

City Council Chamber, City Hall, Tuesday, November 20, 2001

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, November 20, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Chris Bell and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Rob Todd out of the city on city business. Council Member Gordon Quan out of the city on personal business. Council Member Orlando Sanchez absent on personal business.

At 9:12 Mayor Brown called to order the meeting of the City Council and stated that they had a guest minister to lead them in prayer and invited Dr. Steve Wendy, Senior Pastor, First Methodist Church to lead everyone in prayer and Mayor Brown led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS – NUMBER 1

1. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **OLLIE D. BARBARY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1246 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,930,355.43 and acceptance of work on contract with **E. P. BRADY, INC** for Renwick Force Main Replacement, GFS R-0525-01-3 (4706-1) - 03.01% over the original contract amount - Enterprise Fund - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1247 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$3,595,658.16 and acceptance of work on contract with **RAMEX CONSTRUCTION COMPANY, INC** for Construction of WCID No. 73 Lift Station, Force Main and Gravity Sewer, GFS R-1229-02-3 (4623-1) - 04.99% over the original contract amount Enterprise Fund - **DISTRICT E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1248 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,852,695.10 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Construction of Various Improvements to Ground Water Pumping Stations, GFS S-1000-01-3 (10263-1) - 04.65% under the original contract amount - Enterprise Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1249 ADOPTED.

PROPERTY - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A93-178, located at the northeast corner of Wheatley at Holly, owned by M. Frank Sturman and John P. Sturman, 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 Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1250 ADOPTED.
8. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-115, located 210 feet north of Wilburforce Street, owned by Mohammed Saleem and wife, Nafees Begum, 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 Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1251 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KYO-107, located at 1001 West Sam Houston Parkway, owned by Ten Belt, Inc., a Texas corporation, Harry J. Glauser III, President, for the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**, CIP S-0900-47-2 - **DISTRICT A- TATRO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1252 ADOPTED.
10. RECOMMENDATION from Director Department Public Works & Engineering for purchase

of Parcel CYO-7, located 8202 Lynette Street, owned by Gene Austin Lynn and wife, Nina Lynn, for the **FWSD #23 WWTP BUFFER ZONE PROJECT**, CIP R-0018-E2-1 - \$95,000.00 - Enterprise Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1253 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel LYO-24, located at 8366 Westheimer Road, owned by Westheimer Blue Willow, a Texas limited partnership [Sage Interests, Inc, a Texas corporation (Frank M. K. Liu, President) general partner], for the **DUNVALE-LIPAN RELIEF STORM SEWER PROJECT**, CIP M-0189-01-1 \$106,239.00 - Storm Sewer Consolidated Fund - **DISTRICT G - KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1254 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 and 16

13. **BRISTOL ID TECHNOLOGIES** for Library Cards Contract for Library Department - \$52,170.00 General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Goldberg absent. MOTION 2001-1255 ADOPTED.
16. **AMEND MOTION NOS. 99-249, 2/17/99, 99-1237, 7/7/99, 2000-279, 2/23/00 and 2000-892, 7/12/00, TO EXTEND** expiration date for three months from February 16, 2002 to May 16, 2002 for Electrical Lamps Parts I and II, awarded to **SUMMERS ELECTRIC COMPANY, E. SAM JONES DISTRIBUTORS, INC, ASTRO ELECTRIC SUPPLY/CED, INC** and **GULF COAST ELECTRIC SUPPLY CO., INC** and High Abuse Lighting Parts I and II, awarded to **DEALER'S ELECTRIC SUPPLY, GLOBE ELECTRIC COMPANY, INC, TURTLE & HUGHES, INC** and **REXEL SUMMERS ELECTRIC COMPANY** for Various Departments – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Goldberg absent. MOTION 2001-1256 ADOPTED.

ORDINANCES Numbers 23 and 25

23. Omitted
25. Omitted

Council Member Castillo moved to suspend the rules to consider Item Numbers 6, 29, 31, 34 and 28 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION

2001-1257 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sam Hasan of Walter P. Moore and Associates, Inc., on behalf of Most Reverend Joseph A. Fiorenza, Bishop of Diocese of Galveston-Houston, for abandonment and sale of a 4foot wide portion of Jefferson Avenue, adjacent to Lots 6 and 7, Block 385, South Side Buffalo Bayou, Parcel SY2-023 - **STAFF APPRAISERS - DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1258 ADOPTED.

29. RECEIVE nominations for Positions A through I of the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2002 – was presented.

Council Member Tatro stated that he wanted to nominate Ms. Maureen Mulrooney for appointment as the District A Representative to the Houston Clean City Commission and had distributed her resume.

Council Member Galloway stated that she would pass on her nomination for today.

Council Member Goldberg moved to delay his nomination until the next Council session;

Council Member Boney stated that he was pleased to nominate Ms. Margaret Jenkins to serve on the Houston Clean City Commission, that she was the President of the Sugar Valley Civic Club and also Vice-President of the Southeast Coalition Civic Club, that her service had been tremendous to the City that the Houston Clean City Commission asked that they nominate her and he was pleased to do so and he distributed her resume.

Council Member Ellis stated that he would be recommending Mrs. Karen North to serve for Position F and had distributed her resume to all of the Council Members.

Council Member Keller stated that he wanted to differ until next week.

Council Member Vasquez stated that he wanted to nominate for reappointment Ms. Shanna Barnstone for Position H and would circulate her resume.

Council Member Castillo stated that he wanted to nominate for reappointment Mr. Greg Rincon who had done an outstanding job in the southeast part of the district and had distributed her resume.

Council Member Boney moved to close the nominations for Positions A, D, F, H and I, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1259 ADOPTED.

Council Member Boney moved to postpone nominations for Positions B, C, E and G for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1260 ADOPTED.

31. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **POM, INC** for Electronic Parking Meters for Municipal Courts - \$501,101.70 - Equipment Acquisition Consolidated Fund – **(This was Item 14 on Agenda of November 14, 2001, TAGGED BY COUNCIL MEMBERS QUAN, ROBINSON and KELLER)** – was presented.

Council Member Robinson moved to postpone Item No. 31 one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1261 ADOPTED.

34. ORDINANCE appropriating \$1,303,684.48 out of City of Houston Airport System Subordinate Lien Revenue Bonds, Series 200B (NON-AMT) Construction Fund, CIP A-0475, awarding construction contract to **JERDON ENTERPRISE, L.P.**, and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** for Westside Wetlands Mitigation, Project No. 586 - **DISTRICT B – GALLOWAY** – **(This was Item 43 on Agenda of November 14, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. ORDINANCE 2001-1053 ADOPTED.

28. ORDINANCE amending City Of Houston, Texas Ordinance No. 2000-678 relating to the grant of a Cable Television Franchise to **WESTERN INTEGRATED NETWORKS OF TEXAS OPERATING, L.P.**; containing provisions relating to the subject; making certain findings related thereto; and providing for severability - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. ORDINANCE 2001-1054 ADOPTED FIRST READING IN FULL

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 \$2,458,495.26 and acceptance of work on contract with **N & S CONSTRUCTION CO., LLC** for Sims Bayou Lime Stabilization Modifications, GFS R-0038-02-3 (4289-1) - 03.80% over the original contract amount - Enterprise Fund **DISTRICT I - CASTILLO** – was presented, moved by Council Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1262 ADOPTED

PURCHASING AND TABULATION OF BIDS

12. **UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES/PSC SUPPLY SERVICE** for Emergency Purchase of Nerve Agent Antidote Kits for Houston Fire Department - \$61,776.00 General Fund – was presented, moved by Council Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal

business. Council Member Sanchez absent on personal business. MOTION 2001-1263 ADOPTED

14. **C & G WHOLESALE d/b/a C & G POLICE SUPPLY** for Ballistic Helmets from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$147,400.00 - Asset Forfeiture Fund – was presented, moved by Council Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1264 ADOPTED
15. **BOWLING BICYCLES, INC** for Mountain Bikes for Police Department - \$432,250.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Keller.

Council Member Keller stated that he wanted to tag the item and requested a meeting, that he realized that they advertise and those who saw the advertisement wanted to participate, followed State law and did so, that he was a little worried that two of them were basically null and void so in one effect it was like they really just got one bid, that he wanted to talk about that procedure, but another thing was that it came out to \$850 per bike and he wanted to see if they ever talk about doing some of these as unit purchases like they do some of the vehicle purchases, they deal directly with the dealerships, that he wanted to know if they could deal directly with the manufacturers of the bikes, that he hoped that someone could get together with him on those details, and Mayor Brown stated they would have someone meet with him.

ORDINANCES

17. ORDINANCE to establish the name **BROAD OAKS LANE** for an existing private street **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. ORDINANCE 2001-1055 ADOPTED
18. ORDINANCE establishing the north and south sides of the 300 block through 1000 blocks of Peden Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. ORDINANCE 2001-1056 ADOPTED
19. ORDINANCE approving and authorizing lease agreement between **GARDEN RIDGE, L.P.**, as sublessor, and the City of Houston, Texas, as subtenant, for space at 12001 I. H. 10 East, Houston, Texas, for use by the Houston Police Department - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. ORDINANCE 2001-1057 ADOPTED
20. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of six (6) Independent School Districts (**ALDINE ISD, ALIEF ISD, CLEAR CREEK ISD, HOUSTON ISD, NORTH FOREST ISD** and **SPRING BRANCH ISD**) and each of Nineteen (19) non-profit organizations (**BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, BREAD OF LIFE, INC, CHINESE COMMUNITY CENTER,**

CHRISTIAN BIBLE ACADEMY, INC, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, THE IMANI SCHOOL, IMPACT COMMUNITY DEVELOPMENT CORPORATION, JULIA C. HESTER HOUSE, INC, KIPP, INC, MARTIN LUTHER KING, JR. COMMUNITY CENTER, MULTI-CULTURAL EDUCATION AND COUNSELING THROUGH THE ARTS, NEW MOUNT CALVARY MINISTRIES, INC, PHOENIX OUTREACH YOUTH CENTER MISSION, INC, SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION, THE SALVATION ARMY, THE VARNETT SCHOOLS, INC, VOLUNTEERS OF AMERICA TEXAS, INC, WESLEY COMMUNITY CENTER, INC OF HOUSTON, TEXAS, and WONDERLAND EDUCATIONAL ESTATE ASSOCIATION) to administer an After School Achievement Program ("ASAP") - \$2,919,645.00 - General, Grant and Housing Special Revenue – was presented, and tagged by Council Members Ellis and Tatro.

Council Member Castillo moved to suspend the rules to hear the speakers on the After School Program. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1265 ADOPTED

Council Member Tatro stated that he planned to tag the item for several Council Members who were not present today and who wanted to vote on the item and supported the item as he did, and Council Member Ellis stated that he wanted to tag the item also.

Mayor Brown stated that Item No. 20 had been tagged by Council Members Ellis and Tatro.

Council Member Vasquez moved to suspend the rules to hear Father Dell'Oro at the end of the 3 minute agenda speakers. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2001-1265-A ADOPTED

Father Bill Davis, 3400 Montrose, No. 907, Houston, Texas 77006 (713-807-1429) appeared and stated that he was from Immaculate Heart of Mary in the eastside off of Navigation and Wayside, that he was present representing TMO, that they had come to ask Council to release the funds for the After School Enrichment Program, that this was their fifth year to appear before them, that he represented all of the TMO's from all over the City and his neighborhood was low income, that After School Enrichment Programs began from 3:30 p.m. to 5:30 p.m. which in his neighborhood they called it the crime time, that the bus drivers would tell them that a lot of the children did not want to get off the bus in their neighborhood because they would be home alone because mama and daddy were working, that the first year they were present they asked for funds for 9 schools and the Mayor and City Council allocated the funds but City Council was pretty critical of their use of the funds and demanded that they set up a criteria for effectiveness and wanted to know how each dollar was spent, that the next year they came back with the proof of a success story that it was not a babysitting program but a wonderful program, highly effective, run by teachers and parents and good programs, so the third year they came and demonstrated how parents and teachers working together in a single neighborhood could be a success and Council doubled the funds, that it was wonderful to know that City Hall wanted to see kids learning science, art, dancing and forming Mariachi groups, learning and especially improving the literary skills, that they started the program copying San Antonio, Dallas and Austin and noticed this year, in something he had to read, that Houston was voted one of the kid friendly cities in America and what they cited was their After School Enrichment Program, so they were asking the Council one more time to take the funds that they had, and he knew they had doubled and tripled them almost every year, because it was a great program for the kids from 3:30 p.m. to 5:30 p.m. and he wanted to thank them for helping them in

the in the past.

Council Member Parker moved to hear Ms. Anna Cummings out of order prior to Father Dell'Oro, seconded by Council Member Keller. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Vasquez absent. MOTION 2001-1266 ADOPTED

Ms. Elizabeth Silva, 2028 Daughtery, Houston, Texas 77029 (713-673-4533) appeared and stated in Spanish that the neighborhood she represented was the Port of Houston where the only safe places they had were the Temple of Divine Providence and the Port of Houston Elementary School, because although the Port of Houston area consisted of only 20 streets there existed 12 bars, that there is not a decent park where the children could play and practice sports, that she wanted them to note that the after school program offers the children the opportunity to practice sports, practice their art skills, enrich their education, that the children got help with their homework, which was a labor that many parents were not able to do because of the low income they receive from their work it is necessary for both parents to work, that was why it was not fair that now in the month of November they still did not have the funds available for the after school program to function. Council Members Tatro, Goldberg, Vasquez and Robinson absent.

Ms. Sonia Garcia, 3803 Landa Ln., Houston, Texas 77023 (713-649-5390) appeared and stated in Spanish that she was a volunteer at Brookline Elementary, which had 1,400 low income students, that they had been trying to find help for the community for the past three years, that they had applied for the City scholarship and were chosen for the first time, that they were very happy to be recipients of the City's help, but the sad thing was that they had not been able to start for lack of receiving the funds, that they had already lost nearly four months and if they do not receive the money soon the school year may terminate, and they would not be able to achieve the help they needed for the children, that they were sad but ready to initiate the programs now that the eligible children had received their applications and returned them with parent signatures, that they already had two meetings with the parents to inform them with general information about the programs, that everyday the children ask very anxiously "when are we going to start our after school program", and it was very sad to keep telling them soon, when the City gives them the money, that they do not know when they will receive the money but were hopeful that it would be soon in order to complete the promise that they had given their children. Council Members Goldberg, Boney, Ellis, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT)

Father Davis stated that he would give them a quick translation, that what the previous speaker had stated was that the programs were supposed to begin in September but the money did not get freed from City Hall to the HISD so the children were saying "when do our after school programs begin", and everybody says they had to wait for City Hall to give them their funds, that she said a lot more than that and expressed the desire of the children to begin the programs. Council Members Goldberg, Boney, Ellis, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Zarida Toscano, 9909 Larston, Houston, Texas 77055 (713-972-3084) appeared and stated that she lived in the Spring Branch area and had children in the Spring Branch schools and for her it was a very important necessity because she did not have someone to watch her kids and it was very expensive for daycare, that she used to have her mom but now her children were what they would call latch kids, that the after school program would be something that would be a tremendous help and a lot of parents that she knew of could not afford after school programs and they come home late from work so there was no supervision if no one was home, that the programs provided adult supervision and something for them to do and to do their school

work also and physical activity, so they really did need the program and thought it was very essential for their children, that the school that her children went to was predominantly Hispanic and a lot of them could not afford to pay for after school programs so they were asking that the Council really consider this. Council Members Goldberg, Ellis, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Anna Cummings, 2929 Buffalo Speedway, No. 803, Houston, Texas 77098 (713-629-1252) appeared and stated that she would give her speaking time to Father Dell'Oro. Council Members Goldberg, Ellis, Vasquez, Bell and Robinson absent. (NO QUORUM PRESENT)

Father Dell'Oro, 4419 North Main Street, Houston, Texas 77009 (713-869-1449) appeared and stated that he was from Christ the King Catholic Church and was representing TMO and the parents of the schools present today, Gallegos, Brookline, Elliott, Braeburn, Atherton and Northline Elementary Schools, that they had heard the history of the after school programs and some of the stories that made that program worthwhile, that he was present to ask them as the Houston City Council to immediately approve the funding and expedite the process so that the schools could have access to the funds by the end of the month, that they wanted the Council to act on it today without further postponing this important decision, that they had questions for Mayor Brown and his opponent Council Member Sanchez, if he was present they would ask the same questions to him, and asked Mayor Brown if they would fund the After School Enrichment Programs at or above the \$2.9 million in the year 2002 and would like for him to answer this with a resounding yes; would they get the funds to the schools so that such programs could start by September 15th of each year, and again they would love to hear a resounding yes, and would they use the general revenue or local tax dollars to fund after school programs if Federal and State grants were not sufficient to reach the \$2.9 million in 2002, that they would like to hear the answers today and had even prepared a form for them to fill in and wished to leave it with them, and they would also like to give them an opportunity to explain their answers in a meeting next Tuesday with about 200 to 300 key leaders of TMO. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Ms. Barbara Settle, 22 South Wynden Dr., Houston, Texas 77056 (713-963-8990) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Mr. Kenneth Horn, 7202 Colton, Houston, Texas 77016 (713-633-2767) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 (did not want to give number) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he wanted to explain to the people who were present on the After School Program, that the Council Members had exercised their tag and meant that they would not vote on it this week, but would vote next week, that it had been delayed for another week and would be up next week. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that he wanted a point of personal privilege and stated that joining them today were the wives of Houston Fire Fighters and asked them to stand and be recognized, that they were present to watch the parliamentary process at work and wanted to bring about more education to the citizens of Houston about the importance of firefighter safety

issues, that they looked forward to their being present to speak on some important issues, and Mayor Brown stated that he welcomed them. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Mr. E. L. Drake Smith, 3234 Ewing, Houston, Texas 77004 (713-522-2956) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

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

Ms. Gwendolyn Crawford, 3114 Gray, Houston, Texas 77004 (713-659-1309) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Ellis, Vasquez, and Robinson absent. (NO QUORUM PRESENT)

Mr. Jack Terence, 2808 Morrison, Houston, Texas 77009 (713-861-1991) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Vasquez, and Robinson absent.

Ms. Geneva Kirk Brooks, Post Office Box 20523, Houston, Texas 77225 (713-664-2717) appeared and stated that she was the Director of Copyrights Foundations and was present to say "make my day, sue me", that she was present several weeks ago to demand that they give to her and Mr. Ed Wendt the public records which were requested several weeks ago having to do with the invasion and trespassing on her property by the homeowners association for the purpose of fishing for a reason to have legal fees to foreclose on her property, that she would be handing out to them documents which had been released in the past about how the City of Houston inspectors were used as a tool by the CAI and Chubb Insurance Company for homeowners associations to conduct a reign of terror, that when they requested the public records to document it Mr. Anthony Hall's office notified the Texas Attorney General that those public records could not be released because the City had the intention of suing her for accepting some money for her guest room from Mr. Wendt the reporter when he was in the City receiving treatment at M.D. Anderson Hospital, that the foreclosure racket in Houston was led by Mr. Mark Markel, a Chubb Insurance lawyer, who foreclosed on the 82 year old widow Blevens house as described in the documents she would pass out, that the same Mr. Markel was deeply involved with the homeowners association foreclosure racket, that he railroaded her into a deposition which lasted about six hours about a case she really knew nothing about, but the main thrust of the deposition was to quiz her about everything that she had said in her request to the Attorney General for public records and what she had said to the Council before, that she was present to say to them to sue her or let her have the public records so they could show the public how the City inspectors and City officials and even the Council and now the Better Business Bureau was being involved in the foreclosure racket, that she also wanted them to know, and to read the last release, that the Texas owners were putting Chubb Insurance on the run and now they were beginning to change their policy. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Boney moved to suspend the rules to add Mr. Tony Sirvello, Harris County Clerk's Office, to the speakers list, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Members Goldberg, Vasquez, and Robinson absent. MOTION 2001-1267 ADOPTED

Ms. Tabatha Lasalle, 3131 Hayes, No. 215, Houston, Texas 77082 (281-752-0674)

appeared and stated that she was a City of Houston employee at the 311 help line and the reason for her being present was that she was experiencing problems with her management team and felt that she was being treated unfairly, that the reason she was present was that she was trying to be transferred out of the department, that the Assistant Administrator for that department was Ms. Gloria Bingham and she had been harassed by her, that 311 was a promotion for her, that she had come from the Aviation Department and felt that it was a good promotion to learn and experience more things, that once she went to 311 she was misled by the money because they went through a training program which was supposed to be eight weeks, but it was six months before they got their salary, that Ms. Bingham would constantly call her into her office for non related problems, that she told her she had an attitude problem and did not want to deal with her and wanted to send her back to her department, that she had spoken to Mr. Ron Newman about transferring her and he would not do anything, that she also spoke with Mr. Lonnie Vara and had spoken to numerous people with the City about being transferred because she was stressed out for the position, that she had worked 10 days straight without any days off and she spoke with Mr. Newman about that situation, that Ms. Bingham had said all type of negative things to her and also to other employees in that department, that at that time she took a sick leave for two weeks and was on a rotating schedule, which was weekends, that when she came back to the department she was placed on weekends again and they were supposed to work eight weekends only, that at that time Ms. Bingham wrote her up for a counseling notification which she thought it was unfair because she had gone to talk to Mr. Newman once again in reference to transferring her and Ms. Bingham said that she was not conducting any City business so she wrote her up for being away from her desk, that she also spoke to Kendall Baker, who was the manager, in reference to the schedule change, that she had also received a ticket from the City for parking in the area and they refused to pay for her ticket, which they paid for everyone else's ticket in the department. Council Members Goldberg, Vasquez and Robinson absent.

Mayor Brown stated that Mr. Donald Hollingsworth was present and would meet with her and see how he could be helpful to her. Council Members Goldberg, Vasquez and Robinson absent.

Ms. Tama Jones, 5107 Browncroft Street, Houston, Texas 77021 (713-747-1582) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Vasquez, and Robinson absent.

Mr. Tony Sirvello, III, Administrator of Elections, Office of the County Clerk, appeared and read the following statement:

"I am pleased to have the opportunity to appear before you today to discuss election administration issues relating to the November 6th General Election and the December 1 Run-Off Election currently in progress. I have a brief statement and then I would be happy to answer questions.

Let me begin by saying that we all share a common objective – fair, accurate, secure, and efficient elections in Harris County. That is the reason we are implementing new systems for verifying voter registration and for recording cast votes.

The process of implementing these systems has, by and large, gone very smoothly. There have not been widespread instances of voter disenfranchisement, equipment failures, and inadequate poll resources to confirm voter eligibility, as suggested in the letter inviting us to appear today. There have been some problems, which I will review, and we are acting aggressively to address them.

I'd like to begin by making three comments.

First, it is important to note that early voting turnout has been quite heavy compared to comparable elections. Early voting in person turnout in the November 6th General Election totaled 58,328, an increase of more than 150% from the 1997 Mayoral elections. Early voting in the first two days of the runoff was 10,040 voters. By comparison, 1997 runoff turnout was 6,845 after 2 days.

The dramatic increase in turnout itself is an issue that requires management. We allocate resources based on historical voting patterns, and higher than expected turnout means that we have to increase the resources allocated to the election. We are in the process of doing that now for the Runoff.

Second, we are implementing two new systems in this election. One is the eSlate Electronic Voting System that has received a great deal of attention. The other system is the VEMACS Election Management System, replacing the old MAPPER system. VEMACS is a much more up to date system and provides several election administration tools that MAPPER did not have. I will address this issue in more detail shortly, but most of the problems we have encountered have been related to communication between the voter registration verification system and the County's central database.

Third, the people assigned to the Early Voting locations are part-time employees, who are working hard to learn and implement the new systems. They are trained, and many have been involved in election administration for many years. However, like anyone, they are adapting to the new systems, some more easily than others, and there are occasionally corrections that need to be made.

Let me now address some specific issues.

The two new systems are independent, designed as such in order to ensure that voter privacy is protected. The VEMACS system is the system used to verify voter registration. The system has been designed to follow a very specific process required by state law. When voters appear at the polling place, they are asked for their voter registration certificate, they are asked to present some form of identification. The process is straightforward. If the voter has a voter registration certificate, the certificate number is entered into the system. VEMACS contacts the central database and confirms the identification information. The voter is then asked about his or her continued residence at that address, as required by stated law.

VEMACS then prints out an application for early voting in person, also as required by state law, and sends the voter's precinct number to the eSlate System. The eSlate System prints out a four-digit access code that is handed to the voter. The voter signs the early voting application, and proceeds to any open voting machine. By entering the access code, the system is prompted to display the proper ballot based on that voter's precinct.

If the voter does not have his or her voter registration certificate, they are asked for identification. Whatever forms that identification takes, most often the Texas driver's license, the voter's name is entered into the VEMACS database. When the voter information comes up for that particular voter, the election official is required to verify with the voter that the voting record that has been produced is actually the voter standing in front of the election worker.

Often the first name that comes up is not the correct voter – thus, the name has to be reentered. When the proper voter record comes up, the clerk follows the procedure I previously described. Processing a voter without a voter registration certificate can take two to three times

as long as a voter who has his or her certificate.

The VEMACS system is connected by modem line to our central data bank downtown, on which the roster of 1.8 million registered voters is maintained. We receive the data for the roster from the Tax Assessor's Office on a daily basis during the election. This is the source data for the voter registration verification system. Using the VEMACS system minimizes the lookup time and reduces the chance of voter fraud by creating a real time record of who voted each day. This process is also necessary to maintain early voting lists for Election Judges on election day.

Clearly, a problem occurs when the VEMACS system cannot communicate with the central database. In this situation, election workers resort to manual procedures, which can slow the process.

This is what occurred on the last day of early voting in the general election on November 2nd when a phone cable in the County Administration Building was cut. The result was a communications interruption to 19 of the 29 early voting locations.

On the first day of the runoff, there was also a communication failure from the Fiesta Mart early voting location. At Fiesta Mart on the 17th, the polls were scheduled to open at 1 p.m. However, the supervisor in charge at that location had not completed connecting the cabling that allows VEMACS to communicate with the central database.

Election supervisors have been trained that if such a situation occurs they should shift to the manual backup system for verifying voter registration. All early voting supervisors are instructed at Election Schools and in writing that in this situation voters are to be allowed to vote after telephonic confirmation from the voter registrar and voter information is manually entered on the application for early voting in person. This may not have been clearly communicated to voters in some instances on the 17th. Although all early voting supervisors were instructed to be on site at each location two hours before the polls were to open on the first day of early voting, I did not instruct the County Clerk's MIS Department to be present at that same time, which would have given us time to correct any problems long before the polls were open.

The result of the situation at Fiesta mart was delays in voting, unfortunately long lines, and the possibility that some voters may have concluded they were not able to vote conveniently.

We immediately took action. We sent additional personnel to Fiesta Mart and put faster workers on the qualifying computers. The first votes were cast on the system at 1:49 p.m. After the additional resources were assigned, voters were processed more quickly.

I want to stress that communication failure, whether on November 2nd or November 17th, does not affect the eSlate voting system. Voters can still cast their votes, and the integrity of the vote is not affected.

In order to avoid future issues, we have been evaluating all of our early voting locations, and we are in the process of allocating additional equipment and personnel for the balance of this early voting period where there appears to be a need. We are also clarifying instructions with our election supervisors to be sure that correct information is clearly communicated to voters.

Let me conclude by saying that we have prepared for this election carefully and in good faith, and as I said earlier implementation of the new systems has, for the most part, occurred without incident. We are taking steps to address concerns as they arise, with the most important objective being to ensure the integrity of the voting process.

Thank you for your time and I would be happy to answer your questions.”

Upon questions by Council Member Parker, Mr. Sirvello stated that if they had a current valid voter registration card that was what they used first, but they did the verification because it was not so much to verify that one was a legitimate voter but for two purposes, one to automatically store their name in the database so that they were not allowed to vote again at any other early voting location, and two, to produce a list which the State law required of the names of the people who voted early by personal appearance, that there was a way to do that if the verification lines were down and they had been instructed at election school and in writing, that they thought the employees at Fiesta Mart got a little flustered because the line was long at 1:00 p.m., that there had not been a problem with the eSlate equipment, that it had always worked during November, and Council Member Parker stated that one of her senior aides was turned away from the polling place and told that even though she had her voter registration card that they were not prepared to handle her process, and Mr. Sirvello stated that they would address it with those particular employees and obviously they were concerned if that did happen, that they had Wednesday, November 21, and the weekend for early voting and then the last two days were next Monday and Tuesday, that they had sent to three or four of the places, that seemed to have a cabling problem, extra personnel Sunday and they would be there through the conclusion of early voting, that in the primary elections next year they would use the eSlate once again in early voting and they would introduce it as a demonstrator in all of the election day precincts, that they were taking steps to make sure that these problems did not occur in the primary elections.

Council Member Boney stated that the problem was much more widespread than the County was willing to admit and it only troubled him to the degree that the County did not publicly enter into a dialog with the Council and the citizens as Mr. Sirvello was doing today, that at the request of Council when they had the special committee meeting Mr. Bettencourt had three representatives present so they were able to clarify an awful lot but they had no one from the County Clerk's office, that one problem that had been brought to their attention at the Fiesta Mart location was that the eSlate machines did not work for a period of time and asked Mr. Sirvello to verify that, and Mr. Sirvello stated that it was only until 1:00 p.m., and Council Member Boney asked Mr. Sirvello if he was aware that there was a period of time in which voters were told on the last day of early vote that the eSlate machines were down at the Sunnyside Multi Service Center, and Mr. Sirvello stated that was a communication problem, that on that particular day when the cable was cut their database access was down, but the voting system was never down, and Council Member Boney stated that he hoped they would be able to meet privately prior to the election, and Council Member Boney stated that on election day in the Alief area the polling place was moved from where it had traditionally been in the library to inside the school and 120 people, according to the testimony given by a voter, went to the traditional place, turned around and left because there was not a sign up that said the polling place was inside the school, and Mr. Sirvello stated that there was a form in the supplies and the judges were instructed at their school and in writing that if their polling location was changed that there was a placard that said notice of change of polling place and they were instructed to put that sign up at the previous place, even if the physical address was the same, but the room had changed, that it was difficult for them to monitor 711 precinct judges on election day to make sure they were following directions, that they do try, that for the runoff election on December 1st there were 452 polling places, that they had the list about 99% confirmed and he would be glad to give them that list as soon as he got back to his office, and Council Member Boney stated that they became aware that they got the list either the afternoon before the election or the day of the election and this was too close, and Council Member Boney stated that one voter told him that they called to ask about a challenge ballot, that they had called to the County because they had heard people talk about it and they were told that the person who answered the phone at the County said yes they could get a challenge ballot if they insisted but then they would have to get the DA involved to verify that they were in fact a registered voter and asked if that was the appropriate way to

respond to a voter when they asked about a challenge ballot, and Mr. Sirvello stated absolutely not, that those were not the directions they were given, that they were supposed to explain the purposes of the affidavit of a challenge voter.

Council Member Goldberg asked if a person was using his drivers license and they would verify it with the VMACS system, was there a hard copy of that to look at, at each precinct, and Mr. Sirvello stated that it was there electronically but not in hard copy, but if someone asked for it they could produce it, but it was not required by law and that was why they did not have it there, and Council Member Goldberg asked who could vote on a mail-in ballot, and Mr. Sirvello stated that the reasons were if they were 65 years of age or older on the day of the election, that they would be out of town during the early voting and on election day, and if they had some type of disability that would prevent them from going to a polling place, and if they were confined in jail and had not been finally convicted of a felony, that if they changed their mind and showed up during early voting to vote they cancel their mail ballot on the spot and allow them to vote in person, that on election day the election judge was required to receive the voters unvoted mail ballot, so if on election day if they showed up without their mail ballot in their hand and their name was on the list as having a ballot mailed to them they could not vote without going down to the County Clerk's office and getting authorization from them, they could not vote even under protest.

Council Member Castillo asked if the delay in the voter verification was inherent to the process because in the early voting they had many people in different precincts voting in the same place and asked what was the reason for the delay, and Mr. Sirvello stated that it was just a very tedious process, that for instance if they did not have their card, and it often happened with female voters, that they could be registered by their married name and they often have to look them up two or three times, if they had a father and son they had to be sure before they put the name in the database that they had the father or the son there, but the process of verification was the same as it had been since 1992 when they had the ability to electronically determine their eligibility to vote, that the VMACS system was just a fancier system than what they were using and it was taking some of their clerks a little bit of extra time to get familiar with, that they were looking to having a backup system available for the primary where they might be able to give every one of their locations a laptop with the database of all the registered voters in it so they could use that and not have to call downtown to get verification, and Council Member Castillo asked if the election administrators were able to detect any attempts to intrude or to illegally enter the voting tabulation process for the first election in November, and Mr. Sirvello stated no, that all of the MVB's that contained the voted ballots were secured during the entire election process and were brought in by armed deputies on the last day and the seal was broken and the votes were tabulated and the votes tabulated matched the number of people who actually voted, that there were no attempts of external parties trying to enter the computer system, that they had no incidents reported to them. Council Members Keller, Vasquez and Robinson absent.

Council Member Bell stated that he had an opportunity to talk to a number of people who early voted during the general election and he made it a point to ask them what they thought of the process and to a person they all said they found it rather simple to use and they liked it, that the comments he heard were overwhelmingly favorable, but he did think it made a lot of sense going forward based on the criticism that they heard prior to the system being implemented that their department do a survey following up, because he did not think it would be very hard to identify people in a lot of different groups to see what their experience was, that they owed to the public to make sure that there was pretty uniformed response that people liked this new system and were responding well to it; that he was curious based on his comments and concern because something that was not given a whole lot of attention and that was the backup system, that there was a lot of talk about the electronic backup and what systems were in place to protect the security of the system, but not a great deal of attention was given to what would

happen if the system were to go down and go off line for a while and he thought that was what happened that past Sunday, and Mr. Sirvello stated that there had never been a time when the eSlate system had gone down, that the problem that Ms. Wallace had at Fiesta was that she was not correctly connecting her cables to allow the system to come up the way it was and as soon as she was shown how to connect the cable she was up and running had been since then, that as far as the voter registration inquiry because they did have a little bit of a problem, they wanted to find a way themselves that in any circumstance if they lost electronic ability to determine their voter registration status they wanted to have an instant way to backup so that no voter would ever have to wait any longer than they would normally have to wait by having a way to vote, and Council Member Bell asked what type of backup was being proposed and was there any possibility that they could have a system that if the electronic system went down they could have a standby punch card system or would that not work, and Mr. Sirvello stated that they had not experienced any problems with the eSlate system going down because it had a battery backup, that the only time they would need a punch card system would be if the actual voting system were to go down, but as of November 2002 they did not plan to have any punch cards available to them any longer, that they were putting their stock into their new voting system and were comfortable that it would not let them down. Council Member Tatro absent.

Council Member Ellis stated that he voted on a Saturday and it seemed there was a problem in verifying some of the individuals that were there, and two gentlemen had come in and had their voter registration cards and for some reason they could not access their names and one of the gentlemen said he had voted in the general election and asked Mr. Sirvello if that would be a clerical error, and Mr. Sirvello stated that the voter registration database they got from the voter registrar and it was supposed to contain the names of everyone who was qualified and registered to vote, but they had an issue where they had to turn people away who did not live in the City and sometimes they had had to call City Planning to verify that indeed that address was not in the City, that if the gentleman lived in the City and his name was not being able to be pulled up then it would be a voter registration problem and something that Mr. Bettencourt would have to address because their databank came from his office, and Council Member Ellis stated that he had a call from some of the precinct judges who had some concerns with the fact that since November 6th their precinct location had changed and asked why that would happen, and Mr. Sirvello stated that was a call done by the City, that they did not establish the precincts that were going to be used, that it was done by City Planning and part of the reason was for instance if there were four precincts combined together on November 6th but three of them were what was called City splits and perhaps only had 20 to 25 City voters living in them, rather than opening up all four of the polling places in some cases the City combined them and made them into one location, but that was not their call, and Council Member Ellis stated that they had Precinct 287 that had 1,200 voters in it and why would that location be switched, and Mr. Sirvello stated that it could be that since this would be a Saturday election and some of their polling locations that they used on Tuesday would not be available on a Saturday because there may be a wedding scheduled or something and they would have to move for that reason, that it could be a private location, and Council Member Ellis stated that he would like an explanation from Mr. Sirvello and the Planning Department on Precincts 539 and 287. Council Members Vasquez, Parker and Robinson absent.

Upon questions by Council Member Tatro, Mr. Sirvello stated that there were 935 total precincts but voting at 711 locations, that for the runoff there would be 452 locations, and Council Member Tatro stated that with 711 locations, things happen, that for instance they had at the community center in Spring Branch on election day the door was not unlocked until 7:45 a.m., that someone misplaced the key for a County building, that he did not attribute it to some conspiracy or poor planning, that they had a lot of people out there doing a great job and things happen. Council Member Vasquez absent.

After further discussion and questions by Council Members, Mr. Sirvello stated that he would be glad to take back to Ms. Kaufman the suggestion of a laptop computer at each location with a database on it, that he did not know if Harris County opposed Hart Intersivic's injunction to enjoin the public from having access to the RFP and contract information, that it was being handled by the County Attorney's office; that there was an alphabetical listing, at each polling place, called the combination poll book, and was a listing of everyone that was registered to vote in the precinct; that on election day they would still be using punch cards for the primary and the runoff but there would be a sample of the eSlate voting machine with the demo ballot on it in each election day precinct in both parties primaries so that voters could try it out, if they had not already used it during early voting, and then next summer was when they would start their big education program with the election judges in preparation for November 2002, that it was just for testing it and getting familiar with it. Council Member Boney absent.

Mayor Brown thanked Mr. Sirvello for being present. Council Member Boney absent.

Mr. Joseph Young, 5539 San Juan, Houston, Texas 77020 (713-671-2576, Pager 713-616-9918) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Roland Curry, 5519 Caplin, Houston, Texas 77026 (713-633-3829 or 713-631-7208) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

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. Council Member Boney absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and sang and voiced his personal opinions until his time expired. Council Member Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Deborah Elaine Allen, would not give address or phone number, had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

At 10:40 a.m. the Public Session was concluded. Council Member Robinson absent.

21. ORDINANCE approving and authorizing contract between the City of Houston and **JEFFERSON ASSOCIATES, INC** for Information System Support Consulting Services for the Planning and Development Department; providing a maximum contract amount - \$2,500,000.00 - General and Building Inspections Fund - was presented, and tagged by Council Members Goldberg, Tatro and Keller. Council Member Robinson absent.

Council Member Keller asked if anyone knew if this included software and asked that someone meet with him and to also add his name to the tag list. Council Member Robinson absent.

Council Member Castillo stated that during the week of the tag he wanted to see the scoring matrix to see how the other respondents scored, and Mayor Brown stated that they would get that for him and share it with everybody. Council Member Robinson absent.

22. ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **COMPASS ADVISORS, INC** for Professional Services in connection with the Upgrade of the Stratus Security Access Control System Software and CCTV Systems at George Bush Intercontinental Airport/Houston, CIP A-0372.01 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. ORDINANCE 2001-1058 ADOPTED
24. ORDINANCE appropriating \$135,425.01 out of Water & Sewer System Consolidated Fund and \$131,104.10 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation contract between the City of Houston and **STEPHENS/TINGLEY, L.P.** for construction of Water, Sanitary Sewer and Storm Sewer Lines in Section 19 of the Briargate Subdivision, CIP S-0800-35-03 and R-0800-42-03 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. ORDINANCE 2001-1059 ADOPTED
26. ORDINANCE approving and authorizing amendment to architectural services contract between the City of Houston and **DCW ARCHITECTS, INC** for Replacement of Roof on the Collections/Training/Locker Building for the Solid Waste Management's Kelley Service Center as approved by Ordinance No. 98-936, GFS L-0044-01-2 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. ORDINANCE 2001-1060 ADOPTED
27. ORDINANCE appropriating \$826,400.00 out of Convention & Entertainment Construction Fund, awarding construction contract to **PRIMIS CORPORATION** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for Roof Replacement and other improvements for Houston Center for the Arts, GFS B-0049-01-3; providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICT D - BONEY** - was presented, and tagged by Council Member Goldberg. Council Member Robinson absent.

NON CONSENT AGENDA - NUMBER 29

MATTERS HELD - NUMBERS 30 through 34

30. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$2,488,138.62 and acceptance of work on contract with **A-TEC ENGINEERS AND CONTRACTORS, INC** for New Fire Station No. 15, GFS C-0059-01-3 - 10.29% over the original contract amount - CDBG and General Improvements Consolidated Construction Funds **DISTRICT H - VASQUEZ** – **(This was Item 4 on Agenda of November 14, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. MOTION 2001-1268 ADOPTED

32. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **COASTAL TECHNICAL SERVICES, L.L.C.**, to settle a claim - \$56,800.00 Disaster Recovery Fund – **(This was Item 35 on Agenda of November 14, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. ORDINANCE 2001-1061 ADOPTED
33. ORDINANCE appropriating \$22,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for the Environmental Site Assessment Phase I & II Studies at Clay Brittmore Street Detention Pond Site under professional Environmental Consulting Services contract with **ROY F. WESTON, INC** (approved by Ordinance No. 99-0557), CIP S-0019-02-2 and D-0076-02-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A- TATRO – (This was Item 41 on Agenda of November 14 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Member Robinson absent. ORDINANCE 2001-1062 ADOPTED

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Tatro stated that he had been following an issue since July and it had to do with some mitigation on a particular property at East TC Jester on the bayou just north of I10, that it was a development that was taking place and almost complete, that this particular issue involved the mitigation of that site, that back in July he had requested from Public Works the information where this particular development got its offset mitigation while developing in the flood plain, because they were in the flood plain and they raised it up, that if they raised in the flood plain they had to cut down some where else to get a compensating one to one ratio for a filled cut, that for two months he received no information and then the same item was on the agenda for another water sewer reimbursement and he used that opportunity to postpone the issue to get some reaction and his information from Public Works and on September 2, 2001 he received, in his opinion, some unprofessional information from Public Works and specifically not addressing the questions he asked, that since that time he had to pry from Public Works and had to meet and talk with the developer, talk with the engineers and basically had to do the work that Public Works had failed to do for at least three months, just to get the information for the initial request and that was where did the mitigation come from, that he got drawings with no detail, backup or assurance that it was what actually happened and that was part of the issue and concern, that there was significant concern that the drawings were representative of the cut and fill that was actually done, and when they were talking about building in the flood zone, especially on the heels of Tropical Storm Allison and in an area that was extremely residential, the Timbergrove area, to have those questions just go unresolved and basically have Public Works almost ignore his request for a very important issue he found it to be reprehensible, that he had talked to Mr. Rolan last week and expressed his concern that they were not getting reptiles, that he asked Mr. Rolan that he get the information and that they do the job they were appointed to do and were responsible for and make sure that the plans were valid and that it was what actually happened, that with virtually no backup to suggest that it was what happened he had significant concerns that the project may get ready to open and completed and have an occupancy permit, that if the plans were what was executed then everything would be fine, but all indications were that the plans that were presented were not what was executed and Public Works and the flood plain administrator seemed to be almost ignoring the issue, that they could not ignore issues when they were developing in the flood zone, that he hoped that by next week

Public Works would get the information to him that they were supposed to get to him two months ago and that they had some resolution to the issue, that what was presented as a development plan, followed and did the development plan get executed, did proper compensation for that development come from where it was supposed to, that he thought it was a hole in the process and a process that they needed to revamp in the next couple of years, especially with Public Works, that he was requesting that Public Works simply respond to the requests he had made and provide documentary evidence, because if the plans were not properly followed then they had some significant issues, that they had a lot of residents in the Timbergrove area that were still not back in their homes from Tropical Storm Allison and they had extreme concerns about the way the City was handling flood plain administration and not having these questions answered only fueled that concern and their skepticism and as their elected representative it was his responsibility to make sure that Public Works was abiding by the rules, and Mayor Brown stated that he would have Public Works get with him and answer his questions. Council Member Boney absent.

Council Member Vasquez stated that they needed the Mayor's assistance on two intersections in the district that were somewhat dangerous and had resulted in a lot of accidents, that they had written a letter to Public Works but needed his assistance in expediting the analysis that would go on with that, that the first was at Yale and 19th Street, that there had been several accidents there and had been identified by Public Works as probably one of the eighth worst in the City, that also at 6th and Yale it was becoming dangerous because of the amount of traffic up and down Yale, that they believed an additional traffic light was needed there. Council Member Boney absent.

Council Member Vasquez stated that he wanted to wish Council, all City employees and all Houstonians a Happy Thanksgiving, and Mayor Brown stated that they would take care of those two intersections. Council Member Boney absent.

Council Member Keller stated that he wanted to wish everyone a Happy Thanksgiving. Council Member Boney absent.

Council Member Bell stated that there was a report in today's Chronicle about homelessness since September 11th and New York City, San Francisco, Los Angeles and Boston had all seen a significant increase in their homelessness rates since September 11th because of a lack of affordable housing and the obvious economic woes that cities were facing across the Nation, that he would ask that they be mindful of the trend and did not think it would be very long before they had a similar report in the City of Houston that they were seeing an increase in homelessness in their own City and he would like to make sure that they were acting now to do everything they could to deal with the problem before it occurred and could prepare according, that he thought it would be in order to ask the Coalition for the Homeless to prepare a report and have them maybe come to the next week's Council meeting to inform them if they were seeing a similar increase in homelessness in Houston and what was being done, that he would also ask that somebody get with him from the administration and thought that Mr. Haines was most familiar with it as far as the community outreach money that had been budgeted for the last three years, that his understanding from SEARCH was that there had been some problems as far as transferring the funds from the City to the SEARCH Organization to help with their community outreach program, that it had been one of the most successful programs in the entire City in terms of actually getting homeless people off the streets and into various programs across the City and certainly if they were going to start seeing an increase in homelessness in Houston they needed to make sure that program was properly funded, that he wanted someone to get with him to see that they could work out what had happened. Council Member Boney absent.

Mayor Brown stated that they would take care of both of those issues. Council Member Boney absent.

Council Member Castillo stated that a week before last they had a meeting in Mr. Haines office on the Fourth Ward housing projects and they resolved a lot of the problems and knew that the builders were ready to go and they were having some logistical difficulties at Planning and some of the other departments and wanted to know if Mr. Haines could give him an update, and Mayor Brown requested that Mr. Haines give him an update, and Mr. Haines stated that they were meeting next week with the entire group and there were site meetings going on this week between Planning and Public Works on the specific technical details. Council Member Boney absent.

Council Member Castillo stated that the Multi Service Center at Denver Harbor was open and was a beautiful building, but the Parks Department had not yet deployed personnel to the facility so the gymnasium was not available for use so he would encourage the administration to see how soon they could get people from the Parks Department. Council Member Boney absent.

Council Member Goldberg stated that he also wanted to wish everyone a Happy Thanksgiving and this year in light of the earlier tragedies that they keep in their prayers the victims and emergency personnel. Council Member Boney absent.

Council Member Robinson stated that he wanted to thank Mayor Brown for participating in the 3E Conference on Truck Safety at the George R. Brown Convention Center, that he was advised that sometime in the next couple of weeks TXDOT would let them know when they could have a public hearing on expanding the No Trucks in the Left Hand Lane along I-45 and looked forward to giving that to Council and finishing up that project. Council Members Boney and Ellis absent.

Council Member Robinson stated that on Wednesday, November 28, 2001, TEX21, the local elected official organization that had been working on mobility issues would be in town meeting at the George R. Brown as a part of the Texas Municipal Leagues annual meeting which will also be in Houston and the Mayor was sponsoring a tour of the revitalization that was going on along the Main Street corridor from downtown all the way out to Reliant Stadium. Council Members Boney and Ellis absent.

Council Member Robinson stated that he wanted to thank Dr. Scheps and Mr. Haines, that Dr. Scheps met with him the later part of next week and had a draft of the Taxpayer Dividends Ordinance that would be on the Fiscal Affairs agenda on the 5th for a briefing of Council and that he had met with Mr. Bettencourt to see if they could do it as a tax credit on bills, so that was almost finished. Council Members Boney and Ellis absent.

Council Member Robinson stated that he wanted to thank Mr. Bill Calderon in the Planning Department who had been working with him since last week, that it was quick and fast and a hurry on the idea of some kind of inclusion in their Property Tax Abatement Ordinance of an incentive for those companies who help subsidize public transit and telecommuting for their employees, that those items were being worked on. Council Members Boney and Ellis absent.

Council Member Robinson stated that he wanted to wish everybody a happy and safe holiday season. Council Members Boney and Ellis absent.

There being no further business before Council, the City Council adjourned at 10:58 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. All voting

aye. Nays none. Council Member Todd out of the city on city business. Council Member Quan out of the city on personal business. Council Member Sanchez absent on personal business. Council Members Boney and Ellis absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary