

City Council Chamber, City Hall, Tuesday, October 30, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 30, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, City Attorney's Office; Ms. Debra Dillard, Citizens Assistance Office, Ms. Sonja Otero, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:06 p.m. Mayor Brown stated they would start with Council presentations and invited Mr. Tollett to the podium to make a presentation. Council Members Boney, Ellis and Sanchez absent.

Mr. Tollett stated that he wanted the Mayor to hand the proclamation to I.S.A and invited Mr. Bob Bia to the podium and stated that I.S.A., known as the Instrumentation Systems and Automation Society, had been an outstanding business partner for the City of Houston for many years, that as a global hub in numerous high tech industries Houston had been a good destination for the Instrument Society of America's annual meeting, that never had the strength of this pairing been more apparent than during the recent I.S.A. conference held at the George Brown Convention Center, that when the terrorist strikes against the U. S. cast a pall over it's annual meeting I. S. A. countered by taking a step to help others in the face of adversity and in less than 24 hours I.S.A. and the Gulf Coast Regional Blood Center organized one of the region's most successful blood drives in history, that I.S.A. graciously donated a large portion of its leased premises at the George R. Brown Convention Center to conduct the two day blood drives, and Mayor Brown stated that he hereby proclaimed October 31, 2001, as I.S.A. Day in Houston, Texas. Council Members Boney, Castillo and Sanchez absent.

A representative of I.S.A. stated that it was a pleasure to be present on behalf of I.S.A. today, that I.S.A. had a long relationship with the City of Houston and they hoped to continue that for many years and were very pleased and proud that they could play a small role in helping the victims of the terrorist attacks, and thanked them for declaring this I.S.A. Day. Council Members Boney, Castillo and Sanchez absent.

Mayor Brown stated that he wanted to make a presentation and invited the Counsel General of India, the Chairman of the Indian Disaster Relief Committee and a representative of the American Red Cross to join him at the podium, and stated that he thought they all could appreciate the fact that September 11th was a very difficult time and really changed the world and these were indeed uncertain times in times of trouble, but there was also an America before September 11th and one after September 11th and their role now was to make sure they stay united, and to maintain unity in times of crisis was of great importance, that it helped them to cope with their losses and also speed up the return to normalcy, that it was important that they all go about their normal business every day, maintain constant awareness of things that occurred around them and quickly report any suspicious activity to the police department, that they lived in one of the most diverse cities in the world and as Americans, either by birth or by choice, they were united as one nation, culturally, ethnically and economically, that Houston was indeed a leader in diversity, that he had working with the entire community to ensure that Houston was well prepared for the anything that might happen, their infrastructure was safe, the water was safe to drink, the airports and seaports had been drastically increased with security, and Houstonians could rest assured that they were taking all steps necessary for their safety and security, that one of the good things about their City was when they were faced with a tragedy, their first question was how could they help, that Houstonians had already helped by responding in many ways and now he wanted to ask them to all continue to be supportive in their

prayers and any other way, and asked the Counsel General of India to come up as he had a presentation today. Council Members Boney and Sanchez absent.

The Counsel General stated that when the September 11th tragedy occurred, they in India, as the world's largest democracy, felt at once a sense of humanity and friendship with Americans because they in India had suffered similar acts of terrorism for a long time where thousands of people had died, that they were together, were in harmony and the Hindu community looked forward to working with the City Council Members and the honorable Mayor in the future, that God bless them and God bless America. Council Members Ellis, Keller, Vasquez and Castillo absent.

The Chairman of the Indian Disaster Relief Committee stated that he was proud to look at their faces and see that they all looked different and ventured to guess at some point in their family history they came from a different country, that today they stood together with them as fellow Americans, as friends of America, and Houstonians of Indian origin, that they were known as the Hindu American Community of Houston and their love for this country and the principals she stood for were as dear and as precious to them as it was to any patriotic American, that one day, in the very near future, they hoped to see one of them sitting in one of those chairs along with them; that September 11th was a day of infamy by a group of fanatics, that they attacked their home, their people and their way of life, that they stood shocked and dismayed, but within hours they turned that shock and dismay into a message of hope, love and universal brotherhood, that they went on blood drives and fund raising's, that they stood together and these funds were for their countrymen, for the postal workers, the policemen, the firefighters, that these countrymen were just as if they had suffered whether they were in New York or in Houston, that today they were present to announce and hand over a symbolic check of a partial amount collected as of today by the Hindu American Community of Greater Houston and they would hand it over to the Mayor and one of the major recipients of the funds, the American Red Cross, that they may look different, but they shared the same dreams and principals of freedom. Council Member Vasquez absent.

Mr. Sam Kanapan stated that the Hindu American Community combined organizations had collected close to one-quarter million dollars which they were going to give a symbolic check today as appreciation to this country of opportunity and he asked the leaders of the Hindu American Organizations who were present to stand and be recognized. Council Member Vasquez absent.

Mayor Brown thanked them all for their contribution and stated that it would certainly go to a worthy cause and that they appreciated it. Council Member Vasquez absent.

At 2:21 Mayor Brown called to order the meeting of the City Council, and Council Member Parker led everyone in prayer and the pledge of allegiance. Council Member Vasquez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Vasquez absent.

Council Members Quan and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Vasquez absent.

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

Council Member Parker moved to suspend the rules to add Mr. Michael Malloy to the top of the speakers list, seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-1150 ADOPTED.

Mr. Michael Malloy appeared and stated that he was the President of Houston's original gourmet coffee business and was also a director of the Greater Houston Coffee Association, that while he had just a few minutes with them he thought he would share with them one of the most interesting, rare coffees that was currently being produced in the world right now, that it was Costa Rican Mayian from a little state in Costa Rica and had been aged and carefully processed, that it was a wonderful, unique coffee and he urged them to share it with him momentarily, a cup of the coffee had been placed at the Council table for each Council Member, that also with their mugs were some chocolate covered espresso beans, what did any of this have to do with the business of the City of Houston they might ask, that actually a lot, that on November 6th, Texas voters would be asked in a statewide referendum to remove the ad valorem taxes for inventory tax on green coffee and cocoa in Harris County, that it was State Proposition No. 3, not to be confused with the local Proposition No. 3, so why would they want to remove the tax on coffee and cocoa, that was a valid question, and here was the nutshell answer, that coffee today had become the second largest business in the world, that it represented billions of dollars in trade and the State of Texas got 6 percent of all of the coffee that was imported into the Country, why this small amount, because of the ad valorem or inventory tax on green coffee in Harris County, the world coffee industry was reluctant to do business in Houston and Harris County, that with the passage of Proposition No. 3 it would clear the way for the Port of Houston to become a coffee exchange port as designated by the New York Board of Trade, that there were only three right now, New York, Miami and New Orleans, that if the Port of Houston was designated a coffee exchange port they would be the only exchange port west of the Mississippi, so what would this mean, this status, what would it mean to the city of Houston and to the Port of Houston, well it would mean millions and millions of dollars and increased economic financial activity, for example, when the Port of Miami was designated the coffee exchange port, its business quadrupled, so they expected, with the passage of State Proposition No. 3, to have increased activity at the Port of Houston in transportation, jobs and so forth. Council Member Vasquez absent.

Council Member Tatro moved to suspend the rules to substitute Ms. Diedra Hinds in place of Congresswoman Shiela Jackson Lee and add State Representative Ken Yarborough and hear Mr. Mike Laster, Ms. Diane Sanders and Mr. David Eng out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-1151 ADOPTED.

Congresswoman Sheila Jackson Lee, 1919 Smith Ste. 1180, Houston, Texas 77002 (713-655-0050) had reserved time to speak, but was substituted by Ms. Diedra Hinds by Council Motion.

Ms. Diedra Hinds appeared and stated that Congresswoman Lee sincerely apologized for not being able to be present due to congressional business, however, this was a very important issue to the Congresswoman so she had in a letter or notes on her points regarding the Rosslyn Road issue, that the Congresswoman was currently stating that she supported an approval of the partial southern abandonment request now awaiting their review, that an approval of the partial southern abandonment request was essential to the preservation of these communities, that approval of the partial southern abandonment would provide a solution that would cause the least amount of disturbance as well as provide an alternative for the developer, that she was concerned that any bridge on Rosslyn Road would result in a negative impact on the neighborhoods of Acres Home, Oak Forest and Candlelight Community, that she knew that they all agreed that preserving these neighborhoods was vital, that the decisions made regarding any bridge on Rosslyn must first consider the harsh results and effects of such actions, that the areas of question were not just plots of land awaiting development, that they were the homes of many Houstonians and were the spaces in which young children and neighborhoods played, that

they must preserve the residential growth of Acres Home, Candlelight and Oak Forest communities, that these neighborhoods were depending on their support, that she would like to thank the Mayor, as well as the Members of City Council for their continued support on this issue and looked forward to reaching a productive and long awaited conclusion regarding the development of Rosslyn bridge, that the request for partial southern abandonment on the south side to the abutting land owners had her full support and she respectfully requested that the City Council grant this abandonment. Council Member Vasquez absent.

Mayor Brown asked the City Secretary to advise the audience about Council rules on demonstrations inside the City Council chambers. Council Member Vasquez absent.

Ms. Russell stated that under the rules of Council, as codified in the Code of Ordinances, outbursts of applause or yelling or anything of that nature was prohibited during the session of Council, except for the presentations that were scheduled prior to the start of the public session, that Council would appreciate their observation of those rules. Council Member Vasquez absent.

State Representative Ken Yarborough appeared and asked why was a State representative in the middle of this fray, well that one of the reasons was that he represented this district and these people's were his constituents, that he had talked to them over the last year about doing things the right way, going to their government officials and working through within the system to address their problems, that over the last year they had attended Council meetings, had attended Planning Commission meetings, had fund raisers, talked to the Mayor and to each one of the Council Members so they knew they had been actively involved within the community, that they were doing the same thing out in their communities of Oak Forest, Candlelight and in Acres Homes, that they were present today to ask that the Mayor and City Council vote on the southern abandonment of their subdivision, that what did it mean to them, that by the study that the developer had made on the north side there would be 900 more car trips through their subdivisions a day, that a young man, who was probably about 12 years old, said if they had that he could not ride his bicycle through that neighborhood because the traffic would be increased by that much, that today, for those of them that had not been there it was a very quiet park like setting, that they had talked to the citizens and the folks who lived along Rosslyn Road and what they intended to do was, if they were given southern abandonment, with their private funds and donated funds, put a little park in there so that people could enjoy the neighborhood and have a rest stop and a little gazebo and those kind of things and beautify that particular area and it would be an enhancement to the City of Houston, that their help was needed to produce the southern abandonment and that was it; that he knew they had a letter that had been circulated to them that said about lawsuits, that of course as an elected official, he had that problem of being sued a couple of times over certain pieces of legislation that he proposed, but he still thought those pieces of legislation were good pieces of legislation and he just did not do them broad enough the first time and the next time around they broadened them enough where they took the whole State in instead of just Harris County, so they were not immune to lawsuits, each of them as an elected official and he thought the City's position would be explained by Mr. Laster, but one of the things was that they were not stopping the developer from developing, that he could develop his property. Council Members Todd and Vasquez absent.

Mr. Mike Laster, 6671 Southwest Freeway, Ste. 303, Houston, Texas 77074 (713-981-9595) appeared and stated that he was legal counsel for the seven abutting property owners on Rosslyn Road that had applied for the southern abandonment of Rosslyn Road to protect their neighborhood and he was also speaking partially for all the individuals who were present today, that they came to Council to address some of the issues that had been raised by a Legal Department memorandum of October 19, 2001 that basically stated to Council that the developer had a claim for inverse condemnation on this matter and also that the southern

abandonment might be subject to variance requirements before the Planning Commission or the City Council, that he understood that Council Member Tatro had handed out to them their response and he hoped they had a moment to take time to read that, that he thought they had answered it point for point so he would not go through the legal details on that, that basically the developer did not have a credible claim for inverse condemnation, that they thought the case law and the facts on this matter demonstrated otherwise, that he would have no taking of his individual property, that there would be no damage to his property, that there would be no substantial or material impairment of access to his property, that whether he developed the property as an addition or the current subdivision that he was proposing, he still had up to three other points of access into the property, that the second part that subjected this neighborhood to a variance process was just basically without legal precedent, that there was no legal precedent within the City to require an abandonment to go through a variance process, not in the Code or the Charter, that it was clear that the developer wanted to use inverse condemnation and receive a bridge permit to coerce and bully the neighborhood into accepting northern abandonment, that if the bridge were built and if the southern abandonment did not occur there would be a damage, there would be a damage to the seven abutting property owners to the south who had lived in a virtual cul-de-sac for 40 years, operating on the 1992 directive of the City to close and not extend Rosslyn Road, that it was a de facto abandonment and they had enjoyed that since, that there would be other damages as well, that Chapter 42, Section 1983 of the United States Code, they believed substantive due process claims could be made, that they hoped they could avoid those, that for nearly a year Mayor Brown had publicly stated his opposition to this bridge and they thanked him for that, that he had asked them to continue to process this matter and they had done that, that the neighborhood had done its fair share and the City Council had done its fair share, that a majority of the Council Members had asked the Mayor to move this issue forward and they had come forward once again to ask the Mayor to do that and do his fair share and instruct his administration, the Legal Department, the Planning Department, the Public Works Department, to move forward on southern abandonment, that they had legal precedent and public support and Council support and asked that they move forward on that. Council Members Todd and Vasquez absent.

Council Member Galloway stated that she just wanted to add to what he had said, that they had heard him and she had been listening to that community for quite some time and Mrs. Ruby Mosley called her before she came to session and stated her opposition as well and she had planned on being present with them in support of the issue and she knew that the Mayor was definitely looking into this matter and they would follow his lead, and Mr. Laster stated they looked forward to working with her for the southern abandonment. Council Members Todd and Vasquez absent.

Council Member Bell stated that he had attended a town hall meeting at which Mr. Laster was present and the subject of litigation came up and in that context it was a worry that if the bridge was denied there would be litigation against the City by the developer and that it might be difficult to defend, but what he was saying here today was that if the bridge were allowed to go forward there would be litigation as well, and Mr. Laster stated they believed there was a credible claim for the seven abutting property owners to move forward on that, that the avoidance of litigation was not a good excuse because there was going to be litigation probably by one side or the other, that the unique aspect was that the developer did not own the property on which he wished to build a bridge over, that he had no public right of way on that property, that was all in another subdivision, that it would be unique in this situation to be allowing for development to occur on property on which they could not even hold the developer's feet to the fire if he did it wrong, so he thought it would put the City Council in a unique disadvantage. Council Members Todd and Vasquez absent.

Council Member Bell asked if an environmental impact statement was ever prepared on

the impact of the bridge if it were to be built, and Mr. Laster stated that he did not know if that had been done yet. Council Members Todd and Vasquez absent.

Ms. Diane Sanders, Post Office Box 920801, Houston, Texas 77292 (713-686-1414) appeared and stated that she had some papers for Council regarding the launching of the new web site, acresoak.com, a joint coalition between the neighborhoods of Acres Home and Oak Forest to protest the Rosslyn bridge, remote development in Acres Homes, bind up the wounds which were created and promote racial unity in their neighborhood, and she displayed a Bible and stated that the Holy Bible belonged to her ancestors, that the date on the inside was 1915, that they were from Louisiana and had owned an all White cafeteria, that she was present bearing the obviously unused copy of the Holy Bible, that had it been used in that day they may not face some of the problems that they did and Ms. Sanders read a passage from the Bible until her time expired. Council Members Galloway, Todd, Vasquez and Castillo absent.

Mr. David Eng, 4423 Rosslyn Road, Houston, Texas 77018 (713-802-5729) appeared and stated that he hoped Council Member Tatro had passed out a simple drawing with a photograph attached to it to each Council Member, that from the developer's engineering drawings that were supplied to them by Council Member Tatro's office the community's strongest concerns and objections to the bridge had been invalidated, that the proposed bridge had been recognized not as a small passenger vehicle traffic type bridge, but as one designed for heavier truck and bus traffic with a simple capacity to be expanded to four lanes in the future, that if they looked at the type of bridge the developer, once again, at the very beginning said he was just going to create a very small bridge like on Bellgrade and this bridge, from an engineering standpoint, was designed solely for the purpose of carrying heavier type traffic as well as future expandability and that was exactly what they did not want for their neighborhoods and was exactly what they were trying to prevent, that basically he just asked that the City Council not allow the City bureaucracy to make decisions for communities, but for them, as their collective leaders, to do so, that Council Member Tatro had very strongly supported them, to the point of saying he would never support any northern abandonment of Rosslyn or Del Norte in community meetings in front of Council Member Bell, Mr. Lewis and Mr. Litke, that northern abandonment and the bridge was not the answer to this community, southern abandonment was, that they needed their support. Council Members Castillo and Robinson absent.

Council Member Tatro stated that Mr. Eng had pointed out, and he thought it was an important issue that if the bridge was being submitted as box culverts as opposed to a complete clearing under the bridge, he thought should be a significant concern for the bridge design and the flooding possibility, obviously debris being caught up, so he would ask the Mayor to make sure Public Works was very attentive to the bridge design, that he did not know that box culverts as opposed to a bridge actually expanding the ditch, would be proper, that he thought it would add to the flooding significantly because of the debris issue, but he did want to clear up one thing, and that was that he had on his drawing the expansion of Beltway 8 and 249 and it had been since February of this year that the Public Works Department had agreed to give up Rosslyn and that was the first time that had happened, that they had been debating with the administration on where, and Mr. Eng stated that he was just saying from the illustrations point, that once the bridge was put in, it breaches the most secure line of defense for their neighborhoods and once the bridge was put in it did provide the impetus, that it was not going to guarantee it, he was right, but it would provide an instrument and a mechanism for that to happen, that the photographs showed a bridge without a box culvert, one that caused all kinds of flooding difficulties, that it was easily recognized by anybody that if they put anything in the drainage ditch, it's not going to improve the drainage potential. Council Members Castillo and Robinson absent.

Mr. Ovide Duncantell, 2900 Woodridge, Ste. 311, Houston, Texas, 77087 (713-645-9598)

appeared and stated that he certainly wanted to commend them for the high degree of diversity they had in Council, that they were having the Texas largest and safest Halloween party for the children of Houston, that they were going to be out on the Auchan's parking lot and they were asking the Mayor and City Council to give them a high degree and high visibility of police protection out there at this event, that they were having what was called one of the largest events there, that they were having the Kiss Mobil come down and they were going to bring tons of candy for the kids, which was safe because it was coming directly from the factory, that they would also pre scan the cookies that the kids would get, that if the audience wanted to bring their children, it would be safe, that it was at Auchan's lot at 610 and Long Drive. Council Member Robinson absent.

Mayor brown stated that Assistant Chief Stewart from the police department was present to meet with him and get all the details and make sure they took care of the children. Council Member Robinson absent.

Ms. Sonina McMorris, 10919 Fondren Rd., No. 2503, Houston, Texas 77096 (713-777-7162) appeared and voiced her personal problems and political opinions until her time expired, and Mayor Brown requested that Ms. McMorris meet with the Ms. Debra Dillard, Citizens Assistance. Council Members Boney and Robinson absent.

Ms. Rita Ruth, 105 South 7Th, Highland, Texas 77562 (281-426-4372) appeared and stated that she read the extensive article by Judge Eckels and Council Member Robinson regarding Proposition 15 and it explained very nicely the methods of payment for alleviating the terrible traffic problems but with their own population explosion running rampant and no end in sight, with people coming in from Europe, Canada, Mexico, Central and South America and probably the Middle East now, expansion of new businesses required transportation, such as the proposed billion dollar terminal in San Jacinto, that they needed a lot of help, but there was one phrase that she did not like at all, and that was "to build the roads we need today", that she did know what it was going to take to get them out of the horse and buggy mentality, that they did not need more roads, that they desperately needed a comprehensive rail system coming in from all counties into Houston, did the roads help get rid of the vehicular pollution or the carnage of accidents on the roads, no of course not, that she wondered if it was merciful to use the word roads instead of freeways, which would make them lose their tax base, pouring of more concrete, causing more flooding, losing more of their trees, which were not only helpful and beautiful, but helped them to breathe in spite of the terrible pollution problem, which had not yet been solved and the criminals also trying to bring in toxic waste dumps right into communities such as Anahuac, that they had put them between a rock and a hard place, if they vote for proposition 15, they find the money to help them improve their terrible vehicular congestion, that she wanted to thank Mayor Lee Brown for having the foresight to have strong legs to jump in to start the rail system, that they did not need more roads, that they needed and wanted a good rail system, commuter overhead, subways, whatever, so vote for Proposition 1 and vote against the criminally insane Proposition 3. Council Members Sanchez and Robinson absent.

Ms. Krieger Daintha, 1405 Highpark No. 2, Houston, Texas 77006 (713-523-3089) appeared and asked the Mayor how many years he had been their mayor, and Mayor Brown stated almost four, and Ms. Daintha stated that the reason was that she was very concerned, it seemed that all the permits and construction started about the same time because all the downtown streets seemed to be broken up about the same time, that there was no planning on these permits, and it was not getting any better as they knew, that she went to the air show, that she loved the air show and went every year, that she wanted Allen Parkway, but it was blocked and she had to make detours around, and she happened to know Houston so she was able to get on I-45 South, but she could not do it normally, that coming back on I-45 North it was blocked to one lane with about five miles of traffic, that she got off and worked her way back home, that

on Sunday, she was on 59 South all of the exits to 610 were all blocked, that it was not getting any better, and all of this had been going on while Mayor Brown had been mayor, that she was very confused. Council Members Tatro, Sanchez and Robinson absent.

Mayor Brown asked Ms. Daintha if she was aware that 59, 45, 610 were State projects that the City did not control, and Ms. Daintha asked if they did not control Allen Parkway, and Mayor Brown stated that they handled Allen Parkway, but the freeways that she mentioned were not City projects, that Allen Parkway being blocked happened periodically, that the freeways she mentioned were not City projects, they were State projects, that the City grew about 400,000 people over the last decade and the work they saw going on downtown was going on because Metro was delayed about four years in doing the street construction, that at the same time their utility infrastructure was about 50 years old, so there was a lot more going on in addition to all of that, that they had three new office buildings, a Convention Center Hotel, the basketball and hockey arena, that there was coordination. Council Members Tatro, Sanchez and Robinson absent.

Mr. Alt Yazdchi, 2100 Tanglewilde, No. 662, 77063 (713-447-3237) appeared and stated that he was an American citizen and did a lot of volunteer help in his community, that he graduated from Texas A&M and was a civil engineer, that he was present today because of a parking violation that had taken place because of city employees who did not take care of their citizens, that he had an elderly father and he was trying to help him in April downtown, that he parked his car and paid the meter parking for one hour and when he came back he saw a sign on the vehicle which said his car had been booted, that he had the sign (which he displayed for Council) and on the sign it said, warning this vehicle has been immobilized by a Parking Management Division of the Houston Municipal Court for accumulation of four tickets, parking tickets, that he had never seen a single ticket, that the City extorted from him \$2,800 for parking tickets that he had never seen, that the car in question was in the custody of the court for six months, that he had owned the car for a little over a year, that he had witnesses in this audience, that the City collected \$2,800 from him and he had to pay to get the car released, that he tried to ask why was he paying money for a ticket that he had never seen, that nobody listened to him and he decided to sue the City, that the judge said he was going to dismiss the lawsuit, that he should go to the City first to try to work it out, so he was present today to tell them that a citizen like himself should not be treated like that, that they claimed he had 50 tickets, well on the sign it says for four tickets it should be immobilized or booted, why did they wait for 50 tickets, that he had never seen a ticket or received notification if they tried to collect money on somebody else's car on his vehicle. Council Member Sanchez absent.

Mayor Brown asked Mr. Yazdchi if he had gone to court on this issue, and Mr. Yazdchi stated yes, that the judge said that the city was very hard to sue, that he had dismissed it, that the judge said if he could not work it out with the City, like the Mayor or Council Members, to come back to him, and Mayor Brown said that he was referring to when he got the car towed, did he go appeal it to the municipal courts, and Mr. Yazdchi stated yes, he went there but they said he had to pay the money, that he did appear before a judge, but he said to pay the money if he wanted the car that day and then later on ask for the money back, that there was no trial, nothing, just five minutes, three minutes. Council Member Sanchez absent.

Mayor Brown asked Mr. Bibler what was his option legally, and Mr. Bibler stated that Mr. Yazdchi had filed a suit against the City and it was his understanding that Judge Yeoman had dismissed the suit, that it was his understanding that Mr. Yazdchi had approximately 30 days to appeal that further to the County court if he wanted to, that obviously the City would dispute all of the facts that Mr. Yazdchi had stated today, but he thought that was something that was best resolved at the courthouse. Council Member Sanchez absent.

Mayor Brown stated that what the attorney was telling him was that his recourse would be to go to the County courts and that was where he had to take it right now, that this Council could not overrule the courts, that the courts were there for that purpose, that there was a separation between what Council does and what the courts do, so he had to take it to County court. Council Members Castillo and Sanchez absent.

Council Member Boney stated that Mr. Bibler was probably more aware of the facts in this case than they were, but he would hope that the administrative judges would find some balance there, that without getting into the facts, he would trust that their folks would try to find the balance, and Mr. Bibler stated that he was not aware that Mr. Yazdchi ever went to Municipal Court about any of his tickets, of course if all 50 of them fell off his window and he didn't see them he guessed he could not have, but if he had, he could have gone over there and talked to the judge about it, instead he went to the J. P. court and sued the City, and Council Member Boney asked if they could reduce the 50 tickets or reduce the amount down, did the administrative judge have the authority to reduce the amount, and Mr. Bibler stated they had the authority to set an amount within the parameters authorized by law, and Council Member Boney stated he thought Mr. Yazdchi had got caught in the wrong process and probably just did not understand the process of who to go and ask for help, that they legally did not have the authority to intervene that it had to be done by the courts, that any resolution that he had was going to be at the courthouse with some attorney representing him. Council Members Castillo and Sanchez absent.

Council Member Parker asked Mr. Bibler what this gentleman perhaps should have done, if he truly never received any tickets, would have been to go to the hearing examiner and express that the car was not in his possession and provide some proof and then ask to go before a judge or was the process to pay the tickets so he could get his car back and then go before a judge to try to get the money back, that she just wanted to understand what the process was, and Mr. Bibler stated that at the time they get their car released, they had a choice, they either pay the tickets or post a bond on the tickets and get a hearing on the tickets, that he would clarify however that their records show that Mr. Yazdchi received no tickets during the time that his vehicle was in police custody, and Council Member Parker stated that for other folks who might be in this situation, their car gets booted, they go in and pay off all the tickets or they post a bond and say they are going to dispute the tickets, if they did not receive them they can go to the court and present their proof, and Mr. Bibler stated yes, and if they stay current on where they live on their vehicle registration they will receive multiple notices before their car comes close to getting booted. Council Members Ellis, Keller, Castillo and Sanchez absent.

Mayor Brown stated that Mr. DeYoung, would talk to him and kind of work his way through the process so he would have some satisfaction as to what he should do and if there was anything that he could do. Council Members Ellis, Keller, Castillo and Sanchez absent.

Ms. Adela Parlette, 1924 W. Clay, 77019 appeared and stated that she became involved in the Washington Terrace Community a few months back when she purchased two houses and refurbished them and was currently renting them to very good people, that she was very concerned for their safety based on events that she had witnessed in the neighborhood, that the houses were off of Delano near Alabama, that she would give them two incidents that had taken place in the past week, that she had been reporting to the police that she was having trespassing problems, that she cut back shrubs and had installed outdoor lights, reinforced doors, erected a new fence and reinforced locks, that she was doing what she could to ensure that her tenants were safe, but she felt very helpless when she was awakened at 2:38 a.m. last Wednesday by a frantic call from one of her tenants, that she reported that a gun fight had taken place right in her front yard, that one group fired shots from her yard down the street at another group who returned fire hitting her house at least seven times, ten to fifteen rounds were counted, that a call

was immediately placed to 911 and the police responded with only one unit that swiftly surveyed the area and took a statement from the witnessing tenant and no evidence was collected, that around 11:00 a.m. that morning she and her tenants extracted a bullet (which she displayed) from one of the air conditioning units and picked up six shells that were left on the ground, that Elena, who was three years old, was still very frightened from the sound of the bullet that penetrated the AC unit that was in her room, just another day in the neighborhood, that was what Elena's grandfather told her, that a police officer arrived that afternoon to gather additional information and collected the six bullet casings, that another incident occurred yesterday, that a police officer came by to talk to one of my tenants and collect more information and soon after he arrived shots were fired from the convenience store on Delano and Alabama, just a block away from the house, and the officer had to call for backup and proceeded to the scene, that Mrs. Bell was frightened for the safety of her great granddaughter, who was one of her tenants, who was a block away practicing with the marching band of Blackshear Elementary, that this was the same school that performed during the Multi Service Center Inauguration, that these were just two examples of unlawful and dangerous activities that were continuously taking place in the vicinity, that ongoing problems with drugs and violence in this community were well recognized by the law enforcement officials, but she felt that more must be done to curb these issues, that she felt that maybe opening up a police substation nearby for a quicker response, enforcing existing laws and note no trespassing affidavits, and also enforcing the after school curfew that children had, actively patrolling the area between midnight and 3:00 a.m. would help, implement undercover surveillance if necessary, install more lighting, that it definitely needed more lighting around there, board up uninhabitable or vacant buildings, that there were a lot of buildings around that area that were not currently livable, and put up Constable signs warning that the area was be patrolled, that she thought that would help. Council Members Keller, Castillo, Sanchez and Robinson absent.

Mayor Brown stated that Chief Stewart was present in the Council Chambers to meet with her and he would ask her to do what was necessary to take care of the problem. Council Members Keller, Castillo, Sanchez and Robinson absent.

Mr. Stephen Fauconier, 7600 Ccreekbend Dr. No. 249, Houston, Texas 77071 (832-971-3084) had reserved time to speak, but was not present when his name was called. Council Members Keller, Castillo, Sanchez and Robinson absent.

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

Ms. Bobbie Wolfe, 6478 FM 149, Houston, Texas 77356 (936-449-6473) appeared and stated that she was still suffering from an injury that she sustained with the City of Houston on June 3, 1998, that she was present to seek help and to seek their expertise on her behalf, that since the time of her injury she had rehabilitated herself back into the system, that she was a former truck driver for eight years and fell out of a truck four to five feet hitting the back of her head on some concrete, that at that time she was not told she was covered by Workman's Compensation with the City of Houston, so she had to go through her personal insurance, that this was a long story, however she just wanted to get back into the system, that since that time she had completed these certifications with Courtesy to the Public Skills, the Listening Plan, Inside Personal Customer Service Skills, a business plan and several other completions, that she went through Cape Center where she learned Word, Power Point and several other office facilities, that at this time she considered herself an administrative assistant, however, the problem was not really with the City of Houston and what they have helped her to do, that her complaint was with the insurance company that the City had for the injured workers, and that was why she was present, that she would like to represent herself on behalf of what they had not

done for her as a City employee, that her history with the City went way back, that she had a father who was right now in their Hall of Fame, that he succeeded through all the programs with excellent achievement and made the Hall of Fame, but that was again not the issue, that her issue again was as an injured worker and what did the City offer her and her future, that in her time of illness the Workman's Comp Insurance, Ward North America, had denied her any medical treatments, which she had to pay out of her pocket, any medicines, they had denied her transportation and just a list of things that they had put her under and even though she had fought to maintain, that she was present to continue to fight because she wanted to do what was right, that her soul was at stake and her peace of mind was at stake right now with the system that the City offered for injured workers, that she did need someone to help her understand what was actually going on, that they had told her to go to the Texas Workman's Compensation Commission, that she went through their system and had followed all the guidelines, all the policies and procedures, that just needed somebody to give me something solid and concrete that she could maintain. Council Members Ellis, Keller, Castillo, Sanchez and Robinson absent.

Mayor Brown asked if anyone from Public Works or Human Resources worked with her to help her out, and Ms. Wolfe stated yes, that Mr. Ceasar Karzi been awesome in helping her out, that he and his staff had done an excellent job in helping her, that City was not the problem, that when one finds people following them and taking snap pictures of them, doctors writing reports about her being on heroin and being a psychotic case and then she asked the insurance company to let her see that report and they sent her back reports that have been all blotted out, that not only did they discriminate her and her character, but they also discriminate that she had a son that was on heroin and drugs and stuff, that they went beyond the call of duty with biased reports to stop from paying me what was legally mine and she was not trying to discriminate the City, but she thought that Ward North America Insurance Company that represented the City was not good. Council Members Ellis, Keller, Castillo, Sanchez and Robinson absent.

Mayor Brown stated that Mr. Gary Norman, who was present in the Council Chambers, would get with her and work through the Human Resources and see what they could do to correct the problem. Council Members Ellis, Keller, Castillo, Sanchez and Robinson absent.

Ms. Risha Jones, 6107 Hummingbird, Houston, Texas 77096 (13-866-4104) appeared and stated that she had a packet of handouts for the Council, that as a City employee with the Health Department, that there were only going to be three speakers on the same issue, but there were maybe seven that were listed and Ms. Russell stated that she would go ahead and call their names and just note no response at that time, and Ms. Jones stated that she would like to acknowledge her peers today that were representing the Health Department and the nursing shortage, that the three of them would be speaking and they would start with Ms. Duncan. Council Members Galloway, Ellis, Keller, Castillo, Sanchez and Robinson absent.

Ms. Debra Duncan, 15818 Darton, Houston, Texas 77053 (713-732-5062) appeared and stated that they were chief nurses of the City of Houston Health Department, that she was a chief nurse at Sunnyside Health Center, Ms. Adele Gutierrez was at the Magnolia Health Center and Ms. Risha Jones was at West End Health Center, and they had seen the other nurses in the audience that were representing all the other health centers, that they were concerned about the shortage of nurses, that they knew that it was a national wide shortage, but they in the Health Department had been affected tremendously because they had been going through shortages for an extremely long time, that she had been with the Health Department almost 18 years now and throughout that time, they had been working, working, working without nurses, and it was starting to have a lot of bad effect on the morale within the City, that she wanted to tell them some of the things that they had compiled, that they had gone through different research facilities and found this information, and did not want to run her time down so she wanted to get specific, that there were 161 nursing positions in the Health Department, that 112 were registered nurses

and 49 were licensed vocational nurses, that the combined vacancy rate for both the registered nurses and the licensed vocational nurses was 32 percent, that there were currently 45 registered nurses vacancies, that they were concerned about Anthrax, the threat, also the Small Pox threat because they were already working in a bind, that they were wondering how they were going to be able to assist because they really felt like they would be called to the forefront to provide the services, so they were concerned about the rates of nurses not coming on because of different reasons, a lot of it being the salaries were so low compared to other places and also they had a large number of nurses that could retire in the next five to ten years in the Health Department, so they were concerned about what the outcome would be with that, and she gave the balance of her time to Ms. Gutierrez. Council Members Galloway, Keller, Castillo, Sanchez and Robinson absent.

Ms. Adele Gutierrez, 7330 Santiago, Houston, Texas 77023 (713-928-9833) appeared and stated that she was a public health nurse, that Ms. Duncan mentioned the fact that they had a 75 percent vacant registered nurses position and that meant 34 out of 45, and those positions were at the health center level, that meant those were the nurses that did the actual work, that the number of clients that they were seeing had steadily declined due to the inadequate staffing of the clinics, that as they could see from the reports for the year 2000 and 2001, which Ms. Jones presented to them, the health department was currently one of the lead agencies in the bio terrorism threat, that currently they would not be able to adequately respond with the number of nurses that they had on staff to support their director, that flu season was here and they would have an increased number of citizens requesting influenza shots at the health centers due to the anthrax scare, that with the limited number of nursing staff, they would be able to service only a very limited number of citizens, that at her clinic in the east end, Magnolia, their staff consisted of one RN supervisor, two staff RN's, and one licensed vocational nurse, that they had Maternity, Family Planning, Well Child, and Immunization Services, that their role in the health department was one of prevention, they would not be able to fill that role with this type of staffing, that while these statistics may not affect them directly, as leaders of the fourth largest City in the United States, they knew that Council wanted the City always to appear in a positive light, so they were asking for their assistance to make the City Health Department Center a place where qualified nurses would like to work, and these were their recommendations, overtime pay for extended hours and emergency preparedness response, partial benefits for part time nurses, a flexible schedule like a four day workweek option at the health center level, annual merit raises and salary review and last but not least, salaries that would allow the City Health Department to compete with other health care providers for qualified nurses. Council Members Galloway, Todd, Keller, Castillo, Sanchez and Robinson absent.

Ms. Jones continued and stated that like Ms. Gutierrez mentioned, there was a 75 percent vacancy rate at the health center level and those were the direct providers of the health care, and they were all at the forefront with what was going on in Houston as far as communicable diseases, STD's, vaccine preventable diseases and so forth, HIV, that their main concern was when they hire somebody, it takes about six to twelve weeks for them to get on, and when they have a nurse that comes to apply for a job with the City, either she is interested in public health or she's not really trying to be rich, but what they were asking was that there be a fast track system to get these hard to fill positions on, that since this fiscal year started they had only received seven applications and they had seven health centers, so they all get the same seven applications and they fight for the one applicant, that more than likely, this was not the only place that they had applied and by the time they call somebody they say, oh, when did they apply with the City, they do not even remember applying because the HR process was so long, that they were requesting that all hiring stipulations due to budget constraints right now with the new fiscal year, that any vacancy that was posted they were having to justify why they needed it posted, that they were having to justify why they needed to hire somebody with a 75 percent vacancy rate, that she thought that was just bureaucracy, that the other concerns were, if they had seen

her attachment, there was a memo from their deputy director to Lonnie Vara regarding a salary upgrade of 7%, and they did note that their director had been very active in this matter and right now this was signed on September 28th, and they were basically asking what could City Council do to help expedite the recommendations. Council Members Galloway, Todd, Keller, Castillo and Sanchez absent.

Mayor Brown stated that first of all he wanted to thank them for being present, that at least he was aware of some of the difficulties they were having with their nurses, the shortage of nurses, that they were prepared to make that 7 percent increase and then came September 11th and everything changed from that point on, that he had asked the Finance and Administration Director to keep looking to see what they could do to help correct whatever everyone knew to be an inequity in the salaries there, that they had given some good recommendations and he was going to ask their Human Resources Director to expedite the hiring, that they had certainly adequately articulated the importance that they played in the health of the City, that they were going through difficult times now because of the terrorist attacks and it impacted their budget, that their main sources of revenue would probably be property tax and sales tax and their sales tax went down significantly and that was why they had the position controls, to make sure that everyone justified a position, but it should not hold up however those positions that were very critical and he would make sure that they would expedite getting that done, that he would just appeal to them that they recognize the importance of their work and ask that they recognize that they were going to do something and then things happened in this Country that made them change everything that they were doing, but they would continue to work on it and once they got a handle on the revenue they would certainly do what can be done to take care of the inequities in the salaries that they received, and he asked them to stay with them for a while, that they did not want their nurses to leave, and those things were beauracatic and prevented them from hiring he would make sure to take care of that, but the increase of 7 percent was in the works and they were going to do that because they recognized the problem and they were still working on it but right now there was just so much uncertainty in terms of the that comes in, that they appreciate what they do and asked that they continue to provide that great leadership that they do and let the City work with them and help them take care of the problems that we do recognize. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Upon questions from Council Members, Ms. Jones stated that they were turning away more people than they were testing because they did not have the staff to test them, that they did not dare recruit anybody until they got some more money, that when they go to those little job fares, they laugh at the City of Houston, that the average salary for a staff nurse is what they made as chief nurses, which was like \$23.55 per hour, that was a staff nurse, so their program administrator had gone to job fares and people just walked right by their table, that the other agencies were offering like \$5,000 and \$10,000 dollar sign on bonuses, that they were in public health because they wanted to nurse communities, that they did not come here to get rich, so people had to buy into that, but the salaries did have to be competitive, that they were not saying that they pay every nurse that signs on \$5,000 dollars, that was not what they were doing, they were just asking that the salaries be comparable to raise their families, that applicants that she hired, got all the way to the salary administration and want to work for the city, but when they get there they decline the salary. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Council Member Robinson stated that he had skimmed through her document and would assume there had to be some level of coordination because even if they were at full staff, if there was some kind of emergency, their Health Department would not in and of itself be the only responders and he wondering what kind of coordination was going on, and Mayor Brown: stated that Dr. Kendricks would visit with him on that. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Upon further questions by Council, Ms. Jones stated that they were all on call 24/7 and there was no on call pay with some of the nursing staff, that they were just on call carrying a beeper, but she guessed like the Mayor said, Dr. Kendricks or one of them could go into detail about that, that they knew that the salary increase was only \$200,000 for 7 percent increase, and that was for all 100 some nurses, that was all it was going to cost the City and they collected that in the health centers from the baseline fees that they charged patients for shots or birth control pills. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Council Member Parker stated to the administration that she knew during the budget process, when they dealt with the Health Department budget, they talked about allowing the Director the flexibility to eliminate some of those vacant nursing positions so that money could be reprogrammed to higher salaries for the remaining positions, that she was not talking necessarily about the 7 percent, that if that were true, she would think that they would be able to go ahead and do it now that it wouldn't be held up, and stated that she would like the answer to that. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that he would find that answer for her and again thanked the nurses for coming, that it was not a matter of attitude at this point, that they knew that they had to be competitive with other people who were seeking the same expertise, that it was really a matter of some unexpected emergencies that happened in this country that cut back on their revenue. but they would take all the recommendations that they had given and see what they could do with them. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Abigail Diaz, 3211 Firnat, Houston, Texas 77093 (713-547-8064) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Algia Hickenbotham, 15143 Peach Meadow Ln., Channelview, Texas 77530 had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Hazel Thorpe, 15203 Chase Hill Dr., Missouri City, Texas 77489 (713-671-3004) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Deborah Elaine Allen, would not give address nor phone number, appeared and voiced her personal opinions until her time expired. Council Members Galloway, Goldberg, Todd, Keller, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Wayne Whatley, 7320 Brownwood, Houston, Texas 77020 (713-671-9999) appeared and asked who was in District H and was he here today, and wanted to know why he could not get help from him when he called his office, why he did not get help from the gentleman that was before him and the gentleman before him, that all he got was his mouthpiece, that he was still waiting for the question of why they gave him a parking ticket in his front yard, that it had been over three weeks ago, that he had only one thing to say, the man was prejudiced, that he had been in that neighborhood for 52 years, that they could not run him out now, that the man could come talk to him, that he did not want to talk to him on the phone, and he asked Council Member Vasquez why he had not called him back over three weeks about a parking ticket that they sent the people, the City did, into his neighborhood to write parking tickets for businesses only, and

why of the two predecessors before him, why nobody wanted to talk to him, that all he got was his mouthpiece, was he scared of him, or was the reason his color was not the same, because after three Council Members being Spanish, he kind of worried there a little bit, that he could not afford to be up here all the time, that they tell him he could drop dead any time, that he did not need this aggravation, that he needed to know why right now, why he would not talk to him. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Parker and Sanchez absent.

Council Member Vasquez stated that they had received complaints from people in the neighborhood and they responded to them, that they were not aware of the specific situations that always go on in each and every neighborhood but they did respond to complaints and if they received complaints in his neighborhood about cars parked illegally, about any number of issues they would respond and ask the proper authorities to go out and be responsive, so they had done that irrespective of color or anything, that they try to be responsive to their constituents in that regard, that he could understand his frustration and understand the history of his frustration, but it had nothing to do with race or ethnicity, and Mr. Whatley stated that he had been fighting a beer joint in his district for over four years because they liked to play their juke box real loud, and Council Member Vasquez stated that on a routine basis they do submit letters to the Texas Department of Alcoholic Beverage Control to try to close down as many of those operations as they could, however, they were constrained by laws as well and by the legislature, that they did operate within the law and did try to do everything they could, that the new noise ordinance had just gotten passed and did not actually go into affect until mid November, that hopefully when the new noise ordinance went into effect they could do something about it, that his chief of staff would be happy to visit with him and take any additional information or complaints that he had. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mr. Saul Washington, 1078 Paulwood, Houston, Texas 77071 (713-271-5944) appeared and stated that he had been in contact with the Mayor's office over the past weeks, that he had a great concern for the homeowners in Houston in his efforts to try to obtain a resolution to the sewer problems related to the City pipeline, that his sewer was currently backing up in his yard and in his neighbor's yard, that in his attempt to get this fixed by hiring a commercial plumber he was told that the problem ran from his sewage line that capped into the City's sewage line and they said the City had stopped fixing this problem, that he called the City and they would not fix it, that he contacted the City sewage office and was told that as of this year, approximately seven months ago, the City had stopped this from being done, that if this was correct he was very disturbed and concerned for two reasons, that he was present because he knew a lot of times when they go through their budget that a lot of times people bring things to them and a lot of times something was done that they did not give a face to it, well he was present and was not a politician, that he was present to put a face on this problem, that he was a citizen, who all of them as public officials said when they came out to their churches, that they would support them, that this was not about race, gender or political party, that this was about doing for all citizens, that he was a citizen who worked hard, served his country, married his high school sweetheart, who went to heaven, May of 2000 after 33 years of marriage, and he was trying to raise their kids in their dream home and he was present today because he told his kids that he had called the office and he said he needed to go talk to those people face to face, that he believed that if they understood the problem, then something could be done, that he was aware of some of the things that were on the ballot that were just for certain groups of people, that he was not in a political field, but he did not think that things that had been practiced before should be cut out that benefit all citizens, that all he was asking was that the service be reinstated to fix this problem, please note that should the City not fix the sewage problem, because the guy had told him it would cost him \$6,000 dollars, and he did not believe that when Council decided to cut that out that they thought it would be that expensive to their citizens, that he really did not believe that was brought up to them and if this was not taken care of he was sure, that not only he, but additional homeowners, did not and would not have the \$6,000 or whatever large amount it would

cost to fix this problem. Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mayor Brown asked Mr. Washington if he knew who had spoken with, and Mr. Washington stated yes, that he talked to the City Sewage Department, that he had the person's name, and Mayor Brown asked that he meet with Mr. DeYoung who would work with him and see what they could do to take care of the problems, that he should give him the names of the people he had have spoken to. Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

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

Ms. Alexandra Woodfork, 2618 Elgin Street, Houston, Texas 77004 (713-942-1932) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mr. Robert Reed, 8109 Comal Street, Houston, Texas 77051 (713-734-0167) appeared and stated that he was from the Sunnyside area, that he was present about a building that sat on the property line next to his home, that over the years he had complained about the dangerous building on the side of his house, that first of all he wanted to pass some pictures around, that he had contacted the Neighborhood Protection Division numerous times over a three-year period, and had even called Council Member Boney's office so many times they knew his voice, but he did not hold him responsible because he was very, very courteous, that Neighborhood Protection had sent someone out and they condemned the building and made them do a major cleanup, that Sims Construction Company did not own the property, that he called it squatting on the property, that they had a little small construction company that they worked in and out of when they were not doing anything else, that they had regular jobs and worked for the City, that mostly all of them worked for the fire department, that they seemed to think they did not have to clean the place up, that they seemed to think they were above the law, that the building was rotten to the core, that it was infested with rats, roaches and termites, and it also had a health hazard and a fire hazard, that one of the field representatives for Neighborhood Protection also said the building should be torn down, that it was not repairable, that it should be torn down and he was present today to ask why the building had not been torn down because this had been over a three-year period and they refused to bring it up to code. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mayor Brown stated that after the Council Member questions he was going to ask Mr. Simpson, from Neighborhood Protection, to meet with him and work with him to take care of the problem and would ask him to report back when it had been resolved, that Mr. Gregory Freeman was the one who would not allow it to be torn down. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Council Member Boney asked if they had a federal court case that kept them from demolishing a lot of their buildings, that worked its way through the federal courts, and he thought they finally had gotten a favorable resolution a couple of months ago, and Mr. Bibler stated yes that it was last summer, and Council Member Boney stated that it made them have a big back log because they could not go on people's properties and demolish and remove old cars, and asked Mr. Bibler if he knew whether or not we let a new contract out to try to catch up on that back log, and Mr. Bibler stated that he did not believe there was any shortage of money or resources, but what he was hearing from Mr. Reed was that Mr. Freeman had ruled that this building was not dangerous, if he heard that correctly, that Mr. Freeman was the Administrative

Law judge and if he would not rule that it was dangerous or in the alternative, the Building Standards Commission, then the City could not have it torn down, so he thought it would be appropriate for Mr. Norman to visit with Mr. Freeman to see what was going on, that Mr. Freeman was a judge that worked for the City and he had never seen him have any reservations if a building needed to be torn down that was why he was surprised by the testimony they just heard, and Council Member Boney stated that they would look a little further into it, but he did want to note that some of the delay, probably two years of delay was caused by a court case that came out of Dallas, Texas, and Mayor Brown stated that Mr. Simpson would meet with him now and get to the bottom of it. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mr. Vu Nguyen, 2618 Elgin Street, Houston, Texas 77004 (713-942-1932) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Ms. Zarana Trivedi, 2618 Elgin Street, Houston, Texas 77004 (713-942-1932) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mr. William Perkins, 2017 Morse, Houston, Texas 77019 (713-630-0784) appeared and stated that earlier he had spoken to the City Council about his effort to analyze traffic citation breakdown in the City of Houston, that the most efficient and accurate way to do this, he argued, was to use existing information provided by the courts and the Department of Public Safety, that at that time he was unable to acquire the necessary data from his studies due to the Texas statutes regarding class data and the DPS, that luckily he was able to convince, after time, Council Member Chris Bell, that this was an accurate way, a cost efficient way to do this study and he commissioned the study so that he could provide the work and the results, that the reason why he needed the DPS data instead of using population estimates that the police department and the City of Houston were currently using, was that certain races may have disproportionate representation in the driving pool, that the data was much more accurate and could be broken down by zip code and also it was readily available and constantly updated, that census data was every ten years, that the rest of the information was provided by the courts, that back in 1997, according to the data provided by the DPS and the Houston Municipal Courts, Blacks were 70 percent up to twice as likely to receive a traffic citation in Houston, this variation depended on what areas of the population zip codes they would consider for the driving pool of Houston, that using just the Houston zip codes alone would not be the most accurate picture since many people commuted into Houston to work, that although they had not completed the current studies, anecdotal evidence, right now, showed Blacks were receiving citations 10 percentage points higher than their population percentage, that this was very troubling since Blacks had a lower percentage of driver's licenses than the population would suggest, that once they received the court data, and provided the analysis, this would be the most accurate data and study provided for studying the issue of racial profiling in the City of Houston, that this study would require no additive work or sampling methods that were prone to error and would be of no cost to taxpayers, that eventually they would have a spreadsheet available that could provide details and cross checkable results and studies that would answer more questions than it asked, that his suggestion today was that the City Council realize that this method of analysis was the most cost effective, accurate way to investigate the issue of racial profiling today and that it adopt this method for its own studies, that he also wanted to warn that although some progress may have been made since 1997, there still seemed to be some aggressive racial profiling in the City of Houston, that he would answer this definitively when the studies were complete, that once again he would like to thank Council Member Bell and other Council Members who helped him perform this study and invited them to ask any questions. Mayor Brown, Council Members Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mayor Pro Tem Boney presiding.

Council Member Bell stated that he just wanted to make it clear, that Mr. Perkins used the word commissioned and that would lead some to believe that he paid for the study and he did not and wanted to make his role clear, that Mr. Perkins had asked or made it expressed that the only way he could do the study was if he had access to certain data and he had been kept from getting that data and the only way to get it was through a Council Member and he knew he had talked to a couple of them who thought that it was probably a good idea and worthwhile to see what it would show and he did facilitate getting the data, and Mr. Perkins stated that was true, that Council Member Bell facilitated getting the data, but he performed the study on his own funds, no City funds were used. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo and Sanchez absent. Mayor Pro Tem Boney presiding.

Upon further questions by Council Members, Mr. Perkins stated that the hardest part was over, getting the DPS data, the next part was just to get the records from the court, which was fairly easy under the open records act, to get the citation data, sort it and analyze it, that once the courts provided the data, everything would be completed in the study, that he was trying to compare the number of people of various ethnic backgrounds who received traffic citations compared to the overall number of drivers in those areas, that right now most studies were using the population as the base and that was not representative of the driving pool, that he planned to work with a statistician and also had a sociologist and a mathematician working with him to make sure they made accurate statistical studies and also a sociologist to make sure they look at patterns of traffic flows and what neighborhoods should be included, and to answer any other social issues that may cause these studies to come out of whack; that with this data the ethnicity was twice made by the officer, that it was on the ticket but it was also on the driver's license, that it did not show up on the driver's license, but the data was from the DPS; that this was just his civic duty for the study, that it was an excellent point saying what was the demographic breakdown of commuters and how many passenger miles were they traveling, and that was something that they could do using the DPS and court data, that it was a more in depth and extensive study, but it could be done, that he was not trying to predict but basically was trying to take the data and analyze it and trying to show whether there were abnormalities in the traffic citation data, that he could not predict whether or not people would get tickets, but if it was consistent they could make certain statements about people's odds of getting a traffic ticket based on race. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Ms. Leslie Perez, 3811 Link Valley Dr., No. 59C, Houston, Texas (713-434-9225) appeared and voiced her personal and political opinions until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Christian Russ, 8000 Cook Road, No. 218, Houston, Texas 77072 (281-685-8952) appeared and stated that he was with Expedition Cab and was present to talk about the taxicab permits, how they were issued and how unfair it was to new entrants, that in 1998, 245 permits were issued, none were given to the 40 qualified new entrants, that all 245 taxicab permits were given to the permit holders, that they the new entrants appealed to the Mayor and the City Council and they acknowledged that the recommendation by the Finance and Administration was unfair, that they took back 40 permits from the Liberty Cab Company and reissued them, again those permits were given to the permit holders, that the 40 new entrants were denied any of the 245 permits issued in 1998 on the basis that they were new entrants, that this year most of the 40 new entrants of 1998 applied and were listed as qualified applicants, again, they were denied any permits, that all of the 33 taxicab permits issued this year were given to the same

permit holders of 1998, that they, the new entrants, asked the Mayor and the City Council not to accept the Finance and Administration's recommendation on the issuance of this year's taxicab permits until they review the process and reconsider that a fair chance be given to the new entrants. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney stated that he thought some of Mr. Russ's facts were a bit inaccurate and Ms. Paez could explain to him what this year's process was, that he thought probably Liberty and Yellow Cab were in agreement to give back some of those permits, particularly Yellow Cab, because they were not using all of their permits, that the problem this year was that there were not that many permits by our form of analysis to give out, that they had something like 133 applicants and only 33 permits, that at least 3 permits, if he believed correctly, went to people who only requested one, and did not have 20 or 30 or 40 or 100 permits, that there was an appeal process and he believed that appeal process was over, but Ms. Tina Paez was present and they had been working over the years to try to refine the system and they even had discussions this year as to how they might define it better when it comes up several years from now, and he asked that Mr. Russ provide his input to Ms. Paez, and they would try to get a better, more refined, process the next time it came up, which would probably be a couple of years from now. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal and political opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Aaron Williams, 7750 Harwin, Houston, Texas 77036 (832-473-8175) appeared and stated that he was a wrecker driver in the City of Houston and had been for more than 13 years, that he had been following through with what things were going on in the City of Houston concerning the wrecker drivers, that during that time he had seen several changes concerning the wrecker industry, but none to the effect that they were faced with now, that he had seen the Emergency E-Tags go, the City's own permits come and go, and in July of this year, he built a 2001, one ton sling truck that cost him over \$30,000 to build, and they were looking at trying to take that away from him, to where he could not work to provide for his family, that in order for him and others in the wrecker industry to go out and purchase equipment and insurance that the City was looking at, as a requirement to operate within the city limits, 75 percent of the owner/operators would stand to lose an average, based on four trucks like himself, of \$72,000 a year, that was just in insurance and equipment, based on percentages, that cuts into the drivers and owner operator's ability to provide for their families, that as it stood, non-consent tows were \$79.00, that he felt if the city would raise the non-consent tow rates and give a grace period for doing away with the sling trucks, as they did with the single wheel wreckers, then possibly they could meet the overhead costs without the loss of job and family income, that in closing he would like form them to look at all, who and what this would affect long term. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that he was trying to find out on the increase in

insurance, who would have records about damage caused by wreckers in terms of accidents or damage to vehicles towed and the coverage that was required relative to the accident or damage to the vehicle, that he was also looking for any information on what kind of complaints, relative to damage by wrecker trucks, whether it be a sling back or any other kind, because what he was looking for was what the specific substantive determination for moving from one type to the other, and Mr. Williams stated that Ms. Pool could get that for him, and Council Member Robinson asked Ms. Pool to call his office and schedule a meeting and come visit with him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Vasquez asked Mr. Williams to restate his proposal and Mr. Williams stated a grace period for five years, that at one time they had single wheel wreckers and they weeded those out, and the was that people were saying they needed a million dollar insurance policy, but he figured it up and just based on the trucks that he owned in the City of Houston and operated, he would lose \$72,000 a year, that the insurance requirement now he believed was \$ 300,000, that he carried \$500,000 just to cover. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Parker asked what percentage of his business was police non-consent tows, and Mr. Williams stated about 85 percent, that all he did was his body shop and police tows, and Council Member Parker stated that they started this process to deal with citizen concerns about multiple wreckers at accident sites and asked how would he deal with that issue, and Mr. Williams stated that he was an old E-Tag driver, that the problem was that it was not broke and they decided it was and so they tried to fix it, that they were their own worst enemies, that he was talking about prior to that, about seven to eight years ago, that yes, the federal government had come in and done that, the way it's working now, that they did not have that many problems, that they get the select few groups that tell them they were having a problems, but the officers are getting perfect response time, that as to limiting the amount of trucks that show up on a scene, they were not going to eliminate unless they were going to take jobs away from people, the only way you do that is to regulate it, but the State and Federal government said that they could not and now they were back to square one, that they went from E-Tags to open zone tags to deregulation, what were they going to do, monopolize, that he did not have a problem with zones, that he thought that was the best thing for it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated Tuesday, October 30th, 2001, to all of the people watching this on TV, his name was Galvan and he was a candidate for Houston City Council At Large Position No. 5, that his platform was galvanism, galvanismo and his web site address was www.galvanism.com, or www.galvan.org. Mr. Galvan continued to express his political opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood Street, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. William York, Jr., 8855 Gulf Freeway, Houston, Texas 77017 (713-398-8001) appeared

and stated that he was talking about two things, that one of them was the Solid Waste sludge contract that they were just getting ready to let go, that he had been talking to Ms. Battenfield about it and he was willing to give them a two and a half million dollar reduction if he was just given enough time to get some properties certified or registered for sludge application, that Theresa told him she would give it to him if he was 15 percent cheaper, but she backs up and said she would give the current holder a chance to meet it and after he spent some \$30,000 to \$40,000 dollars to get it approved it just did not fair, that if there was any way the Council could cause the contract to be fixed so that in the year's time it could be re-bid again, he felt like he could give the City almost a 3 million dollar reduction, that the next thing was the heavy trash, that right now they had it on wood and refrigerators and stoves all put together and he understood the Council had to vote to change it and what he wanted to recommend was that they could change it to where wood was picked up one day, and the rest of it another day, that Theresa told him on two of the sludge plants that had the bio filters, the people were not even supplying them with the wood for bio filters, that he said if they had even one tenth of the wood they were throwing in the landfill they would have plenty of wood for it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney stated that Ms. Alice Coffee, of Solid Waste, was present and what he really needed to do was break down the various proposals and analysis that he had with staff, because before Council made a policy decision, they would be looking to his staff professionals to give them an analysis and valuation of what he proposed, that he could also speak with her about the sludge contract. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Eddie Castellanos, 7607 Arnim, Houston, Texas 77087 (713-645-4850) appeared with his attorney, Mr. Enrique C. Ramirez, who stated that they had a video they would like to present to each Council Member on the tow truck issue, that it was their copy of a video of an accident that took place October 18th involving a citizen of the City of Houston, that had there been a sling truck available at the time to get this accident off the road perhaps this citizen would not have been injured, that he was almost killed and had one of his arms severed as a result of not having a sling truck available to get the vehicle off the road properly and quickly enough, that he would like for them to view that, that it was a part of their consideration for this issue that was before them, that also to Council Member Parker, in response to a question she asked earlier as to how to limit the number of tow truck drivers or tow trucks that were on a given scene, perhaps for their consideration would be to limit the number of trucks that were from each company, that one of the problems was that the larger companies would have numerous trucks out on a given accident, that if they limit them to perhaps two trucks, or just allow two representatives from any company, or some small number, perhaps that would also help in lowering the number of wreckers that were at a given scene as opposed to zones, that maybe zones worked in some capacity before, but perhaps another suggestion for the Council Member's consideration was to limit the number of wreckers from a given company instead of having ten of them out there from one company, just two, that would be part of it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney asked Mr. Ramirez if his client was opposed to zones, and Mr. Ramirez stated that yes his client had problems with zones, that he thought his client would prefer it to be open. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Vasquez asked Mr. Bibler if there was a problem with Mr. Ramirez's suggestion, was that something that would be legal, and Mr. Bibler stated that he thought they probably all needed to have a visit about what the City's rights were and maybe the Legal Department needed to redistribute the memo that they circulated, that some of the Council Members appear to be concerned about public safety issues that were outside their jurisdiction at this time, that basically under the federal court cases, anybody that had a State license could go to any accident scene in town, even if they did not operate here, in the hopes of getting a consent tow and they had no way to control the number of wreckers that were going to the scenes, because they had a right under federal court decision as interpreting federal law to go to those scenes, that the only thing they were talking about was which wreckers got to do police tows in case the person at the scene was unwilling or unable to make arrangements for their car to be taken off, that perhaps per company, that was something they could look at and maybe it would not affect the economics of it, as long as there were only two cars in the wreck, but the idea that they could somehow use zones or something for public safety purposes was something that they were not authorized to do, that they would be happy to look at it, that part of the problem was that they were trying to use a system that nobody else in the world, that he knew of used, that everybody else either used a real contract or a call out system where they had people on a rotation list, so whenever they do these things they were off on their own and there really was not a model for what they were doing in Houston. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Parker stated that the actual suggestion from the Legal Department, as she understood it, was that these non-consent tows ought to go to a single provider and not allow everybody in the world to show up, and asked if he would support that concept, and Mr. Ramirez stated that his client would not support that because of course then he probably could not compete with that, so, no. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Robinson asked if they put this thing out for an RFP or RFG he would be opposed to an open competition process, and Mr. Ramirez stated that his client would not be able to compete with a contract that was citywide, that if they owned one truck and it was a sling truck, they were not going to be able to bid for a contract within any particular zone, that they would put this person out of business. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Vasquez asked Mr. Ramirez what percentage of his client's business was consent versus non-consent, and Mr. Ramirez stated that 85 percent was non-consent and the other 15 percent was consent. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present this week following up on last week where he presented some information to the Mayor regarding the placing of signs for particular issues, that it seemed to be out of control and not adequately enforced, that he had some follow up and photographs included and as they started the Council session today, there was a prohibition on outbursts and it was being enforced, that there was a prohibition on illegally placed campaign signs and he would hope the Mayor would instruct his police department to do what they could to either enforce the Sign Ordinance or try to recover some fines and penalties for the worst violators for some of the City propositions. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller,

Castillo, Quan, Bell and Sanchez absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Ms. Suzanne Poole, Post Office Box 1035, Missouri City, Texas 77489 (281-438-5427) appeared and stated that she along with Mr. Castellanos, represented over 600 people who would be adversely affected by the amendments for the proposed police non-consent vendor agreement, that she would like to give the Council Members a handout, that on the back page was yet another person who was getting up a petition, that in the packet, on the very first page, was a letter from Chief of Police, Clarence Bradford, expressing his opinion in opposition of the amendments, that he did, however, support the original draft of the City Legal as they did, while they agree that the recent deregulation left a large gap between the City and State requirements, the amendments were not the answer, that Houston was the only city in the Nation proposing such a regulatory agreement, that no other cities were asking to do away with sling trucks or increase the insurance requirements nationwide, that only Houston, that the proposal they had would allow the City to inspect the trucks and do background checks on drivers, that when Mrs. Castellanos had asked for appointments with City Council, she was denied, that they were having a very difficult time speaking to people, that limiting the amount of wreckers on a scene was an easy solution, that the police officer in control of that scene, all he had to say was after five wreckers, to disregard wreckers, that he could ask them to leave, however, they should know about the fact that Houston had the highest clearance rate in the Nation, the fastest response time and the lowest rate of second accidents, that what she would like to ask City Council was, if they did a contract with one provider, were they going to go into all of the zones that were far out in the County, were they going to go into the Acres Homes or in the wards or go into east side with those brand new trucks and try to compete, that they highly doubted it, that they were going to stay on the highways where they could make the most amount of money, that they were asking for Council to sit down and talk with them, that they had solutions, but they could not give them to anyone if they could not get City Council to hear them, that so far the only City Council Members they had been able to talk to was Council Members Quan and Sanchez, that everybody else had told them they did not have time and that the issue was settled, that they were going to put a lot of people out of work and they gave them the information on the insurance in the packet two weeks ago, that all the answers that they wanted she would be happy to provide, that she could provide them with an area professional, someone in the insurance industry, someone who could tell them exactly what was going on, that Mr. Butler, whose quotes were in the packet, had told her the damages coming from the sling trucks were not the result of the sling trucks, they were the result of the drivers, the drivers who moved from one company to another and consistently did damage, that oddly enough the trucks doing the most amount of damage were flatbeds, that they were representing 600 people and there were only 775 licensed wreckers drivers in the city, how many more did they have to represent in order for Council to hear them. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Keller, Vasquez, Castillo, Quan, Bell, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and voiced his personal opinions relative to a debriefing he had requested by the Houston Police Department until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez, Castillo, Quan, Bell, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

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

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez, Castillo, Quan, Bell, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

At 5:00 p.m. upon motion by Council Member Parker and seconded by Mayor Pro Tem Boney, City Council recessed until 9:00 a.m., Wednesday, October 31, 2001. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez, Castillo, Quan, Bell, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 31, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 31, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 Mayor Brown reconvened the meeting of the City Council.

MAYOR'S REPORT

Mayor Brown stated that he wanted to use a few minutes of his time and stated that as they knew the United States Olympic Site Selection Committee confirmed what they all knew, that Houston was a world class City, by indicating Houston as one of the four U.S. cities that may host the 2012 games, that he was sure that all Houstonians, just as he was, were very pleased that they may have the opportunity where one of the greatest events in the world and that places the world's spotlight on their great City in 2012, that equally important it would generate about \$4.3 billion in economic impact if the games were brought to Houston, that he wanted to take the opportunity to thank and congratulate Mr. George DeMontrond, Ms. Susan Bandy and the entire staff of Houston's 2012 Organization for their great work in achieving last week's milestone and he asked Mr. DeMontrond and Ms. Bandy to give a brief presentation of what their next step would be or was in securing the 2012 games for the City. Council Member Vasquez absent.

Mr. DeMontrond stated that the success was of the entire City, that Houston was a really easy city to sell and it was a great pleasure to go out there and attempt to do that, that his purpose for being present was to thank each and everyone of them for their support over the last several years, that he had been doing this for three and a half years and Ms. Bandy for four and a half years, and over that period of time they had come before City Council four times and asked for their support and each time they got their unanimous support and that was incredibly important, that was not lost on the Site Evaluation Task Force Team and they rated extremely highly on the support that they got, both from the citizens, the vote they got last fall and also from City government, that he wanted to thank each and every Member of Council, that it was extremely important, that he also wanted to say something about Ms. Bandy and her staff, that Ms. Bandy was a City employee and he wanted them to know that they had gotten their money's worth out of her efforts, that a lot of cities spend upwards of \$2 million having outside consultants come in and draft their bid, that Ms. Bandy and her staff wrote the City's bid for them, and he thought that was a tremendous tribute to their efforts and so they ought to congratulate her, and he invited Ms. Bandy to give them a very brief update of what was going to be happening over the

next 12 months. Council Member Vasquez absent.

Ms. Bandy stated that they were real excited and obviously their staff was still celebrating and dancing in the aisles back at the office, that on December 7, 2001 they would be going to Colorado Springs, the USSSC would give them new criteria to which they had to respond and they believed they would have probably three, maybe four months to do that, that they thought it was going to have much more of an international aspect to it and some more about the Paralympics, which was something that they had not asked about much in the first bid, which was disabled sport after the Olympic games, that following that they would have another site visit and would have another opportunity to showcase Houston by bringing some of the United States Olympic Committee to Houston this time and they thought it would be a more heavy emphasis on USSSC Board Members, that they did not know completely yet, that following that the vote would actually occur one year from November 1, 2001, that the USSC would make that decision on November 1 or 2, 2002, they would select one city, that in the meantime they had hired an international PR Firm, the same firm that worked with Beijing to help them win their bid, that they would be helping Houston spin their story, to make sure that the true information about Houston got out and they would have the best chance they could to win. Council Members Tatro and Vasquez absent.

Upon questions by Members of Council, Ms. Bandy stated that for people who wanted to get involved in wanting to volunteer could call their office at 713-652-2012, that they had volunteer forms and were actually recruiting volunteers right now primarily because of the torch relay, that normally they did not have a strong need for volunteers because what they were doing was outreach on the U. S. level, but they were recruiting currently for that event; and Mr. DeMontrond stated that security was led, and they found it out at Salt Lake City, Utah, by the Secret Service and the F.B.I., that there was a Presidential Binding Number 62, under the Clinton Administration, that kind of transferred security of these sorts of things over to the federal government, but that did not say they did not have an important tie into it, that they would tie in obviously, that they had an adherently safe and secure games because of their compact venues, that they could secure areas that had multiple sports within the areas, but they would be looking very hard at the security issue, especially in light of September 11, but the federal government had stepped up and put a lot of extra money and plans after September 11 in securing the Olympic games in Salt Lake and would do that in 2012 as well, that they would find out a lot on December 7, 2001, that the four remaining cities would be having a meeting and they would know exactly what the course was after December 7, 2001; that their venue plan was already out there and what he meant by compact was the major sports facilities, where they would have large congregations of people, were in typically one of three pods, downtown, one at the T.S.U. and University of Houston area and one was at the Astro domain region, that they had venues spread out all over the City but they were small venues and were not really targets; and Ms. Bandy stated that if they looked at the brochure that was handed out to each Council Member it showed the venue map and there were venues at Rice, Texas City, Clear Lake, west Houston, etc., that in the northeast there were no venues, but those facilities would be used for practice by both the U.S. and by other countries, that there were very few venues that existed in Houston and would exist in 2012 that would not be utilize in some manner; that several years ago the international federation that was in charge of rules and governments for track and field changed the rules, that as long as they had a full size, 400 meter track, configured properly they could conduct those inside or outside, that as a matter of fact there was a lot of sentiment and excitement around the track and field world about having an indoor track and field event, because they would take the weather out of the equation and if they were going to have a record they would not loose that record because the wind was an extra couple of miles too strong or something like that, that it would not affect the record as to whether it was made indoors or outdoors, that there were other cities around the world that were thinking of doing some sort of covered track facilities, of the other four bid cities they were not proposing indoor, that he thought it would be a positive issue for Houston, that as

to the marathon, obviously they were looking at that and there had been some thought to doing it in the early morning, that she was on the Marathon Committee, and had been for years, and knew what the marathoners all say, they just totally freaked out over the concept of having a marathon, but they run the marathon in four to five hours, the elite athletes, the ones in the Olympic games, run the marathon in two and they could ask any of them and the heat was not be an issue, now they probably would not set records, but they would be fine and they all agreed they would be fine, that she did not remember what Atlanta did, that they may have run it in the morning but they had no problem with it, and Mr. DeMontrond stated that most of the cities that had conducted the Summer Olympics were warm, that it was not unique to Houston, that most of the other cities had the weather problem, but Houston was the only one who really had the solution. Council Members Todd and Vasquez absent.

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

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the Monthly Financial Report and the Quarterly Investment Report for the period ending September 30, 2001, that first the Monthly Financial Report, that they would like to point out in the General Fund their estimate of the Fiscal Year 2001 ending fund balance had been lowered to \$84.2 million, a decrease of \$8.2 million from the estimate they reported in August, that this was a result of downward revisions which were made after a result of accounting adjustments primarily related to the 60 day availability period required for governmental funds; that Property Tax collections in July and August were less than originally projected; and also a greater number of retirees caused an adjustment to termination pay and they had booked a final adjustment to cash balances related to the closeout of the old Wells Fargo Bank accounts, that all those accounted for that decrease; that on the revenue side, General Fund projections corresponded to everything at budget except in three areas; that as to Sales Tax, she believed that Dr. Barton Smith presented a report yesterday in some detail and obviously their September's check would be coming in November and they would get to see the effect of September 11th and the aftermath, that Ms. Carolyn Keeton Rylander, the State Comptroller, was already suggesting that they did take a hit, particularly the first three days after September 11th, to the tune of \$30 million per day statewide, how much that would affect Houston they would not know until the check came in November, but again they were expecting a decrease; that in Municipal Courts they were down about \$3 million, that collections for the first quarter of the year were down about 7%; that they had also increased direct inter fund services by \$8.8 million to reflect additional security being provided by the police to the Aviation Fund, that additional revenues were totally offset by corresponding increase to the police budget; that on the expenditure side, police and fire department budgets were increased over budget amounts to reflect cost estimates related to additional airport security and the four firefighter on a truck plan presented by the administration last week; that an additional line item appeared on page 3 listed as Other Financing Services and this was the amount needed to cover the projected General Fund shortfall of \$31.6 million, that since no budget cutbacks had been made they had not adjusted any departments spending, except their's in the Controller's office, that the Controller's office had pledged a reduction of 2.7%, if all departments were able to do the same, including City Council and the Mayor's office, a savings of \$30.2 million could be achieved, as they could see if the shortfall was \$31.6 million and they could save \$30.2 million that puts them in the ballpark, but she wanted to emphasize that the shortfall in the General Fund also included the firefighter staffing, that F&A estimates of departmental savings for position control and other measures were at \$5.2 million, if they took that off of the \$31.6 million shortfall it still left a shortfall of \$26.4 million, the question was and continued to be how would they makeup for the shortfall, that they disagreed that they should use

any monies from the Any Lawful Purpose Fund, that as they noted yesterday at Fiscal Affairs their estimate was that they would have probably about \$29 million from 2001 revenues in the Any Lawful Purpose Fund, that there would not be any new dollars added this fiscal year, on that they and the administration agreed, their plan and what they suggest was that they not transfer any dollars from the Any Lawful Purpose Fund, but look at reductions in their budgets, that there was always a dilemma they must face and hard choices had to be made, budget costs or tax increase, that they would not propose any tax increase and they did not think anyone wanted to do that, so what they really needed to do was take a real hard look at their budgets and cut where they could and do what they could to meet the shortfall in that manner; that on another note, on the Aviation Fund, they would like to point out that they reviewed all of the estimates presented by the Department Director, Mr. Rick Vacar, and he discussed all of those at the Fiscal Affairs Committee meeting a couple of weeks ago, that they had plugged in all of those numbers and the Aviation Fund too was feeling pressures; that Convention and Entertainment Fund was also exuberating some pressures due to parking revenues which were lower and also because of closing of the garages due to Tropical Storm Allison; that the revenues for the first two months with regard to Hotel Occupancy Tax were quite strong and they thought could still be at budget, however again that fund was experiencing pressures; that the Water Sewer Fund revenues were also down the first quarter significantly from the same time last year due to near record rainfalls and as a result they project those revenues to be down about \$18 million, that because of this revenue shortfall they did not expect any revenues to flow into the Any Lawful Purpose Fund and the amounts budgeted for transfer to the Renewal and Replacement Fund may be cut back; that the bottom line was that the pressures were real and were in all of the funds, the General Fund and the Enterprise Funds, that they would continue to work closely with administration to watch and to monitor all developments, particularly on the revenue side, on a daily basis, and the real challenge for all of them was to try to balance today's wants with tomorrow's needs, that they looked forward to working with the administration to resolve some of those issues, that concluded her monthly report for the finances and she would go on to the Quarterly Investment Report. Council Members Galloway and Vasquez absent.

Ms. Garcia stated that as of September 30, 2001 the City had in total approximately \$2.5 billion invested in the bond market, that most of those investments were short term in nature, with a weighted average maturity of 1.5 years, that the largest portion of the funds were invested in the General Pool, which had a market value of \$1.83 billion as of September 30, 2001, that the remaining funds of about \$650 million were mostly proceeds from the bond issues related to the Airport System and the Hotel and Convention Projects, that on the interest rate environment in general, interests rates continued to decline with short term rates coming down more than long term rates, that the yield on their General Investment Pool had decreased from 6.1% one year ago to about 5.2% at the end of this quarter, that their investment portfolio had been and remained liquid, short term and high quality, that this concluded both her Investment Quarterly Report and the Monthly Financial Report. Council Members Galloway and Vasquez absent.

Dr. Phillip Scheps, Director, Finance and Administration, stated that he would primarily be referring to page 7 of the report, that as an overview to the differences between their report and the Controller's office they had chosen, in this particular report, not to reflect those additional fire costs because the Council had asked them to continue looking at the funding source and the Mayor had recommended the Any Lawful Purpose Fund and they thought they were going to need at least some of that, but they were going to attempt to look throughout the operating budget, so they did not reflect that in here, that the Controller had reflected it as a sort of a plug number at the bottom and it had thrown some difference in the way it was presented; that the revenues they showed at \$1.36 billion which was actually \$6.8 million under budget, but it was disguised by the fact that they had an \$8.8 million bookkeeping entry to the extent that the police and aviation expenses were now shown as both a revenue and an expense in the General Fund, that really it was an economic burden to the Aviation Fund, that without regard to that they had

about a \$15.6 million revenue difference in terms of the projection from the budget, that it was primarily the Sales Tax, although they were reflecting some decrease in Municipal Courts revenue in this particular report, that the Controller did it last month and they were agreeing that they had scaled it back by about \$2.5 million; that on the expenditure side whereas the report showed that the departments were \$3.2 million over budget, there again was that \$8.8 million top and bottom plug, so the reality was that they were showing \$5.6 million under budget reflecting the position control exercise that the Mayor had ordered them to go through to deal with the Sales Tax problem, that they had some description in his letter of the process and now all hiring had now been stopped until it was justified through a Position Control Committee which consisted of Al Haines, Lonnie Vera and himself, of which the decisions of the committee were appealable to the Mayor and they now met weekly or more often if the departments were ready and they had new forms that they needed to tell them before they add any position to the City, other than uniform positions, that they were asking departments to come forth and talk about what would happen if they do not add the position, what steps they had taken to make sure that existing staff could deal with that particular effort, so that process really began last week in earnest and they had three departments coming tomorrow afternoon, that they had met with two and thought they would get around to see all of the departments, so the \$5.6 million in savings they saw in the report was really preliminary, it was the first round because they had not gotten around to most of the departments as yet, that they had done a calculation, which said if they never filled any positions from now to the end of the year, and the attrition rate was what it was in past years, they would be a little bit short of \$20 million in savings, that the Controller independently did the same kind calculation and came up with \$22 million so they were in the same ball park, that they were reflecting \$5.6 million in the report and another \$2 million in General Government, which was the original \$2 million from position controls, so they might say the report reflects \$7.6 million and as they meet with the departments they expect that number to go up; that the good news was the electricity savings, their bids on the aggregated tower were going to be opened that afternoon, and just looking at results from HGHC and other entities throughout the State, there was going to be a savings in electricity, it could be as much as \$5 million in the General Fund, that they had taken the \$2 million out of that reserve that they set up during budget time so that was reflected; that on the other side they were adding \$2 million, that they had told them last month that there was a problem with retirees and their health insurance and they had increased the over budget situation there by \$2 million so those two numerically balanced themselves out; that they had reduced \$500,000 from legal expenses, that it was contingency money they had put in for redistricting in and thought they would not need; that he wanted to mention that they did not apply position control to the Council's budgets, Controller's budget or Mayor's budget or any elected officials budget, however they had put projected savings in their budgets in this document as with the Mayor and Controller's number as well, that they were not asking the Council to come before the Position Control Committee, but those numbers were estimated and based primarily on last year; that on some matters unrelated to the budget, they had a discussion about the Aviation Funds, that they too had added the aviation numbers that Mr. Vacar had reported to them last week; that Water/Waste Water they had not changed their projections yet, although they recognized that revenue wise they had a bad summer and had lower revenues because of the mild nature of the summer; that C&E seemed to be doing fine, there were some parking revenues that they reflected, but the September 11th did not seem to have a material effect on C&E Funds as yet; that they had two debt projects that were on hold because of market conditions, Refunding and a Defeasance, that as soon as the market improved they were ready to go and they had Council's permission to proceed on both of those when the time came and that was reflected in the report as well; that they were going through the process of taking bids on their next round of ambulance collection outsourcing; that they had 15 bids they were evaluating; that the manage competition on the police fleet they had two proposals competing against the police department and hopefully they would have a discussion of that for them at the December 4, 2001 meeting and at that time they would also talk about the tax dividend plan, they had that as a planned agenda for December 4, 2001 and they would have

a draft ordinance for them to look at, and those were all the remarks he wanted to make. Council Member Galloway absent.

Upon questions by Council Member Boney, Dr. Scheps stated that the property tax projections were lower by about \$2 million out of \$620 million or so, that what the Controller reflected was a \$2 million accrual for 2001 numbers and Mr. Bettencourt gave them the same information that he had given Council five or six weeks ago saying it was possible they would be collecting \$2 million less in 2002; that on projected retirees health benefits they had assumed about a \$2 million hit, and page 74 had the plot that they provided last time showing that it had been above their budgetary expectations; that in Municipal Courts they were working on it, that they had negotiations going on with the outsource vendor and Mr. Mangus was talking to them now about some steps to take in the next year, that part of the problem may be tickets and it was a little more problematic in how to deal with that, that there was a lot of management attention going into this problem, that part of the fact they were down was that the budget was put together with a little more optimism and at the time they did the budget they were at an upward trend than they reflected, and Ms. Garcia stated that ticket issuance was down and some of that was also collection, which was down 7%, that she was not sure if they had a breakdown on the tickets, but thought it was just general, that they would have to ask Mr. Mangus on that; that in terms of additional expenses on security, since September 11th, they had incurred about \$10 million, \$8.8 at the airport; that as to the airport, they had less revenues in concessions and also in parking, and Dr. Scheps stated that it was about \$12 million and they would find that on page 16, that they would get a breakdown of how much was parking and how much was other, that Mr. Vacar had that.

Council Member Robinson stated that one of the things he looked at in trying to maximize their income was that they had to do a better job on generating interest on the General Fund, and when he visited with the financial advisors what they told him was that on average the \$1.4 billion that flowed through the General Fund they really only held in the bank for 49 days an average of \$100 million, that he would like to see them make an effort to try to double that, that he would like someone to do a correlation between their cash flow charts and their outlay, when they pay their bills, and they ought to come up with a model to start moving their contacts onto a designated payment date, that it may take them a couple of years, but he thought if they could do that it would generate some money; that he wanted to return to an old idea, that they needed to look at more parking meters downtown, consistent with the current regulations that it was free after 6:00 p.m. and they ought to look at outsourcing that effort; that he thought they were getting close at some point to a work force analysis, that even if they implemented a complete hiring freeze he thought that the civilian workforce would still be somewhere about 12,000 in the City, that nobody had ever convinced him that was the right number and that the people were in the right place, that Dallas had brought in an outside consultant to do a workforce analysis and saved several million dollars; that they talked about managed competition in Public Works and then it kind of just disappeared and he would like to get an update on where that was; and if Ms. Garcia had any specific recommendations on the 2.7% in each department he would like to see those. Council Members Galloway and Todd absent.

Council Member Tatro stated that his concern was the inconsistency of the administration's presentation of this month's financial statements, specifically as it related to the Water/Sewer and the firefighters issue, that the administration had not shown the Municipal Courts and Sales Tax decrease, but for some reason they had not shown the Water/Sewer decrease and he did not think it properly reflected the financial status of the Water/Sewer Enterprise Fund and maybe the contribution to the ALP Fund; that on the expense side the administration had shown the departmental decreases for the cutbacks they wanted to do, but yet they failed to show the increased expenditure of the firefighters which they committed to, that what he did not see was a consistency in their accounting from F&A's projections for year to

date, that he was very concerned about their consistency about putting financial forward that did not necessarily express, in his opinion, the City's financial position. Council Members Galloway, Todd and Robinson absent.

Council Member Bell stated that he wanted to thank Dr. Scheps for moving forward with the Tax Dividend Proposal and would look forward to that being brought before the Fiscal Affairs Committee, that he was anxious to see what they would come up with in terms of an ordinance; that he wanted to get some clarification on the estimated savings if they were to implement a freeze based on attrition and what numbers were used, and what was the disparity between the \$22 million prediction by the Controller's office and the \$20 million prediction by F&A, based on the overall versus the individual department breakdown, and Dr. Scheps stated that they had not shared methodology, even though they had shared numbers, that F&A had looked at last year, the attrition that actually took place, and the Controller in the eight months coming up, and they assumed it would happen again this year, and he did not think they went into that level of detail, and Ms. Garcia stated that they had not really sat down and compared numbers, but she suspected that what Dr. Scheps said was correct, but the bottom line was that it was fairly close, that she did not have the number of employees that they would be talking about in front of her but would be happy to share that with him and would send it to his office, and Dr. Scheps stated that Mr. Al Mays may know and they would get it to him at the end of the meeting, and Dr. Scheps stated that in their case they looked at the last payroll and depreciated down by a formula; that as to the position control, Dr. Scheps stated that they did not have a specific period of time, but the form also asked how long the position had been vacant, that the presumption would be that if a position had been vacant for a long period of time and the performance measures had not deteriorated then they could do without that position more, that they had not set a specific criteria in numbers of months, that they had a financial problem that they had to deal with and thought the committee would be very strict with adding positions back; that on the electric deregulation, they pay a range and in the General Fund departments it was more like 7 cents now, that it was different in Water/Waste Water, that he had faxed something to the his office that showed that matrix that had been put together by the consultants, that this was additional savings. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Quan asked Dr. Scheps to briefly summarize how the City stood regarding the monies they had gotten from FEMA and the insurance companies, and what they were looking to be out of as far as another impact upon the budget, and Dr. Scheps stated that they had an Attachment C to his letter which sort of described what the projected reimbursement was for both commercial insurance and FEMA reimbursement, and as they discussed with the committee they had an interesting question about the Zone A, which was the flood zone, where FEMA was not going to reimburse them unless they get more insurance than they had in the past, that insurance was not reasonably available in their judgment, so the presumption on Attachment C was that they would not get full FEMA reimbursement within that flood zone, but the answer was if they had roughly a \$65 million problem they should get about \$47.5 million back in the worst case, and that would be distributed among departments, that the biggest user of that uninsured amount would be the C&E Department at about \$10 million and he General Fund Departments would be exposed to the tune of about \$6.7 million from the \$20 million from ALP, which would not go back to the ALP; and Council Member Quan stated that Dr. Scheps had indicated that they were close to completing the fee study that Council had requested and Dr. Scheps stated yes, and Council Member Quan stated that he was anxious to see that, and asked if they were looking at any new sources of income rather than just the traditional that they had been looking at time and time again, and Dr. Scheps stated that he thought they had to look at everything and he intended for that to be on the December 4th agenda and would have the consultant present to talk to Council. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Keller stated that he had questions mainly concerning what seemed to be proposed as a uniform cut of 2.7% across the board for the departments, that he hoped they looked at which departments had grown most in the last year to three years proportionately to the others; that he understood they had a hiring freeze and he was going to ask for a justification on a new position that was created in Housing and Community Development in the last week and asked if that went to their committee and what was the justification of that, and Dr. Scheps stated that they had asked every civilian position to come to the committee unless it was grant funded, that the Enterprise Fund did not, that he was not sure about that one, that he suspected that it could be a grant funded position, that all civilian positions had been de-activated, that they had made an exception for bonifide offers that the City had made to individuals that were waiting to be hired, that he would look into that specific one. Mayor Brown, Council Members Galloway, Todd, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that his concern about excluding grant positions was that basically if they were with the City long enough they became Civil Service and by de facto they become City employees, and Mayor Brown stated that when they sign on as a grant employee and the grant runs out their employment ends, and Council Member Vasquez requested additional information about that.

Council Member Castillo moved to accept the financial reports, seconded by Council Member Parker. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-1152 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 59

MISCELLANEOUS - NUMBER 1

1. CONFIRMATION of the reappointment of the following to the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS** for two year terms to expire August 21, 2003:
Position 1 - **MS. JUANITA ELIZONDO**
Position 2 - **MR. JIM HUNDEMER**
Position 3 - **MS. BRENDA P. TIRRELL**
- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-1153 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 10

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,210,616.76 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Northwest No. 2 and 3 and MUD 175-1 Lift Station Rehabilitation, GFS R-0267-14-3 (4276-08) - 00.12% under the original contract amount - Enterprise Fund - **DISTRICTS A- TATRO and G - KELLER** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1154 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$345,070.50 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for North Belt Lift Station Rehabilitation, GFS R-0267-44-3 (4275-33) - 00.41% under the original contract amount - Enterprise Fund - **DISTRICT B- GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council

Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1155 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,919,343.92 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD** for North Eldridge Lift Station Replacement, GFS R-0267-52-3 (4276-14) 02.27% over the original contract amount - Enterprise Fund - **DISTRICT G - KELLER** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1156 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,920,431.59 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Alameda Sims Flash Dryer Maintenance Rehabilitation, GFS R-0298-05-3 (4289-4) 04.99% over the original contract amount - Enterprise Fund - **DISTRICT D - BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1157 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,111,971.93 and acceptance of work on contract with **INDUSTRIAL TX, INC** for Rehabilitation of Katy Addicks and M.U.D. 71 Water Plants, GFS S-1000-08-3 (10373-1) - 07.73% under the original contract amount - Enterprise Fund - **DISTRICTS A- TATRO and G - KELLER** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1158 ADOPTED.

PROPERTY - NUMBERS 12 through 24

12. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A91-133, located at 6807 Wheatley Street, owned by Edward Leroy Davis, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1159 ADOPTED.
13. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A91-139, located at 6905 Wheatley Street, owned by The Estate of Cora Ella Smith, deceased, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1160 ADOPTED.
14. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A93-175, located at the southeast corner of Wheatley Street at Wilburforce Street, owned by Eddy Norris, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1161 ADOPTED.

15. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-112, located 60 feet north of Wilburforce Street, owned by The heirs of Ardelia Dorsey Wilkerson; Willie Harbor or his unknown heirs; Ophelia Harbor or her unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1162 ADOPTED.
16. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-113, located 120 feet north of Wilburforce Street, owned by The heirs of George Wilkerson, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1163 ADOPTED.
17. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-120, located 420 feet north of Wilburforce Street, owned by Daniel Cooley or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1164 ADOPTED.
18. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-121, located 450 feet north of Wilburforce Street, owned by Tom Clark or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1165 ADOPTED.
19. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-127, located 820 feet north of Wilburforce Street, owned by Rev. G. H. (Jones) McGee or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1166 ADOPTED.
20. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-129, located 240 feet south of Melon Street, owned by John Skinner or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1167 ADOPTED.
21. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-131, located 180 feet south of Melon Street, owned by John Grayer or his unknown heir(s), for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B -**

GALLOWAY - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1168 ADOPTED.

22. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-134, located 60 feet south of Melon Street, owned by Andrew Steppna or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1169 ADOPTED.
24. RECOMMENDATION from Director Department Public Works & Engineering for purchase of Parcel AYO-6, located at 1600 Gellhorn Drive, owned by Houston Independent School District, an independent school district and political subdivision organized under the laws of the State of Texas, Gary Hansel, Manager, Real Estate Division, for the **PLEASANTVILLE SUBDIVISION PAVING PROJECT extension of Munn Street from Gellhorn Drive to Demaree**, CIP N-0370-01-2 - \$37,000.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-1170 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 25 through 32

25. **WESTERN APPLIANCE SALES, INC** for Appliances Contract for Aviation and Building Services Departments - \$134,682.00 - General, Enterprise and Fire Department Revolving Funds - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1171 ADOPTED.
26. **AMEND MOTION #98-1759, 11/4/98, TO EXTEND** expiration date from November 11, 2001 to December 31, 2001, for Water Distribution Equipment for Aviation and Parks & Recreation Departments, awarded to **Z-WATER WORKS, INC** and **AMC INDUSTRIES, INC** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1172 ADOPTED.
27. **UNITED COMMUNICATIONS CAPITAL CORPORATION** - \$19,220.00, **ALPHA 1 USA, INC** \$35,000.00, **ALLTEL COMMUNICATIONS PRODUCTS, INC** - \$163,125.80, **GRAYBAR ELECTRIC** - \$146,334.14, **PROGRESSIVE TECHNOLOGIES, INC** - \$115,485.00, **CENTRIX SYSTEMS, INC** - \$89,731.50, **NICOM TECHNOLOGIES, INC** - \$24,200.00, **LITECOMM, ADI** \$55,801.25, **WALKERCOM, INC** - \$27,795.40, **D'TEL COMMUNICATIONS, INC** - \$34,699.90 for Telephone Equipment for the Finance and Administration Department - \$1,161,426.99 - Central Service Revolving Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1173 ADOPTED.
28. **ANWAR AHMED AND COMPANY** for Metal, Detector/Locator for Department of Public Works & Engineering - \$60,401.97 - Enterprise Fund had been pull from the Agenda by the Administration and was not considered.
29. **AMEND MOTION #99-758, 5/599, TO EXTEND** expiration date for twelve months from May 12, 2002 to May 11, 2003, for Ductile Iron Pipe and Fittings Contract for Department of Public Works & Engineering, awarded to **HUGHES SUPPLIES, INC dba INDUSTRIAL**

INTERNATIONAL - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1174 ADOPTED.

30. **AMEND MOTION #99-112, 1/27/99, TO EXTEND** expiration date for three months from January 26, 2002 to April 26, 2002, for Electrical Supplies & Fittings Contract for Various Departments, awarded to **TURTLE & HUGHES, INC, WARREN ELECTRIC COMPANY** and **WINN-LANG ELECTRIC** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1175 ADOPTED.
31. **EAGLE-CORDELL CONCRETE PRODUCTS** for Cement, Bagged Portland for Various Departments - \$200,536.15 - General, Enterprise and Street & Drainage Maintenance Funds - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1176 ADOPTED.
32. **DDS AGGREGATES, INC** for Sand and Washed Gravel for Various Departments - \$216,913.75 General, Enterprise and Street & Drainage Maintenance Funds - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-1177 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 33 through 59

34. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2001-536 by deleting one (1) Police Communications Specialist II Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance; providing for severability - was presented. All voting aye. Nays none. ORDINANCE 2001-0979 ADOPTED.
37. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 5-foot-wide sanitary sewer easements, each containing 923 square feet of land, more or less, Parcels S99-019 and SY1-004; both easements being located in the Robert Vince Survey, A-77, Harris County, Texas; vacating and abandoning (i) Parcel S99-019 to Bering Home Center, Inc., abutting owner and (ii) Parcel SY1-004 to Norman J. Bering, II and August C. Bering, IV, abutting owners, in consideration of the owners' dedication of three easements for sanitary sewer purposes containing an aggregate of 9,339 square feet of land, more or less, and payment of \$600.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. ORDINANCE 2001-0980 ADOPTED.
38. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot wide water line easement containing 15,697 square feet of land, more or less, located in the Isaac Bunker Survey, A121, Houston, Harris County, Texas; vacating and abandoning said tract of land to **METRO NATIONAL CORPORATION**, the abutting owner, in consideration of owner's dedication of two 20-foot wide water line easements and three fire hydrant easements containing an aggregate of 20,065 square feet of land, more or less, and owner's payment of \$300.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. ORDINANCE 2001-0981 ADOPTED.
42. ORDINANCE consenting to the addition of 176.65 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0982 ADOPTED.

43. ORDINANCE consenting to the addition of 24.75 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0983 ADOPTED.
44. ORDINANCE consenting to the addition of 25.6605 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0984 ADOPTED.
45. ORDINANCE consenting to the addition of 9.137 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 304**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0985 ADOPTED.
46. ORDINANCE consenting to the addition of 17.605 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0986 ADOPTED.
47. ORDINANCE consenting to the addition of 2,022.988 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 46**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2001-0987 ADOPTED.
52. ORDINANCE approving an application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Tuberculosis Program; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2002 through December 31, 2004 period, and to accept and expend subsequent awards, if any, during the project period - \$2,738,393.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2001-0988 ADOPTED.
55. ORDINANCE awarding contract to **BLUEBONNET STRODER CO., L.C.** for Concrete Work Projects for the Public Works & Engineering Department; providing a maximum contract amount \$313,375.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2001-0989 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,353,639.22 and acceptance of work on contract with **SCI CONSTRUCTORS, INC** for Neighborhoods to Standard, Tier VI - Meadowbrook Overlay Project, GFS Q-1146-01-3 (246-98) - 01.46% over the original contract amount - CDBG, Expanded Base Sales Tax Revenues and Street & Bridge Traffic Control Funds - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Quan stated that he was concerned on this item that there was no MWBE goal and knew that initially they had anticipated that it was going to be less than \$1 million and as they saw it was \$1.3 million, that he would just encourage Affirmative Action that on things of this nature to see what they could do to encourage that, and Mayor Brown stated that the original goal was \$1 million and they could not put it there, but it came in higher than the

original goal estimate.

A vote was called on Item No. 2. All voting aye. Nays none. MOTION 2001-1178 ADOPTED

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,408,664.98 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Frawley and Gulf Freeway No. 2 Lift Station Rehabilitations, GFS R-0267-25-3 (4275-13) - 00.76% over the original contract amount Enterprise Fund - **DISTRICTS H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-1179 ADOPTED
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,886,995.86 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Northgate and Imperial Valley WWTP Lift Station Rehabilitations, GFS R-0267-26-3 (4275-14) - 02.91% over the original contract amount Enterprise Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-1180 ADOPTED
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$446,880.69 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Sims Bayou Sanitary Sewer Improvements, GFS R-2011-08-3 (4738) 12.69% under the original contract amount - Enterprise Fund - **DISTRICTS D - BONEY and I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-1181 ADOPTED

PROPERTY

11. RECOMMENDATION from Director Department Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Norman and Tomiko Wilkerson, for encroachment agreement for a 75-foot garage/workshop building encroachment into the 38-foot wide alley, located at 717 W. 17th Street, adjacent to Lots 39, 40, and the west one-half of 41, Block 124, Houston Heights Addition, Parcel ENY2-01 - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-1182 ADOPTED
23. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel AYO-69, located at 2702 Telephone Road, owned by Joseph Chau Ngo and wife The Thi Nguyen, for the **TELEPHONE ROAD RECONSTRUCTION PROJECT from Lawndale to Gulf Freeway**, CIP N-0611A-40-1 - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-1183 ADOPTED

RESOLUTIONS AND ORDINANCES

33. RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was presented. All voting aye. Nays none. RESOLUTION 2001-0048

ADOPTED

35. ORDINANCE relating to the temporary placement of Structures, Manufactured Homes and Recreational Vehicles as Housing and Facilities for Disaster Assistance Volunteers; amending the Code of Ordinances and the Building Code and containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2001-0990 ADOPTED
36. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three (3) portions of street right-of-way for L Street between 6th Street and 7th Street, being out of Dairy Townsite Addition, Harris County, Texas; vacating and abandoning (i) Parcel SYO-034, containing 7,500 square feet of land, more or less, to Tarsem Singh, abutting owner, in consideration of his payment of \$10,500.00, and other consideration to the City, (ii) Parcel SYO-040, containing 3,750 square feet of land, more or less, to Alief English Congregation of Jehovah's Witnesses, Houston, Texas, abutting owner, in consideration of its payment of \$5,250.00, and other consideration to the City - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2001-0991 ADOPTED
39. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Travis Street, Main Street and Polk Avenue Street rights-of-way containing an aggregate of 285 square feet of land, more or less; being located adjacent to Block 296, S.S.B.B., Harris County, Texas; vacating and abandoning said tract of land to **AEW/MCCORD, L.P.**, the abutting owner, in consideration of the owner's dedication back of the abandonment tract to the City as an easement for street right of way purposes, subject to the existing improvements thereon, and payment of \$300.00 and other consideration to the City **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0992 ADOPTED
40. ORDINANCE approving and authorizing consent to encroach, allowing certain improvements owned by **AEW MCCORD, L.P.**, the abutting owner, to encroach a total of 811 square feet, more or less, into the Travis Street, Polk Avenue and Main Street rights of way, adjacent to Block 296, South Side Buffalo Bayou, Harris County, Texas; subject to the terms and conditions of the consent to encroach – was presented. All voting aye. Nays none. ORDINANCE 2001-0993 ADOPTED
41. ORDINANCE approving and authorizing the conveyance by the City of a tract of land out of Willow Creek Estates to the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for use as a Detention Basin; Parcel Number SY1-088; subject to the terms and conditions of the conveyance **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Goldberg.
48. ORDINANCE approving and authorizing amendment No. 4 to Ground Lease Agreement between the City of Houston and **ENRON CORP.** at George Bush Intercontinental Airport/Houston, and consent to assignment of the Ground Lease from Enron Corp. to **WM TRANSPORTATION SERVICES, INC - DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0994 ADOPTED
49. ORDINANCE making technical corrections to Ordinance No. 2001-539 which established the boundaries of single member districts from which district council members are elected under the provisions of Article V, Section 3 of the City Charter; making other provisions related to the subject; containing a severability provision – was presented. All voting aye.

Nays none. ORDINANCE 2001-0995 ADOPTED

50. ORDINANCE approving and authorizing contract between the City of Houston and the **JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS** to provide \$48,415.00 in Community Development Block Grant Funds for Renovations to a facility located at 5601 S. Braeswood **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2001-0996 ADOPTED

51. ORDINANCE approving application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the HIV/AIDS Surveillance Cooperative Agreement; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2002 through December 31, 2004 period, and to accept and expend subsequent awards, if any, during the project period; authorizing one (1) new staff position to be funded by the grant - \$1,324,351.00 - Grant Fund – was presented and tagged by Council Member Vasquez. (Note: Council Member Vasquez removed his tag later in the meeting)

Council Member Vasquez stated that this particular item dealt with the grant positions so he was just seeking clarification on whether or not they were skirting the position control system, and Mayor Brown stated that they would get it answered.

53. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **TELXON CORPORATION - DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0997 ADOPTED

54. ORDINANCE appropriating \$1,011,000.00 out of Public Library Consolidated Construction Fund and approving and authorizing Change Order Number 2 to contract (Contract Number C51012) between the City of Houston and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance services for the Library Department - **DISTRICT I – CASTILLO** – was presented and tagged by Council Member Robinson. (Note: Council Member Robinson removed his tag later in the meeting)

56. ORDINANCE approving and authorizing a joint funding agreement between the City of Houston and the **GEOLOGICAL SURVEY DIVISION OF THE UNITED STATES DEPARTMENT OF INTERIOR** for Water Resources Investigations in the Houston Metropolitan Area; providing a maximum contract amount - \$2,000,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0998 ADOPTED

57. ORDINANCE appropriating \$533,890.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **EPSILON ENGINEERING, INC** for Design of Airline Drive from North Main to the North Loop (IH610), GFS N-0697-01-2 (SB9043); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ** – was presented.

Council Member Quan stated that on this item he did not have any major problem other than he could not find the source of where the funds were coming from, that they checked the CIP number and they did not match so he would like somebody to get with him to help clarify it, and Mayor Brown stated that they would get that information for him.

A vote was called on Item No. 57. All voting aye. Nays none. ORDINANCE 2001-0999

ADOPTED

58. ORDINANCE appropriating \$1,140,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RELIANCE CONSTRUCTION SERVICES, L.P.**, approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** for On-Call Emergency Water Main and Sanitary Sewer Replacements; GFS S-0035-P3-3 (WA10660-01); 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. ORDINANCE 2001-1000 ADOPTED
59. ORDINANCE appropriating \$2,971,540.00 out of Park Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** for construction of Parks to Standard Program-Phase II - Bid Package No. 16 - Candlelight, Charlton and Proctor Plaza Parks, GFS F-0363-16-3, F-0363-13-3 and F-0363-20-3; providing funding for construction management, professional architectural services and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - **DISTRICTS A-TATRO; H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-1001 ADOPTED

NON CONSENT AGENDA - NUMBERS 60 through 63

PROPERTY

60. RECOMMENDATION from Director Department Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shirley A. Hopkins, on behalf of Charles G. Shears, Trustee, for abandonment and sale of Englemohr Street (formerly Amos Street) and Sarah Avenue, from Fannin Street to Daniel Street, Knights Main Street Addition, Parcels SY2-009A and SY2-009B - **APPRAISERS - DISTRICT D – BONEY** – was presented.

Council Member Boney moved to postpone Item No. 60 for one week, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-1184 ADOPTED.

Council Member Robinson requested that someone visit with him on Item No. 60.

61. RECOMMENDATION from Director Department Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ron Nielsen of R. G. Miller Engineers, Inc, on behalf of Memorial Hermann Healthcare System (Dan S. Wilford, president), for abandonment and sale of West 26th Street, from Ohsfeldt Street to its terminus at the 60-foot-wide Harris County Flood Control District drainage easement, located in the Re-subdivision of Lots 89 to 101, Shady Acres Second Section, Henry Reinerman Survey, Parcel SY2-010 **APPRAISERS - DISTRICT H – VASQUEZ** – was presented.

Council Member Vasquez named Mr. Michael D. Copland and Mr. James Rhode as the appraisers and moved approval of the recommendation, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-1185 ADOPTED.

62. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, on behalf of Metro National Corporation (William L. Peel, Jr., chief executive officer) that (1) the City decline the acceptance of, reject and refuse the dedication of four access and utility easements, three fire hydrant easements, and a 10-foot wide water line easement; (2) the abandonment and sale of a 30-foot wide temporary sanitary sewer easement; and (3) the sale of the 0.1469-acre (6,400-square foot) former Westway Utility District water well site in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, all located in the W.C.R.R. Company Survey, Section 9, A-917, Parcels S99-036A through J and DY2-003 **APPRAISERS - DISTRICT A – TATRO** – was presented.

Council Member Tatro named Mr. William Kvinta and Mr. Michael D. Copland as the appraisers and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-1186 ADOPTED.

PURCHASING AND TABULATION OF BIDS

63. RECOMMENDATION from Director Finance & Administration to make the following awards for Emergency Medical Supplies for Various Departments - \$7,826,865.72 - General and Enterprise Funds:

ALLIANCE MEDICAL, INC - \$258,360.00

AMERICAN LAFRANCE MEDICMASTER - \$210,743.80

ECOLAB, INC - \$117,406.00

EMERGENCY MEDICAL PRODUCTS, INC (Bid No. 1/Bid No. 2) - \$1,345,942.88

EMS INNOVATIONS, INC - \$354,779.00

EMERGENCY MEDICAL SUPPLY - \$216,695.50

EVER READY FIRST AID & MEDICAL SUPPLY - \$586,911.58

FLOTEC, INC - \$103,464.00

LAERDAL MEDICAL CORPORATION - \$1,132,018.39

MDS MATRIX - \$128,474.25

MEDTRONIC PHYSIO-CONTROL CORPORATION - \$267,900.00

MICRO BIO MEDICS - \$130,547.28

ONE SOURCE MEDICAL SUPPLIES, INC - \$28,875.00

PMX MEDICAL - \$876,131.10

SUN BELT MEDICAL/EMERGI SOURCE - \$75,860.00

UNITED MEDICAL SUPPLY COMPANY (Bid No. 2) - \$30,944.30

UNITED MEDICAL SUPPLY COMPANY (Bid No. 3) - \$401,698.94

VITACARE, INC - \$305,126.00

WEXFORD LAB, INC - \$227,801.70

COUNCIL DRAW LOTS

LINE ITEM NOS. 221 and 222 due to receiving identical bids from **AMERICAN LAFRANCE MEDICMASTER** and **VITACARE, INC** in the amount of \$1,000,000.00

LINE ITEM NO. 52 due to receiving identical bids from **EMERGENCY MEDICAL PRODUCTS, INC (Bid No. 1/Bid No. 2)** and **EVER READY FIRST AID & MEDICAL SUPPLY** in the amount of \$1,300.00 and

LINE ITEM NO. 121 due to receiving identical bids from **UNITED MEDICAL SUPPLY COMPANY (Bid No. 3)** and **VITACARE, INC** in the amount of \$25,886.00

- was presented, and Council Member Keller drew Vitacare, Inc. and Ever Ready First Aid & Medical as the successful bidders, and Council Member Boney moved approval of the

recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-1187 ADOPTED.

MATTERS HELD - NUMBERS 64 through 70

64. MOTION by Council Member Vasquez/Seconded by Council Member Castillo to adopt recommendation from Director Municipal Courts for approval of Convenience Fee for Traffic, Non-traffic and Parking Tickets paid through the Online Ticket Payment Application – **(This was Item No. 5 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBER QUAN)** was presented.

Council Member Quan stated that he had a chance to visit with Mr. Danny Piper and his staff regarding this item, that his concern was the fee that was being charged to process on line appeared high and it was a disincentive as far as people wanting to pay on line, that there was also a concern that there was a profit being made by a company by continuing with that rate, that he received assurances from Mr. Piper that they could cutback once they recouped the cost of those services, that they had a letter from him assuring that they would cutback probably in a year and a half and he was satisfied with that.

Council Member Bell moved to suspend the rules to hear from Mr. Danny Piper at this time, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-1188 ADOPTED.

Upon questions by Members of Council, Mr. Piper stated that last November when Council approved the public/private partnership with Texas On Line the decision was made in order to finance some of the services they put on line they would charge a convenience fee in order to pay for those services, and this was just a mechanism by which now they were able to reimburse the people who developed the application for the cost, that the intent was never to have a giant revenue stream for the City, that it gave them the ability, if they had limited funds, to develop applications, that it just created another channel with which people could pay, that they had not eliminated anything by tickets on line, they could still do by telephone, in person, by mail or on line, that this was the KPMG Contract, that of the \$5 the City got 5% of the gross revenues and 35% of the net revenues and that was laid out in the agreement last November, that the \$5 was not part of the original agreement and that was why they were before Council and that was to decide on the amount, that they were trying to make this an attractive thing to the people who develop the applications also, that it gave about a 18 to 24 month payback, that if Council passed it now it would be on the website in the next day or so, that this was just an option, that anybody could still use a 34 cent stamp and mail in the payment; that this was not an outsource to KPMG to collect tickets it was just a payment method, that KPMG was just providing the service for people to pay on line, that they were not doing this in house because they did not have the skill sets or expertise to develop that application in house and they did not have the money to pay for the application and develop it in house, that this was a way and mechanism to finance the application.

After further discussion Council Member Boney moved to postpone Item No. 64 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Todd, Vasquez, Castillo and Robinson absent. MOTION 2001-1189 ADOPTED.

65. MOTION by Council Member Castillo/Seconded by Council Member Vasquez to adopt recommendation from City Attorney for settlement of lawsuit styled **INFINITY OUTDOOR, INC and JOHN GANNON, INC v. City of Houston**; Civil Action No. H-98-0065; in the United States District Court, Southern District of Texas-Houston Division – **(This was Item 6 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was

presented. All voting aye. Nays none. Council Members Tatro and Todd absent. MOTION 2001-1190 ADOPTED.

66. ORDINANCE approving and authorizing the City of Houston to enter into a Loan/Grant Agreement with **SP 8600, LTD.**, a Texas Limited Partnership, whose sole general partner is **SP 8600 MANAGEMENT, L.L.C.**, to provide \$970,000.00 in Home Investment Partnerships Program ("Home") Funds for the acquisition and rehabilitation of a one hundred forty-two (142) unit apartment complex located at 8600 Sands Point Street, Houston, Texas - **DISTRICT F - ELLIS – (This was Item 18 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBERS ELLIS and QUAN)** – was presented.

Council Member Quan stated that as they recalled the item was tagged last week by Council Member Ellis and himself so they could discuss it in more detail at their Housing Initiatives Committee and several good points were raised and Council Member Parker questioned the term of the loan in relationship to the provision for low and moderate income housing, that Council Member Ellis also talked about a technology center that they wanted to see added to the project and stated that he had distributed at the table an amendment to Item No. 66 which incorporated those two points and moved to amend Item No. 66 with the following:

"Amendment to Agenda Item No. 66 regarding SP 8600, Ltd.

The Loan/Grant Agreement and related documents attached to or referred to in Agenda Item #66 are hereby amended to reflect the following and the Legal Department is hereby directed to make the changes necessary to reflect such amendment:

1. The term of the Loan to be made pursuant to the Loan/Grant Agreement shall be reduced from 20 years to 10 years.
2. The owner (SP 8600, Ltd.) shall be required during the term of the Loan and Grant to set aside adequate space in the on-site apartment office for a technology center, which shall readily be available to its tenants during office hours or other hours as may be approved by the Director. The technology center shall be equipped, at a minimum, with two functioning computers with free high speed internet access.", seconded by Council Member Parker. Council Members Tatro and Todd absent.

Council Member Ellis stated that Item 2 of Council Member Quan's motion was something that he would like to see become the norm of those low income housing projects as opposed to their having to fight to get special services into each one, that he had expressed his concerns with Ms. Bingham and hoped that from now on when they went into negotiations with the developers that they would start to look at what additional services could they provide to those low income housing facilities and to the community.

Mayor Brown stated that he thought it was a great idea, that he had been at the opening of the Allen Parkway Village and they saw both the learning lab and the computer lab and thought it was a great idea and they would work on it.

A vote was called on Council Member Quan's motion to amend Item No. 66. All voting aye. Nays none. Council Members Tatro and Todd absent. MOTION 2001-1191 ADOPTED.

A vote was called on Item No. 66 as amended. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1002 ADOPTED.

67. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and **HOUSTON MAGNOLIA, L.L.P., and HOLTZE HOUSTON, L.L.P.**, with regard to the Houston Magnolia Hotel to be located at Fannin Street and Texas Avenue; including a limitation of funding in the amount of \$2,961,000.00 - Enterprise

Fund - **DISTRICT I – CASTILLO** – (**This was Item 23 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBER TATRO**) – was presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1003 ADOPTED.

68. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for a Regional Computerized Traffic Signal System CMAQ Project, CIP N0650-07-2 - **DISTRICTS A - TATRO; B - GALLOWAY; C- GOLDBERG; D - BONEY; G - KELLER and H – VASQUEZ** – (**This was Item 33 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1004 ADOPTED.
69. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** for Regional Computerized Traffic Signal System CMAQ Project, CIP N-0650-08-2 - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - BONEY; E - TODD; F - ELLIS; G - KELLER; H - VASQUEZ and I - CASTILLO** – (**This was Item 34 on Agenda of October 24, 2001, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1005 ADOPTED.
70. ORDINANCE approving and authorizing an easement conveyance to Harris County Toll Road Authority for Street right of way purposes, containing 178 square feet of land, more or less, Parcel SY2-007, out of the 2.06 acre Southwest Water Well Site No. 4, Robert Vince Survey, A-77, located at 6302 Westpark Drive, Houston, Harris County, Texas, in consideration of Harris County Toll Road Authority's payment of \$4,702.00 and other consideration to the City **DISTRICT C - GOLDBERG** – (**This was Item 42 on Agenda of October 24, 2001, POSTPONED BY MOTION #2001-1147**) – was presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1006 ADOPTED.

Council Member Robinson stated that he wanted to remove his tag on Item No. 54 and Council Member Vasquez stated that he wanted to remove his tag on Item No. 51. Council Members Tatro and Todd absent.

54. ORDINANCE appropriating \$1,011,000.00 out of Public Library Consolidated Construction Fund and approving and authorizing Change Order Number 2 to contract (Contract Number C51012) between the City of Houston and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance services for the Library Department - **DISTRICT I – CASTILLO** – was again presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1007 ADOPTED.
51. ORDINANCE approving application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the HIV/AIDS Surveillance Cooperative Agreement; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2002 through December 31, 2004 period, and to accept and expend subsequent awards, if any, during the project period; authorizing one (1) new staff position to be funded by the grant - \$1,324,351.00 - Grant Fund – was again presented. All voting aye. Nays none. Council Members Tatro and Todd absent. ORDINANCE 2001-1008 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that she would like to request a report from Fire Chief Connealy on the Task Force findings and recommendations that was done about three or four months ago, that it was on the Task Force for the Academy that the Mayor formed about six months ago, and Mayor Brown stated they would make sure she got a response. Council Member Todd absent.

Council Member Robinson stated that he would like to get with someone from Public Works and Engineering to find out what the status was on the Flood Control Review on the Stanley Park Project, that he had received a significant amount of mail on it and was advised by the Planning Department that it was over at Public Works for review. Council Member Todd absent.

Council Member Robinson stated that he wanted to remind the public that today was the last day to apply for FEMA funds. Council Member Todd absent.

Council Member Quan stated that he knew as they continued to seek additional funds for the City that one of the things they were looking at was energy and energy aggregation and recognized some visitors from T.S.U. Energy Services who were present in the audience. Council Member Todd absent.

Council Member Quan stated that he wanted to encourage people to vote, that they still had early voting going on until Friday and understood that they had a good response with the early voting. Council Member Todd absent.

Council Member Quan stated that it was sad that they had to be as careful this Halloween as they were, that there were a couple of places that were having events for the children. Council Member Todd absent.

Council Member Keller stated that they were doing a reconstruction for San Felipe and his district was very appreciative of, that they had recently had been doing the reconstruction from Bering Ditch to Fountainview and wanted to compliment the construction management firm of Burk Kleinpeter, that they had taken it upon themselves to go to Entex and see what their future plans were involving this segment and other segments of San Felipe, and Mayor Brown stated that it made good sense and thought it should be standard procedure and would follow up with Public Works to make it part of what they would do on every project. Council Members Todd and Quan absent.

Council Member Parker stated that as they all knew last week they passed some changes to the Noise Ordinance for the City of Houston, that yesterday she and Chief Bradford had a press conference to kick it off and while they did want to have strong enforcement of the new changes to the sound ordinance they did not want to surprise anybody and they would hope that the media would help them do this, that the new message was, in your car turn the sound down and turn the stereo down, because the new ordinance says that if a police officer could hear their car from 50 feet away then they were in violation and could be ticketed. Council Members Todd, Quan and Sanchez absent.

Council Member Parker stated that like Council Member Quan she would like to encourage citizens to vote, and stated that she was very strongly opposed to City Charter Change Proposition Number 2. Council Members Todd, Quan and Sanchez absent.

There being no further business before Council, the City Council adjourned at 10:48 a.m. upon MOTION by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Todd, Quan and Sanchez absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary