

City Council Chamber, City Hall, Tuesday, January 8, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 8, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:03 p.m. Mayor Pro Tem Quan stated that they had a couple of proclamations that they wanted to present and the first one was to the National Association of Partners in Education, that they would be having a national conference fostering careers of law enforcement, public safety and security in Houston later in the year, that it was a very timely conference as they were more aware than ever of the need for security within the society, that as they knew they had the High School for Law Enforcement and Criminal Justice in Houston, which was the model for other cities around the County and invited Mr. Lionel Castillo to the podium to introduce the Chairman of the Board. Mayor Brown, Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Castillo stated that they were delighted to have with them today the national Chairman of the Board of Partners in Education, Mr. Vin Hoey, who was also an executive at Exxon and invited Mr. Hoey to the podium. Mayor Brown, Council Members Ellis, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Hoey stated that they were present promoting National Partners in Education and they focused on leadership and formation and growth of school partnerships, that about 70% of the Nations school districts had school partnership programs and this particular conference was one good example of that, and introduced Mr. Dan Miranda, President and CEO of National Partners in Education, that they had a strong Texas affiliate Ms. Judy Farmer, Director of the Texas Partners in Education and Ms. Carol Hoy, HISD, Assistant Superintendent of Development and Community Partnerships and introduced Mr. Joe Coffee who was leading the conference in Houston in March. Mayor Brown, Council Members Ellis, Alvarado, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Coffee stated that the reason they were coming to Houston for their conference was because of the High School for Law Enforcement and Criminal Justice, that in essence it was celebrating its 20th year in Houston and was still the only high school in the County that they knew of that focused on law enforcement and law exclusively, so that a lot of the folks that would be coming from across the County would be coming to see the high school and they wanted to make sure that people knew about it, that they started the effort a couple of years ago to support programs across the County, mainly at the high school level, for students who were interested in public safety and law careers, and one of the reasons it got started was because of one of the graduates from the high school in Houston, that he was now an attorney at the U. S. Department of Justice and would also be in Houston to help them with the conference, that what they were trying to do in Houston was to work with the other law enforcement agencies and the federal law enforcement agencies specifically to help bring them together to support the high school, mainly in terms of internships and programs for the students, who had to have work experience during their senior year, that Ms. Vanessa McLemore, ATF, was going to help lead that along with the Houston Police Department, that one other thing they were doing was to try to get the new commissioner for NYPD to Houston for the conference, that they were modeling a new high school in New York after the one in Houston and were putting \$40 million into a brand new high

school focused on law enforcement and criminal justice, so they were looking forward to having the conference in Houston and would try to send everybody invitations to at least get to their reception if not some of the sessions, and he invited Mr. Dan Miranda to the podium for a presentation to the Mayor. Council Members Ellis, Keller, Alvarado, Sekula-Rodriguez, Berry and Robinson absent.

Mr. Miranda stated that he wanted to thank them for hosting the conference, that he had spent a lot of time in Texas and Houston, that one of the things that most impressed him about Houston was their leadership, that Mayor Brown had been a true leader not only in public safety but in public policy and they, the National Association of Partners in Education, would like to recognize Mayor Brown and present him a pin and an honorary lifetime membership in the National Association of Partners in Education, and Mayor Brown thanked them and stated that he was happy they were present. Council Members Ellis, Alvarado, Sekula-Rodriguez, Berry and Robinson absent.

Council Member Quan stated that Mayor Brown had a presentation to make on behalf of Half Price Books. Council Members Ellis, Alvarado, Sekula-Rodriguez, Berry and Robinson absent.

Mayor Brown invited Ms. Judy McConnel, District Manager of Half Price Books, to the podium and stated that during the month of January Half Price Books would hold its Fourth Annual Half Pint Library Book Drive, that the program builds libraries and hospitals and pediatric facilities and special needs for different schools and also community centers nationwide through book donations and stated that it was his honor to be able to present the proclamation of the very worthwhile endeavor, as most people knew he was an avid reader, and proclaimed that he, Lee P. Brown, Mayor of the City of Houston hereby proclaimed the Month of January 2002 as Half Price Books, Records and Magazines, Half Pint Library Month in Houston, Texas. Council Members Ellis, Alvarado, Berry and Robinson absent.

Ms. McConnel stated that she wanted to thank Mayor Brown and leaders in the community and across the Nation that had really helped Half Price Books collect over 700,000 children's books. Council Members Ellis, Alvarado, Berry and Robinson absent.

At 2:12 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Tatro led everyone in the prayer and pledge of allegiance.

Council Members Keller and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Ellis, Berry and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Ellis, Berry and Robinson absent.

Mayor Brown requested the City Secretary to call the list of speakers. Council Members Ellis, Berry and Robinson absent.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-8718) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Ruben Montenegro, 9318 Linda Vista, Houston, Texas 77078 (713-631-1504) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and voiced

his opinions regarding his being a very powerful political person until his time expired. Council Member Robinson absent.

The City Secretary stated that she understood that Ms. Shakur was now present to speak.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-8718) appeared and stated that they had been present just before the holidays to talk to them about the evictions of Allen Parkway Village residents and the injustice of the system that continued to malfunction and which was the cause that they had been evicted from their homes, that the primary householder of public housing was a woman of color trying to provide shelter and opportunities for her children, that they knew this and that was why they worked so hard, took the blows and hung in no matter what, that now it was time that they do right by them and it was time that they returned to their homes and got back to the business of taking care of their families and working in their community, that she used the grievance process at Irvington Village to get repairs and did believe that the minor repairs to be fixed around the windows and the doors in her unit would keep warm and cool air in and not rush out of the unit at prices she could not afford to pay, that they had the great good fortune of hearing Members of Council and other people around the City who insist that they needed to be returned to their homes and they were present to learn from Mayor Brown what was it now that they should expect.

Mayor Brown stated that as they knew he carried out what he promised he would do, that for those who were evicted and did not have any place to stay during the holidays they made arrangements to provide shelter if needed, that many did not need it and did not accept it in any way, that he indicated that there would be a public hearing of the Council and Council Member Quan shared the Housing Committee, that he indicated he would meet with their group and that was scheduled for Friday and all the things that he said he would do he had already done or would do, that he would be coming to the community.

Council Member Quan stated that they had taken her concerns seriously and he had met with Mr. Etok on a couple of occasions and as Mayor Brown had indicated they had set it as the number one issue for their Housing Committee to discuss how the Housing Authority of Houston reviewed the procedures for evictions and due process, that he was disturbed from their meeting as to the complaints that went unanswered for so long, that they certainly were concerned about Ms. Shakur, Ms. Pruitt and her family, Ms. Neal and Mr. Johnson and were seeking answers at this time to try to get it resolved, that he had met briefly with the Chairman of the Houston Housing Authority and the whole board was looking at the issue also, that they were not going to give up on the issue and he did not want her to think that they were going to quit or forget it, that they were going to look for systemic changes, not just in her case, but in the overall system as how the City of Houston operated its Housing Authority.

Council Member Edwards asked that while they were looking at all of the overriding issues was it possible to get the weather stripping done there so that they stopped heating and cooling the whole entire Fulton block, was it possible to get it done while they were still working on the process or would they wait until it was solved before they started dealing with the maintenance problems.

Council Member Edwards moved to suspend the rules to hear representatives of the Houston Housing Authority, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0019 ADOPTED.

Mayor Brown stated that the Chairman of the Housing Authority, Mr. Tom Scott and the Director, Mr. Ernest Etok, were present to be responsive to questions asked of them.

Council Member Edwards asked if while they were waiting on the overarching process that they were talking about there were some immediate maintenance issues that she would like to know if they could address during this time period because when they walked into some of the apartments they could virtually see that there was no stripping or anything around those windows and it just seemed they were throwing bad money into the streets, and Mr. Scott stated that he would deal with it in the next twenty-four hours and would personally go and review those things and suspected that the tenants would help him review those and show him the complaints that had not been addressed, that the issues had come to his attention in the last two weeks and he had asked for backup on all of the complaints.

Council Member Alvarado stated that she would like to have a briefing prior to the hearing and would like to sit and visit with some of the staff of the Housing Authority and would like to know if the hearing that Council Member Quan was having was just limited to this particular project or were they going to be looking at others as well, that it might be a good time to look to see how the maintenance issue were handled, and Council Member Quan stated that he was looking at the overall operation of the Housing Authority, how complaints were made, how they were processed, how when a problem occurred with a tenant how a panel was selected and what the due process procedures were, that he had spoken to Mr. Etok and Mr. Scott and they were going to be ready to report on that on Monday morning at 10:00 a.m. and she was welcome to attend.

Council Member Sekula-Rodriguez stated that she wanted to thank Ms. Shakur for bringing the problem to their attention, that she had taken an interest in the dilemma very seriously and would also do her best to attend the hearing, that she did not know the background of her story, but looked forward to understanding it better so they could all be of some assistance.

Council Member Berry stated that if Council Member Edwards were amiable, he would request for those of them who were interested to go out and have a tour and see what was going on and meet with some of them at that point, that he knew they would all certainly like to see for themselves.

Council Member Robinson stated that he had the opportunity to go out and visit a couple of the Housing Authority units, especially right after the flooding, and stated that he would be interested in finding out the resource side, what was the Housing Authority's budget, what portion of the budget dedicated to maintenance and where did their funding come from, if they could give him some cursory idea and then follow up with some more detail, that he thought what they were hearing was that they needed more funding in the area of maintenance, and Mr. Etok stated that the total operating budget for 2002 was \$144 million and out of that they had about 30% for development and the other 70% was for operations alone, that they spent about 49 cents out of every dollar they take in on maintenance issues, that their source of funding was mostly from the Department of Housing and Urban Development, that they did receive some auxiliary funding from Community Development from the City and some of their partnerships who providing in kind services on social services, that that they had a deferred maintenance issue, but it was not just unique to Houston it was across the County, that they had a \$20 billion backlog in public housing, that he thought it would probably require to increase what was called a Performance Funding System from HUD to 100%, at this point and time they were funded at 97.5% so they were probably looking at anywhere from \$5 million to \$10 million annually. Council Members Keller and Wiseman absent.

Council Member Galloway stated that she too had some concerns about some of the housing in her district, since she did take a tour during the storm, and when they came for the hearing on housing if they could bring her some information as it related to where they stood on housing for the people who were affected by the storm, that she needed to know the status of

the people who were affected by the storm in housing, that also if FEMA had reimbursed them any monies for those improvements, and Mr. Etok stated that FEMA had not reimbursed the Housing Authority for any of the funds, that they just received notification about two weeks ago from the Department of Housing and Urban Development that they would fund the Housing Authority to the tune of \$5.9 million to repair the units that were affected by the storm, and Council Member Galloway stated that she wanted a briefing on where they were with that and how many more apartments needed renovation from the storm. Council Members Keller and Wiseman absent.

Council Member Alvarado stated that they could have all the funding they needed but it sounded like these things were not being executed, that there was no follow up or follow through and the repairs were taking a long time to be corrected so she would be more interested in the procedure when residents made a request and what was the turn around time, what was it supposed to be and what was it actually, that was one area that she was concerned about and would like a more in depth briefing during the meeting, and Mr. Etok stated that they received about 25,000 work orders and work requests annually and the turn around time was not as good as they would expect at this point and time because it depended on the nature of the repairs that were being called for, that they were making some progress and were looking at continuing to make progress because they had to hire additional staff to assist them to solve the problems, and Council Member Alvarado stated that something like weather stripping seemed pretty basic and simple to her, and Mr. Etok stated that the Housing Authority spent about \$6.9 million about six years ago on weather stripping and conducting repairs at Irvington Village, that as they spoke at this point and time they were also completing major renovations at Irvington Village where they spending about \$49,000 per unit. Council Member Keller absent.

Ms. Shakur stated that she did not have any idea how much money had been expended in the last six months or so in attorney fees and in taking them to court, but she suspected that it would cost a great deal less to put some stripping around her windows and doors.

Council Member Edwards stated that with the challenge of maintenance and with the shortfall of resources, was there any way that they could look at making that an opportunity, that there were a lot of young people who lived in the facilities, to do a training thing where they could get the maintenance taken care of and also work with the young people, was it something that was viable that they could discuss or something they could look at, and Mr. Etok stated that they welcomed discussions like that.

Council Member Robinson asked for a summary of people who had filed for a repair request, because he was going to assume that they Housing Authority was acting in good faith and that folks were going through the process and they were trying to balance two things, working the process and making sure they had sufficient resources and that it was not an issue that they had the resources but they were not going forward with the process, and Mr. Etok stated that they would provide that information to him immediately.

Council Member Sekula-Rodriguez asked Ms. Shakur if she did that repair herself would she be able to be reimbursed, and Ms. Shakur stated that she did not suspect it would be possible, and Mr. Scott stated that was correct.

Council Member Quan moved to suspend the rules to hear Mr. Deloyd Parker, Ms. Jean Wilkins Dember, Ms. Mary Neal, Mr. Michael Haggerty, Mr. Trent Winters, Mr. Lenwood Johnson and Ms. Jessica Valentine out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0020 ADOPTED.

Council Member Quan moved to suspend the rules to substitute Mr. Kofi Taharka for Mr.

Deloyd Parker, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0021 ADOPTED.

Mr. Kofi Taharka, 2428 Southmore, Houston, Texas 77004 (713-876-7165) appeared and stated that he was the Chairman of the National Black United Front and was present again because they wanted to report to Mayor Brown directly from the last meeting they had, that one of the things that they asked for was reinstatement of those who were evicted into housing, that they were thankful for Council Members Quan, Edwards and Robinson and a representative from Congresswoman Sheila Jackson Lee, for supporting their position, that the reality was that those people were not back in their houses, that they wanted to present a petition gathered in good faith in support of their position of immediate reinstatement of Ms. Mary Neal, an elder of 73 years, Ms. Mary Pruitt plus her five children, Ms. Shakur and her three children and Mr. Lenwood Johnson, that there were about 400 names on the petition, that he wanted to report to Mayor Brown that while some of the people were nice who worked with them, Mr. Al Calloway took a position that told them that the Housing Authority did not want to resolve the matter by saying that he was not going to meet with them, and it was not until it came to the Mayor's attention that Mr. Calloway reversed his position, that they were pleased by the meeting that had been set forth on the agenda so that the decision makers could be at the table, that they believed it was fine to have meetings, but the people were still out of their homes and that was what they were really trying to stress.

Council Member Quan stated that he did not think that two days went by that he was not talking to them about where they stood, that they were working on it and they had given him their assurance that they were trying to find what they could do to reinstate those individuals.

Council Member Vasquez asked what the reasons the individuals were evicted, and Mr. Etok stated that one of the things they had been faced with was that there was a pending appeal in the First Court of Appeals regarding the issue and they were not at liberty to discuss the issues involving the evictions at this point and time, that they would like to talk about it in open forum but were prohibited from getting into details, but most of the issues had to deal with non payment of excess utilities and there was another resident, Ms. Pruitt, whose issue was not for non payment, but for the disturbance of the conditional living on site at the historical Allen Parkway Village, and Council Member Vasquez asked if the legal matter was a constraint to their being reinstated and Mr. Scott and Etok both stated yes, and Council Member Vasquez stated that given the fact there was a legal matter were there any options for reinstatement or for housing, and Mr. Scott stated that they had asked HUD and Fullbright and Jaworski for options to be presented to them, that they were getting legal guidance in terms of what their options were and were not, and Council Member Vasquez stated that aside from all that the repairs still needed to be done so he thought they had two issues on the table, one was the issue that the tenants brought and second was the whole idea of the repairs, that he would chose to monitor the issue and would like to know either in a written report or briefing what the legal scenario was and what the potential options were, and Mr. Scott stated that he asked for a legal briefing be prepared and it stated that the Housing Authority not discuss it in public forum, that they were working on it day by day and were hoping for an answer by Friday or Monday, and Council Member Vasquez asked if there was anything that the City could do to help them to facilitate a response, and Mr. Scott stated no, that the requests were clearly in and they were rapidly getting feedback and also double checking all the facts as well, that they would know all of their options by Friday or Monday, and Council Member Vasquez stated that he wanted a report back to his office and let them know what the answers and options were, and Mr. Scott stated that he wanted to point out that he had been requested via meetings with the group both on Friday and Monday, and Council Member Vasquez asked how the repair issue was going to be addressed and Mr. Etok stated that they were going to address it and they had two staff members right now that they had designated to go out and conduct immediate inspections of the units they were

talking about and would not have that report until Friday, that they would provide that information to Council Members as well. Council Members Goldberg, Wiseman and Berry absent.

Council Member Robinson asked if all of the back rent and utilities were paid off today could the three people who were not now in public housing be reinstated, and Mr. Scott stated that was a specific question they were asking be reviewed as they spoke, and Mr. Etok stated that once they were evicted from public housing and from receiving public assistance they no longer qualified for receiving public assistance for a period of up to 12 months, that they were required to reapply and that was a statutory requirement by the federal requirement, that depending on the type of offense that had occurred, that the lower court eviction would have to be overturned, that the case was on appeal at the First Court of Appeals at this point and time, that they could not move on the presumption that the lower court decision would be overturned and reinstate them if they got the money paid off, that the combined sums they were talking about was about \$5,600, that paying that money would not give the permission to return those residents to public housing, that they had asked both HUD and Fullbright and Jaworski, that the Housing Authority would not be in a position to vacate the order, because they had evicted several residents on similar cases and they would be setting a precedent, that it was very important to understand that it may be a fair housing issue and that was the other thing that they were talking to the federal government about, and Mr. Scott stated that he could not promise what they were going to say, but it was absolutely on the top of everyone's list to try to get some kind of resolution and understanding of what all of the options were, that he apologized on behalf of the Housing Authority that they were at this situation, that in defense of the Housing Authority he wanted them to understand that these issues were several months old and it was only since the loss of the second appeal that they were here, that it was not new news, and Council Member Robinson stated that if the answer was to get them back in how would they get there. Council Members Goldberg, Wiseman and Berry absent.

Council Member Galloway moved to suspend the rules to hear from Congresswoman Sheila Jackson Lee, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. MOTION 2002-0022 ADOPTED.

Council Member Edwards asked Mr. Etok and Mr. Scott what were they going to find out Friday or Monday since they were not talking about them being reinstated, what was the decision that was going to be rendered, and Mr. Scott stated that he was trying to get educated enough to know exactly what their options were and what could or could not be permitted, and if he could get those done by Friday or Monday and state that they could get reinstated then he would reinstate them, if it stated that they could not they would make that very clear and the reasons why not. Council Members Goldberg, Wiseman, Berry and Robinson absent.

Mayor Brown asked if the issue that they were grappling with now would be HUD rules, regulations or something of that nature, and Mr. Scott stated that it was rules, regulations and there were fair housing laws that they were also subject to, that they were trying to get a ruling, either from HUD or their attorneys, as to what they could or could not do and that would happen either Friday or Monday, that once they had the ruling they could make the decision, and if HUD ruled that they could not reinstate them then that was the law they had to abide by, that if they said they could reinstate them then it would be light speed. Council Members Goldberg, Wiseman and Berry absent.

Council Member Keller stated that what it sounded like to him was that they had some faulty construction on a development for the complex in its original condition and asked Ms. Shakur if she had taken occupancy of the unit and was it without insulation and other things that were important to her living conditions and Ms. Shakur stated that on the day that she was expatriated from Allen Parkway Village and plunked down in the unit those conditions existed.

Council Members Galloway, Vasquez, Parker and Berry absent.

Ms. Jean Wilkins Dember (MHS), 2612 Rosewood, Houston, Texas 77004 appeared and voiced her personal opinions regarding the evictions from Allen Parkway Village. Council Members Galloway, Goldberg, Vasquez, Parker and Berry absent.

Ms. Mary Lee Neal, 3903 Almeda, Houston, Texas 77004 (713-521-1192) appeared and stated that she had been evicted with no clothes but her gown and they took all of her stuff, that she had been going from one place to another to get some furniture, that she had nothing to put into her apartment. Council Members Galloway, Goldberg, Vasquez, Parker and Berry absent.

Mayor Brown asked what happened to her belongings, and Mr. Scott stated that her belongings were currently with the constable's office who performed the eviction, that to get them back he had been told she had to pay the storage fees that had been accumulating since the day they were taken, that he would offer that the Housing Authority would absorb those expenses but they did not know where to send her personal effects, and Mr. Deloyd Parker stated that they were told that Ms. Neal's belongings were auctioned off, that she went to SHAPE first, and Mayor Brown asked if it was true that they were auctioned off and Mr. Scott stated that no, not to his knowledge, and Mayor Brown stated that if they could get with either Mr. Scott or Mr. Etok and tell them where to send them then they could get them back to her, and asked Mr. Parker to help her work with the Housing Authority and help to get her belongings back, that every Member on Council wanted to help and that was the whole objective to try to figure out a way to try to figure out a way to accomplish the objective. Council Members Galloway, Goldberg, Vasquez, Parker and Berry absent.

Council Member Edwards asked Ms. Neal as to the status of her health, and was there on site care for people with conditions as herself who were supposed to help her with those issues, and Ms. Neal stated that she went to the doctor at least twice a month, and Council Member Edwards asked if there was an on site care or social worker as part of the public housing mandate, and Mr. Etok stated that in Ms. Neal's case they were working very aggressively to try to locate her some temporary housing at this time.

Congresswoman Sheila Jackson Lee stated that she wanted to offer herself to be of assistance in what she thought was a very important quality of life concern for their community, that she thought they were all well aware and the City of Houston and Mayor Brown and the Council Members viewed public housing and housing developments as the homes of people, this was where they lived, and she believed they were all committed to insuring that there was a quality of life there, that she would raise the following points, that she realized that Mr. Scott, the Chairman was present and she realized that the Housing Authority board and volunteers and appreciated very much their service, but when they had a crisis like this and they began to comment on HUD regulations it was certainly appropriate to seek out the congressional delegation, which had oversight over HUD and if the voice of the local community and local leadership indicated that they would like to have the matter resolved then what they would do was work with the congressional delegation in Washington to seek waivers or assistance for them, that she would also say to them that there was an issue that she thought they could work on together and she did want to have them view it as an offer of assistance and not as criticism, but she did believe if they looked at the public housing development, for example many of them during the holiday season had been in various places serving food and helping others, they did that all the time, but she had to give food to a resident of Allen Parkway Village, a senior citizen, that she thought they could do more with respect to the social services that were there and help bolster it where some of these particular issues, Ms. Neal's issue, that she knew she worked with Black United Front, SHAPE and the Council Member on helping Ms. Neal find some additional help because of her health conditions, that she thought they did not have a strong

social service system that could be the buffer or intervener, and though there were social workers on site she thought they could well by questioning the Housing Authority on how they could enhance that so that possibly they could not get to the point of eviction or long standing agitation that had occurred at this point without a solution, that she believed solutions were key to what they were trying to do, that the other point she would like to make was that she joined them in asking that they all take a hand in looking at the physical conditions of the entire portfolio of the Housing Authority, that obviously they were all proud of where Allen Parkway Village had come, and there were some ideas out there, Hope 6 Grant, that they could possibly go after to assist providing federal dollars to compliment their local dollars in helping some of the most distressed part of the Housing Authority's portfolio, and there were many, that rather than looking without assistance she believed they could look and work together with assistance and she would ask the Housing Authority and they knew she had said this to them before, they could not always blame HUD, all politics was local and if the collective body finds a way that they could look to solve the problem, Mary Neal, for example and her health conditions and her familiarity with the Allen Parkway area and others, needed to be at Allen Parkway Village, what was the obstacle there, they should be able to look at it and if they find that they were totally blocked they would have at least put the common voice together to say they would like to have it resolved, and then the federal personnel would look to see what local authorities would like to have done, so she would simply say that she knew it was a solvable problem and guessed that she was present following up on her letter that was written and really believed and would like to see those individuals reinstated and was well aware of the requirements and guidelines of HUD and was not suggesting that any elected official and anyone who had a fiduciary responsibility violate the law, that she was saying to take advantage of their congressional delegation to see how they could part the waters and work with them to solve the problems. Council Members Goldberg and Sekula-Rodriguez absent.

Mayor Brown stated that he would hope that they would take advantage of the Congresswoman's kind offer to use her influence along with the other members of the Houston areas delegation in Washington, D. C. to expedite whatever needed to be done, and he thanked her for her offer and her interest. Council Members Goldberg, Parker and Sekula-Rodriguez absent.

Council Member Robinson stated that he was trying to find the resolution to this simple answer of getting those folks back in and in that light he would ask that they also direct their federal lobby team in Washington to work with the Housing Authority and the members of the congressional delegation to try to get a waiver if necessary. Council Members Tatro, Goldberg, Parker and Sekula-Rodriguez absent.

Council Member Edwards asked Congresswoman Lee how did they move past the episodic nature of the events and move to systemic change, that she would like to see if they could work with that, that she knew it was a federal mandate and federal authority, but was it open and accessible to local help in trying to move past these type of episodes, and Congresswoman Lee stated that the Housing Authority was correct that they had guidelines that they had to adhere to, just basic regulations under the particular funding authorization legislation that guided Housing Authorities across the Nation, but equally so the new mood in Washington had been to certainly enhance the quality of life in Housing Authorities, they had a great sense of a greater input or emphasis by residents in dealing with the leadership of those Housing Authorities and they did have a member on the board, that there was a particular secretary at HUD that dealt with nothing but public housing units across the Nation, that was the person they could start with, that there was a theory that had been utilized at other properties around the Country, the campus concept, there had been rehabilitation at places like Atlanta and Chicago, so yes she thought that they could begin at the local level but they could also invite the representative over public housing and have their insight, that they worked with them at the last

administration and knew they could work with them now, and she just wanted to say that one of the issues that was being raised was the question of fair housing, the equity of not following through and allowing some people to not follow the rules and others to adhere to the rules, that she would hope and think that all of the residents who were present would be fully appreciative of the value of the housing that they had and recognize that there were rules and that they would represent to HUD that there was a commitment to adhere to rules, but they also had a commitment to improve the conditions that they were under as well and to improve their overall Housing Authority and she thought it was a two way street, so she was not present to argue that they were violating any rules, that she would hope that they would be able to make their case to HUD that there was a reason to provide a reprieve for those residents and that they were all going forward to adhere to the rules and improve the quality of life for the Houston Housing Authority and its residents. Council Members Galloway, Goldberg, Parker and Sekula-Rodriguez absent.

Council Member Alvarado stated that it seemed if the Housing Authority was waiting to hear something back from HUD that they would have initiated a call to Congresswoman Lee or one of the other delegations and stated that she wanted to know if that call was ever initiated and if not why, and Mr. Etok stated that there was no call initiated to the Congresswoman's office on this particular issue. Council Members Tatro, Galloway, Goldberg, Parker and Sekula-Rodriguez absent.

Mayor Brown stated that he took it that they would take advantage of her kind offer and Mr. Etok stated that they would certainly do so, that they had done so in the past and would do so now. Council Members Tatro, Galloway, Goldberg, Parker and Sekula-Rodriguez absent.

Mr. Michael Haggerty, 2428 Southmore, Houston, Texas 77004 (713-523-2674) appeared and voiced his personal opinions regarding the eviction issue until his time expired. Council Members Galloway, Goldberg, Ellis, Vasquez and Parker 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 Members Galloway, Goldberg, Ellis, Vasquez and Parker absent.

Mr. Lenwod Johnson appeared and voiced his personal opinions regarding the eviction issue and the Housing Authority until his time expired. Council Members Galloway, Goldberg, Ellis, Vasquez and Parker absent.

Ms. Jessica Valentine, 2414 Southmore, No. 3, Houston, Texas 77004 (713-522-4104) appeared and stated that she came from Chicago and when they had the meeting for housing they should look at all aspects of housing, that she was a resident in moderate rehab and she would like to have those issues addressed, that she was a member of the National Black United Fund, that it was of great concern to get the residents back that were evicted, but then there were millions and thousands more with other issues or other aspects of the Housing Program that needed to be discussed. Council Members Galloway, Goldberg, Ellis, Vasquez and Parker absent.

Council Member Vasquez moved to suspend the rules to add Ms. Gloria Holmes to the speakers list, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Galloway, Goldberg, Ellis and Parker absent. MOTION 2002-0023 ADOPTED.

Ms. Gloria Holmes appeared and stated that she was present before and stated that her problem had not yet been resolved, that Mayor Brown had told her to go to Congresswoman Lee because it was a government issue, that she had pictures of the residence that she was living at

on 2715 Palm, that she was living in a condition with mold, no stove, no refrigerator, that it was indecent and that was why they were living with her mother, that she had been unable to find suitable housing in the Third Ward area, that why should she be forced to move on the outskirts of town when she would like to live in the Third Ward area where she grew up, that it was a Section 8 Housing Authority matter, that they sent her a letter stating that if she had not found a place by December 31, 2001 that she would be thrown out of the program, that they resolved that problem, but yet she still had not found a place because she refused to go to the outskirts of town to find a place to live. Council Members Galloway, Goldberg and Ellis absent.

Mayor Brown asked Mr. Etok if they could do something to help her and he stated that he was not familiar with the case that it was Section 8 property, that they had over 10,000 people on the waiting list and there was a requirement that they give up to 120 days to be able to locate suitable housing and after that they would have to put that person off of the list and he believed they had given her an extension, and Mr. Scott stated that they would look into that issue, but he would note that Section 8 was not owned by the Housing Authority, that the Housing Authority issues vouchers to pay for the rent on behalf of the resident, and Mayor Brown asked Mr. Cantu to see if he could be of some help and get her some referrals. Council Members Galloway, Goldberg and Ellis absent.

Council Member Robinson stated that he wanted to get a list of who their City appointees were and when their terms were up on the Housing Authority Board and Mayor Brown stated they would get that information for him. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman and Ellis absent.

Ms. Andrea Hoxie, 2110 Chew, Houston, Texas 77020 (713-433-2719) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman and Ellis absent.

Mr. Albert W. Coleman, 10938 McKenzie Dr., Houston, Texas 77086 (713-213-1633) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman and Ellis absent.

Council Member Vasquez moved to suspend the rules to hear Ms. Susannah Cunningham out of order, seconded by Quan. All voting aye. Nays none. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman and Ellis absent. MOTION 2002-0024 ADOPTED.

Ms. Susannah Cunningham, 415 Hawthorne, No. 9, Houston, Texas 77006 (713-529-6458) appeared and stated that she was the Chairperson of the Mayor's Youth City Council, that since assuming the position in August 2001 the Youth City Council had worked to further address the youth issues and concerns of Houston youth, that they participated in various volunteer activities and tried to establish their presence among the members of the City Council, that they would like to express their gratitude to those Members who did open their doors to them not only in interning in their offices but also in their constituent activities and also letting them work in their campaign effort, that in the future however they would like to see more interaction between themselves and the City Council Members. Council Members Galloway, Goldberg, Wiseman and Ellis absent.

Ms. Christina Sanders stated that she was At Large Position 5 on the Youth City Council, that she wanted to reiterate what Ms. Cunningham had stated, that in the future the Youth Council would like to see more interaction between City Council and the Youth Council, that they would like for the Council to realize that the Youth Council was designed in order to address the issues and concerns that faced the youth of the City of Houston who were just as much their constituents as the taxpaying adults who voted for them in the past election, that their meetings

were held once a month and they would have one coming up and their presence was greatly appreciated at their meetings, that it was sad to say that they had yet to see City Council as a whole fully utilize the talents and the initiatives that the Youth Council possessed, that they could become the great leaders that this City needed, wanted and deserved. Council Members Galloway, Goldberg, Wiseman and Ellis absent.

Council Member Edwards stated that she wanted to compliment the ladies on the work they had done, that she was familiar with their work and applauded it, and asked if they had any specific issues that the Youth Council formulated that they would like to have the City Council address, and Ms. Cunningham stated that there were issues, many among the standard issues, such as drugs, violence, pregnancy, but there were also things such as interaction in government, listening to voices, such as making college available to kids who did not think that college was even possible, that there were also issues of letting young people being involved in adult issues, such as environmental politics, that the efforts really were participating in almost the same exact things that City Council was doing, and Ms. Sanders stated that she took it very personally and thought that the youth of the City of Houston were her constituents and therefore they must do everything to invest in their power in order to adhere to their needs, concerns and issues. Council Members Galloway, Goldberg, Wiseman and Ellis absent.

Mayor Brown stated that each City Council position had a Youth City Council part and it would be great if each one of them would work with them in that capacity, and Ms. Cunningham stated that they would like to see more interactions between the City Council and the Youth Council, maybe once a month or every two months, whatever they could fit in. Council Members Galloway, Goldberg, Wiseman and Ellis absent.

Council Member Alvarado stated that there was no doubt in her mind that both of them would be sitting at the Council table some day, that she was a strong advocate in encouraging the youth to be involved in politics and invited them to come by her office and would be happy to sit and visit with her and have them involved in District I. Council Members Galloway, Goldberg, Wiseman and Ellis absent.

Council Member Robinson stated that if they volunteered he would put them to work so they still had the same standing offer to come back and intern again, that they would work on another summit if they wanted to, that he made the offer to any other members of the Council or anybody else whether they be on the Council or not, that he thought it was very important. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Council Member Vasquez stated that he saw his Youth Council representative everyday, his daughter, that he would like to make some recommendations for the Youth Council, that they were about to enter their budget process in which they were going to have CIP meetings and he thought it was a good opportunity for the Youth Council to come to the table with some suggestions for how some of those dollars should be spent in terms of affecting the youth in the district, that secondly he would encourage them to consider some of the Mayor's super neighborhoods as well. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Council Member Edwards stated that Ms. Sanders was a regular participant on the public affairs programming and would like to extend an invitation to the larger Council if they wanted to participate. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mayor Brown stated that he would also suggest if there was a new Council Member and one of them represented that position then they probably should reach out to that Council Member, and thanked them and stated they were very proud of them. Council Members

Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr./Coach Bobby Taylor, 2107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mrs. Susan Manning, P. O. Box 100921, Houston, Texas 77283 had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr. Joel Friedel, 9306 Lozh Flora, Spring, Texas 77379 had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Ms. Jocelyn Hargrove, 2525 Creston, Houston, Texas 77026 (713-804-6584) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr. Ricky Hurt, 2500 W. Mt. Houston, Houston, Texas 77038 (281-448-0959) appeared and stated that he was a temp employee for Solid Waste, that he started working for the City on June 18, 2001 picking up Allison Storm refuse and trash during the FEMA program, that back then they went the extra mile of picking up everything disregarding the weight ordinance for the yard waste, that it was a crisis back then, that it included washers and dryers, carpeting, mattresses, sheetrock, etc., that today there was not that much storm damage waste, except waste created by contractors, so now it was back to regular yard waste, grass clippings, leaves, branches and there were regulations, that branches must be 4 ft. and bundled, that a lot of them were not and sometimes they got the whole tree, that bags were supposed to be 50 pounds in weight and must be in sturdy bags, that they were getting bags that were over weight and huge and they called them body bags, that they included compressed leaves, that put in a bag were one thing, but leaves that were compressed with air taken out was a lot of weight, that there were bags that looked like the very large clear plastic bag that he displayed to Council, that people were putting that kind of stuff in their front yard and it took two guys to pick it up and put it in the hopper, that if he remembered the ordinance it was 50 pounds per bag, that the reason why the ordinance should be enforced was for safety issues, no back injuries, that he did not know who issued that size type bag. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Council Member Parker stated that for the bag issue, they were not official bags and if the home owner had a bag available and they wanted to overstuff it, that the issue was that the Solid Waste folks had been told that they could not refuse to pick up anything and there was an ordinance that limited the size of the lawn and leaf bags and people had been abusing it and Mr. Hurt was concerned that he had to pick up those bags full of leaves and he would like some public education and also some clarification that if the workers got something like those heavy bags they needed an opportunity to notify the homeowner that it was a violation and that they were not going to pick it up unless it was manageable, and Mayor Brown stated that he would ask the director of the department to first of all initiate a public education program to the home owners and then follow the ordinance that was in existence. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved

time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado 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 Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and voiced his request for a budget once again. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

At 3:59 p.m. upon motion by Council Member Vasquez and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, January 9, 2002. Council Members Galloway, Goldberg, Wiseman, Ellis and Alvarado absent.

City Council Chamber, City Hall, Wednesday, January 9, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 9, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry 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. Martha Stein, Agenda Director present.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 Mayor Brown reconvened the meeting of the City Council and stated that the first item of business would be the report from the Controller and F&A on the current financial status of the City.

MAYOR'S REPORT

Council Member Robinson moved to suspend the rules to consider Item No. 28 out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0025 ADOPTED.

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, Controller, stated that she was pleased to present the Monthly Financial Report for the period ending November 30, 2001, that first a few remarks about the General Fund balance for the last fiscal year ending in 2001, that the undesignated fund balance was \$79.4 million a decrease of \$3.8 million from that which was reported in October 2001, that the annual audit was now complete and at the printer's and as soon as they got it from them they would make distribution to all Council Members, Mayor and members of F&A staff and would be happy to meet with any Council

Members one on one to go over the CAFR with them, that as to the current month, the General Fund Revenue projections corresponded to budget this month except to four things, first the area of Sales Tax projections, their Sales Tax projection was unchanged from the October Financial Report, the October Sales Tax allocation received in December was almost 11% higher than that received in December 2000, that year to date collections were 8.2% higher than the first five months of the current fiscal year, that their projection continued to be year to date plus flat for the remainder of the current fiscal year, that they would continue to monitor every month and would let Council know of any trends that developed or anything that unfolded with regard to Sales Tax; that they continued to be very concerned about collections at Municipal Courts although they had not made a change in their projections from last month, that they would note however that year to date collections were at about 8.2% lower compared to the previous fiscal year; Charges for Services, they had seen a decline in the area and had lower their projections by \$3.4 million all due to lower ambulance fee collections, that they would work closer with administration to look at this new trend and see if there was anything that they could work with them on to turn it around; that with regard to Direct Inter Fund Services, they were projecting the same thing they had projected in October, that it was due of course to the \$8.8 million that they put in addition security for both police and to the Aviation Fund, that additional revenues were totally offset by an expenditure on the police side; that Miscellaneous Revenues were increased by \$2 million and as she told Fiscal Affairs yesterday it was due to a one time sale and one time sale only of a street in Meyerland for \$2 million; that on the expense side they had not made any significant changes their numbers and projections were very close with the administration only with the sense that they did not recognize any of the projected savings until they actually happened, that they had plugged in under other financing sources the amount which would be needed to insure that there would not be a shortfall and that would be \$28.5 million, that they would continue to work closely with the administration to bring their costs in line and to tighten their belt and do what they had to do to insure that they had a balanced budget, and that concluded her report. Council Member Ellis absent.

Dr. Scheps stated that they had a good meeting yesterday, almost a full Council, that all of the new Members were there so he would be briefer than normal, that on the Revenue side they had not changed Sales Tax revenues although they had mentioned that there was some cause for optimism, that as Ms. Garcia had said the results had been good, that Christmas was really critical and coming up; that Charges for Services decreased for the ambulance and they spent a good deal of time on that yesterday and there were only three reasons why ambulance revenues were falling, one was because they actually missed a projection of the number of runs, they had a moderate increase in the number of runs projected, it was actually a moderate decrease, it was good news but it did affect their revenues downward, that they were beginning to pay Medicare for an audit that they conducted in 1997 and found that they had some paperwork lacking and as he had mentioned yesterday they would owe about \$1 million back that they were offsetting, that they were not giving up on that money, they were told by their vendor ACS that there was another appeal and they were going to go after that money, that they had actually cut the City a \$177,000 check and the money that they got from Medicare they paid ACS a fee on so now that they were paying back Medicare, ACS was paying the City back their fee, but that was money that would probably not be recovered in FY02 but they had hopes of getting it in FY03, that finally there was a good deal of discussion yesterday on the fact that ACS had acquired the Lockheed subsidiary that was doing the City's billing and there was a backroom problem that had created some delays, that he knew that Mayor Pro Tem Quan and three other Council Members met with them after the meeting yesterday, that he was relatively confident that they would get that money back, that they had produced for the City a revenue recovery plan, sent two executives from the east coast to live in Houston until they got it squared away and they met with both of them yesterday and they made the City a commitment, that what he was hopeful was that at the end of the Fiscal Year the only decreases in revenue would be due to the Medicare audit and due to the fact that their ambulance runs were down a little bit, that they would be back up to their revenue estimate for that particular revenue item, that they spent a lot of time on that yesterday; that Other Franchise and Miscellaneous Other, there were some increases in revenue that he mentioned in his letter; and finally on the expense side they continued aggressively implementing the Position Control Strategy and no one got

hired without coming to the committee, that there was a graph in his letter showing that this was restraint hiring, but they thought that it was done in a way to make sure that the most necessary positions were hired and that was working well, that their gap that they showed in the financial statement that would balance the budget was \$14.6 million and that would need to come from a combination of further savings through position control, additional revenues, for example if they went back up on the Sales Tax revenue that would close that gap or Any Lawful Purpose Fund and they would continue to talk about that as the year rolled out; that other funds had changes, each for different reasons, Aviation because of the security problem, Water Waste Water because of the wet summer, and Convention and Entertainment because of the flood, but each of them was off of their budget as described in the letter and that concluded his report.

Council Member Robinson stated that he wanted to get an analysis of the last three years, what their historic under spending had been as the entire Council, that he was trying to see if it was in the 2% or 3% that the Controller had been referencing in the MOFAR in the last couple of months; that if they looked at \$14.6 that Dr. Scheps had talked about was he comfortable in his analysis that position control could get them down the additional \$2.1 million so that it would be a total wash on the expenditure side, and Dr. Scheps stated that he was confident that position control had additional savings that it could accomplish, that he was not sure that he could come up with a number right now but thought they were on the right track, that he did not mention yesterday, but electricity savings had been about \$5 million in the General Fund and that was gone so that wash would include position control plus expenditure savings, and Council Member Robinson stated that \$10 million of the \$12.5 million was Sales Tax shortfall and asked if between him and the Controller did they think it was likely that over the next couple of months they would make up the \$10 million differential in Sales Tax receipts, and Dr. Scheps stated that it was not likely, and Ms. Garcia stated that as they had indicated they were projecting for it to remain flat as it was last year and if it remained that way they would not make the projections; and Council Member Robinson asked if they had the old Meet and Confer in place that they had with the Fire Department what kind of savings would that have provided them compared to what they were spending now, and Dr. Scheps stated that he assumed it would be considerably because the old Meet and Confer agreement had straight time overtime and the \$17.5 million they had added to the budget was predominately all, that he would calculate it for him but he was assuming it was about \$5 million or \$6 million savings under the old agreement, that he would calculate it for him. Council Member Tatro absent.

Council Member Quan stated that he wanted to follow up on the comments that Dr. Scheps made about their meeting with ACS yesterday, that he thought it was a very productive meeting and they seemed very committed to making sure that the City reached the goal that they had initially set out of \$20.7 million, that they realized that it was a lot of work to do and they were almost going to have to double what they had done in the first six months to make it up, but it seemed that the money was there and it was just a matter of collecting those monies, that he was hoping that they would follow up on what they were anticipating they could do. Council Member Tatro

Council Member Vasquez stated that he had two overlapping concerns, one was for the current fiscal year and the other concern was for the next fiscal year, that he would agree with Council Member Robinson questions and comments about what they should expect in terms of the shortfall and in relation to that he requested from Dr. Scheps some type of report on what he projected position control would save for the remainder of the year, that he would like to see some standards, accountability, procedures and processes, etc. for the position control system that they were putting in place; that yesterday he had also mentioned a concern for the gas franchise fee in terms of the cost of gas going down and how that would impact them, would it increase the debt, etc., that he would like to get Dr. Scheps thoughts on that as well; that he also mentioned yesterday his concern for the Water Waste Water Fund in terms of the 4% going over into Fund 227 that he would like to get his estimates on how he thought it would look at the end of the year and what impact did he think it would have on the next fiscal year; that in terms of the next fiscal year he had also mentioned the financing schedule

and appreciated the fact that Dr. Scheps had put it into the report and would like to see what the dollar amounts and the impacts would be in the near future; that he also asked if Dr. Scheps could begin to track health care costs on the CPI, that it had actually been the highest increase for the last quarter and beginning quarter of the year; that Public Works had done an admirable job when they consider the fact that they were behind and had to make up for Allision, that he wanted to recognize the job they had done in terms of cleaning up the streets, picking up the trash and getting things done, that at the same time because they had those emergencies, so to speak, they had to put off some of the routine work, including the street overlays, sidewalks and re-ditching and in many parts of the City of Houston the only drainage was the re-ditching, that he would like to get some information on the backlog of those three areas citywide, that he would like to see it broken down by district and would like to know what the cost would be to catch up and get it all done if they were to contract it out and privatize it, that his goal was to see about getting a consensus to get that done; that finally he wanted to recognize the job they were doing in F&A in the sense of managing everything to make sure that they City stayed on track and moved forward, that he knew it had been a really difficult year in that regard and a lot of surprises, that he wanted to let them know that the effort was recognized and they looked forward to additional work. Council Member Quan absent.

Council Member Sekula-Rodriguez stated that she would like to comment on the ambulance service issue that was important both fiscally as well as from a service standpoint to the people, that it was vital that they have an excellent service and it was also important that they recognize that it had to be self sustaining financially, that they needed to work very hard to make the collections very successful, otherwise people would have the tendency to utilize the ambulance as a taxi, that she thought it was very important that the City act responsibly and try to collect appropriately on the ambulance runs, that as she understood it cost about \$420 for each ambulance to make a call, that it was important that the City continue to work with ACS, that her suggestion, after meeting with ACS yesterday, that they come to Council with a proposal of how they were going to collect the \$4 million that was outstanding, that it had to be done in a business like yet humane manner, that they were going to ask for a contract renewal come July and she suggested that they seriously allow them maybe six months beyond July to collect the \$4 million and not give them a 3 year contract at that time and if they could demonstrate that they could make that collection then sit down with them and arrange a long term contract.

Council Member Parker moved to accept the report, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0026 ADOPTED.

28. ORDINANCE No. 2001-1153, passed second reading January 3, 2002
ORDINANCE granting a franchise to **CITYNET TELECOMMUNICATIONS, INC** and **CITYNET U.S. OPERATING, INC**, a Delaware Corporations to construct, install, maintain, remove, replace, occupy, and use a Dark Fiber Optic Network System within the City of Houston, Texas and consenting to the collateral assignment of said franchise; containing other provisions relating to the foregoing subject; and providing for severability - **THIRD and FINAL READING** – was presented.

Council Member Tatro stated that he supported the item and thought it was going to be very beneficial to the infrastructure and communication needs of the City and asked if the flow of funds on the Citynet telecom agreement, was the line going to be put both into the sanitary sewers and storm sewers and Dr. Scheps stated that Mr. Haines needed to answer that question, that he took the lead in the Citynet negotiations, and Mr. Haines stated that the current flow of funds was the franchise itself, as with all other franchises in the City, flowed to the General Fund, that the charge for what they called the lease on the sanitary sewer line, of a \$1.65 per linear foot, that amount, either in cash or in kind services, would flow to the General Fund, Water and Sewer Utility, that was the way it was set up and was consistent particularly on the franchise side, that under the principle of the franchise, it was the right to be in the City's right-of-way, it made no difference as to whether or not it was a sanitary sewer

or if it was in the dirt, it belonged to the City. Council Member Ellis absent.

Council Member Keller asked why did these companies after a couple of readings, but certainly before the third, not have to give them a general plan or outline of what they intended to do, why did they not have to have a construction plan or some overview of what they intended to do with the franchise agreement beforehand, and Mr. Haines stated that he could tell him in the case of Citynet, which was unique, they did have a plan from Citynet, that they had identified the rings and the process they intended to go through, that they did not have necessarily completely mapped out where they were going to make their installations, but he thought the important point here was that a franchise was nothing more than a right to do business and once that franchise was granted there was a process that was pretty well established that mandated a layout or a introduction of where they were going to go, that he knew that Phonoscope had done that historically, that he would follow up both with Public Works and F&A to make sure there was a coordinated approach that during the process of readings or review that they at least have, if not a detailed kind of plan, at least something in the abstract that they could fall back on and look at their own workload. Council Member Ellis absent.

Council Member Robinson stated that he wanted to thank Mr. Haines for working with him in the TTI Committee to get the item to where they were going to pass it, that Council Member Keller had been a big supporter of the Street Cut Ordinance that they passed out of committee, that the wonderful thing about the item was that they would be going down existing manholes into the sewer system and they would not even be in the business of cutting streets, that as to Council Member Tatro's concerns what was innovative about the fee structure, which was set up by the Legal Department and Mr. Haines and his staff, was that not only did they have general revenues flowing into the General Fund, but they also had a contractual obligation to clean the sewer pipes and be responsible for maintenance and the like, so it was actually a dual system, and so before they got to the final flow of funds, Citynet had an obligation on an annual basis to come in and work with the Public Works Department to clean, maintain, scope with the camera and map on the GIS basis what was going on on the rings that they were going to be laying fiber optic cables on, that he thought they were getting the best of both worlds and did not want to leave the impression that the Enterprise Fund was going without anything in this deal and what they had end up happening was the funds that Citynet was putting up to clean existing sewer lines the City could move maintenance and repair dollars away from those areas and put them some place else in the City so they actually had leveraged their existing revenue stream through this agreement so he thought they were getting a triple whammy out of the deal. Council Member Ellis absent.

A vote was called on Item No. 28. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-1153 PASSED THIRD AND FINAL READING IN FULL.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 32, 22, 25, 26 and 20 out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0027 ADOPTED.

32. ORDINANCE appropriating \$850,000.00 out of Street & Bridge Consolidated Construction Fund and \$305,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing professional engineering services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Design of Kirby Drive Improvements from IH610 to Brays Bayou, CIP N-0775-01-2 (SB9081); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - EDWARDS** (This was Item 28 on Agenda of January 3, 2002, TAGGED BY COUNCIL MEMBER ALVARADO)

Council Member Alvarado stated that she had tagged the item last week and while she did

consider requesting a one week delay she was going to ask that it move forward, but she did want to say that she was disappointed with the process in which it had come about, that they had not seen the interlocal agreement with the County and Sports Authority and she was told today that the County had assured them that they would put it on their agenda January 29, 2002 and the Sports Authority would take it up the first week in February, that she wanted to stress that it was not the project that she was opposing but the process and the way it came about.

Council Member Goldberg stated that he had some discussion with Mr. Rolen and hopefully things would change where before they decide to go through with a project where they were cooperating on with other entities they would have their signature on a document saying they would cooperate, that as to the positive side of the item, it had originated out of a CIP project about six months ago where the City was going to totally pay for the project, about \$9 million, and he did an amendment to the CIP basically splitting the money and giving half to District D and District C, that he took his half and put it elsewhere in the district, that the Council Member for District D at that time chose to put his district's money back into the project, that in the interim what was forced to happen was that they got \$4.5 million from the County and Sports Authority, that Public Works Department was to be congratulated on getting the extra money and following through with it.

Council Member Ellis asked if they just had a commitment of the \$4.5 million, and Mr. Haines stated that the reality was that this was for the design only and they could not move forward with the project without the interlocal agreement, that the participation from the County and Sports Authority was for the construction, that the City was financing the design and acquisition and typically that was the way it went and thought that the suggestion that was made and well taken was that they put as many of these on the front end before they even begin design of the projects, if possible, that they had made that note and were committed to follow up on it, that the reality was that they could not do the construction of Kirby without the interlocal agreement because there was no money there to do it with, that the advantage to the design element was that it gave them a better sense of what the project itself was going to cost.

Council Member Goldberg asked if it was correct that the City would pay all of the cost overruns, and Mr. Haines stated that he had not seen the agreement and was not sure what it did.

Council Member Goldberg moved to suspend the rules to hear from Mr. Tom Rolen, Director, Public Works and Engineering, seconded by Council Member Robinson. Council Member Tatro absent. All voting aye. Nays none. MOTION 2002-0028 ADOPTED.

Upon questions by Council Members, Mr. Rolen stated that the project would cost more than \$4.5 million and the way it was set up it was that the City and County would pay a portion of it and anything in excess of \$4.5 million the City would be picking up, that the City was a managing partner, that he wanted to apologize for what was being as perceived as a disjointed processes, that typically they did come with the agreements, that there had been occasions in the past where this had happened, but what happened on this item was that they were trying to get the engineering going as quickly as they possibly could and very candidly what happened was that he was able to get this agreement put together and brought to Council before the agreement between the three agencies was put together, that all three agencies had worked on it dutifully, that he would very much recommend that Council not delay it so that they could go ahead and execute the contract and begin the design, that hopefully this project would not have a lot of overruns, that one of the things that they were looking to do was to complete the project in time for the Super Bowl so they were going to be monitoring the project extremely closely, that they had already had preliminary discussions with the consultants and had emphasized to them that their plans and specifications have everything that they could possibly think of to allow them to do everything to make sure it was completed on time, that it was their goal,

that the Super Bowl was in January of 2004 and that was when they were looking to get it completed by then, that if they did not do the project, very candidly what they would do was to continue to do repairs as were needed up to the point to where they could get it on the CIP and get enough money to replace it and if the County was still interested they might have that money and if not they could face having to pay for it all themselves and in his opinion if they delayed, because of inflation, it would cost more, that the project was in the CIP and the design that was in there was \$850,000 and there was \$4.5 million for the City's share of construction, that was all they had budgeted for the project, that originally the City was going to complete the whole project until Council Member Goldberg brought it to their attention and they kind of cut the deal with the County and Sports Authority, that they had been working diligently on it since the beginning, that the agreement calls for the City to be a managing partner, that if there were calls to do something elaborate the City could refuse it, that the agreement that the attorneys and three agencies were reviewing had been passed out to Council as part of the backup last Council meeting, that they had not formulated an incentive clause to finish, but they did plan to put them in and would visit with Council Members regarding the item,

After a continued lengthy discussion a vote was called on Item No. 32. All voting aye. Nays none. ORDINANCE 2002-0013 ADOPTED.

22. ORDINANCE awarding contract to **HOUSTON LANDSCAPE DEVELOPMENT, INC** for Tree Planting & Maintenance Services for the Parks & Recreation Department; providing a maximum contract amount - \$220,936.80 - Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; C - GOLDBERG; D - EDWARDS; E - WISEMAN and F - ELLIS** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0014 ADOPTED.

25. ORDINANCE appropriating \$4,000,000.00 out of Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing amendment No. 2 to contract for professional construction management services between the City of Houston and **PGAL/ACI** in connection with the Terminals "A" and "B" Expansion Program and construction of ARFF Stations at George Bush Intercontinental Airport/Houston, Project No. 532, CIP A-0352.03 and A-0008.06 **DISTRICT B - GALLOWAY** - was presented.

Council Member Keller stated that he was going to tag the item but he had a chance to visit with the construction manager and some members of HAS and he was fine to let it go, that it was a needed project, most of which was ongoing, that he was on record as to the way the process was run in some of the construction jobs in the airport system and was not to his liking, that he was going to have a meeting with the person in charge of the project and Mr. Potts or some employees of HAS to discuss how they may be able to avoid some of the other problems that he felt occurred in the past and wanted their assurance as to how they would communicate that to Council and to the administration if it needed to be noted, that the administration had worked well with him and his concerns on what they did shed light to as far as some of the HVAC components of a Hobby and Bush Intercontinental project and the fact that they had done an audit on those issues and those would be coming forward to Council in the next week or two. Mayor Brown absent.

Council Member Galloway stated that she also had some concerns on the project as well and had spoken with Aviation and would like to have a meeting with them as well as some of the process that they went through as far as those projects out there, that she really wanted to work with them on this issue, that she was going to tag it but would not tag it at this time, but there were some problems out there and wanted to address them, and Mayor Pro Tem Quan stated that Mr. Potts would make an appointment to meet with her on it. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Parker asked if they were still enrolling projects in the ROCIP, and were they now done with that, and when would they have an update, and Mr. Haines stated that they were done and knew that there was a tentative report delivered several months ago, that he would suspect that it was still probably several months before they would begin to see the closeout of projects to be able to come up with something final, that in the meantime they were back to business as usual. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 25. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0015 ADOPTED.

26. ORDINANCE appropriating \$13,700,000.00 out of City of Houston Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0304 and \$2,165,126.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0304, awarding construction contract to **CHAMPAGNE-WEBBER INC., TEXAS**, and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for the Runway 8L-26R Final Grading and Airfield Drainage at George Bush Intercontinental Airport/Houston (IAH), Project No. 522E - **DISTRICT B - GALLOWAY** - was presented.

Council Member Galloway stated that this was another item that she also had a problem with on the process, that she had spoken with Aviation and was not going to tag the item, but wanted to have a meeting with Aviation and go through the process on the item.

A vote was called on Item No. 26. All voting aye. Nays none. ORDINANCE 2002-0016 ADOPTED.

20. ORDINANCE appropriating \$41,500.00 out of Low Income Housing Fund (Fund 872); approving and authorizing agreement between the City of Houston and **FIFTH WARD COMMUNITY REDEVELOPMENT CORPORATION** to provide a grant of \$41,500.00 to pay eligible costs in connection with the construction of Nine Single-Family Affordable Homes - **DISTRICT B - GALLOWAY** - was presented.

Council Member Vasquez stated that he wanted to comment on how happy he was to see that there was single family affordable housing going into place, that he wanted to compliment Council Member Galloway on her efforts to get this done.

Council Member Quan stated that he too was pleased with this item, that they would be having a meeting of the Housing Initiatives Committee, that they were not able to have the item on the committee meeting beforehand, but they would be having a discussion and review of the project.

Council Member Galloway stated that she was very excited about the project and the Fifth Ward Community was as well, that she wanted to commend the Fifth Ward Community Redevelopment Corporation for their vision for developing many homes in the Fifth Ward area, but what they really needed to look at too was the infrastructure in that area and if they looked at the infrastructure and had it already prepared then they would not be going through with what they were going through now with the infrastructure, that she had spoken with Mr. Haines about the infrastructure in District B and wanted to get an update on it. Council Member Keller absent.

Council Member Parker stated that Council Member Quan partially addressed her concerns, that they had a housing committee and they wanted these items to go through committee and this item came directly to the agenda, that she did not have a problem with it but she had intended to tag the item and since Council Member Quan had indicated that they would be discussing it she was willing to let it go through and get any further questions she had answered, and Council Member Ellis stated that

in defense of the administration this started a long time ago prior to the Mayor creating the committee. Council Member Keller absent.

Council Member Robinson stated that what was impressive to him about the item was that they were putting up \$41,500 in infrastructure and it was attracting this kind of affordable housing through the community development arena and looking at the dollars that were coming off of the one third, if not bonding them at least look at some way of using those monies more aggressively on infrastructure to attract the construction of housing and enhance their property tax base.

A vote was called on Item No. 20. All voting aye. Nays none. ORDINANCE 2002-0017 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 29

MISCELLANEOUS - NUMBER 1

1. RESOLUTION CONFIRMING the reappointment of **MS. HELEN FLORES HOUGH** to Position Four (4) of the **HARRIS COUNTY APPRAISAL DISTRICT** - was presented. All voting aye. Nays none. RESOLUTION 2002-0001 ADOPTED.

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$449,093.49 and acceptance of work on contract with **RAY SMITH CONSTRUCTION, INC** for Gaylord Drive, from Memorial City Way to Bunker Hill Road, GFS N-1034-02-3 (N-1034-02) - 04.56% under the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0029 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 14

9. **TWIN TILE COMPANY** for New Carpet Tile including Installation from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Building Services Department - \$45,200.00 - Disaster Recovery Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0030 ADOPTED.
10. **RECREONICS, INC** - \$64,696.45 and **R & K COMMERCIAL AQUATIC SERVICES** - \$25,921.65 for Equipment, Swimming Pool for Parks & Recreation Department - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0031 ADOPTED.
11. **SOUTHLINE METAL PRODUCTS CO.** - \$67,032.00 and **MITY-LITE, INC (Bid 1)** \$158,787.50 for Furniture for Recreation Centers for Parks & Recreation Department - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0032 ADOPTED.
12. **AMEND MOTION #99-230, 2/17/99**, subsequently amended by Motion No. 99-1935, 11/3/99 and Motion #2001-82, 1/24/01, **TO INCREASE** quantity to purchase 185 additional Full-Size Patrol Vehicles for Police Department, awarded to **PHILPOTT FORD** for a total increase of \$3,744,910.00 - Grant, Equipment Acquisition Consolidated and Disaster Recovery Funds - was presented, moved by Council Member Quan, seconded by Council

Member Tatro. All voting aye. Nays none. MOTION 2002-0033 ADOPTED.

14. **ALL TIRE SUPPLY CO., INC dba REMA OF TEXAS** for Automotive Tire and Tube Repair Materials for Various Departments - \$481,973.00 – General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0034 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 19 and 27

19. ORDINANCE approving and authorizing a lease agreement between the City of Houston and **GE ENGINE SERVICES - CORPORATE AVIATION, INC d/b/a GARRETT AVIATION SERVICES , INC** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0018 ADOPTED.
27. Omitted

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Finance & Administration Department to authorize a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **HARRIS COUNTY UTILITY DISTRICT NO. 16** - was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0035 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,278,421.02 and acceptance of work on contract with **SCI CONSTRUCTORS, INC** for Construction of Settegast Community Overlay Project Neighborhoods to Standard - Tier VII, GFS Q-1300-02-3 (OL 2002) - 22.26% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0036 ADOPTED.

PROPERTY

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-109, located at 6404 Wheatley Street, owned by A. B. Butler, 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 Tatro, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0037 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-114, located at 6522 Wheatley Street, owned by Sterling Trust Company for the benefit of Angela J. Swain IRA, 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 Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0038 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-126, located at 6618 Wheatley Street, owned by Cleo Smith, 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 Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0039 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **EWING IRRIGATION & INDUSTRIAL PLASTICS** - \$27,900.00, **AMC INDUSTRIES, INC** \$72,800.00 and **Z WATER WORKS, INC** - \$78,000.00 for Water Distribution Equipment Contract for Aviation and Parks & Recreation Departments - General, Enterprise and Parks Special Revenue Funds - was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0040 ADOPTED.
13. **AAA FLEXIBLE PIPE CLEANING CO., INC** for Sewer Cleaning Services for Department of Public Works & Engineering - \$901,125.00 - Enterprise Fund - was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting)
15. **J. TYLER SERVICES, INC** - \$1,421,780.00, **ROCKFORD BUSINESS INTERIORS, INC** \$246,000.00, **ROBERT WEISZ OFFICE FURNITURE** - \$170,000.00, **CORPORATE EXPRESS** \$683,000.00, **VANGUARD ENVIRONMENTS, INC** - \$580,000.00 and **CONTRACT RESOURCE GROUP** - \$337,055.00 for System Furniture for Various Departments - \$3,437,835.00 - General, Grant and Enterprise Funds - was presented, and tagged by Council Members Wiseman and Keller.

Council Member Keller stated that he would be willing to meet with the people from Building Services and Council Member Weisman at the same time in order to save time, and Mayor Brown stated that he would advise them of such.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION relating to the appointment of Directors to the Board of Directors of the **HOUSTON HOUSING FINANCE CORPORATION** - was presented, and tagged by Council Member Galloway.

The City Secretary stated that she wanted to announce that Ms. Sonia Ochoa-Gonzales had been withdrawn for appointment.

17. RESOLUTION consenting to the creation of the **GREATER NORTHSIDE MANAGEMENT DISTRICT** - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented.

Council Member Berry stated that he had a question with regards to the legal aspects of a management district and asked if someone could discuss it with him later, and Mayor Brown stated they would have someone meet with him and give him a briefing.

A vote was called on Item No. 17. All voting aye. Nays none. RESOLUTION 2002-0002

ADOPTED.

18. ORDINANCE approving and authorizing an easement conveyance to Harris County for street right of way purposes on two tracts or Parcels of land containing an aggregate of 2.639 acres, more or less, city Parcels SY1-075A and SY1-075B, out of the 43.3353 acre Upper Braes Bayou Wastewater Treatment Plant Site, Dairy Subdivision, Henry Woodruff Survey, A-844, Houston, Harris County, Texas, in consideration of Harris County's payment of \$476,173.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented.

Council Member Quan stated that this was part of the Westpark Toll Road that was being built in west Houston and they would be selling some land to Harris County on this, that he knew that some of their constituents would be affected by it and they planned to have a townhall meeting to talk about the impact of the toll road so if they were interested in being a part of it to please feel free to call his office, that he had intended to tag the item, but had received assurance from the Westpark Toll Road Authority that they would be meeting with them and participating to let people know how the toll road would be affecting their neighborhoods and businesses.

Council Member Keller asked if the County was paying for it solely, and Council Member Quan stated that yes, it was the County's responsibility, but it would be affecting a lot of the City's citizens.

A vote was called on Item No. 18. All voting aye. Nays none. ORDINANCE 2002-0019 ADOPTED.

21. ORDINANCE amending Ordinance No. 2001-849 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and the **STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES ("DIR")** for Long Distance Telephone Services to add Internet Services - \$329,657.00 - Central Service Revolving Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-0020 ADOPTED.
23. ORDINANCE appropriating \$234,304.20 out of Parks Special Fund and awarding contract to **TREES, INC** for Tree Removal Services for the Parks & Recreation Department - was presented.

Council Member Wiseman stated that she would like for someone from the department to visit with her on the item, that she was interested in knowing about some of the areas where they planned on doing the tree removal, that they had a real problem with that in Kingwood, and Mayor Brown stated that they would make sure it happened.

Council Member Tatro stated that they had a lot of trees down in Knob Hill Park and he had sent an email to Mr. Spellman, that it was a significant issue and was glad to see the item come through.

Council Member Sekula-Rodriguez asked what was the Park Department's policy on removal and replacement, and Mayor Brown stated that he would have someone from the Park's Department meet with her, that there was a real constituency in the City for trees. Council Member Alvarado absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2002-0021 ADOPTED.

24. ORDINANCE awarding contract to **RASCH GRAPHIC SERVICES CORPORATION** for Bindery Services for the Central Print Shop for Finance & Administration Department; providing a maximum contract amount - \$523,906.25 - Central Service Revolving Fund - was presented, and tagged by Council Member Goldberg.
29. ORDINANCE No. 2001-1187, passed second reading January 3, 2002
ORDINANCE granting to **PHONOSCOPE, LTD.**, a Texas Limited Partnership, the right, privilege, and franchise for a term of fifteen (15) months, to erect, maintain, and operate a Cable Television System, to serve multiple unit developments and commercial business only, in the City of Houston, Texas; containing other provisions relating to the foregoing subject; and providing for severability - **THIRD and FINAL READING** - was presented. All voting aye. Nays none. ORDINANCE No. 2001-1187, PASSED THIRD AND FINAL READING IN FULL.

NON CONSENT AGENDA - NUMBER 30

PURCHASING AND TABULATION OF BIDS

Council Member Keller moved to suspend the rules for the purpose of reconsidering Motion 2001-1140, 10/24/01, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0041 ADOPTED.

Council Member Keller moved that Motion 2001-1140, 10/24/01 be brought back for reconsideration, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0042 ADOPTED.

30. **AMEND MOTION #2001-1140, 10/24/01**, for Change Order to purchase additional truck equipment for the eleven 66,000-lb. Gross Vehicle Weight Rating (GVWR) 30-cubic yard side-loading garbage trucks on order with **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for a total increase of \$23,791.91 for Solid Waste Management Department - Equipment Acquisition Consolidated Fund - **REQUIRES THREE MOTIONS** - was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0043 ADOPTED.

Council Member Wiseman stated that she would like to remove her tag on Item No. 13.

MATTERS HELD - NUMBERS 31 through 32

31. ORDINANCE appropriating \$31,574.29 out of Parks Consolidated Construction Fund as an additional appropriation for construction of Parks to Standard Program - Bid Package No. 40 Clinton Park, F-0363-40-3 under construction contract with **PARALLAX BUILDERS, INC** (approved by Ordinance No. 01-0113) - **DISTRICT I – ALVARADO** - (**This was Item No. 3 on Agenda of January 3, 2002, TAGGED BY COUNCIL MEMBER KELLER**) - was presented. All voting aye. Nays none. ORDINANCE 2002-0022 ADOPTED.
- 31a. MOTION by Council Member Robinson/Seconded by Council Member Ellis to adopt recommendation from Director Building Services Department for approval of Change Order No. 4 in the amount of \$34,040.55 on contract with **PARALLAX BUILDERS, INC** for Parks to Standard Program - Phase II, Bid Package No. 40 - Clinton Park, GFS F-0363-40-3 - **DISTRICT I- ALVARADO** - (**This was Item No. 3A on Agenda of January 3, 2002, TAGGED BY COUNCIL MEMBER KELLER**) - was presented. All voting aye. Nays

none. MOTION 2002-0044 ADOPTED.

13. **AAA FLEXIBLE PIPE CLEANING CO., INC** for Sewer Cleaning Services for Department of Public Works & Engineering - \$901,125.00 - Enterprise Fund - was again before Council, moved by Council Member Keller, seconded by Council Member Goldberg. All voting aye. Nays none. MOTION 2002-0045 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that as to the follow up of Houston being the fattest City in America she wanted to give a couple of suggestions that they could adopt in their daily routine, that cutting down to one soft drink per day they could lose 10 pounds per year, if they walked one block per day they could lose 10 pounds per day, that if they could incorporate more exercise in their daily lives and eat more fruit, that she wanted to thank the Parks Department, that she would meet with them next week and knew that they had a representative who had gone to Philadelphia and had met with the fitness health czar of that City, that Philadelphia was number one in 1999 and now they were number four, that her goal was to remove Houston from being number one in that category.

Council Member Alvarado stated that on Monday night she was involved in a story on Channel 11 that focused on some unusual amounts of Butadiene that were picked up from an air monitor at Milby Park which was in her district, that she had an interoffice memo from the TNRCC that discussed the unusual amounts that were found and at some points there were six times the amount that the TNRCC considered dangerous, that it also happened at Port Neches some time ago and to reduce the air concentrations and potential public exposure to Butadiene the TNRCC established a trilateral agreement with the local industry to investigate the source, that she would like for them to ask the TNRCC to do as they did for Port Neches and request a trilateral agreement with industry and also they probably needed to look at establishing more air monitors, that it was noted on Channel 11 that to really investigate the source they probably needed to have additional air monitors in the community, that they also needed an update from the TNRCC to see what the latest measured concentrations of Butadiene were, that Butadiene was mainly used in the production of synthetic rubber, was a colorless gas with a mild gasoline odor and the effects ranged from reproductive and developmental problems and the extreme was Leukemia, and Mayor Brown stated that he would ask Mr. Haines to follow up on that.

Council Member Berry stated that he wanted to thank Ms. McGilbra and the Building Services Department who had been very helpful in getting them moved in and settled, that he wanted to thank Mr. Rolan, that he sent a matter to him this past week and it was handled within 12 hours and he wanted to thank him for his response to that, that to the department heads who had called on them already they appreciated the briefings, that he wanted to thank the Council Members who had stopped by and given advice and helped setup their offices, that he wanted to thank Ms. Stein for all she had done to help them get settled in.

Council Member Ellis stated that in regard to Item No. 2, the refunding of some bonds with Utility District No. 16, that they were waiving a section, Section 3.02D and he wanted someone to meet with him and discuss the issue with him from the standpoint of why would they waive it as opposed to coming back and amending the ordinance, that he was sure the Dr. Scheps or Mr. Gary Wood could explain that to him, and Mayor Brown stated they would have someone visit with him on that.

Council Member Ellis stated that yesterday there was some historical legislation passed on a National level, that not only was it \$26 billion allocated to the educational system within the Nation, but they also had a bipartisan effort, that President Bush signed a \$26 billion piece of

legislation a package that would help address some of the educational problems that he saw they were having in the United States, that President Bush worked closely with Senator Kennedy, that he wanted to applaud the efforts of both houses on the federal level and both parties for coming together and passing an extremely important piece of legislation for everybody, and Mayor Brown stated that they also should give recognition to the fact that the Secretary of Education was from Houston.

Council Member Goldberg stated that he wanted to remind everybody that today at 11:00 a.m. would be the swearing in ceremony for HISD School Board Trustees, that in the past term HISD had really cooperated with his office and some of the objectives they wanted to do concerning Willow Water Hole, the Harris County Flood Control District was buying up approximately 250 acres there and did not want to spend the extra money to buy some dilapidated apartment complexes that were around Westbury High School and he talked to Kay Stripling and some of the trustees and they stepped up to the plate and had already committed to buying one of the complexes and may buy as many as five of them and eventually that property they were buying along with the property that the flood control district was buying was going to be a City of Houston park and they had been very cooperative.

Council Member Weisman stated that she would like to congratulate the Clear Lake High School cheerleading squad, that over the Christmas Holidays they won the 2001 National Cheerleader Association Senior and Junior Championships, that it was their first time winning and they were very proud of them.

Council Member Weisman stated that she wanted to thank Mr. Rolan for all of the assistance he had been on questions regarding issues in the Kingwood and Clear Lake area and throughout the district as well, that she had an issue with a traffic signal at Kingwood Drive and Royal Forest, that it was a real problem area and there had been numerous wrecks there, that she would like something in writing on that as where the repair of the light was at this time, that it was a light that was put in and then set to flashing yellow because people did not like having to stop at it, but it certainly warranted it given the traffic problems there.

Council Member Galloway stated that she had noticed that large problems of trash in certain locations were continuing to reoccur in her district and would like to speak with someone in Neighborhood Protection to find out where those cameras were, which were purchased with donated funds, and the status of how many illegal dumpings had been identified through the use of those cameras and wanted to know where they were located and what they were doing to those people who were doing illegal dumping in the area.

Council Member Robinson stated that he would like to see what the repercussions were through their financial advisors if they added another \$2 million to \$5 million to the existing \$5 million Rainy Day Fund and replace the total Rainy Fund \$7 million to \$10 million as a source to replace that redundant 2.5% requirement, because they now had two emergency allocation requirements; that he thought that this year they were carrying 17.8 cents on their Debt Service side and he wanted to look at swinging the .8 cents back over to O&M which would only put them which would only put them at 48.5 cents and they would still be only 1.5 cents below the .50 cents cap and see how much revenues that would generate them based on their property tax evaluation and would that have any meaningful negative impact in terms of their rating, that he knew they would have enough revenue that .17 cents to service the debt, but he would like to see if the .8 would help them on the operation side going into the next fiscal year.

Council Member Robinson stated that he would like to see as they moved forward with the appointment of the Legislative Affairs Committee if they could get some help with their State and Federal Lobby team to start interacting with the level one emergency task force that they had

established so they could start making the necessary preparation and visiting with members of the legislative delegation at the State and Congressional level to talk about what it would take to get them the additional funding to at least put two other additional level one trauma centers on the ground in their area and what they would need to do to coordinate with the County.

Council Member Edwards stated that Council Member Boney was involved very deeply with the HIV situation and she would like to stress once again the sense of urgency that needed to be dealt with regarding several health issues in District D areas, in particular HIV, Hepatitis C, Tuberculosis, Breast Cancer and Prostate Cancer, that they all tied in with their eating and life style habits, that she wanted to once again solicit the administrations support in having a strong drive in District D particularly regarding those issues and seek the assistance of Dr. Kendrick and the Health Department, that as she understood the City was responsible for prevention and most of these challenges had a very strong preventive aspect to them.

Council Member Edwards stated that in District D there were a lot of environmental issues especially with the crushed concrete sites, that whoever had been working with that or had insight on it they would be soliciting their support and assistance in trying to work with that.

Council Member Edwards stated that regarding ACS and the ambulances, in the discussion she had with ACS there seemed to be several cities that had developed alternative methods for people to look at, making the right call, that instead of calling an ambulance the cities had worked out alternative ways for people to get to emergency services if they did not have transportation, that they would look further into that.

Council Member Vasquez stated that tomorrow, Thursday, at 1:30 p.m., at Marshall Middle School, America's Promise, which was General Colin Powell's youth and educational organization, would be present at the school along with the Lozano Long Foundation to announce a commitment of \$10 million to Hispanic youth statewide and believed that Project Grad would get a chunk of those dollars also, that Mrs. Barbara Bush would be there as well as Colin Powell's wife, Mrs. Alma Powell, that he invited all the Council Members to attend at Marshall Middle School. Council Member Berry absent.

Council Member Vasquez stated that about a month ago he brought to the Mayor's attention the corner of 19th and Yale and the need for a traffic signal there because of all the accidents that had occurred, that he wanted to report that it was taken care of by Public Works. Council Member Berry absent.

Council Member Quan stated that he wanted to follow up on comments that were made last week regarding the Combined Municipal Campaign, that their employees performed very admirably in the campaign this year and thought approximately over 7,000 City employees participated despite the fact that they had not received a pay raise in quite a while, that they raised over \$650,000 for charities in the Houston area, that he would encourage Council Member to participate and they could join the 1% Club, that there were some people who gave up to 10% and 20% of their income to the campaign and there was going to be a reception on Monday at the George R. Brown Convention Center recognizing those people who participated. Council Member Berry absent.

Council Member Quan stated that they would be having a consolidated TTI and Housing Committee meeting on Monday morning at 10:00 a.m.

Council Member Quan stated that many of them received an invitation to One Houston United Convocation of the Clergy for tomorrow which was still seeking to address those people who were out of their homes because of Tropical Storm Allison, that they would be having a

telethon at Enron Field to try to raise monies for those Houstonians who were still being affected by Tropical Storm Allison and encouraged participation by Council Members and by the Community in those endeavors.

Council Member Sekula-Rodriguez stated that she would acknowledge that this week Sylvan Rodriguez Elementary opened at 5858 Chimney Rock and was very honored that HISD would name the school after her husband; that on a sad note she wanted to remember and offer condolences to the family of Henry Castillo, a little boy who was the first student at Sylvan Rodriguez Elementary to pass away, that he was killed in a terrible bus accident about two to three months ago.

Council Member Sekula-Rodriguez stated that there was a crisis happening at apartment complexes around the City, that it was not new, that it was happening at Kingsgate Apartments and 3,000 people had been without gas for the past six weeks, that the owners of the apartments had not paid their taxes, gas bill or their water bill so the gas had been turned off, that the City Attorney was looking into what they could do to help with the very complicated situation, that she and Council Members Ellis and Goldberg were also looking into it, that it was a serious issue and they were supporting the people and trying to help them.

Council Member Sekula-Rodriguez stated that in the Houston Chronicle there was an article that called attention to another crisis which was the closing down of the trauma facilities in the City, that according to data mentioned in the article they had not increased their trauma beds in the City since 1980 and yet the population had soared, that in December, Ben Taub cut 20 trauma beds because of lack of nursing support, that it also included 9 counties, that the issue was not just in Houston but all over the State and was critical, that she would like to ask people to recognize that it was a serious issue and to make note that the group called Save Their Emergency Rooms was going to go to the Legislature again and ask for \$200 million for statewide support to reopen trauma beds, that they should have three trauma centers in a 9 County region this size and they only had one and a half, that it was really tragically small.

Council Member Vasquez stated that it may be a good idea to bring it up at the Legislative Affairs Committee and see if she could get the Council's support to make that one of the Legislative agenda items.

Council Member Galloway asked if it was caused by a shortage of personnel what were they going to do in order to grow the corps in order to have bodies there to man the beds there, that she thought they needed to have some kind of program to encourage people to go into the nursing field, that the problem was really a shortage of personnel.

Council Member Parker stated that last night on the 9:00 p.m. news broadcast they were doing a story on raw sewage being discharged into Buffalo Bayou and she did not get the location and would like for the Public Works Department to touch base with her because she wanted to get a little more information on it, and Mayor Brown stated that he would have them give her a briefing on it.

Council Member Parker stated that she knew of the retirement of the Director of Municipal Courts Administration, Ron Mangus and the appointment of Barbara Settoff as Acting Director, that one of the issues that came up at Fiscal Affairs and had been coming up for some time was the collection rate at Municipal Courts and Council would like to have an update of what they were doing to resolve the collections issue.

Council Member Parker stated that she wanted to reference the passing of Mr. James A. Bland, Jr. who was a strong contributor to fire safety in the City of Houston, that he devoted 30

years of his life to the Houston Fire Department, that there was a long obituary and most of it was a listing of the Fire Departments, Fire Services and Fire Training Institutes to which he contributed, that he compiled and wrote the first Houston Fire Code and served 26 years on the Fire Code Review Board and also devoted some 40 years to the Texas Fireman's Training School at Texas A&M University, that it was a great loss to the City and to Fire Departments in the area.

Mayor Brown stated that he also wanted to express their collective condolences to the family of Mr. Jose Garcia, who was buried this week, that he had an extensive career in law enforcement and equally important he had five sons who were also police officers.

There being no further business before Council, the City Council adjourned at 10:58 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary