experience that if they encountered something that was definable they did pursue that, but it was not always definable, and Council Member Sanchez stated that rather than the City charging the taxpayers for the remediation it was incumbent upon the City to pursue a recapture of that expenditure by the contaminating party, and Mr. Rolan stated that he would be glad to look into it and visit with Council Member Sanchez. Council Members Quan and Parker absent.

Council Member Keller stated that he wanted to point out once again that he never liked getting 24 firms to do what he thought maybe 5 or 6 firms should attempt, that he was going to look at the whole 24 company program as a whole because with that he saw that it increased the margin of error, that the more companies they had doing a project, road or water line, the more chance they had for error, and requested that someone come see him and give him a general overview as to how the other projects were maybe affected by this one and how they were overseeing these possible unforeseen occurrences. Council Member Parker absent.



After further discussion, Council Member Sanchez moved to postpone Item No. 7 and 7A to the end of the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0720 ADOPTED.

- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$1,168,031.36 on contract with **OSCAR RENDA CONTRACTORS, INC** for Proposed 54" Water Main along Westview from Silber to Spring Branch Creek, GFS S-0900-44-3 (WA10599) - **DISTRICT A – TATRO** – was presented and postponed to the end of the agenda by Motion 2001-0720.

### **PROPERTY**

- 8-1. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kathryn Fowler of Moretco, Inc., on behalf of Union Planters Bank, N.A. (Steven A. Schreck, president) and Frank L. Gusemano and Annet Pearson, for abandonment and sale of Fulton Street, from Parker Road to Airline Drive, located within the Resubdivision of Lot 21, Thatcher's Gardens, Section 5, H.&T.C.R.R. Company Survey, A-28, Parcels SY1-080 and SY1-084 - **STAFF APPRAISERS - DISTRICT B – GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0721 ADOPTED.

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

9. **TEXAS BUS SALES, INC** for Two Shuttle Buses for the Convention & Entertainment Facilities Department - \$113,800.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Parker. Council Member Robinson absent.

Council Member Parker stated that she had asked if these were going to be certified low emission vehicles and was told that they were and that raised another question for her as they began to replace all of the vehicles that were destroyed in the flood she would like to know what their plan was in terms of which of the vehicles were going to be replaced and whether they were going to look at alternative fuel vehicles or some sort of innovative effort to reduce their emission since they already pledged to do that, and Mr. Haines stated that they would be happy to give her a brief on that. Council Member Robinson absent.

A vote was called on Item No. 9. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0722 ADOPTED.

12. **EXPOTECH USA, INC** for Paper, Chart Recording for Department of Public Works & Engineering \$28,089.60 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Member Robinson absent.

Council Member Quan stated that on this item he noticed that four bidders were disqualified and one of the reasons was that they were not given ample lead time, that he wanted to ask Purchasing to look into that, that they could have saved half as much money on this, that it was \$13,000 as opposed to \$29,000, had they been willing to give ample lead time on such a bid. Council Member Robinson absent.

A vote was called on Item No. 12. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0723 ADOPTED.

13. **AMEND MOTION #99-116, 1/27/99, TO DECLARE MORE THAN PAINT, INC** in default on their bid for Paints, Solvents and Painting Supplies and hold them non-responsible for two years – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. MOTION 2001-0724 ADOPTED.

14. RECOMMENDATION from Director Finance & Administration for authority to issue Emergency Disaster Recovery Purchase Orders in an amount not to exceed \$6,583,913.41 to the following:

1. Bates Engineering & Service Connection	\$ 75,000.00
2. Cotton Restoration, Inc.	\$ 14,500.00
3. DuPont Flooring System	\$ 20,000.00
4. GE Energy Rental	\$ 107,318.00
5. Britain Electrical Company	\$ 205,000.00
6. Vossler Plumbing Co., Inc.	\$ 14,500.00
7. Siemens Building Technologies	\$ 300,000.00
8. Service Master Clean	\$ 100,000.00
9. Interior Technologies	\$ 160,000.00
10. Johnson Controls, Inc.	\$ 112,000.00
11. Gilbane	\$ 500,000.00
12. Belfor USA	\$ 40,000.00
13. Walter P. Moore & Assoc., Inc.	\$ 18,500.00
14. AWC, Inc.	\$ 133,762.40
15. Puffer Sweiven, Inc.	\$ 26,255.00
16. Certified/LVI Environmental Services, Inc.	\$ 259,000.00
17. Honesty Environmental Services	\$ 73,000.00
18. AAR, Inc.	\$ 259,000.00
19. Contra-Pac, Inc.	\$ 60,900.00
20. Naztec, Inc.	\$ 492,925.00
21. Consolidated Traffic Control	\$ 277,800.00
22. U-M Enterprise	\$ 70,206.00
23. M&M Asphalt & Supply	\$ 14,987.60
24. Environmental Consulting Svc.	\$ 10,000.00
25. Allied Emergency Restoration	\$ 120,000.00

26. Grinnel Fire Protection	\$ 15,000.00
27. McLemore Building Maintenance	\$ 15,000.00
28. ABCO Moving & Storage co., Inc.	\$ 20,000.00
29. Coastal Technical	\$ 36,080.00
30. Siemens Cerebus	\$ 14,500.00
31. Excaliber	\$ 97,625.00
32. Boyer, Inc.	\$ 100,000.00
33. Avaya, Inc.	\$ 954,311.41
34. Graybar/Square D Electric	\$ 150,000.00
35. Gomez Floor Covering, Inc.	\$ 118,743.00
36. Emergency One, Inc.	\$ 100,000.00
37. Bayou City Works	\$ 25,000.00
38. Eagle Construction & Environmental Svc., LP	\$1,200,000.00
39. End O Pest Coastal	\$ 21,000.00
40. ACURID Commercial Svc. by Orkin	\$ 21,000.00
41. Gillen Pest Control	\$ 42,000.00
42. Cypress Creek Pest Control, Inc.	\$ 105,000.00
43. Holders Pest Control Co.	\$ 21,000.00
44. ABC Pest, Pool & Lawn Svc.	\$ 21,000.00
45. Pro-Tec Pest Control	\$ 42,000.00

- was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Member Robinson absent.

Council Member Castillo requested a list from the department of the MWDBE's that were involved in this work, and Council Member Vasquez stated that he would also like a copy of that and hoped that as they went through the emergency purchase orders that they were involving local people as well, and Mayor Pro Tem Boney requested that Affirmative Action work with Purchasing and provide the information to all the Council Members. Council Member Robinson absent.

Council Member Goldberg stated that he wanted to know what costs were associated with mosquito spraying, that he wanted a finalized list of the total amount out of this agenda item that was spent on mosquito spraying, and Mayor Pro Tem Boney stated that it was from number 39 through 45 and was a total of approximately \$300,000. Council Member Robinson absent.

Council Member Ellis stated that they had a discussion at the table a couple of weeks back in regards to the fact that FEMA would reimburse the City at a minimum rate of 75% for the expenses they incurred from Allison and if they met their requirements they may reimburse them up to 100% and asked if they were presently moving forward where they were meeting the requirements of FEMA at this time, and Mr. Haines stated yes, and Council Member Ellis requested Mr. Haines to send over a memo showing the Council Members what those requirements were that they had to meet, and on this contract was it his testimony to say that they were doing everything possible to make sure they were reimbursed by FEMA to a 100% or were there some items within this contract that would be excluded, and Mr. Haines stated that he had to clarify, that the regulation under FEMA was 75%, that there was a provision, and a very steep slope provision, that it could max out at 100%, that the 75% was both floor and ceiling, that there was a provision, and he would provide it under separate memo, that allowed for the possibility of 100%. Council Members Goldberg, Vasquez and Robinson absent.

A vote was called on Item No. 14. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Robinson absent. MOTION 2001-0724 ADOPTED.

## ORDINANCES

16. ORDINANCE amending **ARTICLE IV, CHAPTER 18, CODE OF ORDINANCES, HOUSTON, TEXAS**, to provide for posting on the internet of Political Reports, including Candidate/Officeholder Campaign Finance Reports and other Reports of Specific-purpose Committees; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented.

Council Member Bell stated that he wanted to thank the Legal Department for moving forward with the item, that it was a proposal that had been floating around the Ethics Committee for quite some time to further their goal of providing greater transparency in government and with the technology being available to post the campaign finance reports on the internet it only seemed logical that they go ahead and move forward and make that information available to the public through the City's website, that it was a very simple ordinance the way it was drafted in its final form and would certainly accomplish the goals as they were set forth by the committee and hoped that it would have the support of Council. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Parker stated that it did not put any extra burden on any of the candidates who were filing, that they could file the same paper finance reports that they always did, that it would be a burden on the City Secretary and the IT folks to get them scanned in and up on the web page, that her question was that those of them who did track their campaign finances electronically and who make have access to software if the IT folks would simply contact them or make available what formats they want rather than having to pay somebody to scan them in she knew that some of them would be willing to turn them in on diskettes, in addition to the paper copies, so that it could save them some work, that they would like to hear from the IT folks. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Keller stated that one of his concerns was the possibility of internet fraud, that he was concerned that people could doctor some of these and then send them out on a mass and asked if that had been looked into as far as protection of the documents, and Mayor Pro Tem Boney stated that this only had to do with the posting on the internet of the certified copy of the expenditures and income of a campaign report so there really was no possibility of fraud in that sense because the candidate or his representative was turning in their form to the City Secretary's office. Council Members Goldberg and Vasquez absent.

A vote was called on Item No. 16. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0597 ADOPTED.

19. ORDINANCE approving and authorizing lease agreement between **A-K HUNTING BAYOU, LC**, as landlord, and the City of Houston, Texas, as tenant, for space at 11430 I.H. 10 East, Houston, Texas, for use by the Health and Human Services Department – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0598 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the support of the Arts Community - \$8,904,500.00 Enterprise Fund – was presented, and tagged by Council Member Robinson. Council Members Goldberg and Vasquez absent.
21. ORDINANCE approving and authorizing contract between the City and the **GREATER**

**HOUSTON CONVENTION AND VISITORS BUREAU** for the promotion of Tourism and the solicitation of Convention Business - \$10,775,500.00 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0599 ADOPTED.

22. ORDINANCE approving and authorizing application for grant assistance from the Institute of Museum and Library Services for the Houston Public Library Cybrary Project; declaring the City's eligibility for such grant; authorizing the Director of the Houston Public Library to act as the City's Representative in the application process; authorizing the Director of the Houston Public Library to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$468,000.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0600 ADOPTED.
23. ORDINANCE approving and authorizing an occupancy agreement between **ALDON'S PERSONAL CARE FACILITIES, INC d/b/a ALDON'S ADULT DAY CARE**, as occupant, and the City of Houston, Texas, as owner, for space in the Fifth Ward (Peavy Center) Multi-Service Center - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0601 ADOPTED.
24. 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 presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Goldberg and Vasquez absent. ORDINANCE 2001-0602 ADOPTED.
25. ORDINANCE consenting to the assumption of the Tax Abatement Agreement between the City of Houston, **ABB, INC, SIMMONS, VEDDER II LIMITED PARTNERSHIP** and **SV WESTCHASE AB LIMITED PARTNERSHIP**, by **3150 BRIARPARK L.P.** - **DISTRICT G – KELLER** – was presented, and tagged by Council Member Keller. Council Member Vasquez absent.
26. ORDINANCE amending Ordinance No. 97-1476 which authorized legal services contract between the City and **ZUMMO, MITCHELL & PERRY, L.L.P (formerly known as ZUMMO, SCHIRRMEISTER & AJAMIE, L.L.P)** by amending Section 4 relating to the maximum contract amount - \$30,000.00 - Property and Casualty Fund – was presented. Council Members Tatro, Goldberg, Keller and Sanchez voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0603 ADOPTED.
27. ORDINANCE amending Ordinance No. 94-619 to increase the maximum contract amount and approving and authorizing a First Amendment to a Software License and Software Services contract between the City and **COMPUWARE CORPORATION** for the acquisition of an Automated Testing and Debugging Software Package for the Finance and Administration Department - 3 Years - \$200,000.00 - General Fund – was presented, and tagged by Council Member Quan. Council Member Vasquez absent.

Council Member Quan stated that they had asked some questions regarding the allocation of the funds and stated that he would like to tag the item, and Mayor Pro Tem Boney stated that

this contract would expire before the next Council meeting, and Council Member Quan stated that his question dealt with why all the money, that it was a three year contract, but all the monies were paid in the first year of the contract as opposed to being spread. Council Member Vasquez absent.

Council Member Quan moved to postpone Item No. 27 to the end of the agenda, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. MOTION 2001-0726 ADOPTED.

28. ORDINANCE approving and authorizing contract between the City of Houston and **BODNER METAL AND IRON CORPORATION** for the Processing and Recycling of Residential Mixed Scrap Metal and Household Appliances - \$150,000.00 - Disaster Recovery Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent. ORDINANCE 2001-0604 ADOPTED.

29. ORDINANCE appropriating and transferring \$6,000,000.00 from the Convention & Entertainment Facilities Development Fund to the Disaster Recovery Fund, appropriating \$6,000,000.00 out of Disaster Recovery Fund, and approving and authorizing contract between the City of Houston and **GILBANE BUILDING COMPANY** to provide all necessary labor, materials and services related to the restoration of Theater District Parking Garage and related appurtenances; providing a maximum contract amount – was presented. Council Member Vasquez absent.

Council Member Quan stated that on this item he knew that the theater district came and spoke to Council yesterday and certainly recognized the emergency situation that they had here, that as they knew they were circumventing their normal bid process in order to award the contracts on Items 29 and 30, which would be \$14 million to Gilbane Building Company, that he had no problem that Gilbane was a reputable company, but they were also the company that the City just paid half a million dollars to the evaluation on. Council Member Vasquez absent.

Council Member Quan moved to have an ad hoc restoration committee that would review the work being done to insure that compliance on this was done in the most efficient manner, and would like to have the head of the Building Services Department, a representative of the Controller's office and three members of Council to serve on the committee just to oversee as the \$14 million was being spent, seconded by Council Member Robinson. Council Member Vasquez absent.

Council Member Quan stated that he saw that the City Attorney had a problem with that, and Mayor Pro Tem Boney stated that he thought that the point was that the constitution of the committee but not the idea and principal that there be some oversight mechanism and some staff registered well, and Council Member Quan stated that he was not wed to who exactly was on the committee, but he would like an oversight committee to make sure, since this did not go out for bid and they had an emergency situation, that they had some oversight by Council on the monies. Council Member Vasquez absent.

Mayor Pro Tem Boney requested the City Attorney to clean up the language, and Mr. Hall stated that he was going to raise the question, that he had no problem, but he was mixing two things together and he preferred not to get directly into it, that he thought it would be advisable to request the administration to set up an oversight committee that reported to Council, and Council Member Quan stated yes that he was willing to go that way, an oversight committee that reported to Council.

A vote was called on Council Member Quan's motion to amend Item No. 29. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. MOTION 2001-0727 ADOPTED.

Council Member Parker stated that she had initial concerns about this similar to Council Member Quan's that Gilbane did the scope of work and then was getting the contact, that she since received a list of parties involved in the analysis and felt much more comfortable about it, that it would have been helpful to have that up front and they really needed to work some on the RCA's and getting all the information that had been questioned, that she understood that it was a rush job and this was an emergency but that was the kind of thing that would automatically raise a flag. Council Member Vasquez absent.

Council Member Keller asked who was in charge without this for overseeing this for the City of Houston, for example for Jones Hall, that if they did not have an ad hoc committee who was in charge on the City's behalf.

Council Member Keller moved to suspend the rules to hear from Ms. Dawn Ulrich, Convention and Entertainment Department, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. MOTION 2001-0728 ADOPTED.

Upon questions by Council, Ms. Ulrich stated that the Director of Convention and Entertainment Facilities Department, Mr. Gerard Tollett, would be in charge, and Mr. Haines stated that everything rolled up, that Convention and Entertainment was managing their own facilities, that every other facilities project was being coordinating through the Building Services Department and rolled up the an oversight committee which he chaired and it included the insurance companies, the FEMA representatives and every player that was involved, but in terms of managing the recovery to the Convention and Entertainment Facilities that was theirs, that every other facility, libraries, fire stations, 3300 Main, all of these other projects were being managed through the Building Services Department. Council Members Tatro and Vasquez absent.

Council Member Robinson asked if they had the capacity to do both projects simultaneously, and Ms. Ulrich stated they had discussed that issued with Gilbane and told them that both parking garages and Jones Hall were priority items as was the expansion of the convention center and they certainly had those discussions and would watch for that carefully, that as to the timeline for completion, they were targeting September 1, 2001 for Jones Hall and the parking garage was probably about that same time, although it was still a little early to say, that some areas were not accessible until the last couple of days and so they could not get in to access the equipment and things like that, and Mayor Pro Tem Boney stated that it also may be useful to offer the Council Members a tour so they would have some sense of the scope of the disaster and the City's strategy and approach might bring greater comfort, and Ms. Ulrich stated they would be happy to do that. Council Member Vasquez absent.

A vote was called on Item No. 29 as amended. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0605 ADOPTED.

30. ORDINANCE appropriating and transferring \$8,000,000.00 from the Convention & Entertainment Facilities Development Fund to the Disaster Recovery Fund, appropriating \$8,000,000.00 out of Disaster Recovery Fund, and approving and authorizing contract between the City of Houston and **GILBANE BUILDING COMPANY** to provide all necessary labor, materials and services related to the restoration of Jones Hall – was

presented.

Council Member Quan moved to amend Item 30 to provide an oversight committee to report to Council of this project, seconded by Council Member Robinson. Mayor Brown out of the city on city business. Council Member Vasquez absent. MOTION 2001-0729 ADOPTED.

A vote was called on Item No. 30 as amended. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. ORDINANCE 2001-0606 ADOPTED.

31. ORDINANCE appropriating \$3,553,774.00 out of Airport System Consolidated 2000AMT Construction Fund and approving and authorizing Project Development Agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for Construction Management Services at George Bush Intercontinental Airport/Houston, Project Nos. 490D and 490T; CIP A-0322.13; and partial assignment of related construction contracts and laboratory testing contracts after they are awarded on the Terminal C Renovation Project - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent. ORDINANCE 2001-0607 ADOPTED.
- 31a. ORDINANCE appropriating \$742,500.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0322, awarding construction contract to **COMEX CORPORATION** for IAH Cable Tray and IDF-Phase I at George Bush Intercontinental Airport/Houston (IAH), Project No. 490T – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent. ORDINANCE 2001-0608 ADOPTED.
32. ORDINANCE appropriating \$500,000.00 from Street & Bridge Consolidated Construction Fund and approving and authorizing contract between the City of Houston, Texas and the **TEXAS MEDICAL CENTER CORPORATION** for a Transportation Master Plan Study, GFS N-0729-01-2; containing provisions relating to the subject - **DISTRICTS C - GOLDBERG and D – BONEY** – was presented.

Council Member Robinson stated that he was still interested in finding out where they were on the two bridges, and Mr. Haines stated that one on Bertner Street was proposed in the CIP for this year and the other one was either close to or had finalized that the County would be doing the Cambridge Street bridge, and Council Member Robinson asked if the study would look at flooding impact on transportation and the rail line down Main Street, and Mr. Haines stated that rail line for sure, but the flooding piece was scoped out before and he would get that answer back for him. Council Members Todd and Vasquez absent.

Mayor Pro Tem Boney asked on the bridge that was mentioned was it the construction of the bridge or the study of the bridge, and Mr. Haines stated that design and construction were planned for 2002, and Mayor Pro Tem Boney stated that there were some meetings that were to have occurred between the Medical Center and community residents and some discussion of the impact on the neighborhood, and asked if the meetings had occurred, and Mr. Haines stated that part of the transportation improvement study would incorporate those community issues and meetings with neighborhoods, that it was a participation agreement with the Medical Center. Council Members Todd, Vasquez and Robinson absent.

Council Member Parker stated that it was her understanding that this was a mobility study for the area and asked why they had already committed to do the bridges before they completed the study to determine if they needed the bridges, and Mr. Haines stated that the City had



committed through the CIP processes recommended to Council for one bridge and that was Bertner Street and was an interior circulation issue and did not affect the neighborhood, that Cambridge was another matter but would imagine that it would be incorporated into this study, that he needed to correct something, that it was 2002 design and 2003 construction for Bertner and was in the CIP, and Council Member Parker stated that she was going to tag the item and wanted more information on the full scope of it and whether they were going to be meeting with the neighborhoods on the Cambridge Street issue. Council Members Todd, Vasquez and Robinson absent.

Mr. Hall stated that the Medical Center was very anxious to get underway on this because it was, as he understood it, to incorporate a number of the issues that other things would fall out from, that one of the things they wanted to know was how best to design some projects and some recovery activities in the Medical Center as a result of this, and the study was supposed to provide, as he understood it, some guidance on all of those issues.

Mayor Pro Tem Boney stated that he would add his tag to the item as well, that it had been discussed for sometime, that he had met with Dr. Winerdy, that the residents came to the CIP meeting and simply asked that they be a part of the discussion and he suggested that they would at least allow them to have the opportunity to participate in the discussion before the decision was made and he was not convinced that the discussion had actually occurred so he wanted to delay this a week to make sure those meetings had occurred, and Council Member Keller requested that his tag be added to the item, and Mr. Hall stated that he wanted to advise Council that he was correct, that this study was not a resolution of any of those issues, that it was in fact to gain some information, that there was a commitment made during the discussions to try to get this authorized by the first of July and a number of their other activities were planned around trying to get this information out of the study, that it did not decide anything, that in the CIP, when they take that up, that project was included, and Mr. Haines stated that they planned to have the CIP to them by July 13, 2001, and Mr. Hall stated that they at the Medical Center thought that a weeks delay would hurt the study because so many things at the Medical Center were contingent upon the information this study would develop, that was what there concern was, that this item did not approve the project at all and frankly had nothing to do with it directly, that this was purely a plan on the whole area.

Council Member Goldberg asked who was conducting the study and who were they giving this money to, and Mr. Hall stated that they were in an agreement with the Texas Medical Center for the study, and the County's participation and everybody else falls off of the result of the study, that the problem was one of congestion generally in the Medical Center, that questions had been raised about whether or not there needed to be adjustments to any of the plans because of the rail line and all of those issues were intended to be addressed, and Mayor Pro Tem Boney stated that Texas A&M would do the study, and Council Member Goldberg stated that it seemed like part of this corridor had been studied to death, at least with light rail, and asked if they were going to combine some of the other studies, some of that information, and Mr. Hall stated that this was a study to deal with any impacts of the rail system and all of the other developments, that they had some rather persistent transportation problems, that there had been two studies by Metro but they had not dealt with the issue comprehensively, and Council Member Goldberg stated that he would like someone to visit with him on this and to add his tag on the item. Council Members Todd and Vasquez absent.

Council Member Keller moved to suspend the rules to stay in session past the noon hour to complete the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Todd and Vasquez absent. MOTION 2001-0730 ADOPTED.

Council Member Sanchez moved to suspend the rules to hear from a representative of the Texas Medical Center relative to Item No. 32, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Todd and Vasquez absent. MOTION 2001-0731 ADOPTED.

Upon questions by Council, Mr. Doug Abel, Representative from Texas Medical Center, stated that he heard a lot of the discussion and thought that maybe he could address some of the questions that had been raised, that with regard to Bertner and Cambridge, that there had been a number of discussions with the residents in the area, both with the Medical Center and with Members of Council, that the way that the project was structured there was ample opportunity for residents in that area and throughout the study area to participate in the Steering and Technical Committee and that was part of the whole idea to bring about sort of a conglomeration of all of these efforts, that this area had been studied and studied, but the problem was that they had the Museum District, Medical Center, Rice University and all of the other areas who had done their own studies and there had never been an attempt to bring together all of those efforts and say that they needed to focus their efforts into putting a plan that took in all of the information that had been conducted, and that was one of the things that the first part of the study would do, to look at those efforts and see how they all fit together and then update that information with the development of an analytical tool, much like what had been developed for the downtown area, which the City would own and would then be able to look at real time traffic patterns as well as long term growth and development opportunities, that in some of the discussions that had taken place with the residential areas they had brought up other options to say if they had to use Cambridge or could they use Almeda or some others, and part of that study was to look at those other options.

After further discussion by Council, Council Member Ellis moved to postpone Item No. 32 to the end of the agenda, seconded by Council Member Goldberg, and Council Member Robinson requested that his tag been added to the item.

A vote was called on the motion to postpone Item No. 32 to the end of the agenda. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller, Vasquez, Castillo and Bell absent. MOTION 2001-0732 ADOPTED.

Council Member Goldberg moved to suspend the rules to consider Item No. 65 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller, Vasquez and Castillo absent. MOTION 2001-0733 ADOPTED.

65. 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 – (This was Item 35 on Agenda of June 20, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG) – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller, Vasquez and Castillo absent. ORDINANCE 2001-0609 ADOPTED.
34. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **BOLTEX MANUFACTURING COMPANY, L.P.** - Revenue – was presented, and tagged by Council Member Tatro. Council Members Vasquez and Castillo absent.

35. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 148** – was presented. Council Members Vasquez and Castillo absent.

Council Member Tatro stated that he planned to tag Item No. 35 and 36, and would like to meet with someone from the Utility Division to speak about the specifics of the ground water reduction contract. Council Members Vasquez and Castillo absent.

36. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and the **SANDALWOOD CIVIC CLUB, INC** – was presented, and tagged by Council Member Tatro. Council Members Vasquez and Castillo absent.

39. ORDINANCE appropriating \$1,720,340.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **HVJ ASSOCIATES, INC** for Pavement Management and Maintenance Program, N-0667-02-2 (N-0667); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0610 ADOPTED.

40. ORDINANCE accepting \$5,400,000.00 in funds from Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$5,400,000.00 out of the MTA Special Projects Fund, \$603,000.00 out of Street and Bridge Consolidated Construction Fund and \$1,985,000.00 out of Water and Sewer System Consolidated Construction Fund; awarding contract to **JFT CONSTRUCTION, INC** on low bid of \$6,759,256.60; approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$235,000.00; and approving and authorizing professional services contract for construction management and inspection services with **BURK-KLEINPETER, INC** in the amount \$520,000.00 for construction of San Felipe Road Widening from Briargrove Drive to Fountainview Drive - Segment III (East), GFS N-0565-03-3 (N-0565-03); providing funding for contingencies relating to construction of facilities financed by the MTA Special Projects Fund, Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0611 ADOPTED.

41. ORDINANCE appropriating \$850,500.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** on low bid of \$711,615.15 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$25,000.00 for Safe Sidewalk Program, at various locations, GFS N-0610A-93-3 (SB9029-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Goldberg. Council Members Vasquez and Castillo absent.

42. ORDINANCE appropriating \$736,600.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to **PRIME GENERAL CONTRACTORS, INC** on low bid of \$615,992.80 and approving and authorizing professional services contract for

engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$22,000.00 for Safe Sidewalk Program, at various locations, GFS N-0610A-95-3 (SB9064-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0612 ADOPTED.

43. ORDINANCE accepting \$642,350.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$642,350.00 out of the MTA Special Projects Fund; awarding contract to **ANGEL BROTHERS ENTERPRISES LTD.** on low bid of \$710,348.90 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$43,000.00 for construction of Asphalt Overlay Projects (Freeway/Pine Valley) and (Overbrook/Bayou Oaks) - Neighborhoods to Standard - Tier VIII, GFS N-1037-19-3 (OL2019); providing funding for construction management and contingencies relating to construction of facilities financed by the MTA Special Projects Fund - \$214,000.00 CDBG Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0613 ADOPTED.
44. ORDINANCE accepting \$1,567,376.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$1,567,376.00 out of the MTA Special Projects Fund; awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** on low bid of \$1,838,756.08 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount \$110,000.00 for construction of Asphalt Overlay Projects (Alameda Corridor) and (Carverdale) - Neighborhoods to Standard - Tier VIII, GFS N-1037-25-3 (OL2025); providing funding for construction management and contingencies relating to construction of facilities financed by the MTA Special Projects Fund - \$648,000.00 CDBG Fund - **DISTRICTS A - TATRO and D - BONEY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0614 ADOPTED.
45. ORDINANCE appropriating \$1,608,600.00 out of MTA Construction Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** on low bid of \$1,311,868.55 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$100,000.00 for construction of Generic Overlay Project (Package II), GFS N-1037-26-3 (OL-2026); providing funding for construction management and contingencies relating to construction of facilities financed by the MTA Construction Fund - **DISTRICTS F - ELLIS and G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0615 ADOPTED.
46. ORDINANCE accepting \$2,698,300.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$2,698,300.00 out of MTA Special Projects Fund; awarding contract to **DURWOOD GREENE CONSTRUCTION COMPANY** on bid of \$3,484,799.30 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount \$280,000.00 for Asphalt Overlay Project in Heights - Neighborhoods to Standard Tier VIII, - GFS N-1037-

27-3 (OL2027); providing funding for construction management and contingencies relating to construction of facilities financed by the MTA Special Projects Fund - \$1,561,700.00 CDBG Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0616 ADOPTED.

48. ORDINANCE accepting \$1,424,500.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$1,424,500.00 out of the MTA Special Projects Fund; awarding contract to **SILVA, INC** on low bid of \$1,256,934.25 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$100,000.00 for construction of NTS Tier VIII Asphalt Overlays in Home Owned Estates/Hidden Forest and Rosewood/North Settegast/Trinity Gardens, GFS N-1037-29-3 (OL2029); providing funding for construction management and contingencies relating to construction of facilities financed by MTA Special Projects Fund - \$121,000.00 CDBG Fund - **DISTRICTS B - GALLOWAY and E - TODD** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0617 ADOPTED.
51. ORDINANCE appropriating \$1,402,874.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for Special City Projects and future designated projects and depositing such funds into the MTA Special Projects Fund; appropriating \$1,402,874.00 out of the MTA Special Projects Fund, and \$825,926.00 out of the MTA Construction Fund; awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** on low bid of \$1,820,726.60 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount \$135,000.00 for Construction of Asphalt Overlay Project in Council District I - Neighborhoods, GFS N-1037-33-3 (OL2033); providing funding for contingencies relating to construction of facilities financed by the MTA Construction Fund and MTA Special Projects Fund - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0618 ADOPTED.
52. ORDINANCE accepting \$3,693,000.00 in funds from the Metropolitan Transit Authority as provided in the second funding period implementation agreement for special City Projects and Future Designated Projects and depositing such funds into the MTA Special Projects Fund, appropriating \$3,693,000.00 out of MTA Special Projects Fund, \$2,997,000.00 out of Street and Bridge Consolidated Construction and \$3,039,000.00 out of Water and Sewer System Consolidated Construction Fund; awarding contract to **PATE & PATE ENTERPRISES, INC** on low bid of \$8,210,251.85 approving and authorizing professional services contract for engineering testing services with **TERRA-MAR INC** in the amount \$285,000.00; and approving and authorizing professional services contract for construction management and inspection services with **LOCKWOOD, ANDREWS & NEWNAM, INC** in the amount \$658,000.00 for Kirkwood Road Pavement Improvements from Bissonnet Street to Bellaire Boulevard, GFS N-0575-01-3 (N-0575-01); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund, Water and Sewer System Consolidated Construction Fund and the MTA Special Projects Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0619 ADOPTED.

53. ORDINANCE allocating \$1,112,587.70, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, on low bid of \$1,021,110.00 for Utility Repair Site Restoration, and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$20,000.00, (WA10705) - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0620 ADOPTED.
54. ORDINANCE allocating \$1,112,587.70, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, on low bid of \$1,021,110.00 for Utility Repair Site Restoration, and approving and authorizing professional services contract for engineering testing services with **BANDY & ASSOCIATES, INC** in the amount of \$20,000.00, (WA10706) - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0621 ADOPTED.
55. ORDINANCE appropriating \$1,277,324.34 out of Water and Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$1,165,723.69 and approving and authorizing professional services contract for engineering testing services with **BANDY & ASSOCIATES, INC** in the amount of \$30,000.00 for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-24-3 (4235-12); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0622 ADOPTED.

**MATTERS HELD** - NUMBERS 63 through 65

63. 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 – (This was item No. 4 on Agenda of June 20, 2001, TAGGED BY COUNCIL MEMBER KELLER)** was presented. Council Member Keller voting no, balance voting aye. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0623 ADOPTED.
- 63a. 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 – (This was item No. 4A on Agenda of June 20, 2001, TAGGED BY COUNCIL MEMBER KELLER)** was presented, moved by Council Member Tatro, seconded by Council Member Galloway. Council Member Keller voting no, balance voting aye. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. MOTION 2001-0734 ADOPTED.

**Matters Postponed to the end of the Agenda**

7. ORDINANCE appropriating \$1,168,031.36 out of Water & Sewer Systems Consolidated Construction Fund as an additional funding for a contract with **OSCAR RENDA CONTRACTORS, INC** for construction of Proposed 54” Water Main along Westview from Silber to Spring Branch Creek, GFS S-0900-44-3 (WA10599); approved by Ordinance No. 2000-493 - **DISTRICT A – TATRO** – was again presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo

absent. ORDINANCE 2001-0624 ADOPTED.

- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$1,168,031.36 on contract with **OSCAR RENDA CONTRACTORS, INC** for Proposed 54" Water Main along Westview from Silber to Spring Branch Creek, GFS S-0900-44-3 (WA10599) - **DISTRICT A - TATRO** – was again presented, moved by Council Member Tatro, seconded by Council Member Sanchez. Council Members Vasquez and Castillo absent.

Council Member Sanchez stated that on his previous question about soil contamination it was true that this particular project did encounter some soil contamination and it was potentially true that a large percentage of projects in the right of way were encountering soil contamination which was being picked up by the taxpayers, that he thought that the City of Houston needed to develop a policy regarding that and also perhaps do an audit of years back of how many of the construction projects in the right of way had to be remediated by the taxpayers and perhaps look at some legal methods by which they could recapture the cost to the taxpayers which could be a substantial amount of revenue to the City of Houston, that he would like to visit with the administration regarding that proposal. Council Members Vasquez and Castillo absent.

A vote was called on Item No. 7A. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Castillo absent. MOTION 2001-0735 ADOPTED.

27. ORDINANCE amending Ordinance No. 94-619 to increase the maximum contract amount and approving and authorizing a First Amendment to a Software License and Software Services contract between the City and **COMPUWARE CORPORATION** for the acquisition of an Automated Testing and Debugging Software Package for the Finance and Administration Department - 3 Years - \$200,000.00 - General Fund – was again presented. Council Members Vasquez and Castillo absent.

Council Member Quan stated that he had a chance to check with them and knew that the contract expires and received an assurance from Dr. Scheps that this was just an allocation and they would not actually be spending the money during this year as indicated, that it would be as the work was performed and he was willing to withdraw his tag on the item. Council Members Vasquez and Castillo absent.

- A vote was called on Item No. 27. All voting aye. Nays none. Mayor Brown out of the city on city business. Vasquez and Castillo absent. ORDINANCE 2001-0625 ADOPTED.

32. ORDINANCE appropriating \$500,000.00 from Street & Bridge Consolidated Construction Fund and approving and authorizing contract between the City of Houston, Texas and the **TEXAS MEDICAL CENTER CORPORATION** for a Transportation Master Plan Study, GFS N-0729-01-2; containing provisions relating to the subject - **DISTRICTS C - GOLDBERG and D – BONEY** – was again presented.

Mayor Pro Tem Boney asked if anyone would care to remove their tag on Item No. 32, that he would remove his tag, and asked Council Member Robinson if he was going to retain his tag on Item No. 32 and Council Member Robinson stated that he had sent Mr. Haines and Mr. Doug Abel a list of questions that he would like to get an answer to and was not taking his tag off, and Mayor Pro Tem Boney stated that Item No. 32 remained tagged.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Goldberg stated that earlier he had asked for the figures regarding the mosquito spraying and the end of that point was that fact that he did believe it was the City of Houston's responsibility to spray for mosquito's, that they did have a Mosquito Control District that was under the auspices of Harris County and he was looking at figures to show that there revenues were at least comparable to what the City takes in and on top of that they did have a number of tax abatements that the City participates in and the County does not, and he would just like to recognize the administration for stepping forward doing the mosquito spraying when at least clearly to him it was not the City's duty and thought it was in the best interest of the community and was glad to support it. Council Members Vasquez and Castillo absent.

Council Member Galloway stated that she wanted to express her thanks to the Planning Department for putting temporary stations in the north east area for permitting, that she would also like to meet with someone in that department as well about the need for constituents to get permits to remodel their homes in the area that was affected because there were many unanswered questions as to who should get a permit and why and how, that she also wanted to thank Congresswoman Shiela Jackson Lee for her effort in having FEMA out and walking door to door this weekend and also contacting the Red Cross to get another location set up in the Kashmere Garden area. Council Members Ellis, Vasquez and Castillo absent.

Council Member Bell stated that he had talked a couple of weeks ago following the flood about what happens following a disaster of this type once it moves off the front page and was no longer the lead story on television and there was a tendency to forget and he knew that the people who were affected had not forgotten and in fact they received calls in his office this week about a situation in Council Member Galloway's district at one of the Red Cross relief centers set up at 9616 Mesa Road, that hundreds of people were lining up everyday and all that the Red Cross could do right now, because of the number of volunteers, was give those people a number and an approximate time, usually three to four weeks later, when they could come back and possibly be seen for an appointment, that at this particular disaster relief center was in desperate need of more volunteers and he thought that they as City Council Members were in a position to help in this effort, that he was passing out sheets as to what was involved, that the training was involved but rather simple and took about a day, that they were asking people to work various shifts and the shifts that were available were 8:00 a.m. to 1:00 p.m., 1:00 p.m. to 6:00 p.m. or 1:00 p.m. to 8:00 p.m., that they did ask that the volunteers be over the age of 18 years and the specific area of expertise that they would like, and this was not required, was social service workers, health and mental health professionals, drivers to deliver goods, and the trucks would be supplied for those drivers, accountants and bookkeepers and clerical workers, that 500 to 600 citizens were showing up around 8:00 a.m. on a daily basis and only 120 people could be seen on an average basis, that if they were able to get somewhere between 20 to 50 volunteers more per day then obviously they would be able to see a lot more people, and there was room within this particular relief center on Mesa Road to setup a lot more tables where more people could be seen, that if they could do their part from the City's standpoint and he would also call upon the administration and the HR Department to make it as easy for people around here to volunteer as possible so that they could lead by example and obviously they had staff members on their various staffs that maybe they could work to make those people available, that they did have handouts and the number to call if members of the public would like to volunteer, that obviously this was not the only relief center, just the one that they had been called about and he had a chance to personally visit and then seen what was going on out there, that the number to call if they were interested was 713-524-8097, that he wanted to point out that this was certainly not a knock on the Red Cross because a lot of these people who came in and staffed the relief centers were from other cities who had come in to help and most of the folks were working full time at this relief center were not even from Houston so they were doing an incredible job, but now it was important that more of the local folks get involved to. Council Members Ellis, Vasquez and Castillo absent.



Council Member Galloway stated that they had a Red Cross site at Saint Peter Clayburn Catholic Church at 6005 N. Wayside as well as Lakewood Church, that she was sure that most people needed to know that what Council Member Bell had said was really good for the community and they did need to help. Council Members Ellis, Vasquez and Castillo absent.

Council Member Robinson stated that he had been out of town for the last two days and found out yesterday that there was a blurb in the newspaper from the Mayor responding to an opinion editorial he had written last Friday and the substance of his statement was "With regard to Council Member Robinson's June 22nd outlook column, city improvement was possible without tax increase he would point out that Council Member Robinson must know of another mayor in town who was advocating a tax increase to fund the City's capital improvement program, I have not proposed nor will I propose a tax increase to fund the CIP that the council member must know this and I wish that he would quote me accurately", that the only reason why he was dignifying this with a response was because he thought it spoke implicitly to his integrity that somehow he was misquoting or misstating the Mayor's position, that what his opinion editorial said was that the Mayor's plan would include two bond referendums, one for \$650 million this year, a second for \$266 million and according to a June 9, 2001 story in the Houston Chronicle, "Mayor Outlines \$650 Million Bond Issue" the story said if they did both it would increase the City's property tax rate by 2.5% to 3%, that after he read this story he specifically asked the City CAO at a Fiscal Affairs meeting, if they did do two bond proposals would it increase the City's property tax rate and the City CAO said yes, that it may not be to the same extent in terms as to what was in the article, now for the Mayor to accuse him of misrepresenting the administration's position he thought was a personal attack against him and the article on June 9, 2001 read "Mayor Lee Brown wants to hold a \$650 million bond referendum in November to help pay for the City's \$4.38 billion, 5 year, building plan that was released Friday", that in addition to that measure voters also would be asked later to approve separate bond issues totaling \$266 million for Parks and Library's, which would raise the property tax rate between 2.5 cents and 3.5 cents, that later the story went on to say "a \$136 million library bond referendum and a \$130 million park bond referendum would likely be held sometime in 2002, Haines, the City CAO, said that if they were approved the two would add between 2.5 cents and 3.5 cents to the City's current tax rate of 65.5 cents per hundred", that if the CAO was improperly stating what the administration's was or if he was misquoted than fine, he would accept that and would apologize to the Mayor or if Mr. Haines was speaking for himself and not the administration he would appreciate that clarification, but for the Mayor to write to the newspaper and publicly accuse him of misstating the administrations' position he thought was wrong. Council Members Galloway, Goldberg, Todd, Ellis, Vasquez, Castillo and Sanchez absent.

**Item Received during the meeting was considered as follows:**

37. ORDINANCE appropriating \$13,008,000.00 out of Water & Sewer System Contributed Capital Fund and approving and authorizing amendment to engineering services contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for an Expansion of the Southeast Water Purification Plant; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Contributed Capital Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Galloway, Todd, Ellis, Vasquez, Castillo and Sanchez absent. ORDINANCE 2001-0626 ADOPTED.

Council Member Quan stated that this Saturday the American Heart Association would be having its CPR Training at Enron Field and would like to make mention that several Council Members had indicated their willingness to participate in a softball game between the City of Houston and Harris County, that Council Members Tatro, Todd, Keller, Ellis, Vasquez, Parker,

Goldberg and himself were committed to be there and hoped there would be a good turnout from the public as well, so he encouraged people to attend it, that it started at 9:00 a.m. and the game would be at 12:00 p.m. Council Members Galloway, Ellis, Vasquez, Castillo, Sanchez and Robinson absent.

Council Member Tatro stated that they just passed the Southeast Water Plant Purification Engineering Contract and separate from that was the Southeast Water Plant Operator Agreement and believed that operating agreement currently expired August 3, 2001, and they needed to move forward and get the contract on the agenda for the operating agreement for the Southeast Water Plant because he believed they needed to be onboard a month ahead of time. Council Members Galloway, Ellis, Vasquez, Castillo, Sanchez and Robinson absent.

Council Member Tatro stated that they had a couple of calls about the way the Solid Waste Department went about replacing trash bins that were lost or stolen, that a constituent must file a theft report with the police, and he thought that was a bit laborious and thought the Solid Waste Department needed to rethink its process when a constituent calls with either a stolen or lost waste bin. Council Members Galloway, Ellis, Vasquez, Castillo, Sanchez and Robinson absent.

Council Member Tatro stated that they had a fire at the Vintage Apartments on Monday morning and the first call went out about 6:25 a.m. and he would like to get a fire department report from the Chief on the logistics of that fire, that it appeared that the first showed up with two fire fighters on it at about 6:25 a.m. and then about a half hour later they finally had 9 trucks on the scene, but there was a substantial delay in getting people to the scene to address the fire scene and take action, that he would like a report on the timing, when the trucks arrived, how many people were on the trucks and when action commenced. Council Members Galloway, Ellis, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:32 p.m. upon MOTION by Council Member Tatro, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Galloway, Ellis, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT) 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