

City Council Chamber, City Hall, Tuesday, February 5, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 5, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez out of the city on personal business.

At 2:03 Mayor Brown stated that they had several Council presentations with the first being Council Member Quan. Council Members Tatro, Ellis, Keller and Alvarado absent.

Council Member Quan stated that it gave him great pleasure to present a proclamation to the Houston Energy, the Houston Women's Football Team who had won the National Championship for the last two years, that they had a team equivalent to the super bowl as far as women's football and invited the owner, Ms. Robin Howington, to the podium and presented to her a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed February 5, 2002 as Houston Energy Day in Houston, Texas. Council Members Tatro and Alvarado absent.

Ms. Howington stated that she wanted to thank Mayor Brown for attending their championship game, that it really meant a lot to the team and the fans, that she also wanted to thank the City Council, that they were going to look to them for their support in the future, that Houston had a lot of great female athletes and they needed that support from the Council to get some corporate support and she invited the star athletes to the podium and introduced them to the Council. Council Member Alvarado absent.

Council Member Galloway stated that the man they were going to be recognizing had been a trailblazer in the Settagast Community and wanted to present him with a proclamation and invited Mr. William H. Baker to the podium and Mayor Brown read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed February 5, 2002 as William H. Baker Day in Houston, Texas. Council Members Alvarado and Parker absent.

Council Member Robinson stated that today he had the pleasure of introducing Chief Barnabas A. Gemade, the Statesman who served as the Minister for Works and Housing and was Chairman of the ruling party in Nigeria of the Peoples Democratic Party, that he was visiting the United States and read a certificate from Mayor Brown naming Chief Gemade an honorary citizen and their goodwill ambassador to his country for purposes of economic development and invited Mr. Gemade to the podium to receive his certificate. Council Members Alvarado and Parker absent.

Mr. Gemade stated that it was a great pleasure being in Houston, that it had been a wonderful opportunity being present and being honored in the way he was being honored today, that he thought the cooperation between the City of Houston and his country Nigeria was going to go to much higher heights, that he appreciated the involvement of some of his countrymen in the administration of the City and also in the sector of commerce and business. Council Members Alvarado and Parker absent.

Mayor Brown stated that he wanted Mr. Jordy Tollett to join him at the podium, that as they knew Mr. Tollett had retired from the City after a number of years of great service to the community, that he was not leaving but would be the Director of the Convention and Visitors Bureau, that he had been carrying on at least four jobs for the last few months, the Convention

Facilities Director, Chief of Staff, worked on the hotel and in addition to the unpaid position as the Director of Convention and Visitors Bureau, that he was one of the hardest working public servants that he had the pleasure of working with, that certainly his enthusiasm would be missed around City Hall, but he was not going anywhere, that he promised to continue to work with the administration and Council as they carried on the business of the City, and read a proclamation that proclaimed that "in recognition and appreciation of his distinguished service as Director of the Convention and Entertainment Facilities Department and acting Chief of Staff to Mayor Lee Brown, the City of Houston congratulates and commends Gerard J. "Jordy" Tollett on this occasion and extends best wishes for continued success, therefore Lee P. Brown, Mayor of the City of Houston hereby proclaimed February 1, 2002 as Jordy Tollett Day in Houston, Texas."

Mr. Tollett stated that he wanted to acknowledge former Mayor McConn's gamble, that he was kind of young and competing against three older and more distinguished gentlemen and appreciated the help he got from Judge Roy Hofheinz who made the final call, that he wanted to thank former Mayor Kathy Whitmire who allowed him to serve her for 10 years, and former Mayor Bob Lanier who allowed him to serve for 6 years and Mayor Brown for allowing him a lot of jobs and allowing him to continue to serve in a capacity to help in any way he could, that he also wanted to thank the people who worked in his office who allowed him access to the Mayor so that he could try to achieve the objectives of the constituents who were requiring service, that he wanted to thank Ms. Stein for working with him on Council, that he wanted to acknowledge Ms. Dawn Ullrich, who had really run the C&E Department for 5 years, that she could carry the ball, and also Ms. Analia Cafera his assistant, and all of the C&E staff.

Members of Council congratulated Mr. Tollett and wished him well on his new position.

At 2:34 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Sekula-Rodriguez led everyone in the prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Vasquez out of the city on personal business.

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

Ms. Katy Emde, 6033 Glen Cove, Houston, Texas 77007 (713-880-0872) appeared and stated that she was present on Item No. 14 on the agenda, that in the past two and a half years all special building line requirement ordinances that had come before the City Council had been approved, that tomorrow they would be voting on a special building line requirement for the west side of the 6000 block of Glen Cove street, that they the residents of that street asked for their support, that to begin with the City accepted the application as complete so the City was behind them, that they appeared before the Planning Commission and after hearing both sides the Planning Commission voted unanimously to approve their application, that the Planning Commission was behind them, that Glen Cove Street was in District G and Council Member Keller was behind them, that the adjacent neighborhoods of Arlington Court and Crestwood Glen Cove had contributed time, petitions and/or financial support for their cause, that all of those diverse entities were in support of the application because it was an important thing and because they had fulfilled all the requirements of Section 42.163, that Section 42.163 was created to protect Houston's neighborhoods and the west side of the 6000 block of Glen Cove Street had demonstrated that it qualified for that protection, that the ordinance would protect the visual integrity of a wonderful tree lined street, that it would protect their tree scape and their feeling of

openness and space and above all their quality of life, however, voting for the ordinance would not only protect their street but because the quality of life of a City was largely determined by its neighborhoods their vote would ultimately improve the quality of life of the City of Houston. Council Members Tatro and Galloway absent.

Council Member Parker stated that she was a strong supporter of the prevailing building line requirement, that it had been a useful tool for several years and hoped that all Council was behind her petition as well. Council Members Tatro and Galloway absent.

Council Member Quan stated that he knew the neighborhood very well and believed that the petition had 75% of the people of Glen Cove sign it so there was overwhelming support for the building line requirement, that he thought that it would help preserve the neighborhood. Council Member Galloway absent.

Council Member Keller stated that he thought it was remarkable how much Council Member Parker had been able to affect this part of their work in the two years that he had been there with not only getting Chapter 42 improved but actually to where it was enforced and watchdogged and refined and thanked Ms. Emde for all her involvement. Council Member Galloway absent.

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

Ms. Jennifer Enamorado, 2418 Cleburne, Houston, Texas 77004 (713-807-9386) appeared along with Mr. Ardell Garrett, Mr. Victor Puente and Ms. Marlene Perez from Hamilton Middle School to make a presentation before Council called B.A.M. Babies On Board. Mr. Garrett stated that they were doing a project for the Bayer NSF Awards, and Mr. Puente stated that they were doing a long time project for the Bayer NSF Awards and were trying to get City Council to put baby seats on Metro buses, that they had put forth a lot of effort and hard work in finding a better way to keep children safe while riding on Metro, that it would be a great honor to them and parents to know that they had in some way made Metro a better way of transportation for the community, and Mr. Ardell presented a graph of Metro accidents and baby injuries from the year 1990 through 2001, that they got the information from the Texas Department of Public Safety and Metro Marketing Communication, that if they looked at the graph they would see that even though the Metro accidents decreased the baby injuries increased, which was in 1992 and 2001, and Ms. Perez stated that they had researched baby seats which were inexpensive but high quality baby seats, that prices ranged from \$40 to \$60, that research showed that the 3 by 5 car seats was one of the safer car seats and had passed many safety tests, and the point she wanted to stress was that car seats were inexpensive, provided safety for children and could be easily placed on a Metro bus, and Ms. Enamorado displayed a model that she and her group had built to show how the baby seat would look and be installed, that they wanted to install the baby seat right next to the handicap seat so when a mother boarded the bus she would not have to struggle to get to the seat. Council Member Galloway absent.

Mayor Brown asked how many baby seats did they recommend for each bus, and Ms. Enamorado stated at least one or two. Council Member Galloway absent.

Council Member Robinson stated that he wanted to thank them for the work that they had done, that he was impressed with the methodology, the effort and the fact that they had the bodaciousness to come to Council and make the presentation and he hoped the Council would ask Metro to look at it with all seriousness and consideration that it deserved, that they did not know how much they had done to make his day today. Council Member Galloway absent.

Mayor Brown stated that they would ask Metro to look at it but would also recommend that they go to the Metro Board meeting and make a similar presentation there, that he thought they would be equally impressed, as they were on City Council, with their interest and research they conducted and the recommendations they were making which he thought were very feasible to implement. Council Member Galloway absent.

Council Member Edwards stated that she wanted to applaud the young people for their work and diligence and asked why they took on the project, and Mr. Garrett stated that they had seen many mothers getting on the buses and they would have to hold their child and they noticed that if there was an accident the mothers would have to try to hold on to their babies to keep them from falling and they figured that putting a baby seat on a bus would prevent the babies from falling which would give a mother more strength to keep herself from falling, that they quantified babies from birth to two years old, and Council Member Edwards asked if they had any numbers of how many infants in that category rode a Metro bus, and Mr. Puente displayed their chart showing the number of injuries which were represented, that they did not have any information how many babies rode the buses, that their next step was to make a presentation to the Metro Board. Council Member Galloway absent.

Council Member Alvarado stated that she wanted to thank them for being present and also for taking the time to work on such an important project, that it was very impressive to see their young kids taking responsibility and bringing an issue that was very important to the right entity. Council Members Galloway and Keller absent.

Council Member Sekula-Rodriguez stated that she wanted to ask the administration to write a letter of support recognizing that this was an opportunity for the young people of the community to be heard and to support them in whatever way that they could, that she would also like for them to consider seat belts on school buses. Council Members Galloway and Keller absent.

Congressman David Saydee, Liberia, 24134 Four Sixes, Hockley, Texas 77477 (281-373-3725) appeared and stated that he was representing Barrobo Statutory District in the Liberian National Legislation, that he was presently visiting in Houston, that he was present on behalf of himself and the people he represented to express their sympathy and condolences to the bereaved families and the government of American for the thousands of Americans who were killed during the terrorists attack in New York City on September 11, 2001, that terrorism was a serious threat to the civilized world, and presented a written request for assistance for the citizens and City Corporation of Glofaken, Barrobo Statutory District, Maryland County, Republic of Liberia, West Africa to the Council and Mayor Brown stated that they would make sure it was distributed. Council Members Galloway, Alvarado and Robinson absent.

Council Member Edwards stated that she wanted to welcome Congressman Saydee to the City and to the Council, that she appreciated his being present and his kind words. Council Members Galloway, Alvarado and Robinson absent.

Mayor Brown stated that he also wanted to thank him for being present and appreciated all the comments that he had made today and would pray that everything was well back home. Council Members Galloway, Alvarado and Robinson absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas (713-524-4578) appeared and stated that she was present to say that she thought the Katy Freeway expansion was a mistake, that as a member of the Sierra Club she was concerned about the environment, that Houston was already unable to meet federal ozone standards, and how did they justify a transportation

solution which put more polluting cars on the road instead of less, that she had a seven year old daughter that loved outdoor sports and her risk of acquiring asthma was three to four times higher than children in cities which did not have a high ozone level; was it okay to tell her that today she could not go outside to play because the air was unfit to breathe, was this the kind of environment that would attract business, their employees and their families, that they needed less cars on the road not more, that as an urban design consultant she saw the I-10 expansion as a major step backwards, that to create a safe, health and equitable public ground that they all envisioned they needed to encourage and enable commuters from the suburbs to come into the City without their cars, that park and ride works to the extent that people use it, it would be used more when the transit options within the City were adequate, that they needed to very quickly get the rail system up and running, if they had it now they would not be fighting the freeway battle or the ones that were certain to follow, that the Main Street rail corridor was a good start but to be a viable alternative to the car commuters must be able to connect sufficiently to employment destinations throughout the town, that transit oriented development was pedestrian friendly development, with new Main Street, downtown and midtown plans they were making progress, but with the Katy Freeway expansion they were taking a leap backwards, that instead of relaxing requirements for onsite parking and building sidewalks, pedestrian friendly moves, they were backing themselves into the corner of needing to increase all parking, that plans for sidewalks and shade trees would be history as they were forced to widen exiting roads that were more times than not already beyond pedestrian scale, that finally she was concerned about the inequity of a transportation solution that did not consider the needs of all residents, that as planned the Katy Freeway expansion was a strategy that allowed the wealthiest among them to solve their transportation needs by paying a toll, that even when that came at the expense of the environment and fellow citizens, that turning HOV lanes into a toll road was not acceptable, that for many driving was not an option, that the first priority in Metro's limited budget must be to provide decent public transportation to those who truly depended on it, that in no case should Metro's budget go towards building freeways, that they needed to stop or at least delay the Katy Freeway expansion, that she understood that the highway building machine was big, but change had to start somewhere, that she would appreciate any insight or help they could offer, that she would like to know where they were in the process and where was intervention still possible. Council Members Galloway and Alvarado.

Mayor Brown stated that the Katy Freeway was a State highway and the Texas Department of Transportation would be the best place to start and they had three Commissioners, with one from Houston, Mr. John W. Johnson, that the toll roads were County operations and not the City, and County Judge Eckels may be the best person to start with there, that from a personal standpoint he shared many of her observations and did not believe they could build enough freeways to take care of the future growth needs of the City and so he supported commuter rail, that the voters approved the proposition that before they expand the light rail down Main Street they would have to take it to the voters for approval, that he would also suggest that she contact the Governor and ask him that Houston gets its fair share of State transportation dollars. Council Members Galloway and Alvarado absent.

Council Member Quan stated that he shared many of the concerns that she expressed, that Houston was part of an eight county coalition, Houston Galveston Area Council that looked at transportation needs and that Council meets the last Friday of each month at the HGAC headquarters on Timmons, that there was a task force looking at the Katy Freeway and thought that her comments were well taken and they did have public comment time and people were allowed to express their concerns. Council Members Galloway and Alvarado absent.

Council Member Sekula-Rodriguez stated that she would encourage Ms. Ledvina to keep her posted on things that were important to her so she could help and be a part of that because it was very important to her that they do have clean air and would encourage her to come on a

regular basis and visit with her on the issue because it was not just a City issue it was a County and State issue, that she would encourage her to share her views with Congressman Culberson because one of the things he ran on was to get the freeway in place and it was just to remediate the terrible congestion that the people who lived on that corridor suffered everyday. Council Members Galloway and Alvarado absent.

Council Member Robinson stated that the members of the delegation from Harris County in Washington needed some encouragement, that some of them were for or against the funding of a regional rail system, that he thought the community needed to speak out about preservation of right-of-way along the I-10 expansion, that he was glad to see that she was present and thought that it was something that they all had to work on to make sure that as they did one thing they look at the implications as they moved down the line. Council Members Galloway and Alvarado absent.

Council Member Edwards asked Ms. Ledvina if she was an army of one or was she organized in her community, and Ms. Ledvina stated that she was on a Sierra committee and collaborated and consulted with many neighborhood groups, and Council Member Edwards stated that she would like to meet with her, that it was not in her district but she did drive the Katy Freeway and lived in Houston. Council Members Galloway and Alvarado absent.

Mr. Steve McGuire, 25351 Borough Park Dr., Spring, Texas 77380 (281-364-9500) appeared and stated that he had an update that he wanted to pass out to Council Members, that he had a summary letter as well as a letter from Chief Connealy and a Houston Chronicle article on a fire and rescue tank and an article from today's paper on the \$3 billion that the Federal Government was supplying for anti terrorist fire and rescue first responder legislation, that since September 11, 2001 there had been an urgency to provide fire and rescue equipment that could operate in disaster environments that would have chemical and biological elements, that currently the only vehicles in the world that could respond to such an event would be military vehicles and those had never been available to the private sector before, that the German Government and the German Military, through its defense contractor, Krass-Maffei had donated a converted modern Leopard tank for demonstrations in the United States and was the Jumbo Fire Tank that they were seeing in their packets, that they had presented the vehicle to the U.S. Forest Service, the Houston Fire Department, the Texas Forest Service, Bush Airport, Harris County, the FEMA Urban Search and Rescue Groups, the CIMA Alliance of 100 refineries and petrochemical plants and various congressmen from the area, that the Federal Government had allocated over \$3 billion in their budget and was in over 100 line items, that they did not expect the cities to pay for it if there was a need that overlapped Federal, State and local as well as industrial users they could provide the money, that in discussions with Washington they had been told that equipment such as this could be funded to a qualified municipality such as Houston if multiple uses could be found, that Houston, obviously, was uniquely qualified for the receipt of a vehicle such as this because it had the worlds largest collection of refineries and petrochemical plants, one of the largest ports in the world, one of the busiest airports and railroad systems and certainly largest and best equipped heavy equipment fire department in the Nation, that they believed with letters of interest from each of the Federal, State and local agencies that he had described along with support from the Mayor's office, the City Council, Houston Police Department, the Port of Houston, the airport and the County, they would be successful in generating the Patriot Act Funding for a regional anti terrorist fire fighting and urban search and rescue tank to be stationed with the Houston Fire Department. Council Members Tatro, Galloway, Wiseman and Alvarado absent.

Upon questions by Council Members, Mr. McGuire stated that these were unusual circumstances, that the tanks were \$2.5 million to \$3 million but N.A.T.O. had allowed the German Government to decommission the vehicles so they would not have to charge for a

brand new tank, that it was only the conversion which was anywhere from \$500,000 to \$900,000 which would make the vehicle about half the cost of a refinery firefighting truck, that it was pretty reasonably priced and in today's paper it stated that over \$100 million was going to go to first responder equipment like ambulances and fire trucks, that they had driven on the streets and were driven all over the streets in Europe and had rubber pads and they distributed the weight evenly over the vehicle, that it was about 20 ft. long and 10 ft. wide and could climb over curbs, not damaging anything, and could actually drive over asphalt and not leave a mark, that FEMA had said if they collected sufficient letters showing multiple uses like Federal, State and local that they would have through a Houston location, then the money could flow to the Houston Fire Department without a dime from the City, that a lot had changed since September 11, 2001, that a fire they had last week at a refinery the fire trucks had to sit back for as much as an hour and wait to see if the magnesium was toxic and this was the type of vehicle that could go in immediately, that it was engineered to operate in an Anthrax or Chlorine gas environment in battle and the operators were all protected within the vehicle, that it was 30 years by N.A.T.O. to develop them and that was why it was a nice military to commercial application, that the vehicle drove at 40 miles per hour on the road and Chief Connealy proposed that it would be at the NASA heavy equipment fire station, which was centrally located for the refineries, that it could also come off the highway to Houston, that he thought that location was one that would allow it to go along the ship channel and it could access any of the refineries and petrochemical plants so it seemed to be the perfect location, that it would take about 25 minutes to get to the location and could go in immediately, that it was called NBC it had nuclear, biological and chemical production so it could go right into a fire and had a huge bulldozer blade that could push equipment out of the way and could spray 5,000 gallons of foam, that in a fire in Greece the vehicle sprayed for just under an hour continuously and that location last week also had a problem of no fire hydrants near by so it was a very difficult logistics to get water and this vehicle would arrive on the scene fully loaded and could immediately spray, that it also had the unique ability to go in and even pull people out, that it was originally brought out to Los Angeles, where they had trucks that carried big bulldozers and if this was stationed on one of the trucks with five to eight axles it could go immediately along with the fire trucks and there would not be a delay, that in the United States it had gone onto a tractor trailer and it would be the same thing as having an eighteen wheeler behind them with a bulldozer on top, that it would not be rolling down the freeway on its own, that they had not given demonstrations to Council Members, that it just arrived at the holidays, that they had an invitation for the fire chief and it was a demonstration to the fire department and a number of invitations were passed out, that it was on temporary loan from the German Government and they had been anxious to get the response from the Federal Government, that it was very expensive to bring it over and that was why they were in a little bit of a time constraint to generate enough interest on the part of government bodies to allow for the flow of the Federal Money, that the alternative would be that the vehicle would go back, that they had 900 chassis and would be building them for demand around the world, that there were five in existence and they had the only one in North America, but they would like to become the depot to be able to service and help the fire chief support mostly a FEMA based operation but one in the meantime could be shared by the refineries, State and local agencies as well. Council Members Tatro, Galloway, Wiseman, Alvarado and Berry absent.

Mayor Brown stated that he would suggest that Mr. McGuire continue to work with the fire chief and thanked him for being present. Council Members Tatro, Galloway, Wiseman, Alvarado and Berry absent.

Mrs. Marlene McNeese-Ward, 607 Thornton, Houston, Texas 77018 (713-691-0314) appeared and stated that she was present representing local HIV/AIDS advocates and service organizations, that in December 1999, Mayor Brown along with other elected officials declared a state of emergency in the African American community for the City of Houston, that at that time 60% of all new HIV infections in Houston were people of African American descent, that there

was a problem of epidemic proportions in the City, that today, according to the HIV/AIDS surveillance program of the Health Department those numbers had not changed, that their community continued to be ravaged by the disease, that a state of emergency implied action and what actions had they seen, that interventions must be modified, altered and intensified and they could not afford for their community's leadership to appear to become complacent about this, that they were challenging them their elected officials to take a stand for the citizens of Houston, that Thursday, February 7, 2002, had been declared the Second Annual National Black HIV/AIDS Awareness and Information Day and the national theme was to get educated, tested and get involved in advocating for resources, that the New Directions Club Incorporated was located on the northwest side of the City at 607 Thornton Street and would be the location for local activities, that Council Member Edwards had graciously agreed to co-chair City activities for this day, that there would be a press conference at 10:00 a.m. followed by an awareness rally until 12:00 p.m. and the Health Department mobile testing unit would be on site to provide testing and intensive hot spot testing would take place in the afternoon and evening hours in the Third Ward, Acres Homes and Fifth Ward areas, major geographic areas for new infections, that they as local HIV/AIDS advocates and organization implored them as representatives from local leadership to come out and get tested and to show guidance to the community with the message that everyone needed to be tested, that she knew they were cognizant of the needs of their community and working cooperatively together they could make a difference in the lives of those they served. Council Members Tatro, Galloway, Ellis, Alvarado and Berry absent.

Mayor Brown stated that he wanted to thank them for being present and sharing the information with them, that he was talking with Council Member Edwards yesterday on the issue and former Council Member Boney shared his task force and Council Member Edwards had agreed to take over that responsibility so they would have a renewed effort as a result of her acceptance, that they would be working with the Health Department and he was acutely aware that the problem was still a major problem and they were going to work extremely hard to do what they could to assist them and others who were working on the issue. Council Members Tatro, Galloway, Ellis and Berry absent.

Council Member Edwards stated that she wanted to thank the organizations and wanted to recognize some of the organizations present, New Directions, FUSA, Riverside Hospital, AAMA, Bread of Life, Montrose Counsel, HACK which was a coalition of 38 CBO's locally, the Shamar Hope Haven, WHAM Foundation, Center for Success and Independence and Saint Hope Foundation, that his joined with a national effort that was headed up by U.S. General Sachel and Congresswomen Maxine Waters and the National spokesperson was Mr. Tom Joiner of Radio One, so there was a national piece to this that she thought Houston could be a real focus point because they had such dedicated people in the community that were willing to step up to the plate, that she wanted to thank Council Members Parker, Alvarado, Berry and Robinson for agreeing to take part in it and would encourage any other Council Member, that she thought that they needed to show that it was not "those people need to be tested", that it was all of them needed to be aware that they were either affected or infected by the challenge, and thanked all of the people present. Council Members Tatro, Galloway, Ellis, Keller and Berry absent.

Council Member Sekula-Rodriguez stated that she wanted to thank them for being present and bringing it to their attention because it was something that was a national change that they noticed for the last year that the HIV rates were going up across the nation, and it was not just in the African American population, that it had not been fully defined to why it had been happening so there presence was important, that she would be proud to serve on that committee that was sponsoring the event, but it could not be just a day, that it had to be every day and people had to be tested every day and probably every six months. Council Members Tatro, Galloway, Ellis and Berry absent.



Council Member Edwards stated that the group had representatives of the Hispanic Community with AAMA and with the Montrose Counseling, that she would love to have Council Member Sekula-Rodriguez as part of it because of her background and experience. Council Members Tatro, Galloway, Ellis and Berry absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Ellis and Berry absent.

Ms. Lucyna Samson, 1143 Yale, Houston, Texas 77008 (713-869-2031) appeared and read from a statement and stated that about a month and a half ago Neighborhood Protection began inspecting her home and property on a regular basis, that nearly every week they came looking for a problem, that each time they found a problem her family fixed it, that her family was beginning to feel harassed, that they wanted to know why so much attention was being devoted to her property and the property of her neighbors, that already two of her neighbors had been forced to sell their homes, that it had been suggested that their properties were going to be converted to parking lots, so now she wondered if there was a motive behind the constant attention being given by the inspectors, that she would like to ask for their assistance to help her and her family to understand what was taking place and to let them know what they could do to keep their home. Council Members Tatro, Galloway, Ellis and Berry absent.

Upon questions by Council Member Goldberg, Ms. Samson stated that this was a home they were currently living in, that the citations had been for vehicles that were believed to be abandoned but her husband had a hobby of collecting cars, that the cars were working, that it was about bricks in front of her house and she had the bricks removed, that they wanted to build a parking lot next door to her property, that the neighbors to her left moved in two years ago and that was when the problems started, that she was not sure if her neighborhood had deed restrictions, and Council Member Goldberg asked if someone could visit with him on this issue. Council Members Tatro, Galloway, Ellis and Berry absent.

Mayor Brown stated that Mr. Greg Simpson, Neighborhood Protection, would meet with her. Council Members Tatro, Galloway, Wiseman, Ellis and Berry absent.

Council Member Edwards stated that she would meet with Ms. Samson and asked that she meet with Ms. Rivera of her office. Council Members Tatro, Galloway, Wiseman, Ellis and Berry absent.

Council Member Parker stated that Ms. Samson lived in the Heights and knew they did not have deed restrictions, that Yale Street was a largely commercial street but did have some homes on it and asked if she lived in a property that had been used as a business of some kind, and Ms. Samson stated that they did not have a business, that it was a two story home, that her husband liked to collect cars, and Council Member Parker stated that they spent a lot of time discussing the issue and the City was becoming much more aggressive about responding to junked vehicles and it may be that her neighbors were complaining for whatever reason and if the City got a complaint they had to go out, and Ms. Samson stated that they not only complained about the vehicles they also complained about her son who had autism, that they said that her son made noises after 9:00 p.m., but she did not complain when they make noises with parties each week, that she respected their privacy and would like for them to respect hers, and Council Member Parker stated that it sounded like someone had made a series of complaints and suggested that she meet with the person that the Mayor had assigned from the City. Council Members Tatro, Galloway, Wiseman, Ellis and Berry absent.

Council Member Keller asked if she had been given citations or just verbal warnings, and

Ms. Samson stated that when they asked for her to fix something she had fixed it and improved, that now they were looking for something else, that she had not been ticketed or fined, and Mayor Brown stated that they had until February 15, 2002 to come into compliance if not they would be ticketed. Council Members Tatro, Galloway, Wiseman, Ellis, Berry and Robinson absent.

Mr. Fred Samson, 1143 Yale, Houston, Texas 77008 (713-869-2031) appeared and stated that he would like to complain about the harassment and intimidation, that yesterday they started to dig the soil and stated that he had put some oil under a tree, that yesterday he dug up all of the soil and took it to the City dump, that he did not know what they thought he had on his property, that he thought they wanted to get a permit to search his property. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Simpson would work with him to take care of the problems and to resolve the issue. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Michelle Vanzant, 10730 Buffum, Houston, Texas 77051 (713-451-2149) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Albert Coleman, 4707 Curly Oaks, Houston, Texas 77053 (713-430-0020) appeared and voiced his personal opinion until his time expired. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Alvarado, Berry 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 Members Tatro, Galloway, Edwards, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and presented a handout to the City Council and stated that it was in reference to criminology and would like for them to take a look at it. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

At 3:43 p.m. upon motion by Council Member Quan and seconded by Council Member Keller, City Council recessed until 9:00 a.m., Wednesday, February 6, 2002. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 6, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 6, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez out of the city on personal business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was the Mayor's Report and wanted to use his time to give an update on their downtown construction efforts and asked Mr. Al Haines, Chief Administrative Officer, Mayor's Office to provide that for them. Council Members Tatro, Goldberg, Keller and Robinson absent.

### **MAYOR'S REPORT**

#### Administration Briefing on Downtown Construction

Mr. Haines appeared and stated that they had passed out a small packet of materials that he would go over with them as they proceeded with the presentation, that in August of 2000 the Mayor created a Downtown Street Construction Task Force that consisted of representatives of the Texas Medical Center, Metro, the Downtown Management District, the Downtown Historical District, the Houston Police Department and the Public Works and Engineering Department, that the Mayor had asked that he chair the task force that consisted of representatives of each of the organizations who were either directors or at the highest level of each organization and they had representatives of each one of those organizations present; that in the packet was a map titled Traffic Lane Closures From Downtown to the Museum District As of February 1, 2002, which showed a general statement of activity, particularly focused on lane closures in downtown to the Museum District and also construction activities, including new high rise and other kinds of facilities being constructed. Mr. Haines discussed the Street Construction Update Report, the Proposed Ordinance regarding ROW (Right-of-Way) Obstructions, which was intended to be complimentary to and not replace the current Street Cut Ordinance and the Downtown/Midtown/TMC Mobility Projects Schedule, which was a comprehensive schedule for every construction activity which included Metro, Cotswold and other construction projects, where they were and when their anticipated completion dates were, that they would update that particular form on a monthly basis and would forward it to the Council Members and the City of Houston Street Occupancy Permit Activity, which was a summary and would give them a little bit of flavor of the significant amount of permitting activity going on downtown, that many of them were renewable and they actually evaluated them every month before they were reissued and they had as a result been able to put in more lanes of service than they had the past August. (Note: Packet passed out to Council is on file in the City Secretary's Office.) Council Members Tatro and Berry absent.

Council Member Alvarado stated that she had a chance to meet with Mr. Haines along with Council Member Quan and was pleased to see that the administration was going to bring up the ordinance regarding the right-of-way obstructions, making it impossible for lane and sidewalk closures during certain hours of the day, that she was also pleased that they were having the townhall meeting and bringing folks to the table like Entex, because what most of the businesses had complained about was when a gas line had been hit that put several of the business out for several hours, that on Monday there was a gas leak that occurred at noon and several of the restaurants downtown had to close until after the lunch hour, that she was also pleased to see that they had issues that were being

discussed that affected the residents, such as the noise and crosswalks, that she hoped when the ordinance came to the table that her colleagues would support it and asked Mr. Haines if he had said when it would come up, and Mr. Haines stated that they had a draft presently, as he had mentioned to her, in circulation, that they had asked utility and other affected companies and organizations to review it and believed it would be finished, that their plan was to come before Council, probably the TTI Committee at the end of the month, with the expectation going on the first part of March. Council Members Tatro and Berry absent.

Council Member Robinson asked if all the information was in one location where everybody could take a look at it, and Mr. Haines stated yes, that they had the summary of the construction schedule which incorporated everything and everything was in one place in his conference room on the 4<sup>th</sup> floor, that he believed it was on the website where all of the construction projects were, and Council Member Robinson asked that they keep repeating the website address and promote it more so that people out in the community could go to the site and see what was going on, and Council Member Robinson asked if they had reached some consensus with the private companies and Mr. Haines stated that he thought they had what they needed and that was that they issued the permits as it related to any lane that they wanted to close and as those lane projects expire each one of those projects had to come to the task force and justify when, why and how much use they had to have of the lanes in the future, that was their control element, and Council Member Robinson asked what was the timeline between filing a permit and getting the information on the website so they would know, and Mr. Haines stated that he would get that answer for him, but believed it was literally within hours, and Council Member Robinson asked what was the communication across lines in the Public Works Department relative to the different kind of projects, were all the permits now being issued by just one department, and Mr. Haines stated that every permit application dealing with streets, lane closures, street cut, etc., went directly to the Traffic Management Division of the Public Works Department, those then come to the task force and the task force reviews anything that is new or out of the ordinary on those and the final determination of whether or not a lane or permit would be issued was made by the task force itself, that the ordinance did put enforcement powers in one location, and Council Member Robinson stated that he had met with Mr. Bob Eury about the potential or the being discussed closure and asked if that was factored into the analysis and where were they on that, and Mr. Haines stated yes, it had been to the task force more than a couple of times, the Main Street Pedestrian Plaza, and Council Member Robinson stated that he would like for it to go to committee so they could have a full blown discussion of it to avoid any unintended consequences and most importantly so the public would have some participation in that conversation. Council Members Tatro, Goldberg and Berry absent.

Council Member Quan stated that he wanted to thank the task force for all of their efforts, that he thought the situation was a matter of communication, that a lot of people did not understand all the work Mr. Haines had been doing for all the months, that he would certainly invite all of the Council Members to be involved to make sure they would get as full a participation as possible. Council Members Goldberg and Parker absent.

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

Mayor Brown stated that they would move to the next item which was the Monthly Financial Report.

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the Monthly Financial Operations Report for the period ending December 31, 2001, that her remarks would be limited to the

General Fund, that as to revenues to the General Fund their projections reflected a decrease of \$7 million from the November 2001 projections, that it was affected by four areas, Property Tax revenues, projections decreased by \$1.4 million, the historical collection of current and delinquent taxes along with associated penalties and interest were analyzed and those trends apply to current year valuation supplied by the Harris County Appraisal District; the second area was Sales Tax, that Sales Tax receipts to date were a modest 2.7% ahead of Fiscal 2001, that they had projected the balance of the year to be equivalent to collections over the same period last year, that February allocation, which included the holiday shopping season was due February 15, 2002, and until that was received they were hesitant to assume the balance of the year would exceed last year; that Electrical and Gas Franchise Fees had also been reduced an aggregate of \$5.7 million due to lower usage and lower natural gas prices, that Electrical Franchise Fees were lowered by \$2.6 million and the Gas Franchise Fees had been lowered by \$3.1 million; that the fourth area of concern was Municipal Courts, that Municipal Courts Fines and Forfeitures category was now projected to be at \$36.6 million, a decrease of \$2.8 million from last month or a total of \$5.8 million from budget, that collections continued to be below Fiscal Year 2001 and were at about 9% below Fiscal Year 2001 at this moment and ticket issuance was at about 5.7% less than the same period last year; that as to expenditures, the General Fund expenditure projections reflected a net decrease of \$9.4 million from last month, that these reduced projections were based on spending patterns which were recognized and appeared to be lower personnel cost in the departments, presumable from spending controls implemented by the administration; that she would continue with her Quarterly Investment Report, that as of December 31, 2001 the City had approximately \$2.3 billion invested in eight different pools, that the largest pool was the General Pool with a balance of about \$1.6 billion, that it was about \$100 million down from the September figure due to normal seasonal fluctuations, that the other investment pools showed normal activity during the quarter, including construction funds for the Airport, George R. Brown expansion and the Convention Center Hotel, that she would also like to point out to the Council Members that they had now added an executive summary to the report which would detail more of what was going on with the portfolio this quarter, and that concluded both reports.

Dr. Scheps stated that as reported to the Fiscal Affairs Committee yesterday, he would hit the highlights of the letter that he had included in the MOFAR, that they were now showing revenue projections, overall, about \$18.9 million below their original projections, that they had sort of bad news in four large categories; that they had already talked about Sales Tax, which they were still showing as about \$10 million under budget; that they talked a lot about Municipal Court Fines and Forfeitures and Ambulance Fees, which they had a recovery plan in the works; that the new element was the Gas and Electric Franchise Fees, the same phenomenon which gave them \$18 million over budget in 2001, that was high gas prices, had worked against them with the collapse of energy prices it got translated to them through Electric and Gas Franchise amounts, that this was the last time they would have that problem in the Electric Franchise Fees, that was to say that as of January 1, 2002 they were no longer subject to gross revenues of the Electric Company, but this was the last year and it had hit them in this particular report, that they were overall \$18.9 million below their original projections; that in the Sales Tax there was cause for optimism, that they would notice that the Controller was actually showing almost \$4 million high projections than they were in Sales Tax, that they were a little more conservative there but within a week or so they would have the Christmas numbers and they very much hoped the Controller was right in this, but as of now they had not raised their Sales Tax projections; that on the Expenditure Side the graph showed that the position controls system continued to work, that the hiring was limited to about 12 new people in the General Fund, that they reject a lot of position, but they did approve positions so it was not a complete hiring freeze, but it took a lot of time for Mr. Vara, Mr. Haines and himself to go through the departments and they had not made everybody happy, but it had caused some reduction in hiring, which as clearly they needed because they had an unbalanced budget for the current year; that in the non personnel area the Mayor had now ordered 10% reductions in what they called the 2,000 and 3,000 prime, which was everything but personnel, that as they knew they had already removed about \$5 million from the electricity budget, that they could not cut contractual amounts, which were in the 2,000 and 3,000 prime, that travel had

been cut by 25%, so that added about another \$4 million to \$5 million in expenditure reductions in an attempt to balance the budget, that there was a reconciliation to show how the reductions had come down, although there had been some things that were over budget, for example, Workers Compensation and Retiree Health Insurance was running over budget, that putting all this together they had a balance and a budget which would require some new resources and Item No. 29 was a request that they use ALP funds in the amount \$15 million, that they did not want to do this, that they wanted to refresh everybody's memory they originally recommended using \$17 million to fund the firefighters overtime and City Council asked them to very carefully scrub and they tried to do it and thought they had, but unfortunately the revenue drops hit at the same time, so they were in a position where they could have either funded the firefighters overtime or done okay with the revenue drops, but not both, that they simply did not have a practical alternative to using the ALP funds; that he presented to the committee a multi year plan followed by some revenue ideas and thought the discussion was very positive and appreciated everybody's constructive input and for those who were not at the meeting there was a document out that showed the multi year plan, which showed they had a very large problem for next year, they had systematically at this point recurring revenues and expenditures which did not match for next year, that even using ALP this year did not help one bit in terms of recurring revenues and expenditures but that was by definition a non recurring revenue, that it may get them through this year but it would not solve the problem next year, that as a result the budget targets had been given out to the departments and there were fairly severe decreases in the amount of resources available to every department, that it totaled about \$18 million on the assumption that they would find somewhere about \$10 million in new revenue sources; that the Fee Study was produced and discussed and the next step on the Fee Study was for the administration to come back with some specific recommendations for Council to consider on fee increases and they also had a pitch which presented some new revenue items which were not included in the Fee Study so they would be back to talk about those items in the very near future as the budget process winds up and that concluded his report.

Council Member Parker moved to accept the reports, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0145 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 1, 33, 33a, 33b, 29 and 14 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0146 ADOPTED.

1. CONFIRMATION of the appointment of **MR. JON C. VANDEN BOSCH** as Director Department of Public Works & Engineering – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0147 ADOPTED.

Council Member Tatro moved to suspend the rules to hear from Mr. Jon C. Vanden Bosch, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0148 ADOPTED.

Mayor Brown requested that Mr. Vanden Bosch come to the podium with his wife and stated that they all wanted to congratulate him and express their appreciation to him for coming back to the City, that he had the pleasure of working with Mr. Vanden Bosch in the 1980's, that he was the Public Works Director at that time during some very difficult times in the City and did an outstanding job.

Mr. Vanden Bosch stated that they were both very happy to be present, that his wife had more City time than he did, that one might ask why he wanted to come back, that he wanted to give them a quote from Marcus Aurelius, Emperor of Rome, and would say in modern English, "If you work at what is before you following right reason, seriously, vigorously, calmly without allowing anything to distract

you, keeping your divine part as if you should be bound to give it back at anytime, if you will hold to this, expecting nothing, fearing nothing, but satisfied with your present activity according to nature, with heroic truth in every word which you utter you will be happy, and there is no man who can take this away from you.”, that he looked forward to working diligently, calmly and without distraction of what was before him and appreciated the opportunity to do that.

33. MOTION by Council Member Ellis/Seconded by Council Member Goldberg that Item 33B below, be amended to provide the following:  
The Series 2002A Bonds will be issued through a negotiated financing with Siebert Brandford Shank & Co., LLC to serve as book running manager. Serving, as co-seniors on 2002A bonds are Salomon Smith Barney and Estrada Hinojosa & Co. Series 2002B bonds will be issued through a negotiated financing with Morgan Stanley to serve as book running manager. Serving as co seniors the Series 2002 B bonds are Bear Stearns, and Loop Capital Markets, LLC. Apex Pryor Securities, Banc of America Securities LLC, Banc One Capital Markets, Inc., Dain Rauscher, Inc., Lehman Brothers Ramirez & Co., Inc., SWS Securities, UBS Paine Webber, and US Bancorp Piper Jaffray will serve as Co-managers on both 2002A and 2002B. Fulbright & Jaworski L.L.P. and Burney will serve co-bond counsel. Andrews & Kurth L.L.P. and Law Offices of Francisco G. Medina will serve as special disclosure co-counsel. Underwriters' counsel will be Vinson & Elkins, L.L.P. TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-RODRIGUEZ – was presented.

Council Member Robinson stated that he intended to vote against the item and once they had a vote on it he would like to offer an amendment to include Morgan Stanley as a co-manager on the deal, and Mayor Brown stated that he wanted to point out that the administration agreed with Council Member Robinson on what he was proposing.

Council Member Ellis stated that they had heard testimony not only from the administration, but also from the Controller's office about their finance working group, and while some of them believed that all the decisions should lay with that financial working group he had some concerns about it after hearing the testimony yesterday at the Fiscal Affairs committee meeting, that basically the financial working group had become a group that bounced investment firms back and forth and made some suggestion and then the Mayor chose who he would like to do the underwriting, who would be the lead counsel, the co-seniors and the co-managers, that it had been said by some that they should allow the financial working group to pick the firms and that may be, but he did want to sell the Council short, that from what they had heard there were no meetings, just a few phone calls back and forth and then the selection process was made, that how it was made he was not really sure, that there had been some firms that had worked on the bond underwriting for the Water and Sewer for quite some time, three firms which had come to him and offered suggestions over the past year, that being Banc One, Morgan Stanley and UBS Paine Webber, that he found it somewhat disturbing that they would omit some of those investment banking firms from the process and that was why he moved forward with his amendment to place Morgan Stanley as the lead runner for the 2002B Bond Refinancing, that he tried to negotiate with the Mayor's office saying that he would remove his amendment and put them as co-seniors and they were unable to come to an agreement so at this time he was going to leave the amendment and would urge his colleagues to vote for it, that he wanted to make a slight amendment because there were some typographical errors that Mr. Anthony Hall, City Attorney, had brought to his attention.

Council Member Ellis moved to amend Item No. 33 to add "and Foreman" after the word "Burney", seconded by Council Member Goldberg. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0149 ADOPTED.

Council Member Tatro stated that he thought in this instance Morgan Stanley had been omitted from this particular process and transaction, that it was his understanding that they had numerous times been working and helping to educate Council, the Controllers and the administration as to the various financing options and opportunities available to them all to the ultimate goal of keeping their water and sewer rates low, that he thought in this case Morgan Stanley had been unjustly removed from the package and thought it was a bad precedent when someone had been excluded and supported Morgan Stanley being put into the transaction as Council Member Ellis had indicated and hoped that Council Members would support the intellectual and hard work and dedication that a lot of the local firms bring in helping to offset some of the financial expertise that they all looked for. Council Member Berry absent.

Council Member Quan stated that in essence he agreed with what all of their colleagues had said, that he believed that they must maintain the integrity of the process, that there was a group that was established for the purpose of trying to analyze these things, hoping apart from the political process, but looking only at what was best for the City of Houston, that he thought they would begin a dangerous precedence by seeking to amend the process at the table, as long as the process was followed correctly, that rarely had he been approached by any of those financial institutions over the last years about their involvement in any deal and he thought that was probably best, but to make sure the process was followed properly he thought that there was some merit to including all of the firms in Houston that were actively engaged in their community and who gave a lot to help make Houston a better place and who came with good ideas to the table, that he would be supporting Council Member Robinson on his request to include Morgan Stanley as a co-manager because he thought they did provide that added value to the City of Houston.

Council Member Parker stated that she believed Council Member Robinson's motion was an attempt to remedy a perceived oversight by the finance working group in omitting Morgan Stanley from the deal and was not sure that the amendment before them by Council Member Ellis did that, that it did do that but it went further than that and she would hate to think that Council Members would start making decisions at the table based on who visited them and lobbied with them, that she would support Council Member Robinson.

Council Member Keller stated that Council Member Ellis's amendment at minimum a sign of good faith, that to him it was a question of who deserved the credit, that since 1999 there had been eight presentations from the firm of Morgan Stanley and he believed they deserved the credit, that to deny them the involvement in the process from the get go sends a message that they would use them as long as they were good for them and then they would cast them out, that he was going to support the amendment and hoped they would send a message to the business community so that they would continue to want to garner the City's business in a good faith estimate and applauded the amendment and its worth.

Council Member Goldberg stated that he too was going to support the amendment but it was for the reasons that Council Member Quan proposed and that was to support some of the local firms in Houston, the firms that put in their hard work and came up with the idea to begin with.

Council Member Robinson stated that if they believed that there was something wrong with the finance working group process then they ought to take the ordinance to Fiscal Affairs and deal with the appropriate amendments to strengthen the financial working group process, that with all due respect to his colleagues he clearly understood that Council Member Ellis was doing this in good faith, that he had worked with him on a number of items, that a lot of people talked to him about financing and bond issues as he had traveled around the Country to bond conferences, but some of the people who wanted to get in this deal had never talked to him, that



if it was a deal of who talked to them then they were never going to expand the pool, that there was the intellectual capitol argument, that this was not something that other folks had not talked about or made presentations to or been involved with, that he would use and abuse them so long as it was in the best interest of the taxpayers of Houston and when they were of no longer to the taxpayers of Houston then he had to put them down, that the argument that only one or two firms could do it because they talked to one or two Council Members, he did not think was good public policy and went against the fundamental notion that he had about expanding the pool so that in the long run they brought greater cost savings to the taxpayers.

Council Member Robinson moved to call the question on Item No. 33, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0150 ADOPTED.

A roll call vote was taken on Item No. 33.

ROLL CALL VOTE:

Mayor Brown voting no

Council Member Vasquez out of the city  
on personal business.

Council Member Tatro voting aye

Council Member Alvarado voting no

Council Member Galloway voting no

Council Member Parker voting no

Council Member Goldberg voting aye

Council Member Quan voting no

Council Member Edwards voting no

Council Member Sekula-Rodriguez voting

no

Council Member Wiseman voting no

Council Member Berry voting no

Council Member Ellis voting aye

Council Member Robinson voting no

Council Member Keller voting aye

MOTION 2002-0151 FAILED

Council Member Robinson moved to offer a substitute amendment to Item No. 33b to include Morgan Stanley to the deal, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0152 ADOPTED.

33a. MOTION by Council Member Ellis/Seconded by Council Member Goldberg that Item 33B below, be amended to provide the following:

To achieve the maximum flexibility on the terms of the swap agreement City Council authorization is being requested to negotiate terms with UBS Paine Webber & Banc One. Once authorized by City Council, the FWG will lock in the fixed payer rate when interest rates are favorable. At that time, the FWG will return to City Council to seek approval of the swap agreement and ratify the terms - **TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-RODRIGUEZ** – was presented.

Council Member Robinson stated that they had a pretty good discussion at Fiscal Affairs and was in support of Council Member Ellis's counter amendment, that he had some questions, but was willing to take the chance if they could get a better deal on that price.

Council Member Ellis stated that as discussed yesterday it was his attention to make the bond swap a more competitive process.

Council Member Ellis moved to amend Item No. 33b with the following amendment:

"To achieve the maximum flexibility on the terms of the swap agreement, City Council authorizes the FWG to negotiate competitive terms with UBS Paine Webber, Banc One and Goldman Sachs. Once authorized by City Council, the FWG will lock in the fixed payer rate when interest rates are favorable. At that time, the FWG will return to City Council to seek approval of the swap agreement and ratify the terms.", seconded by Council Member Robinson.

Council Member Ellis stated that he had worked with the administration on the amendment and it was their suggestion to add Goldman Sachs to the group and it was his understanding that their financial advisors said that they did not want to increase the group by more than three firms and he would hope that after the debate yesterday that Council could recognize the fact that with a negotiated competitive pricing that they would be able to have a rather substantial cost savings to the City.

Council Member Parker asked Council Member Ellis if the intent was to have the finance working group to come back with one firm rather than his initial motion, and Council Member Ellis stated that he was going to leave that open to the financial working group, that it may be that they would come back with one firm or that they negotiate and allow the firms to go out into the market and re-negotiate the pricing, but the option was with the finance working group.

Council Member Tatro stated that he thought that the meeting yesterday was productive and revealing, that his desire on the first part was when negotiating with the three entities that they look at not just taking the block of 420 all at one fell swoop, that they look at the possibilities and thought that three firms would probably come to the table with the possibilities of breaking it up into smaller chunks, possibly favoring a better rate because of the absorption into their portfolios and into the hedge market in general, that the second issue was that this was the first derivative that they were undertaking and thought it was important outside the deal and proposition to have a City stated policy or guideline coming froth from the financial working group or Controller's office in concert with the F&A office about what the City's policy about derivative's would be.

A vote was called on the motion by Council Member Ellis's to amend Item No. 33b. Mayor Brown and Council Member Parker voting no, balance voting aye. Council Member Vasquez out of the city on personal business. MOTION 2002-0153 ADOPTED.

Council Member Ellis stated that he wanted to pull down Item No. 33a and Mayor Brown stated that Council Member Ellis removed Item 33a from consideration.

33b. ORDINANCE authorizing issuance of City of Houston, Texas, Water & Sewer System Junior Lien Revenue Refunding Bonds, Series 2002A and City of Houston, Texas, Water & Sewer System Junior Lien Revenue forward Refunding Bonds, Series 2002B, authorizing the Mayor and City Controller to approve the amounts, the interest rates, prices and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Commercial Paper Notes and certain outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing negotiation of an Interest Rate Swap Agreement with respect to the Series 2002A bonds; authorizing Bond Insurance, Reserve Fund Surety Bonds, Escrow Verification and Engagement of Escrow Agents, a Co-bond Counsel Agreement, and a Special Disclosure Co-counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement – **(This was Item 15 on Agenda of January 30, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented as amended. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0074 ADOPTED AS AMENDED.

29. ORDINANCE appropriating and transferring \$15,000,000.00 out of the Accumulated Unexpended Fund into the General Fund Fund Balance; appropriating and transferring \$15,000,000.00 from the General Fund Fund Balance to the Fire Department Expenditure

Budget – was presented.

Council Member Alvarado moved to suspend the rules to hear from Mr. Steven Williams, Local 341, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Tatro absent. MOTION 2002-0154 ADOPTED.

Mr. Williams stated that he was present to speak in favor of Item No. 29, that when they looked at the item they did not look at the funding or the plan that was being expressed, they looked at it just as safety, that it was public safety and firefighter safety and for the 3,300 men and women of the Houston Professional Fire Fighters Association that he represented it was in their minds that safety was not a negotiable issue, that the fact remained that they needed to maintain four member staffing on every apparatus to provide the service to the City, that the funding would accomplish that, that it was a step forward to a standard that was recognized not only nationally but needed to be continued on in the City of Houston, that he asked the Council to keep in mind that this action would only carry through for a period of time, that there had to be bold, aggressive, defined and constant funding plans identified to maintain the standard from July and after July 1<sup>st</sup>., that he asked them today on behalf of the citizens and firefighters to support the item and then move forward with the standard that had been established and needed to continue to be established. Council Members Tatro and Ellis absent.

Council Member Parker stated that with all due respect to Mr. Williams her concerns about the item had nothing to do with firefighters or firefighter safety, that they all supported four firefighters on a truck, that the concern was if this was the best way to pay for it, and as Mr. Williams stated that was a temporary fix and they were going to have to jump some major hurdles in order to pay for it over the next year, that in the MOFAR report earlier they learned that the Sales Tax numbers for the holiday season were still pending, they may need less of a transfer depending on what those numbers were, that they might need more of a transfer, that she thought it was premature and did not think Council had a full opportunity to understand the implications of the transfer.

Council Member Parker moved to postpone Item No. 29 for two weeks, seconded by Council Member Tatro.

Council Member Quan asked how they stood on the delay, how eminent were they running out of funds to be able to meet the needs to continue four firefighters on a truck, and Mayor Brown stated that the problem was for the current fiscal year and the continuation of the four persons on a fire truck would be built into the budget for the next fiscal year, that their immediate need was continuation for this fiscal year, that they would not argue against a two week delay. Council Member Keller absent.

Council Member Robinson stated that he did not have a problem with the delay, that he was in the same place that Council Member Parker was, and it was not as to the transfer but as to the overall what did they need, when did they need it and were they sure, that he raised some of those questions because they had not only balanced the book at the bottom line they also overlaid that with cash flow issues depending on when their money would come in and did they have enough as they went, that the other item he was interested in was to next fiscal year and as they went forward were they looking at everything in terms of structure, timing, relative to how they ran the Fire Department to make sure they were maximizing at the maximum efficiency of how they used their dollars to achieve four firefighters per fire truck.

Council Member Edwards stated that she wanted to concur with Council Member Parker's request for a two week delay, that she had two questions on what would be happening in that process, who distinctly would be looking at how it would be addressed, what committee and what group, that she had some frustrations with what she saw as some systemic problems in the whole Fire Department issue, and in her opinion, they kept looking at it piece by piece and wondered if there was a place where she could get information about how this particular episode fits into the overall looking of

what was going on at the Fire Department, and Mayor Brown stated that someone would brief her on it, that they had done a management study of the Fire Department, which was done by TriData and that report was available, that it outlined a roadmap for carrying the Fire Department into the future. Council Member Robinson absent.

Council Member Parker stated that she did not know whether she would be able to schedule in a special Fiscal Affairs meeting to deal with the issue, but they were separate issues, one was the funding of the Fire Department and the other was the problem of expenditure of ALP monies and a third problem was that it was a short term fix and they had not identified the long solution, that she did not know whether they would be able to do it within the two weeks but it would at least give the administration time to come to Council Members and answer individual questions, and Council Member Edwards asked to be included in those discussions however they acted out. Council Member Robinson absent.

Council Member Tatro stated that this was effectively a reoccurring operating expense that they had to operate the Fire Department in concert with Public Works Department, the Police Department, the Parks Department and would be reoccurring, that they effectively postponed the problem of dealing with operating expenses in the General Fund within the General Fund, that he thought it was incumbent upon them all not to postpone the inevitable and that was fixing the problem within the General Fund. Council Member Robinson absent.

Council Member Weisman stated that she also had issues with respect to the ALP fund and the administrations repeated attempts to dip into it, that she was certainly in favor of safety issues, most certainly with respect to fire protection, that they were being asked to take \$15 million out of the ALP Fund, Water and Sewer Fund, that last year Kingwood paid into Sewer and Water fees \$15 million, so everything that they paid last year was being taken out to insure the safety, yet Kingwood would still be short four firefighters, the four that should be on a Class A pumper that was not at Station 101, that since annexation Kingwood had contributed to the Water Sewer Fund roughly \$78 million.

A vote was called on Council Member Parker's motion to postpone Item No. 29. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. MOTION 2002-0155 ADOPTED.

14. ORDINANCE establishing the west side of the 6000 block of Glen Cove Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0075 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 30**

#### **MISCELLANEOUS** - NUMBERS 2 through 5

2. RECOMMENDATION from Chief of Police for approval of Extension of Injured on Duty Status for Police Officer **DAVID P. McANINCH** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0156 ADOPTED.
3. RECOMMENDATION from Chief of Police for approval of Extension of Injured on Duty Status for Police Officer **C. E. ROOKE** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member

Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0157 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$737,267.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Calendar Year 2002 Ground Water Withdrawal - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0158 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$158,795.49 to **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for 2002 Water System Fees - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0159 ADOPTED.

#### **DAMAGES** - NUMBERS 7 and 8

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **IKRAM EL-ASSAAD** vs. Stephanie Gaithe and the City of Houston; Cause No. 99-03867; in the 127th Judicial District Court of Harris County, Texas - \$17,900.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0160 ADOPTED.
8. RECOMMENDATION from City Attorney for settlement of lawsuit styled **HAZEL WILLIAMS JOHNSON** v. Kenneth W. Serres, et al; in the 165th Judicial District Court of Harris County, Texas; Cause No. 2000-61991 - \$54,000.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0161 ADOPTED.

#### **ACCEPT WORK** - NUMBER 9

9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$348,125.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** to Replace Roof on Collections/Training/Locker Building, GFS L-0044-01-3 - 00.32% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0162 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 12

11. **AMEND MOTION NOS. 99-516, 3/31/99, 2000-217, 2/16/00 and 2001-160, 2/14/01, TO EXTEND** expiration date from March 30, 2002 to June 29, 2002, for Building Materials, Parts I, II and III for Various Departments, awarded to **BIG Z LUMBER COMPANY, ACE LOCK & SECURITY SUPPLY, SAM BASSETT LUMBER COMPANY and RIGGSBEE HARDWARE AND INDUSTRIAL SUPPLY** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member

Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0163 ADOPTED.

12. **PMI, PHOENIX METALLURGICAL, INC** - \$278,587.00 and **DRILLCO DEVICES LTD** \$82,380.72 for Concrete Saw Blades for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Members Parker and Robinson absent. MOTION 2002-0164 ADOPTED.

**ORDINANCES** - NUMBERS 13 through 30

15. ORDINANCE authorizing awarding contract for Boiler and Machinery Insurance to **HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY**; providing a maximum contract amount - \$89,174.00 - Enterprise and Insurance Management Fund – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0076 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City and **TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORY** for Prenatal Screening Services - \$45,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0077 ADOPTED.
22. ORDINANCE appropriating \$54,565.28 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **BEAZER HOMES TEXAS, L.P.**, for construction of Water and Sewer Lines in Post Oak Place Section Three, CIP S-0800-40-03 and R-0800-46-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0078 ADOPTED.
23. ORDINANCE amending Ordinance No. 99-356 to increase the maximum contract amount to contract between the City of Houston and **SIMPLEXGRINNELL LP formerly known as SIMPLEX TIME RECORDER COMPANY** for Fire Alarm Maintenance Services for the Building Services Department - \$18,454.69 - General Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0079 ADOPTED.
25. ORDINANCE appropriating \$598,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 98-1072) between the City of Houston and **CLAUNCH & MILLER, INC** for Sanitary Sewer and Water Services to the East Lake Houston Unserved Areas, CIP R-0801-04-2 (4744); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0080 ADOPTED.
28. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated

Construction Fund and approving and authorizing professional construction managements and Inspection Services contract between the City of Houston and **BROOKS & SPARKS, INC** for Water Projects, CIP S-0035-90-2 (WA10725) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0081 ADOPTED.

30. ORDINANCE appropriating \$350,000.00 out of Solid Waste Consolidated Construction Fund for purchase of Equipment and Stock to establish the Southeast Component Rebuild Facility **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0082 ADOPTED.

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

**MISCELLANEOUS**

6. ORDINANCE appropriating \$1,067,700.00 out of Water & Sewer Systems Consolidated Construction Fund for construction contract with **BRH-GARVER, INC** for proposed 72” water main along Clinton Dr. and Federal Rd., approved by Ordinance Number 2000-435 – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0083 ADOPTED.

Council Member Keller stated that in looking at the item he checked on some of the procedures that they took as far as getting their specs for geo technical which ended up resulting in a breach of the medium which caused it to cave in on the pipes, which resulted in an \$848,000 change order, and then he noticed that the reason they did not do geo technical core sample of the medium of the soil below the bayou was because they successfully done tunnels under other bayou’s in the City, that what he found out was that they had never done a core sample under Hunting Bayou, that he could understand if it had successfully been done on other bayou’s in the City then they could extrapolate and think it would be structurally intact or sound to do it once again, that the lesson to be learned was if they were going to do tunneling under bayou’s they should do it and require their design engineers to do that, that as a rule of thumb they should do it every time because they spent \$10,868 on geo technical for the \$5 million project and it resulted in an \$850,000 change order, that if they had just spent a little more money, \$20,000, doing a core sample on the soil under the bayou then they would have been able to perceive it, that it was dangerous and they could have lost a life tunneling under the bayou without knowing the soil condition, that it caved in and they lost a machine doing it, but it could have been a human being, that he would like to know if there were any other bayou’s that they planned on doing some tunneling in and let him know if they did not have existing data from previous tunneling efforts, and Mayor Brown stated they would get that information for him. Council Member Robinson absent.

A vote was called on Item No. 6. All voting yes. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. ORDINANCE 2002-0083 ADOPTED.

- 6a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$848,700.00 on contract with **BRH-GARVER, INC** for proposed 72” Water Main along Clinton Dr. and Federal Rd., GFS S-0900-38-3 (WA10556) **DISTRICT E - WISEMAN** – was presented, moved by Council

Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. MOTION 2002-0165 ADOPTED.

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

10. **EMERGENCY ONE, INC** for Aircraft Rescue and Fire Fighting (ARFF) Vehicles for Aviation Department - \$2,165,490.00 - Airport System Capital Outlay Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. MOTION 2002-0166 ADOPTED.

### **ORDINANCES**

13. ORDINANCE finding no special benefit to the abutting owner of property described as Lot 14, Block 1, Hillendahl Acres, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-612 passed May 26, 1993, for the initiation of a paving project for the permanent improvement of a portion of Hammerly Boulevard in the City of Houston, Texas; authorizing refunds to the abutting owners - \$5,036.70 - General Fund - **DISTRICT A-TATRO** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0084 ADOPTED.

Council Member Parker stated that they had passed one of these in December and authorized payment and they had gotten a call that the owner had not received payment yet, that she would like to know that once they passed this item that the owner who they had owed money to for some time would receive prompt payment, and Mayor Brown asked Mr. Haines to take care of it and see that it was done.

17. ORDINANCE appropriating \$52,029.74 out of Tax and Revenue Certificate of Obligation 2000A Fund for payment to the **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** to reimburse **IRONWOOD HOMES** for costs associated with Public Improvements and land acquisition in Reinvestment Zone Number One, City of Houston, Texas, pursuant to Ordinances Nos. 2000-212 and 2000-234 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0085 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **DATASTREAM SYSTEMS, INC** for Computer Software Maintenance and Support Services; providing a maximum contract amount - \$144,667.87 - Enterprise Fund – was presented, and tagged by Council Member Keller.
19. ORDINANCE approving and authorizing contract for professional civic art administration services by and between the City of Houston and **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Department of Aviation - \$382,350.00 - Airports Improvement Fund **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Members Berry, Tatro and Wiseman.
20. ORDINANCE approving and authorizing professional Civic Art Administration Services contract between the City of Houston and the **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Administration and Implementation of a Civic Art Plan on behalf of the Convention & Entertainment Facilities Department -



\$330,279.00 - George R. Brown Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Members Berry and Tatro.

21. ORDINANCE approving and authorizing contract between the City and **JUSTEX SYSTEMS, INC** for Development and Administration of an Assessment Center Process for the Rank of Police Captain; providing a maximum contract amount - \$170,253.00 - General Fund – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0086 ADOPTED.
24. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing professional services contract between the City of Houston and **PROFESSIONAL SERVICE INDUSTRIES, INC** for Miscellaneous Engineering Testing Laboratory Services at Houston Airport System, Project No. 409L; CIP A-0138.52 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0087 ADOPTED.
26. ORDINANCE appropriating \$1,202,900.00 out of Parks Consolidated Construction Fund, appropriating \$197,338.00 out of General Improvement Consolidated Construction Fund, appropriating \$145,407.00 out of Parks Special Revenue Fund, appropriating and transferring \$321,972.00 out of Accumulated Unexpended Fund to Parks Special Fund; and appropriating \$356,593.00 out of Parks Special Fund as an additional appropriation for professional services contract - General Project Management and Construction Management Services, GFS F-0363-95-5 under the contract C52144 with **SUNLAND ENGINEERING COMPANY**, (approved by Ordinance No. 00-1003) – was presented, and tagged by Council Members Wiseman, Tatro, Sekula-Rodriguez and Keller.
27. ORDINANCE appropriating \$100,000.00 out of Street & Bridge Consolidated Construction Fund and \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional General Environmental Consulting Services contract between the City of Houston and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** for Right-of-way Projects and Water and Wastewater Projects, GFS R-0019-07-2; providing for contingencies relating to design of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. ORDINANCE 2002-0088 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 31

#### **MISCELLANEOUS**

31. CONSIDERATION of the petition by **ATA ENTERPRISES, INC d/b/a COMFORT CAB CO.** to the City of Houston, Texas City Council for additional Taxicab permits in accordance with the Houston Code of Ordinances, Chapter 46, Section 46-66(D) – was presented.

Council Member Tatro moved to grant the petition for additional permits, seconded by Council Member Ellis.

Mayor Brown stated that he wanted to point out that they had gone through an elaborate process through the Council, that they had granted the number of permits that everyone felt was

appropriate and this company had appealed the decision of those who had followed the process and would urge Council not to approve what Council Member Tatro was attempting to do, that it would destroy everything they had worked so hard on over the years to not have an excess of permits on the streets.

Council Member Quan asked Mr. Hall if he could enlighten them on the process and why they were originally denied the permits to begin with, and Mr. Hall stated that Council had for years wrestled with the question on how they granted permits and had established a process and a formula by which the gross number of permits needed in the City was calculated, that applicants filed applications and submit their evidence of financial responsibility and all of that business and proportionately the permits were then awarded based on the number that the people had shown financial responsibility for, that was what had happened here, that the process further provided that if someone could demonstrate some specific and special need that had not been satisfied by that process then they could petition for more, that in this case the applicant, he thought, conceded that they provided no evidence at all to the City that they had satisfied or needed anymore, in other words they literally did not present what was required to be presented to show Council that they had business that was not served in the City, that the applicant told Mr. Bibler, after his counsel gave Mr. Bibler permission to speak to him at his request, that next year he would keep the necessary records to try to demonstrate that, but that he had not done it this time, that the permits were issued every three years, that the applicant would have an opportunity to come back to the City in three years, but would have to keep the records to show that outside the process he deserved special consideration.

A roll call vote was called on Council Member Tatro motion to grant petition for additional permits.

**ROLL CALL VOTE:**

Mayor Brown voting no

Council Member Vasquez out of the city  
on personal business.

Council Member Tatro voting aye

Council Member Alvarado voting no

Council Member Galloway voting no

Council Member Parker voting no

Council Member Goldberg voting no

Council Member Quan voting no

Council Member Edwards voting no

Council Member Sekula-Rodriguez voting no

Council Member Wiseman voting no

Council Member Berry voting no

Council Member Ellis voting no

Council Member Robinson voting no

Council Member Keller voting no

MOTION 2002-0167 FAILED

Council Member Quan moved to deny application for additional permits, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0168 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 35

32. 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 – **(This was Item 43 on Agenda of January 23, 2002, POSTPONED BY MOTION #2002-109)** – was presented.

Council Member Ellis stated that they had discussed the item at the Fiscal Affairs committee meeting yesterday and it was brought to their attention that the unarmed security guards would make at least \$8 per hour and that was one of the things that Pinkerton had committed to, that he had done a little field study and had the opportunity to speak with a few

employees with Pinkerton and they said they wished they were making \$8 per hour, that he was a little concerned with the negotiation process for the \$33 million contract.

Council Member Ellis moved to postpone Item No. 32 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0169 ADOPTED.

34. ORDINANCE approving and authoring contract between the City and **JOE WINTERS INVESTIGATIONS CO.** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - \$479,062.00 - General Fund – **(This was Item 23 on Agenda of January 30, 2002, TAGGED BY COUNCIL MEMBERS TATRO, SEKULA-RODRIGUEZ and KELLER)** – was presented.

Council Member Tatro stated that he had an opportunity to visit with Chief Connealy to visit with him on Item Numbers 34 and 35 and the bottom line of it was that during times when they were in financial restraint and the need to consolidate and wear different hats for different functions he thought it was an inappropriate expenditure and effectively was a new expenditure and new money being allocated for something that they had continuously done, that at least on polygraphs they had done it for at least 10 years in house, that as far as background checks they had always done them in house, that he highly supported privatization, but this was privatization and adding more expense to the equation, that he understood from meeting with Chief Connealy that HPD had helped in the past with background checks and maybe polygraphs, that Chief Connealy had said he had not been able to garner HPD's support for assisting him with background checks, that currently the Fire Department had their arson investigators do the background checks, but that was their decision to have the arson investigators do the background checks, not other officers or clerical or HR people, that it may be a misplaced function and a function that was relegated too high up the pay scale ladder, therefore costing them more money, that he would hope that they would see more cooperation through the Human Resources Departments of the various departments of the City, Public Works, HPD and the Fire Department to be able to tighten their belts, that he would urge Council Members not to support Item Numbers 34 and 35, although they were budgeted it was new money for the same function that they had been providing in the City.

Council Member Sekula-Rodriguez stated that Chief Connealy visited with her as well and she very much appreciated the effort to streamline the recruiting of new cadets and thought that was appropriate but the risk that they would take was allocating \$1.3 million that they did not already have, that she thought it was dangerous to ask on the one hand for \$15 million from ALP and then on the other hand say they were going to pull another \$1.3 million out of the General Fund.

Mayor Brown stated that this was budgeted and not something that was just thrown into the budget, that they did a lot of analysis and this was the most cost effective way of doing it and ultimately would save them money, and it was necessary if they were going to continue to hire the new cadets to go into their Fire Academy classes, that it was something that needed to be done and was the most cost effective way of doing it and saved money by doing it this way.

Council Member Keller stated that he could not see where they were really getting an overall net savings, and he was trying to find out a cost per background check for the two purposes, the background check and the polygraph, that they seem to be able to identify the amount of money they needed over the next three years but could not seem to say for how many people, that he was for outsourcing when it did show efficiency and a net savings, that he could support it if it were a one year contract, because they had identified a one year need.

Council Member Keller moved to refer Item No. 34 back to the administration, seconded by Council Member Tatro.

Council Member Parker stated that she was under the impression it was a five year contract, and Mayor Brown stated it was a five year contract, and Council Member Parker stated it was less than \$250,000 per year, which changed the dynamics, and Mayor Brown stated that the funds were there and they paid per person that would be examined, that if they did not use it they would not spend it, and Council Member Parker stated it was a contract that they would draw against as needed so less than \$250,000 per year and an as needed contract, she would oppose the motion to refer back, and Mayor Brown stated that it was going to be more costly not to do what was being proposed, that it delayed the efforts to recruit and train the firefighters and urged them not to refer it back.

Council Member Alvarado stated that it was her understanding that there were some arson investigators who were not able to go out and investigate fires because they were doing the background checks, so she urged that they move on the item today in order to enable their arson investigators to go out and do what they were supposed to do.

Council Member Quan stated that when the item first came up last week there was the concern about what was the best use of the monies and believed in the background materials that were provided it did give a breakdown as to the cost, that he thought that the administration had provided the documentation to support why the item did make sense, that he would be against referring it back.

Council Member Robinson stated that he was not going to vote for the motion to refer back, but had another question that was somewhat germane to the issue in terms of the overall idea of freeing up staff and asked who did the background checks for the Police Department in terms of their cadet classes.

Council Member Parker moved to suspend the rules to hear from Chief Breshears, HPD, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0170 ADOPTED.

Chief Breshears stated that the Police Department had its own recruiting division and did their own background investigations inside that division. Council Member Goldberg absent.

Council Member Robinson stated that he wanted someone to visit with him because he would be interested in finding out how many police officers did they tie up in that division doing background checks that they could free up to put out on the street. Council Member Goldberg absent.

Council Member Sekula-Rodriguez asked Chief Breshears if he would be able to provide them a comparison of what it cost per polygraph and background check so they could compare it with the cost of the Fire Department and asked if there were any other departments that did background checks and polygraph tests, and Chief Breshears stated not that he was not aware of any, but could provide her with what the HPD cost was, and Council Member Sekula-Rodriguez asked if anybody had questioned them if they could be able to assist the Fire Department in doing some of theirs, and Mayor Brown stated that it was explored with the Police Chief, but it was still most cost effective to do what they were proposing, that they would have to add significantly to their budget in order to accomplish that objective. Council Member Goldberg absent.

Council Member Keller stated that in light of some of the comments and to maybe get

some more of the information as far as cost per background check plus polygraph he would withdraw his motion to refer back to the administration.

Council Member Keller moved to postpone Item No. 34 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0171 ADOPTED.

35. ORDINANCE approving and authorizing contract between the City and **BOYD, SMITH AND ASSOCIATES, LLC** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - \$789,600.00 - General Fund – **(This was Item 24 on Agenda of January 30, 2002, TAGGED BY COUNCIL MEMBERS TATRO, SEKULA-RODRIGUEZ and KELLER)** –was presented.

Council Member Keller moved to postpone Item No. 35 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city on personal business. MOTION 2002-0172 ADOPTED.

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

Council Member Robinson stated that he wanted to thank all the Council Members who came down to Clear Lake for the hearing on the San Jacinto Rail Line, that a couple of things came out of the meeting that he had asked the administration to take a look at, that one was a suggestion raised by Council Member Sekula-Rodriguez that the City look at asking the Surface Transportation Board to reopen the merger agreement relative to its acquisition of Southern Pacific to look at making some changes in terms of access to the old Southern Pacific lines that U.P. now owned so they could use that alternative route, that Council Members Alvarado and Sekula-Rodriguez and others raised the issue of the Port Terminal rail line and the restriction in that agreement that the line could only carry container traffic and if there could be some conversation with the Port Commission about making some change to allow for cargo out of the Bay Port Industrial Chemical area, that may give them a solution to the problem they were faced with long term and avoid the need for construction of the San Jacinto rail line, that he hoped that the administration would give it consideration and knew that the Mayor was also on the record of having intervened and expressing opposition to the line and the people in Clear Lake wanted to make sure to express to Mayor and the Members of Council their thanks for the support on the issue. Council Members Galloway, Wiseman and Berry absent.

Council Member Edwards stated that in talking with a lot of the civic clubs in District D a good number of those memberships were senior citizens and they liked to seriously address the Council to see if they could have CIP meetings in the future to be on Saturday's, at least one, so that senior citizens could be more available and ready for those meetings, that there was an issue in District D of how the citizens would get to those meetings in the evening and then get home and be true participants, and Mayor Brown stated that he would ask Mr. Haines to pursue that. Council Members Galloway, Wiseman and Berry absent.

Council Member Tatro stated that he had been hearing rumors and press leaks about the cost of the downtown rail system and that Metro was possibly seeking additional funding and assistance for transfer stations, etc. and requested that during the Mayor's report they invite Ms. Shirley DeLibrio and Mr. Robert Miller to come to Council and give them an update on the rail system as it now stood. Council Members Galloway and Wiseman absent.

Council Member Keller stated that he wanted to give a brief report on the status of a neighborhood named Briar Meadow in his district that had been concerned with noise from the Wal-Mart store that abutted them and was adjacent to the neighborhood, that Wal-Mart had been

expanding their facility on Dunvale and had agreed, as of February 1, 2002, to construct a sixteen foot high concrete sound barrier that would run the entire length of the property, that in addition Wal-Mart would plant trees and install aesthetic applications that would help absorb sound, that they had also committed to install chain link barriers and placing security guards at the northern corner of the Wal-Mart store and the southern corner of the Sam's Club to further police the trucks and prohibit their entry during restricted delivery times. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Quan stated that he wanted to thank Council Member Keller for his work on that issue, that he had received a number of emails concerning it. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Quan stated that on Thursday, Conoco would be having Olympic Marathon runners, Mr. Bill Rogers and Mr. Frank Shorter at Luke's Locker on West Gray, that it was going to be a big event to publicize the Conoco 10K run from the downtown area to the Astrodome, that Conoco had asked him to encourage more Council Members to attend the event at 5:00 p.m. tomorrow afternoon and thought that each of them had received invitations. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Quan stated that yesterday he and Council Member Goldberg had a chance to go to the Hobby Center for the Performing Arts and two very exciting things were announced at that time, that the American Music Awards would be held at Hobby Center and televised from the Hobby Center starting this year, that also they had a chance to meet Mr. Tony Curtis who would be performing the first musical at Hobby Center, "Some Like It Hot", in May, and Morgan Stanley was going to be a sponsor for that event. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Sekula-Rodriguez stated that she wanted to wish a dear friend and activist in the Hispanic Community well, that her name was Mrs. Olga Soliz and she was recovering very well from some serious surgery at Methodist Hospital. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Sekula-Rodriguez stated that she wanted to compliment all of the Council Members who went to Clear Lake and supported them in their initiatives regarding the BNSF rail and to reiterate what Council Member Robinson stated regarding the formal request to reopen the merger talks of Union and Southern Pacific in 1996. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Sekula-Rodriguez stated that she wanted to bring their attention to an article in the Houston Chronicle that brought light to a significant risk that people would start doing in a couple of months, that the article talked about a study that was just printed in the Journal of the National Cancer Institute and it finally proved that in human beings using indoor tanning would increase their risk of skin cancer. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Parker stated that they had been working on a proposed valet parking ordinance for some time and in January the Mayor, Council Member Alvarado and herself received a letter from the Destination Downtown Houston Association about what had happened with the ordinance and she quoted, "we issued a letter of support for the ordinance as long as it met certain requirements, that it had been over 10 months since we issued that letter and as a business who depend on a valet but who do not want to be at the mercy of them, we appreciate this ordinance being finally passed", that she spoke to the Legal Department and guessed the concern expressed was that no one seemed to be clamoring for the ordinance and were they

truly addressing a need, that she thought the reason no one was clamoring for it was that they achieved really broad consensus on what ought to be in the ordinance and everyone was patiently waiting, that she would appreciate if they could move forward on a valet parking ordinance again, that the Restaurant Association was on board and the downtown business and many downtown restaurants, and Mayor Brown asked Mr. Hall to follow up on it. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Parker stated that Sports Day was set for March 23, 2002 and Council Member Quan had been the captain of the City Council softball for two years and they had yet to play a game, that they got rained out every time, that she was encouraging Council Member Quan to once again be team captain, that they did not lose any Council Member players in their turnover of Council and hoped that they had gained players, that if there was some other sport that Council Members would rather participate in now was the time to get ready, and Council Member Quan stated that the City Clean Up Day was also scheduled for March 23, 2002 so they were going to have to move something around. Council Members Galloway, Wiseman and Robinson absent.

Council Member Alvarado stated that she too received the same correspondence regarding the valet ordinance and supported moving it forward. Council Members Galloway, Wiseman and Robinson absent.

Council Member Alvarado stated that she wanted to remind her colleagues that they had three weeks to go for their next weigh in. Council Members Galloway, Wiseman and Robinson absent.

Council Member Berry stated that he wanted to thank Mr. Paul Bibler, Legal Department, that they had brought a number of questions to him since joining Council and he had been very responsive and very thorough, that he wanted to thank Ms. Linda Hopkins, Ms. Carol Inup, Mr. Patrick Tab and Mr. John Vanden Bosch from F&A, that they had been very helpful in answering some of their questions, that Mr. Donnie Battenfield in Building Services had been very helpful to them, that Ms. Daisy Stiener in Housing and Community Development was also very helpful. Council Members Galloway, Wiseman and Robinson absent.

Council Member Berry stated that Council Member Parker had brought up the issue earlier with regard to prompt payment of contractors and Ms. Velma Laws was chairing a meeting tomorrow morning at 9:00 a.m. at 611 Walker on the 20<sup>th</sup> floor. Council Members Galloway, Wiseman and Robinson absent.

Council Member Berry stated that he wanted to give kudos to the Quality of Life Coalition led by Mr. Mack Fowler, Ms. Ann Lance and Mr. Dick Wheatley who lobbied TXDOT for more T21 enhancement dollars and those were Federal and State dollars, and they succeeded in obtaining 26% of the money dedicated to Texas, which was a huge increase and equated to \$34 million for Houston for landscaping and other enhancement projects along the freeways and other federally funded roads. Council Members Galloway, Wiseman and Robinson absent.

Mayor Brown stated that the City was very much a part of that coalition and were doing their fair share. Council Members Galloway, Wiseman and Robinson absent.

Council Member Ellis stated that he wanted to the Mayor for going out to the Alief Community yesterday and talking to the Alief Super Neighborhood and taking a look at their proposal, that he knew that a lot of their proposal they were already working on and there would be some issues that he hoped the Mayor would work with him on so they could implement their plan. Council Members Galloway, Wiseman and Robinson absent.

Council Member Ellis stated that on Saturday they had an individual pass away who had been a pillar in their community, retired Judge Neil McKay, that he had the opportunity of working with him, that he was 84 years old. Council Members Galloway, Wiseman and Robinson absent.

Council Member Ellis stated that Chief Bradford announced at 10:00 a.m. the formation of a new warrant task force to begin addressing the City's problem with over 300 outstanding traffic warrants, that the task force was a unique public private partnership between HPD and the City's private collector, that the task force would use off duty police officers to serve warrants at night and on weekends, that it was primarily being funded by the private collector, that he was announcing it so anybody who had traffic warrants could come in and pay those prior to February 12, 2002, that they hoped it would generate some revenue to the City. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Ellis stated that he was going to request the administration to direct HPD and Legal to enforce Chapter 8, Section 126 as amended by the City of Houston, Ordinance 2001-1079, that they voted on it December 5, 2001 and they were presently not enforcing the ordinance, that it was the open tow contract and would strongly urge the administration to push forward with it, and Council Members Berry and Alvarado stated that they too supported the ordinance. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Ellis stated that he wanted to recognize his brother-in-law, Mr. Bradley Crawford from Kansas City who was present and visiting the City of Houston. Council Members Galloway, Edwards, Wiseman and Robinson absent.

Council Member Goldberg stated that he wanted to echo Council Member Quan regarding TUTS, that they had a kickoff reception at the Hobby Center and announced that May 18, 2002 was their first gala and Mr. Tony Curtis would be performing in the first musical. Council Members Galloway, Edwards, Wiseman and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:24 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Quan. Council Members Galloway, Edwards, Wiseman and Robinson absent. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary