

City Council Chamber, City Hall, Tuesday, February 12, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 12, 2002, with Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, 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. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Gabriel Vasquez out of the city on personal business.

At 2:05 Mayor Pro Tem Quan stated that they would start with Council presentations and recognized Council Member Robinson for the first presentation. Council Members Goldberg, Ellis, Keller, Parker and Berry absent.

Council Member Robinson stated that today he was very fortunate to have a very good friend present and invited Mr. Gary R. Smith to the podium, that Mr. Smith was recently honored as the International Country Gospel Entertainer of the year and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed January 15, 2002 as Gary R. Smith Day in Houston, Texas. Council Members Keller and Berry absent.

Mr. Smith sang a song for the audience and stated that he had been honored with all kinds of awards from all over the world, but to be honored by the City of Houston had to be at the top of the list. Council Members Keller, Parker and Berry absent.

Mayor Pro Tem Quan stated that he wanted to extend best wishes as he continued in his career as an ambassador for Houston, that they were so honored to have him present. Council Members Keller, Parker and Berry absent.

Council Member Galloway invited Mr. Roy Douglas Malonson to the podium and read a proclamation that proclaimed that Mayor Lee P. Brown hereby proclaimed February 12, 2002 as Roy Douglas Malonson Day in Houston, Texas. Council Members Keller, Parker and Berry absent.

Mayor Pro Tem Quan stated that Mr. Malonson was a person whom he had known for many years and had given so much back to the community, that they were honored to have him present. Council Member Keller absent.

Mr. Malonson stated that he was honored that Council Member Galloway had decided to give him an award, that it was very dear to his heart, that it was an honor to receive an award of any kind of their City and community, that when someone from their homeland said thank you and a job well done he was indeed honored and grateful. Council Member Keller absent.

Council Members Edwards, Robinson and Berry offered their thanks and congratulations to Mr. Malonson. Council Member Tatro absent.

Mayor Pro Tem Quan stated that today was the Chinese New Year and the Year of the Horse began today, that they had several distinguished members from the community present, Mr. Lee, Mr. Lu, Ms. Wong and Mr. Robin Fing and invited them to the podium.

Mr. Lee, Publisher of the Southern Chinese Daily News, stated that he hoped everyone had a Happy Chinese New Year, that as usual the Chinese Community had a celebration every year and this weekend they would have their sixth annual Chinese New Celebration on Bellaire Blvd.,

that they would have two locations, that one was the Hong Kong City Mall, Bellaire and Boone Road, and they would have an exhibition at the Southern Chinese Daily News building and he hoped that everyone could attend, that today he brought his colleague, Mr. Lu, who owned an antique gift shop on Bellaire Blvd., and was in charge of the entertainment program, also Mr. Robin Fong, publisher of the Senior Citizen Voice, and Ms. Wong from Wong General and asked Mr. Robin Fong to say a few words. Council Member Tatro absent.

Mr. Fong stated that he wanted to wish everyone a Happy New Year, that in Chinese tradition they always wanted good fortune, good luck, lots of money and lots of food and presented a small gift and posters to each Council Member for the Chinese New Year celebrations. Council Member Tatro absent.

Mayor Pro Tem Quan stated that Mr. Lee was the publisher of the Southern Chinese Daily News and the news building was quite a monument to his ingenuity and enterprising ability, that it had opened very recently and was almost a community center for classes and different styles of Chinese and Japanese art, that he had really opened his doors to let the community in, and hoped that the Council Members could attend the celebrations, that it started at 11:00 a.m. until 6:00 p.m. on both Saturday and Sunday, that the program would begin about 12:30 p.m., that the Hong Kong City Mall was the largest Asian Mall in the United States, over 26 acres, that they were very proud of the accomplishments of the community, and he wanted to wish them a very Happy Chinese New Year and a Happy Year of the Horse to everyone in Houston. Council Member Tatro absent.

At 2:26 p.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Parker led everyone in the prayer and pledge of allegiance.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Tatro absent.

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

Council Member Galloway moved to suspend the rules to hear from Dr. Margaret Ford out of order, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. MOTION 2002-0173 ADOPTED.

Dr. Margaret Ford, 555 Community College Dr., Houston, Texas 77013 (713-713-8008) appeared and stated that she was President of the Houston Community College Northeast, that the Northeast College was one of five regional colleges of the Houston Community College System which served a total of 52,000 students in the City of Houston, that the college was located within the northeast sector with boundaries that comprised the northern most part of HISD to the north, the Ship Channel and Buffalo Bayou to the South, Greens Bayou to the east and Hempstead and Bingle Road to the west, that the northeast college alone covered a total of 125 square miles and served a total of 11,500 students per year, that the majority of the students enrolled at the northeast college lived within the northeast sector of the City and attended campus at either the Pinemont Center, at Pinemont and Ella and close to Acres Homes, the Northline Center, located at Northline Mall and the Northeast Campus located at I-10 East and Hwy 610, that this semester enrollment was up at the college by over 10% and throughout the Houston Community College System enrollment was also up as residents were returning to college to pursue new training and career opportunities, that within the northeast sector and the

125 square miles statistics showed that over 75% of the residents of the community were low income, that additionally over 40% of the residents lacked a high school diploma or a GED, that over 50% of the residents comprised of single parent households, thus requiring child care support as they pursue their education, that many of the residents in the northeast lacked transportation, thus they worked closely with the schools, churches and the neighborhood businesses to create a united front for education, training and economic development within the community, that they partnered, for example, with Metro and Metro provided passes, that they partnered with area businesses for scholarships, equipment, tuition reimbursement to meet the needs of the workforce, that they out source child care for the residents and tried to provide education and training in an easily accessible location for the residents, that they recognized that if they were to educate, train and improve the quality of life they must work in collaboration with the public and private sectors for the good of the total community, that when she and her staff met with Council Member Galloway, Liebherr-America Executives and Members of the Greater Houston Partnership in June of last year, Council Member Galloway emphasized the need for education, training and quality jobs for her district, that they talked to their partners about education and training that the Houston Community College could deliver in re-manufacturing via their manufacturing technology program, that they talked about the training they delivered in short term entry and exit points that certified residents for high paying jobs, that they talked about the demographics of the northeast community and the high demand for student scholarship support for residents of the community to pursue the short term training, not just in manufacturing and re-manufacturing but in other fields as well that would serve the needs of other area businesses and all of that was to improve the quality of life of the community, that this connection, the individual who lacked the skills, the public sector and the private sector collaborating together to transform a community was an example of economic development in its finest form, that the Houston Community College System, under their Chancellor, Dr. Bruce Leslie and the Northeast College under her leadership were devoted to a skilled workforce for all of the City of Houston and Harris County and they counted on them, their elected officials, to make the political decisions that would assist them as they continue to provide education opportunities and improved quality of life for all Houstonians who would become taxpayers. Council Member Berry absent.

Mayor Pro Tem Quan stated that he wanted to thank Dr. Ford for being present, that she was doing a wonderful job and he had a chance to see some of their campuses and knew that in their interactions she was providing great leadership to the Northeast Campus. Council Member Berry absent.

Upon questions by Council Members, Dr. Ford stated that everyone was very enthusiastic about providing the education and training that Liebherr-America would need, that there would be jobs created in the northeast sector and greater opportunities that would be made to residents of the community and to the entire City of Houston if Council decided to approve the proposal that was on the agenda, that one of the areas would be in training workers in re-manufacturing, that they would provide the training on site at their campuses for some of the courses that would be required and on site at Liebherr-America as well, that they would make available training rooms for them and had indicated that they would also allow them to use their machinery for on campus, that would eliminate the necessity for their buying equipment to provide the training for that particular locale, that in terms of scholarship support, they had found while they had the various grants available for students it was very limited and they also had federal government support, so what they would seek to do was to gain scholarship support from Liebherr-America to support education and training for the residents of the community, that the average age of the community college student was 28 years old and in many instances they had students who were coming to them who had been in the workforce and did not have jobs that were paying sufficient incomes to maintain the livelihood that the residents would like to have, that they also had students who had graduated with a degree but could not find a job in one of the fields that they

might have studied in so they came to them to get a short term certificate so that they could gain employment and they assisted with that, that they also had students who came to them from high school and they prepared them while they were enrolled in the technical programs in high school to go into various workforce fields, that she would anticipate that the person who would be training for the manufacturing and re-manufacturing program would be an individual who had skills in that area and was under employed and would be seeking an opportunity to gain the skills, confidences and tools necessary to qualify for a higher paying job, that they outreached and had a tremendous partnership with the area churches, civic associations, with the parent teacher associations, and with all of the partners in business and industries, that they sent out newsletters as well throughout the community. Council Member Berry absent.

Mr. James Flakes, 1900 N. Loop West, Ste. 160, Houston, Texas 77018 (713-680-3338) appeared and stated that he was representing Worldwide Security, that he was the manager for security operations for Worldwide, that they had some concerns in regards to the recommendations for the City of Houston contract that had been sent forth for recommendation to the City Council and was recommended for Pinkerton Security, that one of their concerns were the City's priority concerns in this selection, that part of their clients were not able to seek any recommendations on their behalf for the selection process, that they did not participate in any of the selection process, that Worldwide had been serving the City of Houston for the past four years, that they were a Los Angeles based company and had purchased the company, that he believed that IBS Security had the contract before they purchased it, that they serviced the City with the Parks and Recreation, the Houston Libraries and currently the City of Houston Health Department and believed they had done well, that they were told that the contract was awarded already but had really just been recommended to the City Council, that they were told the information from the Purchasing Department and they met with the Purchasing Department and tried to iron out some things and they had some concerns that they wanted to address. Council Member Berry absent.

Upon questions by Mayor Pro Tem Quan, Mr. Flakes stated that their firm received the Request for Proposal and originally they came to the pre bid conference and there were several issues in the RFP that were addressed, that there were some changes that were going to be made and one of the changes was the date to turn in the request, that there was going to be an extension to October 5, 2002, but they received a phone call from Ms. Teresa Clark three days before the 21st and he thought it was the 18th, and she was requesting their bid and they asked her what about the extension of October the 5th and she said it was not in writing, however they did get the bid in on time, that they were not informed of the changes and he was informed that there could be a record of a letter that was sent out, that there were no questions that they had, that they thought they had an extension but they remained with the September 21, 2002 date, that since then they had looked at the evaluation matrix and that was part of their concerns, that they realized they were one of the lowest bidders and he knew there were other issues that were part of the selection process and they had concerns about the priority listings on that.

Upon questions by Council Member Tatro, Mr. Flakes stated that as to technical solution there were some items in there such as radios and that was approved, that they used the handheld Nextel radios and then the hand wand device that they used, that it was what type of communication they had and that was all they had, that they were not actually clear on technical solution, that they were not able to address it because the date changed from October 5th to September 21st, that it was not evident in the RFP that the technology they used that there was some preferred method, that he was not familiar with what they called for as a management plan, that what they actually went on was what they were currently doing for the City of Houston Health Department, which the contract was basically structured after and would provide a project manager and a structured site supervisor, that what the City wanted was pretty laid out, that the management plan was pretty much spelled out, that they were not given the opportunity to be

able to judge what the management plan was, that total service and support commitment he was not familiar with what that meant in the RFP, that they were not evident that they should have embellished or enhanced in the RFP, that they had to somewhat give a blind estimate of how much overtime that they could possibly use throughout the contract and implement it, that they had bid contracts with and without overtime rates.

Upon questions by Council Member Parker, Mr. Flakes stated that they understood that Pinkerton had been awarded the contract for the City of Houston, however that was not so, that he did attend the pre bid conference and they had an opportunity to ask questions about the contract and they were given an extended date to refer to other questions, that the department did say it was going to be a scoring matrix, that they did not take the assumption that it was going to be a low bid, that they were not allowed to make a presentation, that if no one else made a presentation either it was not a problem, that their purpose for being present was not to question the integrity of the selection process or be sore losers, that their position and concerns was that the people that they were currently servicing did not play a part in the selection process or did not even receive consideration of their performance. Council Member Tatro absent.

Council Member Robinson moved to suspend the rules to continue questions of Mr. Flakes by Council Member Edwards, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Tatro and Galloway absent. Mayor Pro Tem Quan presiding. MOTION 2002-0174 ADOPTED.

Upon questions by Council Member Edwards, Mr. Flakes stated that they felt they were not given a fair opportunity, that they were not able to address the changes that were made in the pre bid conference, that he was not prepared to give an example, that he did not have his notes from the pre bid conference, but there were many changes that had to be revisited by the people who prepared the RFP, that as he understood it there were letters sent out that they did not receive and he was told that they were certain that there was a record of a letter sent out, that he guessed they could say he was challenging the integrity of the process. Council Member Galloway absent.

Mayor Pro Tem Quan stated that they had extended the rules to allow Council Member Edwards to ask questions and the rules now provided that since the 5 minutes had now expired he would be added to the end of the list of speakers if Council Members had further questions. Council Members Galloway, Alvarado and Robinson absent.

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

Mr. Lee LaBrada, 403 Century Plaza Dr., Houston, Texas 77073(281-774-1301) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Alvarado and Robinson absent.

Ms. Tynikka Bowie, 10114 Rockaway, Houston, Texas 77016 (713-631-0761) appeared and stated that she was present regarding the presence, response time and attitude of the Houston Police Department and the dispatchers at the non emergency number, that on Monday February 4, 2002 she was attending a monthly Fontaine Scenic Woods Civic Club meeting, for whom she was secretary of, and while taking a note to protect their neighborhood from drugs and crime, her vehicle was being burglarized, that she had lived in the neighborhood all of her life and had never had it happen, that the meeting was at the Scenic Woods Public Library Branch, where there was no security outside nor any surveillance cameras, that she believed if there was some type of police presence in their neighborhood that may not have happened, that the only

time they saw HPD in their neighborhood was when something was going on, that there had also been times when she had called the non emergency number to report a disturbance of some type and it may take hours for an office to come, that the dispatchers at the non emergency number were very rude to her and gave her a lot of attitude when she called about the burglary, that they told her to go home and call from home because they did not know when an officer would be able to be there, that no one called or came out to take her report, that she had to call the substation on Ley Road where Lt. Kennedy sent out Officer Hernandez to take her report, that he was there in 15 minutes and was very courteous, empathetic and professional, but still she had to call Capt. Borowski's office for anyone to take notice that she did have a complaint and report to file, that she appreciated their concern and promptness, however there was still a problem with presence in their community, that Constable Ken Jones of Precinct 3 had offered to provide security at no charge for their functions, what could HPD do, that she appreciated Council Member Galloway's office and her staff for their immediate attention to the situation but what was going to be done about the community, the burglary's, the drugs, the speeding down the streets that their children played near by, that they needed police presence in their neighborhood and needed action today. Council Members Tatro, Galloway, Goldberg, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that they had instructed Capt. Borowski to do an investigation and meet with her to see what could be done, that they had also asked for an investigation on the emergency communication's division and Capt. Ready was going to be heading that up to see why she was treated that way when she first called, that a representative of the Police Department was present, Chief Stewart, who would meet with her. Council Members Tatro, Galloway, Goldberg and Robinson absent.

Council Member Sekula-Rodriguez stated that Ms. Bowie had mentioned that they had gotten satisfaction with the Constable's office, and Ms. Bowie stated that where their neighborhood was it was a fine line and the Constable had only offered to provide for the neighborhood functions and that was because they had an officer who came out to their meetings every month, that they wanted some type of presence or patrol outside, and Council Member Sekula-Rodriguez stated that she would like for Ms. Bowie to contact her office so they could help her follow up on it. Council Members Galloway, Goldberg and Robinson absent.

Council Member Edwards asked if there was a storefront in that particular area, and Ms. Bowie stated that the only storefront was on Jensen, between Tidwell and Laura Koppe and that was quite a ways away. Council Members Galloway, Goldberg and Robinson absent.

Mr. Johnnie Farrar Brown, 2520 Elgin, Houston, Texas 77004 (713-223-1656) appeared and voiced his personal opinions on the area lawlessness until his time expired. Council Members Galloway, Goldberg and Robinson absent.

Council Member Edwards asked Mr. Brown if he lived in the area commonly called Third Ward or the Bottoms and was he familiar with the organizations that were trying to address the situations that he was talking about and did he work with them at all, and Mr. Brown stated yes. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mr. Anthony Flenoy, 2520 Arbor, Houston, Texas 77004 (713-752-7435) appeared and stated that he was present on behalf of the Council of Inner City Little League Baseball with an invitation extended from their President and Chief Executive Officer, Mr. Steven Kenner, from Williamsport, PA, as well as the Urban Initiative Director, Mr. David James, that they wanted to invite everyone to attend a function on February 13, 2002 at 2:00 p.m. at the Hilton Hotel University of Houston Main Campus, 4800 Calhoun Road, that they were having a Urban Initiative Campaign Kickoff that was hosted by the Little League Baseball and the Hilton Foundation, that

he wanted to thank Council Members Berry and Alvarado for their RSVP's in advance and also wanted to interject something that he recently found out, that Council Member Edwards formerly coached Little League Baseball, that he wanted to extend thanks from the CHILL Group to Mr. Spellman and the Parks Department for their active participation in the CHILL Organization and for the assistance they had given to the Inner City Little League's, that the CHILL Organization stood for Council of Houston Inner City Little League and was an eleven member group of which the Parks Department was a part of the Council, that they had volunteer members and their objective was to bring Little League Baseball into the inner City of Houston, that they were the newly formed south central Little League which encompassed Third Ward and the Sunnyside area. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to thank Mr. Flenoy for being present and knew the value of Little League Baseball especially to the kids of the inner city. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Alvarado stated that she wanted to encourage her colleagues to participate, that it was a great program for their kids. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Edwards stated that she wanted to commend Mr. Flenoy on the work he had done on his own initiative, that they would be excited to work with him. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Berry stated that he knew there were groups of them spread out through the inner city that were working for Little League serving the kids on their own time, that he thought he was doing a wonderful job, and Mr. Flenoy stated that the Vice President of the South Central Little League, Mr. A. J. LeDay was present also. Council Members Galloway, Goldberg, Keller and Robinson absent.

Mr. Glenn Thomas, 5838 South Lea, Houston, Texas 77033 (713-643-1696) appeared and stated that he was present on corruption in the home repair section in the City, that he had appeared previously and Mayor Brown assigned a special inspector for the City to look over the process of which he was complaining about but it got worse, that it was to the point of severe corruption, that he was also requesting that one of the City inspectors be fired for evaluated, that he was also calling for a deletion of one of the City contractors who had no respect for the Mayor and Ms. Bingham of the Houston Housing Authority and himself and he bragged about getting contracts when he wanted to, that he met at his home yesterday with the President and Vice President of the Urban League and told them that he would be going before the City Council to expose corruption within the Urban League City's inspector, that the Urban League was a very credible organization and knew that Ms. Brooks and Ms. Watkins had nothing to do with the particular corruption, that he had mentioned to them about the letters and the contract that was broken and the atrocities that were done to his home, that he was under a City contract and the contract was completely avoided with contractors sleeping in his house and eating his food and putting his furniture out in the rain and putting cement in his yard and spraying bad products in his yard and the City inspector, Mr. Charles Seamed should have put out a report that indicated those type of atrocities to a participant of the program, but he did not, that he was presently out of his home and relocated by the City. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they did have a contract with the Houston Area Urban League and wanted to make sure that the quality of the work was done properly, that Mr. Bibler, Legal Department, was present and if Mr. Thomas thought that there was legal action that should be taken they would be glad to take that information and see what they could do, that Mr.

Michael Halpin was present and would meet with him and get the information and as part of the Housing Initiatives Committee would follow up to see that the contractors that they assigned did in fact do their work, and thanked him for bringing it to their attention and they planned to take action. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to meet with him and see where they were on the situation, that he made some very serious allegations, so she would like to talk to him further about it. Council Members Tatro, Galloway, Goldberg, Ellis, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

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, Goldberg, Ellis, Keller, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Mr. Joel Taylor, 2280 Lain Rd., Spring, Texas 77379 (713-308-3000) appeared and stated that he was proud to say that he was an employee of the great City, that he had lived in the City for 42 years and had 24 years electrical experience, that he had been employed in the Public Works Traffic Management group for 12 years, that what was the daily life of an electrician employed in the Traffic Management Division, that they arrived for their shift not knowing what the day would entail but ready in a moments notice to respond to the task presented them, that an example was that they may be 30 feet in the air repairing cable over a congested roadway or repairing a controller cabinet that was damaged in an accident, that most of the time they were responding to an emergency call alone, not knowing what to expect, rain or shine they produced, that their City had come a long way in 12 years, that when he arrived in the City over a decade ago 90% of all traffic signal controllers were mechanical, that the City was in the process of updating its signal operation to the state of the art electronic equipment, that over the years it meant many schools, training seminars and learning both in the classroom and in the field, that he was trying to say that he and all of the electricians in his division played a vital role in maintaining traffic flow in the great City, that they were not policemen or firemen and were not in the spotlight politically but were essentially the individuals responsible for getting the citizens, emergency personal, he and Council Members from point A to point B, that according to an article in the Houston Chronicle on January 25, 2002, the electricians in the Houston area were making approximately 200% more than the electricians at the City, where were their cots of living raises, that the people on the top never got left out, that what were his options, that yes he could leave the City for more money as many had done, but he had invested 12 years of his life into the City and was not looking for the easy way out, that he honestly cared about the welfare of the City and the traffic flow problems presented to the City on a daily basis, a few facts about their department, that they maintained or repaired 2,200 intersections, 1,350 flashing school zones and all freeway lighting in their jurisdiction, that they ran 75 to 100 emergency and trouble calls daily and approximately 2,700 calls per month and 15,000 calls year, that they accomplished this task 24 hours per day with 67 electricians and they had 7 vacancies that there was a hold on right now, among others, that listening to the radio each morning they all hear that there were a couple of malfunctioning intersections in the City and the other side of the picture was that there were 2,198 working properly, that they were losing many qualified individuals that were essential in their operation of traffic signals, that they were not all naïve and were aware that there were individuals willing to work for the great City, what they wanted was to keep their trained and qualified individuals otherwise their City was just training other cities and private contractors great employees, that he was asking as a concerned friend to please not forget their traffic signal electricians in their process, that they cared and hope that all of them did as well. Council Members Tatro, Galloway, Ellis, Keller, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Taylor was absolutely right, that they performed a very vital service to the City, that someone else from his department had appeared two weeks ago and raised similar concerns and everybody was very sympathetic, that they were beginning to go into their budget cycle and civilian employees had been under appreciated by the City, that how they would find those funds was going to be a challenge, that they could not expect people to continue to work and not get a fair salary for their services, that what he brought to Council was certainly a very understandable and sympathetic cause and they just needed to find the money and begin to address those. Council Members Galloway, Ellis, Keller, Sekula-Rodriguez and Robinson absent.

Mr. David Schovajoa, P. O. Box 70190, Houston, Texas 77270 (713-956-6662) appeared and stated that he was President of the Limousine Association of Houston, that they were thoroughly dismayed that F&A proposed to double the limousine license fees, that at least some lip service was given to driving small operators out of business, but not much, that as of January 10th they already had 18 fewer operators than there were on September 7, 2001, that after the 9/11 disaster they anticipated losing some licenses especially after the forced closing of the airports, that now in light of dramatically reduced business Council was considering doubling their financial burden and fees, nor was there any mention of increasing or improving City services rendered to account for a fee increase, that the increase was apparently to make up for the City's spending ways, that when Council revised the limousine ordinance over a year ago they allowed the stretch rule, that they agreed with drug testing even though there was a fee involved, that they allowed the phony limo drivers license, even though it obviously did no good, that they allowed and agreed with more stringent FBI background checks, that even through they allowed more requirements to be put on limousine operators they had received no benefit or added service in return and the one request that they had made of the City, that being to control illegal solicitors at the airport was both blatantly and consciously ignored, that the Limousine Association of Houston, their members and the industry in general felt that there was no justification for an increase in license fee, especially not in light of current economic conditions, that they respectfully asked Council to eliminate any consideration of increasing license fees and not put any additional burden on the back of an already belligerent industry, that in addition Houston limousine drivers were still barred from entering the airport terminals even though airports in New York, Chicago and Los Angeles allowed limousines to park in their usual places and allowed drivers into the baggage area, that they understood that a formal request for amendment to the FAA unattended vehicle rule must be made by each airport and they were curious as to why Houston's airports had not made such a request. Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that there was nothing in front of them that they were considering, that they had just laid it out and the administration had not brought forward a plan yet, that she was more concerned with the issue of their not being able to get back into the terminal and asked the administration why they could not get it done. Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he did not have an answer but planned to get that for them and see what they could do on that. Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Berry, Mr. Schovajoa stated that he was President of the Limousine Association, that a limousine may not have any outside markings and must be by a prior reservation, that it carried a log of trips in either electronic or paper form and it may not

charge less than \$25 per hour with a two hour minimum, that stretch limousines must be 10 years or less, and Council Member Berry stated that he would like to visit with him. Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she appreciated his being present, that she certainly hoped that it was something that they could move on quickly. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Council Member Edwards asked when was the last time when fees were increased and Mr. Schovajoa stated that he did not know, that right now everyone was used to the fee of \$400 per vehicle if they went to \$800 per vehicle it would drive many of the small drivers out of business, that they had no problem with the current fees, that they did not feel there was any justification for any increases. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Ellis, Berry, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Dr. Motapa, 5922 Martin Luther King Blvd., Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Ellis, Berry, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Gregory McAfee, 4511 Kingsbury Ln., Houston, Texas 77021 (713-748-5211) appeared and stated that he was present regarding parking tickets, that tickets were being issued by the Texas Medical Center security people, that they were not peace officers and were issuing tickets on the streets of Houston and from what he understood they had been trained by the City of Houston in order to perform the task, that the problem was that they were issuing tickets in places where one could park, that he had talked to various people in Traffic Management on site and showed them the signs, that one sign said no parking from 7:00 a.m. to 9:00 p.m. or 4:00 p.m. to 6:00 p.m. on school days, that in the summer time traffic tickets were issued, that there was another sign that said they could park only on Sundays and this past Sunday he received a traffic ticket, that his ticket was dismissed because the person who issued the ticket was not a peace officer, that it looked like a conflict of interest that the people who were patrolling the area and gave the tickets in an unlawful manner, that he wanted someone to look into this matter, that he felt that he had exhausted his other avenues as far as resolving it. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. McAfee stated that if they brought proper evidence then they would dismiss the ticket, that the burden of proof always rested on the individual that received the ticket. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Keller stated that he would like for Mr. McAfee to get with Mr. Cantu, Citizens Assistance, that it was not directly the City's jurisdiction but was something that he could help mediate and get further information for him. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Mayor Pro Tem Quan,

Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Ali Elbatineh, 6901 Canal, Houston, Texas 77011 (832-489-940) had reserved time to speak, but was not present when his name was called. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (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. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (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. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Berry, Parker, Sekula-Rodriguez and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Mr. James Flakes was again invited to the podium and upon questions by Council Member Tatro stated that he was not made aware of the scoring system, that when he submitted his bid he submitted a MWBE participation, that they had a contract now with the Health Department and was familiar with the MWBE qualification, criteria and requirements, that they also had contracts with the Library system, Parks and Recreation and Municipal Courts, that they dealt with two minority vendors and their bid contained it, that they did not know why they would have gotten a zero for the MWBE and did not have any meetings set up with the Building Services Department and that was something they could explore, that they were not aware of how the scoring would be or how it went, that typically it was based on price and availability, that it was not clear in the RFP. Council Member Galloway, Ellis, Sekula-Rodriguez and Robinson absent.

Upon questions by Council Member Edwards, Mr. Flakes stated that to his knowledge none of the departments that he worked for did any part of the evaluation process, that they had questioned some of the clients in regards to how the selection process went about, that they had no knowledge of how it took place, that he was not aware if the four departments that they worked for were on the evaluation process, that he would assume that the scoring from those four departments would be very high in their regards, that specifically with their Health Department contract.

Council Member Parker moved to suspend the rules to extend the time to question Mr. Flakes, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-0175 ADOPTED.

Council Member Edwards stated that Mr. Flakes was saying that he was not aware of any departments that he worked for being a part of the evaluation process and if there were departments that his company had provided services for and they gave an evaluation of the services did he think that evaluation would be pertinent to the committee's decision making process, and Mr. Flakes stated that he would like to think so. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

After further discussion, Council Member Parker moved to suspend the rules to hear from Mr. Don Thompson, Building Services, seconded by Council Member Tatro. All voting aye.

Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-0176 ADOPTED.

Upon questions by Council Members, Mr. Thompson stated that when the pre bid meeting was conducted the priorities of the bid were explained, and to the best of his knowledge the criteria was listed on page 49 of the RFP book, that the actual numbers of the scoring and rating were not there, that the evaluation committee was made up of himself, his security manager who handled the day to day operations of the current contract, a representative from the Parks Department, a lieutenant from the Police Department who was over Municipal Courts and the Division Manager who was over City Hall and the City Hall Annex, that he did not have the information with him regarding the MWBE scoring for Worldwide, that he would have to go back and look at it, that as to price, the amount of money needed to provide the service, being graded as the 5th most important in the seven category's, the matrix that they used was a standard matrix and was used by other departments in the City for these services, that there had been other departments who used the same matrix, that on page 49 it did not list technical solution as a criteria it just specified what was technical solution, that he had a blank matrix but did not have a scored matrix, that it was a standard matrix for this particular type of service, the first time they used it was three years ago for a Public Works Department contract. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

Council Member Tatro stated that he wanted a copy of page 49 and also wanted to know why they had technical solution two and a half times more important than price, why they had management plan two times more than price, and he wanted it in writing, because they considered price 5th in priority, that technical solutions, management plans, total service and support commitment and experience and reputation were all weighted much more heavily and he thought they should get to a more objective scoring system as opposed to a subjective scoring system, that he would be very interested in knowing how the objectivity of those four criteria was weighed within each of the contracts. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

Upon further questions by Council Members, Mr. Thompson stated that the matrix was submitted with the RFP, that there were no values attributed to the matrix in the RFP, just the criteria, that he did not have an answer as to why they did not assign values to the matrix that they put in the RFP, that he did not know if a matrix was submitted with other RFP's, that the philosophy regarding management and technical skills had not shifted any since 9/11, that it was basically the same, that they wanted the best service for the citizens, that the MWBE for Mr. Flakes should not have been missed, that he had no idea if it was missed, that they could meet with Strategic Purchasing to see if the matrix needed to be reviewed, that Building Services was comfortable with the process and the procedures that were used. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

Council Member Edwards stated that she would like to know the MWBE status by the afternoon. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

Council Member Parker stated that she wanted to point out that they did have a discussion at the Fiscal Affairs meeting where Council requested that the item be discussed on how weighting was achieved and why they were not going with a low bid on the security contract and would ask in the future that Council Members really make an effort to take advantage of those opportunities to ask the questions since they did schedule it, that it was a long meeting, but they did have all the information present at that time and was hoping that they could get the questions answered before tomorrow morning.

At 3:43 p.m. upon motion by Council Member Goldberg and seconded by Council Member Edwards, City Council recessed until 9:00 a.m., Wednesday, February 13, 2002. Council Member Galloway, Ellis, Alvarado, Sekula-Rodriguez and Robinson absent.

City Council Chamber, City Hall, Wednesday, February 13, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 13, 2002, with Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Gabriel Vasquez out of the city on personal business.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 Mayor Pro Tem Quan reconvened the meeting of the City Council. Council Members Goldberg, Wiseman and Ellis absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS – NUMBER 1

1. CONFIRMATION of the appointment of **MS. DAWN R. ULLRICH** as Director Convention and Entertainment Facilities Department – was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Members Goldberg, Wiseman and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2002-0177 ADOPTED.

Mayor Pro Tem Quan invited Ms. Ullrich to the podium and stated that he wanted to wish her congratulations on her appointment. Council Members Goldberg and Wiseman absent.

Ms. Ullrich stated that she wanted to thank Mayor Brown for nominating her for Director of Convention and Entertainment Facilities Department and thanked the City Council for confirming that nomination today, that it was certainly a proud day for her and she introduced her husband Lee, her children Ross, Greta and Carolyn and in-laws Dorothy and Leon Ullrich, that she was proud of the City's contribution to the work of an active arts community and a strong hospitality industry and looked forward to continuing to work on issues that contributed to the health of both of those groups, that as part of their work their department cared for the most beautiful buildings in the City and considered that responsibility to be a public trust and would continue to care for them and plan for their future accordingly, that she was proud to work shoulder to shoulder with a staff who knew their jobs and got them done consistently and well each day, that many of them were present and she appreciated that, that a change of directors had not happened in over 20 years, that she had been proud to work for Mr. Tollett and was pleased to continue to do so in his capacity of President of the Convention Bureau. Council Members Goldberg and Wiseman absent.

Council Members congratulated Ms. Ullrich on her new position as director. Council Members Goldberg and Wiseman absent.

ACCEPT WORK - NUMBERS 2 through 15

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$21,528.00 and acceptance of work on contract with **PROJECT DEVELOPMENT GROUP, INC** for Abatement and Demolition of Fire Station No. 33, GFS C-0076-01-5 - **DISTRICT H – VASQUEZ** had been pulled from the Agenda by the Administration and was not considered. Council Member Weisman absent.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$231,597.09 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhoods to Standard, Tier VII North Lindale Community Overlay Project, GFS Q-1300-04-3 (OL2004) - 30.61% under the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0178 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,570,376.29 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Modifications to Sims North WWTP, GFS R-0299-01-3 (4105-2) - 01.82% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0179 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,595,094.57 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Rehabilitation of Southeast and Sagemont Wastewater Treatment Plants, GFS R-0522-01-3 (4747) - 00.33% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0180 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,269,071.68 and acceptance of work on contract with **JALCO, INC** for Sanitary Sewer Rehabilitation in Northwest, GFS R-1034-03-3 (4260-7) - 10.05% under the original contract amount - **DISTRICTS A - TATRO and B - GALLOWAY** – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0181 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,583,771.08 and acceptance of work on contract with **FERGUSON CONTRACTORS, LTD.**, for Northeast Service Area Relief Sewer, GFS R-2011-04-3 (4714-01) 04.58% under the original contract amount - **DISTRICT E -**

WISEMAN – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0182 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$563,073.36 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Water Line Replacement in Silverdale Subdivision, GFS S-0479-01-3 (10482) - 02.76% under the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Keller, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0183 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 19

17. **CONSOLIDATED TRAFFIC CONTROLS, INC** for Remote Activated School Flasher System Replacement Parts for Department of Public Works & Engineering - \$726,936.50 - General Fund – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0184 ADOPTED.
18. **JERDON ENTERPRISE, L.P.** for Emergency Storm Sewer Repairs for Department of Public Works & Engineering - \$81,407.39 - Street & Drainage Maintenance Fund – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0185 ADOPTED.
19. **AL'S ENGINE & EQUIPMENT** for Equipment, Toro Lawn Mower and Edger Replacement Parts for Various Departments - \$80,500.00 - General and Enterprise Funds – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0186 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 40

21. ORDINANCE approving and authorizing lease agreement in connection with Runway 15R Navigational Sites at George Bush Intercontinental Airport/Houston by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION - DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0089 ADOPTED.
34. ORDINANCE appropriating \$491,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between

the City of Houston and **AMANI ENGINEERING, INC** for Design of Water Main Replacements in the Campbell Woods/Longpoint Acres Subdivisions, CIP S-0035-93-2 (WA 10732); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0090 ADOPTED.

36. ORDINANCE approving and authorizing contract between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance of Water and Wastewater Facilities in the Kingwood Area; providing a maximum contract amount (WW4814-1) \$13,729,364.00 - 5 Years - Enterprise Fund - **DISTRICT E- WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0091 ADOPTED.

40. ORDINANCE granting authority to **BROADWING COMMUNICATIONS SERVICES, INC, a Delaware Corporation**, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, telecommunications facilities for providing authorized telecommunications services; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0092 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,041,262.94 and acceptance of work on contract with **CONRAD CONSTRUCTION COMPANY, INC** for West Belfort Improvements from Synott to Dairy Ashford, GFS N-0466-01-3 (N-0466-1) - 07.87% over the original contract amount - **DISTRICT F - ELLIS** – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0187 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,965,809.14 and acceptance of work on contract with **CONTRACTOR TECHNOLOGIES, INC** for Guhn Road Street Widening and Drainage Improvements, GFS N-0644I-15-3 (N-0644I-15) - 01.59% over the original contract amount - **DISTRICT A- TATRO** – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION

2002-0188 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,829,753.94 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Improvements to Beltway Wastewater Treatment Plant, GFS R-0245-01-3 (4287-1) - 04.55% under the original contract amount - **DISTRICT F - ELLIS** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0189 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,254,230.89 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Turkey Creek Wastewater Treatment Plant Lift Station Replacement, GFS R-0267-56-3 (4276-18) - 00.83% over the original contract amount - **DISTRICT G - KELLER** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0190 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,345,491.81 and acceptance of work on contract with **JALCO, INC** for Miscellaneous Process Improvements at Various WWTP, GFS R-0512-05-3 (4749-2) - 03.66% over the original contract amount - **DISTRICTS B - GALLOWAY and F - ELLIS** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2002-0191 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$960,600.21 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Various Relief Sanitary Sewers - Northside/Northwest Service Area, GFS R-2011-01-3 (4711) - 08.49% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY and H - VASQUEZ** – was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0192 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$752,381.00 and acceptance of work on contract with **JAY C. CONTRACTOR** for Construction of New 5/8-inch through 2-inch Water Service Connections, GFS S-0035-SS-3 (10344-2) - 04.88% over the original contract - **DISTRICTS B - GALLOWAY; D - EDWARDS; E - WISEMAN; H - VASQUEZ and I - ALVARADO** – was presented, and tagged by Council Member Edwards.
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$607,273.70 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Construction of Flow Meters at Various Facilities, GFS S-0936-03-3 (10568-1) - 01.42% over the original contract amount -

DISTRICTS A-TATRO; B - GALLOWAY; D - EDWARDS; E - WISEMAN and G – KELLER – was presented, and tagged by Council Member Edwards.

RESOLUTIONS AND ORDINANCES

20. RESOLUTION approving the action of the City of Houston Industrial Development Corporation for its Senior Air Cargo Revenue Bonds, Series 2002 (Cargo Acquisition Company, LLC Obligated Group) - **DISTRICT B – GALLOWAY** – was presented.

Council Member Sekula-Rodriguez stated that she had some questions about the cargo revenue bonds and would like an opportunity to have somebody explain to her in a little more detail and moved to suspend the rules to hear Ms. Steiner, Housing and Community Development, no vote was taken and Mayor Pro Tem Quan invited Ms. Steiner to the Council table to answer questions.

Upon questions by Council Member Sekula-Rodriguez, Ms. Steiner stated that it was an acquisition of current facilities and refurbishment, that the economic impact of it would be that there would be increased efficiency in what was currently operating there now, that according to projections that they had seen for every 1,000 square feet of facility space a job was created so it was anticipated that about 400 jobs would be created and retained as a result of this particular financing, that there was no projected tax money loss for this, that the facility would not be removed from the tax rolls, that the City had absolutely no liability in this transaction, that the Industrial Development Corporation was acting as a conduit to issue the bonds but the liability was not with the City, that the reason they were doing it was because it was tax exempt financing and the benefit was in the tax code, that when they issued tax exempt facilities the tax savings on that was something that had been provided for in the code, that the Federal Government has deferred on it, and Council Member Sekula-Rodriguez asked how did they determine which facilities were worthy of receiving this type of refurbishment grant, and Ms. Steiner stated that the tax code provided for various facilities that were eligible for tax exemption and on this particular transaction several cities were getting together to acquire and refurbish this, that that company that was doing it had vast experience in the area and they came to the City, that they were Canadian and had offices in the America and focused on properties adjacent to airports, that their business was airport facilities. Council Member Goldberg absent.

Mr. Al Haines stated that as part of the development of Intercontinental Airport there was a significant development area on the east and north part of the airport for air cargo purposes and it was being developed under an agreement between the Airport System, the City and developing groups, that those facilities would be on airport property and were being financed through an Industrial Development Corporation.

After further discussion by Council Members a vote was called on Item No. 20. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Goldberg absent. Mayor Pro Tem Quan presiding. RESOLUTION 2002-0005 ADOPTED.

22. ORDINANCE approving and authorizing lease agreement between **R. M. CROWE HOUSTON PORTFOLIO III, L.P.**, as landlord, and the City of Houston, Texas, as tenant for space at 601 Sawyer Street, Houston, Texas for use by the Finance and Administration Department **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0093 ADOPTED.

23. ORDINANCE approving and authorizing first amendment to lease agreement between **R. M. CROWE HOUSTON PORTFOLIO III, L.P.**, as landlord, and the City of Houston, Texas, as tenant for space at 601 Sawyer Street, Houston, Texas for use by Municipal Courts Administration - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0094 ADOPTED.
24. ORDINANCE relating to increased Disability Pension Benefits for Police Officers of the City of Houston who suffer or have suffered a duty-related Catastrophic Injury; approving, ratifying, authorizing and implementing the terms of an agreement between the City of Houston, Texas and the **HOUSTON POLICE OFFICERS PENSION SYSTEM**; providing for severability – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0095 ADOPTED.
25. ORDINANCE approving and authorizing reimbursement agreement between the City of Houston and **LONGBRANCH ASSOCIATES, L.P.** for Overtime Expenses incurred by Houston Police Department in providing services to the Coppertree Village Area - \$196,000.00 - Grant Fund **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0096 ADOPTED.
26. ORDINANCE approving and authorizing reimbursement agreement between the City of Houston and **COMMONWEALTH TEXAS, LLC** for Overtime Expenses incurred by Houston Police Department in providing services to the Coolwood Oaks Area - \$160,000.00 - Grant Fund **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0097 ADOPTED.
27. ORDINANCE approving and authorizing application for grant assistance to the **TEXAS DEPARTMENT OF HUMAN SERVICES** for the City's 2002 Summer Food Service Program; declaring the City's eligibility for such grants; authorizing the Director of the Parks and Recreation Department to accept and expend such grant funds, and to accept and expend subsequent awards, if any - \$3,185,260.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0098 ADOPTED.
28. ORDINANCE creating the **LIEBHERR-AMERICA REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Ellis, Keller and Tatro.

Council Member Galloway stated if there was any information they needed about the project they had someone present to enlighten them, that this was an economic development project in her district that they had anxiously been awaiting to try to stimulate some development in District B.

Council Member Ellis asked if it was under any type of time constraint and would one week effect anything that had to do with the reinvestment zone, and Council Member Galloway stated that the company was actually awaiting to have a ground breaking ceremony, and they had someone present to answer any questions.

Council Member Galloway moved to suspend the rules to hear from Mr. Bill Calderon, Planning Department, seconded by Council Member Ellis. No vote was taken and Mayor Pro Tem Quan invited Mr. Calderon to the Council table to answer questions.

Upon questions by Mayor Pro Tem Quan, Mr. Calderon stated that the company had been in a ready position to move on the project since they resolved, over a long period of time, the property acquisition issues, that a number of things came up that were unanticipated, including the need to plat the land and there were some re-negotiations that the company had to engage in with the property owner in order to finalize the deal and it had taken almost 6 months for them to get to this point so they were really ready to move.

Council Member Galloway stated that they also had Mr. Marcell with the Greater Houston Partnership who had been assisting them with the project and the company because the company had several offers from other cities and stated that she wanted to suspend the rules and hear from Mr. Marcell.

Council Member Ellis stated that his question was if there would be any problem with the one week delay and Mr. Calderon stated that he believed that the project could sustain a week's delay if that was what Council desired.

Council Member Galloway moved to suspend the rules to hear from Mr. Jeffrey C. Marcell, Greater Houston Partnership, seconded by Council Member Tatro.

Upon further questions by Council Members, Mr. Calderon stated that the hearing on the project was held on June 25, 2001, that as was usually the case when companies applied to the City for tax abatements looked to City Council at the public hearing stage for some sense or signal as to whether the City was going to support them and as he recalled the hearing was favorably received by City Council at the time because this was the kind of project that the City Council had a history of supporting, that the deal had not changed and the company was still proposing to spend the \$6.2 million and create the 25 jobs and retain the 5 that they had, but the substantial change, he thought, for the company ultimately came in the form of an increased cost for the acquisition of the property, that it was correct that they would see an increase up to \$34,873 annually as opposed to the current \$8,239, that the company, in its presentation of the information to the City was excited about the opportunity to look toward the area surrounding the property for hiring possibilities, that they had already begun their explorations in talking to the Council Member relative to that issue as well as to representatives of various community colleges in the area that they would also look to for some job training assistance because the 25 jobs they would create would be new jobs.

Council Member Galloway stated that if Council Member Ellis had any more questions and what it was concerning maybe they could go ahead and try to resolve it and take it up at the end of the agenda, and Mayor Pro Tem Quan asked if she would still like to hear from Mr. Marcell.

No vote was called on Council Member Galloway motion to hear from Mr. Marcell and Mayor Pro Tem Quan invited Mr. Marcell to the Council table.

Mr. Marcell stated that he was a marketing executive in the Economic Development Division of the Greater Houston Partnership, that the project was fully supported by the

partnership and would have a \$5.7 million annual economic impact to the community, that the project was a competitive site and the company had alternatives in Virginia and Michigan as well, that the project would strengthen the City's economic base and was a fantastic corporate citizen, that these were going to be highly skilled manufacturing jobs, that the company had expressed an interest in training citizens from the area and the project would further enhance Houston's image as an international city for business. Council Member Robinson absent.

Mayor Pro Tem Quan stated that the item remained tagged. Council Member Robinson absent.

28a. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas and **LIEBHERR-AMERICA, INC** for certain property located within the **LIEBHERR-AMERICA REINVESTMENT ZONE - DISTRICT B- GALLOWAY** – was presented, and tagged by Council Members Ellis, Tatro and Keller. Council Member Robinson absent.

Mayor Pro Tem Quan stated that he wanted to acknowledge that they had been joined by Ambassador Edward Walker Jr., who was the President of the Middle East Institute and asked that he stand and be acknowledged. Council Member Robinson absent.

29. ORDINANCE appropriating \$182,484.06 out of Water & Sewer System Consolidated Construction Fund and \$127,582.44 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **STATURE CONSTRUCTION, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Plaza Del Sol Subdivision, CIP S-0800-38-03 and R-0800-45-03 **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0099 ADOPTED.

30. ORDINANCE appropriating \$192,266.00 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **C P M DEVELOPMENT COMPANY, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Cullen Estates Subdivision, CIP S-0800-41-03 and R-0800-47-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0100 ADOPTED.

31. ORDINANCE amending Ordinance No. 98-934 to increase the maximum contract amount for professional services contract for Dangerous Building Demolition Administrative Support for the Neighborhood Protection Division of the Public Works and Engineering Department under contract with **CHERYL POLKER, d/b/a A-PROFESSIONAL BUSINESS SERVICES** – was presented, and tagged by Council Members Galloway and Keller. Council Member Robinson absent. (Note: Council Members Galloway and Keller removed their tags later in the meeting.)

Council Member Sekula-Rodriguez asked if there was anyone present who could explain the cost per processing of one house or one building.

Council Member Parker moved to suspend the rules to hear from Ms. Monticella Flaniken, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on

city business. Council Member Vasquez out of the city on personal business. MOTION 2002-0193 ADOPTED.

Upon questions by Council Members, Ms. Flaniken stated that the price differed because it depended on how many homeowners, lien owners and interested parties that had to be notified, that no two properties were exactly alike, that she would not have an exact figure on the average but it would probably be in the range of \$3,000 and \$5,000, that there was a Request for Proposal that was sent out before the contract was first initiated in 1998 and the vendors submitted their prices for carrying out the duties under the contract, that there would always be an RFP because it was a professional services contract, that this was an amendment to add money to the existing contract, that they were in the first option year of the original contract, that there were no legal fees involved, what they did was mail out notices for hearings and mailed out the orders that were the result of hearings and filed them at the County, that they delivered the agendas to the various offices and all of the functions related to the hearing process, that they served a function for the City that they were required to do by law in order to hold hearings and because they had so many owners to notify to meet the requirements of law it was a necessary function and their performance had been fine for them. Mayor Pro Tem Quan absent. Vice Mayor Pro Tem Keller presiding.

Council Member Galloway stated that she did not receive the information that she requested and if she could get that before the end of the session she would be happy to release her tag and moved to delay Item No. 31 to the end of the agenda. No vote was recorded as no vote was called. Mayor Pro Tem Quan absent. Vice Mayor Pro Tem Keller presiding.

Vice Mayor Pro Tem Keller stated that he would remove his tag on Item No. 31. Mayor Pro Tem Quan absent. Vice Mayor Pro Tem Keller presiding.

Council Member Parker stated that it was not necessary for Council Member Galloway to remove her tag on Item No. 31 to postpone the item to the end of the agenda as long as someone would come and talk to her she could voluntarily remove it by the end of the agenda. Mayor Pro Tem Quan absent. Vice Mayor Pro Tem Keller presiding.

Upon further questions by Council Members, Mr. Hall stated that the issue was not a new one and had been around a long time, that they had varying success in trying to rid neighborhoods of real problems that were dangerous buildings, that the 5th Circuit Court of Appeals had stopped them from demolishing dangerous buildings, which got them the big backlog which they were now experiencing and were trying to get down, that once they could get a contractor who agreed to do it by bid to go in to tear it down the total amount of that attached itself as a lien and they had varying success in doing that and his hope was when they got the land assemblage bank going they would have a mechanism to do something with the property, that this contractor was only responsible for the hearing process, which were buildings that they were now identifying as being in violation and taking to the hearing process, that they did not deal with the post enforcement activity; that following the successful lifting of the decision in the 5th Circuit the Mayor announced an initiative for tearing down and this was part of the process, that he thought they would find some improvement, and Ms. Flaniken stated that the ownership remained the same it did not change by their activities and it also did not affect the position of the taxing entities to collect taxes or foreclose if that was their intent, that it did not have anything to do with that process at all, and Mr. Hall stated that all of the cost associated with correcting the deficiency was applied against the property in form of a lien and typically they had allowed the system to police itself by having that lien paid when the property was transferred, that they were becoming more aggressive in trying to get those properties and actually had a contract that they had not been able to use because they had not gotten the land assemblage program moving, that the County had not agreed to it yet but thought they were making some progress.

After further discussion Mayor Pro Tem Quan stated that Item No. 31 had been postponed to the end of the agenda.

32. ORDINANCE appropriating \$170,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing amendment to contract for engineering services with **METROPLEX INDUSTRIES, INC** (approved by Ordinance No. 98-539) - **DISTRICTS F - ELLIS and I - ALVARADO** – was presented and tagged by Council Member Keller. (Note: Council Member Keller removed his tag later in the meeting.)
33. ORDINANCE approving and authorizing contract between the City of Houston and **ESPEY, HUSTON AND ASSOCIATES, INC d/b/a PBS&J** for Professional Services relating to the preparation of Wastewater Permit Applications, Biomonitoring and Toxicity Reduction Evaluations; providing a maximum contract - \$1,250,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0101 ADOPTED.
35. ORDINANCE authorizing first amendment to professional services contract between the City and **LAY-SU & ASSOCIATES, INC** and amending Ordinance No. 2000-265 to increase the maximum contract amount by \$500,000.00 - Initial Allocation \$386,920.00 CDBG Funds – was presented, and tagged by Council Member Keller.
37. ORDINANCE appropriating \$3,838,800.00 out of Street & Bridge Construction Fund, awarding contract to **SILVA, INC** and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for Construction of Citywide Generic Overlay Project, GFS N-1037-36-3; providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund – was presented, and tagged by Council Members Wiseman, Galloway and Keller.

Council Member Keller stated that he would like for Mr. DeLeon to get for him where they had two companies that were owned by the same people do different work on the same project and how many times they had done that in the last year, that he would like to get a list of who those entities were who owned the same company and were doing different work on the same project.

Council Member Parker stated that there was an MWBE Committee meeting that afternoon and she would like to ask the Chair if it would be discussed, and Council Member Galloway stated that it would not be able to be discussed because it was not posted but they could discuss general information pertaining to a situation similar to this and Council Member Parker stated that she understood that they posted an informational update on the actions of the department and would hope that the director would be prepared to talk about the subject in general terms.

Council Member Galloway stated that she would also like a list but would like the last four years of companies instead of one year, and Mayor Pro Tem Quan stated that he believed that all of the Council Members would like to see the list.

Council Member Goldberg moved to suspend the rules to hear from Mr. John DeLeon, Affirmative Action, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0194 ADOPTED.

Upon questions by Council Members, Mr. DeLeon stated that there was nothing in the procedures that they could not preclude the situation, that they were looking at it and would be discussing it at Council Member Galloway's committee and maybe they would have to change the ordinance, but right now as it stood they were within the regulations, that it had not happened in the last three and a half years since he had been on board but had heard that it had happened once before, that their records were kept by the name of the corporation and also by name of individual owners, that they would be classified as the principal owner of the organization, that they did have their names and if Council would like they could keep all of the principals names on the books, that they did have that capability. Council Member Alvarado absent.

Mayor Pro Tem Quan stated that the item had been tagged. Council Member Alvarado absent.

38. ORDINANCE appropriating \$2,071,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JAY C. CONTRACTOR**, approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** and approving and authorizing professional services contract for construction management and inspection services with **INTERSTATE ENGINEERS, INC** for construction of Watermain Replacement in Windsor Village Subdivision, GFS S-0035-62-3 (10579); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. Council Member Alvarado absent.
39. ORDINANCE appropriating \$405,000.00 out of Public Library Consolidated Construction Fund as an additional appropriation for professional services contract - General Project Management and Construction Management Services, GFS E-0143-01-5 under the contract C52119 with **GREYHAWK NORTH AMERICA, LLC**, (approved by Ordinance No. 00-0955); providing funding for contingencies relating to construction management of projects financed by the Library Consolidated Construction Fund - was presented, and tagged by Council Member Tatro. Council Member Alvarado absent.

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. MOTION to set a date not less than seven (7) days from February 13, 2002 to receive nominations for Positions 6, 8 and 9 to the **BOARD OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE) AUTHORITY** with terms to expire December 31, 2003 and to name the Chair for a term to expire December 31, 2002 - Council Member Keller moved to set February 20, 2002 to receive nominations for Positions 6, 8 and 9 on the Board of Reinvestment Zone Number One (St. George Place) Authority, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0195 ADOPTED.

MATTERS HELD - NUMBERS 42 through 48

42. 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 - (This was Item No. 18 on Agenda of February 6, 2002, **TAGGED BY COUNCIL MEMBER**

KELLER – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Alvarado absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0102 ADOPTED.

43. 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.

Council Member Sekula-Rodriguez moved to suspend the rules to hear from a representative of the Arts Council, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Alvarado absent. Mayor Pro Tem Quan presiding. MOTION 2002-0196 ADOPTED.

Upon questions by Council Member Sekula-Rodriguez, Ms. Carolyn Wendler stated that the ordinance was passed in 1999 and this contract was the first formal agreement with the City under the terms of that ordinance for the Arts Council to act as the administrator of the art program for the City, that the way in which they would be paid by the City was that they would invoice for services done, that the amount in the contract was an estimate for services over a three year period based on projects as listed in the CIP, that the amounts were their best guess and it depended on which of the projects in the CIP over that three year period came on line and how that work was staged over the three year period, that she was not an expert on the terms of the ordinance but believed that the 1.75% set aside involved both the purchase and installation of the art and their oversight of that art design process, that the 1.75% covered the administrative expense, and Council Member Sekula-Rodriguez asked if the Arts Council could be asked to re-negotiate the amount since all of the departments were being asked to cut back 10%. Council Member Keller absent.

Mr. Haines stated that the ordinance was firm, that it was 1.75% of construction project amount and was to go exclusively for the arts, that it came out of the Capital Improvements Program and was not an operating budget item, that it was set forth, that under the agreement with the Arts Council they administered the amount and these were actually the first two that had come forward since the ordinance was adopted because they were the only two so far that fit the definition under the ordinance, that there was a committee that reviewed the particular initiatives and that committee process through the CIP process, which they discussed with her the other day, so in the case of those two, both the Directors of the Convention and Entertainment and Aviation Departments actually sat and reviewed the initiatives that were being administered by the Arts Council, that there were two components to the deal, the 1.75% was for the total amount of which there was an administrative set aside for the Arts Council to manage proposals that would come forward and be reviewed and approved, and Mr. Hall stated that the issue of how much was the subject of very intense community discussion and debate for the totality of the program, the 1.75%, that this was a very essential part of establishing community acceptance of location, of appropriateness of all of that, that it was a way to get all of the issues that were involved in providing art at public facilities, that the process was worked out with Council and everybody else over a year ago, and Mr. Haines stated that the 1.75% set aside was actually part of the construction bid documents themselves so those were contracts that essentially had already been awarded, that they could not go back on this, however in the future Council could revisit the ordinance but right now they were obligated under the ordinance and under the process of the construction awards to move forward. Council Member Keller absent.

Council Member Berry stated that he wanted to thank Ms. Wendler and her staff for briefing his team on their policies and procedures, that his position was that the civic art recognize the City's character and celebrate that and to that end he would like to see as much as possible local artists be chosen, and Ms. Wendler stated that in their experience thus far in working with projects a majority of local artists had been used in the projects. Council Member Keller absent.

Council Member Robinson stated that he was looking for some coordination among all the things they did in the City, that everybody was out there with local money running around doing a bunch of stuff and none of it was coordinated, that his plea to the administration was they were getting money for local arts, folks were lobbying them to go for a formal ordinance on landscaping, they had Keep Houston Beautiful, Trees for Houston, petitions for scenic districts, that if they wanted to be beautiful and have quality of life he would hope that everybody who had their hand in the local till get together and coordinate their effort so they could really bring some real local focus of intensity through coordinated use of resources to get things done. Council Member Goldberg absent.

Council Member Parker stated that this was the body that had been charged with coordinating the 1.75% for art set aside on capitol projects, that it was exactly what was being requested and was the contract that allowed them to coordinate, deal with placement of art, to select the artists and make sure that the art was site appropriate and make sure that it reflected community desires of what they wanted to see in that particular facility, that the times were not so different in 1999 and did not think that they were any less interested in having a beautiful City, that she strongly encouraged her colleagues to pass the contracts and allow them to do the function that they set aside for them when they created the ordinance in 1999.

Council Member Tatro stated that the ordinance dealt with a block of money on each above ground construction project that went into a pot which was then spent on art and he would strongly advocate, as Council Member Parker did, that when they design a building that it be designed in aesthetically proper for that area, but that would be in the project itself as opposed to this, that if there was ever an ordinance that needed a renewal provision when they passed the budget each year he thought this would be a substantial candidate for it because the 1.75% was just in perpetuity until they decide to address it, that he would advocate that the ordinance either be phased in yearly with the CIP passage of the budget or have some provision every three or two years for renewal by the Council.

Council Member Wiseman stated that she would agree with Council Member Tatro that they needed to look at the ordinance and look at possibly putting in some provision for renewal, that they were experiencing difficult budget issues in the next few months and it was not going to get easier for them, that it was not that she was opposed to beauty, that she would like to see the roads she drove on nicer, that she would like to see a pothole that had just been repaired and say "wow isn't that a work of art", that she want them to put their money first and foremost in the projects as they served the constituents and then they could look at whether or not they had anything left for beautifying it.

Council Member Edwards stated that she thought it was important for her and her constituents to fight for a holistic view of how they worked on City Council and she thought it was shown very clearly time and time again and in particular since 9/11 what people needed were more abilities to work through and so forth, that one of the things that she wanted to ask Ms. Wendler to do was how would they become more creative in getting art projects in the community in buildings like the Aviation Center that were not so high dollar but more involved with involving community art works and art pieces and children.

Council Member Ellis moved to call the question, seconded by Council Member Tatro. All

voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0197 ADOPTED.

A vote was called on Item No. 43. Council Members Tatro, Sekula-Rodriguez and Wiseman voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Member Alvarado absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0103 ADOPTED.

44. 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** – (This was Item 20 on Agenda of February 6, 2002, TAGGED BY COUNCIL MEMBERS BERRY and TATRO) – was presented. Council Members Tatro, Sekula-Rodriguez and Wiseman voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0104 ADOPTED.
45. 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) - **(This was Item No. 26 on Agenda of February 6, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO, SEKULA-RODRIGUEZ and KELLER)**

Council Member Tatro stated that his issues were with the funding for the project, that the CIP was passed and they had subsequently passed the refurbishing of pools in various parks throughout the City with ALP Water Sewer money, that part of the funding for construction management of the pools was again coming out of the Water and Sewer Enterprise Funds, that to go back to the ALP Fund to get the management, he believed, was improper, that the total management of the parks should come out of regular bond funds, that it would be his desire that the administration take it back and fund it wholly through the bond proceeds or the General Fund, or the Parks Special Fund or General Improvement Construction Funds which would be more appropriate, and asked Mr. Haines if it was possible just to split out that portion that was the Water Sewer money and have it go back for proper funding out of the bonds and General Construction and pass the rest of the item through, and Mr. Haines stated that this particular item was a project management agreement which incorporated costs of several projects including the pools, that the allocation of the pool cost against that CIP amount under the ALP Fund was essentially prorated against that amount, that it was a fully loaded cost for those pools, that if they were taken out the problem would be that they would have to approach the project management of the pools a different way and in effect they would have to pay for it any way, that he was not sure they could identify the regular construction funds for that amount, that the \$321,972 that was in the item identified out of ALP was a part of the ALP identified amount for pools. Council Members Edwards, Parker and Robinson absent.

Council Member Tatro moved to divide the question to take out that part of the contract

which was to do with the ALP money, seconded by Council Member Sekula-Rodriguez. Council Members Edwards, Parker and Robinson absent.

Mr. Hall stated that they had to take out what it proposed to pay for too, that they could not just strip the funding and pass the obligation. Council Members Edwards, Parker and Robinson absent.

Council Member Ellis moved to postpone Item No. 45 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Members Edwards, Parker and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-0197 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Haines stated that the amount identified out of ALP or Fund 754 was identified to manage those pools that were approved by City Council as a legitimate purpose because there was value added to the Water and Sewer Fund to be able to bring those pools to keep them from leaking and all those other problems, that it was really a savings by identifying a single project manager over several parks and pool facilities to be able to manage those construction programs, that the amount identified in this recommendation would have to be spent anyway for the management of the construction, and Council Member Goldberg stated that everybody knew that pools had water and water took water lines to get there and they had to release water through sewer lines possibly and this was an appropriate use then of ALP money, that if they wanted to keep the agenda item intact to show them that it was a legitimate use that water and sewer money should pay for it, and Mr. Haines stated that they were prepared to do that again, but the Council did approve the pools as an ALP funded source in the Capital Improvements Program that was adopted by Council last July 1, 2001, and Mr. Hall stated that Mr. Spellman advised him that one of the reasons the package was constructed that way was that there was no other money available for authorization for the old projects, that they did not have any more bond money. Council Members Ellis, Alvarado and Robinson absent.

46. 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 32 on Agenda of February 6, 2002, POSTPONED BY MOTION #2002-169)** - was presented.

Council Member Tatro stated that there were still some questions that he was trying to work on with Building Services for the contract. Council Members Ellis, Alvarado and Robinson absent.

Council Member Tatro moved to postpone Item No. 46 for one week, seconded by Council Member Keller.

A roll call vote was called on Council Member Tatro motion to postpone Item No. 46.

ROLL CALL VOTE:

Mayor Brown out of the city on city business.	Council Member Keller voting aye
Mayor Pro Tem Quan voting no	Council Member Vasquez out of city on personal business.
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Sekula-Rodriguez voting aye
Council Member Edwards voting no	Council Member Berry voting aye
Council Member Wiseman voting aye	Council Member Robinson voting aye
Council Member Ellis voting aye	MOTION 2002-0199 ADOPTED

Council Member Keller stated that yesterday he had learned from some employees of Building Services that they had done it this way many times in the past as far as the scoring matrix they used and how the different categories were weighted or valued in importance to who would get it awarded, that the specifics that he did not agree with was that price was the fifth most important category in awarding the contract, that he thought it would be fair for those companies that were competing for the City's business to know which category's were going to be the most important ones, not so much in this instance but from here forward, that he thought that Council should have input into what was most important in a lot of the RFP's, that he wanted to know if they were going to stick with a consistent formula and if not which ones warranted it to move in which way and also was their a way that they could let the competitor's that were going for the City's business know which category's would be the most important. Council Members Ellis and Wiseman absent.

Mr. Hall stated that on this issue there had been particular debate about the quality of the service and supposed that was one of the reasons they changed that, that Council Members were concerned that contractors for security services not be forced to pay minimum wage to get the business, that it negatively impacted the quality of service, that there was a request by Council to try to write specifications that would upgrade the quality of security service, that when they do that they upgrade the cost too, that he supposed that was why they were not specifically consulted about the matrix that was put together, that the process was a standard process. Council Member Wiseman and Ellis absent.

Mayor Pro Tem Quan asked Council Member Keller if he was saying that before the RFP went out he would like input before Council, that he knew that the item did come before Fiscal Affairs and there was discussion about the selection process and the factors that were looked at, and Council Member Keller stated that he would appreciate knowing what they were going to analyze as most or least important when they were awarding business to other people, but more importantly he thought that companies competing for the City's business were warranted in knowing what they valued to be the most important. Council Member Ellis absent.

Council Member Tatro stated that he did have an opportunity to talk with Mr. Hall on the contract and his concern was the dilemma they faced with the contract, that it was put through the system and an RFP went out and the bid was for three years and Council now got it at the table and it was up or down for Council, that he did think there needed to be some Council pre approval whether it was every RFP that ended up on Council Member's desks or as it went out the door to everybody, he thought that might be the proper thing rather than have Council sit and deliberate over it, that he thought the better tradeoff would be that Council get a copy of every single RFP.

After further discussion Council Member Parker stated that she wanted to move the agenda. Council Members Berry and Robinson absent.

47. ORDINANCE approving and authoring contract between the City and **A 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 34 on Agenda of February 6, 2002, POSTPONED BY MOTION #2002-171)** - was presented.

Council Member Tatro moved to refer Item No. 47 back to the administration, seconded by Council Member Sekula-Rodriguez.

Council Member Parker moved to suspend the rules to hear from Ms. Gracia Rosslow, Deputy Director for Finance and Administration Fire Department, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0200 ADOPTED.

Upon questions by Council Members, Ms. Rosslow stated that one of the things that she handled as well as procurement area was the recruiting area and without this contract they had some implications for being able to hire cadet classes, that the last couple of classes that they had hired the processing had taken so long due to the fact that it was primarily done on overtime because the arson investigators who did this work already had full time jobs and casework they had to do so they were right up to the wire in hiring classes to get the classes started even putting people in classes that were not processed ahead of time, that they started the process not just for cost savings method but also because they could not deal with the volume of work that was being requested of the arson investigators because they had a full time job and to ask them to do this on top of their normal work was fine if they were doing one to two cadet classes per year, but they were doing five cadet classes this year and next year they were likely to be doing five cadet classes again, that it would likely be at that level for the next several years, that was really the driving reason for beginning the work on the contract, that her figures showed that as far as using the arson investigators for polygraph and the contract it was really a break even situation, it was exactly the same cost, there was a little bit of savings on the contract, but back to being able to accomplish the task in a reasonable time frame using the outside contractor they had the ability to do that, but using the in house staff they really did not, that the background checks were a considerable cost savings to the department, that the other issue with the background checks was that they had now gone to statewide hiring so they would then be sending arson investigators statewide to check on backgrounds and in fact with hiring military people they could be going nationwide to check on backgrounds, that one of the reasons that the contract was undertaken was that Tridata was concerned that the arson investigators were being constantly pulled off of their routine work assignments to do background investigation, polygraphs and internal affairs investigations and they strongly recommended that they out source as much of that work as possible to allow them to accomplish their regular workload, that she was not prepared to answer questions regarding the cost for the police to do an investigation, that was not something that she had access to, that the Police Department had provided assistance in the past but had never totally done that function, that they had always relied that the majority of them be done by the arson investigators, that they did not have at this point and time administrative people who could do that work, so that would be creating new civilian positions and hiring new people which was also new money, that the fact that they had more training classes was a large factor for the contract because they would handle probably close to 500 and even as much as 600 polygraph investigations and probably 500 backgrounds to staff 375 students into the cadet classes this year, that if they had not increased the number of training classes for the Fire Department they would probably not be coming forward with the contract because it would be easier to handle in house. Council Member Robinson absent.

Council Member Parker moved to call the question on the discussion of the motion to refer Item No. 47 back to the administration, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. MOTION 2002-0201 ADOPTED.

A roll call vote was called on Council Member Tatro motion to refer Item No. 47 back to the administration.

A roll call vote was called on Council Member Tatro motion to postpone.

ROLL CALL VOTE:

Mayor Brown out of the city on city business.	Council Member Keller voting aye
Mayor Pro Tem Quan voting no	Council Member Vasquez out of 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 Sekula-Rodriguez voting aye
Council Member Edwards voting no	Council Member Berry voting no
Council Member Wiseman voting no	Council Member Robinson voting no
Council Member Ellis voting no	MOTION 2002-0202 FAILED

A vote was called on Item No. 47. Council Members Tatro and Sekula-Rodriguez voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0105 ADOPTED.

Council Member Robinson stated that he wanted to know what the cost was to the Police Department and would it be less expensive to out source theirs and put the police officers back on the street, if they were going to save money by out sourcing then they ought to look at coming back and expanding the contract to include the Police Department so they could free up the police officers.

48. 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 35 on Agenda of February 6, 2002, POSTPONED BY MOTION #2002-172**) - was presented. Council Members Tatro and Sekula-Rodriguez voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0106 ADOPTED

Items moved to end of the agenda

Council Member Galloway stated that she wanted to release her tag on Item No. 31, and Council Member Keller stated that he wanted to release his tags on Item Numbers 31 and 32.

31. ORDINANCE amending Ordinance No. 98-934 to increase the maximum contract amount for professional services contract for Dangerous Building Demolition Administrative Support for the Neighborhood Protection Division of the Public Works and Engineering Department under contract with **CHERYL POLKER, d/b/a A-PROFESSIONAL BUSINESS SERVICES** – was again before Council. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on

personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0107 ADOPTED

32. ORDINANCE appropriating \$170,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing amendment to contract for engineering services with **METROPLEX INDUSTRIES, INC** (approved by Ordinance No. 98-539) - **DISTRICTS F - ELLIS and I – ALVARADO** – was again before Council. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0108 ADOPTED

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that today her comments were on public safety, that last week someone discharged a firearm into one of the windows of her office on the first floor of the City Hall Annex, that not long ago two firearm discharges caused fear for the staff of then Council Member Boney, also located on the first floor of the City Hall Annex, that the bullet hole was still in the window and served as a constant reminder to Council Member Quan's staff who currently occupied that office space, that she would like for them to join her in being proactive in an effort to insure their safety and the safety of their staffs, that she wanted them to revisit the previous rejected decision to move their offices to the second floor of the City Hall Annex. Council Members Alvarado and Robinson absent.

Council Member Galloway stated that she wanted to wish everyone a Happy Valentine's Day. Council Members Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he was concerned about the situation after she mentioned it to him and had asked for a police report be filed so they could begin an investigation as to what had happened there, that he would relay her concerns to the Mayor. Council Members Alvarado and Robinson absent.

Council Member Edwards stated that she wanted to thank Council Members Parker and Alvarado for joining her in being tested with the HIV situation, and the Chief of Staff for Council Member Sekula-Rodriguez, that people were very inspired by that. Council Members Alvarado and Robinson absent.

Council Member Edwards stated that on Item No. 31 she thought that it was disingenuous for them to sit there and say that because it was the law that they could not aggressively be more proactive in protecting the constituents who voted for them, that she was referring to how they handled abandoned property and weeded lots and how in her opinion communities were held hostage by irresponsible and unaccountable property owners, that she appreciated and honored the rights of property owners, but when they got to the point to where communities could not even be proactive about the quality of life and the public safety and health of their communities and it was being dictated by someone who probably did not even live in that community then she thought they needed to challenge those particular laws and she would like to really look at the process within their committee structure as to how they could look at and revisit those laws and work to influence and affect those laws that were more user friendly to those people who put the Council Members in their offices. Council Members Alvarado and Robinson absent.

Council Member Tatro stated that so few times did the Council had an opportunity to affect change at the City, that they see at the budget process, but clearly they passed the budget, that he did not want to micro manage but he did want to have input as far as the financial direction or the financial or business structure of proposals that went out, so he would just ask Council

Members of some of the proposals that had gone out and when they arrived back to Council what Council's ability was to affect those and what pressures they were put under to have an affect on it. Council Members Goldberg, Edwards, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he understood his point and was very sympathetic to it to the extent that he would try to look at issues that he saw developing that may be controversial and would need input early on. Council Members Edwards, Alvarado and Robinson absent.

Council Member Sekula-Rodriguez stated that they had good news from the Surface Transportation Board, that they had addressed the citizens concerns who lived both in the City of Houston and surrounding cities in Harris County over the construction of the Burlington Northern Santa Jacinto Rail and contrary to what the Legal Department first thought, they granted thirty days for public comment, that she wanted to thank the administration for supporting their efforts to extend the comment public period and also for writing a very significant letter requesting an expansion of the scoping investigation of what the environmental impact would be on the new rail that would affect three big communities, Clear Lake, South Houston and the Eastend of Houston. Council Members Galloway, Edwards, Alvarado and Robinson absent.

Council Member Sekula-Rodriguez stated that in today's Houston Chronicle there was a message that indicated that the teen birthrate had dropped 22% over the last decade, that it was very good news for the community at large, the public health community and families, that it meant that they were seeing teenagers making wiser choices. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to thank her for her leadership on the Santa Fe Rail line. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Parker stated that they would not be having a Quality of Life Committee meeting on Monday morning. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Parker stated that she wanted to agree with Council Member Tatro on his comments about getting things earlier in the process, but she did not want to be sent every request for proposal, that she did not think it was appropriate, that she believed that the public art proposal was one that was brought to them very early on and Council Members raised their concerns and then the policy was re-crafted to address the concerns of Council Members, that when the zoo privatization proposal was brought to them several months ago Council Members had the opportunity where they saw pitfalls and knew that had gone back to Legal and to the Blue Ribbon Committee and was being worked on, that was appropriate and in fact really necessary if the administration wanted to avoid some of the fights at the Council table, that it had been done and done successfully and that was exactly where Council needed to be at the beginning to set the overall policy rather than trying to change individual contract items when it came to the table and would encourage the administration to take better advantage of that type of opportunity.

Council Member Parker stated that she would disagree with the Council Member in talking about the Public Art Program, that she wanted to correct a misconception, that people kept talking about art as in statues or pictures or some sort of monumental art, that Council Member Tatro had one of the best examples of site specific art in his district and that was the bridge over White Oak Bayou at T.C. Jester with the wonderful curvy lines, that was designed based art and that was 90% of what they were talking about in the public art project, that another good example, not a City example, but Metro, again designed based art, that it was the bus shelters, that it could be just a basic bus shelter with a translucent cover over it but they brought an artist in who designed a leaf pattern so that they could sit in the bus shelter and feel as if they were

under a tree because they could see the shade and the pattern of leaves, that again designed based art that reflected something either in the neighborhood or something that made the City just a little bit nicer place to be and that was exactly why they created the public art project. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Parker stated that she wanted to wish everyone a Happy Valentine's Day. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Berry stated that he thought the Silva Contract raised an issue that he already wanted to address and that was allowing them as Council Members as the contractors came forward to know who the principals were behind the deals, that he would ask of the administration that the information be prepared each week so they would know who those principals were. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he had a listing of the contracts that were coming out with the names of the principals and would get him that information so he would understand who was being awarded the contract. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Goldberg stated that as to Council Member Galloway's comments he would like to ask for a full and complete investigation of the bullet, that he did see the window and the hole. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Wiseman stated that she wanted to reiterate what Council Member Sekula-Rodriguez brought up with respect to the San Jancinto Rail line and was very glad to see that they were granted that extension and wanted to thank the administration. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Wiseman stated that her first CIP Meeting would be Monday, February 18, 2002, at 6:30 p.m. at Dobey High School in the southbelt area, that Kingwood's meeting would be March 4, 2002 and invited everybody to attend. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Council Member Wiseman stated that as to her votes with respect to civic art and the parks, that when she campaigned for her Council seat what she heard time and again from constituents was that they needed to shift their focus back to the fundamentals basics first, that they had to take care of their needs first and then their wants, that she had a real problem with money being taken out of ALP and would continue to make that known at the table, that she was all in favor of taking the potholes, covering them up and maybe scalloping the edges and maybe stamping a nice design on them, just as long as they got that work done first. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to wish everyone a Happy Valentine's, Happy Ash Wednesday and Happy Chinese New Year. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:41 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Tatro. Mayor Brown out of the city on city business. Council Member Vasquez out of the city on personal business. Council Members Galloway, Edwards, Keller, Alvarado and Robinson absent. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary