

City Council Chamber, City Hall, Wednesday, January 23, 2002.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 23, 2002, with Mayor Pro Tem Gordon Quan 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, 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; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown absent on city business. Mayor Pro Tem Quan presiding.

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

At 9:10 a.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Keller led everyone in the prayer and pledge of allegiance. Council Members Tatro and Wiseman absent.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown absent on city business. Council Members Tatro and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Members Keller and Vasquez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Mayor Brown absent on city business. Council Members Tatro and Wiseman absent. Mayor Pro Tem Quan presiding.

## **MAYOR'S REPORTS**

### **CONSENT AGENDA NUMBERS 1 through 52**

#### **ACCEPT WORK** - NUMBERS 2

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$430,892.47 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Bid Package No. 49 Nieto Park - Water Playground, GFS F-0363-49-3 - 04.08% over the original contract amount - Parks Consolidated Construction and CDBG Funds - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0078 ADOPTED.

#### **PROPERTY** - NUMBERS 4 through 13

4. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A93-133, located at northwest corner of Paul Quinn Street and Wheatley Street, owned by the heirs of Edward Guidry, Jr., for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York, CIP N0546 - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0079 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A93-176, located at northeast corner of Wilburforce Street and Wheatley Street, owned by the heirs of Irene Kannady and the heirs of Ardelia Dorsey Wilkerson, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0080 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A93-177, located at southeast corner of Wheatley at Holly Street, owned by the heirs of Rosa Bell McMillon, 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. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0081 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-95, located at 5732 Wheatley Street, owned by Robert Ray Murphy and wife Thetieevee Canada Murphy, 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. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0082 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-97, located at 5912 Wheatley Street, owned by The heirs of Emdella Fair, the heirs of Joe Fair, and the heirs of Landy Fair, 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. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0083 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-101, located at 6104 Wheatley Street, owned by Etta Sledge the heirs of Edwin Sledge, and the heirs of William Sledge, Jr., 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. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0084 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-118, located 270 feet south of Holly Street, owned by Thelma La Strap and husband, Paul La Strap; Nosh Anders or his unknown heirs; Percy Haywood Lacour or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business.

Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0085 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-124, located 30 feet north of Holly Street, owned by Robert Murphy and wife Thetieevee Canada Murphy, 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. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0086 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-139, located 240 feet south of Granville Street, owned by David Franks and wife, Johnnie Franks and/or their heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York, CIP N-0546 - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0087 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A99-138, located at 6812 Wheatley Street, owned by James Waddell Maxie for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York, CIP N-0546 - \$29,340.00 - Street & Bridge Consolidated Construction Fund - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Weisman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0088 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 28

19. **TEXAS COOL** for HVAC Work at Fire Station Nos. 18 and 26 for the Building Services Department - \$71,900.00 and contingencies for a total amount not to exceed \$75,495.00 Disaster Recovery Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
21. **COASTAL PUMP SERVICES, INC** - \$36,182.00 and **TEXAS CITY ARMATURE WORKS, INC** \$62,887.00 for Emergency Pump Repairs for Department of Public Works & Engineering Enterprise Fund – was presented, moved by Council Member Robinson, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0089 ADOPTED.
24. **JERDON ENTERPRISE, L.P.** for Emergency Repair of Failed Pavement for Department of Public Works & Engineering - \$63,636.00 - Street & Drainage Maintenance and Disaster Recovery Funds – was presented, moved by Council Member Robinson, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0090 ADOPTED.
25. ORDINANCE appropriating \$49,797.30 out of Water & Sewer System Consolidated Construction Fund for Relocation of an Emergency Generator Set for the Public Works & Engineering Department, CIP S-1000-P3 – was presented. All voting aye. Nays none.

Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0033 ADOPTED.

- 25a. **INDUSTRIAL ELECTRICAL SERVICES, INC** for Relocation of an Emergency Generator Set for Department of Public Works & Engineering - \$47,426.00 and contingencies for a total amount not to exceed \$49,797.30 – was presented, moved by Council Member Robinson, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0091 ADOPTED.
26. ORDINANCE appropriating \$68,139.75 out of Street & Bridge Consolidated Construction Fund for Garden Oaks improvements for the Public Works & Engineering Department, CIP N0660-19-3 – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0034 ADOPTED.
- 26a. **C & D CONSTRUCTORS, INC** for Garden Oaks Intersection Improvements for Department of Public Works & Engineering - \$64,895.00 and contingencies for a total amount not to exceed \$68,139.75 – was presented, moved by Council Member Robinson, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0092 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 29 through 52

30. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Fulton Street, from Parker Road to Airline Drive, located within the resubdivision of Lot 21, Thatcher's Gardens, Section 5, H. & T. C. R. R. Company Survey, A428; vacating and abandoning said street right-of-way to Airline-Parker Retail, L.P., the abutting owner, in consideration of owner's payment of \$19,136.00 and other consideration to the City **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0035 ADOPTED.
31. ORDINANCE consenting to the addition of 114.78 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0036 ADOPTED.
41. Omitted
42. Omitted
44. ORDINANCE approving and authorizing sponsorship agreement between the City and **CHEVY CHASE COMMUNITY ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - \$1,260.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0037 ADOPTED.
45. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **POST OAK LANE TOWNHOME OWNERS ASSOC.** and **RUSTLING PINES CIVIC ASSOCIATION** for Garbage Collection Service for the respective subdivisions - \$684.00 **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0038

ADOPTED.

47. ORDINANCE approving and authorizing first amendment to professional services contract (approved by Ordinance No. 2000-328) between the City of Houston and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the provision of Drinking Water for the Houston Region - \$260,00.00 Enterprise Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
48. ORDINANCE awarding contract to **STRUCTURAL TECHNOLOGY, INC** for Aerial & Ground Ladder Inspection & Testing Services for the Houston Fire Department; providing a maximum contract amount - \$310,343.75 - General Fund – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0039 ADOPTED.
49. ORDINANCE awarding construction contract to **BEYER CONSTRUCTION, LLP** for a Water, Wastewater and Drainage Facilities to serve the Villages of Westbrae; approving and authorizing an assignment of the construction contract to W & W Asset Management, Inc., CIP S-0800-37-3 and R-0800-44-3 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0040 ADOPTED.
50. ORDINANCE appropriating \$125,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **DMJM AVIATION, INC** for the Rehabilitation of Taxiways “SA” and “SB” at George Bush Intercontinental Airport/Houston, Project No. 549, CIP A-0369.03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0041 ADOPTED.
52. ORDINANCE appropriating \$319,191.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an amendment to professional engineering services contract (approved by ORDINANCE No. 99-1020) between the City of Houston and **EARTH TECH, INC d/b/a EARTH TECH** for the design of reconstruction of Brittmore Road from I-10 Freeway to Hammerly, CIP N0596-01-2 (N-0596-01) - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0042 ADOPTED.

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

Council Member Robinson moved to suspend the rules to consider Item Numbers 53 and 54 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0093 ADOPTED.

53. RECEIVE nominations for Positions 1 and 2, and Alternate Positions 1 and 2 of the **HOUSTON GALVESTON AREA COUNCIL**, for one year terms to expire December 31, 2002

Council Member Robinson stated that he wanted to re-nominate Council Member Keller for Position 1 and Council Member Vasquez as alternate for Position 1 of the Houston Galveston Area Council.

Council Member Keller stated that he wanted to re-nominate Council Member Robinson for Position 2 and Council Member Tatro as alternate for Position 2 of the Houston Galveston Area Council.

Council Member Ellis moved to close nominations for Positions 1 and 2 and Alternate Positions 1 and 2 of the Houston Galveston Area Council, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0094 ADOPTED.

54. MOTION to set a date not less than seven (7) days from January 23, 2002 to receive nominations for Positions 7, 8 and 9 of the **MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS**, the two year terms to expire January 31, 2004 – was presented.

Council Member Ellis moved to set Wednesday, January 23, 2002 to received nominations for Positions 7, 8 and 9 of the Municipal Employees Pension System Board of Directors, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0095 ADOPTED.

### **MISCELLANEOUS**

1. RECOMMENDATION from Chief of Police for supplemental allocation of \$138,169.95 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.

### **ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$430,892.47 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Bid Package No. 49 Nieto Park - Water Playground, GFS F-0363-49-3 - 04.08% over the original contract amount - Parks Consolidated Construction and CDBG Funds - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Vasquez, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0096 ADOPTED.

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

14. **AMEND MOTION #2001-746, 7/3/01, TO INCREASE** spending authority by \$527,056.00 from \$2,108,226.00 to \$2,635,282.00 for Scott Air Pak and authorize the exchange of used 30-minute air cylinders for new 60-minute air cylinders for Fire Department, awarded to **ORR SAFETY CORP.** - General Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Members Tatro and Alvarado.
15. **AMEND MOTION #99-220, 2/17/99 and #99-951, 6/2/99, TO EXTEND** expiration date for two months from February 16, 2002 to April 16, 2002 for Firefighting Equipment for Fire Department, awarded to **CASCO INDUSTRIES, INC** and **FOUR ALARM FIRE EQUIPMENT** – was presented, moved by Council Member Alvarado, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0097 ADOPTED.

16. **AMEND MOTION #2001-301, 3/21/01, TO INCREASE** spending authority by \$20,000.00 from \$80,000.00 to \$100,000.00 for Safety Equipment Supplies Part III for Fire Department, awarded to **SPECIALTY RESCUE & FIRE SERVICE** - General Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0098 ADOPTED.
17. **AMEND MOTION #99-1329, 7/21/99, TO INCREASE** spending authority by \$1,109,977.50 from \$4,439,910.00 to \$5,549,887.50 for Fuel, Diesel Low Emission Part I for Finance & Administration Department, awarded to **SUN COAST RESOURCES, INC** - Central Service Revolving Fund – was presented, moved by Council Member Robinson, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0099 ADOPTED.
18. **AMEND MOTION #2001-295, 3/21/01, TO INCREASE** spending authority by \$387,500.00 from \$1,550,000.00 to \$1,937,500.00 for Fuel, Diesel Low Emission Part II for Finance & Administration Department, awarded to **ADARESOURCES, INC** - Central Service Revolving Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0100 ADOPTED.
20. ORDINANCE appropriating \$346,195.18 out of Public Health Consolidated Construction Fund for Carpet Replacement at the Health and Human Services Support Services Division for the Health and Human Services Department – was presented.

Council Member Keller stated that he wanted clarification on whether it was 12,394 square yards or square feet for carpet tiles.

Council Member Keller moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Department, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. MOTION 2002-0101 ADOPTED.

Upon questions by Council Member Keller, Mr. Wells stated that it was on square yards.

A vote was called on Item No. 20. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0043 ADOPTED.

- 20a. **TWIN TILE COMPANY** for Purchase and Installation of New Carpet Tile from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$337,364.68 – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0102 ADOPTED.
22. **AAA DEMOLISHING CO.** for Demolition Services for Department of Public Works & Engineering \$43,405.00 and contingencies for a total amount not to exceed \$45,575.25 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0103 ADOPTED.

23. **HI-WAY EQUIPMENT CO., INC** for Rental of Asphalt Road-Patching Trucks for Department of Public Works & Engineering - \$202,500.00 - General Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Tatro.

Council Member Tatro stated that he wanted an update on where the trucks had been used before and the history of repair on this type on asphalt, that he wanted the history of their effectiveness, and Mayor Pro Tem Quan stated that they would be glad to get that information to him, that he knew they had one truck they looked at, but this would be six in the pilot program.

Council Member Robinson stated that by having the opportunity to move a little bit across the Country a number of folks had made mention of this new type of technology and that it worked fairly well, that his hope was that it proved itself in their City and their climate and the materials they had been using.

27. **AMEND MOTION #98-182, 2/4/98, subsequently amended by MOTION #2000-1473, 12/6/00, TO EXTEND** expiration date for twelve months from February 4, 2002 to February 4, 2003 for Automated Refuse Carts for Solid Waste Management, awarded to **PLASTIC OMNIUM ZARN, INC (aka ZARN, INC)** – was presented, moved by Council Member Robinson, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0104 ADOPTED.
28. **JERRY MCKINLEY CONCRETE PIPE CO., INC** for Concrete Pipe for Various Departments \$679,458.40 - Enterprise and Street & Drainage Funds – was presented, moved by Council Member Robinson, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0105 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

29. RESOLUTION supporting the appointment of Jack Christie, D. C., as Chairman of the President's Council on Physical Fitness – was presented.

Council Member Ellis stated that he wanted to thank the administration for moving swiftly on the resolution, that he knew there had been questions from Council Members around the table with regard to basically what the resolution was, that President Bush's committee had selected a few individuals throughout the Nation to be the Chairman on the President's Council on Physical Fitness and they had a local individual by the name of Jack Christie who was on that short list and this resolution just supported the appointment of Jack Christie, that he thought it would be appropriate to have someone from the Houston area to serve in that position for the President.

After further discussion a vote was called on Item No. 29. All voting aye. Nays none. Mayor Brown absent on city business. All voting aye. Nays none. RESOLUTION 2002-0004 ADOPTED.

32. ORDINANCE assigning recently added territories to adjacent districts from which district Council Members are elected until such time as district boundaries may be changed pursuant to the Charter - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0044 ADOPTED.



33. ORDINANCE approving and authorizing first amendment to contract between the City and **FORT BEND COUNTY** for Election 2001 Services \$3,487.00 - General Fund – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0045 ADOPTED.
34. ORDINANCE approving and authorizing ground lease agreement between **HARRIS COUNTY- HOUSTON SPORTS AUTHORITY**, as tenant and the City of Houston, Texas, as landlord, for the Multi-Purpose Sports and Entertainment Arena located in Downtown Houston **DISTRICT I- ALVARADO** – was presented and tagged by Council Member Tatro.
35. ORDINANCE approving and authorizing lease agreement between **BAPTIST TEMPLE**, a Texas Non-Profit Corporation as landlord, and the City of Houston, Texas, as tenant, for space at 200 W. 20th Street, Houston, Texas, for use by the Library Department - **DISTRICT H- VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0046 ADOPTED.
36. ORDINANCE approving and authorizing amendment No. 3 to an agreement between the City of Houston and **GREATER HOUSTON TRANSPORTATION COMPANY**, assignee of Texas Bus Lines, Inc., to provide Scheduled Ground Transportation to/from George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and E- WISEMAN** – was presented and tagged by Council Members Weisman and Ellis. (Note: Council Members Weisman and Ellis removed their tags later in the meeting.)
37. ORDINANCE approving and authorizing interlocal agreement among and between the City of Houston, **HARRIS COUNTY**, and the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** for Reconstruction of Kirby Drive from IH-610, CIP 0755-01-3 - **DISTRICTS C - GOLDBERG and D – EDWARDS** – was presented.

Council Member Vasquez stated that this was the interlocal agreement between the Sports Authority and the City, the Public Works Department, regarding the Kirby Drive project, that he wanted to thank the administration for bringing it to the table as quickly as possible and wanted to thank the Sports Authority also for getting it done.

Council Member Alvarado stated that the County was voting on this February 4, 2002 and the Sports Authority was also taking it up the early part of next month.

Council Member Goldberg stated that this item referenced a CIP number, 0775, and in that CIP it stated that the money for the project, \$1.5 million was coming out of a Metro Fund and wanted to know if that was the case, and Mayor Pro Tem Quan stated they would get that information for him.

Council Member Goldberg moved to consider Item No. 37 at the end of the agenda, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0106 ADOPTED.

At 9:32 a.m. the City Council moved to the Public Session.

Council Member Galloway moved to suspend the rules to hear Ms. Pasteen to the top of the speakers list, seconded by Council Member Robinson. All voting aye. Nays none. Mayor

Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0107 ADOPTED.

Ms. Pasteen Parks, 3710 Toyah Avenue, Houston, Texas 77039 (281-590-9184) appeared and stated that she was present on behalf of A Class Limousine and the people that worked for her, that she was one day late paying her limo fee and she was revoked and the only way that she could get her workers and herself back to work would be to buy a stretch limousine and start all over again, that the administrative director at 601 Swayer, Mr. Blanton Daniel, over the transportation and financial department, told her that she had to go to the Council and the Mayor and ask for a waiver and that would be the only way that she could get her people back to work and buy a license other than that she would have to buy a stretch and start all over again. Council Members Vasquez, Parker, Berry and Robinson absent.

Council Member Galloway stated that she thought the ordinance states that the fees had to be paid by a certain date in January and what had happened was that it was so rigid and she did not know why they did not just have a penalty if they paid late after so many days and thought it was really bad for small businesses because a person like Ms. Parks it would put her out of business and all of the people she had working for her. Council Members Goldberg, Vasquez and Parker absent.

Mayor Pro Tem Quan asked Mr. Bibler if there was a waiver available through Council, and Mr. Bibler stated no, that if the City Council wanted to change the rules they could change them, but they did not grant individual waivers, that he thought they had some sort of late payment ordinance or they used to, that he would look into it. Council Members Goldberg, Keller, Vasquez and Parker absent.

Mayor Pro Tem Quan stated that Ms. Tina Paez was present and would meet with her to see what was available. Council Members Goldberg, Keller, Vasquez and Parker absent.

Council Member Galloway stated she would recommend if they did not have anything that addressed this issue then maybe they needed to rethink it and come back to committee and do something about it, and Mayor Pro Tem Quan stated that possibly the Regulatory Affairs Committee could look into that.

Council Member Wiseman stated that she agreed with Council Member Galloway, that it was something that Regulatory Affairs take up and would like to see if they could indeed make use of late payment penalties as opposed to putting them out of business all together and stated that she would like to be kept apprised of Ms. Parks situation. Council Members Goldberg, Keller, Vasquez and Parker absent.

Mrs. Joan Johnson, 901 Bagby, Houston, Texas 77002 (713-223-9595) appeared and stated that she was President of the Hotel and Motel Association and was present in reference of Item No. 36, which she understood that they tagged, that she wanted them to know that the hotel association very strongly supported that they approve the amendment to the contract between the Aviation Department and Houston Transportation, that as they were probably aware if it was not approved the shuttle service would end between the airport, hotels, medical center and other parts of the City on February 9, 2002, that there would be no further shuttle service until a contract was entered into, that the City, through many of its organizations, the Convention Bureau, Image Group and Aviation Department had spent millions of dollars to promote the City and improve their image in the Nation and throughout the world and they thought this was part of the image, that they needed to provide the services as a City that other cities did so she asked that they support the amendment to the contract. Council Members Goldberg, Vasquez and Parker absent.

Mayor Pro Tem Quan stated that he wanted to thank Ms. Johnson for being present and for all her work, that he had received his letter concerning the item ahead of time and asked if this was a one year extension and then they would go out for an RFP, and Ms. Johnson stated that to her knowledge that was correct, but he may want to talk to the Aviation Department or their representatives, that she thought an RFP, if that was what the Aviation Department wanted to do, would be very well done, but not to disrupt service between now and then because she understood that it could take up to six months. Council Members Goldberg, Vasquez and Parker absent.

Council Member Berry moved to suspend the rules to hear Ms. Jackie Martin out of order, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. Council Members Goldberg, Vasquez and Parker absent. MOTION 2002-0108 ADOPTED.

Ms. Jackie Martin, 2200 North Loop West, Houston, Texas 77018 (713-685-2300) appeared and stated that she was present to thank them, because most of them agreed to participate in the One Houston United Campaign, that it was a campaign they were running to help address the needs of the victims of Tropical Storm Allison, that there were still thousands of people who were not back in their homes, a lot of them were senior citizens or families with small children, that not only were they not in their homes, their houses had been moved off of their foundations, that because of their help they were going to run a telethon, concert and a second offering so she hoped to see them all on January 26, 2002 answering telephones, smiling brightly and putting on a great image to the world of Houston, Texas, that they had gotten a lot of negative publicity, that no one ever talked about the good stuff they did which well outweighed all of the other stuff because it was a City that believed in taking care of its own and not asking for outside assistance, that they were going to raise \$4 million with their help, that she knew that Council Member Edwards would be there answering telephones and smiling and getting the money out of those people, that they needed to work on the City Attorney, they needed his help too, that she was present to say thank you so much for assisting them. Council Members Goldberg, Vasquez and Parker absent.

Upon questions from Council Members, Ms. Martin stated that they needed people at the other end watching television calling in, that she would be remiss if she did not thank the Houston media, that it was unprecedented that the stations were airing from 7:00 p.m. to 10:00 p.m. the telethon concert, so it was on 5 stations simultaneously, that as to the disaster relief's going on around the Country and the problems they had seen in New York, Ms. Martin stated that what they did in New York was respond immediately and what they would do in Houston was have a system, that right away they would send the Red Cross and the Salvation Army, and FEMA came in to address the immediate needs, that what they were addressing now were the needs that were prolonged, because it was going to take them 3 to 5 years to get over it, that with the mental health issues they had already documented several suicides because people could not get their lives back together, so now FEMA and insurance companies had paid what they could and now what they were dealing with were people who really did not have any other help, that they were looking at north and northeast Houston with incomes under \$14,000 per year to help them rebuild or refurbish their homes and get the case management counseling they needed, that they were going to fund agencies, that they had already put out a request for proposal and they knew it far exceeded the \$4 million, but that was what they thought they could raise to help those people and that was the big difference, they were funding agencies that had the expertise to go in and make sure they were not getting scamed by unscrupulous contractors, that she looked forward to seeing all of them there. Council Members Goldberg, Sekula-Rodriguez and Robinson absent.

Mr. Tommy Gonzales, 834 Lyngrove, Houston, Texas 77038 (281-448-1358) appeared and stated that the administrator for Christian American Karate Incorporated, they were a Christian based martial arts school, that he was present to share with the Council the problems he had with his home, that they suffered some severe flooding in Tropical Storm Allison, but his home had been flooding since about 1975, that he bought his home in 1973 and almost every year they had gotten water in their house, that he lived near the corner of West Mt. Houston and I-45 and that area did flood, that in 1996 they called someone from Harris County Flood Control to go out and survey and look over the area, that they drove around the neighborhood and showed them were a holding tank about 200 yards from their homes had been filled in by Trees of Houston or Trees Incorporated and was filled in with tree mulch, so they did not have any water runoff, that his home had essentially turned into a creek bed and every time they got a hard rain they got water in the house, that his house was in shambles and presently on studs, that they were on concrete floor and the house was cold, that he knew all of this could be repaired and the people from Public Works tried to tell him there was nothing that the City could do, that he needed to demolish his house and have the house rebuilt on a higher slab or foundation, that he paid off of his house and they were expecting him to refinance and rebuild his house out of his own pocket, that he ran a non profit organization, which did not make much money, that he took a semi-retirement from a manufacturing position, that he was the plant manager for Morris Compressors and he presently ministered the Gospel and ran Christian based martial arts schools, that he had called a list of people and in the report that he passed out to Council he mentioned all of the people that he had been in contact with, that there was a lot of passing the buck and that was his biggest discouragement in working with the City, that his biggest discouragement was when they told him they would call him back or get right back with him and he would not hear from them for two or three months, that he knew there were programs out there that were topped with people who were having traumas or having emotional problems because of Allison, but he and his family had been having this problem for a long time, a lot longer than just Allison. Council Members Goldberg, Parker and Robinson absent.

Upon questions by Council Members, Mr. Gonzales stated that during Tropical Storm Allison his home was flooded and held water for about three days, that the damage estimate came out to \$50,000, which exceeded 50% of the value of his home, that in his handout he had a sheet which showed what the City estimated the cost of the house and property to be, that he had turned in all of the paperwork to Harris County Flood Control and Public Works, that at one time he was on the list for the Fast Track Buyout Program, that he had called Ms. Sara Culbreth who said he was still on the buyout program, that since he had called to be on the speakers list he had five phone calls and had been on the phone for almost an hour with each phone call, that it was amazing, that he was in the subdivision behind Eckerd Drugs and the Sonic Drive-In, that everyone down his street were flooded, that he did not know if his neighbors made an application for the Fast Track Program, that he had an appointment with the Harris County Flood Control for the buyout program. Council Members Goldberg, Berry and Robinson absent.

Mayor Pro Tem Quan asked Mr. Haines to respond to Mr. Gonzales, and Mr. Haines stated that Ms. Culbreth worked in his office and believed that she had been on the phone with him in conversation several times since as early as December on his concerns, that for Council's edification Mr. Gonzales was on the buyout application program and that was underway and believed that Ms. Culbreth had talked to him about it and the process and procedures, that they hoped they could get answers and more funding as they moved forward with the Harris County Flood Control District and the State of Texas, that he also understood that he had significant flooding and part of his concern had been beyond major or massive storms, that there may be local drainage problems and just to let him know and to advise Council, he believed there was a meeting with him and Public Works representatives on January 25, 2002, that Mr. Gonzales was presenting two problems, one was the buyout problem and the other was the other related problems to drainage in that neighborhood, that they had taken a look at that neighborhood, that it

bordered Harris County and they were not familiar with what exactly Harris County was doing, but they would get with them on Mr. Gonzales behalf as well to see what that was, that they had not received, in that area, a lot of applications for the buyout program, however his was one of those which was in the priority three category, that he did want Council to know that they had been in communication with Mr. Gonzales, his office through Ms. Culbreth, and looked forward to continuing to work with him on this. Council Members Tatro, Goldberg, Ellis, Vasquez, Berry and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Gonzales stated that he was in District B, that when they first moved there they asked the people and were told that it had never flooded before, that was in 1973 when he bought the house, that the change of the terrain, the reconstruction of Hwy 249, which used to be a two lane and was now a six lane, the water drained back their way and the filling in of the detention pond and the poor drainage of the area, that the water funneled down toward their yard, that essentially they were sitting on a dry creek bed and every time it rained it flooded the house, that he tried to buy flood insurance but it was about \$10,000 for flood insurance per year. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado and Berry absent.

Council Member Sekula-Rodriguez asked Mr. Haines if flood insurance would be different because Mr. Gonzales had been flooded repeatedly or was it still based on the neighborhood, and Mr. Haines stated that because he was located on the flood plain he would qualify under the Federal Flood Plain Insurance Program, which was typically a discounted rate and typically a low cost premium. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Berry and Robinson absent.

Ms. Marilyn Gray, 12516 Autumn Leaf, Houston, Texas 77072 (281-568-5065) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Berry and Robinson absent.

Ms. Veronica Hobley, 2914 McCraray, Houston, Texas 77088 (832-259-4847) appeared and stated that she was trying to find help to change applications so they would not ask the race, which she thought was a violation of civil rights, that she thought it was another form of discrimination, that she had gone to a job at RMH and there were three non citizens, bilingual and two African Americans or citizens who could not speak Spanish, that they were interviewed but the African Americans were not, that they were told they would be contacted at a later time but were not, that she wanted to find out what they could do to get it off of the application where most ads were run with bilingual preferred or bilingual paid more, that they were American citizens and knew only one language, English, why should they speak two languages in order to get jobs in America. Council Members Tatro, Goldberg, Ellis, Vasquez, Berry and Robinson absent.

Mayor Pro Tem Quan asked Mr. Bibler to respond on the issue, and Mr. Bibler stated that the City paid additional salary to people who were bilingual in positions where bilingual speaking people were needed. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that as far as the City of Houston's policy that was all they could determine, that as far as overall federal or employment policies of other companies that was not within their jurisdiction, that the City of Houston complied with the legal requirements, that they did not want to be discriminatory in any way but they had a City in which they had 90 different languages spoken and often times it was advantageous to have people who could speak more than just one language for certain positions. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Hobley stated that she was not hired because she did not speak a different language, that the position was telemarketing supervisor, that this had happened about a dozen times to her, and Council Member Edwards asked her to meet with Ms. Martha Rivera from her office to see if they could talk her through the process and see how maybe they could assist her. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado asked if it was a City position she had applied for and Ms. Hobley stated no, that it was just an ad in the Greensheet that she answered. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to meet with the Mayor Pro Tem Quan's group on immigration and culture diversity, that she thought it was an issue that was not a big one but one they needed to look at as they tried to develop a diverse community. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Joe Roach, 306 Main Street, Houston, Texas 77002 (713-228-3390) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Jack Terrance 2808 Morrison, Houston, Texas 77009 (713-861-1991) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. J. W. Masseh, P. O. Box 742713, Houston, Texas 77274 (713-776-8108) appeared and stated that he was present as the President of the Association of Taxicab Owners and Drivers and to ask them on behalf of the little people, cabdrivers for a favor, that the favor that he want from them was not monetary assistance but simply want to ask to please suspend the enforcement of City Code Ordinance Section 46-20 this year for the following set of reasons, one, the flood incident in June, and two, September 11, 2001, that as they may know, cab business depended mostly on business people who come to Houston on a daily basis and those two major incidents devastated their business as it did to other major carriers such as airlines, that the airline industry, other businesses, and individual who were directly affected by those two incidents mentioned above were given financial assistance by the federal and other governmental entities except individual cab owners and operators, that the City Code Ordinance Section 46-20 enforcement that he wanted them to suspend read as follows: "That all six years old model vehicle must be taken out of cab operating line January 31, regardless of the date it was placed into service or the vehicle's physical condition", that in closing he would like to recall what he repeatedly heard from Ministers of Gospel say, knock at the door and it shall open; ask and it shall be given; and with God everything is possible. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Ms. Tina Paez, Finance and Administration, would meet with him and discuss his item with him and then it may go the Regulatory Affairs Committee to see whether the Council was ready to follow his suggestion. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Robinson absent. (NO QUORUM PRESENT)

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

Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Robinson absent. (NO QUORUM PRESENT)

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Council Member Keller absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak, but was not present when his name was called. Council Member Keller 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 Member Keller 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 Member Keller absent.

At 10:12 a.m. the Public Session ended and Council resumed the agenda.

Council Member Wiseman stated that she was hoping to get some additional information on Item No. 36 and did receive the information so she wanted to remove her tag and Council Member Ellis stated that he wanted to remove his tag as well, and Mayor Pro Tem Quan stated that they would take up Item No. 36 at the end of the agenda.

38. ORDINANCE approving and authorizing third amendment to the Gas Sales Contract between the City and **RELIANT ENERGY ENTEX, a division of Reliant Energy Resources Corp.** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0047 ADOPTED.
39. ORDINANCE approving and authorizing second amended and restated Interlocal Cooperation Agreement with the **HOUSING AUTHORITY OF THE CITY OF HOUSTON - DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0048 ADOPTED.
40. ORDINANCE appropriating \$232,128.75 out of Fund 928, Sharpstown Public Improvement District Fund, and authorizing payment of certain costs for improvements pursuant to the 2001-2005 Sharpstown Public Improvement District Service and Assessment Plan - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0049 ADOPTED.
43. ORDINANCE approving and authorizing contract between the City and **PINKERTON'S INC** for Security Guard Services for Various Departments; providing a maximum contract amount \$33,664,023.90 - General, Enterprise, Parks Special Revenue and Building Inspection Funds – was presented.

Council Members Ellis and Keller tagged Item No. 43.

Council Member Goldberg stated that he was going to tag the item also and the information that he was looking for was the criteria of where they placed the security and why.

Council Members Alvarado and Wiseman asked to add their tag to Item No. 36 also.

Council Member Tatro asked if the contract went through any committee and Mayor Pro Tem Quan stated that not that he knew of, and Council Member Tatro stated that he thought in

light of the situation in the City and across the Country he was not sure if this was an increase in the contract, that a \$33.6 million contract warranted a little review by the Council and would ask that the administration prepare a briefing for Council or at least one of the committee's, that it be presented to Fiscal Affairs, that he thought it was fine to leave the tags in and see if in that time when it could be put on a committee agenda.

Council Member Ellis stated that he agreed with Council Member Tatro and would be willing to remove his tag and move to delay Item No. 43 for two weeks so that it could go through the Fiscal Affairs committee, that he did not know if the other Council Members would remove their tags.

Council Members Alvarado, Vasquez, Keller and Wiseman stated that they wanted to remove their tags on Item No. 43.

Council Member Ellis asked if there was some time line on the contract and did they have a cushion, and Mayor Pro Tem Quan asked Mr. Haines to respond, and Mr. Haines stated that he just met with the parties involved in the issue and they advised him that a two week delay would be fine.

Mayor Pro Tem Quan stated that all tags had been removed.

Council Member Ellis moved to postpone Item No. 43 for two weeks and refer to Fiscal Affairs committee, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0109 ADOPTED.

46. ORDINANCE appropriating \$67,640.58 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **BOB BUCHER** for construction of Sanitary Sewer lines along Briar Forest from Valedictorian Drive to Hwy 6, CIP R-0800-51-03 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0050 ADOPTED.
51. ORDINANCE appropriating \$1,100,000 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC**, approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** for the construction of District-10 Water Well Collection Line, GFS S-0936-05-3 (10568) - **DISTRICT G – KELLER** – was presented, and tagged by Council Member Sekula-Rodriguez.

#### **NON CONSENT AGENDA** - NUMBERS 53 through 57

#### **MISCELLANEOUS**

55. RECOMMENDATION to suspend Council Rules to adjust schedule for presentation of Monthly Financial and Operations Report for December 2001, May 2002 and November 2002 – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0110 ADOPTED.

Council Member Parker stated that at the Fiscal Affairs meeting they did agree a schedule of meeting dates and this was simply affirming that, but the next Fiscal Affairs committee



meeting was February 5, 2002 so it was the day before Item No. 43 was to come up.

## **PROPERTY**

56. RECOMMENDATION from Director Department of Public Works & Engineering, to **AMEND MOTION #2001-0516, 5/16/2001**, which authorized abandonment and sale of a 12-foot wide alley, located from Lester Street to Reinerman Street, in exchange for the conveyance to the City of a 12-foot wide sanitary sewer easement, between Lots 6 through 9 and Lots 10 through 13, then along west property line of Lot 13 and connecting to Lillian Street, all within Block 3, Settegast and Dodge Addition, to amend Items 1 and 7 to change to orientation of the sanitary sewer to the east property line of Lot 13 and to require the appointment of two independent real estate appraisers requirements relating to utility lines since the value of the City's interest is expected to exceed \$25,000.00 Parcels SY1-055, SYI-069, SYI-070, SYI-071, SYI-072, DYI-023, DYI-024, DYI-025, DYI-026 and DYI-027 - **APPRAISERS - DISTRICT H - VASQUEZ** was presented.

Council Member Vasquez named Mr. Allen Abbott and Mr. William C. Forrest as appraisers and moved approval, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0111 ADOPTED.

57. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Metro National Corporation (William L. Peel., Jr., Chief Executive Officer), for abandonment and sale of a water line easement, located within the George Bellows Survey, Abstract 3, Parcel SY2-013 - **APPRAISERS - DISTRICT G - KELLER** - was presented.

Council Member Keller named Mr. Michael D. Copland and Mr. William Kvinta as appraisers and moved approval, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0112 ADOPTED.

## **MATTERS HELD** - NUMBERS 58 through 61

58. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **TEXAS CORRECTIONAL INDUSTRIES DARRINGTON TIRE RECAPPING PLANT** for Tire Recapping and Retreading Services for Various Departments approved and authorized by Ordinance No. 97-1045 - \$960,000.00 - General Fund - **(This was Item 26 on Agenda of January 16, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented.

Council Member Edwards stated that she wanted to thank Mr. Calvin Wells for doing a lot of research on the matter for her regarding the use of prison labor, that she still had some very serious issues regarding the contract and their overall philosophy and policy with prison labor, that on this particular contract the laborers were paid no salaries whatsoever, that all of the profit went immediately back to the company for equipment and salaries of management and that the skill set was not necessarily transferable to the "outside world" and so she had a fundamental problem with that particular position and would like to be recorded as voting no on the item.

A vote was called on Item No. 58. Council Member Edwards voting no, balance voting aye. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-

0051 ADOPTED.

59. ORDINANCE appropriating \$2,040,000.00 out of Airport System Consolidated 2000 AMT Construction Fund and \$35,000.00 out of Airports Improvement Fund and approving and authorizing professional architectural and engineering services contract between the City of Houston and **PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC** for an Inter-Terminal People Mover System at George Bush Intercontinental Airport/Houston, Project 604A; CIP A-0477 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund; providing funding for contingencies relating to construction of facilities financed by the Airport System Consolidated 2000 AMT Construction Fund - **DISTRICT B - GALLOWAY - (This was Item 27 on Agenda of January 16, 2002, TAGGED BY COUNCIL MEMBERS KELLER, PARKER, GOLDBERG and ROBINSON)** - was presented.

Council Member Goldberg stated that he had a briefing on Item 59 yesterday and it actually only led to more questions and some of them had been unanswered at this point, that they were talking about a \$2 million project and \$1.2 million of which was to simply decide what to do with the tunnel train at Bush Intercontinental Airport and he offered the following motion:

The following is submitted as a proposed amendment to Agenda Item 59.

“Delete \$400,000 for Engineering and Design costs that are appropriated in this item. Eliminate any engineering and design expenses directed toward a specific project until that project has been approved by City Council.”

Council Member Keller moved to suspend the rules to hear from Mr. Vacar, Aviation Department. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0113 ADOPTED.

Upon questions by Council Member Vasquez, Mr. Vacar stated that they could live with the amendment as proposed, that the system that was in the train tunnel at Intercontinental Airport had been there since 1981, that the technology was known as Disney Technology, smaller cars that used sort of magnetic mode of transportation, that it was jerky and did not have cars with capacity to move people around the terminal complex and had really bad features, at Terminal D during peak hours, when people were unloading and connecting, that it stopped because it did not have the ability to go up the track with an overload, that everyone had agreed, Continental in particular, that the system needed replacement, that the contract would look to see what technologies were available and what if anything could be put to replace the system into the tunnel, that they had every intention in the world to come back to Council with a design and engineering contract, but the particular amendment that Council Member Goldberg had offered was acceptable to them and they could move forward, that he agreed with Continental that he would be reviewing their steps of progress with them, that they were just as interested in how much money the City spent as anybody on Council was, and with that agreement he believed they were okay with it, that everybody agreed that the system needed to be replaced but the question was what could they actually do to replace that system and the answer may be nothing, depending on what kind of capacity issues there were, that was what the first look was, the first \$1.2 million, was to go through that exercise, and if there was a technology that was doable then that was what they had to come back and talk about, replacing the system that way or alternatively, particularly given the new securities requirements they may have in moving people around and how all that activity was done, that they may have to come up with a different concept all together.

Council Member Keller stated that he may have come across a clarification that may need

to be addressed where the amendment possibly should state preliminary design instead of design and engineering since in the \$1.2 million there was one or two items relating to quadrant consultants for engineering, ads and geo technical, that there was a engineering component in the \$1.2 million where they could be in conflict if they used the words engineering and design costs, and Mr. Vacar stated that he was perfectly willing to go along with the amendment that way, that it would be necessary as they looked at the tunnel and try to figure what was around it they may have to do some engineering analysis.

Council Member Robinson stated that he had asked that somewhere in the process they look at a centralized baggage conveyor system and this may be the appropriate place to replace it in the tunnel, that he understood that one of the efficiencies that the European airport systems had was that they had centralized conveyor systems and it had reduced the number of baggage screening devices they had to use to do individual screening on each piece of luggage for bombs, that it may be a security enhancement for them and a cost saving if in fact it was the better and more viable use for the tunnel system, and Mr. Vacar stated that it was a good observation and he was right the European hubs tended to be built that way and a couple of new airports in Asia were all built that way as well.

Council Member Goldberg stated that about a year ago they allocated an amount of money for the master plan for Lee Fisher Company to do so and wondered if any of that allocated cost had to do with the tunnel train, and Mr. Vacar stated no, that the Lee Fisher contract dealt with economic development and master planning at Ellington and the Recondo contract that was awarded the same day dealt with master planning at Hobby Airport, that they expected to do a master plan update for Intercontinental Airport, probably selecting a consultant a year from now and then doing it over the following year based on what they had already completed in the overall development program, and Council Member Goldberg asked why was delineating wet lands a component of the item, and Mr. Vacar stated that he thought the only problem with the wet lands as they looked at the tunnel and the fact that it was sort of under the water level they did have to access that if they were going to make changes in the tunnel, that there were plans and blueprints around.

Council Member Keller stated that he wanted to offer a friendly amendment for it to state "Delete \$400,000 for Preliminary Engineering and Design costs that are appropriated in this item. Eliminate any engineering and design expenses directed toward a specific project until that project has been approved by City Council."

Council Member Goldberg stated that he did not want to accept it, that if there was a preliminary design it meant it satisfied the \$1.2 million and they had an idea of what they wanted to do and before they went any further on it he thought the Aviation Department needed to come to City Council for approval of that plan and see what they spent the \$1.2 million on, and Council Member Keller stated that in the \$1.2 million for programming and planning there were some engineering components and that was what he was trying to bring to light earlier so in effect with the amendment they were stopping the use of funds that were identified under programming and planning because there were engineering components that were, geo technical investigation, structural evaluation, renderings and models and surveying, which were under the terms and science of engineering and where it was put in the white paper for Project 604A that he thought Colonel Potts gave to all of them who had a lot of questions, that he defined that portion, \$400,000, as preliminary design, that he thought they all agreed on the same thing. Council Member Edwards absent.

Council Member Vasquez stated that Council Member Keller was just being more specific to Council Member Goldberg's amendment, and Council Member Goldberg stated that was fine, and Council Member Goldberg's motion, as revised, was again before Council. Council Member

Edwards absent.

Council Member Goldberg moved to "Delete \$400,000 for Preliminary Engineering and Design costs that are appropriated in this item. Eliminate any engineering and design expenses directed toward a specific project until that project has been approved by City Council.", seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2002-0114 ADOPTED.

A vote was called on Item No. 59 as amended. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Edwards absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0052 ADOPTED.

60. ORDINANCE appropriating \$2,000,000.00 out of Fire Consolidated Construction Fund for Renovation/Reconstruction of various Fire Department Facilities; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **(This was Item 28 on Agenda of January 16, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Wiseman stated that she had tagged the item because she had some questions to the shifting around of the components, that she wanted to thank Chief Connealy and his staff for being so responsive, that they were very quick in getting the information that she needed on the item, that in looking into it something else came to her attention and that was through the shifting of apparatus in one point and time Kingwood Fire Station 101 did have a Class A pumper from Station 40, that it was sent back once Station 40 was done with their renovations, so now to her understanding Station 101 was the only fire station in the City of Houston without a Class A pumper, that it was disturbing to her, that she did not want to use the annex word, but back a few years ago a major point of contention in the annexation of Kingwood was equal or better services, that the City was on record as being of the position that equal or better services had to do with the services that the City provided before annexation and not what the area was receiving through other means, that given that fact however Station 101 being the only station without a Class A pumper they were not then receiving equal or better services and she thought it warranted immediate attention by the administration and would like to see this addressed as soon as possible and wanted to know when they would be receiving the pumper. Council Member Parker absent.

Mayor Pro Tem Quan stated they would follow up with the fire department to make sure they get a response to her as soon as possible. Council Member Parker absent.

A vote was called on Item No. 60. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Parker absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0053 ADOPTED.

61. ORDINANCE awarding contract to **BIO LANDSCAPE & MAINTENANCE, INC** for Right-of-way Mowing Services for Public Works & Engineering Department; providing a maximum contract amount - \$1,161,562.50 - Street & Drainage Maintenance Fund - **DISTRICTS A - TATRO; G - KELLER and H - VASQUEZ** - **(This was Item 29 on Agenda of January 16, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented.

Council Member Vasquez stated that he wanted to support the item, that he thought it was an example of either types of efforts that they could do in Public Works maybe to outsource the backlog of overlays, ditching and sidewalks as well, that he also wanted to encourage Public

Works to consider looking at finding out what the cost would be to take care of the backlog and bring forward some type of agenda item that would solve the problem, that he knew they had a new Public Works director and was hoping that he could visit with Council Members. Council Member Berry absent.

Mayor Pro Tem Quan stated that he believed the plan was that Mr. Vanden Bosch would meet with each of the Council Members. Council Member Berry absent.

Council Member Weisman stated that she thought this was a wonderful opportunity for them to save tax payer dollars by contracting out services that the private sector could do better and more efficient cost wise as well as the performance of the job itself, that she hoped that the project would expand to include other areas including her district. Council Member Berry absent.

Mayor Pro Tem Quan stated that he knew that Council Member Parker planned to look at all other alternatives as far as raising revenue and tightening the budget through the Fiscal Affairs committee. Council Member Berry absent.

Council Member Edwards stated that she wanted to thank Mr. Rolan and his staff for answering questions that she had regarding the ordinance, that her primary concern was safeguarding City employees jobs and positions. Council Members Alvarado and Berry absent.

Council Member Parker stated that she shared some of Council Member Edwards concerns, that she thought they ought to privatize whenever it made sense but one of the things they had to look to was not just the cost of privatization but the employees at the other end in the private sector, that often companies tried to win bids by not offering benefits, for example, so they ended up paying for those employees through the hospital system because they were not getting health benefits through their employer, that those were the kind of things that she was going to look at in these privatization contracts as they came up. Council Members Alvarado and Berry absent.

Council Member Robinson stated that he hoped they would look at more managed competition where they would give City employees the opportunity to compete against the private sector, that they used to have a managed competition committee where they laid out criteria's for evaluating the competitive proposals that took into considerations some of the concerns raised relative to salaries, health benefits and the like, that he was looking forward toward those continuous management improvements that the administration had been putting forward and would like to see them take a look at parking management and other things, that he was hoping that they would look for some other provider for the workforce analysis that they were talking about.

Mayor Pro Tem Quan stated that he knew that on the parking issue it was something very near and dear to Council Member Robinson heart and as they may know the administration had recently sent an RFI concerning collection of parking fees.

Council Member Galloway stated that she did not really believe in outsourcing, but in this particular incident it did not affect anyone's job and she was glad that it was in Council Member Parker's committee because the philosophy she had as well was that they did not want to see any employee lose their job by outsourcing, that she hoped they would really look at it carefully.

Mayor Pro Tem Quan stated that he knew she was going to be working very hard in the MWBE committee and knew that they had adopted a policy that they would not deal with a company who did not pay at least minimum wage, which was something they had difficulty with in the janitorial contracts before.

Council Member Tatro stated that he wanted a follow up to know if the contract was in addition to the City employees who were now in the Right-of-Maintenance and the mowing crews or was it through attrition possibly replacing some of the functions that the department had done, and Mr. Haines stated that it was his understanding of this item was that at least initially it was supplemental to that which was already done by in house crews, that there was a high volume of turnover in that particular section and it was his understanding that this was part of a transition initiative to deal with an increase in efficiency, that he provide to the Council essentially what the plan and strategy was and how this item would fit into that.

Council Member Vasquez stated that he had previously requested a report on the backlog and was hoping that the new Public Works director would expedite that in time for them to consider it as a budget item when the budget comes up.

A vote was called on Item No. 61. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0054 ADOPTED.

**Items received during the meeting.**

19. **TEXAS COOL** for HVAC Work at Fire Station Nos. 18 and 26 for the Building Services Department - \$71,900.00 and contingencies for a total amount not to exceed \$75,495.00 Disaster Recovery Fund – was presented, moved by Council Member Ellis, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. MOTION 2002-0115 ADOPTED.
  
47. ORDINANCE approving and authorizing first amendment to professional services contract (approved by Ordinance No. 2000-328) between the City of Houston and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the provision of Drinking Water for the Houston Region - \$260,00.00 Enterprise Fund – was presented, and tagged by Council Members Sekula-Rodriguez, Tatro and Keller.

Council Member Sekula-Rodriguez stated that she would like to request some information on the item.

Council Member Tatro stated that he had a conversation with Mr. Gary Ordat and his concern was exactly how much institutional knowledge were they keeping at the City, that he understood that Mr. Chuck Settle, who had been with the City for quite some time, was the lead person on water rights and water policy and he was close to retirement, that they had been using Mr. John Hall but did not believe they could utilize an outside contractor for the institutional needs that they had to retain at the City, and Mr. Anthony Hall, City Attorney, stated that they could not agree with him more, that this was an area that was not what they would find in the normal course of most peoples career, that people like Mr. Settle were obviously people who were enormously valuable in this area and knew the area in a way that generalists would not, that it was a continuing challenge for the management of Public Works to get competent and qualified people in this area and that was specifically an area that was being addressed as Public Works design for the future, that the problem was that most of the issues that would be involved in this contract were external to them, that it was a very regulated process that involved often relationships with changing administrations at the TNRCC and other places, that one of the purposes for these kind of contracts was to assure efficient communication and transfer of information, both ways, of what the new initiative, directions and programs were at the State agencies and communicating their processes too, and Mr. Haines stated that as to the question in terms of Mr. Settle he had been so generous to stay with them a little longer, that as the City Attorney mentioned was that it would not address what they had to get out of this relationship

they had now. Council Member Vasquez absent.

Council Member Keller stated that he would want a meeting and stated that this was an amendment to the original contract and asked if the original contract un-expired and Mr. Hall stated that it was expiring very quickly, and Council Member Keller stated that he wanted the original contract amount and the original scope of services contracted or agreed upon by Mr. Hall and the City would be something for him to go on. Council Member Vasquez

Upon further discussion by Council Members, Mr. Hall stated that they had their planning and technical experts who certainly were the people responsible in Public Works for designing their programs, policies and recommendations, unfortunately so much of what they did was influenced and entwined with what happens at the TNRCC and often it was not isolated to them, that the consequence of something that maybe happened in Dallas, east or west Texas or that kind of thing, that the persons who were most helpful to the City were the people who were there everyday, that was the case at the PUC, TNRCC and other agencies like that, that almost every larger city used the people who were there everyday and interacted with those people for advise about how they ought to structure this or that and what was possible, that was the job generally in the task of people like this, that they could not maintain that expertise efficiently down here, that it was the reason that they employ people like that for the Legislative session generally, who were there and not here, and Mr. Haines stated that he believed that the City of Houston and several of its employees had and continued to have a long standing positive working relationship with TNRCC and the various sub agencies of that organizations, that there were several individuals from the City who spent a significant amount of time, whether it was water or air or a variety of issues they were involved in and they saw the value of having that on the ground capacity that worked in partnership with them and it was very effective, that he believed that they would probably find as they continued to work the number of issues, and the TNRCC was almost a working partner with them, even though they were regulatory in nature, that they spent a lot of time with them. Council Member Galloway absent.

Mayor Pro Tem Quan stated that the item had been tagged.

36. ORDINANCE approving and authorizing amendment No. 3 to an agreement between the City of Houston and **GREATER HOUSTON TRANSPORTATION COMPANY**, assignee of Texas Bus Lines, Inc., to provide Scheduled Ground Transportation to/from George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was again before Council. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0055 ADOPTED.

**Item postpone to the end of the agenda**

37. ORDINANCE approving and authorizing interlocal agreement among and between the City of Houston, **HARRIS COUNTY**, and the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** for Reconstruction of Kirby Drive from IH-610, CIP 0755-01-3 - **DISTRICTS C - GOLDBERG and D – EDWARDS** – was presented.

Council Member Goldberg stated that he wanted to thank Mr. Haines and Mr. George Brevenec for meeting with him on it, that one of the allocations of money was \$1.5 million from Metro which was really the way it should be done and which meant that of the grant total of little over \$9 million for this project, \$6 million would come from sources other than City CIP, that the only other issue he had was also in the CIP and was \$200,000 for acquisition and since the County owned most of the property along that street he would hope that they would not have to pay too much money to buy their land, that he would support the item.

A vote was called on Item No. 37. All voting aye. Nays none. Mayor Brown absent on city business. Mayor Pro Tem Quan presiding. Council Member Galloway absent. ORDINANCE 2002-0056 ADOPTED.

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

Council Member Ellis stated that for the past couple of weeks they had been trying to put a plan for their CIP projects and to go out into the community namely their district so they could have the annual CIP meeting, that they were not getting any response back from the Planning Department and they were trying to schedule it so he could reach out to the different civic and homeowners associations within the district, that he wanted to make sure that they moved forward on this and expedite the process because after serving two years he would like to now analyze and look at the plan and get a lot more feedback, that it was his understanding that the administration was going to take another approach to it and wanted for them to let him know it as soon as possible, that he knew it was a concern for a lot of the District Council Members, and Mr. Haines stated that he had met with Mr. Litke on the subject and the Planning Department understood their responsibility and would be meeting with each Council Members to get the meeting scheduled out, what they were trying to accomplish was a definition of responsibilities between Planning and F&A and to make sure that the responsiveness to the CIP and the process of the CIP was really what they needed to accomplish because they had been evaluating what had happened last time.

Council Member Goldberg stated that he wanted to bring up Item No. 3 which had to do with a water playground, Nieto Park, in District H, that he had a chance to go by and look at it and wanted to compliment the Council Member and also the people in Parks and Recreation and Public Works who put it together, that it was a beautiful park and attracted children who normally would not go to the park, that it gave them something new and unique to do, that they got the thrill of having the water like a pool but did not need playgrounds, that it was a lot less maintenance and the costs were a lot less and would encourage Parks and Recreation to look at perhaps putting them in other parks, especially where they did have swimming pools, that he understood that in his district they had a pool and to redo it was \$1 million to put it back in the condition it once was, that another type of park that he would like Parks and Recreation to do was skateboard parks, and he would like for Parks and Recreation to meet with him on that. Council Member Keller absent.

Council Member Weisman stated that she agreed with him that they needed to provide recreational opportunities for the teenagers, that they were having a skateboard park built in Kingwood, that she would like to see it be a trend citywide to provide that opportunity for the kids.

Council Member Weisman stated that with respect to the CIP she wanted to thank Mr. Robin Green for meeting with her yesterday and answering so many questions she had about projects in her district and how they could get past some of the delays and problems that they had been experiencing.

Council Member Weisman stated that she wanted to thank the organizers for the Compaq Marathon, that it was a really nice thing to see so many people physically active, that her district was very well represented, Clear Lake Fit had a good number of people there as they did most years, that she wanted to mention a very good friend of hers, Ms. Meg Oswald who set it as a goal to run a marathon this year, that in the process she convinced other people to become more physically active and fit and challenge them to get interested in running a marathon, that she had alongside with her several people running the marathon, that while they outdid her as far as the time they did not outdo her in spirit.

Mayor Pro Tem Quan stated that the skateboard park was because young people came to the CIP meetings and asked for it, that it was very impressive because they rarely saw young people



come to the CIP meetings and Council listened when they came to the meetings, that his aide Mr. Mark Adams also ran in the marathon along with his wife.

Council Member Galloway stated that parks had been an issue in District B as well, that she thanked Council Member Sekula-Rodriguez for address the Squatty Lyons Park last week, that she had been working with that community and in their Parks to Standard CIP they already had \$800,000 allocated for that park that would begin the last quarter of 2003, that it had been on the drawing board, that they were going to making a lot of improvements to a lot of their parks that were on the drawing board now for improvements.

Council Member Galloway stated that she was glad to see that they passed the contract on outsourcing the right-of-way moving service to eliminate the backlog, that she had been having major problems in the past year in getting rid of weeded lots in her district, that she had a minister who had a weeded lot next door to his church and he called in April or May of 2001 and got no results, that she intervened in August 2001 and they finally had an inspector go out to inspect it and they notified the owner that he had until October 31, 2001, that she attended the Trinity Garden Super Neighborhood Council meeting and she asked him if the lot had been cut and he told her no and it was now January 2002, that she had called the department head about this particular lot, that she thought they seriously needed to look at their Neighborhood Protection Department, to see what they as Council could do, or bring it up before the committee to see how they went about doing things and why was it taking so long to get things done, that the lot was located at 8511 Wallisville, that this was not the first but one that had really been an issue because it involved the community, the house next door and the church grounds, that she knew they had a new Public Works director and hoped that they could take a look at that department to see how they could serve the constituents, that weeded lots and dangerous buildings were a major problem in her district.

Mayor Pro Tem Quan stated that he knew there was a various turn over as far as who was the director of the area, but he knew that Council Member Parker would take it on in the Quality of Life to look and see what Neighborhood Protection was doing, that they had an active Keep Houston Beautiful Program and knew that Five Alive Program in the Fifth Ward was a major event every year in the district and encouraged everybody to participate in that.

Council Member Robinson asked Mr. Haines and Mr. Hall for some idea, update or status report on what was going on, that last time he looked there was about \$31 million in weeded lots and dangerous building liens, to get some idea where they were on the collection efforts of those dollars.

Council Member Robinson stated that he wanted to thank Mr. Paul Bibler, that he and TXDOT were trying to figure a way to get the No Trucks In The Left Hand Lane Program implemented on I 45, that when the Mayor originally submitted the letter on I-45 he also made a request for Hwy 225, that Deerpark and the other cities along the corridor were also ready they just needed to submit the ordinance for Hwy 225 to TXDOT and they would send them the appropriate information to hold a public hearing, that they also asked that the City send a copy of their draft ordinance as a template to help the other cities along the corridor so hopefully that would expedite the process that they all get somewhere close to simultaneous implementation.

Council Member Robinson stated that he had met with the Sports Authority and one of the requests that he made was that they meet with all of the little league organizations in the City to see how they could be helpful on two point infrastructure in terms of upgrading and working with ball fields and also on sending kids to Astro's games, that if they could coordinate a bigger effort to make sure that not only the little league players but other kids and their parents in the community could attend Astro's games, that the new executive director said that he would visit and coordinate and try to develop a consensus around those points.

Council Member Robinson stated that he wanted to thank Council Members Sekula-Rodriguez, Wiseman and Alvarado for agreeing to work with him on a public hearing on the San Jacinto Rail Line, that there had been a number of hearings going on around the community, that they intended to have a court reporter and take the public commentary and send it to Washington, D. C. to be a part of the official record on the Surface Transportation Board so there was a collective community voice outlining the concerns and objections on the rail line, that everybody was being invited, the chemical industries, the rail road representatives, the community, the City's Aviation Department, Harris County and everybody who had expressed some interest or some concern so they could all be on the record.

Council Member Robinson stated that either early last year or late in 1999 they had the parking meter and valet parking ordinance in committee, and they talked about maybe looking at some kind of demonstration program in terms of week nights and the 6:00 p.m. to 10:00 p.m. parking fee with the technology which would give folks the flexibility to park for an hour or a little bit more, that he was hoping the administration would look at that because he thought there was a consensus between Council and the business community.

Council Member Robinson stated that he would like to see them convert out or cash out the redundant 2.5% and put some more hard cash into the Rainy Day Fund to really send a signal to the folks on Wall Street that they had cash on hand and that was better than the 2% cash flow they had on paper right now and if they looked at that .08 cents on the Debt Service side and consider moving it back over to O&M and using that revenue to help them this year instead of looking at ALP or some combination.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Robinson for looking at other avenues to look at their financing.

Council Member Edwards stated that for all of the At Large Council Members she would like to invite them and Council Member Alvarado, that there was an ongoing issue in District D regarding environmental issues, in particular the concrete crushing, that there was going to be a meeting in the Annex Chambers at 7:00 p.m., that the constituents of District D would appreciate especially the At Large Council Members coming in to find out what was going on so they could solicit their help, that they had very large episodes in District D of physical challenges that were exacerbated by poor air quality and there must be some kind of mediation or resolution to this.

Council Member Edwards stated that as to the issue of how they reviewed contracts she was not sure what committee it would go to but she had some very serious concerns regarding how prison labor was utilized in the Country, that it was a wide spread issue and it was more of an issue now with prisons becoming private prisons and in certain districts in the City and Harris County they had a large population that was being used in this manner and when they reviewed a lot of the opinions of how prison labor was addressed when some prisoners were not being paid or paid very little or given very little credit and a lot of the skills they were using were not transferable it was kind of hard to not look at these incidents as tantamount to slave labor or at best undermining sweat shops, that she wanted to ask how would they as a body review those contracts, that Mr. Wells was very helpful with the one on the agenda, but she thought there needed to be a standing protocol if they were going to enter into these kinds contracts to have those certain questions answered.

Council Member Edwards stated that the other issue she thought the landscaping contract brought up was their commitment to living wage and where did they really stand on that in fact and in principle and in process, how were they going to address that, that in working with labor issues in the City she had worked with a number of immigrant laborers who had been involved in these situations and when it came to being paid they were not being paid what they were told, that once again not to burden the process, but to at least ask the questions up front, how was the labor pool defined and what was the protocol, as Council Member Parker stated that when they employed people who did not

have benefits then they wind up on the other end paying for benefits for people who did not have health insurance, so once again could they look at having questions upfront that they ask on those types of contracts.

Mayor Pro Tem Quan stated that those were very important points and they would look at that, that right now his inclination was that it would go to Fiscal Affairs because it did deal with contract issues, that concerning employment and protection of workers, the City of Houston had entered into an agreement with the Mexican Consulate, the EEOC, MALDA and the Department of Labor to disseminate more information on employee rights, that they also worked with the AFL-CIO to help people who were not being paid regardless of their immigration status to pursue these matters in court to protect the individuals from being exploited, that he appreciated her concern in that area, that they were seeking to expand that program further but they began the program last fall and were trying to reach out to those individuals who might be susceptible.

Council Member Edwards stated that she wanted to offer her services to help develop that program.

Council Member Parker stated that Mayor Pro Tem Quan had taken the lead on labor issues and day labor sites and there was not really a Council committee that would host something like that, but perhaps he could put together a meeting where he could update them on what he was doing and where they were going on day labor sites, and Mayor Pro Tem Quan stated that he would like to do that and probably have an update on what the whole Office of Immigration and Refugee Affairs was about and thought they had been doing a lot of work, but did not think that many Council Members were aware of how it worked and now they could be of assistance.

Council Member Vasquez stated that he would also encourage them that as they went about it, to have a large picture perspective because much of the work that had been done had really been on the southwest side of town and the problems were located citywide, so he encouraged them as they put the report and briefing together that they look at the problem citywide, and Mayor Pro Tem Quan stated that he intended to work with him on that, that they were working with Council Member Tatro right now in the Spring Branch area on a potential second site.

Council Member Tatro stated that they had an abundance of runners in the District A office and for the record the first two Houstonians to finish in the Compaq Houston Marathon were from District A and not only did they have runners on staff but the third place finisher, Joe Flores, was the husband of Nancy Brewer Flores, his senior aide, that he wanted to point out that District A was doing more than its fair share. Council Member Edwards absent.

Council Member Vasquez stated that while Joe Flores did live in District A he actually worked in District H at one of their schools so they were very proud to have Joe in their school system in District H. Council Member Edwards absent.

Council Member Vasquez stated that Nieto Water Park was a very good project for the area, but he also wanted to thank the Parks Department for putting it on the fast track and getting it done, and also the administration for their support of the effort, that the Mayor was out for the ribbon cutting, that the community had been very pleased with the project and met the needs of the community. Council Member Edwards absent.

Council Member Vasquez stated that he wanted to thank Ms. Allison Landers from the Library Department for working closely with the Heights community to find a suitable location for a temporary library as they renovate the Heights Library and also the Baptist Temple for agreeing to provide the space at such a very reasonable rate. Council Member Edwards absent.

Council Member Vasquez stated that he wanted to thank the Heights Community for their support of the Compaq Marathon and running through the Heights. Council Member Edwards absent.

Council Member Vasquez stated that he would ask for Mr. Haines assistance to make sure that the backlog became a fast track priority with the new Director of Public Works.

Mayor Pro Tem Quan stated that when Item 35 first came up he asked the administration to make sure that Council Member Vasquez was happy with it, that he knew that the citizens of the Heights really used the library a lot.

Council Member Keller stated that he wanted to challenge Council Member Tatro for next year's Compaq Marathon.

Council Member Sekula-Rodriguez stated that the Compaq Marathon was a wonderful event for the City, that her Chief of Staff, Raul Castillo, helped with an organization that blessed the marathon runners on the northside of town, that Allen Ogilvie was involved and also Father Denotis from Holy Name Catholic Church, that she wanted to acknowledge them and thank them for their commitment to the runners. Council Member Galloway absent.

Council Member Sekula-Rodriguez stated that she had the pleasure of going to the Bay Area Boy Scouts and spoke to them on leadership and wanted to acknowledge the fact that many of the people in attendance received awards for commitment to leadership of the youth. Council Member Galloway absent.

Council Member Sekula-Rodriguez stated that in the Houston Chronicle on Monday there was an editorial that said the Chronicle was supporting the Burlington Northern Rail Expansion, that they did not to her knowledge consult with any of the Council Members about it and she thought that their supporting documentation needed to be revisited, that she had plans to send a copy of a letter that she had passed out to Council to the Chronicle as well as to the Congressional and State Legislative contingencies, that in the letter she stated that there were four petrochemical plants that were now operating in the Bay Port area under very difficult circumstances, that they were having to pay very high rates to transport their goods because Union Pacific essentially had a monopoly on their transportation cost, that Union Pacific Rail merged with Southern Pacific Rail several years ago and the City of Houston supported the merger, that by the terms of the merger Union Pacific was forced to allow Burlington Northern to come in as a competitor, that Burlington Northern coming in and offering a negotiated opportunity with the four plants was looking at the cheapest spot to put the new track and that was to go east west from Highway 146 to Highway 3 and then take the railroad that was on Highway 3 and go north, that the problem with that was that it really hurt two very large neighborhoods and one was the east end, District I, that those neighborhoods did not really want more train traffic, that the Clear Lake area was also severely impacted by this, that there were thousands of existing homes that would be impacted by this train and the train would carry 90% plastic pellets, but the 10% toxic chemicals could go up, to 30% or more, and they would make special adjustments to reduce the speed, but derailments occurred, that she recommended that those entities be brought to the table and made to discuss options, that they look at the following options, that the communities attempt to negotiate an agreement that would allow trackage rights to existing Union Pacific lines along Highway 146 to minimize hazards to existing neighborhoods, that if the rail said they needed another track the track could be laid parallel to the existing Highway 146 track, which would eliminate the impact on the east end and Clear Lake all together, not to mention Pasadena and La Porte to allow the four named plants to utilize the yet unbuilt port terminal rail and it would only serve the Bayport Terminal with containers and that reduced the opportunity of the rail to carry tank cars, that they needed to recognize that there were options and they were not mentioned in the Chronicle article. Council Member Galloway absent.

Council Member Weisman stated that Burlington Northern had opted to take the option that was most cost effective for them but was not in the best interest of the communities, that it was her hope that Council Members would make note of that and take interest in the issue because it would affect them citywide. Council Members Galloway, Keller and Vasquez absent.

Mayor Pro Tem Quan stated that he thought that many Council Members had been briefed by both representatives of both Union Pacific and Burlington Northern, that he had even met with the President of Union Pacific regarding the issue, that they were willing to re-negotiate the prices with the plants and they were seeing what they could do. Council Members Galloway, Keller and Vasquez absent.

Council Member Parker stated that she wanted to thank Council Member Robinson for organizing the town hall meeting on the issue and was glad that the transportation issues were back in his capable hands in committee and would certainly like to support and participate in that meeting and would make sure it was on her schedule. Council Members Galloway, Keller and Vasquez absent.

Council Member Parker stated that she was going to visit with each Council Member individually to talk about issues they may want to see come up in the Neighborhood Protection Committee or the Fiscal Affairs Committee, that if they had particular concerns about the budget process now was the time to address those concerns, that she wanted an opportunity to talk to everybody, that it would take a few minutes of their time and her staff would try to set up the brief meetings, that considering the number of comments today about Neighborhood Protection issues, ditch cleaning, demolition, dumping and graffiti that all came through the Neighborhood Protection Committee so she was looking forward to some really busy committee meetings, not to defend their backlog on demolition's, the backlog got so big because they were under a court moratorium to stop doing demolition's, but there was no excuse now that it had been lifted for not taking the bulldozers out and aggressively demolishing dangerous buildings, but again she would urge them to sit with her and create a list that they could consider in committee. Council Members Galloway, Ellis, Keller and Vasquez absent.

Mayor Pro Tem Quan stated that each of them who were committee chairs should have received a memo from his office that they would have a brief meeting tomorrow morning to set the agenda and dates for those meetings now that they had the committee assignments set forth. Council Members Galloway, Ellis, Keller and Vasquez absent.

Council Member Alvarado stated that she wanted to thank Council Member Sekula-Rodriguez for the taking the lead and making some recommendations on the Burlington Northern Santa Fe Rail Line, that she was on a tour and this was a very serious issue, that it was about economics for Burlington Northern and a completely different issue for the people who lived in the community, that it was about the health and safety of the people that lived there, that she was told that it was about 60% to 70% plastic pellets making the amount of chemicals that they carried even greater, that there were a couple of meetings that were going to be held, one was tomorrow, the Southeast Neighborhood Coalition was having a meeting at the Park Place Methodist Church on Broadway in District I, and there was a Legislative Forum with State Representatives Noriega and Davis at the University of Houston Clear Lake on January 29, 2002 at 6:30 p.m., that she was glad to see that the Council Members were uniting and hosting their own forum. Council Members Galloway, Keller and Vasquez absent.

Council Member Alvarado stated that she was not too pleased with the circumstances with the Denver Harbor Multi Service Center and the Third Ward Multi Service, which still did not have any programs in place, that she had talked with Council Member Edwards because both of their districts utilized the Third Ward Multi Service Center and had been advised by her staff that she had a meeting with Dr. Kendrick, that it was one thing to have a nice facility there, but what use was it if the community could not participate in any programs because they did not have any to offer, so they had a

lot of vacant space and the community was getting antsy and she would hope that in the future as they build new multi service centers that they were not left sitting there empty, and Mr. Haines stated that he was kind of surprised because they approved filling recreation positions for that center, and Council Member Alvarado stated that she was going to visit with Dr. Kendrick and would visit with Mr. Haines afterwards. Council Members Galloway, Keller and Vasquez absent.

Council Member Alvarado stated that there was an article today in the Chronicle that talked about the increasing number of overweight children and the Texas Children Hospital released a study yesterday that found that 37% of the students, in HISD, weight was 20% more than what it should be and that had increased dramatically in just the last decade, that she was glad to see that the State Board of Education, two weeks ago, tentatively approved a rule requiring that there be physical education for Kindergarten through 6<sup>th</sup> grade for 20 minutes per day each week, that she understood that HISD was revisiting some of the programs that they offered and try to get kids to be more physically active. Council Members Galloway, Keller and Vasquez absent.

Council Member Edwards asked if she could be included in Council Member Alvarado's meeting with Dr. Kendrick, that they had gotten several calls regarding the Third Ward Multi Service Center and Council Member Alvarado stated yes. Council Members Galloway, Keller, Vasquez and Sekula-Rodriguez absent.

Council Member Berry stated that he wanted to thank the Mayor and Council Members for their support last week when they brought Ms. Yolanda Adams and Ms. Kelley Roland, that out of that meeting Ms. Adams donated \$20,000 to the One Houston United Fund. Council Members Galloway, Keller, Vasquez and Sekula-Rodriguez absent.

Council Member Berry stated that with regard to the Shell Houston Open, they were still getting a lot of calls and complaints from users of Memorial Park so he wanted an update on where that was. Council Members Galloway, Keller, Vasquez and Sekula-Rodriguez absent.

Council Member Parker stated that it went through the Neighborhood Protection Committee and she had been in regular communication with Mr. Spellman and it was not going to happen next year, period, that had gone away, that there were a number of issues that would have to be resolved before they could do it at Memorial Park, that they had not closed the door, but the Houston Golf Association would have to come forward and work on those issues, that right now because they could not do it next year they were exploring other options. Council Members Galloway, Keller, Vasquez and Sekula-Rodriguez absent.

Council Member Berry stated that he wanted to thank all of the directors who had personally come and met with him and all of the other Council Members and also Mr. Haines for keeping him updated on what was going on with Mr. Vanden Bosch. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

Council Member Berry stated that he had met with Chief Connealy and Assistant Chief Simms yesterday and was heartened to see that contract negotiations resumed between the union and the administration, that he would like to be kept apprised of what was going on with negotiations. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

Council Member Berry stated that he was getting a lot of calls from small business people, many of whom were minority contractors, with the consistent complaint that they were having a lot of trouble getting paid, many of them a year to two down the road, that when it was a big project it was a big deal to them and it was quite a concern, that he did not know what the process was for that but was hearing from some of them that small business people were going out of business as a result of inability to get paid, that he wanted to know what the process was for that and if in fact that was true,

that he could give them case and point on some of the individuals. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

Council Member Berry stated that on the Compaq Houston Marathon he thought that was a great thing for the City and also wanted to highlight that for the first time El Paso Energy sponsored the half marathon, that he knew they were going to come before Council at some point asking for support in various ways to continue that and hoped they would all recognize how good that was for the City. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

Mayor Pro Tem Quan stated that he looked forward to seeing each of them at One Houston United. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:55 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Members Galloway, Keller, Vasquez, Sekula-Rodriguez and Robinson absent.

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary