

City Council Chamber, City Hall, September 18, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 18, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office; and Ms. Martha Stein, Agenda Director, Ms. Stella Ortega, Agenda Office present. Council Member Mark Goldberg absent on personal business, (Jewish Holiday).

At 2:05 Mayor Brown stated they had a number of Council presentations and invited Mr. Lionel Castillo to the podium to kick them off. Council Members Tatro, Boney, Todd Ellis, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Castillo stated that he was delighted to present the group that had worked on the Mayor's Teacher's Day Excellency award and invited Mr. Jackson Chang to the podium. Council Members Tatro, Boney, Todd Ellis, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Chang stated that he was the president of the Taiwanese Chamber of Commerce, that this was their fourth year sponsoring the Mayor's Teacher's Excellency Award and were very glad to be part of this very good activity, that every year they had a glass statue, which he displayed, engraved with the teacher's name, that they had passed out a pen to every Council Member engraved with the Teacher's Day Excellency Award, that they would have the awards on Monday at the Wortham Theatre, that last month they received a very encouraging letter from the Secretary of Education, Dr. Ron Paige, who was the superintendent for HISD, and he commended them on their effort to bring the teachers recognition in the City. Council Members Tatro, Boney, Todd Ellis, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he was very pleased to again host the Mayor's Teacher's Day Excellency Award and this year's event would take place on Monday, September 24, 2001 at 8:00 p.m. at the Wortham Center, that as they knew he dedicated his administration to the children and would continue to do so because they represented the future, that of all the professions that existed, teaching was at the top of his list, that teaching children in order to prepare them for adulthood was a very significant task and the quality of Houston's education really would ultimately determine the quality of their future and life in the City, that businesses depended on a well educated workforce, that next Tuesday they would honor 35 very special teachers who exhibited every day academic excellence as they enlightened and inspired the children in this area and Mayor Brown read a proclamation that stated that he hereby proclaimed September 24, 2001, as Teacher's Day in Houston, Texas. Council Members Tatro, Keller, Sanchez, Bell and Robinson absent.

Council Member Quan stated that as they knew they had all been touched by the tragedy of last Tuesday and knew that Mayor Brown had personally been out to the Arab American Community Center and had seen the wonderful facilities they had and their dedication not only to the Arab American community, but to the entire community of Houston, that he was pleased to introduce to them Dr. Ahmad Fadil, President of the Arab American Medical Association, who provided free medical care at the Arab American Community Center, that Dr. Fadil had a presentation he would like to make of monies collected by the association for the Firefighters Fund of New York. Council Members Tatro, Keller, Sanchez, Bell and Robinson absent.

Dr. Fadil stated that he hoped they were all coping well with the current tragedy, that he believed that the disaster of last Tuesday was a disaster for all of them, that it was an attack on the people, the Country and their beliefs, that he believed that there was no one religion on earth that would allow such an evil act, that it was a ruthless act and unhuman and they were all against it, that if they all stayed together they would condemn those people and bring them to justice, that on behalf of all the Arab American people in Houston and in all American they did condemn such acts and they would bring those people to justice, that on behalf of the Arab American Medical Association he was presenting a check for \$5,000 and would like to have Mayor Brown be their delegate and send it to the firefighters in New York City. Council Members Keller, Sanchez and Robinson absent.

Mayor Brown thanked Dr. Fadil on behalf of all the brave firefighters in New York and across the Country that put their lives on the line every day for their safety and stated that he would make sure the check would get to the fire department and the appropriate people in New York City. Council Members Keller, Sanchez and Robinson absent.

Council Member Bell invited Mr. Lynn Thrower to the podium to receive a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed September 11, 2001 as Autism Awareness Day in Houston, Texas.

Mr. Thrower stated that on behalf of the Lone Star Pony Express Riders for Autism, a great group of Houstonians, he thanked the Mayor and City Council for acknowledging them and what they had accomplished. Council Members Quan and Robinson absent.

At 2:15 Mayor Brown called to order the meeting of the City Council, and Council Member Tatro lead everyone in prayer and the pledge of allegiance.

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

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

Mayor Brown requested the City Secretary to call the list of speakers.

Council Member Tatro moved to suspend the rules to add Mr. Bob Lemer and Mr. Aubrey Farb to the speakers list, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2001-1015 ADOPTED.

Council Member Keller moved to suspend the rules to add Mr. Jeff Daily to the speakers list after Mr. Farb, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2001-1016 ADOPTED.

Ms. Deborah Elaine Allen, would not provide address and phone number, had reserved time to speak, but was not present when her name was called.

Mr. Luther L. Vanderburg, P. O. Box 610150, Houston, Texas 77208 (713-682-5258) appeared and stated that what he was trying to bring to the Council today was an effort that began in 1990, where a group of citizens of Houston and Harris County and the State of Texas saw a need to prevent the invasion of aliens and terrorists across the borders, that they were negligent and did nothing, that they also would like to thank each Texan who had died in defense of the United States of America, that it was unfortunate that he had to stand before them and

have a national emergency come and change this plan, that they wished to thank the Muslim professor, who was a resident of the Salvation Army on South Main, for giving them enough motivation to come to Council and at least speak, that if he did not sound angry he was, that the professor motivated their group, that he was out there teaching their group that it was the fault of the United States of American and the corporate structure, that he was an educated man and was working with people who had been down at the bottom of the barrel, that they wanted to thank the professor for coming to a small group, that they were bringing a new political party to the State of Texas and the name of the party would be the Texas Independent Minorities Party and they would represent the minorities. Council Member Bell absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) had reserved time to speak, but was not present when her name was called. Council Member Bell absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Member Bell absent.

Mr. Riyad Abu-Taha, 4812 Saxon, Belliare, Texas 77401 appeared and stated that In light of the horrendous tragedy that struck our nation a week ago he was before them with a bleeding heart, full of pain and sorrow when he saw what had become of the human nature, that some would go to such extreme, to such measures - to inflict deep wounds to humanity, that he was before them not as an Arab American, a Muslim American, but as an American who loved and cherished his wonderful adopted homeland without limit, someone who was proud to be an American, that as their leaders stated once and again, those barbaric terrorists might have succeeded in destroying buildings and human lives, but they would never succeed in destroying their human spirit, their united stand and their love for their Country, that on the contrary they had awakened the giant in all of them to bring them closer to each other, to love one another, to stand united and keep the spirit alive, that with those thoughts in mind, he would like to suggest to the honorable Mayor and Members of Council, to support and implement a program that would keep that spirit alive and put their beloved city of Houston on the forefront of keeping alive the spirit of those whose lives were taken abruptly from them, just simply because they were Americans, that he would like to see them put together a committee, with the support of the City government, the private sector and the media, to travel to the city of New York in an official capacity to select one of the twisted beams from the World Trade Center's wreckage and bring it back to Houston, that he would suggest then to erect that twisted beam in front of City Hall in a form of a sculpture, as a memorial and a monument to the victims of that tragedy, that by doing so, they would keep that spirit alive and would show their support to their sister city of New York, that they would send a message to those terrorists that the spirit of those who died lived on in all of them, that the monument would serve as a constant reminder that they would never forget those victims and would never allow such heinous act to take place again, that by doing this, they would also inspire cities and communities throughout the Country to follow suit and bring small pieces of that wreckage to their communities to keep the spirit a live, instead of disposing of it in a land fill only to be forgotten, that this action would put the Great City of Houston on the map as a pioneer in expressing love and support to the victims, to New York City, to the American People and the civilized world at large, that he strongly urged them to act immediately on this proposal by directing the proper channels and enlisting the corporate support of the Enron's, the Reliant Energy's and such, to work together to establish a modest fund to implement this worthy project, that he would be at their disposal to answer any questions, explain his vision and work with them or their representatives to bring this project to life, that one last point, having an Arab American from the City of Houston, who had been living in America for the past 34 years, working with the city and all sponsors of this project would send a strong message to all people in America and all over the world, that they were are all proud Americans united in their efforts, regardless of who they were, where they came from, their faith, color of skin or national heritage, that what better City to represent all that, than the diverse and international city of Houston, that God bless their

efforts and God Bless America. Council Member Castillo absent.

Mayor Brown stated that he thanked Mr. Abu-Taha for being present and stated that as they all knew that when the tragedy took place there were people of all religions and nationalities who lost their lives as well, that he had stressed throughout the tragedy they had to unite as one Nation behind their president and also push the message that the president was pushing that it was an issue for people who were terrorists and their Country was a great Country because they were made up of diversity, of people of all parts of the world and all religions and all nationalities and as they stood together united they would continue to be the greatest Country any place on the face of the earth, and Mr. Abu-Taha stated that he was distributing copies of his proposal and would like some follow-up from the City. Council Members Castillo and Sanchez absent.

Council Member Boney stated that they had talked a little before the Council meeting and though it was a tremendous proposal and was very supportive of it, that it was still a federal crime scene and the jurisdiction would probably involve the Federal Government and would suggest that Mr. Abu-Taha contact one of the congress representatives to make them aware of it so that before decisions were made that could possibly become a National model, that if he put it forth to the Federal authorities it might be something that both the City of New York and the Federal Government might support, that the other issue was that the cost for the design of the sculpture and the cost of the shipping for the piece and that analysis needed to be in process as well, that he thought that one way or the other it could be done, and Mr. Abu-Taha stated that was why he had come to Council because he felt they were the experts and that was why he suggested that they put together a committee to explore all of those possibilities so they could move forward with it. Council Members Castillo and Sanchez absent.

Council Member Todd stated that he would pledge to use his contacts within the Republican Party or the conservative organizations to make certain that his constituency understood that just because a person was from Asia or was Islamic it did not mean they were the enemy, that it meant that if they were American citizens the strong odds were that they were just as outraged over this as anyone; that he supported his idea, that he would draft a letter to Washington, D.C. and the representatives of congress and ask that they support the idea. Council Members Boney, Castillo and Sanchez absent.

Ms. Tracey Banks, 6575 Ashcroft, No. 906, Houston, Texas 77081 (713-778-1522) appeared and stated that she was present because she had three children and one was disabled with chronic asthma and was on a breathing machine three times a day and was on eight different types of medication, that she did not have a job because she was fired due to the fact that her son went into the hospital and she was taking too many days off from work, that her lights had been disconnected and it was hot in her apartment, that she was scared that her kids would be taken away from her because of her lights being disconnected, that she needed some help, that she had been to several agencies who said they were out of funds, that she needed help getting her lights back on for her children's health. Council Members Boney, Castillo and Sanchez absent.

Mayor Brown asked if the Citizens Assistance Office had been working with her and Ms. Banks stated yes, and he would ask that Mr. Cantu continue to work with her and make sure that they do something to take care of the problem she had right now. Council Members Boney, Castillo and Sanchez absent.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he was present to speak on the harassment he had been receiving from Sergeant John Vollert in the Montrose area. The City Secretary administered the oath to Mr. Florez. Mr.

Florez read from a statement which stated that on November 18, 1986, patrolman John Vollert arrested him on charges of providing beer to three minors, that the charges were dismissed, that the court found that Mr. Bollard had falsified the charges against him and believed the three children, that after the death of the Comet's player, Kim Perrot, the funeral memorial he placed on the esplanade on Montrose at Westheimer was trashed by Mr. Vollert on the day of her burial, that he was given three tickets for placing advertising on public grounds and his fine was \$450; that during the hearings to move the Westheimer Street Festival, Mr. Vollert lied when he described the festival attendees as violent, rude and more; that Mr. Vollert trashed the NYC Victims memorial, that on Wednesday after the New York tragedy some Montrose residents set up drawings, paintings & flowers on the esplanade on Montrose and Westheimer, that on Thursday morning the memorial was gone, that Mr. Vollert asked someone named David if he had seen Mr. Florez putting up the memorial he stated that he had not and noticed that the items from the memorial were at the 802 Store Front, that the memorial that Mr. Vollert thought he had installed was taken down, yet a garage sale sign stood at about the same location on Friday, Saturday and probably Sunday; that on that same morning at about 9:00 a.m. he went to the Burger King on the corner of Lincoln and Westheimer and Mr. Vollert and another officer pulled up behind his truck and took pictures of his truck and gave him a parking ticket, that there was no sign indicating that parking was not allowed; why was there this harassment, that selective enforcement was illegal and should not be tolerated. Council Members Boney and Castillo absent.

Mayor Brown asked Mr. Florez if he had filed a complaint with Internal Affairs, and Mr. Florez stated that in 1986 he filed a complaint and Chief Brown assigned Assistant Chief Nuche to have a sergeant attend the trial and he never showed up and the whole thing was whitewashed, that he filed a complaint when this officer lied during the hearings, that a lot of them did not trust the Internal Affairs and wished they had a public review board, and Mayor Brown stated that he needed to file a complaint so they could conduct an investigation, that Assistant Chief McClullan was present and would meet with him and follow through to make sure that there was a through and complete investigation. Council Members Boney, Todd and Castillo absent.

Council Member Parker stated that she was very familiar with the intersection and hoped that he would protest the parking ticket he received, that she too had parked in the same place and to her knowledge there was not a no parking sign anywhere in the vicinity, that she did not know if someone was harassing him but certainly thought that it was unfortunate that one of their police officers took it upon himself to trash a victims memorial that had sprung up in the medium. Council Members Boney, Todd and Castillo absent.

Ms. Christina Sanders, 5110 Burma, Houston, Texas 77033 (713-946-185) appeared and stated that she was on the Youth Council and represented At Large Position 5, that on behalf of the Mayor's Youth Council she was present regarding the recent terrorist attacks on the United States, in Washington, D.C. and New York City on September 11, 2001, that the members of the Mayor's Youth Council had expressed heartfelt sympathy and concern for the thousands of American's who were lost in the unprovoked assault on the World Trade Center and the Pentagon, that in the days that had followed the terrible incident many of them had witnessed efforts of Americans rallying together to offer solace, prayer and support for one another, that radio, television and print media had also given sources of images of the Country's tragedy, fear, anger and heroism in the face of danger, that throughout the week the Youth Council members had voiced concerns about ways that young people around Houston were handling these traumatic issues for which they had been exposed, for many young people the sight of an actual terrorist attack on United States soil brought fear into their minds about how safe their Country really was, that students from Brownsville, Pennsylvania were quoted as saying "you read about these things in history books, but now we are part of history forever, and you read about this in

class but you never think that it could really hit home, we think it was worse than Pearl Harbor, at least back then they hit a military base where they were semi prepared, but this time they hit civilians”, that Vanessa Hanson, a 16 year old student from Houston’s Hightower High School expressed, “I worry about what the future holds for me and my dreams of living in a free society, it makes me think about how free I really am”, that she went on to say, “am I free or have I just been taught that I am free”, that another concern was the information that parents and educators were conveying to their own children and students regarding the events of September 11, 2001, that although some youth were more apt to draw reasonable and logical conclusions from what they see in others were easily influenced by personal prejudice or lack of information, that this may result in unnecessary acts of school violence or similar mishaps, that Dr. Jeffery Mitchell, of International Critical Insights Stress Foundation was quoted by CNN stating “that children were not well suited to deal with extreme trauma so when they see this kind of stuff right now it looked like some movie they have seen, except the actors do not get up and act in the next movie, they are either injured or dead”, that as opposed to relying solely on the information offered by radio and television they felt that young people ought to be appropriately counseled by adults on what they were seeing and hearing, that the decisions that were being made by the Nation’s political and military leaders were seen as adult issue’s, but the subject matter and its relevance were not to be overlooked, that some members of the Youth Council had already witnessed solicitous remarks dedicated to high school students of Islamic Faith or Arabic decent, that it was this very fear and prejudice that gives recall to the actions of the Japanese American interment camps of 1942, that it was not to imply that the situation of today could lead to such a measure, but they asked that concern and care by the citizens of the City, State and Nation not allow the youth to be swayed by the emotions of the hour, that they the members of the Mayor’s Youth Council passed this information onto the Mayor and City Council because they realized their influence as the political leaders and policy makers of their City and hoped that they would use this dialog in working with the schools and communities, that she would like to leave them with a quote by their Chair, Susana Cunningham, “in a sense the young people of America seemed to be in a state of political or territorial adolescence, and that many have been raised to believe that we were invincible, that it would be unthinkable for a foreign enemy to transgress against the Nation in such a way, that this belief of an untouchable Nation imploded as the news of September 11, 2001 passed through the halls of Lamar High Schools all across America, when the smoke cleared and the fires were extinguished, America’s youth were forced into a painful and shocking state of maturity and the first casualties of what seemed to be an impending war have been their innocence and sense of security”. Council Members Boney, Todd, Ellis and Castillo absent.

Mayor Brown stated that he thanked her for coming, that she did an excellent job in voicing the opinion of the Youth Council and thanked her for her leadership, that she should let all the members of the Youth Council know that they all appreciate it, that there were things that they all could do and there were things that he was going to ask the Council to do, that the United Nations declared it as a decade of peace and they were working in Houston on a major initiative to make sure that Houston was the leadership in that, that he wanted the Youth Council to take a very important leadership, that Mr. Hollingsworth would give them more information and wanted them to work on that as well. Council Members Boney, Todd, Ellis and Castillo absent.

Council Member Robinson stated that he was glad that Ms. Sanders had been present and made the comments, that he hoped that Council would take on the leadership responsibility of pulling together some kind of forum, and he would be willing to work with them, where they could get young people from across the City to come together and they could have some professionals who could engage in a dialog regarding the tragedy, that it was surreal and then it set in and they were making their way through the grieving process and part of that process was the ability to sit down and dialog, that he thought that was something they ought to take a look at with the Council and have it as soon as they could. Council Members Boney, Ellis and Castillo absent.

Council Member Vasquez stated that he wanted to point out that the coordinator for the Mayor's Youth Council was sitting in the audience and wanted to congratulate him, and Mayor Brown asked that he stand and be recognized for all his good work. Council Members Boney, Ellis and Castillo absent.

Mr. Wallace Greene, 10914 Fairland Dr., Houston, Texas 77051 (713-733-1207) appeared and stated that he was present because he had been told that this was a beautiful City and he had been here for 38 years and instead of getting beautiful it was getting worse every day and nothing was being done, that in the area where he lived, Sugar Valley, a part of Sunnyside and also Third Ward, they had kids who were supposed to be in school walking down the street doing what they wanted to do and there were no policemen, that policemen sometimes even passed right by them and would not say a word, that they had people going down the street and driving faster than the speed limit, that it was pitiful, but was constantly being done, that he wrote a letter to Council Member Boney regarding certain areas that looked like they were in the jungle, that they asked him to check on these, that they had beautiful trees but they could not see the trunks of the trees because of all the trash out in the streets, that on April 5, 2000 he was told that they were going to take care of the little area, but not one thing had been done, that he had sent two letters to the Mayor's office and had not been able to talk to the Mayor, that this was supposed to be a beautiful City, that it should be a beautiful, peaceful and kind City where everybody got together and do things to make Houston a beautiful City, that he hoped that they could get something done. Council Members Boney, Ellis and Castillo absent.

Mayor Brown stated that he would check and see what happened to the letters that Mr. Greene sent to his office, that his policy was to respond to every letter that came in and if there was some reason that did not happen they would take care of it, that he would ask Mr. Richard Cantu to meet with him and get details about the locations and the specifics of his concerns and would follow-up on them. Council Members Boney, Ellis and Castillo absent.

Mr. Bob Lemer, appeared and stated that he was Chairman of Citizens For Public Accountability, a bipartisan group of retired partners of some of Houston's leading international and local accounting firms, that he would like to stress very much the fact that they were a bipartisan group, that was, Democrats, Republicans and Independents, that they were present to speak out strongly in favor of the citizens petition filed with the City that proposed that the people had the right to vote on whether to limit the growth in City revenues to the combined rates of growth in population and inflation, that the petition was that simple, it did not prevent anything, it merely required advance voter approval before the City proposed to live beyond its normal financial means, that individual City voters and businesses were required to live within their normal financial means, and why should the City be allowed to do any differently, without first asking for voter approval, what could be fairer, that they may be wondering why they seemed to know so much about the petition, they wrote it, the "Let The People Vote" group of non-politicians adopted it and made certain minor changes to it, before submitting it to the public; why did they write the petition, that they should recall that last June their CPA group submitted to the Mayor and each Council Member a 35-page report on the City's finances entitled "City of Houston, A City At A Financial Crossroads" and requested a hearing before Council's Fiscal Affairs Committee regarding their report, that they were very disappointed that not only did they not get to have a hearing before the Fiscal Affairs Committee, they did not even receive a reply of any kind from either the Mayor or the Chairman of the Fiscal Affairs Committee, that one of the recommendations in their June report was that Council put on the coming November ballot, in substance, exactly the proposal now contained in the citizen-initiated petition, that since failing to receive even the courtesy of a response, there was no alternative left to the people but to seek redress through a petition, why did they need the petition requirement that the City seek voter

approval before exceeding the allowed very generous cap on total revenues, that their June report laid the reasons out in detail, but to simplify matters and really bring it into focus they had prepared a chart, which he displayed, that they would note that the chart showed that City government expressed in total revenues grew at about twice the combined rate of growth in population and inflation, that while City long-term debt grew at a rate of well over three times the combined growth rate of the City's population and inflation, that very troubling, the gaps on the chart have greatly widened in the last few years, that the petition did not require that this inexcusable growth in City government be rolled back at all it only required that voter approval be obtained before any future expansion of City services beyond the combined rates of increase in population and inflation, that it was hard for their bipartisan group to understand why this was becoming such a partisan issue, even splintering further into individual Council Member initiated alternatives, all of which were Johnny-come-lately and somewhat defensive band-aid approaches, in their view, that as Chairman of their group, he had met on this issue with the Harris County Chairs of both the Republican and Democratic parties, that along with his Democrat fellow CPA, Aubrey Farb, he

had met with the Harris County Democrats' Resolution Committee and would be meeting with their Executive Committee on September 29, that the Executive Committee of the Harris County Republicans endorsed the petition last Thursday night, that much had been made, unfairly and sometimes very personally, about the Let The People Vote On Taxes group being led by Paul Bettencourt, Harris County Tax Assessor-Collector, that building upon their CPA group's bipartisan foundation work, the Let The People Vote On Taxes group wished to have a strong leader from both parties lead the effort and invited Mr. Bettencourt on board, after the petition was written and the group of private non-politician citizens was formed and very much operative, that it had been their constant understanding that it was, that the stated desire of the Let The People Vote On Taxes group that a strong Democrat co-chair the effort with Mr. Bettencourt, that they strongly encouraged such a co-chairmanship and were ready to help in efforts to accomplish that, that they had been moved by the spirit of bipartisanship exhibited by their national leaders in coming together in defense of their Country this week, that their bipartisan CPA group believed it was time for Houstonians to show some of that same coming togetherness on the issue of this citizen-initiated petition to better control the undue growth in Houston City government, that approximately 30,000 Houstonians, Democrats, Republicans, and Independents alike, signed the petition in only around three weeks, that City Council would do well to acknowledge this very plain evidence of a rapidly growing tidal wave of bipartisan taxpayer revolt, that City Council had in its power the right to go ahead and place this petition, in its exact wording, upon the November 6 ballot, without causing the City Secretary's office to go through the laborious validation process, that it would and could get the issue on the ballot anyway, that they recommended that City Council do exactly that, go ahead and place this bipartisan initiative on the ballot, and demonstrate to the country that Houston really was a World Class city, that responsible, accountable and stable financial management could only benefit everyone concerned, taxpayers, City officials, and every City vendor who truly had the City's best interests at heart, think of what a beacon this fiscal responsibility would be to companies considering Houston as a relocation site. Council Members Galloway, Boney and Todd absent.

Council Member Robinson asked Mr. Lemer if the referendum included a taxpayer dividends program, and Mr. Lemer stated that was correct, and Council Member Robinson asked if City Council could now cap the total overall income to the City in terms of the revenue projections they made in terms of a budget, and Mr. Lemer stated yes, that if they had the discipline they could do the same thing as the referendum, that it was their opinion that it was better that they had that built into the City Charter, that it was a very reasonable limitation which they had proposed and it did not prevent anything, they merely had to go to the voters if they wanted to live beyond that particular cap, that they would not be out of the business of individual revenue estimation, they would have it within their control to allocate as they deemed fit, but they would have that overall corral they would have to operate within, and Council Member Robinson



stated that this proposal did not provide any individual property tax relief, that it did not lower the property tax rate, and Mr. Lemer stated that was correct, that to them the key thing was how much they took out of their billfolds regardless of what they wanted to call, water and sewer, property taxes or whatever, and Council Member Robinson stated that he was not sure the referendum spoke to the Enterprise Accounts, and Mr. Lemer stated that it did. Mayor Brown, Mayor Pro Tem Boney, Council Member Galloway and Todd absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Vasquez asked why was their proposal focused on the revenue side as opposed to the expense side, and Mr. Lemer stated that there were a number of reasons, that a number of the proposals around the Country were on the expenditure side, as he was probably aware of, but they did not deal with debt service, etc., or capital expenditures, that what they did when they limited the revenue stream they put the control on the revenue stream and then it was up to the governmental entity to allocate its resources between bricks and mortar and services, etc., so it made them go the drawing board with their debt service, capital expenditures, and operating expenditures all in the same planning deal and also citywide, that they take the total picture into consideration, that he wanted to point out that voters got to vote on only about 15% of the total long term debt that the City had and this in effect, of putting a cap on the revenue, was getting a vote on all of the debt of the City, that the net effect would be to force the City to prioritize its spending, and Council Member Vasquez asked if other than the self imposed discipline in the referendum proposed was there any other way to accomplish it, and Mr. Lemer stated no, that there were different techniques that had been tried around the Country, to do it on a piecemeal basis, but he thought that their deal covered the total gamut. Mayor Brown, Mayor Pro Tem Boney, Council Member Galloway and Todd absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Bell asked if other cities had this same system implemented, and Mr. Lemer stated that he did not believe any city in the Country had this exact particular approach to it, that studies had shown as a general rule those states that had been under this had proposed better economically than their peer group, and Council Member Bell asked Mr. Lemer if he had seen efforts on the part of the City to control its spending and identify ways to possibly engage in a tax refund or dividend at the end of the fiscal year would they all still be proposing this, and Mr. Lemer stated yes. Mayor Brown, Mayor Pro Tem Boney, Council Member Tatro, Galloway and Todd absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Keller stated that he agreed with Mr. Lemer that people ought to be able to vote on everything, that he would always support the people having the right to vote, that he was concerned with the current situation and did not know if they were really going to have the surplus that he thought they were going to have this year or next due to some of the recent events, and asked Mr. Lemer if in light of the current situation how dramatically did he think their revenue side might be changed as far as ad valorem taxes, sales taxes, the enterprise fund with the airport or at the National level, had they injected that component into what they were trying to do with this referendum, and Mr. Lemer stated that from the revenue side he did not think there was anything going to happen, that there was no danger on the property tax side because the vast majority of the homes had hit the 10%, that for water and sewer rates he did not think the tragedy in New York City was going to cause him to use any less water, that as to the sales tax, yes, there would probably be an impact on the sales tax revenue, and those were the three principal ones, that from the expense side he would recommend that each one of them go back and read the 35 page report that they submitted to Council, that there were a number of areas in there that were pointed out where they really thought there was some fat. Mayor Brown, Mayor Pro Tem Boney, Council Member Galloway and Todd absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated that she agreed with him that the sales tax revenue was probably going to fall, that a significant drop in sales taxes would have a pretty big impact on income, that she had read their report and one of the issues that came up was Enterprise Funds and she read his rebuttal, but one of the things she did not understand was that they had Water and Sewer, Convention and Entertainment and Aviation and his rebuttal said that all enterprise funds were just in a different pocket, that it was all City money and enterprise funds should be capped just as property tax, sales tax, etc., and it was her understanding that the Aviation Enterprise Fund was really controlled by federal regulation and was largely funded by the landing fees and the different airlines and federal regulations say they could only spend that money at aviation or airport related locations and asked if it was his intention to also cap that enterprise fund, and Mr. Lemer stated yes, and Council Member Parker asked him to look into that a little bit more because it was her understanding that they could not spend it any where else, and Mr. Lemer stated that he would be happy to have someone explain it to him. Mayor Brown, Mayor Pro Tem Boney, Council Member Galloway and Todd absent. Vice Mayor Pro Tem Castillo presiding.

After further questions by Council, Mr. Lemer stated that the overall argument of the referendum was a number of issues, that one was to force the City to operate in a manner where all of their priorities were placed in the same bucket and prioritize things as the City as a whole, that this would force the City to do that, that the other was to get the cost of the City government down, that as shown on the chart it was running well ahead of the growth in the population and inflation, that they were very concerned about the debt of the City, that they had correspondence in the past with the County, a number of the school districts, the State of Texas, that unfortunately in the State of Texas they were one of the few states that they did not have initiative and referendum at the County or State level so about the only thing they could do was talk to them about the tax rate and that was their principal source of income. Mayor Brown, Mayor Pro Tem Boney, Council Member Galloway, Todd, Ellis and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Aubrey Farb appeared and stated that he was proud to be a part of the non partisan group of retired CPA's whose only mission was to be of assistance to the citizens of their great City, that he had lived in Houston since 1928, that he arrived during the Democratic National Convention, which nominated Mr. Al Smith, Governor of New York, as the Democratic candidate for President of their beloved Country, that he was an active Democrat and a member of the Harris County Democratic Executive Committee and Precinct Chair of Precinct 385 and a member of the Resolutions Committee, that he had been a part of the growth of the City for 73 years, that he had seen the City grow and prosper so he spoke to them as someone who had been there and was still present, that governments had an insatiable appetite and what they were trying to do was to create a barrier to overspending, that their measure would force the City to go to the taxpayers for their permission to spend more than was prudent, that in addition this measure would have another major bonus, that hopefully it would instill in the Council and Mayor and other government leaders the need for better management, that it should begin with zero based budgeting, that zero based budget meant that each year their budget would be constructed a new as opposed to merely adding on to the previous year's budget, that furthermore he strongly recommended that they install systems and procedures where they would tightly scrutinize expenditures in the last quarter of the fiscal year, that there was an attitude in most nonprofit organizations, particularly governments, that they must spend it or lose it, and if the failure to spend the departments entire budget would result in a cut in its budget for the succeeding year, that type of fiscal squandering should be abolished, that he also believed that such a ceiling as they proposed would have a salutary affect on the use of personnel, that there were approximately 1,000 persons on the City's payroll with the title of Administrative Aide or some similar position and they recommend it be examined, that lastly he urged them to support the measure because not only did it lead to better fiscal responsibility but would assist

the City in placing surplus funds in a so called Rainy Day Fund, that is what he would suggest rather than the dividend, that prosperity did not last forever and there were lean years where it would be necessary for the City to spend additional funds to meet the urgent needs of its most vulnerable citizens. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Galloway, Todd, Ellis, Keller, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Jeff Daily appeared and stated that he was with Let the People Vote, that last August a few of them had gotten together and learned of the fine work that Bob Lemer and the gentlemen had done and decided to do what they could to put the initiative on ballot, that in three short weeks they were able to amass over 30,000 signatures on two initiatives, one Let the People Vote on Light Rail and the other Let the People Vote on Taxes, that it was very encouraging to see the public support that they immediately got and also disheartening to see the great outrage within the citizens over what had gone on, particularly with their tax rate, that the issue of the day was not so much whether they were individually for or against each of these initiatives, that the issue was to do what they could do to make sure that the people were allowed to vote on these initiatives, that it was let the people vote, and he added that the City Charter was set up by the people and the people wrote the City Charter and it was the elected officials and administration that operated within that framework, just like the Constitution of the United States where the political structure and the federal government worked within the Constitution, within that framework, that they the people set that framework and set the Charter and they would urge all of them to do what they could, both the City Council and the administration to help in any way to make sure that the citizens got to vote on it, that he knew they all had individual opinions on whether or not to be in support or against the initiatives but it was important that the citizens decide these matters and get to vote on it, that he wanted to add that the Mayor had also put on his own rail initiative and was sure it would be on the ballot and was glad it was there, that he thought it raised the debate and thought they all needed to have opinions on it, that he wanted to point out that in the case of the two initiatives over 30,000 people in three very hot weeks signed those initiatives and in the case of the Mayor's only one person wanted to put that on the ballot, so they had 30,000 people versus 1, that he felt they all should be on the ballot and encouraged City Council and the administration to support Ms. Anna Russell and her fine efforts to validate the signatures and was looking forward to the campaign on the issues. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Council Member Sanchez asked Mr. Daily if he had been given any indication that the verification process had either stalled or was not going according to his expectations or the expectations of the group, did he anticipate the certification of the signatures on the petition drive in time for it to appear on the ballot, and Mr. Daily stated that he would hope they would be there in time and had no indication that it would not happen, and Council Member Sanchez asked if there was a statutory time by which they had to submit the signatures, and Mr. Daily stated that there was the City Code and they also had State Law that both spoke of the issues and they were not entirely consistent in all cases. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Council Member Tatro stated that he would request that the administration, on Wednesday during Council, give them an update on the status of the petitions. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Galloway, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) appeared and voiced his personal opinions until his time expired. Mayor Brown, Mayor Pro Tem Boney

Tem Boney, Council Members Tatro, Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-781-2260) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Tatro, Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that Tuesday, September 18, 2001, www.galvan.org, that first of all he would like to wish Troy Lemon, in the City Secretary office a happy 31<sup>st</sup> birthday, that Mr. Abdu Taha had a good idea about bringing back some of that steel from New York and creating an art piece, that he would go one step further and say that he would like some of that steel melted down and made into rockets and fired at their enemies in this war, that America was at war but they must be fair and go after all terrorists, not just Afghanistan, that Switzerland was just as guilty of harboring terrorists and their money, that Switzerland should be bombed also because they were accomplices of terrorists and murderers. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Tatro, Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and voiced his personal experiences and opinions until his time expired. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Tatro, Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

At 3:51 p.m. upon motion by Council Member Parker and seconded by Council Member Ellis, City Council recessed until 9:00 a.m., Wednesday, September 19, 2001. Mayor Brown, Mayor Pro Tem Boney Tem Boney, Council Members Tatro, Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) Vice Mayor Pro Tem Castillo presiding.

City Council Chamber, City Hall, September 19, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m., Wednesday, September 19, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; and Ms. Martha Stein, Agenda Director present. Council Member Mark Goldberg absent on personal business, (Jewish Holiday).

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 Mayor Brown reconvened the meeting of the City Council and recognized Council Member Robinson for a point of personal privilege. Council Members Tatro, Ellis and Vasquez absent.

Council Member Robinson stated that he asked to be recognized for a point of personal privilege before they got started because the matter on his mind was of the utmost seriousness to him, that this morning Council Member Bell intended to offer an amendment entitled Robinson and Bell Annualized Tax Relief, that in essence it was the property taxpayer dividends program that he had been talking about for the last two years and it also was embodied in the property tax

cap referendum that was being advocated, that he had not planned to introduce the tax dividend payers idea again this year but Council Member Bell called him and asked if he was still supportive of the idea and that he intended to introduce it, and he told him that he was still supportive of the idea, but did not think there were enough votes on Council, but he went forward and introduced it, that last night he got a call from the Mayor's Chief of Staff and went to a meeting with Mr. Tollett, Ms. Stein, and Ms. Culbreth to discuss his support for the taxpayer dividend idea, that it so happened that Dave Walden, the Chief of Staff for former Mayor Bob Lanier was also at that meeting, that Mr. Walden within a few minutes of his attendance at the meeting began to shout and curse at him in vulgarities and then proceeded to threat to kill him, his wife and child, that he had contacted Chief Bradford to file a formal criminal complaint against Dave Walden, that it was true and there were witnesses there, that he wanted to make it clear that if one hair on his child's head was harmed or if his wife was involved in any unexplained accident he was holding Dave Walden personally responsible, that it was a personal issue, that policy disagreements were not settled by threatening him or intimidating him, that he had tried to make it clear during his 3 ½ years at Council that it was the absolutely wrong way to try to convince him on any point, that this issue was converted from a policy issue to personal issue and he expected the police department to handle this matter in the utmost serious way, that he intended to make some minor adjustments by offering an amendment to the proposition that Council Member Bell would bring forward at the appropriate time, but he did not intend to have anybody try to intimidate him. Council Member Tatro and Vasquez absent.

#### **HEARINGS - 9:00 A.M.**

At 9:23 Mayor Brown stated that the first item was a public hearing.

1. **PUBLIC HEARING** on proposed dissolution of the **LEADER CROSSING PUBLIC IMPROVEMENT DISTRICT - DISTRICT F – ELLIS** – was called.

The City Secretary stated that no one had reserved time to appear and Mr. Bill Calderon would make statements concerning the matter. Council Members Tatro, Todd and Vasquez absent.

Mr. Calderon stated that on June 14, 2000 the City held a public hearing pursuant to Chapter 372 of the Texas Local Government Code to consider the creation of the Leader Crossing Public Improvement District, that on August 30, 2000 City Council adopted two resolutions creating the Leader Crossing PID, that the PID that was proposed was a 25 acre tract of land to finance water, waste water, storm sewer, detention, street and engineering costs associated with the construction of 114 homes, that on November 14, 1999 VIP Master Plan Limited, the originators of the petition to create the Leader Crossing PID entered into a contract to sell land developed by them to Gateway Homes, that subsequently on February 15, 2000 the City received a petition from Gateway Homes and VIP Master Plan, the original petitioners, requesting the dissolution of the Leader Crossing PID as provided in Chapter 372 of the Local Government Code, that since entering into a purchase agreement with VIP Master Plan Limited, Gateway had purchased 112 of the 114 lots and 78 had been resold to home buyers, that as the PID would not be utilized to finance the infrastructure for this development as originally contemplated, they were recommending that the City Council dissolve the PID, that a resolution for the PID's dissolution should show up on next weeks agenda and they were recommending it be approved, that Mr. Tom Walker, President of Gateway Homes, Inc. was present and available to answer any questions they might have regarding the dissolution. Council Members Tatro, Vasquez and Robinson absent.

Council Member Sanchez moved to close the hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council

Members Tatro, Vasquez and Robinson absent. MOTION 2001-1017 ADOPTED.

2. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.655/\$100 of value for the Tax Year 2001, which is the same total tax rate that was levied by the City for the Tax Year 2000 – was called.

The City Secretary stated that that they had three speakers who had reserved time to appear. Council Members Tatro, Vasquez and Robinson absent.

Mayor Brown requested the City Secretary to call the speakers.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77099 (713-224-4141) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Vasquez and Robinson absent.

Mr. Paul Bettencourt, 1001 Preston, Houston, Texas 77002 (713-348-2520) appeared and stated that he was present on the impact of appraised value increases at Harris County on the average homeowner, that he wanted to say that he did commend the spirit of Council Member Robinson's remarks because these were just simply public policy debates and whether they agreed with a portion or any of what he had to present today he hoped they respected that it was offered in a function of good government, that he wanted to point them to two specific handouts that were passed to Council Members, that the first was just a simply rollup of the entire tax rate for the average Houston home, that the average Houston home, even with the one penny reduction that HISD had just passed this week, would be paying approximately \$392 in one year in property taxes, that was over a 17% increase, that they would notice that their contribution to that was approximately \$63 and that percentage for the City of Houston was 11.1% because they were not proposing a tax rate increase but the magnitude of appraisal value increases in the City were substantial and in fact the area within 610 leads that charge in Harris County. Mr. Bettencourt displayed a map of the properties and stated that the increases were capped homes, that a capped home was a home whose market value had increased more than 10% in one year, that when they looked at the map closely, and it was provided in the handouts, they would see that the capped homes were really the lucky ones, they were the homes that would only go up in tax value effectively 10% in one year, that the other homes inside of the City of Houston were not protected by that and those increases were substantial and multiple double digit increases, when they looked at it they would see neighborhoods equally effective, such as Acres Homes, Independence Heights to River Oaks, Denver Harbor and East Magnolia to Memorial, the near Northside and Sunnyside, because the increases in this County in residential were as strong as they had been in certainly the recent past and the result was that every neighborhood was affected, that he just wanted to urge if there was any consideration that they could make for the taxpayers in the process by lowering the rate it would certainly be appreciated by the taxpayers, that the current roll that had been certified for the City of Houston contained over 400,000 family dwellings and of those 68% of the homes had homestead exemptions and 66% of the homesteads were capped, so that meant that 2/3 of the homesteads were already capped at the maximum allowed by law and he made the point that if they turned to the final page of the handout they would see a bar chart, that the bar chart contained some very interesting figures for their attention, that the homes that were already under State protection would be capped through not only this tax year, 2001, but through tax year 2002 on average, that with the increases that were already in the pipeline with home values, because they had 8 solid months, they were anticipating that next year's increase was approximately 8% on these homes and that meant that the average home that was already capped would remain capped all the way through 2003 and that meant that every home that was already in this type of process, and that was nearly 200,000, would see increases in their appraised value, that on a taxable basis meant they were looking at homes paying 10% more on their tax bills for the next three years, that the point

he would like to point out was with every boom in property values it started at the top of the property value chain and worked its way down and over the last year the increases on homes under \$50,000 were specifically the longest due to the fact that if they increased a home that was \$30,000 in value by \$15,000 it took up to 5 specific years to do that and they would see homes under \$50,000 hit the hardest by this and they were capped all the way through 2004 which meant homes under \$50,000, even with the homestead protection, would be paying 10% or more a year as a result of appraised value increases. Council Member Vasquez absent.

Upon questions by Council Member Boney, Mr. Bettencourt stated that he lived in the City of Houston, that 66% of Houston homeowners had applied for homestead exemption, that there were places where not applying for homestead exemption was epidemic, that they had gone through certain socio economic neighborhoods, especially the ones which did not have good English skills, and found that people were not applying, that they had been on Little Saigon Radio and asking other people in the Spanish language to apply for the homestead exemption, and Council Member Boney stated that probably where the greatest disadvantages and socio economic status were also those who were not protested at the appraisal district, and Mr. Bettencourt stated that when they looked at it they would find that a great deal of those were rent homes, and therefore renters had no protection because once a rent home went up 35% in one year those costs were passed on directly to the renter and the same was true for apartment complexes; that he would be happy to present the tax rollback and cap proposal to the Harris County Commissioners Court but by law initiative and referendum did not allow that same process to take place at the County, that he would be at the County's public hearing on September 25, 2001 and he would be there asking for the same relief for tax payers, that he believed that the last time Harris County raised their taxes was 1995, and the City raised their taxes prior to that date in 1992, and Council Member Boney asked if he had done any projections on the growth of the City in terms of the sales tax, and Mr. Bettencourt stated he had not because of the tax office deals and ad valorem property taxes, that was a function of the State of Texas for the Comptrollers Office as well as the City Controller's Department. Council Members Vasquez and Parker absent.

Council Member Tatro asked if they were including any businesses or commercial or were they simply truncating the commercial, which obviously could go up a lot higher, and just looking at the pool of homes and homestead, and Mr. Bettencourt stated that it was all residential and the analysis obviously starts with looking at the rollup effect on the average home through all of the taxing jurisdictions, that this was the same presentation that he was making to all of the taxing jurisdictions that were listed on the analysis, that they did not have the business data in the handouts, but he knew that the F&A group had the financial rolls and they had also provided those to his office before, and Council Member Tatro stated that he had the information he provided before and would be happy to look at it; and Mr. Bettencourt stated that as to the flood, fortunately for the 50,000 or so structures the appraisal district was conducting a detailed review of those for this years tax roll, that the only relief they would have was a quarterly payment plan with no interest, that the home sales for the whole County and specifically the City, did not slow down past Tropical Storm Allison, that they had very strong months of June, July and August and so therefore that initial problem did not slow down the appraisal process or home selling process which is really what it was based on, and Council Member Tatro stated that he looked forward to reviewing the business side component and Mr. Bettencourt stated that they would have it to him by the end of the week. Council Members Galloway and Vasquez absent.

Upon questions by Council Member Quan, Mr. Bettencourt stated that by latest count approximately 68% had applied for homestead exemption, that the 66% that had reached the cap were from the 68%, that was a little bit less than half of the homes were capped, and Council Member Quan asked what were the senior citizens exemptions that various taxing jurisdictions provide, and Mr. Bettencourt stated that they did a study on that about a year ago, and in Harris

County the senior citizen discount was \$156,240, the City was \$35,600 currently, HCC had just raised their discount to \$90,000 and HISD had a very complicated formula due to State funding requirements and it was probably in between HCC and the City's but he had not put a pencil to paper on that one yet, that they got an immediate 20% reduction on the taxable value of their home if they filed a homestead exemption and from there the over 65 years discount was a super discount from that point, so if they had a \$100,000 home they would have \$80,000 taxable value and then they would take \$35,000 off of that and would be paying on approximately \$45,000 of the home, and Council Member Quan asked for a copy of the report and Mr. Bettencourt stated he would have it by the end of the week. Council Members Galloway and Vasquez absent.

Council Member Robinson stated that Mr. Bettencourt's office had agreed to work with him, that after their visit to Constable Wooten's workshop he had organized the workshop to visit with folks to review their property tax records in terms of homestead exemptions to see if they could make sure more people filed their exemption, and one of the things he had advocated was changing the appraisal district process that if a person came in and was successful in their protest and their original valuation was based on a computer model, in some close proximity other similarly situated homes or businesses ought to get the same kind of percentage reduction and asked Mr. Bettencourt if he would agree, and Mr. Bettencourt stated that there were several of them on the board who got to comment on that because by law the chief appraiser had specific methods and they were not able to tell him which method to use, but he had already been on record at the appraisal district saying that if a protest occurred it should reset the base value and that base value should then be used for the computer out rhythm for the rest of the neighborhood, that to get it changed they probably had to look at specific legislation at the next session to make it a uniform practice, not only in Harris County but in other urban and rural counties, that he would be willing to work with him on it. Upon further questions by Council Member Robinson, Mr. Bettencourt stated that approximately 182,271 homes had hit the 10% in the City of Houston, that they would provide whatever calculations he would like, that he had already spoken out and thought that almost everyone at the Council table realized that the school equalization plan was literally the HUD, that it was robbing the neighborhoods of over well over hundreds of millions of dollars in this year alone of property monies that the local property taxpayers were paying and those districts were only holding on for less than one year; that he was not opposed to a taxpayer dividend. Council Members Boney and Vasquez.

Council Member Keller stated that he did support the 5% cap with the surplus dividend but thought that the bigger picture was that they had an uncoordinated fiscal formula to define what they had and asked what would be the process to get them where they had the coefficient of the tax rate being approved with the budget, on top of the budget, as it came through on an annual basis, and Mr. Bettencourt stated that he thought some of that, addressed under a separate cover, was kind of the formula that was presented as a possible Charter amendment, but on a legislative issue, which is where he thought they were really going, the school funding formula had the tax rate setting and the budget approval for those entities effectively at the same time, so that the budget and the tax rate were tied together, that this would require potentially a constitutional amendment or certainly State statute action, to bring fiscal years into connection with the calendar tax year, which he collected on, which was a July 1<sup>st</sup> to June 30<sup>th</sup> type of calendar, that he believed that his point was absolutely correct, that they had to have those discussions at least during and in advance of the budget, because at that point and time they had to be able to set priorities, that the reason he was present was the result of all the priority setting for all of the jurisdictions was a \$392 increase on the average Houston home and he considered that to be way in excess of personal income, growth, inflation to population and certainly it reflected on the fact that priorities had to be set because the taxpayers were simply not going to be able to sustain those type of increases in the coming years. Council Members Tatro and Vasquez absent.



Council Member Ellis stated that he had brought for a proposal and some of the Council Members who were talking about reducing the cap did not show up for the vote, that if they did not like the 5% they could have come in and amended it to another number, so he hoped this had opened some discussion around the table and looked forward to the upcoming weeks when they established the tax rate. Council Members Boney and Vasquez.

Mr. Don Hornback, 909 Texas Avenue, No. 719, Houston, Texas (713-237-8233) appeared and stated that he was present to request that the City Council consider that nearly 33% increase in the tax rate had occurred as a result of increased taxes in the past year, which was over 8% per year, that this 15% increase in the value of property that was occurring represented a substantial increase in revenue to the City of Houston. Council Members Boney, Todd and Vasquez absent.

Council Member Tatro moved to suspend the rules to add Mr. Jeff Daily, Mr. Ed Check and Mr. Bernard Maristany to the speakers list, seconded by Council Member Keller. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Boney, Todd and Vasquez absent. MOTION 2001-1018 ADOPTED.

Mr. Jeff Daily appeared and stated that he was a local businessman and also with Let the People Vote, the organization that had sponsored two initiatives that hopefully would be on the ballot this November, that he wanted to point out that in the last twenty years industry had gotten very efficient, their costs had gone down in just about every respect, that industry by industry whether they looked at manufacturing or in particular the service industry, the cost had declined, and this had resulted in a boom they had enjoyed over the last 15 years in the economy, that every organization was largely driven by the computerization and had gotten more and more efficient except government, that specifically Houston government, that the City of Houston, while the costs of other industries had gone down, the cost of City government had gone up on a per capita adjusted for inflation basis, where other industries were operating maybe 15% to 20% more efficiently this particular government had gone up almost 50% in its cost of doing what it did, adjusted for the population growth, that he wanted to point out that also in this time the debt had gone up in the last 8 years from 1 ½ billion dollars to 6 billion dollars, that not only had they consumed more money in the inefficiencies of government, but they had also increased their borrowing and putting increased burden on their future, that he would like to ask what did inflation in the real estate market have to do with the cost of government, that the answer was nothing, that because they had increased property values it did not mean that the government cost more, that the impressive taxes on not just home owners but renters, that renters paid taxes too, that rents were going up, and it was largely driven by the tax increases on the landlords, that they had also talked a lot about bringing businesses to Houston, that he brought two businesses to Houston in the early 1990's only to find that the taxes in Houston were higher than they were in California, that property taxes were oppressive and chased businesses away, that businesses that were here were not able to buy new equipment or invest in plants, that he would urge that the Council do what they could to reduce the cost of government and reduce the tax rate. Council Members Galloway, Todd, Vasquez and Quan absent.

Council Member Sanchez asked if Mr. Daily was comparing Texas to California, and Mr. Daily stated that he was comparing Houston's taxes to Orange County, California, that he was talking about businesses in Houston as compared to businesses in Orange County, California, more specifically the property tax, that property taxes in California were limited to 1% of property value as opposed to 3% in Houston, that they were fixed when they bought the building or equipment and could go up on property only 2% per year, that they were talking about a cap of 10%, that in California the cap was 2%, so when they buy residential property they knew what their taxes would be in the future and they could not get taxed out of their house, as many people

were in California prior to Proposition 13. Council Members Galloway, Todd, Vasquez, Castillo and Quan absent.

Council Member Parker stated that California had a State Income Tax and they largely funded their government through income tax rather than property tax and in the State of Texas they had chosen to tax property rather than income and asked Mr. Daily if he was advocating that they have a similar model to California, and Mr. Daily stated no, that he moved from California, and Council Member Parker stated that when they talked about the tax burden they needed to talk about the total tax burden and not focus on just one item. Council Members Galloway, Vasquez, Castillo and Quan absent.

Mr. Ed Check appeared and stated that it was his understanding that without a rate reduction the taxes on the average Houston residence would increase 14.5% this year, that in addition the City had experienced a 32.6% increase in property tax revenues over the last four years, that the average home owner could see a tax bill increase of over \$400 with approximately \$63 of that being City taxes, that as a citizen of Houston he urged them to consider providing tax relief to the citizens of Houston and joined them also in commending the work of Mr. Bettencourt on behalf of his constituents. Council Members Galloway, Vasquez, Castillo and Quan absent.

Mr. Bernard Maristany appeared and stated that the inflation as measured by the CAP was in the range of 3% to 4%, that what they were proposing by way of taxation was an increase of 11%, so it was more than twice the rate of inflation so they were becoming a factor to the increasing inflation in the City of Houston, that he asked them to consider if they really wanted to be a major factor that increased inflation and therefore rob the value of money or the people in Houston, that to please consider not increasing this tremendous amount of the total taxes they ended up paying. Council Members Galloway, Vasquez, Castillo and Quan absent.

Council Member Robinson stated they had a lot of discussion about the revenue side and hoped that in light of the letter the partnership sent them that they would start looking at the necessary expenditure control and if they did see their revenue significantly slide they were prepared to deal with it on the expenditure side, that hopefully at the next Fiscal Affairs meeting they would at least start talking about what kind of contingencies they were looking at. Council Members Vasquez, Castillo and Quan absent.

Mayor Brown stated that the City Council and the City of Houston was scheduled to vote on the proposed tax rate at a public meeting to be held on Wednesday, September 26, 2001 to begin at 9:00 a.m. in the City Council Chambers, City Hall, 901 Bagby, Houston, Texas.

Council Member Ellis moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Vasquez, Castillo, Quan and Robinson absent. MOTION 2001-1019 ADOPTED.

## **MAYOR'S REPORT**

At 10:05 a.m. Mayor Brown stated that he wanted to take this time to give them a brief update on the aftermath of the latest developments resulting from last week's tragic attacks, that they had been asked numerous times over the past few days how a horrible attack like the one experienced last week affected the economy of other large cities such as Houston, that it was a little different in Houston than in many other large cities primarily because their economy was very diversified, that they did not rely on one particular product to support their City, that they had oil and gas, a progressive port, the medical center, space and hi-tech industries and that diversity gives Houston an advantage and had helped their city maintain a strong economy, even in difficult times, that despite our positive economic outlook, between 2,500 to 3,000 Houston

area Continental employees would likely be put on furlough because of the economic impact on the nation's airline industry from last week's attacks, that he hoped they would see those people returning to work soon and he completely supported the airlines' effort to obtain financial relief to see them through this trying period, that on Monday he met with Congressional Representatives Nick Lampson, Gene Green, Sheila Jackson Lee and Ken Bentson to discuss not only long term security changes being considered for their airports and airlines, but also how Congress could play a pivotal role in assisting airports in Houston and around the Nation during this very trying period, that their representatives assure him that a comprehensive plan to provide financial assistance to airlines was and related industries was on the fast track and strongly supported, that he also wanted to say that any act of violence or discrimination against their Muslim or Middle Eastern Community members was deplorable and could not and would not be tolerated, that those who engaged in such despicable acts did nothing but support the principles of those who attacked the City and did not support the principles of freedom and democracy that shaped the Country, and in fact it made matters worse and those who refused to recognize that we stand together as one Nation were no better than the terrorists they sought to find and bring to justice, that he reported to them last week about the measures the City put in place immediately after the attacks in New York, Washington, DC and Pennsylvania, that Metro reversed HOV lanes and rescheduled routes and schedules to get downtown employees who were dismissed early back home safely, that extra security was put in place in City, Federal, Consulate and other offices across the city, that increased security remained in place and would do so until further notice, that for additional comfort to their residents, the fire and police departments remained on alert, that emergency vehicles remained with high levels of fuel in case they were immediately needed and the City's procedures for responding to disasters, both natural and man-made, had been reviewed and crews were prepared, that he wanted to thank Houstonians for the support they had shown since this tragedy occurred, that many of them stood in line for hours to give blood, that others donated food, money and services to the rescue teams, that on Friday they held a very special citywide prayer vigil and he was proud to see so many residents come out to sing, pray, wave a flag and light a candle in remembrance of those lost, that Houston proudly demonstrated its love of country and proved that when help and support was needed they were there, and they must continue to keep those who were victims and their families and loved ones in their prayers and they must continue to stand together united as one Nation behind the President as he makes very difficult decisions in the days to come. Council Member Vasquez, Castillo and Quan absent.

Council Member Galloway moved to suspend the rules to consider Item No. 4 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1020 ADOPTED.

4. RECOMMENDATION from Director Planning & Development Department for approval of an Honorary Street Marker to be named for **REVEREND W. G. WRIGHT** (located at 2022 Ellington in the right-of-way) - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1021 ADOPTED.

Council Member Galloway moved to suspend the rules to hear from Reverend Chris Wright at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1022 ADOPTED.

Reverend Wright appeared and stated that he was accompanied by his mother-in-law, sister and niece, that they were present for the recommendation of the City marker on behalf of his father the Reverend W. G. Wright who passed away in 1999, that he was a man that came

from very humble beginnings, that he was born in 1921 and had a limited education, that he came to Houston and found and organized the Saint Paul Missionary Baptist Church with 3 members and to this date it had grown to nearly 1,000 honor roll, that the members were not able to be present today but were greatly appreciative of the marker being placed in his honor. Council Member Robinson absent.

Mayor Brown stated that they all appreciated the contributions he had made and asked that Reverend Wright convey their sentiments to the congregation as well. Council Member Robinson absent.

Council Member Quan moved to suspend the rules to consider Item No. 16 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1023 ADOPTED.

Mayor Brown stated that he had asked that this item be placed on the agenda so they could officially go on record to express their support for those who were victimized last Tuesday and also on behalf of the City of Houston express their sympathy for the victims of the tragic event. Council Member Robinson absent.

16. RESOLUTION condemning the heinous acts of violence of September 11, 2001, and expressing the support and sympathy of the City of Houston and its citizens for the victims of the tragic events, their families and friends and the affected local governments and their employees involved in rescue and recovery efforts – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. RESOLUTION 2001-0038 ADOPTED.

### CONSENT AGENDA NUMBERS 3 through 37

#### MISCELLANEOUS - NUMBERS 3 through 5

3. REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT D. SELLINGLOH** as Chair of the **REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS, also known as MIDTOWN ZONE**, for a term ending December 31, 2001 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1024 ADOPTED.
- 3a. REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT D. SELLINGLOH** as Chair of the **MIDTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending December 31, 2001 and **STATE REPRESENTATIVE GARNET F. COLEMAN** to Position Two, for an unexpired term ending December 31, 2002 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2001-1025 ADOPTED.

#### ACCEPT WORK - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,655,337.00 and acceptance of work on contract with **PITT-DES MOINES, INC** for Construction of Sharpstown No. 2 Elevated Storage Tank, GFS S-0610-15-3 (10170-15) - 03.70% under the original contract amount -

Enterprise Fund - **DISTRICT F - ELLIS** – was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1026 ADOPTED.

**PROPERTY** - NUMBERS 9 and 9A

9. ORDINANCE appropriating \$40,697.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. James C. Canion, Trustee, et al., to acquire Parcel Number EY1-017, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0851 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. James C. Canion, Trustee, et al., Cause No. 742,045; for acquisition of Parcel EY1-017 for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**, GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1027 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 and 14

13. **RIDGEWAY'S INC** for Reproduction Supplies Contract for Department of Public Works & Engineering - \$135,000.00 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1028 ADOPTED.
14. Omitted

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 37

20. ORDINANCE authorizing the City of Houston to disclaim, release and relinquish any right, title and interest in and to a twenty two foot utility easement located in the William Trott Survey, Harris County, Texas granted to Spring Branch Utilities, and serving Spring Village Shopping Center **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0852 ADOPTED.
21. ORDINANCE declaring as surplus and approving the sale of approximately 0.801 acre of land out of the Sylvester Murphy League, A-53, Houston, Harris County, Texas, to **SG/TRANSWESTERN, LTD.**, in consideration of the payment of \$54,115.15 and other good and valuable consideration to the City - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0853 ADOPTED.

22. ORDINANCE approving and authorizing a Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Occupant Protection Selective Traffic Enforcement Program (OP STEP) Grant; authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0854 ADOPTED.
23. ORDINANCE approving and authorizing a Texas Highway Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Safe Trucks Driven Safely Selective Traffic Enforcement Program (STDS STEP) Grant; authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0855 ADOPTED.
24. ORDINANCE approving and authorizing Ground Lease Agreement between the City of Houston and the **DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for a Remote Transmitter Site and the Associated Easements at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0856 ADOPTED.
25. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the **UNITED STATES FEDERAL AVIATION ADMINISTRATION** for Project Nbs. 554, 560 and 605 at George Bush Intercontinental Airport/Houston; declaring the City's eligibility for such grants 18,000,000.00 - Revenue - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0857 ADOPTED.
27. Omitted
28. ORDINANCE approving and authorizing contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of the Oxygen Plant at the 69th Street Wastewater Treatment Plant; providing a maximum contract amount \$2,370,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0858 ADOPTED.
30. ORDINANCE finding no special benefit to the abutting owner of property described as Tract 1B Block 3, Hillendahl Acres, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-612 passed May 26, 1993, for the initiation of a paving project for the permanent improvement of a portion of Hammerly Boulevard in the City of Houston, Texas **DISTRICT A – TATRO** had been pull from the Agenda by the Administration and was not considered Council Members Galloway, Todd and Robinson absent.
36. ORDINANCE appropriating \$2,186,922.00 out of Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund, CIP A-0449), awarding construction

contract to **JALCO, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for the East Sanitary Sewer Collection System at George Bush Intercontinental Airport/Houston (IAH), Project No. 500K - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0859 ADOPTED.

37. ORDINANCE appropriating \$3,866,056.46 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **FORD CONSTRUCTION COMPANY, INC** and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe (CIPP) Method, GFS R-0266-13-3 (4258-8); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0860 ADOPTED.

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

**MISCELLANEOUS**

5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** for 1 Year Utility Subscription Program Fee - \$77,064.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1029 ADOPTED.

**ACCEPT WORK** - NUMBERS 6 through 8

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,015,252.50 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Blackhawk Boulevard from Fuqua to City Limits, GFS N-0616-01-3 (N-0616-01) - 06.03% under the original contract amount - Enterprise and Street & Bridge Consolidated Construction Funds - **DISTRICT E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1030 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$911,495.29 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for Ardmore, Maxey Road and Sleepy Hollow Lift Station Rehabilitation, GFS R-0267-46-3 (4275-35) - 05.05% under the original contract amount - Enterprise Fund **DISTRICTS D - BONEY; G - KELLER and I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1031 ADOPTED.

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

10. ORDINANCE appropriating \$296,945.00 out of Park Consolidated Construction Fund for

Mold Remediation, Asbestos Abatement and Air Monitoring Services at the Houston Zoological Gardens Small Mammal House for the Building Services Department, CIP F-0505 - **DISTRICT D- BONEY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0861 ADOPTED.

- 10a. RECOMMENDATION to award low exempt bid to **SKA CONSULTING, L.P.** in the amount of \$249,900.00 plus contingencies for a total amount not to exceed \$262,395.00 for Mold Remediation and Asbestos Abatement Services – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1032 ADOPTED.
- 10b. RECOMMENDATION to allocate additional funds in the amount of \$34,500.00 for a contract with **ENVIRONMENTAL CONSULTING SERVICES, INC** for Air Monitoring and Inspection Services which was approved by Ord. 99-1036 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1033 ADOPTED.
11. **SENSOR TECHNOLOGY ENGINEERING, INC** for Hand-Held Radiation Detectors for Finance & Administration Department - \$33,202.25 - Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1034 ADOPTED.
12. **R. P. M. EQUIPMENT COMPANY** for One Rollback Carrier Wrecker Body and Four Towing Wrecker Bodies for Police Department - \$95,599.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Members Quan and Ellis. Council Members Galloway, Todd and Robinson.
15. **LONE STAR FLAGS & FLAGPOLES, INC** for Flags, Banners and Pennants, Part II for Various Departments - \$205,971.73 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1035 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 37

17. RESOLUTION consenting to the creation of the **ENERGY CORRIDOR MANAGEMENT DISTRICT - DISTRICTS A - TATRO and G - KELLER** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. RESOLUTION 2001-0039 ADOPTED.
18. ORDINANCE establishing City of Houston Election Precincts and designating Polling Places for the City of Houston General Election and any Special Elections to be held jointly on November 6, 2001 – was presented.

Council Member Castillo asked if they had a list of the individual election locations, that he had not had an opportunity to see the locations, that he had a previous problem with the locations in District I because people were accustomed to voting at a given location and if it



changed it was a problem, and Mayor Brown stated they had sent the list out to everyone. Council Members Galloway, Todd and Robinson absent.

Council Member Boney moved to consider Item Numbers 18 and 19 to the end of the agenda, seconded by Council Member Vasquez. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. MOTION 2001-1036 ADOPTED.

19. ORDINANCE ordering a Special Election to be held jointly on November 6, 2001, for the purpose of submitting to the qualified electors of the City of Houston, Texas, certain propositions for the issuance of Public Improvement Bonds for various purposes; providing for severability was presented and postponed to the end of the agenda by Motion 2001-1036.

Council Member Boney stated that he wanted a copy of the list also. Council Members Galloway, Todd and Robinson absent.

26. ORDINANCE approving and authorizing contract between the City of Houston and **RECYCLE AMERICA, INC** for Recycling Services of Residential Electronic Scraps; providing a maximum contract amount - \$150,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Todd and Robinson absent. ORDINANCE 2001-0862 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **LYNDA MARIE BRYANT D/B/A THE CAPTIONING COMPANY** for Closed-Captioning Services for the Municipal Channel; providing a maximum contract amount - \$200,000.00 - Special Cable Fund – was presented, and tagged by Council Member Parker. Council Members Galloway, Todd and Robinson absent.
31. ORDINANCE appropriating \$356,960.60 out of Water & Sewer Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **JESTER APARTMENTS PARTNERS, LTD.**, for the Construction of Sanitary Sewer and Sanitary Sewer Force Main Lines, CIP R-0800-41-03 - **DISTRICT A - TATRO** – was presented, and tagged by Council Members Vasquez, Tatro, Quan and Keller. Mayor Brown, Council Members Galloway, Todd and Robinson absent. Mayor Pro Tem Boney presiding.
32. ORDINANCE appropriating \$74,400.00 out of METRO Special Fund and approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Development of a Bicycle Handbook and the purchase of Bicycle Parking Facilities for the Bicycle Parking Program, GFS N-0420-27-2 - \$5,600.00 - General Fund – was presented, and tagged by Council Member Quan. Mayor Brown, Council Members Galloway, Todd and Robinson absent. Mayor Pro Tem Boney presiding.
33. ORDINANCE approving and authorizing Restatement of Contract No. 32907 for professional engineering services between the City of Houston and **WILBUR SMITH ASSOCIATES, INC** for the Houston Comprehensive Bikeway Program, GFS N-0420-100-2 (N-0420-100) (approved by Ordinance No. 92-1171) – was presented, and tagged by Council Members Bell, Keller, Tatro and Sanchez. Mayor Brown, Council Members Galloway, Todd and Robinson absent. Mayor Pro Tem Boney presiding.
34. ORDINANCE appropriating \$1,000,000.00 out of Street & Bridge Consolidated

Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Street and Bridge Program Management, CIP N-0668-06-2 (SB9061) – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. **ORDINANCE 2001-0863 ADOPTED.**

35. **ORDINANCE** appropriating \$205,835.00 out of Water & Sewer System Consolidated Construction Fund and \$38,575.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** to provide a Master Study for the Infrastructure required within Hermann Park Complex, CIP S-0019-HP-2 and M-0126-HP-2 (WA10678); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Storm Sewer Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. **ORDINANCE 2001-0864 ADOPTED.**

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

**PURCHASING AND TABULATION OF BIDS**

Council Member Sanchez moved to suspend the rules for the purpose of reconsidering MOTION 2001-0725, 6/27/01 and MOTION 2001-0752, 7/3/01, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. **MOTION 2001-1037 ADOPTED.**

Council Member Sanchez moved MOTIN 2001-0725, 6/27/01 and MOTION 2001-0752, 7/3/01, which authorized issuance of purchase orders to address emergency disaster recovery, be brought back to Council for reconsideration, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. **MOTION 2001-1038 ADOPTED.**

38. **RECOMMENDATION** from Director of Finance and Administration to **AMEND MOTION #2001-0725, 6/27/01 and #2001-0752, 7/3/01**, which authorized issuance of purchase orders to address emergency disaster recovery, to reflect the total amounts payable to the following vendors - **REQUIRES THREE MOTIONS:**

**Council Motion No. 2001-0725**

<b><u>Contractor</u></b>	<b><u>Estimated Amount</u></b>	<b><u>Final Invoice Amount</u></b>
1. Walter P. Moore	\$ 18,500.00	\$ 18,315.42
2. ABCO Moving & Storage Co., Inc.	\$ 20,000.00	\$ 30,102.62
3. Allied Emergency Restoration	\$120,000.00	\$124,737.39
4. Britain Electrical Company	\$205,000.00	\$193,254.25
5. McLemore Building Maintenance	\$ 15,000.00	\$ 13,971.25
6. GE Energy Rental	\$107,318.00	\$147,180.00
7. AAR, Inc.	\$259,000.00	\$284,000.00
8. Belfor USA	\$ 40,000.00	\$253,100.00
9. Siemen's Building Technologies	\$300,000.00	\$650,000.00
10. Coastal Technical	\$ 36,080.00	\$ 43,445.00
11. Avaya, Inc.	\$954,311.41	\$907,348.50

12. Bayou City Works	\$ 25,000.00	\$ 30,070.75
13. Graybar/Square D Electric	\$150,000.00	\$289,000.00
14. Cotton Restoration, Inc.	\$ 14,500.00	\$ 9,530.00
15. Gomez Floor Covering, Inc.	\$118,743.00	\$ 81,704.06
16. Bates Engineering & Service Connection	\$ 75,000.00	\$125,390.20
17. DuPont Flooring System	\$ 20,000.00	\$ 16,234.00
18. Interior Technologies	\$160,000.00	\$556,182.93
19. Siemen's Cerebus	\$ 14,500.00	\$ 13,021.38
20. Vossler Plumbing Co., Inc.	\$ 14,500.00	\$ 12,604.75
21. Boyer, Inc.	\$100,000.00	\$136,354.00
22. Service Master Clean	\$100,000.00	\$155,571.50
23. AWC, Inc.	\$133,762.40	\$134,077.46
24. Excalibur	\$ 97,625.00	\$158,334.60
25. Puffer Sweiven, Inc.	\$ 26,255.00	\$ 26,443.00
26. Grinnell Fire Protection	\$ 15,000.00	\$ 25,817.28
27. Emergency One, Inc.	\$100,000.00	\$ 59,833.99
Aggregate Total	\$3,240,094.81	\$4,495,624.33

**Council Motion No. 2001-0752**

<b><u>Contractor</u></b>	<b><u>Estimated Amount</u></b>	<b><u>Final Invoice Amount</u></b>
1. Universal Restoration Services	\$110,000.00	\$ 32,081.96
2. McCroy Engineering, Inc.	\$ 89,000.00	\$ 87,560.00
3. Environmental Technologies, Inc.	\$240,000.00	\$239,080.00
4. Carrier Corporation	\$ 20,000.00	\$ 20,209.00
5. Crystal Communication, LTD	\$ 30,000.00	\$ 30,393.00
6. Blackmon Mooring Steam of Houston	\$284,616.00	\$184,168.77
7. AWC, Inc.	\$ 38,000.00	\$ 37,696.75
Aggregate Total	\$811,616.00	\$631,189.48

- was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. MOTION 2001-1039 ADOPTED.

Council Member Sanchez moved to suspend the rules for the purpose of reconsidering MOTION 2001-0752, 7/3/01, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. MOTION 2001-1040 ADOPTED.

Council Member Sanchez moved that MOTION 2001-0752, 7/3/01, be brought back to Council for reconsideration, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. MOTION 2001-1041 ADOPTED.

39. **AMEND MOTION #2001-0752, 7/3/01, TO CORRECT** the name of the awardee from **ABSOLUTE BUILDING SERVICES** to **ASSOCIATED BUILDING SERVICES - REQUIRES THREE MOTIONS** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. MOTION 2001-1042 ADOPTED.

**MATTERS HELD** - NUMBERS 40 through 46

40. ORDINANCE approving and authorizing contract between the City of Houston and **ALTERNATIVE WORK ENVIRONMENTS, INC** for a Strategic Information Plan for the

Library Department; providing a maximum contract amount - \$239,500.00 - General and Grant Funds – **(This was Item 38 on Agenda of September 5, 2001, POSTPONED BY MOTION #2001-998)** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0865 ADOPTED.

41. ORDINANCE ordering a Special Election to be held jointly on November 6, 2001, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition for the amendment of the City Charter relating to future METRO Rail Projects; making findings and containing other provisions related to the subject; containing a severability clause – **(This was Item 8 on Agenda of September 12, 2001, TAGGED BY COUNCIL MEMBERS ELLIS, SANCHEZ and TATRO)** – was presented.

Council Member Ellis stated that he believed this had been put on the agenda and trying to be placed on the November ballot just to confuse the voters, that he would be ashamed of himself if he were to vote for it and he was somewhat ashamed of the administration for placing it on the ballot and then having people within the administration admit that this was being placed on the ballot just to confuse the voters, that was what they were not about, if they wanted to inform the voters of the issues that they disagreed with the other referendum then so be it, but not to put another issue on the ballot just to confuse the voters. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that much like Council Member Ellis he was surprised that the administration put the item on the agenda, that he believed that citizens of Houston were going to turn in upwards of 30,000 signatures on a very specific worded public referendum, that this particular ordinance or referendum not only said something the administration had already agreed on and that was that they would have a vote and Metro had agreed to have a vote on all future rail projects, which was probably required by law because of the debt in this factor, but it also had a caveat that said if this particular referendum initiative got more votes than the other referendum initiative than this one trunks, which would effectively negate the other referendum that so many people had worked so hard to get on the ballot, that they had the ability to put it on, but he thought it went against the grain of exactly what ballot initiatives were for, that he could not support it at all and he would hope that the rest of Council would give the voters their opportunity on what the entire ballot initiative and referendum was all about. Council Members Galloway and Keller absent.

Council Member Bell stated that he agreed with his colleagues that this was a right to vote issue and that was what it had become, that obviously they had an initiative and referendum in the City and some of them may not like that and may wish to change that process but as long as they had it they needed to live by the rules, that people went out and got the signatures, and they may not agree with what they were proposing, but if they were playing by the rules and going out and getting the required number of signatures then they had the right to have their referendum voted upon, that he was uncomfortable with their trying to surf that ability, that he would encourage a no vote on this item. Council Members Galloway, Keller and Castillo.

Council Member Boney stated that he did not see anything confusing about this item at all, that if they wanted to be able to lower the tax rate they might ought to try to bring in a \$4 billion impact with the Olympics in the City, that they had every possible asset and chance to win the Olympic bid and the rail line that connected the venues and downtown to the medical center to the other facilities made perfect sense as an economic and transit corridor, that they already started to build the rail and they had wasted or squandered many hundreds and thousands of dollars going through this issue in court, they finally got through the court process and ground had been broken and money was being spent building the rail and those who opposed it would

just throw that money away, that all the proposition they were considering today was to say to the citizens that whether or not Metro could build any more rail without debt, that it would not require a tax increase, that anything further than what was already being built, that was decided and underway, would go before a vote of the citizens, that he thought it was rational and clear and ought to be supported. Council Members Galloway, Keller and Castillo absent.

Council Member Parker stated that she thought it was interesting that when they placed more options before voters they were accused of confusing voters, that sounded to be a rather paternalistic statement, that there was no attempt to surf the right of citizens to petition their way on the ballot, that she assumed that the citizen initiated petition would be on the ballot as well, but there were many of them who believed that Metro should hold a vote before they went forward, who did not believe they should go out and tear out all the work they had done and just waste the millions of dollars they had already spent, that she thought they deserved the option to vote on the item as they thought was best for the City and those who disagreed with them could vote for the other, that this was neither confusing nor preventing the citizen initiative from being on the ballot, it provided another option. Council Members Galloway and Castillo absent.

Council Member Robinson stated that they did not even need the last line because the law was that if they had two conflicting referendums which ever got the highest vote prevailed and asked Mr. Hall if that was correct, and Mr. Hall stated that was absolutely correct, but the Mayor suggested that they ought to be sure that people understood what the impact would be just so he could not be accused of tricking anybody, if this one got the highest number of votes as regarding the issue of tearing up the present rail construction on Main Street it would prevail, and Council Member Robinson stated that when this boiled down to the essence, some folks were not being clear, that he was talking about the proponents of the referendum, that his question had always been were they for rail but just upset that they started in the work place, that they thought Main Street was the wrong place to start and they wanted to start someplace else, then he was all for them, but he wished they would have started where they wanted to or were they just absolutely opposed to rail, that the referendum would require them to come back and have a vote on whether or not to tear up Main Street, that it would not be a vote to take rail and start someplace else, that he was opposed to ending rail and going back and wasting that money that was invested on Main Street, that what this referendum did and was most important to him was that it said the Main Street line where they started would be protected. Council Members Tatro and Galloway absent.

Upon question by Council Member Sanchez as to the status of the petitions filed, the City Secretary stated that several years ago when the Affirmative Action and Wage Rate petitions were filed, to be fair to both sides of any issue, she alone decided that she should check entire petitions, or a sufficient number to meet the requirements if they were there, that in all fairness this was the only way to satisfy all concerned, that she determined that her decision was justified after receiving numerous inquiries on how she would proceed with the checking of three sets of petitions expected to be filed, that the inquiries started even before the petitions were received, that they had completed and reported on the first petition and were in the process of checking the second one filed on September 4, 2001, and upon completion would proceed with the third filed on September 7, 2001, that she had also had a policy of not providing running status reports, that this had eliminated speculation and time consuming counts and recounts and allowed the verification process to be quicker and more efficient, that her staff had worked nights, weekends and were very anxious and dedicated to complete the task before them and maintain regular City business, that on the tragic September 11, 2001 some members worked until 9:45 p.m., that they were dedicated and were proceeding and she would make final reports. Council Member Galloway absent.

Council Member Sanchez asked Mayor Brown what compelled him to put this item on the

agenda, why now on the heels of a citizen driven petition, what value did it bring to the table, and Mayor Brown stated that it set forth what the Council had voted on previously that stated very clearly, by resolution, that any extension of the 7.5 mile light rail would be done only after a majority vote of the people and that was the only reason it was being done, that the timing was because they had an election coming up and would be taken to the voters to vote, that they did not have an election six months ago . Council Member Galloway absent.

Council Member Parker asked Mr. Hall to answer the question of the deadline for placement on the ballot, and Mr. Hall stated that there was not a legal deadline but a practical deadline, that they requested from the County Clerk, with whom they would be contracting to hold the election, as to when the last day would be for them to submit something for putting on the general election ballot and in writing she responded to the question they proposed to her, that on Monday, September 28, at 9:00 a.m. (corrected later in meeting to October 1) would be the last date she could accept something and get the ballots printed and proceed with absentee balloting as scheduled, and Council Member Parker asked if there was a requirement that Council actually vote to place these items on the ballot, and Mr. Hall stated yes, and Council Member Parker stated that meant they had to be on next weeks agenda, and Mr. Hall stated yes. Council Member Galloway absent.

Council Member Todd stated that he thought that the voters should have the option to vote on two proposals and thought that the question that the voters would essentially be asked at the time was if they wanted to have the work that was done along Main Street and the money that had been spent on that, thrown away, did they feel strongly about the rail issue that they were willing to throw away money, that with that being said he supported the item being put on the ballot, but at the same time he was doing that under the belief that they could get the other item on the ballot, that he knew that when dealing with Ms. Russell over the last 6 years he had never known her to engage in political gainsmanship, that he would probably accuse everyone at the table of political gainsmanship except for Anna Russell, that he knew they were working hard and working, and recognized that they had three different petitions come in which caused an unusual amount of work for them, that he knew she did not give status reports but asked for the function equivalent of a status report, and Ms. Russell stated that they were working on the second petition filed and making process, that the first petition was filed on August 20, 2001 and she made her report on that one September 11, 2001.

Mr. Hall stated that he wanted to make a correction, that he had stated that the deadline was Monday, September 28, that the day was right but the date was wrong, that it was Monday, October 1, and Council Member Todd asked Mayor Brown if need be would he be willing to do a special Council meeting if it would give them a few extra days to count and Mayor Brown stated that he had not given any thought to that, and Council Member Todd stated that he would certainly support having a special Council Meeting and would encourage Council Members if need be to do a special Council meeting to get it certified.

After further discussion by Council, Council Member Ellis moved to postpone Item No. 41 for one week, seconded by Council Member Tatro.

A roll call vote was called on Council Member Ellis's motion to postpone Item No. 41.

**ROLL CALL VOTE:**

Mayor Brown voting no

Council Member Tatro voting aye

Council Member Galloway voting no

Council Member Goldberg absent on  
personal business.

Council Member Vasquez voting no

Council Member Castillo voting no

Council Member Parker voting no

Council Member Quan voting no

Council Member Boney voting no  
Council Member Todd voting aye  
Council Member Ellis voting aye  
Council Member Keller voting aye

Council Member Sanchez voting aye  
Council Member Bell voting no  
Council Member Robinson voting no  
MOTION 2001-1043 ADOPTED

A roll call vote was called on Item No. 41.

ROLL CALL VOTE:

Mayor Brown voting aye  
Council Member Tatro voting no  
Council Member Galloway voting aye  
Council Member Goldberg absent on  
personal business.

Council Member Vasquez voting aye  
Council Member Castillo voting aye  
Council Member Parker voting aye  
Council Member Quan voting aye

Council Member Boney voting aye  
Council Member Todd voting aye  
Council Member Ellis voting no  
Council Member Keller voting no

Council Member Sanchez voting no  
Council Member Bell voting no  
Council Member Robinson voting aye  
ORDINANCE 2001-0866 ADOPTED

42. ORDINANCE amending Ordinance Number 98-333 to increase the maximum contract amount of contract between the City and **WATSON WYATT AND COMPANY** for Benefits Consulting Services - \$546,000.00 - Health Benefits and Workers' Compensation Funds - (This was Item 10 on Agenda of September 12, 2001, TAGGED BY COUNCIL MEMBER KELLER) – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2001-0867 ADOPTED.
43. ORDINANCE approving and authorizing contract between the City and **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth; providing a maximum contract amount - \$780,000.00 - General Fund - (This was Item 15 on Agenda of September 12, 2001, TAGGED BY COUNCIL MEMBERS TATRO and PARKER) – was presented.

Council Member Bell stated that he wanted to voice his supported for Item No. 43, that he thought it was a great project for the City to get involved, that he wanted to take the opportunity to thank Council Member Parker for allowing him at the last Neighborhood Protection Quality of Life Committee meeting when they were talking about the Parks Master Plan to bring up the proposal that had been hanging around for a year, that it was an opportunity to reach out to private corporations that manufactured tennis equipment to ask them to engage in a public private partnership to renovate tennis courts all over town.

A vote was called on Item No. 43. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Todd absent. ORDINANCE 2001-0868 ADOPTED.

44. ORDINANCE approving and authorizing a Groundwater Reduction Plan Participation Agreement between the City of Houston and **P & B WATER CORPORATION** - Revenue - (This was Item 18 on Agenda of September 12, 2001, TAGGED BY COUNCIL MEMBERS TATRO and KELLER) – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Boney and Todd absent. ORDINANCE 2001-0869 ADOPTED.
45. ORDINANCE appropriating \$323,400.00 out of Airports Improvement Fund and approving

and authorizing professional services contract between the City of Houston and **UNISON-MAXIMUS, INC** for Concessions Consulting, CIP A-0399 - **DISTRICTS B - GALLOWAY and E - TODD** - (**This was Item 21 on Agenda of September 12, 2001, TAGGED BY KELLER, CASTILLO, BONEY, TATRO and GOLDBERG**) – was presented. Council Member Tatro voting no, balance voting aye. Council Member Goldberg absent on personal business. Council Members Boney and Todd absent. ORDINANCE 2001-0870 ADOPTED.

Council Member Robinson stated that he would ask that the Aviation Department take a look at the existing concessionaires right now because he knew that because of the lower number of flights and the like they may be having some difficulties and asked that they review that issue as they go forward, and Mayor Brown stated that Mr. Vacar indicated he was doing that already.

46. ORDINANCE appropriating \$14,233,375.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0008 and \$226,625.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0422; awarding construction contract to **STEWART-MATL, LTD.** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING COMPANY, INC** for Replacement of CFR 54 with two new ARFF Stations at George Bush Intercontinental Airport/Houston, Project 521B; providing funding for the Civic Art financed by Airport System Bonds 2000B NON-AMT Construction Fund - **DISTRICT B - GALLOWAY** - (**This was Item 24 on Agenda of September 12, 2001, TAGGED BY COUNCIL MEMBERS KELLER and BONEY**) – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Boney and Todd absent. ORDINANCE 2001-0871 ADOPTED.
18. ORDINANCE establishing City of Houston Election Precincts and designating Polling Places for the City of Houston General Election and any Special Elections to be held jointly on November 6, 2001 – was again presented.

Council Member Boney asked if the items were tagable, and Mr. Hall stated that he thought the issues had been worked out, that he did not know if they were tagable but would find out, that it was a practical problem, and Council Member Boney stated that in all fairness he would inform the Council that they had intended to reconvene another Ad Hoc Committee on election procedures and guidelines, but as an individual he did file an objection to the new electronic voting systems that were to be employed in the early vote and the Justice Department had not yet rendered a decision, that he did not know if that had any impact on this item, but guessed it did not. Council Member Todd absent.

After further discussion, a vote was called on Item No. 18. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Todd absent. ORDINANCE 2001-0872 ADOPTED.

19. ORDINANCE ordering a Special Election to be held jointly on November 6, 2001, for the purpose of submitting to the qualified electors of the City of Houston, Texas, certain propositions for the issuance of Public Improvement Bonds for various purposes; providing for severability – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Todd absent. ORDINANCE 2001-0873 ADOPTED.



Council Member Tatro stated that he supported the bond election and was voting yes, but would distribute to Council next week a disturbing memo from the Senior Assistant City Attorney, Gary Wood, that it was in conjunction with the commercial paper program, the debate they had when they recently changed the ordinance for the Series C issuance on commercial paper, that in the last section of the letter from Mr. Wood, which he had asked about when they adjusted the Series C, which had historically been for non permitted improvements it had been for equipment purchases, that the last sentence of the memo had to do with two State Chapters 1431 and 1371, that Mr. Wood wrote that Chapter 1371 contained a broad override provision from municipal charter provisions that conflict with Charter 1371, which would include the charter provision requiring voter approval of bonds issued in values of \$100,000 thousand in any one year, that basically the letter from the City Attorney said that the City Charter requirement for having a public vote for issuing bonds over \$100,000 thousand in any one year was not required, that this concerned him.

Council Member Tatro moved to suspend the rules to hear from Mr. Gary Wood, Senior Assistant City Attorney, seconded by Council Member Vasquez. NO VOTE WAS RECORDED.

Council Member Tatro asked what were the legal requirements for the City putting a bond referendum on the ballot, and Mr. Wood stated that he thought the proposal Council Member Tatro was referring to was in context to the emergency need for funds arising due to the flood and some of the monies had to be used from the Any Lawful Purpose Fund for that purpose, that these funds were appropriated from the Series C Commercial Paper Program due to the emergency situation and was not something that normally would be done, that there was a provision under the State Statute which they cited, Chapter 1371, under which they issued most of their commercial paper and that statute overruled any City Charter provision to the contrary, that he did not think they could say that the Charter requirement was null and void, that there were practical considerations that would have to be considered in this kind of situation, that the Series C Program was a commercial paper program subject to 1371 and at the same time the notes issued under that program had only a 7 year life, and Council Member Tatro asked if the City Charter was the legal authority while they were putting it on the ballot, and Mr. Wood stated that was not the only reason, that it was one legal support, that there was also State statutes governing bond elections, that they had the City Charter and the State Statute in the government code as well that direct bond elections, that the State statute could override the City Charter when it was absolutely necessary, but the particular program that Council Member Tatro was talking about was separate from the bond proposal and was a program under which they could issue notes for only a 7 year period. Council Members Todd, Ellis, Castillo and Parker absent.

Mr. Hall stated that for Council's purposes they were mixing two things together, that the memo was written as an explanation for why they could issue the Series C paper which was specifically under discussion and consideration at the time, that it was different than the proposal that was on the table for Council's consideration today, that as it regarded 30 year bonds the answer would be no, that it could not be rolled into long term indebtedness without that long term indebtedness being approved by the voters. Council Member Todd, Parker and Sanchez absent.

Council Member Vasquez stated that he supported the City's bond package, that he would like to recognize and thank ACME, the Association of Consulting Municipal Engineers and the Consulting Engineers Council of Houston for their letter of endorsement and their support of the bond package also, that they correctly pointed out that with the City's \$776 million and the County's \$535 million that it would be about \$1.3 billion over the next 5 years in infrastructure and capital improvements and given the rate of growth in the City and County it was very much needed. Council Member Todd, Parker and Sanchez absent.

Council Member Robinson stated that he wanted to make it clear to the voters that the \$776 million did not require any kind of tax increase even with the current condition, that like Council Member Vasquez, he intended to be a big supporter of this because he thought it would be one of the most important things they would do during the course of the election cycle. Council Member Todd and Sanchez absent.

Council Member Boney asked if there were a conflict between State law and City Charter what prevailed, and Mr. Wood stated that State law prevailed, and if there were a conflict between City Charter and Federal law, that Federal law prevailed. Council Member Todd and Sanchez absent.

Mayor Brown stated that he wanted to take the opportunity to wish the Jewish Community a Happy New Year as they celebrate Rosh HaShana. Council Member Todd and Sanchez absent.

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

Council Member Castillo stated that last week they delayed the item on the TriData Consulting issue for two weeks to get more specifics or provide more specificity in the scope or work and he had not had anybody come or make any inquiring about things they would like to see in there, that he personally did not have any special language that he would propose but he just thought the department could make it more specific so they would know what the deliverables that they expected would be and hoped that in the next week they would hear something back, and Mayor Brown stated that they were working on that. Council Members Todd, Keller and Sanchez absent.

Council Member Bell stated that in light of the events in New York and Washington, D. C. he had a number of calls and e-mails to his office inquiring about the security of the City's water supply, that it was also referenced in the editorial opinion piece that ran in the Chronicle yesterday, to which he knew the Mayor's office had issued a response, but it did not respond to that in particular and wished that someone call or meet with him regarding any steps that were being taken to insure the security of the City's water supply. Council Members Tatro, Todd, Keller and Sanchez absent.

Council Member Bell stated that he wanted to comment on the tax dividend or tax refund proposal that they intended to bring forward at the appropriate time, that he took it from Council Member Robinson's previous comments that the administration would not be supportive of that proposal and in the story that ran in the day's Chronicle there was a statement from the Mayor's political consultant, Mr. Roca, calling it politics as usual and he would have to agree with him to a certain extent because it had become politics as usual wherever he went to hear people talking about property values and their property tax rate and how it had gone up considerably in recent years and asking for some type of relief, that he had said before and had been a proponent of responsible tax relief and thought that the measure that was brought forth by Council Member Ellis last year was responsible, that he thought that the events that happened last week and even events that happened prior to that began to change the situation, when Compaq announced its merger with Hewlett Packard, that they were not alone, other companies had done downsizing, that he did not think that anybody knew where all of this was going to end up and the total impact on the economy was going to be, that now was not the time to be cutting the property tax rate, but he did think that the proposal that had been made frequently by Council Member Robinson and others or advocated by them regarding a tax dividend or tax refund at the close of the fiscal year was a responsible approach because it was after the fact and they would know if they had been able to receive any excess property tax revenue and at the end of the tax year they would know how much money they were dealing with and could decide what percentage of that could be refunded to the taxpayers, that it would send a message to the public that they were serious

about providing some type of tax relief. Council Members Tatro, Todd, Keller and Sanchez absent.

Council Member Ellis stated that he had some questions on Item No. 17 and moved to suspend the rules to have someone answer them, seconded by Council Member Keller. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Tatro, Todd and Castillo absent.

Upon questions by Council Member Ellis, Mr. Calderon stated that they had been in touch with both the district consultant as well as the legal team that drafted the legislation and several members of the sitting board of directors for the management district and it was their understanding that they did not intend to utilize that provision within the statute which created the management district and in fact were in the middle of a pursuit of petitions to garner a majority of the property ownership support for a future assessment which had not been determined yet, that the assessment would be petition driven, that in addition to the legislation the Council Members package should have included a list of all of the property owners in the management district, that he believed that there were slightly more than 160 that they received from the zone consultant representing the total property ownership within the boundaries of the management district, that the legislation that was adopted by the Legislature and signed by the governor creating the district did in fact have a special provision in it that would have provided for 25 of those 160 property owners to be sufficient for the purposes of establishing an assessment, however they did not intend to rely on that provision of the statute which created the district and were in fact in pursuit of a petition that would represent the majority of the property ownership. Council Members Tatro, Todd and Castillo absent.

Council Member Robinson stated that he read in the paper and saw that Mayor Brown had been working with the folks at Continental and the Aviation Department and he and Council Member Keller had an opportunity to express their support and he would ask if their federal lobbyist would try to lend any support, and Mayor Brown stated they had been using them. Council Members Tatro, Todd and Castillo absent.

Council Member Robinson stated that Chief Bradford had sent them a memo and understood that TXDOT would be sending them a memo also in support of the extension of the no trucks in the far left lane along I45 and they were also recommending that they be a part of a coalition with Pasadena and the other cities along the Hwy 225 route to implement no trucks in the left hand lane. Council Members Todd and Castillo absent.

Council Member Robinson stated that he knew the Mayor had already issued a statement but if they could take a look at responding to the formal filing on the San Jacinto Rail Line issue and at least as a Council say that they would like to see the environmental impact statement be what the Service Transportation Board required before they moved forward on the rail line, that he would like for the Public Works or Legal Department help them with the issue of grade separation. Council Members Todd and Castillo absent.

Council Member Quan stated that they had all seen unprecedented displays of patriotism and unity in the last week and would like to commend the community on that, that yesterday the Arab American Medical Association presented \$5,000, that continuous vigils were being held, that the Association of Chinese Organizations was having an event on Saturday, that he just wanted to warn them again about paranoia, that he saw the article on television about the boycott of a Pakistani convenience store and gas station, that nobody knew exactly what the owner had said, but yet they were out there demonstrated against the individual, that they had also heard about harassment of individuals because of their headdress and garments they wore, that he would again ask for patience and understanding by the community in general, that he wanted to

commend the Mayor and knew that Council Member Robinson was also present when Congresswoman Sheila Jackson Lee called together a meeting with about 60 or 70 members of the Muslim and Middle Eastern Community to talk about the concerns they had and knew that the City would be working hard with that task force to make sure the people were treated with respect and have their freedoms recognized. Council Members Galloway, Todd and Castillo absent.

Council Member Quan stated that he had read in the newspaper that Houston Sports Authority member, Mr. Larry Catuzzi and his wife lost their daughter in one of the airplanes that went down and wanted to remember her and express their condolences to the Catuzzi family. Council Members Galloway, Todd and Castillo absent.

Mayor Brown stated that he had taken the opportunity to send those condolences on behalf of the City, that he wanted to stress that there were many people were African Americans who were Muslims as well, that it was a religion and no one should be singled out because of their religion so he wanted them, as a City, to stay together on the issue and not allow anyone to be singled out erroneously for something that they were not involved with at all, that they were American citizens or residents of the City and they deserved the protection and respect that everyone else received in the City. Council Members Galloway, Todd and Castillo absent.

Council Member Tatro stated that he had ties to the Kingwood annexation because his neighbor was actually the treasurer for two of the five Kingwood MUDS that were annexed and was responsible for the accounts, that there were a couple of straggling accounts that were left over and with diligence with the Controller's office and with Julian Reeves, the treasurer, they were able to close those accounts out and he had brought to the table gifts to the City, which were the funds from the aftermath of the Kingwood annexation and presented two checks, one for \$8.97 and another for \$3,458.19. Council Members Galloway, Todd and Castillo absent.

Council Member Vasquez stated that given all the changes going on and the volatility of the markets he was a little concerned about the future sales tax revenues as they head into the fall and the holidays, that he knew that when they passed the bond package in early June he had asked Dr. Scheps for a revision of the 5 year plan to look at a more reasonable and conservative and optimistic estimate and hoped that he could bring that to the table as quickly as possible and also give his thoughts and concerns about what would happen with sales tax in the next couple of months, that he would also like to hear from Dr. Barton Smith if he had another report that he was preparing for Council. Council Members Galloway, Todd and Castillo absent.

Council Member Keller stated that they had recently finished a neighborhood reconstruction of Briargrove subdivision, about a \$5 million total reconstruction of the water lines and the streets and sidewalks, that he was unbelievably surprised and would make the statement that Ramos Industries did as good or better a job that he had ever seen in the private sector, that the performance of the employees of Ramos Industries and the coordination that Tom Rolan and Showri Nandagiri put forth with the City was unbelievable, that the neighborhood had 952 homes and the project was 14 months long and he had only one complaint, and had hundreds of compliments, that they went beyond the call of duty, that he wanted to say that Mr. Rosbel Ramos did a phenomenal job and he would welcome him and fully endorse his company, that Mario Vallerio did a phenomenal job in working with the neighbors, and Roy Garza also, that Douthin Ogunday, Project Manager went beyond the call of duty to oversee, Julius Lovelady, Gordon Hail, Mark Dessens, PBSJ also did a great job. Council Members Galloway, Todd and Castillo absent.

Council Member Sanchez stated that last night he had the opportunity to meet with a group of people that because of either the color of their skin or the language they spoke or the attire that

they clothed themselves in public, had become increasingly more scrutinized by the general public and certainly the recipients of a number of threats and attacks, that it was a wonderful gathering where there were a group of Indians, Pakistani's, Saudi Arabians and even from Lebanon, that the group consisted of different religions who came from different corners of the world, different language, different ethnicities and different cultures and what the message they wanted folks to hear was that not everyone who wore a turban was a Muslim, so rather than lumping their diverse citizenship into one group and then making them the subjects of attack and suspicion he thought it was an excellent opportunity for everyone to pull out a map and look at the different corners of the world and the different languages and regions and become acquainted with the fast number of cultures that they had in the City of Houston. Council Members Galloway, Todd, Vasquez, Castillo and Robinson absent.

Mayor Brown stated that he thought everyone must take that message and do their best to spread the word and help everyone in the City at this time. Council Members Galloway, Todd, Vasquez, Castillo and Robinson absent.

Council Member Parker stated that she had seen a piece on Channel 13 two weeks ago that disturbed her a greatly, that it was about the police crime lab and how they handled DNA evidence in sex crime cases, that they gather evidence in as many rape cases as possible and then those test kits go to the crime lab and according to that report only 25% of those cases were actually tested for DNA and the results uploaded into the Federal Database, that the department said that it was actually 50% of those cases and that did not make her feel a whole lot better, that the law requires that DNA evidence be preserved forever and the Federal Database Law now required that felons be tested and their DNA digitized and kept in a master database, that she understood from doing a little research that this problem had been building for a long time, that even if they processed all of the incoming cases there was a backlog and to add to the problem there was limited freezer space at the crime lab to preserve the evidence and when the freezers got full the older evidence was boxed and warehoused, probably causing the degradation of the evidence, that they had a valuable tool that could help identify sex offenders, they were known to have very high recidivism rates and they did not use the tool and it all boiled down to money, that the crime lab was largely funded by grant money and Council had approved new DNA processors but they did not have the testing materials nor the personnel to do the job and keep up with the issue, that it cost between \$250 and \$450 each to process the sets of DNA evidence, but she would ask how much was it really worth to put a sex offender behind bars and what did it mean to a rape victim when she was submitted to an evasive body search for evidence only to have it tossed on a warehouse shelf because they did not spend the money to process it, that she was upset when she learned about it and investigated it and had talked to Lieutenant Silva in the Chief's office and had talked to the administration, that she was not as concerned and was actually encouraged but they did have some problems in this, that she knew the department was aggressively seeking to identify grant money to help process the new cases and hopefully weed down the backlog, that she knew the Mayor was interested in the issue, but she would like to be updated on how it was going and would like to encourage if they could not find appropriate grant money to take care of the problem she would like to sit down with the administration and look at solutions at how they could deal with it, Mayor Brown stated that Chief Storemski was present and had heard what she had to say and he would ask him to take it back to the police chief and make sure they addressed it rapidly and as expeditiously as possible, and Council Member Boney asked that she keep him apprised of it as well. Council Members Galloway, Todd, Vasquez, Castillo, Quan and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:37 a.m. upon MOTION by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Castillo absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary