

City Council Chamber, City Hall, Tuesday, February 19, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 19, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D. and Michael Berry; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Gabriel Vasquez and Carroll Robinson out of the city on personal business.

At 2:06 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Alvarado invited Father Cardenas, Resurrection Catholic Church to lead everyone in the prayer and Council Member Alvarado led everyone in the pledge of allegiance. Council Members Ellis and Quan absent. absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Vasquez and Robinson out of the city on personal business. Council Members Ellis and Quan absent. absent.

Council Members Keller and Sekula-Rodriguez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Vasquez and Robinson out of the city on personal business. Council Members Ellis and Quan absent. absent.

Mayor Brown stated that they had a long list of speakers and it exceeded 150 minutes and as a result of that he would be revoking the rule whereby all speakers would be limited to one minute rather than the three minutes to make their presentation. Council Members Ellis, Parker and Quan absent. absent.

Mr. Jerry Wright, 20405 State Highway 290, Ste. 500, Houston, Texas 77070 (281-378-1524) had reserved time to speak, but was not present when his name was called. Council Members Ellis, Parker and Quan absent. absent.

Mr. Harry Reed, 777 Post Oak Blvd., No. 610, Houston, Texas 77056 (713-961-0110) appeared and stated that he had complaints about the \$9 million bond issue, that he studied it very carefully, that he was in the real estate business and had been for forty years, that this was the weakest mortgage that anybody could make, that he thought they could look forward to the City owning that property again in a short period of time, that the operator did not render a tax return on his own property for the last four years and that gave them an example, what was he going to do with those number of units, that he had 2,500 units and had a 40 year mortgage on it during which time they planned to pay no taxes to the City at a time when the City needed every dime it could get, that he could not imagine that they could give that away at this time, that he did not see where it created one single housing project or apartment for any of the people they were supposed to be serving, that the apartments were in good physical condition and were almost 100% occupied. Council Members Ellis, Parker and Quan absent. absent.

Upon questions by Council Member Tatro, Mr. Reed stated that he felt they could do much better than this, that it was a pure latent proposition that only benefited the people who were subscribers to it, that it did not benefit the housing market in the City of Houston. Council Members Ellis, Parker and Quan absent. absent.

Council Member Goldberg asked Mr. Reed what his qualifications were for speaking on the issue, and Mr. Reed stated that he had been in the real estate business for forty years, and had built about 12,000 and operated at this time about 6,000, so the business was not a stranger to him. Council Members Ellis, Parker and Quan absent. absent.

Mr. James P. Matthews, 3814 Lyons Avenue, No. 135, Houston, Texas 77020 (713-227-7372) appeared and stated that he was present to speak for the bonds, that he thought it was something that was very necessary for low housing to be developed, not only in the area that he lived in but all across the City and the State of Texas, that they needed it and there were people that were sleeping under bridges who had such low incomes that they could not find a decent place to stay, that he thought that the Pleasant Hills Community Development Corporation was trying to do that and build affordable housing for those people, that he was asking the City Council if they would try to give the people of Houston a place to stay.

Upon questions by Council Member Galloway, Mr. Matthews stated that the people of Houston needed it and not only the people of Houston but the State of Texas and they had someone who was trying to do it, that they needed to get behind the young man and back him because he was doing something that was very important for each and every one of them, not any certain race but every race and he could speak about it because he stayed in the Pleasant Hill Village Retirement Home, that it was a beautiful place and if they had never seen it he would like to invite them to come and see just what they were trying to do for those that were unfortunate and not able to go and stay in a big high rise or a high income place. Council Members Tatro, Keller, Parker and Quan absent.

Mr. John Beck, 3814 Lyons Avenue, No. 409, Houston, Texas 77020 (713-223-1615) appeared and stated that he had gotten hurt working on the job and had paid his taxes like a regular citizen and doing everything he could, that he got hurt and lost everything, that of course there was no place for him to go to get help because there was no money allocated for a person in his place, that he did not do drugs, alcohol or was not a criminal, so nobody would help him because there was no money allocated, that thank God, after a lot of suffering on the streets and a lot of begging and a lot of searching some project came along and because he was a veteran they decided to help him, that with the pension he got because he was hurt he was able to still not afford an apartment, but thank God for HUD and low income housing, that now he had an apartment and now he felt like a human being again. Council Members Tatro, Keller, Parker and Quan absent.

Ms. Linda Peterson, 3224 Locke Lane, Houston, Texas 77019 (713-526-1730) appeared and stated that she was a life long resident of Houston, that she did not believe it was fair to taxpaying owners of complexes to compete with complexes with subsidized funding who did not pay taxes, that renovation could be done by experienced tax paying owners who bought at fair market price and did renovation with regard to the expected economical life of the structures and manage it carefully, that CDC's could do it if they planned properly with experience apartment people to guide the process and anticipate problems that would occur down through the forty years, that Houston had a bad reputation with HUD for many years and believed that the Pleasant Hill Project would fail and lessen the chances that a viable well planned project would get funding, that when prospective apartment owners took a proposal to a typical bank for a loan they had serious questions about how they would be able to pay the money back, what was their experience in managing money, that they wanted to see tax returns and financial statements. Council Members Parker and Quan absent.

Upon questions by Council Member Tatro, Ms. Peterson stated that they would be politely escorted to the door if they presented a proposal such as the one under consideration today, that she suggested that the proposal be turned down and the applicants could submit a proposal in the future that was economically viable and that would not damage the City's and HISD's tax base. Council Members Parker and Quan absent.

Mr. Keith Clark, 14910 Aldine Westfield Rd., Houston, Texas 77032 (281-985-6222)

appeared and stated that he was with Aldine Independent School District and was Superintendent of Finance, that he was present regarding Item No. 11, the sale of the tax exempt bond for Pleasant Hill Community Development, that they were in opposition to it because if it went through they would lose about \$50,000 in revenue next year, that he understood that it would be a one year loss because the State revenue would kick in the next year, that it would be acceptable to them if some kind of deal could be worked out where they could be reimbursed for that reduction of revenue for next year, but they had gone to several meetings and that had not been offered, that they were in opposition to it and to put it in human terms, \$50,000 was one teacher with some supplies, that it was a lot of money to them, that they loved their kids and wanted to do the best job they could with those kids and they needed teachers in the classrooms. Council Members Alvarado, Parker and Quan absent.

Council Member Sekula-Rodriguez asked Mr. Clark how the Robin Hood Plan would reimburse them and had they calculated the amount of money that would come back to them under the existing plan, and also had their legal advisors told them about the likelihood that the reimbursement from Robin Hood would continue in the future or did they suspect there would be alterations in it with the next Legislative session, and Mr. Clark stated yes, he had calculated how much would come back, not the first year because it was always based on prior year rolls and the first year they would lose about \$50,000 and after that they would lose about \$400 per year, that it was not a dollar per dollar tradeoff, that there was no guarantee that the Robin Hood Plan would continue, that they were meeting in the Legislature right now, and there was a Finance Committee meeting to change the finance system and they did not know what the future held so there was no guarantee that revenue would be replaced, that the money for Robin Hood was put into a big pot in General Fund in Austin and everybody got some portion and yes they got some of that money back. Council Members Alvarado, Parker and Quan absent.

Mr. Paul Bettencourt, 1001 Preston, Houston, Texas 77002 (713-368-2520) appeared and stated that he was present to speak in opposition to the current Pleasant Hill CDC acquisition due to the fact that he considered it to be bad public policy, specifically for three areas, that one the current plan only converted existing housing and did not create new and affordable housing and believed that it was the intent of the law and unfortunately the transaction was best described in his mind as a property tax shelter, that the \$90 million final purchase of the apartment project was an average of \$36,000 per unit, twice the current Class C rate of \$18,000 that could be purchased on an open market and significantly more than the \$40.2 million 2001 HCAD appraised value, that in addition he had given them a handout where they could see on Exhibits A, B and C a serious problem with delinquent taxes, both with the Pleasant Hills Community Group itself as well as the fact that the apartment complex had owed over \$260,000 in back taxes to the City and the County. Council Members Alvarado, Parker and Quan absent.

Upon questions by Council Member Tatro, Mr. Bettencourt stated that in addition what they had done in Exhibit C was to show them that the \$1.2 million loss in property taxes was significant, especially given the City's financial condition, as well as the fact it would be a \$48 million loss for all taxing jurisdictions over the lifetime of the project, just compounding the fact that they were using tax supported debt to supply the project with capitol, that he wanted to remind everyone that the average homeowner paid 17% more taxes last year and in addition to the data provided they would be sending under separate cover some additional investigations about Mr. Clemons background, that he owed approximately \$17,000 in delinquent back taxes back to 1968 to the City of Houston and HISD, that he was asking them to reject the deal because it was bad for the tax payers, bad for the homeowners, due to the fact that there would be continued property value shifts and it was bad for the City finances. Council Members Alvarado, Parker and Quan absent.

Mr. Robert Dawson, 2100 Tanglewilde, Houston, Texas 77063 (713-974-6278) appeared

and stated that he was a native Houstonian and appeared before them to urge the rejection of the Housing Finance Corporation's request for a \$90 million bond issue, that he did it based on his experience of 40 years in the mortgage lending business in Houston, that he also did it based on his service of 14 years on the Harris County Housing Finance Corporation as a member of the Board of Directors, that they as a rule required extensive due diligence and they also would not approve any financing where there was 100% erosion or elimination of the ad valorem taxes, as proposed in this transaction, that they also required extensive input to the board of the income, expenses and required an independent appraisal. Council Members Alvarado, Parker and Quan absent.

Council Member Tatro asked Mr. Dawson if he could fax his additional questions to the Council Members and asked if he had said that he had been on the Board of HHFC and Mr. Dawson stated that it was Harris County not Houston, that they did do a due diligence which would include a historical background of the applicant but they also did an extensive due diligence verifying the actual physical condition and focused on the need for capitol reserves, that they did basic credit checks, that they were very sensitive to the budget and the ad valorem tax base and did not want it eroded, that a credit check would have shown delinquent taxes. Council Members Galloway, Alvarado, Parker and Quan absent.

Mr. John Tuschman, 7670 Woodway, Houston, Texas 77063 (713-545-1940) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Alvarado, Parker and Quan absent.

Mr. DeLloyd T. Parker, Jr., 3903 Almeda Rd., Houston, Texas 77004 (713-521-0621) appeared and stated that in 1996 they presented a proposal to the City, the part of housing, to get their building renovated at 3903 Almeda and the reason they did that was to enhance the service that they presently provided to the community, that over four years had passed and to this day they had not come very close to having the building renovated and it concerned them that they had waiting all this time and had worked very hard, that he had talked to the Mayor and he had gotten some people on the case and they appreciated that, however every day that passed there seemed to be a stumbling block and it concerned them, that they believed it impeded their ability to serve the total community, that if they were not able to successfully get the 16,000 square foot building renovated, it meant in fact, that they were undercutting and short changing the community. Council Members Galloway, Parker and Quan absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Parker stated that he was not present regarding the Pleasant Hills issue, that their concern was not housing but community issues which were bigger than just an individual home and a housing project, that their concern was that a facility was to be renovated that would serve the total Houston community and it was submitted in 1996 and approved, and Mayor Brown stated that Ms. McGilbra was handling it and they would follow up on it. Council Members Galloway, Parker and Quan absent.

Mr. Joseph Colangelo, 8311 Cheshire Vale, Houston, Texas 77024 (713-463-9291) appeared and stated that the bond deal did not add one single house to the inventory, that it was 100% occupied already and would not add anything, that they thought it was the wrong deal and the wrong place with the wrong people using the most expensive program imaginable, that they had 21 reasons why it was bad and most important, he thought, was that Pleasant Hill CDC was not qualified to run the units, that Vinson and Elkins had to amend their statement of risk when they found that for four to five years they had not made money and the language was "you may determine that the excess of expenses and disbursements over revenues reflect negatively on Pleasant Hills CDC's ability to serve as owner or the borrower", that now they found out that they were not even paying other taxes, that every tax entity in the area, Robin Hood law worked to a partial amount. Council Members Galloway, Parker and Quan absent.

Council Member Keller asked if they did not approve the Pleasant Hill it was his understanding that they could do it without Council's approval, but it would cost them another 150 basis points on the financing, and then what his concern with that would be, was the cost of those 150 basis points most likely come out of what would have been remodeling, and Mr. Colangelo stated that he was not sure about that, but all he knew was that at \$37,000 per unit it did not make any sense, that if they went any higher it would make even less sense, that he wanted to distribute the 20 points, to the Council Members, that they had put together and to it he was adding 21 because the Chronicle was now getting interested and Mayor Brown stated that he could do so. Council Members Galloway, Parker and Quan absent.

Mr. Charles Lusk, 4400 Post Oak Parkway, Ste. 2250, Houston, Texas 77027 (713-993-9911) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Parker and Quan absent.

Mr. Tom Scott, 5305 Fieldwood, Houston, Texas 77056 (713-953-3344) appeared and stated that he was in favor of the project and wanted to focus on one thing, that it was about affordable housing and good public policy and their choice was very simple, did the City of Houston which was to forego \$6 per unit per month in support of affordable housing of 2,455 units, that was what it really boiled down to, that there was no denying that the City was in desperate need of more affordable housing and this project and those units were the most affordable units in town, \$450 units, that they could not build new for that number. Council Members Galloway, Parker and Quan absent.

Council Member Goldberg stated that the County Tax Assessor made some serious allegations and asked Mr. Scott if he was aware of those, and Mr. Scott stated no. Council Members Galloway, Parker and Quan absent.

Council Member Tatro stated that Mr. Scott had stated that the City would forego \$6 per apartment, that if they gave up taxes how was the City foregoing revenue, and Mr. Scott stated if they looked at the sheets that were provided to the Council Members by the community development office, under the pilot program the project was proposing to pay the City's foregoing \$6 per unit in taxes per month, that they would be receiving about 17%, that he thought the subsidy was equal to \$6 per unit per month, that they would be receiving \$6 less than they were currently receiving. Council Members Galloway, Parker and Quan absent.

Mr. John Cochran, 1000, Ste. 3400, Houston, Texas 77002 ((713-276-5369) appeared and stated that he was the lawyer for Pleasant Hill Community Development Corporation and they were hired to go out and do due diligence on the Pleasant Hill CDC because as they knew to issue the bonds the corporation had to be a tax exempt entity, that they spent several months at the CDC and were now in the position, and had so stated, that they would give an unqualified opinion that the entity was tax exempt and was a charitable organization in good standing with the IRS, that there had been at least two comments about the losses to the corporation and it being poorly managed, that he would like to say to them that the corporation had served about \$300,000 free meals to the residents of the Pleasant Hills Senior Project. Council Members Tatro, Galloway, Wiseman, Ellis, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that the County Tax Assessor made some serious allegations and asked Mr. Cochran if he was aware of those, and Mr. Cochran stated no. Council Members Tatro, Galloway, Wiseman, Ellis, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Edwards asked if now he was aware of it did it change his opinion of the

CDC's ability to operate the project, and Mr. Cochran stated that as to the CDC, in their due diligence they did not find any delinquency, that they did not evaluate Pastor Clements, they looked at the CDC and did not see any unpaid taxes in their due diligence, that their due diligence was through the year 2000. Council Members Tatro, Galloway, Wiseman, Ellis, Parker and Quan absent. (NO QUORUM PRESENT)

Mr. Barry Palmer, 1001 Fannin, Ste. 800, Houston, Texas 77002 (713-653-7395) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Parker and Quan absent. (NO QUORUM PRESENT)

Mr. Paul Buchanan, 11490 Westheimer, Ste. 550, Houston, Texas 77077 (713-783-1000) appeared and stated that he was present to talk about the underwriting of the transaction, that it had been said earlier that it was a very sloppy and poorly underwritten project, that he was a former banker with CitiCorp Real Estate and had personally been involved in the underwriting of hundreds of millions of dollars of real estate loans and this was the most thoroughly underwritten and scrutinized project that he had ever been involved in, that it had been underwritten by Davis Penn Mortgage Company, an independent large mortgage company in Houston and had been underwritten by Newman and Associates, a very large investment bank, that had underwritten the issuance of the bonds, that it had been underwritten by two outside appraisers that performed independent appraisals on each of the projects, that it had been underwritten by First Southwest Securities, which was Houston Housing Finance Corporation's own underwriter, that it had also been underwritten by HUD, that all of those organizations had unanimously approved it and endorsed it, every single one of them, that they had three unqualified opinions from Vinson and Elkins, Gardere and Wynne and Coats and Rose, three very prestigious law firms, all of which approved the transaction. Council Members Tatro, Galloway, Wiseman, Parker and Quan absent.

Mr. Harvey Clemons, Jr., 1510 Pannell Street, Houston, Texas 77020 (713-224-0052) appeared and stated that he was present to answer any questions that anyone might have about the Pleasant Hill acquisition program, that there was some concern raised about the policy, whether it was good public policy, that they did not write the policy they just applied under the existing policy by the State of Texas and the City of Houston, that they presented their proposal and all of the authorities that they trusted to evaluate a deal when it came before them had said that it was a good project, that those individuals who had come before them, while they did not attack the policy, they attack whether the particular project was good or whether the particular project was a project worth having and they talked about the cost, that the cost of the project was based upon what they were able to get the units for and at the same time preserve affordable housing, perhaps maybe the cost of the project was driven up because there were some other individuals who were in the for profit market who wanted to have the properties and take them off of the affordable housing list. Council Members Tatro, Galloway, Parker and Quan absent.

Council Member Goldberg asked Mr. Clemons about the delinquent taxes and what was the problem, and Mr. Clemons stated that they were not ready to concede that they were delinquent in any taxes and had heard it for the first time as they had, that they would have to have their attorney's and their people go back and look at it, because perhaps they might protest that fact, that he was saying that the Community Development Corporation, as they knew of today, was not delinquent in any taxes that were available, no taxes at all, as they knew at this point, that there were two forms of taxes, from what he understood from Mr. Bettencourt it was ad valorem taxes, that the taxes they had in the past were the 990's or the tax returns on the Community Development Corporation, that those had been corrected and any taxes that were outstanding were paid and their 501C3 status was in place, that they were not delinquent on the ad valorem taxes, not that they knew of, that no project that they had or any of the projects that

they owned should be delinquent in taxes. Council Members Galloway, Parker and Quan absent.

Mr. Bob Gabler, 2015 Lake Village Dr., Kingwood, Texas 77339 had reserved time to speak, but was not present when his name was called. Council Members Galloway, Parker and Quan absent.

Ms. Diane Lederer, 4807 Golden Pond, Kingwood, Texas 77339 (281-360-4515) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Darlyne Van Pelt, 4811 Golden Pond, Kingwood, Texas 77339 (281-360-1243) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Barbara Hoyt, 1601 Cypress Ln., Kingwood, Texas 77339 (281-358-3018) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Loretta Core, 3211 Village Falls Ct., Kingwood, Texas 77339 (281-360-8327) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Florine Winkler, 4545 Kingwood, Kingwood, Texas 77345 (281-360-1883) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Mary Stickland, 2007 Sunshine Point, Kingwood, Texas 77345 (281-360-0708) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Sheryl Corrigan, 2063 Pine River, Kingwood, Texas 77339 (281-359-1739) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Ms. Patricia Shaffer, 1621 Palomino Ln., Kingwood, Texas 77339 (281-358-2533) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Quan absent.

Mr. John Drennon, 3019 Creek Meadow, Kingwood, Texas 77339 (281-361-6760) appeared and stated that he was a resident of Kingwood, that he was originally going to speak about the shutting down of the Kingwood office and the representative there, but understood that it would remain open for some time that they just had a new representative, that he wanted to thank the Mayor and the Council for keeping the Kingwood office open and also thank Mr. Rick Dickson for his fine services. Council Members Parker, Sekula-Rodriguez and Quan absent.

Mayor Brown stated that their new representative, Ms. Rose Bener, was present and would be delighted to meet with them and get acquainted with them, that she would do a great job as well. Council Members Parker, Sekula-Rodriguez and Quan absent.

Mr. Dave Jones 2529 South Vickery Dr., Houston, Texas 77088 (281-591-6594) appeared and stated that he was from District A, that he was a tow truck driver and they had a slip that showed that they did not want to hide their prices, that they showed the prices and on the back

there was still today a \$35 price but they were having to get some new trucks and insurance and they had the new prices worked out and they would be printed out, that mostly for the average individual the towing would be free, that due to the rising cost of insurance they had to put the price on the tickets so it would not be a great concern to people to say that there was price gouging, with each individual trying to write prices on them as they go. Council Members Parker, Sekula-Rodriguez and Quan absent.

Mayor Brown stated that he wanted to thank him for being present. Council Members Parker, Sekula-Rodriguez and Quan 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 Parker, Sekula-Rodriguez and Quan absent.

Ms. Judy Terry 7715 Braes Meadow, 77071 (713-772-6419) appeared and stated that she was present to talk about an ADA issue, accessibility to public buildings and a public health issue, second hand smoke exposure in public health buildings, that this year and last year she attended a Hispanic Forum at the George R. Brown Convention Center and when she entered in the morning she had to pass by a policemen smoking while doing their job duties, that when she left she had to pass by the smokers who were standing in front of the building and on the sidewalk smoking, that she had to make a pathway through them, that it was not safe to use any other access to and from the George R. Brown Convention Center, but the sidewalk in front of the George R. Brown Convention Center, that this year she actually used her peak flow meter to judge what it did for her breathing, that she experienced a 15% reduction in ability to breath, that she had to use her rescue inhaler, both this year and last year, and all though it ended in the afternoon she still could not breathe that evening, that she wanted to have the rest of her three minute presentation. Council Members Parker and Quan absent.

Upon questions by Council Member Edwards, Ms. Terry stated that she also wanted to explain it not just for her with her sensitivity, but secondhand smoke was a health issue for everybody, especially children, that they knew it was the third leading cause of preventable death in America, and what she was proposing was that they setup some smoking area away from the entrances to buildings and the pathways of access, that it would save them money in litter cleanup just to have all that in one place. Council Members Parker and Quan absent.

Mayor Brown stated that they would follow up on her suggestions and concerns. Council Members Parker and Quan absent.

Ms. Sasha Guzman 10118 Lucore Street, Houston, Texas 77017 (832-453-1383) appeared and stated that she was a clinical student at the University of Houston, Department of Psychology, that this week she would be meeting with the Dean of Students on campus for a petition proposal which she thought would benefit both a City and State and possibly federal level, that it revolved around the idea of Death Row Offender Consent Restitution Proposal for the medical advancement and the quality of life extensions, that as a taxpayer and resident of the State of Texas she had become quite alarmed at the daily cost of maintaining prisoners on death row, that according to the State Department of Criminal Justice, the average cost per day per offender was \$53.15, that the average time on death row, prior to execution, was 10.58 years, that surprisingly enough it seemed to add up, that as of December 19, 2001 the current total number of offenders sentenced to death per County was 893, with Harris County being the larges County at 254. Council Members Parker and Quan absent.

Mayor Brown stated that they would take a look at the material she had handed out and deal with it accordingly. Council Members Parker and Quan absent.

Mr. Ronnie Evans, Jr., 7802 Braes Dale Ln., Houston, Texas 77071 (713-541-5609) appeared and stated that he was a proud and concerned 17 year old senior at Worthing High School, that he was present to ask for their help in securing a much needed safety system for the students and community in the Sunnyside and South Park areas, that he thought of such a safety system when he began his search for a Boy Scout Eagle Project, that he was currently a life boy scout who was working on a meaningful Eagle Scout Project, that he knew this project would safeguard the students, faculty, staff and others traveling in the Worthing and Sterling High School areas, that in Worthing's 43 year and Sterling's 37 year school's history they did not have school zone signs, pedestrian crossing signs or anything to let them know they were approaching a school and to drive by with caution, that for several weeks he drove around the district and took pictures of some of the high schools with those types of signs showing they were approaching a school, that at the schools of Madison, Lee, Sharpstown, Westbury and Bellaire High he was convinced that the students at those schools absolutely felt safe as they approached those schools each school morning and as they leave each school afternoon, that those students did not need to dodge speeding cars, that they were taught daily how to respect school zones and how to respect each other when their fellow classmates cross the street, that he petitioned them to find it within their hearts and budget to reconsider and support the Sunnyside and South Park Communities by posing safety signs around Worthing and Sterling High Schools, that this was a long and overdue much needed necessity that would be welcomed with open arms. Council Member Parker absent.

Council Member Edwards asked Mr. Evans if he had a specific proposal that he was offering to the City Council, and Mr. Evans stated that he was just asking that they have school zone signs, because it was very unsafe around Worthing and Sterling, that there had been numerous teachers, students and pedestrians hit, that there were stop signs and it was 40 miles per hour on Scott Street and they usually went 45 to 50 miles per hour, and Council Member Edwards asked Mr. Evans to give her office a copy of the photos and the work he had done to see if they could follow up on it. Council Member Parker absent.

Council Member Quan stated that he wanted to thank Mr. Evans for being present, that it was a very important issue and as a matter of fact on this weeks Council agenda they had an allocation of monies to expedite more signs for school districts, that he commended him for taking the time to make them aware of it. Council Member Parker absent.

Mr. Steven Williams, no address, no phone. Had reserved time to speak, but was not present when his name was called. Council Member Parker absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126). Had reserved time to speak, but was not present when his name was called. Council Member Parker absent.

Ms. Annette Lamoreaux, American Civil Liberties University, 3400 Montrose Houston, Texas 77006 (713-942-8146) appeared and stated that she was the East Texas Regional Director of the American Civil Liberties Union and was present on the recent officer involved shooting, that the ACLU had long had a position on officer involved shootings and they would like to propose the following, that the Citizen Review Council review this officer involved shooting and in order to do that, that the Citizen Review Council be given sufficient powers including the ability to review internal HPD records, particularly personnel files involving internal investigations that were not at the moment available to that entity, that clearly they had a problem, that Houston was the number two law enforcement agency in the Country per capita for shootings for violent criminal arrests, second only to Harris County, that while this particular incident was tragic they viewed it as a systemic problem that went well beyond the particular incident and that the City Council to give the Citizens Review Board the power to address the problem. Council Member

Parker absent.

Council Member Edwards asked Ms. Lamoreaux what power she was talking about, and Ms. Lamoreaux stated that currently the committee did not have the power to review internal HPD documents and in order to affectively investigate officer involved shootings they needed to have access to an officer's personnel file because it was possible that in the past the officer had been investigated for a shooting or other personnel matters, even though they were not suspended, so they may have an officer who had a problem but who had consistently been exonerated by IAD and they believed that it was a public trust issue that clearly there was a problem with the police policing themselves. Council Member Parker absent.

Council Member Quan stated that he wanted to thank her for being present and appreciated what she had to say and thought that establishing the credibility of the system, that the CRC did in fact do a thorough investigation and things were brought to the surface were important to establish the credibility of the City in looking into the matters, that they would follow up on the issue. Council Member Parker absent.

Mayor Brown stated that Captain Chandler was present and would ask that she meet with him and he would take her message back to the police chief and ask him to take a look at her recommendations and see what could be done. Council Member Parker absent.

Ms. Arlene Kelly, 2715 Lazy Spring Dr., Houston, Texas 77080 (713-462-3808) appeared and stated that she was the mother of Colleen Kelly who was shot and killed by a police officer about two years ago, that the officer had killed two other people just six months prior to killing her daughter, that she was present to talk about the ongoing killings, that she had been in contact with the sister of the man who was shot and killed a week ago, Jack Stewart, and asked to read a statement from Mr. Stewarts sister which stated her sentiments regarding the shooting of her brother. Council Members Galloway and Parker absent.

Mayor Brown stated that Captain Chandler was present and would meet with her, and Ms. Kelly stated that she meet with Captain Chandler when her daughter was killed and asked for some answers and he never called her back. Council Members Galloway and Parker absent.

Ms. Susan Hartnett, 360 Jeanette, No. 2708, Houston, Texas 77063 (713-952-2489) appeared and stated that she knew only too well the pain and grief the family of Jack Stewart was going through as on October 25, 1998 her son was shot and killed by seven Houston Police Officers, that once again she came before them in the hopes that they would recognize that there was a major problem in the Houston Police Department using excessive force, including deadly force, against the mentally ill and others who could have been subdued through less extreme measures, that HPD began a pilot program in September 1999 to deal with the mentally ill, that Mr. Stewart had a Bipolar Disorder, which anybody could have recognized so why did the officer not call a special response team to respond instead of shooting him, that the special response teams were trained to respond to situations to reduce the incidents of unnecessary force and injury. Council Members Galloway and Parker absent.

Council Member Sekula-Rodriguez stated that Ms. Hartnett had stated that an officer shoot be able to recognize Bipolar Disorder and asked what made her thing it was the case, and Ms. Hartnett stated that when they were in a manic state there were very irrational movements and they jumped around, and Council Member Sekula-Rodriguez stated that a Bipolar Disorder waxed between depression and mania, that mania could be extremely aggressive so it was very difficult for a police officer to determine the cause of aggression on site, that she thought that it would be very difficult for the officer to make that assessment across a distance, and Ms. Hartnett stated that Mr. Stewart had been in custody two days prior to his shooting and had an

extensive relationship with HPD because he had been in custody so much when he was in his mania state, so they basically knew, that she had a list of 33 other people who were mentally ill and killed by HPD Officers. Council Members Galloway and Parker absent.

Mayor Brown asked for a copy of the list and stated that they would make a copy for each Council Member. Council Members Galloway, Keller and Parker absent.

Ms. Marilyn Head, 7820 Van Ness, Houston, Texas 77037 (281-405-8998) appeared and stated that she was present because she wanted to know the truth in the killing death of Jack Stewart, that she was calling for a civilian investigation independent of any government body, especially the Citizens Review Committee which she felt was biased and would not lead to the absolute truth, that she thought that Enron said it all and they had to admit the fact that the police could not police themselves in a situation like this that was tempered with so many kind of issues dealing with mental illness, that she recommended that they appoint the University of Houston, Texas Southern University, the University Law School Downtown to get some students to do some investigations, that she thought it would be an unbiased type of investigation. Council Members Galloway, Parker and Berry absent.

Council Member Edwards asked Ms. Head what kind of authority did she imagine an independent body having to do the investigation that she talked about, and Ms. Head stated that she would see the City Council as giving that group subpoena power for a full investigation. Council Members Galloway, Parker and Berry absent.

Ms. Randall Kallinen, 1314 Texas Avenue, Ste. 600, Houston, Texas 77002 (713-320-3785) appeared and stated that he was the Chairman of the Criminal Justice Committee and the Houston Chapter of the American Civil Liberties Union, that the clergyman who opened the meeting asked the Creator to give an opportunity to all races and ethnicities but death took away all opportunities for all races and anyone who was caught in its throes, that Mr. Stewart, an individual with no mental health problems was shot to death by an officer of the Houston Police Department, that the City of Houston needed a Citizen Review Board with power, power to investigate the personnel and disciplinary records of officers involved in shootings, that the citizens of Houston deserved the power to review such cases. Council Members Tatro, Galloway, Parker and Berry absent.

Ms. Don Seributra, 7023 Dickson Way, Missouri City, Texas (281-437-4931) appeared and stated that this was his first visit to City Council and displayed a poster of all of the people who were mentally ill who had been the victims of police violence, that last November he joined with Corporate Justice, that he believed in Ms. Head's decision to push for an independent civilian oversight committee, that every mentally ill case had been tried in the courts. Council Members Tatro, Galloway, Parker and Berry absent.

Council Member Sekula-Rodriguez stated that she wanted to thank Mr. Seributra for being present and speaking on behalf of the people who were mentally ill and often had no voice and could not speak for themselves. Council Members Tatro, Galloway, Parker and Berry absent.

Ms. Glenda Holmes-Moore, 2615 Arbor Ste., No. 1, Houston, Texas 77004 (713-874-1579). Had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Parker and Berry absent.

Mr. Gilbert Petty, 3319 Hickory Brook Dr., Kingwood, Texas 77345 (281-360-3142). Had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Parker and Berry absent.

Ms. Helen Petty, 3319 Hickory Brook Dr., Kingwood, Texas 77345 (281-360-3142). Had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Parker and Berry absent.

Ms. Dee Price, Post Office Box 6299, Kingwood, Texas 77325 (713-680-7528) appeared and stated that she was president of both of the Kingwood's Services Association and the Kingwood area Super Neighborhood Council and was present to convey Kingwood's disappointment of the reassignment of Mr. Rick Dickson in the Mayor Citizens Assistance Office from Kingwood to Spring Branch, that Mr. Dickson was very knowledgeable of Kingwood needs and City processes and had provided exemplary service to the citizens of Kingwood and the Super Neighborhood Council, that his assistance in helping the Super Neighborhood Council understand City processes and procedures and in working with City personnel on ongoing issues had proved invaluable in implementing the super neighborhood concept in Kingwood, that they did recognize that the City administration needed the flexibility to assign personnel wherever they were needed the most, however, with no disrespect intended for the current person assigned to Kingwood they felt that the reassignment of Mr. Dickson to another part of the City was not in Kingwood's best interest. Council Members Tatro, Galloway and Parker absent.

Mayor Brown stated that the reassignment was temporary assignment until they found a permanent person to work with the community, that by no means would Kingwood be without a representative. Council Members Tatro, Galloway and Parker absent.

Council Member Keller stated that he wanted Ms. Price to let him know if they were not happy with the new person, that they felt their services would be just as good if not better. Council Members Tatro, Galloway and Parker absent.

Council Member Weisman stated that she wanted to thank Ms. Price for being present that they certainly appreciated it, that she wanted to thank Mayor Brown for insuring that the office would continue to be open for the people in Kingwood who wished to use the services that were available through that office, that she would like to work with the Mayor in finding a permanent employee from the Kingwood area if possible, and Ms. Price stated that the communication was very poor in this situation and they would like to very much improve the communication process. Council Members Tatro, Galloway and Parker absent.

Mr. Richard Cline, 3827 Village Oak, Kingwood, Texas 77339 (281-358-1844) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Parker absent.

Mr. George Fastuca, 1634 Scenic Shore Dr., Kingwood, Texas 77345 (281-361-5216) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Parker absent.

Ms. Sarah Nowak, 3106 Sunny Knoll, Kingwood, Texas 77339 (281-358-2399) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway and Parker absent.

Mr. Joe Stunja, 2006 Pleasant Creek Dr., Kingwood, Texas 77345 (281-360-5549) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Parker absent.

Mr. Anthony Geldens, 4545 Kingwood Dr., Kingwood, Texas 77345 (281-360-7598) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Parker absent.

Mr. William Bethume, 3006 Pleasant Run Dr., Kingwood, Texas 77339 (281-358-6151) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Parker absent.

Ms. Jean Waldrop, 3210 Sunny Knoll, Kingwood, Texas 77339 (281-348-3022) appeared and stated that she was a resident of Kingwood, that she first encountered Mr. Dickson at a Kingwood Lake's Homeowners Association Board of Directors meeting, that she was initially impressed that he had taken his own time to attend the not so important evening meeting to introduce himself and his office to the homeowners, that his was a quiet and peace filled voice that told them that of his position in the community, that of a liaison between the big bad City that had just cobbled up the beautiful and innocent community of Kingwood, that he said his office would have an open door and encouraged the residents to call him with any questions, that through the years she had taken up Mr. Dickson's offer and he was always helpful, considerate and good natured, that when she heard others voice questions she suggested they call Mr. Dickson to talk to them, that the animosity that came with annexation was tempered when they spoke with Mr. Dickson. Council Members Tatro, Galloway, Keller and Parker absent.

Council Member Alvarado stated that she was not sure what they were being asked to do here, that it seemed they were not in the business of micromanaging the Mayor's Citizens Office and if she remembered correctly shortly before Mayor Brown came into office there was a community liaison, Mr. William Morris, who was transferred, that it had happened before and was not sure what they were being asked of today, and Ms. Waldrop stated that they were initially told that the office was going to go away, that she thought it was a rumor. Council Members Tatro, Galloway, Keller and Parker absent.

Mayor Brown stated that it was false information and they had attempted to clarify it by indicating they would assign someone there until they had a permanent person assigned there. Council Members Tatro, Galloway, Keller and Parker absent.

Mr. Brian Danneman, 38 Wilson, Ste. B, Kingwood, Texas 77339 (281-319-4263) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Keller and Parker absent.

Ms. Candace Varty, 2300 Woods Estates, Kingwood, Texas 77339 (281-359-5627) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Keller and Parker absent.

Ms. Leslie Free, 3726 Paul Meadow Creek, Kingwood, Texas 77339 (281-359-0586) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Keller and Parker absent.

Mr. Travis McCormick, 1520 Mistletoe, Kingwood, Texas 77339 (281-359-1102) appeared and stated that he was a citizen of the City of Houston and a resident of Kingwood, that he managed twenty community associations in the Kingwood area and worked closely with the Mayor's assistance office, and thanked them for the opportunity to be able to do that, that specifically over the past five years since annexation had worked directly with Mr. Dickson and he had been an asset to him, his business and his community, that he had learned that the City had reconsidered closing the Kingwood Mayor's Assistance office and he thanked them for that, that Mr. Dickson was an asset to the City of Houston and to Kingwood, and he asked their consideration in reconsidering that Mr. Dickson be reinstated at the Kingwood facility. Council Members Tatro, Galloway, Keller and Parker absent.

Mayor Brown stated that they never considered closing the Kingwood office, that they were

just transferring personnel. Council Members Tatro, Galloway, Keller and Parker absent.

Ms. Lynn Forster, 2215 Running Spring, Kingwood, Texas 77339 (281-358-6745) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Keller and Parker absent.

Ms. Rita Daniels, 5818 Juniper Knoll, Kingwood, Texas 77345 (713-241-4242) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Keller and Parker absent.

Mr. Harvey McCraw, 1102 Kingwood Dr., Ste. 104, Kingwood, Texas (281-358-5192) appeared and stated that he was present on behalf of Mr. Dickson and the closing of the Mayor Assistance Office which they now understood was a changed situation, that they would like to have Mr. Dickson at least reinstated on a temporary basis until the position was filled, which may take 3 or 6 months, that they asked that Mr. Dickson be put there and the Spring Branch Office left as it was until such time as that replacement was found. Council Members Galloway, Keller and Parker absent.

Mr. Charles Houston, 3322 Yellowstone, No. 1205, Houston, Texas 77021 (713-741-6117) appeared and voiced his personal opinions regarding the shooting of Mr. Jack Stewart and stated that it was time that they take it to the street, that as he spoke he was forming a movement to challenge all Council Members, government and State on those issues, that it seemed that nobody cared politically, that it was time to take action. Council Members Galloway and Parker absent.

Council Member Edwards asked Mr. Houston if he was forming an organization and did he have a concrete proposal to give to the Council, and Mr. Houston stated no. Council Members Galloway and Parker absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Parker absent.

Mr. Louis DeLao, 9431 Meaux Dr., Houston, Texas 77031 (713-774-2259) appeared and stated that he was a City of Houston electrician and traffic technician, that the reason he was present was so they could give a message to their constituents, that he knew how upset they got because of the traffic problems and when there was problems with the signal division, that the message was that they had not seen nothing yet, that Houston, Clear Lake and Kingwood area had over 22,000 intersections, approximately 1,300 school zones and another 1,000 coming that all of that was serviced by only 68 electricians, that they presently had 6 electrician positions that had not been filled and had 3 management positions that had not been filled and had several people who had left the employment of the City of Houston because they simply were not getting paid enough, that they had several people who were retiring this year. Council Members Galloway and Parker absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas (281-438-4124) appeared and stated that he was President of the Houston Black Firefighters Association, that on February 11, 2002 a Dallas Firefighter named Vincent Davis was killed in the line of duty, that before he died one of his last acts as a Dallas Firefighter was to save another firefighter, that Mr. Davis died a hero and left behind a wife and five children, that Mr. Davis was also African American and also not a member of the main local union in Dallas, that because he was not a local union member it played a big factor in the Houston Fire Department's response to this death, that the official announce of his death came in the form of a briefly worded e-mail sent to all stations from

the President of Local 341, Steve Williams, that Mr. Williams e-mail offered no hint of departmental grief or praise of the fallen firefighter, from either Chief Connealy or any member of his command staff, that as a result many firefighters, both union and non members were confused as to the Houston Fire Department's official position in regards to this man's death.

Upon questions by Council Member Edwards, Mr. Jordan stated that unofficially Houston's union position was clear, that this man was a scab and a scab was not to be given the same honor and respect as fallen union members, that none of the Houston fire stations were required to fly their flags at half mast, that no requests were made for firefighters to shroud their badges out of respect for his death, that finally, to his knowledge, arrangements for firefighters to attend his funeral were not made in a timely manner, that as a result he was embarrassed and ashamed that the Houston Fire Department was not adequately represented as this man's funeral, that the whole incident had him questioning the decision making process of the Houston Fire Department, that while he was not saying that the fire chief made decisions based solely on the wishes of the local union, he was saying that in this matter the union's point of view was allowed to take precedent over the professionalism of the Fire Department, that not all firefighters were members of the local labor group, that it was no secret that Black and White firefighters differed in their views, that these differences often caused Black firefighters to drop out of their local union, that Dallas Firefighter Vincent Davis union view should not have taken precedence over his death in the line of duty, that all firefighters take an oath of office promising to save lives and protect property, they did not take an oath of office promising to be a good union member, that the Houston Fire Department dropped the ball on this one, that allowing the union to make command decisions that affected all firemen was bad business, that he was present to go on record to say that this should have never happened and would never happen again. Council Members Galloway and Parker.

Council Member Keller asked Mr. Jordan if he had seen the correspondence between the Dallas Firefighter's Association and the Houston Union, and Mr. Jordan stated the information that Council Member Keller was reading was something that probably Mr. Steve Williams gave to Council Member Keller, that what they were talking about was the Houston Fire Department and the letter that Steve Williams sent to the organization, where were they going with this, that they could not do anything to Steve Williams, but the Fire Department and the fire chief was under the administration and they were negotiating a contract, that they were hanging pictures at the station about a scab list and they were calling the fallen firefighter a scab, that his name was on the list and he was a scab, but if he went to the fire chief he should be neutral, that renegotiating a contract with Local 341, that the fire chief and command staff were members of Local 341 and that was a conflict of interest and should not be happening, that he was present to ask the Council and the Mayor to have the fire chief and command staff exit the union so they could be neutral and could be the administration and the supervisors that they were supposed to be to the fire department. Council Members Galloway and Parker absent.

Mr. James Partsch-Galvan - 1611 Holman, Houston, Texas 77004 (13-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Parker absent.

Mr. Albert Coleman, 4707 Curly Oaks, Houston, Texas 77053 (713-430-0020) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Parker absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and voiced his personal opinions regarding Enron until his time expired. Council Members Galloway, Edwards, Wiseman, Parker and Berry absent.

Mr. Joseph Omuari, 15 Charleston Park, 77025 Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Parker and Berry absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and stated that he had a handout for the Mayor and Council Members and would like for them to read it so they could help him, and continued to voice his personal opinions until his time expired. Council Members Galloway, Edwards, Wiseman, Parker and Berry absent.

Mr. Joseph Charles, 8034 Antoine, Nb. 107, Houston, Texas 77088 (713-878-2355) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Parker and Berry absent.

At 3:43 p.m. upon motion by Council Member Quan and seconded by Council Member Sekula-Rodriguez, City Council recessed until 9:00 a.m., Wednesday, February 20, 2002. Council Members Galloway, Edwards, Wiseman, Parker and Berry absent.

City Council Chamber, City Hall, Wednesday, February 20, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 20, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Members Mark Ellis and 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 9:11 Mayor Brown reconvened the meeting of the City Council.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Director Human Resources to approve a third 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis and Vasquez out of the city on personal business. Council Members Goldberg, Edwards and Alvarado absent. MOTION 2002-0203 ADOPTED.

PROPERTY - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A91-134, located at 6809 Wheatley Street, owned by Thelma J. LaStrape aka Thelma J. LaStrap and husband, Paul LaStrap, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - \$29,098.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council

Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0204 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **AMEND MOTION #99-1782, 10/20/99, TO INCREASE** spending authority by \$166,620.00 from \$666,480.00 to \$833,100.00 for Chemical, Liquid Chlorine Contract for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION (ALUMINUM CHEMICALS, INC dba COASTAL PRODUCTS AND CHEMICALS** - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0205 ADOPTED.
8. **AMEND MOTION #2000-1497, 12/13/00, TO INCREASE** spending authority by \$89,234.85 from \$356,939.40 to \$446,174.25 for Aluminum Traffic Sign Blanks for Department of Public Works & Engineering, awarded to **CUSTOM PRODUCTS CORP.** - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0206 ADOPTED.
9. **AMEND MOTION #99-1126, 6/23/99, TO EXTEND** expiration date for 12 months from June 22, 2002 to June 22, 2003, for Prentice Loader Replacement Parts for Solid Waste Management Department, awarded to **GULF STATE CRANE & EQUIPMENT CO., INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0207 ADOPTED.
10. **VULCAN CONSTRUCTION MATERIALS, L.P.** for Crushed Limestone for Various Departments \$3,059,540.82 - General, Enterprise and Street & Drainage Maintenance Funds - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0208 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 28

12. ORDINANCE approving the issuance of bonds by the Greater Greenspoint Redevelopment Authority; providing for continuing disclosure with respect to such bonds - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - had been pulled from the Agenda by the Administration and was not considered. Council Members Goldberg and Alvarado absent.
13. ORDINANCE approving and authorizing a Public Improvement Development Agreement between the **CITY OF HOUSTON, TEXAS, REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE), and HOLLEY-GUNIGANTI DEER RIDGE, LTD.** for the Design, Construction and Acquisition of certain public improvements and for certain other project costs in the Lake Houston Zone; providing for the reimbursement of previously expended or committed project costs - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Ellis and

Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0109 ADOPTED.

14. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0110 ADOPTED.
16. ORDINANCE approving and authorizing first amendments to agreements between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, SHELTERING ARMS, PERRYLEE HOME HEALTH, and ALZHEIMERS ASSOCIATION** to provide for additional scopes of services and related budgets for Caregiver Support Services for the City's Elderly Programs - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0111 ADOPTED.
17. Omitted
18. ORDINANCE issuing a permit to **SIC - ESPERSON BUILDINGS, L.P., and DT ESPERSON BUILDING I LIMITED PARTNERSHIP** for using, occupying, operating, maintaining and repairing a pedestrian tunnel abutting Block 91, S.S.B.B. and within Walker Avenue, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0112 ADOPTED.
21. ORDINANCE appropriating \$491,897.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **TSC ENGINEERING COMPANY** for New Perimeter Fence and Obstruction Removal at William P. Hobby Airport (Project No. 576); CIP A-0295, A-0372, A-0439 and A-0391 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0113 ADOPTED.
23. ORDINANCE appropriating \$50,000.00 out of Street & Bridge Consolidated Construction Fund and \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **TECHNOLOGY SERVING PEOPLE, INC** for Asbestos and Lead related professional services, GFS R-0019-05-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0114 ADOPTED.
24. ORDINANCE appropriating \$50,000.00 out of Street & Bridge Consolidated Construction Fund and \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **ENVIRONMENTAL CONSULTING SERVICES, INC** for Asbestos and Lead related professional services, GFS R-0019-06-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated

Construction Fund and the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0115 ADOPTED.

27. ORDINANCE appropriating \$8,723,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** for 54-Inch Water Main along Aston Street, Stonington Street and Hempstead Highway from West Tidwell Road to Brittmoore Road, GFS S-0900-70-3 (WA10643); providing funding for construction management and 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. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. ORDINANCE 2002-0116 ADOPTED.
28. ORDINANCE No. 2002-92, passed first reading February 13, 2002
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 - **SECOND READING** - ORDINANCE 2002-0092 PASSED SECOND READING IN FULL

Council Member Parker moved to suspend the rules to consider Item Numbers 38 and 30 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Goldberg and Alvarado absent. MOTION 2002-0209 ADOPTED.

38. 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 45 on Agenda of February 13, 2002, POSTPONED BY MOTION #2002-0198)** – was presented.

Council Member Tatro stated that he believed that the construction management should come out of the regular bond appropriation or the Parks, that he had checked with Legal and the item was a work order project contract which meant it was an open ended contract and simply allocated, not specific on any project they simply allocated funding to it and the funding source had been broken down to reflect the various funding sources, that a portion was coming directly from the Water and Sewer, it was \$321,972 and believed it was an inappropriate use of Water and Sewer money. Council Members Goldberg and Alvarado absent.

Council Member Tatro moved to amend Item No. 38 by reducing the amount of the contract by the Accumulated Unexpended Fund portion of \$321,972, seconded by Council Member Keller.

Mayor Brown stated that what Council Member Tatro was proposing would not work because there were no funds to substitute for it, that it was a project that Council had approved originally and if there was any legitimate use of the fund this would be it because it repaired the swimming pools and saved water and in the long run it was the right thing to do and asked Council not to approve the amendment.

Council Member Sekula-Rodriguez stated that she wanted to speak in favor of the amendment simply as a way to demonstrate the sincerity that this Council had, that this Council had not voted on the issue, that it was the previous Council, and Mayor Brown stated that for one thing they could not start fresh, the projects were ongoing and just because it was a new Council they could not stop the business of the City and things they had already approved.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez out of the city on personal business
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Rodriguez voting aye
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis out of the city on personal business.	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-0210 FAILED

A vote was called on Item No. 38. Council Members Tatro, Wiseman and Sekula-Rodriguez voting no, balance voting aye. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0117 ADOPTED.

30. ORDINANCE appropriating and transferring \$15,000,000.00 out of the Accumulated Unexpended Fund into the General Fund Fund Balance; appropriating and transferring \$15,000,000.00 from the General Fund Fund Balance to the Fire Department Expenditure Budget – (This was Item 29 on Agenda of February 6, 2002, POSTPONED BY MOTION #2002-155) – was presented.

Council Member Robinson stated that he had a written amendment to amend Item No. 30 to earmark \$1.5 million of the transfer for base pay equalization in the Fire Department.

Mayor Brown asked Dr. Scheps to address the amendment.

Council Member Robinson stated that he had gotten Dr. Scheps memo, the Sales Tax estimate and request for ALP transfer and stated that he wanted to make sure he was reading it correctly, that in the bottom section relative to Dr. Barton Smith it pointed out that this was \$3.5 million higher than the estimate presented in the December MOFAR and would assume that in combination with the \$15 million in ALP transfer it would cover their shortfall, that with the \$18 million it would be up by \$500,000 if the estimates were to hold, and Dr. Scheps stated that they had an \$18 million dollar problem basically, the \$15 million plus the \$3 million, and Council Member Robinson stated that someone from Dr. Scheps had called his office and told his aide that the \$1.5 million for base pay equalization was already in the budget, and Dr. Scheps stated yes, and Council Member Robinson stated that he would be happy to pull the amendment if he could figure out when they would start the base pay equalization, if the budget balanced and they had the money budgeted, and Dr. Scheps stated that it was a policy decision, that the Meet and Confer discussions were going on so he believed it would be at the time they would get a Meet and Confer Agreement with the firefighters.

Mayor Brown stated that he wanted to ask Mr. Hall to respond to the questions, that it was his understanding that the parity right now was what was in the police agreement, and Mr. Hall stated that he thought it was important to go back for a minute for it to make any sense, when in fact the terms of employment or the rules of work were a matter of State law obviously one could say that the issue of pay parity was something they could have fixed essentially to base pay as they had known it, that as they knew some years ago they went to Meet and Confer that basically gave authority to eliminate the provisions that could be agreed upon or changed them, by in fact changing State law, so as a practical matter now Meet and Confer involved a number of things to equalize the pay and benefits of firemen as against police officers, that there was no ordinance, per se, that said they had to be paid the same thing, that associated with Meet and Confer were a number of economic issues, that would impact what one would judge as equalization of base pay, and Council Member Robinson asked in light of Dr. Scheps memo and some kind of commitment if they got a Meet and Confer Agreement would the \$1.5 million carry over so they could include that if it was a part of the negotiations to essentially have a retroactive base pay parity from the time they started the new firefighters agreement, and Mayor Brown stated that Mr. Hall had to answer first whether they could legally give retroactive pay, and Mr. Hall stated that question had not been raised earlier, but Meet and Confer would reduce the context of determination of what would be equalization of base pay and it would be prospective and not retrospective, that would be constitutionally illegal, that what they were talking about was reconciling all of the issues that related to compensation for police and firemen as they recognized and involved a host of things, and Council Member Robinson stated that the only way that he could be sure was to earmark \$1.5 million out of the transfer and ask that it be spent now prospectively going forward on base pay equalization and asked if Council could do that, and Mr. Hall stated that they would do it at the time they passed an ordinance authorizing the expenditure for that and appropriating the money, that this was not the time to appropriate the money because there was nothing to appropriate it to at the moment.

Council Member Tatro stated that he was in full support of the gist of what Council Member Robinson was looking for and that was to bring about a resolution to the Meet and Confer and add funding to the Meet and Confer but thought it was not the proper vehicle because obviously the contract needed to be place in place before they could start the increase in place, and it was his hope that the parity issue would not be a part of the Meet and Confer contract, but that they stand on their own with their own base pay initiatives to their different classifications and not be depended on the police. Council Member Parker absent.

Council Member Sekula-Rodriguez asked Dr. Scheps if they instituted the base parity would it be retroactive and how far back would it be retroactive, and Dr. Scheps stated that the money was sufficient to do it back to January 1st, because that was the plan, but whether it was legally appropriate to do it retroactively was a different matter, that the \$1.5 million would cover the entire 6 month period of the fiscal year, and Council Member Sekula-Rodriguez stated that relating to the \$15 million they were discussing did they have any improved figures on ambulance collection that might be there to support a smaller number than \$15 million, and Dr. Scheps stated that he was going to be delighted if they got back to zero basically so their revenue estimates right now assumed that ACS was going to make good on their commitment to get them back to the original information, but no he had no information to say they were going to be above that. Council Member Parker absent.

Council Member Quan asked Dr. Scheps if Dr. Smith was saying, in his revised projections, that they would exceed what was projected as their Sales Tax Revenue, and Dr. Scheps stated not exceed the original projections but would come closer to them than what they thought, that the original projection he said \$344 million and his new projection was \$337 million and was still higher than what they had last week for his projection, that from his previous

projection he was \$8 million up now, and Council Member Quan asked Dr. Scheps if he was proposing that from the \$15 million from ALP any balance they had would go to the Rainy Day Fund, and Dr. Scheps stated that he was suggesting that they reconcile it after the end of the year, that they hoped that the Sales Tax continued to approve and the actual \$15 million would be too much, and if it turned out to be too much that they add to the Rainy Day Fund, and Council Member Quan stated that he was concerned that at the end of the year they would have enough monies to make things work out, and Dr. Scheps stated that he would say the transfer was necessary not to impede the business of the City, they absolutely had to do it and knew of no practical alternative, and Council Member Quan asked what they had in cash reserves last year at the end of the year, and Dr. Scheps stated that their ending balance was about \$80 million and most of it was not cash, that they ended up with between \$7 million and \$10 million the last day of the fiscal year, that it was fairly close to zero in a \$1.4 billion budget, but was down under \$10 million. Council Members Goldberg, Alvarado and Parker absent.

Council Member Robinson stated that he was going to pull the amendment down, that he did not think the sentiment of Council was to pass it unless he understood that it was the wrong vehicle, that if they did get to a point he would like for them to find an appropriate vehicle, that he would like for someone to visit with him on where they were on Meet and Confer, that he hoped the administration would look at eliminating the 2.5% requirement if they did have real cash that they could transfer to the Rainy Day Account.

Council Member Sekula-Rodriguez asked if they could somehow borrow some of the money temporarily from Metro, and Mayor Brown stated that they were in the process of trying to wean themselves off of the Metro money, that at one time they were getting about \$50 million of the Metro money and this year it was \$40 million being paid back and in one more year they would have no more Metro money, that was the objective not to take Metro money so that was not a viable option for them, that Metro was passed by the Legislature to deal with transportation, that he was putting together a task force of all relative departments chaired by Mr. Haines and Council Member Parker was chair of the Fiscal Affairs Committee and was serving on the task force and what he had asked them to do was come up with a policy on how they used the ALP funds in the future so everyone would know for what purposes they could use those funds. Council Member Tatro absent.

After further discussion a vote was called on Item No. 30. Council Members Tatro, Sekula-Rodriguez, Parker, Wiseman and Goldberg voting no, balance voting aye. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0118 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Planning & Development Department to accept the January 2002 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. MOTION 2002-0211 ADOPTED.
- 2a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$9,951,569.02 to Revenue Bond Debt Service as recommended in the January

2002 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. MOTION 2002-0212 ADOPTED.

3. ORDINANCE appropriating \$312,425.40 out of Street & Bridge Consolidated Construction Fund for construction contract with **AUSTIN FILTER SYSTEMS, INC** for Buffalo Bayou Trail North of Buffalo Bayou, GFS N-0420-28-3 (N-0420-28); approved by Ordinance No. 2000-674 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0119 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$312,425.40 on contract with **AUSTIN FILTER SYSTEMS, INC** for Buffalo Bayou Trail North of Buffalo Bayou, GFS N-0420-28-3 (N-0420-28) - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. MOTION 2002-0213 ADOPTED.
4. ORDINANCE appropriating \$268,247.19 out of Street & Bridge Consolidated Construction Fund for construction contract with **CONRAD CONSTRUCTION COMPANY, INC** for construction of Fulton Road Paving from Lyerly to Tidwell, GFS N-0542-01-3 (N-0542-01), approved by Ordinance 2000-524 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0120 ADOPTED.
- 4a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$291,886.66 on contract with **CONRAD CONSTRUCTION COMPANY, INC** for Fulton Road Paving between Lyerly and Tidwell, GFS N-0542-01-3 (N-0542-01) - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Keller. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. MOTION 2002-0214 ADOPTED.

PURCHASING AND TABULATION OF BIDS

6. **AMEND MOTION #2000-377, 3/8/00, TO INCREASE** spending authority by \$43,883.29 from \$175,533.15 to \$219,416.44 for Automobile & Light Truck Automatic Transmission Parts, Rebuilt & Exchange for Police Department, awarded to **TRANSTAR INDUSTRIES, INC** - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. MOTION 2002-0215 ADOPTED.

RESOLUTIONS AND ORDINANCES

11. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds, Series 2002 (GNMA Collateralized Mortgage Loans Pleasant Hill Apartments Projects) and Taxable Multifamily Housing Revenue Bonds, Series 2002-T (GNMA Collateralized Mortgage Loans - Pleasant Hill Apartments Projects) and approving the Preliminary Official Statement with respect to such bonds - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS; G - KELLER and I - ALVARADO** - was presented, and tagged by Council Members Wiseman, Edwards, Tatro, Alvarado and Galloway.

Council Member Tatro stated that he wanted to ask for some information and would give a copy of his request to Mayor Brown, that he would like to get a copy of the appraisals of the properties that had been done, that he wanted a copy of the financial statements for each of the apartment complexes, with revenues, operating expenses and the debt service, that he wanted from HHFC a list of what was pending for non profits, the 501C3's for rehab loan requests, that he wanted to know who to date had done a basic or comprehensive credit report for Pleasant Hill, that he wanted a clarification on HUD's review to date, what part of HUD's review had been done, that in Section 20 of the ordinance, which had been passed to the Council Members and passed by HHFC, there was an interesting point about the underwriting and said that the HHFC Board relied on the commitments of insurance and advancements from HUD and the recommendations from Newman and Associates as underwriter of the bonds because HHFC did not do an independent investigation so he would like to see that Newman and Associates recommendation.

Council Member Sekula-Rodriguez stated that her concern regarding the whole issue was that the Council was being asked to endorse the issuance of \$90 million in federal bonds and that would remove the properties from the tax rolls which were valued currently at \$40 million, but would be sold for \$65 million and then improvements would be entered which would raise the value to about \$81 million, that they had a philosophical question of how did they support protecting low income and affordable housing and then on the other hand they just finished discussing and allocating \$15 million from ALP saying they did not have enough money in the General Fund to support the Fire Department, but yet they were removing \$80 million in taxable property from the tax rolls, that she thought it gave a very schizophrenic message to the taxpayers in the community and she was certainly confused about the logic in that and would expect that they would have a better approach to how they generated income in order to provide the services that the citizens expected from them, that the City had a strong liability to protect the services that they rendered and to protect the taxpayers from unnecessary burdens on one area while granting exemptions in another, that she was very concerned about the issue and would like the administration to give strong consideration of removing it before they had to consider it next time or at least making serious adjustments to it so that the tax would not be lost to the City, County and school district.

Council Member Edwards stated that one of the things that she would like for the Council to do was to consider a housing plan or a comprehensive plan for housing for the City especially as it related to affordable housing, that however Pleasant Hill went she would like to suggest strongly was how would they develop a comprehensive plan for housing for the City and get that moving as soon as possible.

Mayor Brown stated that their overall goal was to increase home ownership, certainly including affordable housing, that right now they were not a home ownership City, that about 43% of the people who lived in homes owned their homes and his goal was to increase that to at least 50% over the next 10 years and that meant that they would build 5,000 move homes per year

above and beyond what they were doing, that they had been working with the homebuilders association and they had looked at why homes were built more frequently in the County than in the City and they made some substantial changes and now they had more houses being built in the City including affordable housing and they would share with the Council what they had been doing on that and including their Housing Committee Chair, Council Member Quan, the overall objective was to make sure they had more affordable housing inside the City, and Council Member Edwards stated that she wanted to see how they would take that one step further, that she appreciated all the work that had been done.

Council Member Robinson stated that he was glad that they created the Housing Committee but they needed a clear understanding of the inter relationship between their developer participation agreement and how they continued to structure their impact fee; that he was not present yesterday for some of the questions that were raised but thought they needed to have a more comprehensive understanding, that as he understood it those deals went on all the time where property came off of the property tax roll, they just got fortunate that the Pleasant Hill folks were so poor or cheap they did not want to go and get private financing and pay the difference of what they could borrow tax exempt versus what they could borrow on the private market, that from a policy point of view they had the opportunity to cap the rent and that was one of the big long term benefits, tying them down to investing in social services relative to their kids and other efforts under this, that he knew that Mr. Bettencourt had been able, in the past, to garnish back taxes, that if there were back taxes owed on those properties and they were going to pay them he did not think that the buyer cared what happened to the money when they pushed it across the table, if before the current owner gets it Mr. Bettencourt was there to take his slice off of the top, and he would advocate that he do that and that way the back taxes would be paid, that he could get a lien on it and get the back taxes paid, that they should be glad that Mr. Clemmons and his consortium were just too poor to pay private market rate and borrow the money otherwise they would not be having the conversation.

Council Member Quan stated that he wanted to thank the members of the Housing Initiative who stayed for the long two hour discussion regarding the Pleasant Hill proposal, that there were a number of speakers, both for a against, that the questions that Council Member Tatro asked, he thought they could get those items to him very quickly, that they presented them at the committee meeting.

15. ORDINANCE approving and authorizing lease agreement between **HOUSTON CHILDREN'S CHORUS, INC**, a Texas non-profit corporation, as tenant, and the City of Houston, Texas, as landlord, for space in the Houston Center for the Arts, located at 3201 Allen Parkway - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0121 ADOPTED.

19. ORDINANCE rescinding Ordinance No. 2001-1138 passed December 12, 2001, relating to approval of an amendment to the sponsorship agreement with **MAIN STREET COALITION** related to the South Main Street (US90A) Landscape Project - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0122 ADOPTED.

- 19a. ORDINANCE approving and authorizing professional architectural services contract between the City of Houston and the **SWA GROUP, INCORPORATED** for Beautification of South Main Street (US90A) from South Loop (IH610) to Kirby Drive, CIP N0611-13 - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business.

ORDINANCE 2002-0123 ADOPTED.

20. ORDINANCE appropriating \$250,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998C (NON-AMT) Construction Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **UNIVERSAL FIELD SERVICES, INC** for Professional Real Property Acquisition and Relocation Services for the Houston Airport System, CIP A-0024 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. ORDINANCE 2002-0124 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **BLACK & VEATCH CORPORATION** for Water and Sewer Rate Study - \$169,130.00 - Enterprise Fund - was presented, and tagged by Council Members Wiseman, Tatro, Keller and Sekula-Rodriguez.

Council Member Weisman stated that Black & Veatch was being asked to conduct another water and sewer rate study, that they conducted a study in 1999 and it was supposed to be a 5 year projection and they were being asked to fund another study by the firm on the same issue, that the new study was required to assess the reasonableness of the City's water and sewer rates and to determine whether a rate change was needed, that she would like someone to visit with her on the issue, and Mayor Brown stated that they would have someone visit with her.

Council Member Parker stated that yes, Black and Veatch did a study in 1999 and as she recalled that study indicated that they might be facing a rate increase in 2003, that they had several really animalist years after that study came out, that they had two years of serious draught which caused a lot of water main breaks and serious problems within the system and then last year they had more rain than they knew how to handle and because of those animalist years and pressures on the system she thought it was entirely appropriate to go back to Black and Veatch and allow them to update their study and give them a good, clean and current picture of where their water and sewer system was and how the rates were coming in in terms of their previous projection and whether they were going to be facing problems with the system if they did not raise rates, that she was not advocating raising rates but did think they needed to have all of the facts on the table.

Council Member Tatro stated that he thought Black and Veatch was the proper organization to do it because of the learning curve, but the issue he had was the disappointment that came out of the last rate review when they simply looked at the rates and determined they had enough cash flow, if everything proceeded along, to get them by a certain period of time, that what was so disappointing was that they did not look at the rate structure, that he thought that they ought to ask Black and Veatch to look at the rate structure, that everybody at the table should be disappointed if they came back with a product that said either lower, raise or keep rates equal by a certain percentage.

Council Member Sekula-Rodriguez stated that it was relevant to many of the people who paid high water rates that they understand their water bill, that the explanations needed to be put forth on the bill and she would like a rate structure analysis and make it fair and equitable and also support the notion of conservation because it was not explained on the bill how if they used less they would reach that magic number of 3,000 and receive that bonus of having an \$8.50 bill; that she would like an analysis of the cost for storm drains because she did not think that they had any notion of that and asked if that was something they could look at in the future and was it something that they could address in their analysis.

Mr. Haines stated that was not within the scope of the Black and Veatch study itself,

however as to storm drainage there had been a study conducted by another firm and that they were modeling their plan for drainage against that and believed that they could pull from that, that it was the TC&B Study that was done a few years ago and would be glad to talk to her about that, that the Thompson Study related to what they called surface street type of drainage issues as opposed to the flows off of the bayous and so forth, that they were two different things, and Council Member Sekula-Rodriguez stated that she would like for the two entities who were looking at it to talk and discuss it, and Mr. Haines stated that would be fine.

Council Member Robinson stated that it was not in the scope that they would include rate structure in the scope, that he would also like to see in the analysis something relative to the usage of ALP Funds, that he wanted to get rid of having to vote on ALP by making it a trust fund that went back to Debt Service or something else in that account. Council Members Tatro and Berry absent.

Council Member Keller asked if the rate structure in the scope of services for the study and Mr. Haines stated that it was essentially an updating of the 1999 model allowing them to deal with the circumstances of the last three years, that this was the intent expressed by Council a year ago, to update the model to allow for an allocation study to look at the class of customer, which was presented by other Council Members, and then to come back to Council to take a look at the full load of cost by customer class.

25. ORDINANCE appropriating \$55,000.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation under professional engineering services contract with **SES HORIZON CONSULTING ENGINEERS, INC** (Approved by Ordinance No. 98-1127), CIP M-0126-31-2 (M-0126-31); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - was presented, and tagged by Council Member Keller. Council Members Berry and Robinson absent.
26. ORDINANCE appropriating \$901,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **SOUTH COAST CONSTRUCTION, INC** approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** and approving and authorizing professional services contract for construction management and inspection services with **EMPIRE CONSTRUCTION SERVICES, INC** for Construction of Westpark Drive Bridge over HCFCD Unit D129-00-00, GFS N-0557-01-3 (N-0557-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Berry and Robinson absent. ORDINANCE 2002-0125 ADOPTED.

NON CONSENT AGENDA - NUMBER 29

MISCELLANEOUS

29. 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 Goldberg stated that she wanted to nominate for reappointment Mr. Stuart Kensinger for Position 6, Mr. Andrew Choy for Position 8 and Mr. Steve Rochelle for position 9. Council Members Berry and Robinson absent.

Council Member Sekula-Rodriguez moved to close nominations for Positions 6, 8 and 9 of the Board of Reinvestment Zone Number One (St. George Place) Authority, seconded by Council Member Keller. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Berry and Robinson absent. MOTION 2002-0216 ADOPTED.

MATTERS HELD - NUMBERS 31 through 39

31. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt 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** – (This was Item 14 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBER EDWARDS) - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Berry and Robinson absent. MOTION 2002-0217 ADOPTED.
32. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt 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** – (This was Item 16 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBER EDWARDS) - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Tatro, Berry and Robinson absent. MOTION 2002-0218 ADOPTED.
33. 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** – (This was Item 28 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, KELLER and TATRO) - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Tatro, Berry and Robinson absent. ORDINANCE 2002-0126 ADOPTED.
- 33a. 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** – (This was Item 28A on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, KELLER and TATRO) - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Tatro, Berry and Robinson absent. ORDINANCE 2002-0127 ADOPTED.

Council Member Galloway stated that she wanted to thank her colleagues for supporting the item. Council Members Berry and Robinson absent.

34. 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 – (This was Item 35 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBER KELLER) - was presented.

Council Member Keller stated that he wanted to thank Ms. Margie Bingham and Ms. Ollie Schiller for working so closely with his staff this week on trying to do some historical research on some of the projects, that he thought there was probably a little more work to be done as far as the transition of the projects to Building Services, that there was a discrepancy in the RCA of the item they were voting on and what the actual scope of the work was, that he was going to ask for a week delay to look into it, that they were voting on doing construction and design of four projects, when two of them were near completion, that what that entailed was reimbursement for some work that was done two or three years ago and not new architectural services for design and construction, that he wanted to request the RCA's that were put forth through Council, the original RCA's on Kid Care and the Police Store Front.

Council Member Keller moved to postpone Item No. 34 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Members Berry and Robinson absent. MOTION 2002-0219 ADOPTED.

35. 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 – **(This was Item 37 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY, WISEMAN and KELLER)** – was presented.

Council Member Goldberg stated that he intended to support the item and vote for it, that he knew there were some questions and concerns because the MWBE subcontractor that the prime put forth was in some way related to the prime, that he understood the concerns and the problems, but he looked at it differently than some sort of violation of the nepotism code, that he thought in this case the prime should be congratulated, that it was not easy to become a prime and put together a bid package, and outbidding two reputable companies in Durwood Greene and Kinsel Industries, and this MWBE was able to do that, that if there was a problem he thought it was in the graduation component, that if at some point they were able to be a prime contractor then he thought they probably did not fit the category of small business development any more, that if Mr. John DeLeon and his staff looked at that, then he thought that was what they should look at more, graduating some of the MWBE's out of the program. Council Members Berry and Robinson absent.

Council Member Galloway stated that she would not be supporting the item because the prime contractor was also the subcontractor, that one person was the owner of both companies. Council Members Parker, Berry and Robinson absent.

Council Member Keller asked Council Member Galloway if she had ever gotten a list of the companies that had done business with themselves in the last four years, and Council Member Galloway stated that it had never happened since they had the Affirmative Action Program, and Council Member Keller stated that he thought the bigger problem was with the program, that the intended purpose of the program must prevail for the program to be a benefit and long term use and for it to survive the generations of Council to come, that they should develop their program to where this was not done or allowed. Council Members Wiseman, Parker and Berry absent.

Council Member Sekula-Rodriguez asked Council Member Galloway what was the recommendation or requirement for graduation from the program and how would she change it in order to restrict Silva or any company like that from possibly overstretching or abusing the system, and Council Member Galloway stated that it was the same person and if they already had a company and they had graduated and then they get another company, like she said it was the same individual, and so they would have no nepotism clause or it would not be allowed, because this was the problem was useless because it would not give other small businesses opportunities, and Council Member Sekula-Rodriguez asked if once they saw that somebody was a prime they were out of the program, and Mayor Brown stated that there was a dollar amount that they reached in term of their business, and once they reached that dollar amount they graduated out of the program, that they adopted the graduation program for the purpose of their moving along and someone else could take their place, and Council Member Sekula-Rodriguez stated that she would like to see a report of the success and the graduation, and also the dollar figures that were required for graduation, and Mayor Brown stated that he would have the staff and affirmative action come by and brief her on those questions. Council Member Berry absent.

Council Member Edwards asked if corporations and individuals the same or separate, or did they look at them the same way legally, and Mr. Hall stated that a corporation was separate from the individual, and Council Member Edwards asked if an individual owned two businesses were they looking at the individual or the corporation, and Mr. Hall stated that they were looking at the individual because of the very nature and reason for establishing the program, that it was designed to help disadvantaged businesses, minority women, and enterprise businesses, that they defined those as businesses who were either owned, operated and controlled by one of those groups, that they looked at the corporation, but to determine whether or not it got credit as a minority, women's enterprise or disadvantaged business they looked at the owners, operators or people who actually controlled it. Council Members Berry and Robinson absent.

Council Member Sekula-Rodriguez asked if they looked at the individual's IRS returns or the corporation's tax returns or did it vary, and Mr. Hall stated that the requirements were different for a disadvantaged business and for an MWBE, that for a disadvantaged business there were net worth requirements that were examined for the individual excluding the interest in the business and the home they lived in and that kind of thing and they could certainly provide that for her, that he thought that background information was given out at the committee meeting, and Mayor Brown stated that they would get a briefing for her and answer all of those questions. Council Member Berry absent.

A vote was called on Item No. 35. Council Member Galloway voting no, balance voting aye. Council Members Ellis and Vasquez out of the city on personal business. Council Member Berry absent. ORDINANCE 2002-0128 ADOPTED.

36. 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 – (This was Item 38 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal

business. Council Member Berry absent. ORDINANCE 2002-0129 ADOPTED.

37. 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 – **(This was Item 39 on Agenda of February 13, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Members Ellis and Vasquez out of the city on personal business. Council Member Berry absent. ORDINANCE 2002-0130 ADOPTED.
39. 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 46 on Agenda of February 13, 2002, POSTPONED BY MOTION #2002-0199) - was presented. Council Member Tatro voting no, balance voting aye. Council Members Ellis and Vasquez out of the city on personal business. Council Member Berry absent. ORDINANCE 2002-0131 ADOPTED.

Council Member Tatro stated that in this particular contract they did not allow the market to determine what the salary structure of the contract and what salary of the security officers would be, they mandated it and they mandated a salary above market, and Council Member Robinson stated that he had gotten a memo from Ms. McGilbra which stated they looked at the U.S. Department of Labor, Bureau of Labor Statistics and the latest published figures of the year 2000, nationally, security guards made \$9.36 per hour, in Texas they made \$8.89 and in Houston it was \$8.55, that the Economic Research Institute, Redman Washington Salary Assessed Data as of January 1, 2002 had it at \$9.79 per hour and market survey of downtown Houston was \$9.27 per hour, that he was trying to figure out how their number of \$8.00 per hour get above market, and Council Member Tatro stated that market was what the vendors in the City gave them, that the cost of living was different around the Country, and Council Member Robinson stated that he would stick with the Houston number of \$8.55 per hour and then they went out and did a market survey of the folks in downtown Houston at \$9.27 per hour. Council Member Berry absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she wanted to talk about the issue of the towing situation, that she had several complaints from constituents and several articles had been written about the towing ordinance that it was not being enforced, the open towing contract, that she thought they needed to enforce that law or she needed to understand why they were not enforcing the ordinance that was passed on December 5, 2001 and asked the Legal Department if they could explain why they were not enforcing the law. Council Members Galloway and Robinson absent.

Mr. Hall stated that the issue was a fairly complicated one because the requirements that were passed in the ordinance were the subject of litigation before the ordinance was passed, that they were asked before the ordinance was even proposed to give an analysis of the court case that essentially changed authority to regulate the wrecker and towing business in Houston and they did that, that following passage of the ordinance there was a requirement for the police chief to propose a contract and have people sign it and basically have the officers enforce it, that there was a concern on the chief's part that he would be personally liable for enforcing an

ordinance that legal advice had been offered that it was in fact unlawful, that they were trying together to work out a way to resolve that dilemma for him and his officers who would be required to enforce that, that was the nature of the difficulty, that they had talked to a good many people about it but did not have a solution that he was comfortable with yet, that the issue was fairly complicated and the reason it was passed was reaction to a court decision otherwise they would have kept the same one they had, that they had issued an opinion at the request of Council and the administration following the court decision that basically declared that some of the things that Council passed were prohibited by the court, that they all agreed personally with the provision, but that was not the issue. Council Members Galloway and Robinson absent.

Mayor Brown stated that they did pass the ordinance, which he voted no on, because he was told by their Legal Counsel that provisions were unlawful and the question was did they enforce what the Legal Department had told them to be unlawful and if that was the case and they did enforce it then the police chief and police officers could be held personally liable for doing so, that he would not order anyone to do anything that was believed to be illegal, so until they could work it out whereby there was a degree of comfort that the enforcement would be legal they were caught in the no enforcement area right now and that was why he had asked the City Attorney to work with the police chief and see what could be done so they could enforce the ordinance, that everybody agreed that they needed the enforcement, and Council Member Edwards asked how long do they look to see before they got some relief on it and what would they tell constituents when their car had been towed to some place unreasonable and they had the high fees, and Mr. Hall stated that he would ask Mr. Bibler to visit with her because there was a fairly long explanation, that some of the things that she mentioned as abuses were not addressed by the ordinance. Council Members Galloway and Robinson absent.

Council Member Quan stated that he and Council Member Parker had a chance to go to the Independence Heights Super Neighborhood this week and they were experiencing a tremendous problem with prostitution in that area and they had asked them to come back and request further assistance from the police, that they had sting operations and reverse stings, but it was still a major problem for that neighborhood, that they cited the fact that Mayor Brown had been successful with the Jensen Drive neighborhood when he was police chief and they wanted to ask for his help as far as what they could do in that area. Council Members Galloway and Robinson absent.

Council Member Quan stated that tomorrow he would meeting with the Community Housing Development Organizations at the Acres Home Multi Purpose Center to discuss the housing issue in general and solicit their input, that the looked forward to seeing how they viewed it and to begin to develop the comprehensive plan that they talked about. Council Members Galloway and Robinson absent.

Council Member Quan stated that some of them had the chance to meet Consul General Zhang Chunxiang, of China, and he had been recalled to China to serve as ambassador to Pakistan, that there would be a party this evening recognizing him, that he had done a wonderful job in his two years in Houston. Council Members Galloway and Robinson absent.

Council Member Sekula-Rodriguez stated that it was the goal of many of the citizens of the Clear Lake area as well as South Houston and the East End, that the City work very diligently to find alternative ways to promote competition for economic development in the Bayport area without straining the environment and the quality of life of the neighborhoods, that what they would like to suggest was that the Council bring forth a resolution against the present route, but supporting competition and supporting an effort on behalf of the Port, the County, the City and their national delegation to bring BSNF and Union Pacific together at the negotiation table and

create a plan that would be good for business as well as for the neighborhoods. Council Members Galloway and Robinson absent.

Council Member Sekula-Rodriguez stated that she had the pleasure of visiting with Congresswoman Sheila Jackson Lee about the threat of nuclear, biological and chemical warfare and attack at the University of Texas Medical School, that she indicated that there would be forthcoming some federal dollars that were available to support cities in developing preparedness to prevent and to deal with what was called NBC attacks, that she thought it behooved the City to be at the very forefront of applying for and securing those federal dollars. Council Members Galloway and Robinson absent.

Mayor Brown stated that they were working on it and had a comprehensive approach to that potential problem and had been working with the medical profession and had a proposal pending before the administration. Council Members Galloway and Robinson absent.

Council Member Parker stated that she had the benefit of Consul General Zhang Chunxiang's hospitality and knew that he spoke fluent Urdu and had been posted in Pakistan before, so this was an excellent posting for him and a great step up. Council Members Galloway and Robinson absent.

Council Member Parker stated that there was an article from the Dallas Morning News about red light cameras for enforcement of traffic laws and the City of Richardson asked Attorney General Cornyn for an opinion on whether they could make the running of red lights a civil offense instead of a criminal offense and thereby enforce it, and he said they could not do it but they could enforce it as a criminal offense, that there may be difficulties in enforcing it because the State law did not specifically lay out that enforcement but the City of Garland had been using red light enforcement for about a year and with the Attorney General's opinion she would like to know if there was any hope in the opinion if they would be able to use it. Council Members Galloway and Robinson absent.

Mr. Hall stated that he had not seen the Attorney General's opinion that he thought she was referencing, that the issue he had talked to the police chief about on a number of occasions and as they knew he was a leader in the effort in the Legislature to gain authorization from the Legislature for cities to do this, that they had the good fortune that he was also a lawyer so he was familiar with the issues related, that he would make certain that they would get a chance to discuss the latest opinion, and Council Member Parker stated that she would like to know how the City of Garland had been enforcing it for a year with those difficulties and would like some more information. Council Members Galloway and Robinson absent.

Council Member Parker asked if they could get the clock in the Council Chamber to reflect the proper time. Council Members Galloway and Robinson absent.

Council Member Parker asked if they could get some type of cover over the card reader in the parking garage. Council Members Galloway and Robinson absent.

Council Member Alvarado stated that they had been talking for the last several weeks about the proposed San Jacinto Rail Line, that she would like the Council to look at the issue and maybe perhaps refer it to the Regional Planning Committee and ultimately her goal was to have Council pass a resolution opposing the proposed Burlington Northern San Jacinto Rail Line, that she knew that the administration had requested the comment period be extended to the Surface Transportation Board, that had been granted and she did appreciate the administration doing that, that she was aware that the Legal Department had submitted some questions to Burlington Northern regarding the proposed rail line and would hope that it would not prevent them from at

least taking the issue to a committee, that she did not know what the timeframe was or when those questions were sent to Burlington Northern and what timeframe was set in place for them to respond, and Mr. Hall stated no but he could get her a schedule, that their concern was that they use the process that had been established if in fact they got the EIS expanded to consider the issues that they had requested they consider, than that would be the appropriate time to put all of the issues on the table. Council Members Galloway and Robinson absent.

Mayor Brown stated that he was going to ask the committee to look at this issue and determine where they go from here and hopefully come up with a direction that also protects the interests of the City, because as they knew the City also had a vested interest in the issue, not only the quality of life and the neighborhoods, but also Ellington Field. Council Members Galloway, Quan and Robinson absent.

Council Member Alvarado stated that she wanted to congratulate the Houston Texans in their draft selection this week, that they put together what looked like a very promising team. Council Members Galloway, Quan and Robinson absent.

Council Member Alvarado stated that she wanted to remind her colleagues that next week was their weigh in, that it had been six weeks. Council Members Galloway, Quan and Robinson absent.

Council Member Berry stated that one of the things that he had noticed was part of the Quality of Life Coalition's Agenda was graffiti abatement and noticed that over the last year or so an increase in the amount of graffiti that they were seeing in the City, that he wanted to ask Mr. Adrian Garcia, the Mayor's Anti Gang graffiti person for a briefing on what exactly they were doing, and Mayor Brown stated that they would have him come by and talk to him. Council Members Galloway and Robinson absent.

Council Member Goldberg stated that he wanted to take a moment to recognize that yesterday there was a milestone of historic proportions and was pleased that it happened during Black History Month and that was that the first every Black athlete, in the history of the Winter Olympics, won a gold medal and it was women and to add to the diversity it was in a sport that had been dominated in the past history by White German males, that it was a sport that their own men could not medal in for 46 years, that it was bobsled, that her name was Vonetta Flowers, that it showed how far they were coming in terms of diversity of sports, that he would ask the Mayor to extend an invitation to her to come to the City Council meeting and do a proclamation and asked his colleagues to join in a round of applause for Ms. Flowers.

Council Member Weisman stated that she wanted to thank the administration for her first CIP meeting at the South East End, that she was very pleased with the number of content people on that side of the district, that things were going well and the super neighborhood councils seemed to be doing a great job of putting together their priorities and she was very anxious to work with them to help bring about any needed improvements on that side of the district, that she was a little concerned that they did not have a representative from F&A present because for the first time they had a question that was directed at F&A and unfortunately they were not able to address it there, that she hoped for her next CIP meeting in March in Kingwood they would have that opportunity. Council Members Galloway and Robinson absent.

Council Member Weisman stated that she wanted to thank Mayor Brown for clearing the air on the Citizens Assistance office in Kingwood, that there were a lot of people who were concerned about that. Council Members Galloway and Robinson absent.

Council Member Weisman stated that they could not say enough about the San Jacinto Rail proposed line that would take it through their community, that it was important that they be

aggressive and fully informed, that they needed to have a game place in plan to tackle it before they had an opportunity to just run it over them, that she thought if they put the pressure on the STB she thought it would go a long ways and thought they needed to do that beyond working within the framework that they had established. Council Members Galloway and Robinson absent.

Council Member Sekula-Rodriguez stated that Vonetta Flowers teammate was Ms. Jill Bakken and they wanted to congratulate both Ms. Flowers and Ms. Bakken.

There being no further business before Council, the City Council adjourned at 11:15 a.m. upon MOTION by Council Member Quan, seconded by Council Member Wiseman. Council Members Ellis and Vasquez out of the city on personal business. Council Members Galloway and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary