

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

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

At 2:08 p.m. Mayor Brown stated they had a number of presentations and would start with Council Members Wiseman and Galloway. Council Members Tatro, Goldberg, Alvarado, Parker and Robinson absent.

Council Member Wiseman invited Mr. James Diambroso, Air Traffic Manager for Houston Air Traffic Control Center, Mr. Billy Clark, Assistant Air Traffic Manager, Mr. Andrew LeBovidge, President, National Air Traffic Control Association, Ms. Joycelynn Moore, Administrative Assistant to Mr. Diambroso and Mr. Alec Wiseman, that they were presenting a resolution to the Houston Air Route Traffic Control Center, that this past year they were presented with the distinction of Facility of the Year, that it was a national distinction, that the air traffic controllers had done an excellent job at maintaining air safety throughout their coverage area, that they were pleased and honored to have the facility in the City of Houston, that the facility was in District B, and Council Member Galloway read a resolution that stated that the Mayor and the City Council of the City of Houston hereby commended the Houston Air Route Traffic Control Center and its dedicated employees for achieving the significant accomplishment and extended best wishes to all for continued success. Council Members Goldberg and Robinson absent.

Council Member Quan stated that last Friday he had the opportunity to go to the University of Houston School of Social Work which a collaborate group of eight social organizations honored the Social Worker of the Year as well as other awards for outstanding students in the field of social work, that there are approximately 5,000 to 6,000 social workers in the City of Houston and approximately 1,000 students in the undergraduate and graduate levels in social work, that this month was Professional Social Work month and invited Ms. Vanessa Shoddard, Manager of the Department of Social Work at the Institute for Rehabilitation and Research to the podium and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed the Month of March, 2002, as Professional Social Work Month in Houston, Texas

Ms. Shoddard stated that she wanted to thank Council Member Quan and the City Council and introduced Mr. Michael McClure, one of their patients, and invited him to the podium and also acknowledged Mr. Jose Ramirez, President of the Houston Chapter of NASW and several members of the staff and the program administrator.

At 2:18 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Ellis led everyone in the prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Keller absent on personal business.

Council Members Robinson and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Keller absent on personal business.

Council Member Alvarado moved to suspend the rules to hear State Representative Rick

Noriega first on the three minute list, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. MOTION 2002-0246 ADOPTED.

Council Member Wiseman moved to suspend the rules to hear Ms. Landa Cook and Ms. Lidia Suarez Schnider out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. MOTION 2002-0247 ADOPTED.

Council Member Robinson moved to suspend the rules to hear Council Member Larry Tobin out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. MOTION 2002-0248 ADOPTED.

Mr. Mike Bodin, 4410 Walker, Houston, Texas 77023 (713-926-1801) appeared and stated that Item 21 on the agenda was a resolution sponsored by Council Member Alvarado against the proposed San Jacinto Rail Project, that as an East End resident he did not want an additional 7,000 rail cars each month running through his neighborhood carrying hazardous materials, that as proposed the San Jacinto Rail Project would bring the rail cars carrying hazardous materials within one mile of 18,000 Houston school children, that he had heard all of them speak on how important the children were to the future of the City and knew that they would not want to place them in danger of a potential chemical car derailment, such as happened only two weeks ago, that he applauded Council's efforts to make Houston a safer place to live, but unfortunately neighborhood safety not only involved police and fire protection, in the East End safety meant protection from the clear and present danger caused by the transportation of hazardous chemicals next to their homes, schools and daycare centers, that the residents of the East End were looking to the City Council and Mayor to protect them from the perils of the San Jacinto Rail Project as proposed, to please not let them down, that it was very important to them and urged that they send a strong message in opposition to the project.

Upon questions by Council Member Alvarado, Mr. Bodin stated that they did not receive any notification, that he learned about the project late last fall from a super neighborhood meeting that he attended and also a forum that was in Council Member Sekula-Rodriguez's district in Clear Lake regarding the Bayport Facility and at that time the San Jacinto Rail Project was mentioned at that meeting, and Council Member Alvarado stated that she could not find anyone in the East End, District I or District D who received notification, that there was a very slick and colorful brochure that went out to just a very select group of people in the Clear Lake area.

Council Member Sekula-Rodriguez stated that District E was Council Member Weisman's district, but because she lived very close to the proposed rail a lot of people did say it was a very important thing for her which was right, it was a very important thing for her and would go within 50 feet of Sylvan Rodriguez Park, that she appreciated that Mr. Bodin took the time to be present today.

State Representative Rick Noriega, 2900 Woodridge, Ste. 305, Houston, Texas 77087 (713-649-6563) appeared and stated that he was present to ask for their support of Council Member Alvarado's resolution concerning the San Jacinto Rail Project, that they were under a time constraint based on the comment period from the Surface Transportation Board, that their remarks had to be in prior to March 14, 2002, that it was imperative that they try to have their position in prior to the 14th and asked if they were able to take a position today on Council Member Alvarado's resolution, that he wanted to thank Council Members Sekula-Rodriguez, Edwards, Robinson, Wiseman and Alvarado for their hard work thus far in informing the neighborhood and doing the work to ensure that the community was informed about this very important issue, that every elected official in southeast Harris County was in opposition to the project, Alignment No. 1, that the City of South Houston had passed a resolution in opposition,

Pasadena Independent School District had sent a very strong letter in opposition to the San Jacinto Rail Project, Alignment No. 1 and the Clear Creek Independent School District had sent a very strong letter in opposition to the San Jacinto Rail Project, Alignment No. 1 mainly because it was an issue of public safety, something that Mayor Brown was very familiar with, that he wanted to thank the Mayor for neighborhood oriented government because of a result of that they had an excess of 30 somewhat civic organizations through the southeast Harris County and not one civic association was in favor, that they had stepped forth, done the work, informed the neighbors, passed literature out and hung door hangers out of their own pockets, that they did not have the slick downtown lobbyists or the slick public relation firm to speak for them, that they the people were present to ask their leaders on City Council to speak up for them today, that the public safety issue was critical, that along the entire line, not the line itself, but nothing in terms of the proposal that was submitted to the Surface Transportation Board, not one iota of consideration was given to what would be the impact of the upstream effects with the proposal, that the Harrisburg Henderson Rail Line, was a coupled line that was one of the first rail lines built in the State of Texas and was unsafe, that over 18,000 children were in jeopardy, that a countless number of public and private schools, senior citizens homes and churches, that it was not just a public safety issue, but an economic development issue for all of the work they had done in the East End, now to have that hazard before them, and he asked that the Council give a very strong statement in opposition to Alignment No. 1 of the San Jacinto Rail Project.

Council Member Robinson stated that he wanted to thank State Representative Noriega for his kind words, but actually he had done a whole lot out in the community to keep folks informed and educated on the issue, that he wanted to thank Council Member Alvarado for strengthening the wording on the resolution, that he also thought that the Mayor and City Attorney's office had been on the front line on the issue, that he had received a letter that Burlington Northern was now talking to Union Pacific about using the existing trackage, so he hoped that after they passed the resolution they would also start focusing to make sure that the switch over to existing trackage became a more predominant part of the discussion, and State Representative Noriega stated that he wanted to thank Council Member Robinson for the Town Hall Meeting he held in the southeast neighborhood and for bringing to their attention the letter that was just put forth in the eleventh hour as a result of the position that the City Council was going to take, that now they saw some discussion occurring and thought that was very productive.

Council Member Weisman stated that she too wanted to thank State Representative Noriega for all the work he had done with respect to getting the information out to the communities, that she and Representative Noriega braved the very cold weather this weekend attending a rally that was held in Clear Lake at Sylvan Rodriguez Park, that it was a good turnout, and State Representative Noriega stated that the opposition would have them believed that if they were in opposition to the alignment they were in opposition to economic development and what perhaps needed to occur in the growth of the industry, but in fact what they were saying was that this particular alignment was not a good one and hoped that they would go back to the table or find another way.

Council Member Alvarado stated that she appreciate State Representative Noriega's leadership along with State Representative John Davis, that they had support from both sides of the aisle, that it was a bipartisan effort, that she wanted him to speak to the significance of what it meant to have the City Council pass a resolution opposing the route and the importance of the March 14th date, and State Representative Noriega stated that he guessed that by virtue of the fact that the resolution appeared imminent it had already caused a letter to be written by BNSF to go back to the table and negotiate, so he thought that the Council really needed to hold strong with their position and not backtrack at this point, that it was significant, they were able to have the comment period extended to the 14th so the community could respond.

Council Member Berry stated that he appreciated State Representative Noriega's hard work on the issue and his being present and sharing his position with them, that he would support the resolution but only under the condition that they also state their public position that they expect UP to negotiate in good faith with BNSF and would remind everyone that had they done that in the first place they would not be present today, that he would ask State Representative Noriega that he put his considerable weight behind getting UP to the negotiating table, because that was the only alternative for BNSF at the end of the day, because they did want to retain a viable enterprise in that region, and State Representative Noriega stated that he appreciated that and would commit that to them, that what was occurring was a national issue, they saw the same thing occurring with fights in Seattle and Mississippi, an in effect they in Houston were just caught in the crossfire.

Council Member Sekula-Rodriguez stated that she had discussions with BNSF and Union Pacific about bringing them to the table, to not destroy the neighborhoods while they were exercising their ability to divide the Country up between one big rail and another big rail, that she thought the pressures they were exerting were now coming forward.

Ms. Landa Cook, 13511 Willow Height, Houston, Texas 77059 appeared and stated that she was the PTA President at North Point Elementary, which was the school closest to the San Jacinto proposed Alignment 1C, that they were a half a mile from that proposed alignment, that the parents were very concerned about a rail that was carrying hazardous materials so close to the school and the concern was heightened a few weeks ago when there was a derailment carrying hazardous materials which resulted in HAZMAT being called out to the scene, that if there was a derailment on the proposed line they would have to evacuate 930 students and they would have to do that with children ages 5 years to 12 years and would be quite an undertaking as they could see, that she had to say that this concern had also caught the attention of the State and National PTA and they were the largest children's advocacy group in the world and took children's safety very seriously and when the safety of a child was threatened they took it very seriously, and she asked that they join the parents, teachers and staff at North Point in opposing the Alignment 1C.

Ms. Lidia Saurez Schnider, 2806 Prairie Hill Court, Houston, Texas 77059 (281-486-1608) appeared and stated that she was a resident of North Folk and also on the PTA Board at North Point Elementary, that they were not opposed to competitive rail access for Bayport, they were opposed to the proposed route, that the route was a result of short term thinking by the companies that had proposed it, that transporting hazardous materials through a highly populated residential area did not make sense, that it was the chosen route because it represented the most favorable short term economics for the companies, that they had not calculated the cost of a derailment of extremely hazardous chemicals in residential area's, that it was human nature to concentrate on the immediate future rather than to plan wisely for the long term, that they had seen that clearly with the fall of Enron, they too wanted the highest profit in the short term while compromising their future, that by passing the resolution they would actually be helping those companies to make a better decision, they needed to find a way to transport those materials through industrial areas, not through residential neighborhoods, that as a citizen of Houston she asked them to please pass the resolution and to help the companies that had made a wrong decision, that it was their job as a governing body to stop actions that would harm their citizens, that the resolution before them would send a clear message to Washington that the City of Houston did not want the proposed routes and that a better way must be found. Council Members Parker and Sekula-Rodriguez absent.

Upon questions by Council Member Wiseman, Ms. Schnieder stated that she did receive a copy of the slick brochure, and she did not know why they sent it because it did not sway anyone in their neighborhood who received it and it angered the people who did not get one, that the slick

brochure did not really convince them that it was something they wanted, that the brochure had the old route, that it did not have the 1C on it and 1C brought it much closer to the community, that 1C was proposed even after they had the public input that was held in Pasadena, that 1C was news to them very recently. Council Members Parker and Sekula-Rodriguez absent.

Council Member Larry Tobin, 317 Lakeshore Dr., Taylor Lake Village, Texas 77586 appeared and stated that he wanted to thank Mayor Brown for his early opposition to the rail plan, that he was the one who provided the request for the environmental impact statement to be done and he provided that to the Mayor, that he wanted to thank Council Member Robinson for providing the hearings done in the Clear Lake area that allowed the citizens to have some information about that particular rail and its impact, that he wanted to thank Council Member Wiseman for standing out in the cold with him and the citizens of Clear Lake, that he started off early with the particular problem of notifying the Clear Lake area of the impact through their electronic mail distribution network because he could see that clearly they had a very big problem on its way and it was clear that the impact was going to go up through the east end of Houston and create hazardous chemical problems throughout that area of the City and disrupt the transportation system, that he was for competitive rail, that clearly they need a competitive rail for their industry, but they needed better long time solutions than they had been working for and they, his friends on Council, were taking the right direction because they were saying no to that type of plan and yes to forcing a better solution, that he supported the resolution because it was the message they needed to force the negotiations and so he encouraged their adoption of the resolution and also encouraged forcing equitable economic solutions to provide competitive rail, that Harris County and the City needed a better transportation plan and he urged them to bring all of the cities in southeast Harris County together to get a full understanding and work toward a satisfactory solution. Council Members Ellis, Parker, Sekula-Rodriguez, Berry and Robinson absent.

Mr. John Cobarruvias, 14646 Cardinal Creek, Houston, Texas 77062 (281-486-5203) appeared and stated that he was a former board member of the Pine Lock Community Association and they had over 2,000 homes, that he was present to voice his support for a resolution by the City of Houston to strongly oppose the San Jacinto Rail, that in October their association met with BSNF PR firm and their marketer Mr. Larry Negar, that they listened and asked questions that they could not answer, they gave them a chance to come forward and present facts not fiction, not roses and not flowers and they did not seize the opportunity, that at that meeting they took a stance based upon the facts and their fiction and voted to oppose the rail, that he had provided the Council with a copy of that, that in a meeting last week homeowners in his subdivision were altered to the fact that the map that they provided in the slick brochure was in correct, that it was not the right one, that he marked up a map to show them the correct routes and now they were learning that Lyondell knew the map was incorrect before they sent it to the people in his subdivision, that the inaccurate information was broadcast on Channel 13 last week and was provided by Congressman DeLay's office, how or when they received it he could only speculate, whether it was by accident or deliberate he perceived the dissemination of information as a deliberate and calculated attempt to deceive his neighborhood, himself and his family, that he could only hope it was nothing more than a gigantic public relations disaster by Lyondell's Public Relations Manager, Mr. Harpole and their public relations firm, De La Garza PR, that with all the perceived deception he now believed Lyondell would do, say and print anything to get the rail approved, that as far as he was concerned they were on the verge of crippling their public relations with the surrounding communities and it was his hope that they would immediately begin to repair the damage, that it was unfair to them and to the City and to Lyondell employees, that instead of working with the community and their leaders to find an alternate route with less disruption, Lyondell and BNSF had decided to fight them, that in his conversation with Mr. Harpole at the scoping hearing, their goal was very clear, if Houston did not give them right to the land, if Exxon did not sell them the land for alternate 1C they were going to

go to the government and take it away from them, that was their goal and that was what they were going to do, so he strongly urged them not to let their guard down during the fight, but he would also say if they did come up with an agreement he would be the first to come and say he was sorry, that he very strongly opposed the rail. Council Members Galloway, Parker, Berry and Robinson absent.

Council Member Sekula-Rodriguez stated that they appreciated all the work that he was doing on behalf of all of his neighbors who could not be present and knew he had worked diligently. Council Members Galloway, Parker, Berry and Robinson absent.

Mr. Paul Kevin Dix, 3711 Harvest Brook Ct., Houston, Texas 77059 (281-486-8516) appeared and stated that he wanted to thank all the Council Members who had been representing their constituents and working very hard on the issue, that he was president of the Bay Point Community Association, and the one association that would be closest to the proposed rail line, that he also represented nearly 60,000 homeowners in the three associations which he served in Clear Lake, that the community of Bay Point was located on the northern edge of Clear Lake City, that they had sent three letters, as an association, to the Surface Transportation Board, regarding their stand on the issue, that the Surface Transportation Board had sent back very negative responses in regards to the homeowners responses, that the majority of Council and Mayor Brown each had hand delivered packets of 255 signed letters from the homeowners of Baypoint stating that they opposed the current line but were not opposed to pricing practices that would alleviate the monopoly which the chemical plants were currently experiencing, that the packets were also delivered to County, State and National elected officials, that the proposed rail line was approximately 12.8 miles in length and would border several thousand homes, schools and churches, Baywood Country Club, Armand Bayou Nature Preserve, Rosemont Assisted Living, Ellington Field, Sunny Carter International NASA Astronaut Training Facility Complex, Sylvan Rodriguez Park and the future home of Texas Children's Clinic located in Baypoint, that the railroad would also travel over bayous, lakes, salt domes, gas caverns and pipelines, that Mayor Brown and Mr. Spellman worked diligently to get Clear Lake their park and on August 24, 2001 Mayor Brown released a statement that stated "I want to be very careful to maintain the integrity of Clear Lake area. I will be working with all agencies involved as I conduct due diligence on behalf of the Clear Lake residents, I will carefully review the proposal to insure the livability of this community", that Mayor Brown got several votes from the residents in Clear Lake from his press release, please do not have them regret voting for him as he did since he released that press release, to please stand with them and not deviate from his position of August 24, 2001, that they were asking the City of Houston, their elected officials, to please help them fight the fight, to not tag Item No. 21, which he had heard could be done, that as their constituents they needed their help, to please pass the resolution, that some of the reasons they were opposed to the alignment included the affect on their property values, the structural damage to their homes that could occur from the repeated vibration from trains, their quality of life they currently enjoyed, the health problems that adult and children could experience, the noise and lighting impacts on the community that had not been addressed, the hazardous substances amount thereof, the potential land use corridor of Space Center Boulevard, since it was being put through to Janna Lane in Pasadena, that all of those were concerns of the residents of Clear Lake and they were deeply concerned about their fellow Houstonians up Highway 3 into the City of Houston, that he wanted to thank them for letting him speak on behalf of nearly 60,000 residents of Clear Lake City. Council Members Galloway, Parker, Berry and Robinson absent.

Council Member Weisman stated that she wanted to thank Mr. Dix for being present, that a lot of the information had gotten out based on the hard work of people in the community as Mr. Dix who had gone door to door passing out information to the people in the community to let them know of the situation. Council Members Galloway, Parker and Berry absent.

Council Member Sekula-Rodriguez stated that she wanted to offer her respect for all the hard work he had done and hoped that the work he had done would not go in vain. Council Members Galloway, Parker and Berry absent.

Mrs. Maury Klann, 13735 Pearlwood, Houston, Texas 77059 (281-461-0435) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Parker and Berry absent.

Ms. Beverly Price, 13419 Scenic Glade Dr., Houston, Texas 77059 (281-488-8927) appeared and stated that she wanted to thank all of the Council Members who had given their support, that she lived in the Northfork Subdivision, which was one of the ones closest to where the rail line would be and her son was a student at North Point, that in September there was a meeting held at the school that was attended by the San Jacinto representatives and a couple of people from Galveston Bay Conservation and they said that they were welcome to ask them any questions so a couple of weeks later she sent them a question on their website and it had been 5 months and had not heard a word, that she wanted to urge them to pass the resolution. Council Members Galloway, Parker, Berry and Robinson absent.

Mrs. Mary Vargo, P. O. Box 263248, Houston, Texas 77207 (713-609-5941) appeared and stated that she was chairman of the Southeast Neighborhood Coalition and represented 17 neighborhoods in southeast Houston, that they had talked with members of civic organizations throughout southeast Houston, from New South Yard to Clear Lake, that they had spoken at their meetings and spoken before the South Houston City Council and had spoken before City and State transportation committee meetings, that opposition to the San Jacinto Rail Project had been overwhelming, that as elected leaders their first obligation was to the people, that many of them worked for chemical companies or other energy related companies and were very aware of the positive side of supporting business interests and were also aware that living in an affluent society carried some negative aspects, that they needed the products that the rail cars transported, they were aware of that, but that awareness did not preclude the need for objectivity as well as deliberate and determined effort to minimize the affect of such transport on residents, that they were told of the monopolistic hold of UP on four chemical plants, they were not told that those four chemical plants had publicly admitted that they had made no effort to renegotiate or reduce the tariffs that they were being charged, that they were not told that people working for other chemical plants were well aware of large amounts of money currently being spent to encourage those plants to leave their current transporter, UP, and sign on with the new entity, that this did not sound to her like the rail partners would be satisfied with the current four plants they say they intended to serve, that they also knew that the federal filings said that there were an additional 20 companies currently in existence that could be potential customers, that an attorney with Council Member Quan's law firm was very generous with her time during a week she spent trying to get a young woman out of south Texas after she had been seriously abused, that Council Member Quan was aware that they had a lot of immigrants in their community, that they knew he had a place in his heart for those people, that if they allowed the rail line to go through many of the immigrant people would continue to believe that they did not have a voice, that they wanted to offer them a better life, that to Council Member Parker, Chairman the Neighborhood Protection and Quality of Life Committee, there was an issue that would affect their quality of life, that for their information Juan Parras informed her last night that as soon as this was over he would start up again, that his intent was to have Cesar Chavez High School knocked down, that he claimed that it was built in its location because of environmental racism, which they of course disagreed with, that they wanted the high school there, that he was standing at her shoulder when she visited with the representatives of the STB and she told the representative that they were playing into Mr. Parras hands, that as soon as he got through with the high school he would go after them, Mr. Parras smiled and said, that's right, that he had

already filed a Title 3 lawsuit against the high school, therefore they were saying that this played into that situation, that Lyondell representatives had acknowledged giving out incorrect information, that when Council Member Alvarado inquired about why no one in southeast Houston had received mailings she was told that those mailings were for a specific audience, that the gentleman further said if she wanted something special maybe they could put something together for her, that she found it offensive and that was his tone of voice, that federal filings indicated that some life existed in the Clear Lake area that could be affected but mostly it was oil fields and farm lands, which most of them knew was not true, that the federal filings did not acknowledge the existence of life along Highway 3, that Dana White, the STB representative from Washington was shocked when they told her how many schools were along that rail line, that she counted 31 schools within one mile of the rail line, that there were 117 daycare centers within the zip codes along that area, that did not include homes for the elderly, that the bottom line was that they needed to reduce dangers to their community, not increase them, there was an alternate route available, there were numerous negotiation options open including the fact that BNSF, one of the San Jacinto rail partners, was part owner in the PRTA rail line, regardless of what the current constraints were on traffic on that line they did believe that certain contracts could be renegotiated, that they also wondered what BNSF was charging other people in areas where they had the monopoly, that Houston had only one hazardous materials response team in the Fire Department and it was on Harrisburg, there would be no way for that team to get to any of them along Highway 3 if there were an accident, that they begged that the Council please issue a very strong resolution opposing the project. Council Members Galloway, Goldberg, Vasquez, Parker, Berry and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Ms. Vargo stated that she lived one block from the rail line, in Meadow Brook subdivision, which was near the intersection of Highway 3 and Howard Drive, that not only was she not given any information, but she had visited with almost all of the 17 neighborhoods in the Southeast Neighborhood Coalition and no one had even heard of it, except the very few who might have seen a one little paragraph bullet in the newspaper, that she found out about it when she went to a community advisory panel meeting. Council Members Galloway, Goldberg, Wiseman, Vasquez, Parker, Berry and Robinson absent.

Mayor Brown stated that he wanted to recognize Council Member Sekula-Rodriguez for a point of person privilege. Council Members Galloway, Goldberg, Vasquez, Parker, Berry and Robinson absent.

Council Member Sekula-Rodriguez invited Principal Mary Jane Gomez of Sylvan Rodriguez Elementary and Mr. Steven Harding, Assistant Principal, Ms. Kay Houston and Ms. Silvia Rodriguez to the podium for a presentation and stated that on March 8, 2002 Houston Independent School District would host the dedication of Rodriguez Elementary, a new state of the art facility named in honor of the late Sylvan Rodriguez, that it would relieve overcrowding at Benavidez and Cunningham Elementary Schools, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed March 8, 2002 as Sylvan Rodriguez Elementary Day in Houston, Texas. Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Gomez stated that she wanted to say thank you and on behalf of the Gulfton Community children, who attended Sylvan Rodriguez Elementary, the faculty, staff and parents, they thanked them for the very special award, and Mayor Brown stated that he wanted to thank them for being present. Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Shar Bingham, 1350 Nasa Rd. 1, Ste. 212, Houston, Texas 77058 (281-333-1350) appeared and stated that she was present representing State Representative John B. Davis and

read the following letter: "After viewing BNSF's route selection presentation I was left with more questions than answers. On September 4, 2001 I requested an Environmental Impact Study (EIS) from the Surface Transportation Board in Washington D.C. My main objection is the route selected by BNSF. There are other alternative routes which should be considered. It is important that the Bayport plants have access to competitive transportation cost which will make their products more competitive in the global market place. The Bayport plants provide numerous jobs to our economy, pay taxes and are good neighbors. Many plant employees live and raise their families in the Clear Lake community. However, the current BNSF route poses too much of a risk to our children, environment, quality of life and overall regional mobility. The vast majority of my constituents in Clear Lake are strongly opposed to the proposed route for the San Jacinto Rail Ltd. The current language of "serious concerns" from Council Member Alvarado's resolution regarding BNSF does not strongly reflect the consensus of those directly affected by the project. To be more accurate I would encourage the use of the words "direct opposition." If I can be of any further assistance or if you have any questions regarding this proposed project please contact my district office. Sincerely, John E. Davis, State Representative, House District 129." Council Members Galloway, Ellis, Vasquez, Parker, Quan, and Berry absent.

Upon questions by Council Members, Ms. Bingham stated that they had received several hundred letters regarding the project in opposition and had received under one hundred letters in support of it from the interested parties, workers at the plant and so forth, that they were notified early on, late last summer, when they had the first meetings the representative had actually asked BNSF to come down and present their proposal to them at the beginning, which was when he also asked them to go and get in touch with the community to get the information out to those who were most impacted, that she did not believe that Representative Davis had a statement from Mr. Delay's office yet, but he had met with him in regards to the project and other issues in the district within the last couple of weeks, that he had not received anything from the Senators, that she knew they had talked with them, but did not know if they had sent written correspondence. Council Members Galloway, Ellis, Vasquez, Parker, and Berry absent.

Ms. Ann Rice Claire, 8518 Glen Lock, Houston, Texas 77061 (713-644-4996) appeared and stated that she was proud of all of the Council Members because she knew they worked hard, that she was present to speak against the BNSF railroad plan for laying rail in areas near thousands of homes in the Bay area and along Highway 3, that there were high schools and elementary schools all along the path of the proposed line and also it went near Ellington Field, that near Ellington Field they had the Bolen Building, which was the place that the astronauts practiced for their travel into space, that she felt they would be very much in jeopardy because of National security in all of the area, that she had worked for a railroad company for 40 years and was very well aware of things that took place on railroads, and continued to voice her personal opinions in opposition to the project. Council Members Tatro, Galloway, Ellis, Vasquez, Parker, and Berry absent.

Council Member Weisman stated that she wanted to thank Ms. Claire for being present, that Ms. Claire was very active in the community and had been for many years. Council Members Tatro, Galloway, Ellis, Vasquez, Parker, and Berry absent.

Council Member Sekula-Rodriguez stated that she wanted to thank Ms. Claire for being present and appreciated her effort and also her guidance in the area. Council Members Tatro, Galloway, Ellis, Vasquez, Parker, and Berry absent.

Mr. David Harpole, 15423 Pinenut Bay Court, Houston, Texas 77059 (713-652-4125) appeared and stated that he was present as a representative of Houston based Lyondell Chemical Company and also Equastar Chemicals, that they were two of the four competing chemical companies who had joined together in a partnership with Burlington Northern Santa Fe

to help break up the monopoly conditions that existed in the Bayport industrial district and that placed their plants at a very serious competitive disadvantage to companies that had access to more than one railroad, they needed relief to make their plants economically viable, particularly with other competition, locally, nationally and globally, that he had been asked what did monopolistic pricing look like, well the rates that Union Pacific charged Lyondell and Equastar today for the majority of their shipments from the Bayport district were 180% of the proposed rates that they would pay to BNSF once they gained competitive service, to put it more plainly, their rail shipping rates would be 55% of the existing UP rates, that was an annual savings to them of \$2.5 million per year, that was why the project was so important to them, and that was just for his company, that he understood that Atafina and Bissel had similar savings potential, that he realized that at this time the public did not have a concern over what it meant to them financially, their issues were proximity and perceived risks, that he respected the views of his neighbors and others who opposed the route that had been selected by BNSF, that what they disagreed on was the perception of risk, the Clear Lake or the East End, had no greater risk today or tomorrow from rail transportation than the majority of communities around the Country that had rail transportation through them, that products could be and were transported safely by rail throughout the region and the Country, that they had found some common ground with the opponents to the project in their belief that both railroads involved in the issue should work together to better utilize and enhance the existing infrastructure in the Houston area, that Council Member Berry made a comment at the meeting that Council Member Robinson held in Clear Lake not long ago and said that the one entity that could solve the issue for them was in the room and that entity was Union Pacific, that Burlington Northern Santa Fe had devised an innovative proposal for better utilizing existing rail tracks in the region, that it was currently being presented to Union Pacific and it could take some time to develop the full details of the proposal, but it was the innovative type of thinking that needed to occur to address the challenges that they faced not just as a company but as a community, that in the interim BNSF and the San Jacinto Rail partnership must proceed with developing the options that had been presented to them by the Surface Transportation Board to allow the competitive access to Bayport, that as a Houston resident that was employed by a company that could be affected by the railroad dilemma he asked that the City of Houston not oppose their proposal to find competitive access to the Bayport Industrial District, where the resolution that they currently had before them, if they were to vote in favor of it, in essence they were voting in favor of the status quo and that was a vote for Union Pacific, that he recognized that a vote against the proposal might be perceived negatively by the citizens of Clear Lake and others who felt the threat of the proposed built out, that he would urge the City Council to table the issue for a few weeks and work together with Burlington Northern Santa Fe and others toward bringing Union Pacific to the table to resolve the rail issues on a regional basis, that was the solution that could provide the best benefit to the citizens of Houston, to the companies involved and to the City Council and others who had been brought into the issue, that he would encourage them to have a bit more patience with those companies who were working on their behalf to resolve the issue. Council Members Tatro, Galloway, Ellis, Parker and Berry absent.

Upon questions by Council Members, Mr. Harpole stated that it was not entirely true that they could go the Surface Transportation Board and complain about the rates as being monopolistic and unreasonable and have a hearing before them, that unfortunately that misconception had been encouraged by Union Pacific and what that focused on and the remedy that existed was for tariff rates to be contested before the Surface Transportation Board, that they were working with contract rates, and believe it or not, tariff rates were more expensive than the contract rates they paid in a monopolistic situation, that only one chemical company had attempted to have the tariff rates renegotiated or have them addressed by the Surface Transportation Board or its predecessor, the Interstate Commerce Commission, since railroads were deregulated in 1980, they spent more than a million dollars contesting those prices and were unsuccessful and no other company had been successful in that regard, that it was not

exactly true that those type of rates could be contested before the Surface Transportation Board, that they had a contract option to get those products out of Bayport, that for background purpose the four partners combined spent approximately \$55 million per year on rail shipments out of Bayport at this time, that there was a long history of attempting to have rates renegotiated but when the option was that they could utilize those rates or they could utilize trucks, and it took four trucks for every one rail car to transport their products, it was not necessarily an option, that his guess was that they could sit down with Union Pacific and get some short term relief but they were looking for a permanent solution; that the port terminal option was not available to them because it was a private entity and there were many others who were more knowledgeable of it than he, that there were contractual issues that the port terminal had with the Port of Houston and Union Pacific that did create some limitations, that the numbers that he stated in terms of the savings only reflected the amount of traffic that would be subject to competition, there would still be additional traffic that Union Pacific would haul for them that there was no competition in those areas, that they knew how much they were going to save but that was competitive information; that he lived in the Clear Lake area in a subdivision called Bay Oaks, that he lived approximately a mile and a half from the proposed rail line; that at this time they were only asking that they be given the opportunity to have Burlington Northern Santa Fe now approach Union Pacific about better utilization of the existing rail lines in the region, that they were not asking the City of Houston to provide any land at this time or for the City of Houston to support the project at this time. Mayor Brown, Council Members Galloway, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. George Duggan, 2650 Lou Menk Dr., Dallas, Texas (817-867-6111) appeared and stated that he represented Burlington Northern Santa Fe Railway, that today he was present representing the San Jacinto rail partnership, that the purpose of his comments were to insure them that they heard their concerns, that they were working for a positive solution and they needed their help, that first he wanted to talk about a proposal that the Council received and it was the Burlington Northern Santa Fe proposal to the Union Pacific with a solution and it did address the major concerns, that he had passed out a map of the greater Houston rail complex, that the first element of the proposal was asking Union Pacific for trackage rights down their line to serve the chemical companies of the Bayport Industrial Complex, that it would allow rail competition without new construction, that item number two, they proposed to establish a high capacity rail corridor in south Houston, that was the dotted line they saw moving from Galveston up into the southwest Houston area, that BNSF will upgrade their Mykawa subdivision, which was heavily used by the Union Pacific and Burlington Northern Santa Fe, that the line basically ran from Alcoa to southwest Houston and would allow trains to flow through the area more efficiently causing less congestion for the communities involved, that item number three, they proposed to ship the traffic that currently ran on the UP Galveston subdivision, the GH&H, which ran along Highway 3 to the high capacity rail corridor, which he mentioned earlier, that the benefits were that it would let Union Pacific run their trains on that subdivision and eliminating the need to use the GH&H line, which was the line running along Highway 3, that the rail corridor would improve the flow of rail traffic in the entire southwest Houston area, it would reduce the rail congestion in the areas that were congested today and it would also reduce the traffic congestion along Highway 3, that in summary they had heard the concerns of the community and public officials and were addressing those concerns while balancing the needs of their business partners for competition, that they had developed a win win solution that they hoped Council would consider while debating the resolution, that in conclusion, while they believed that current routes were safe and environmentally sound for the communities in which it ran, they were committed to working with the communities to find a solution that benefited all, that they were present for their help, without the City of Houston pressuring the UP they were not likely to sit down and negotiate a fair solution for the community and the Bayport companies, that those companies were outstanding corporate citizens and major local employers and deserved the benefits of competition. Mayor Brown, Council Members Galloway, Wiseman, Vasquez, Parker

and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Members, Mr. Duggan stated that it was proposed over the weekend and should have arrived in the UP offices early in the week, that they had not received a response, that they would encourage all of the Council Members to request that the Union Pacific sit down and consider the proposal as it stood and look for a win win solution for not only the communities but the City of Houston and all of the parties concerned, that it would be a major service corridor, that they were right at the beginning of putting together the solution and the permission that would be needed, from both Union Pacific and Burlington Northern Santa Fe, would be trackage rights from Union Pacific to Burlington Northern Santa Fe on the right hand side with access to the Bayport loop and then the Burlington Northern Santa Fe would need to grant the Union Pacific trackage rights along the route, that they needed the City's help. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Edward Robert, 4602 McKinney, Houston, Texas 77023 (713-921-1525) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Carolyn J. Davis, 5903 Quail Village, Houston, Texas 77053 (281-437-8157) appeared and stated that she was present regarding her granddaughter, who ran away about a year ago and was put in child protective service, that they wanted to make her mother go through parenting classes, that her name was on the roster so she could pick her up and take her places, that after she got off of work she went to look for her granddaughter and when she got there the police had her in the back of the car, that she asked them what went on and was told that a man had scratches on his arm, that she wanted to talk to her granddaughter and the police told her she was trespassing, that they told her she was going to be arrested, that she was a disabled veteran, that she asked the police if she had been disrespectful, hostile or unreasonable towards them, that she wanted to give her keys to her husband, who was with her, and the police said he was going to jail too, because he was with her, and Mayor Pro Tem Quan asked Ms. Davis if she was complaining about the treatment of the police officers towards her and Ms. Davis said not just that but also having Child Protective Service taking children and putting them over children. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Rodriguez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated she would like to talk with her one on one and see what they had to do. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Scott Hancock, 10555 Turtlewood Ct., Houston, Texas 77072 (281-568-8007) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. J. V. Kyles, 3634 Oakhall, Houston, Texas 77066 (281-537-5876) appeared and stated that he was present to report discrimination and a conspiracy to cover it up, that on February 21, 2001, his employer, Reliant Energy, wrongfully terminated him and used a pretext reason for their action, that on April 18, 2001, he filed a discrimination compliant with the EEOC, because he believed he had been discriminated against because of his race and disability and in retaliation for opposing racism on the job, that the investigator at the EEOC just sat on his

complaint and did not process it, that he wrote him several letters complaining about how he was not investigating his complaint, that around October 16, 2001 he received a Dismissal and Notice of Rights from the investigator's supervisor, that the commission issued the following determination, "based upon the commission's investigation the commission is unable to conclude that the information obtained establishes violation of the statute" and went on to say "this does not certify that the respondent is in compliance with the statutes, that no finding was made as to any other issue that might be construed", that he disagreed with that, that on November 1, 2001 he wrote to the district director of the Houston office of the EEOC and wanted to know what information did the commission base its decision on and the commission did not process his complaint in a proper way, that there were five major steps in the investigative process, that the investigator did not conduct any interviews and did not collect any documents, had the investigator conducted a fair investigation it would have shown that Reliant Energy terminated him because of his disability, race and retaliation. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that unfortunately it was a matter between the EEOC and was a federal charge and asked if he had a response from the director, and Mr. Kyles stated yes, that on December 13, 2001 he received an answer from the district director and it stated "the information indicated that you were discharged as a result of a positive test for marijuana, a violation of your EEOC follow up treatment and a refusal to comply with a direct order", that it hurt because they lied, and Mayor Pro Tem Quan stated that the EEOC was the first line of defense and he could go to a private lawyer to see if he could take his case on. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards asked Mr. Kyles if he had an attorney, and Mr. Kyles stated no, that he could not find an attorney who would accept the case, and Council Member Edwards stated that he was going to need an attorney if he was going to carry it any further, that she would suggest he go to the NAACP, they had a legal clinic on Saturday mornings and they handled those type of cases, that also the ACLU handled those type of cases, and TSU also had a legal service that they afforded, that if he was serious about what he was saying that he should get himself some legal advice. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joseph Omuari, 15 Charleston Park, Houston, Texas 77025 (713-665-1929) appeared and voiced his personal opinions regarding the Houston Housing Authority and asked that they be audited. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Omuari stated that he was asking for the City Council to do an audit of the Housing Authority and see what kind of work and performance they had been doing over the last couple of years, that he was asking for both a financial and operating audit. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they knew they were looking at the issue before the Housing Initiatives Committee and knew the Mayor had made a commitment to go out into the community to talk about the Housing Authority. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Sekula-Rodriguez and Robinson absent. Mayor

Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Sekula-Rodriguez and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Manuel Aguilar, 3107 Hollister, Houston, Texas 77080 (832-282-6606) appeared and stated that he was an electrician with the Traffic Management Department, that he was present to speak about salary increases, that the cost of owning a home had risen, that food, gas, health, homeowner and car insurance had risen, the minimum wage had risen, yet they had not seen an increase in their wages, that over the last two years their workload had doubled due to retirement or employees seeking other employment, that also the annexation of Kingwood, that the job of an electrician was that they did two jobs at once, they watched the traffic while doing electrical work, that despite the safety barriers, road cones and strobes, drivers very seldom yield, that he had a very close call from a bus at Braeswood and Greenbriar, that he was lucky he did not get hurt, that because of his salary he had to work overtime to keep up with the rising cost of raising a family, their school needs and their future, that the City had found money for the police and firefighters, they should look for the electricians, people who keep Houston traffic moving. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he wanted to thank Mr. Aguilar for being present and knew that it had been a regular presentation for the electricians but thought it was symbolic of all the civilian workers of the City of Houston. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she had stated her position at the Council table that she strongly believed that they needed to find a way to have a salary increase for the Municipal employees because they had been able to negotiate with the police and were in the process of working through for the firefighters, but they all did a great job for the City and thought it was long overdue and hoped they would be able to take that into consideration as they went through the budget process. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would encourage them to get something more systemic and not just everybody coming down one at a time, but how they could address it on a more realistic level and applauding them and rewarding them for the work they did. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. W. Dell York, Jr., 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) appeared and stated that he had done a lot of research about the way they handled their sewage operation in Houston and he noticed on the agenda that there was a proposal to haul Class B sludge, that was sludge that still had all the germs in it, that they had two plants in Houston that gas dried the sludge at a tremendous cost and one of them was \$6 million per year for natural gas, not counting all the other expenses, that the sludge could be composted and then be put on people's yards very safely, all the pathogens were killed. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. York stated that he hoped that the Council would consider the hauling contract, to haul it out of the Sims Bayou Plant, that it was Class B sludge and unsafe, that he used to compost all of the fish waste at one of the big fish processing plants in Kemah and had a lot of experience in composting, that he would go to any Council Members office and share his information with them, that he would put some documentation to Council and Mayor Pro Tem Quan stated that they had RFP's looking for proposal's on a regular basis, that they were always looking for creative ideas and if Mr. York had some ideas where the City could save money and do thing environmentally sound they were open to them and encouraged him to get the information to the Council Members and also to the Public Works Department. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) appeared and distributed information to Council and voiced his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Joyce Smith, 4814 Larkspur, Houston, Texas 77033 (713-934-0114) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Mayor Pro Tem Quan presiding. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and distributed information to Council and voiced his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:32 p.m. upon motion by Council Member Tatro and seconded by Council Member Edwards, City Council recessed until 9:00 a.m., Wednesday, March 6, 2002. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 6, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller,

Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was the financial report.

MAYOR'S REPORT

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

Ms. Judy Johnson, Deputy City Controller, stated that they were pleased to present the Monthly Financial Report for the period ending January 31, 2002, that the General Fund Revenues were not much different from the previous month, they were about \$1.7 million higher from the December projection, that the good news was in the area of Sales Tax, the receipts for the year to date were up 6.5% ahead of last year, however they were conservatively projecting the balance of the Fiscal Year equal to the collections they received last year and that was because of the uncertainty that remained in the economy, both in Houston and nationally, that overall the City had collected \$178 million this year compared to \$167 million last year in Sales Tax; that the Municipal Courts Fines and Forfeitures were projected to be about \$36.6 million which was the same as their projection last month, that there was a typo in their letter that the Controller signed that said that the tickets had increased by 91,000, which they only wished could be true, the actual number was that there was 91,000 of tickets issued in total and was a much smaller increase than that, that the overall collections through January for Municipal Courts continued to be disappointing, however they were holding with their estimate from last month; that the \$15 million transfer from the Any Lawful Purpose Fund was completed in February and was included in their projections as January, that they had also included an item of the amount needed to balance the budget, from the Controller's point of view, which was \$11 million at this point; that their General Fund Expenditure projections were unchanged from December, they had not seen any change in the patter of spending in this period of time since then, and that concluded her report. Council Member Berry absent.

Dr. Philip Scheps, Director, Finance and Administration stated that the report was fairly simple considering that the big issue they considered last week when the \$15 million from the Any Lawful Purpose was approved by Council as seen in page 3, that the revenue discrepancy with the Controller was almost negligible, that they were projecting revenues at about the same amount, although they had differences within the categories they were about the same, that there were some minor changes up and down in this months report which was all in his letter; that on the expenditure side he pointed out that there was a graph on hiring and full time civilian positions, hiring down to about 8 in the last months that they were tracking, and civilian positions dropping substantially, which was of course the Mayor's directive through their position control process to attempt to get the FY02 Budget in balance; that there was somewhat a little bit confusing accounting because they moved the placeholder for Meet and Confer into the Police Department Budget, into their projections this month, so sometimes comparing the projection with the budget was a little bit difficult, but that was the cause for that change; that in General Government there had been a claims and judgment included and that had caused it to be projected at \$1.5 million over budget, that the final analysis was that they were now projecting an ending balance of \$78.99 million, which was 6.5% of Expenditures, that they had a difference of

presentation than the Controller and they were projecting, as they had in past months, a plug number to bring the budget approximately into balance and they were not showing that anymore thanks to the Sales Tax projection going up and the \$15 million ALP transfer they were now showing a rough balance, that they did not have the plug anymore; that FY03 Budget preparation, they had discussed it and Mr. Mays was present at Fiscal Affairs in his place and the first round of budgets were due Monday, that they did not get them all in because some departments had asked for extensions, that to remember that the Mayor had asked that departments meet \$18 million budget cut targets and so the first question would be how comfortable could departments meet that target and the answer would be in some departments, not very comfortably, that was to say that they would not be able to meet their targets without some service cuts, that those they were in the process for cataloging and would have to bring them to the Mayor for decisions and then ultimately to the City Council in May; that on the Revenue side, he knew there was a discussion yesterday, that the Mayor had approved for detailed study 17 different Revenue alternatives, that he wanted to remind them what he told them at Fiscal Affairs a month ago, that they had a very large systematic difference between recurring revenues and recurring expenses, that something was going to have to give, that it was in the magnitude of \$33 million and that was something that nobody, he thought, sitting on this Council had faced, even those of them who were in their fifth or sixth year, in the recent past, that they would have a difficult problem balancing the budget; that Mr. Mays had told him what had been asked, that they were working on several things, that Barbara Sudhoff was going to make a thorough study of the delinquent collections, that it had been asked in the past and they owed the Council an update on that; that Council Member Vasquez questioned the performance measures on the Public Works Department and he told him in the past that he did not think those performance measures were going to be met, that it was a combination of flood related, the way the flood hit relative to when the performance measures were initially set, and then they thought that Mr. Vanden Bosch ought to be given a chance to thoroughly review it, so they had not changed it, but the report was coming; that he believed they may have been given a request for ambulance fees and they tracked that every week and he would be glad to provide that, that they assumed they were going to meet their performance targets on ambulance fees with the exception of the two items he had mentioned in the past, that was to say lower ambulance runs, and that concluded his report. Council Member Weisman absent.

Upon questions by Council Member Robinson, Dr. Scheps stated that as to the cash flow they were okay, but it was pretty tight, there was no question about it, they were pretty close to that zero point, that they would keep the Council advised, that yesterday they were advised that the budget was \$2 million off, and Council Member Robinson stated that he wanted to make sure he knew what they were doing to fill the \$2 million gap and that was not the firefighters were eating into the fund balance at the end of the fiscal year; that he would like to see what the formal revenue projections were from the administration and then a macro presentation of what the structural budget expenditures were, maintaining fire fighters, police and then salary and health cost separate and distinct from civilian employees in the Fire or Police department, that there were some big line items that he requested and if Dr. Scheps would go back and look at his request from last year when they did the budget process, that he would still like to know what they spent on public relations across all departments, that he wanted to see what the real cost of service was versus saying they had a budget projection and were going to build expenditure to match projection and that was how they had done things in the past before Dr. Scheps being there.

Council Member Tatro stated that he wanted to get an update for the last four years of the ticket issuance by month and then the dismissal rate. Council Member Robinson absent.

Council Member Parker stated that one point raised at the Fiscal Affairs meeting was that the Council Members would like to know when their budget priorities would be requested, and Dr.

Scheps stated that it was on the draft and believed it was April 1, but would make sure. Council Members Tatro and Robinson absent.

Council Member Parker moved to accept the financial report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2002-0249 ADOPTED.

Mayor Brown recognized Council Member Quan for a point of personal privilege.

Council Member Quan stated that he wanted to recognize Major General Milton Hunter, who was retired and was now Senior Vice President with Parsons, working on Homeland Security and asked Major General Hunter to stand and be recognized and stated that he wanted to thank him for all his efforts in working for the security of all cities and for his service to the Country, and Mayor Brown stated that they were happy to have him present. Council Member Tatro absent.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 7, 30, 31, 40, 43, 38, 38a and 21 out of order, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0250 ADOPTED.

7. RECOMMENDATION from Director Aviation Department to provide technical services to the **HAS DEVELOPMENT CORPORATION (HASDC)** for participation in proposed projects in China, Guatemala, Mexico and with the Port of Houston Authority (PHA) - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro and tagged by Council Members Robinson and Goldberg.

Council Member Robinson stated that he would like to have someone visit with him on Item No. 7 and Mayor Brown stated that they would have someone visit with both Council Members.

30. ORDINANCE appropriating \$5,018,000.00 out of Houston Airport System Bonds 1998B AMT Construction Fund, CIP A-0141 and \$82,000.00 out of Airports Improvement Fund, CIP A-0422; awarding construction contract to **R. H. TONETTI CONSTRUCTION COMPANY** for the Southwest Airlines Tenant Improvements at William P. Hobby Airport (HOU), Project No. 417J; providing funding for the Civic Art Program financed by Airports Improvement Fund - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Keller.
31. ORDINANCE appropriating \$522,224.00 out of Houston Airport System Bonds 1998C NONAMT Construction Fund, CIP A-0304, awarding construction contract to **A & R DEMOLITION, INC** and approving and authorizing professional services contract for engineering environmental services with **PSI, INC** for Building Demolition at George Bush Intercontinental Airport/Houston, Project No. 522K - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2002-0143 ADOPTED.
40. ORDINANCE appropriating \$11,218,000.00 out of Houston Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0390 and \$182,000.00 out of Airports Improvement Fund, CIP A-0422; awarding construction contract to **STEWART-MATL, LTD.**, and approving and authorizing professional services contract for engineering testing services with **GEOTECH ENGINEERING & TESTING** for the HAS Administration Building Renovation & Expansion at George Bush Intercontinental Airport/Houston (IAH) Project 562B; providing funding for the Civic Art Program financed by

Airports Improvement Fund - **DISTRICT B - GALLOWAY – (This was Item 25 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0144 ADOPTED.

43. 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 38 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Keller stated that he had passed out an amendment at the table but would like to withdraw his amendment and moved to postpone Item No. 43 until March 20, 2002, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0251 ADOPTED.

38. ORDINANCE appropriating \$61,171.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Agreed Final Judgment and appraisal expenses rendered in connection with the settlement of the eminent domain proceeding styled City of Houston v. the Burlington Northern & Santa Fe Railway Company, et al., to acquire Parcel Numbers A97-191B, A97-191E & A97-191F, for the West White Oak Bayou Hike & Bike Trail Project (14th Street at White Oak Bayou - Crystell Street); GFS/CIP N-0420-09-1 - **DISTRICT A - TATRO – (This was Item 14 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that he was still working to get some information from Public Works and moved to postpone Item Numbers 38 and 38a until March 20, 2002, seconded by Council Member Weisman. All voting aye. Nays none. MOTION 2002-0252 ADOPTED.

- 38a. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from City Attorney to settle a lawsuit styled City of Houston v. the Burlington Northern & Santa Fe Railway Company, et al., in connection with eminent domain proceeding for acquisition of Parcel Numbers A97-191B, A97-191E & A97-191F and payment of appraisal invoice for **WEST WHITE OAK BAYOU HIKE & BIKE TRAIL PROJECT (14th Street at White Oak Bayou - Crystell Street)**, GFS/CIP N-0420-09-1 - **DISTRICT A – TATRO – (This was Item 14a on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented, and postponed until March 20, 2002 by MOTION 2002-0252.

21. RESOLUTION expressing the City's serious concerns regarding the currently proposed routes for a new Rail Line in Southeast Houston proposed by the Burlington Northern Santa Fe Railroad – was presented.

Council Member Alvarado stated that she wanted to thank the administration for bringing the resolution forward, and had passed out an amended version and would ask that they support the resolution with the amendment.

Council Member Alvarado presented the following written motion to amend Item No. 21.

“Whereas there is significant opposition to the proposed routes for the San Jacinto Rail Limited rail line proposed by the Burlington Northern Santa Fe Railroad (BNSF).

Whereas there will be significant safety risks associated with construction

and operation of a rail line along such proposed routes through the City of Houston.

Whereas the various proposed rail line routes pass by schools, parks, a water plant, and various neighborhoods.

Whereas the BNSF plans to transport toxic chemicals within close proximity of schools, parks, the water plant, and neighborhoods.

Whereas the City Council has significant concerns about the effects the proposed rail extension routes will have on the quality of life in the City of Houston.

Be it resolved that the City Council does hereby oppose the effort by the Burlington Northern Santa Fe Railroad to build and operate the San Jacinto Rail Limited rail line along any of the proposed routes.”

Mayor Brown stated that he wanted to point out that there were a number of rather significant differences between the amendment and what was before Council, that before Council were the words “serious concerns” and Council Member Alvarado’s amendment says “oppose” and another significant one that was before Council was “currently proposed routes” and the amendment says “any of the proposed routes”, so they needed to look at the wording because there were some significant differences in terms of what Council Member Alvarado was proposing and what was before Council.

Council Member Sekula-Rodriguez offered a friendly amendment to Council Member Alvarado’s motion to amend Item No. 21 by changing “any of the proposed routes” to “currently proposed routes”, and Council Member Alvarado accepted the friendly amendment.

Council Member Sekula-Rodriguez stated that if the administration saw fit it would be an appropriate resolution to come forward, in the future, that the City did support Burlington Northern and Union Pacific entering into negotiations to share trackage rights along existing rail and that Union Pacific be encouraged to negotiate competitive rates with Bayport shippers, that yesterday, a representative from Burlington Northern, Mr. Duggan, came forward and offered to them a radically different proposal for an expanded corridor of freight transportation that would make use of current track, and would allow sharing with Burlington Northern and Union Pacific track.

Mayor Brown stated that what was before Council was Council Member Alvarado’s motion to amend and the change would read as follows:

“Be it resolved that the City Council does hereby oppose the effort by the Burlington Northern Santa Fe Railroad to build and operate the San Jacinto Rail Limited rail line along currently proposed routes.”

Council Member Robinson stated that he wanted to thank Council Members Alvarado and Sekula-Rodriguez for their effort to strengthen the resolution and asked if they could look at two things, one, the current terms of the port terminal rail line to see if there was anything they could do to change those contractual terms and that would provide a viable alternative also that would eliminate the issue, that second, that he agreed with Council Member Sekula-Rodriguez that Burlington Northern had put something on the line and he had gotten a response from Union

Pacific that essentially said that the negotiations had been engaged and everyone was staking out their position and doing the dance and what he would hope was for them to pull up a chair at that table and make sure that the public's interest was protected, that he was wondering if they could look into what, if anything, in terms of the likelihood of asking the Surface Transportation Board to reopen the merger agreement that allowed UP to acquire SP so they had some leverage in the process and they did not simply leave it to the two parties to take years with a supposed negotiation while they still continued to press the Surface Transportation Board to move forward, that he asked that the administration look into those two options and he would be voting for the resolution.

Council Member Weisman stated that she wanted to thank Council Members Alvarado and Sekula-Rodriguez for the work they did in putting the resolution together and amending the wording so they could all come together on the issue and pass the resolution, that it was her hope they would do it today.

Council Member Vasquez stated that he wanted to thank Council Members Sekula-Rodriguez and Alvarado for the friendly amendment, that he thought it was a stronger resolution inserting the word currently because he thought it allowed for additional discussion and additional negotiations to take place, that it was his concern as it was originally submitted that it just seemed to close the door on any negotiations whatsoever, that he wanted to commend both Council Members and Council Member Weisman and thought it was something that he could now support and moved to call the question and Mayor Brown stated that there were no more speakers on the list.

A vote was called on Council Member Alvarado's motion to amend Item No. 21. All voting aye. Nays none. MOTION 2002-0253 ADOPTED.

A vote was called on Item No. 21 as amended. All voting aye. Nays none. RESOLUTION 2002-0010 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOILER CODE REVIEW AND LICENSING BOARD**, for terms to expire January 2, 2004:
Position Two - **MR. ROGER STEPHENS**
Position Four - **MR. ROBERT M. HILL**, and to serve as Chair
- was presented, moved by Council Member Quan, seconded by Council Member Ellis.
All voting aye. Nays none. MOTION 2002-0254 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **AUTOMOTIVE BOARD**, for terms to expire January 2, 2003:
Position One - **MR. WILLIAM C. SMITH**
Position Two - **MR. BILLY JONES**, and as Chair
Position Four - **MR. MANUEL CANO**
Position Five - **MR. HUSSEIN ABDELLATIF**
Position Six - **MS. TRACIE L. CARTER**
Position Seven - **MR. JAMES ANTHONY**
Position Eight - **MR. PHILLIP A. GEBHART**
Position Nine - **MR. TIM STRANEY**
- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All

voting aye. Nays none. MOTION 2002-0255 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **AIR CONDITIONING BOARD**, for terms expiring January 2, 2004:
Position Four - **MR. ELI SCHAFFER**
Position Six - **MR. LEVI MOSS, JR.**
- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0256 ADOPTED.
5. REQUEST from Mayor for confirmation of the reappointment of the following to the **MUNICIPAL ART COMMISSION**, for terms to expire January 1, 2004:
Position Two - **MR. GEORGE SMITH**
Position Three - **MS. ARTIE L. HINDS**
Position Four - **MS. LESLIE D. BLANTON**
Position Five - **MR. REY de la REZA**
Position Six - **MR. KEIJI ASAKURA**
Position Seven - **MR. CHARLES TAPLEY**
Position Eight - **MS. EMILIE S. KILGORE**
Position Nine - **MR. SHUNNEY NAIR**

- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0257 ADOPTED.

ACCEPT WORK - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,177,402.86 and acceptance of work on contract with **LEM CONSTRUCTION, INCORPORATED**, for Magnolia Park Lift Station Rehabilitation, GFS R-0267-49-3 (4275-39) - 04.78% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0258 ADOPTED.

PROPERTY - NUMBERS 9 through 12

9. ORDINANCE appropriating \$265,963.00 out of Airport System Subordinate Lien Revenue Bond Fund 98C NON-AMT (536) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. A.I.C. Management Company, et al., to acquire Parcel Number EY2-004, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B- GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0145 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. A.I.C. Management Company, et al, Cause Number 735,465, for acquisition of Parcel EY2-004; for the **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport; GFS/CIP A-0024 \$259,518.00 - **DISTRICT B- GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0259 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for

condemnation of Parcel A91-132, located at 6803 Wheatley Street, owned by Birdie Eugenia DeFlora, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0260 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A93-159, located at 1102 Homer Street, owned by Kenneth McCathy and wife, Sandra McCathy, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0261 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KYO-102, located at West Sam Houston Parkway North and Clarbrough Drive, owned by The Ladish Company, a Wisconsin corporation, Wayne Larsen, Vice President, for the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**, CIP S-0900-47-2 - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0262 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 20

16. **AMEND MOTION #99-807, 5/12/99, TO EXTEND** expiration date for 12 months from June 12, 2002 to June 11, 2003, for Prisoner I.D. Wristbands for Houston Police Department, awarded to **PRECISION DYNAMICS CORPORATION** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0263 ADOPTED.
17. **LAWRENCE MARSHALL CHEVROLET, L.P.** - \$132,118.00, **BAYOU CITY FORD TRUCK SALES, INC (Bid No. 1)** - \$865,854.00, **RUSH TRUCK CENTER** - \$242,698.00 and **LONE STAR TRUCK CENTER (Bid No. 1)** - \$58,131.00 for Medium and Heavy-Duty Trucks for Department of Public Works & Engineering - Total \$1,298,801.00 - Enterprise and Street and Drainage Maintenance Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0264 ADOPTED.
18. **ALFA-LAVAL, INC** for Gearbox Assembly Repair Service for Department of Public Works & Engineering - \$47,175.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0265 ADOPTED.
19. **AMEND MOTION #99-1281, 7/14/99, TO EXTEND** expiration date for 12 months from July 13, 2002 to July 13, 2003, for Welding Equipment and Supplies for Various Departments, awarded to **RICE WELDING SUPPLY CO., INC** (said contract assigned to **AERIFORM, INC**), **GROVES INDUSTRIAL SUPPLY** and **X-ERGMON, DIV. OF NCH CORP.** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0266 ADOPTED.
20. **AMEND MOTION #99-1244, 7/7/99, TO EXTEND** expiration date for 12 months from July 6, 2002 to July 6, 2003, for Automotive, Vehicle and Heavy Equipment Filters for Various Departments, awarded to **NORTHWEST DRIVE TRAIN, INC, ELIMINATOR**

CORPORATION and **RIDGE AUTO-MARINE SUPPLY, INC** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0267 ADOPTED.

RESOLUTIONS AND ORDINANCES – NUMBER 27

27. ORDINANCE awarding construction contract to **JAHO, INC** for Water, Wastewater and Drainage Facilities to serve Briargate Section 19; approving and authorizing assignment of the Construction contract to **STEPHENS/TINGLEY, L.P.**, CIP S-0800-35-3 and R-0800-42-3 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0146 ADOPTED.

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

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **GENERAL APPEALS BOARD**, for terms ending January 2, 2004:
Position Two - **MS. LESLIE B. DAVIDSON**
Position Four - **MR. SOLOMON B. SILVA**
Position Six - **MR. MIKE GARVER**
Position Ten - **MR. EDWARD E. CAMPBELL**
- was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0268 ADOPTED.
6. CONFIRMATION of the appointment by the Fire Chief of **MR. PAUL GRAY** to the Position of Assistant Fire Chief of the Houston Fire Department - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0269 ADOPTED.

PROPERTY

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels LY1-008, LY1-008A, LY1-009 and LY1-009A, located in the 8700 block of Woodway Drive, owned by Ronald E. Lee, Jr., Trustee of the Trust under Article IV of the Will of Katherine Pillot Lee Barnhart, deceased, for the **DUNVALE-LIPAN RELIEF STORM SEWER PROJECT**, CIP M-0189-01-1 - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0270 ADOPTED.

Mayor Brown invited Chief Connealy and Assistant Chief Gray to the podium.

Chief Connealy stated that he wanted to thank City Council for their support on the appointment of Assistant Chief Gray, that he thought he would be a welcome addition to the staff of the department and a help in their moving forward.

Assistant Chief Gray stated that he wanted to thank the Mayor and Council Members for the opportunity to serve once again in the Houston Fire Department's command level, that he thought they were making the right choice and appreciated their consideration, and Mayor Brown stated that he wanted to wish him congratulations.

Council Member Quan stated that he wanted to mention that Assistant Chief Gray was also

a Milby graduate and stated that they were really proud of him for all the service that he had provided to the community and the example he had set.

PURCHASING AND TABULATION OF BIDS

14. **BAYNE APPLIANCE CO., INC** for Appliances, Part II, Contract for Aviation and Building Services Departments - \$37,966.00 - General, Enterprise and Fire Department Revolving Funds - was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0271 ADOPTED.
15. **DUAL DIVINITY AQUATICS** for Removal of Existing and Installation of New Pool Filtration System for Parks & Recreation Department - \$51,000.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0272 ADOPTED.

RESOLUTIONS AND ORDINANCES

22. 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** – was presented.

Council Member Goldberg stated that he looked over some of the figures for the TIRZ and thought that the numbers were rather conservative and asked if there was someone who could tell him if the appraisals were much higher than expected and if they were higher than expected would the bonds be paid back at a faster rate and would the TIRZ be dissolved after 20 to 25 years as opposed to 30 years.

Council Member Tatro moved to suspend the rules to hear from Mr. Bill Calderon, Planning and Development Department, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0273 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Calderon stated that Council Member Goldberg's assessment was correct, the figures they had currently did not include the 2002 appraised figures, that they were using estimates that they figured were fairly close, that they were already seeing some evidence in the 2002 figures when compared to the project planned estimates that there was a greater increase in value than what was originally estimated when the plan was approved, in fact that phenomenon was not inconsistent with numbers they were seeing across multiple TIRZ's and they did expect that they would all be generating more revenue than what was originally anticipated over time, which was a good thing for the City, that relative to their ability to pay back bonds sooner, these bonds, as were all bonds that had been previously considered and authorized by City Council for the redevelopment authorities that operated with the TIRZ's were being sold on a 10 year call so they would look to a minimum 10 year period of amortization of the debt, but they were always evaluating the available surplus revenues for use, not only in implementing the project plan but also defeasance debt that authorities had assumed pursuant to Council authorization, so they would be looking at that issue at the appropriate time as they did with all of their redevelopment authorities, and Council Member Goldberg asked if there were any other projects anticipated besides the one in the plan, and Mr. Calderon stated that at this point there were none that were in discussion, to his knowledge, at the redevelopment authority board level, that none had been brought to them, that what was clear to them was that they had absolutely no ability or authorization to take any additional monies that they had and expend them on things that were not provided for in the plan, should any ideas come forward from the board to the City they would have to ultimately be brought to City Council for Council's consideration before the redevelopment authority or the

TIRZ could expend any additional monies that were not currently identified in the project plans as approved, that it was something that they were constantly evaluating.

Council Member Ellis stated that he had looked at the cost of issuance for the \$20 million bond issuance and it was roughly about 5% and stated that his concern was with the Southwest TIRZ, that he attended one of their board meetings a month ago and looked at their projections and those projections were 8% to 9% for cost of issuance and asked why there was such a large variance in the two TIRZ's, and Mr. Calderon stated that he would not consider the numbers that were currently floating and had been presented to the board for the Southwest TIRZ as final, their experience had been as they worked through those issues it was not unusual to see up to 20 or 30 iterations of the numbers as they worked toward finalization of the bond package, and Council Member Ellis stated that the explanation that was given to him by First Southwest was the fact since they did such small issuance of bonds from debt that the percent for cost of issuance went up and it would seem to make sense if they could group some of the TIRZ's together and go out and issue debt all at once that they might be able to reduce the cost of issuance and reduce the cost of administration and was curious if anybody had looked into that or was that even possible to do, and Mr. Calderon stated that they had discussed that scenario and others that were similar to it, that it would require a pretty significant restructuring of the overall program, as they knew it today, in order to accomplish that, because they had authorized and Council had approved issuance of bonds by redevelopment authorities to date and all had gone to the market, so they would be looking at some pretty significant restructuring, that he was not saying it was an impossibility, and was something that they could certainly evaluate further, and Council Member Ellis asked how many TIRZ's they had and Mr. Calderon stated 20, that they had issued debt in Lamar Terrace, Midtown, Market Square, Uptown and Greenspoint would be the fifth, that they also had some authorities that had also engaged in borrowings with banks, that Gulfgate being one example where the proceeds from a bank note were utilized for the acquisition of the Gulfgate Mall, and Council Member Ellis asked how many management corporations were involved in the administration of the 20 different TIRZ's and Mr. Calderon stated that those relationships existed currently in Market Square, Uptown, Greenspoint and there was currently dialog with the Upper Kirby Management District for a relationship like that to be struck, and Council Member Ellis asked if they were using the same management corporation for each of the TIRZ and Mr. Calderon stated that not one person managed or served as consultant for all 20; that there was a reserve fund set up for the bonds as well as capitalized interest for those payments in the early years, that when debt service was paid out on an annualized basis the surplus revenues were then put into a surplus revenue fund which could be utilized for debt service, and Council Member Ellis asked that Mr. Calderon visit with him and brief him on the financials of the different TIRZ's throughout the City, and Mr. Calderon stated that he would do that. Council Member Robinson absent.

Council Member Galloway stated that she wanted to encourage her colleagues to support the item because there were great things going on at Greenspoint Mall, that it had been such a heavy crime area and now with the Greenspoint Redevelopment and all that was going on out there she thought it was really worthwhile for the City. Council Members Vasquez and Robinson absent.

Council Member Tatro asked if this was projected with the TIRZ to be the only debt issuance to complete the current project plan, and Mr. Calderon stated no, that they anticipated that there would be at least one or two others that would come forward, that the analysis that they initially saw provided for a total of six over a 15 year period, but he suspected that it would be a number less than that, that this was the only debt that they would issue based on Council's authorization today, that any future debt would have to come back to City Council for their consideration. Council Member Vasquez absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2002-0147 ADOPTED.

Council Member Ellis moved to suspend the rules to consider Item No. 39 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2002-0274 ADOPTED.

39. ORDINANCE approving and authorizing first amendment to the Tax Abatement agreement between the City of Houston and **DREYER'S GRAND ICE CREAM, INC** for certain property located within the Dreyer's Grand Ice Cream Reinvestment Zone - **DISTRICT A – TATRO – (This was Item 21 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBERS EDWARDS, TATRO, ELLIS and SEKULA-RODRIGUEZ)** – was presented.

Upon questions by Council Members, Mr. Calderon stated that the company was required to make an investment of just over \$9 million over the two year construction period and to create employment opportunities for 165 individuals, that under the original terms 90 of those folks that were in the old creamery were going to be retained and retrained by Dreyer's, that Dreyer's also committed to create an addition 75 jobs for a total of 165, that it was a 10 year abatement term and the value of the abatement over the 10 years would be 56% of all the new taxes, ad valorem taxes, that Dreyer acquired Sunbelt Distributor's, that they were a distribution company that was operating under contract with the previous creamery at that facility, that they were at the same location, that they had been reporting to the reinvestment zone, that all of the employees were within the zone, that they were currently at the 20% rate which would be in year 7, that they were at 20% for the remaining 3 years, that they had two options, they could either terminate the contract with the existing operator and seek another distributor or they could buy the distribution company, which was what they elected to do and maintain the jobs for the facility, that they were going to retroactively count the jobs for the distributor because they bought them as a part of the abatement agreement, that under the previous agreement they could not count them because they were salaried under a different and incorporated entity, and so technically they could not count them, so what this did was fix that problem, but it also raised the bar for the company and they would hold them to 200 when they audited them next time. Council Member Berry absent.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0148 ADOPTED.

23. ORDINANCE awarding contract to **SILVER CREEK MATERIALS, INC** for Scrap Tire Disposal Services for Various Departments; providing a maximum contract amount - \$283,870.63 General, Enterprise and Fleet Management Funds – was presented.

Council Member Goldberg stated that he noticed the bid was significantly lower than the other two and had just received certification from Mr. Wells that it was a reputable company, that in the past a lot of companies had taken on the job of taking the scrap tires and then dumping them illegally and they wanted to make sure they were contracting with a reputable company and he had confidence that they were.

A vote was called on Item No. 23. All voting aye. Nays none. ORDINANCE 2002-0149 ADOPTED.

24. ORDINANCE deappropriating \$21,665.63 from Advance Funding Agreement with **TxDOT** (Approved by Ordinance No. 2001-811), appropriating \$86,340.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing second advance funding agreement between the City of Houston and the **TEXAS DEPARTMENT OF**

TRANSPORTATION (TxDOT) for Street Lighting Facilities within the Hempstead Road and Washington Avenue Rights-of-way, West of 12th Street to IH-10, CIP N-1302-01-3 (N-1302-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO and H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2002-0150 ADOPTED.

25. ORDINANCE appropriating \$181,000.00 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LEGGETTE, BRASHEAR & GRAHAM, INC d/b/a LBG-GUYTON ASSOCIATES** for Design of a Water Well in Park Glen Subdivision, CIP S-0100-13-2 (WA10734); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0151 ADOPTED.
26. ORDINANCE appropriating \$1,924,055.00 out of Public Library Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PROZIGN INC d/b/a PROZIGN ARCHITECTS** for Design Improvements and Renovations to Jesse H. Jones Central Library, Carnegie Branch Library, and Library Resource Center; GFS E-0011-01-2, E-0142-01-2 and E-0076-01-2; providing funding for the Civic Art Program and contingencies relating to design improvements and renovations of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I - ALVARADO** – was presented, and tagged by Council Members Keller and Goldberg.

Council Member Keller stated that he wanted to compliment Issa on working with him this week, that he did not get a chance to get it in time or he probably would already have answered a number of the questions, that he was going to tag the item, that he would like to get with whomever was involved with overseeing the construction management of the project, that he would like to see how they estimated the basic services fee to be \$1.1 million and the item that caught his attention the most was the total additional services, that when it was combined with the allowance for reimbursable items it was over 50% of the basic services fee, so they had \$566,000 in total additional services, that he would like an itemization of the total additional services and what did they anticipate the reimbursable items to be in that allowance for \$125,000, and Mayor Brown stated they would make sure he got answers to his questions, and Council Member Goldberg stated that he wanted to add his tag to the item.

28. ORDINANCE appropriating \$1,334,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HORSESHOE CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** for Neighborhood Sewer Rehabilitation in Sims Bayou, GFS R-2011-25-3 (WW4764-1R); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0152 ADOPTED.
29. ORDINANCE appropriating \$1,149,320.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LAYNE-TEXAS, a division of LAYNE CHRISTENSEN COMPANY** and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG, INC** for Water Well Replacement for Sharpstown - Well No. 1A, GFS S-0100-11-3 (WA10595); providing funding for

construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0153 ADOPTED.

Council Member Ellis stated that he would like someone to visit with him on Item No. 29, and Mayor Brown stated that they would have someone visit with him. Council Member Robinson absent.

NON CONSENT AGENDA - NUMBERS 32 through 35

MISCELLANEOUS

32. MOTION to set a date not less than seven (7) days from March 6, 2002 to receive nominations for Positions One through Four of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL ADVISORY COMMITTEE** with two year terms to expire December 31, 2003 – was presented.

Council Member Keller moved to set March 20, 2002 to receive nominations for Positions One through Four of the Animal Shelter Advisory Panel of the Animal Advisory Committee, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0275 ADOPTED.

Council Member Tatro stated that it was his understanding that several of the committee's had not meet in years and stated that from the boards and commissions he would like to know when was the last meeting for the last three years, and Mayor Brown stated that they could take a look at that. Council Member Robinson absent.

33. MOTION to set a date not less than seven (7) days from March 6, 2002 to receive nominations for Positions A through I of the **COMMUNITY EDUCATIONAL OUTREACH PANEL OF THE ANIMAL ADVISORY COMMITTEE** for terms to expire December 31, 2003 – was presented.

Council Member Quan moved to set March 20, 2002 to receive nominations for Positions A through I of the Community Educational Outreach Panel of the Animal Advisory Committee, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0276 ADOPTED.

34. MOTION to set a date not less than seven (7) days from March 6, 2002 to receive nominations for Positions Six and Seven of the **CIVIC ART COMMITTEE** with terms to expire January 1, 2004 – was presented.

Council Member Quan moved to set March 20, 2002 to receive nominations for Positions Six and Seven of the Civic Art Committee, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0277 ADOPTED.

35. MOTION to set a date not less than seven (7) days from March 6, 2002 to receive nominations for Positions Five and Seven of the **ETHICS COMMITTEE** with terms to expire December 31, 2003 – was presented.

Council Member Quan moved to set March 20, 2002 to receive nominations for Positions

Five and Seven of the Ethics Committee, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0278 ADOPTED.

MATTERS HELD - NUMBERS 36 through 43

36. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BUILDING AND STANDARDS COMMISSION**:

Panel 1:

- Position One - **MS. GLORIA HOBBS**, reappointment, to complete an unexpired term ending December 31, 2002
- Position Two - **MR. WARD ARNDT**, reappointment, for a term to expire December 31, 2003
- Position Three - **MS. TERRI SALUMUNEK**, appointment, to complete an unexpired term ending December 31, 2002
- Position Four - **MR. EARL HARRIS**, appointment, from Alternate Position One, for a term to expire December 31, 2003
- Position Five - **MR. KEITH JORDAN**, reappointment, to complete an unexpired term ending December 31, 2002
- Alternate Position One - **MR. EDWARD GONZALES**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Two - **MR. JULIAN B. COSKEY**, appointment, for a term to expire December 31, 2003
- Alternate Position Three - **MR. EURAL JOHNSON**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Four - **MR. HAROLD MARTIN**, appointment, for a term to expire December 31, 2003

Panel 2:

- Position One - **MR. JACKSON CHANG**, reappointment, to complete an unexpired term ending December 31, 2002
- Position Two - **MS. JESSICA HULSEY**, reappointment to, for a term to expire December 31, 2003
- Position Three - **MR. LARRY LEE**, reappointment to, to complete a unexpired term ending December 31, 2002
- Position Four - **MR. KEN OKORIE**, reappointment, for a term to expire December 31, 2003
- Position Five - **MR. STEVE H. WHITFIELD**, reappointment, to complete an unexpired term ending December 31, 2002
- Alternate Position One - **MR. KURT NONDORF**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Two - **MR. JAMES HARRISON**, appointment, for a term to expire December 31, 2003
- Alternate Position Three - **MS. MARY VARGO**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Four - **MS. ANNABELL LOPEZ**, appointment, for a term to expire December 31, 2003

Panel 3:

- Position One - **MS. EILEEN SUBINSKY**, reappointment, to complete an unexpired term ending December 31, 2002
- Position Two - **MS. RUBY MOSLEY**, reappointment, for a term to expire December 31, 2003

- Position Three - **MR. ALPHONSO DELANEY**, reappointment, to complete an unexpired term ending December 31, 2002
- Position Four - **MR. MICHAEL CRAMER**, reappointment, for a term to expire December 31, 2003
- Position Five - **MR. MICHAEL CATRETT**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position One - **MR. WARD GRAY**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Two - **MR. LOUIS CARRANZA**, appointment, for a term to expire December 31, 2003
- Alternate Position Three - **MS. VIRGINIA L. DUKE**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Four - **MR. R. C. JONES**, appointment, for a term to expire December 31, 2003

Panel 4:

- Position One - **MR. TALMADGE SHARP**, appointment, from Alternate Position One, to complete an unexpired term ending December 31, 2002
- Position Two - **MS. CANDELARIA PEREZ**, appointment, for a term to expire December 31, 2003
- Position Three - **MR. MICHAEL O'BRIEN**, reappointment, to complete an unexpired term ending December 31, 2002
- Position Four - **MS. RUTH HURST**, appointment, from Alternate Four, Panel One, for a term ending December 31, 2003
- Position Five - **MR. ROBERT L. GRAY**, reappointment, to complete an unexpired term ending December 31, 2002
- Alternate Position One - **MR. ED RYLAND**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Two - **MR. FRED SIMPSON**, appointment, for a term to expire December 31, 2003
- Alternate Position Three - **MS. MARCIA PERRY**, appointment, to complete an unexpired term ending December 31, 2002
- Alternate Position Four - **MR. DERRICK MITCHELL**, appointment, for a term to expire December 31, 2003

- was presented, moved by Council Member Quan, seconded by Council Member Tatro.

Council Member Galloway moved to postpone the vote on Panel 3 of Item No. 36 until March 20, 2002, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0279 ADOPTED.

A vote was called on Panel Numbers 1, 2 and 4 of Item No. 36. All voting aye. Nays none. MOTION 2002-0280 ADOPTED.

37. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,886,252.03 and acceptance of work on contract with **AUSTIN FILTER SYSTEMS, INC** for Halls Bayou Bank Protection at FWSD No. 23 WWTP, GFS R-0265-05-3 (4429-2) - 02.20% over the original contract amount -

DISTRICT B – GALLOWAY – (This was Item 7 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY) – was presented.

Council Member Galloway moved to postpone Item No. 37 until March 20, 2002, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0281 ADOPTED.

41. ORDINANCE appropriating \$400,000.00 out of General Improvements Consolidated Construction Fund for Labor Costs and other expenses related to In-House Capital Improvement Projects for Buildings operated and maintained by the Building Services Department (“Department”), CIP D-0106-01-3; declaring the Department’s intent to reimburse the General Fund for Expenditures related to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I – ALVARADO** – (This was Item 29 on Agenda of February 27, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and TATRO) – was presented. All voting aye. Nays none. ORDINANCE 2002-0154 ADOPTED.
42. MOTION by Council Member Goldberg/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronald J. Nielsen, P. E., R. G. Miller Engineers, Inc., on behalf of Ironwood Homes (Robert Silvers, president), for abandonment and sale of a portion of a 10-foot wide easement and two 5-foot wide aerial easements, between Lots 13 through 16 and Lots 17 through 21, in exchange for the conveyance to the City of a 10-foot-wide utility easement along the west property line of Lot 21 and connection to McCulloch Circle, all located within Block 7, Lamar Terrace Subdivision, Parcels SY2-019A through C and VY2-007 - **APPRAISERS - DISTRICT C – GOLDBERG** – (This was Item 32 on Agenda of February 27, 2002, POSTPONED BY MOTION #2002-0241) – was presented.

Council Member Goldberg named Mr. Thomas Bazan and Ms. Jasmine Quinerly as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0282 ADOPTED.

RESOLUTION 2002-0011 – Recognizing Houston Air Route Traffic Control Center for achieving the significant accomplishment of Facility of the Year and was signed by the Mayor and Council Members.

RESOLUTION 2002-0012 – Recognizing Reverend Dr. William E. Gibbs for his contributions and achievements and expressing deepest sympathy to his family and was signed by the Mayor and Council Members.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that they would be having the District G CIP Meeting tonight at Frostwood Elementary at Gessner and Memorial.

Council Member Quan stated that he wanted to extend a hand to all of the Council Members, that he was working on trying to develop a sound policy on their affordable housing for the City of Houston, that they were trying to meet with different groups to get their input, that he appreciated Council Member Robinson’s memo and encouraged others who had ideas, that he knew that Council Member Edwards had been working hard on a plan for her district, that they would like to develop something for the whole City and go over what Housing and Community Development had already prepared and analyze how effective it had been.

Council Member Quan stated that he would like to thank the Police Department for their help on the Independence Heights issue, that they had taken an aggressive position on the prostitution problem in that area.

Council Member Sekula-Rodriguez stated that she wanted to congratulate the astronauts who were out in space working on the Hubble telescope, that she wanted to congratulate NASA on fixing little issues that were important to keeping Hubble functioning.

Council Member Sekula-Rodriguez stated that the Chronicle carried an article that was published in the Journal of the American Medical Association that linked small particulate matter with not only lung cancer, but with heart attacks, strokes, emphysema, asthma and bronchitis, that apparently if they lived in a City that had an abundance of small particulate matter it was like living with a smoker, that it was a serious issue and the first time that city urban pollution had been linked through small particulate matter with lung cancer, that she was going to talk with Dr. Berger, Toxicologist, about it because it was a area that people needed to be aware of.

Mayor Brown stated that she might want to ask Dr. Berger to brief her, that they did do a study on small particulates about three years ago.

Council Member Parker stated that she wanted to remind Council Members that the Annual Urban League Apollo Night was coming up, that last year she and Council Members Quan, Castillo and Goldberg did a dance routine, that Council Members Quan, Goldberg and Berry had agreed to do it this year and Council Member Galloway had done it before, that she hoped they could put together a good group of Council Members to go on stage and lip sync to something really embarrassing in tacky costumes and raise some money for the Urban League.

Council Member Alvarado stated that she wanted to thank the Council Members for supporting their resolution, that she thought it sent a strong message to the position they had on the issue and to show that they did care about their neighborhoods.

Council Member Alvarado stated that she wanted to thank all who participated in their weigh in, that they met and exceeded their goal, that they had to make sure they did not have a three peat with the fattest City title.

Council Member Berry stated that they passed out some before and after pictures on some graffiti around town, that they called yesterday afternoon and spoke with Parks and Recreation and by this morning they could see in the before and after, the work that they did, that they did a great job on it and wanted to thank John L. Crouch, Woodrow Ragston and Roy Wilson of Parks and Recreation.

Council Member Goldberg stated that they spent about \$400,000 on software for the extra board at the time and the fourth person on the fire truck, that he wondered what was happening with that software and if they were going to do anything with it, that he would like to know.

Council Member Goldberg stated that in a couple of years the Police Department would get a very substantial raise, that he thought there had been a lot of officers that had not retired that could through the drop program, that would like to wait until the raise kicked in and be able to retire at that rate, that he wondered if they could do some sort of feasibility study or questionnaire on how many officers planned to retire after that raise kicked in, that it could be as many as 20%.

Council Member Goldberg stated that they probably had the most number of casualties in the war on terrorism and thankfully it was a low number of 8 and asked that they keep those

people and their families in their thoughts and prayers.

Council Member Weisman stated that she wanted to express her deepest gratitude to everyone at the Council table for coming together on the issue to pass the resolution, that City Controller, Sylvia Garcia had attended public hearings on the issue and was also in support of the resolution.

Council Member Galloway stated that Monday night they had a hazardous chemical leak in the Pleasantville Community from the Millennium Polymers Company, that it was the company that had been on the forefront since she had been on Council, that the neighbors eyes were burning and Hazmat had gone out, that she knew there was something legal that they could do to the company to have it relocate out of the community and wanted the administration to look at all the infractions that had been noted as well a complete report on the incident of Monday night. Council Member Keller absent.

Council Member Galloway stated that she wanted to thank the Mayor's staff for attending the CIP meeting last night, that they were very helpful and the meeting went very well, that all of the super neighborhoods were present with their SNAP. Council Member Keller absent.

Council Member Robinson stated that there was a rash of missing persons in the City in the last couple of weeks and asked the administration if there was anything they could do to put it on the front burner so they could bring some more attention to it, that if there was some way they could highlight those who were missing and try to help their families and bring those cases to some kind of attention. Council Member Tatro absent.

Council Member Robinson stated that they were in the process in changing the project identification and funding structure and formulas of TXDOT and he hoped that the administration would appoint somebody as a point person to be the City's interface with TXDOT as they started that project to make sure they had a voice, because they were moving away from the Transportation Policy Council as the overriding entity that forwarded projects on for consideration, that he did not know what the final product would look like but they were going to be appointing one super committee to develop funding formulas and then five sub committees essentially and he wanted to make sure they were a part of that process. Council Member Tatro absent.

Council Member Robinson stated that TXDOT had said that Hwy 225 met the criteria for no trucks in the left hand lane and their ordinance was acceptable and what they needed was just the other cities along the route to say they were okay with it, that TXDOT needed some kind of formal letter and he would hope that Mayor Brown would touch base with the Mayor's in Deer Park, Pasadena and La Porte and see if they could get a letter from each of them and then have one combined public hearing and they could implement it on Hwy 225. Council Members Tatro and Alvarado absent.

Council Member Robinson stated that he would like for them to ask TXDOT to look at some kind of evaluation of moving the hazardous cargo material route off of 610 to some other option because when they originally put it there 610 used to be the outskirts of the City and now it was essentially the central City. Council Member Alvarado absent.

Council Member Edwards stated that her office had been working with Child Watch and according to the statistics that they gave, they had over 250 missing children per day in Houston, either missing or run away and in the State of Texas over 6,000, that she wanted to applaud Child Watch in their lifting up again of Angel Doe, the young person who was killed and abused and found in one of the District D neighborhoods and would encourage Council Members to work

closely with Child Watch and their aggressive program. Council Member Alvarado absent.

Council Member Edwards stated that her staff and the staff of Planning and Development, Finance and Administration and Public Works, that they had developed a very aggressive pre planning process in their administration and district for the CIP, that from the Planning and Development Department, Jason Jeffries, Stanley Ipo, Kevin Kelsey and Lynn Hinson, from Public Works, David Leal, who had been at every meeting and from Finance and Administration, Michael Shannon who had also attended every single session they had, that she wanted to thank them publicly and let them know how much they appreciated their assistance, support and their work. Council Members Ellis and Alvarado absent.

There being no further business before Council, the City Council adjourned at 10:36 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. Council Members Ellis and Alvarado absent. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary