

City Council Chamber, City Hall, Wednesday, May 29, 2002.

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 29, 2002, with Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Rodriguez, M.D. Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Mark Goldberg absent on city business.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 a.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Parker led everyone in the prayer and pledge of allegiance. Council Members Berry and Robinson absent.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBERS 1 through 8

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **COASTAL WATER AUTHORITY**, for terms to expire March 31, 2004:
 - Position One - **MS. DOROTHY WASHINGTON**, reappointment
 - Position Two - **MR. RICK CLOUTIER**, appointment
 - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0593 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**, for terms to expire July 26, 2003:
 - Position One - **MS. ROBBIE ARRINGTON**, appointment
 - Position Three - **MS. KRISTEN E. JONES**, reappointment
 - Position Five - **MR. ROBERT BARTLETT**, reappointment
 - Position Seven - **MS. LEA MAREK**, appointment
 - Position Nine - **MR. ROY MOORE**, appointment
 - Position Eleven - **MR. KENNETH F. OTTEN**, reappointment
 - Alternate Position One - **MS. MERCEDES E. ALEJANDRO**, reappointment
 - Alternate Position Three - **MR. JUAN RODRIGUEZ**, appointment
 - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council

Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0594 ADOPTED.

3. RECOMMENDATION from Director Human Resources to approve a fourth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0595 ADOPTED.
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **GLENSHIRE COMMUNITY ASSOCIATION, INC** for Law Enforcement Services of 2 Deputies from Harris County Constable Precinct 5 - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0596 ADOPTED.
6. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **A. G. JOHNSON** - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0597 ADOPTED.
7. ORDINANCE appropriating \$2,449,546.00 out of Houston Airport System Consolidated 2001AMT Construction Fund and approving and authorizing amendment No. 1 to the construction contract between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Utility Tunnel to Terminal E, FIS Foundations and Excavation and Site Utilities at George Bush Intercontinental Airport/Houston, Project No. 500J, CIP A-0203 - **DISTRICT B – GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Berry and Robinson absent.
- 7a. RECOMMENDATION from Director Department of Aviation for approval of Change Order No. 2 in the amount of \$2,449,546.00 on contract with **MANHATTAN CONSTRUCTION COMPANY** for Utility Tunnel to Terminal E, FIS Foundations and Excavation and Site Utilities at George Bush Intercontinental Airport/Houston, Project No. 500J, CIP A-0203 - **DISTRICT B – GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Berry and Robinson absent.
8. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$79,158.54 - Enterprise Water & Sewer Fund - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0598 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14

10. **HUGHY & PHILLIPS HONEYWELL AIRPORT SYSTEMS** - \$475,000.00, **AIRPORT**

LIGHTING SYSTEMS, INC - \$625,000.00 and **TURTLE HUGHES, INC** - \$125,000.00 for Airfield Lighting for Aviation and Police Departments - General and Enterprise Funds - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0599 ADOPTED.

12. **CURB PLANET, INC** for Dairy Ashford/Scenic Ridge Drainage Improvements for Department of Public Works & Engineering - \$118,000.00 and contingencies for a total amount not to exceed 123,900.00 - Street & Drainage Maintenance Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0600 ADOPTED.
13. **AMEND MOTION #2002-228, 2/27/02, TO INCREASE** quantity to purchase One Additional Forklift for Department of Public Works & Engineering, awarded to **INDUSTRIAL AIR TOOL** for a total increase of \$17,300.00 - Enterprise Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0601 ADOPTED.
14. **BIG Z LUMBER CO.** for Roofing Materials for Various Departments - \$65,071.74 - General and Enterprise Funds - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Berry and Robinson absent. MOTION 2002-0602 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 18 through 40

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three 5-foot wide utility easements containing an aggregate of 2,303 square feet of land, more or less and 10-foot wide utility easement containing 2,272 square feet of land, more or less, out of the Joe Annie Addition, Obedience Smith Survey, A-696, Harris County, Texas; vacating and abandoning said tracts of land to Perry Homes, a Joint Venture, the abutting owner, in consideration of owner's dedication of two utility easements containing an aggregate of 4,217 square feet of land, more or less, out of the Joe Annie and Harlow Additions, Obedience Smith Survey, A-696, Houston, Harris County, Texas, and owner's payment of \$5,012.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0437 ADOPTED.
19. ORDINANCE consenting to the addition of 8.5262 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 136**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0438 ADOPTED.
20. ORDINANCE consenting to the addition of 21.4713 acres of land to **LOUETTA NORTH PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on

city business. Council Member Berry absent. ORDINANCE 2002-0439 ADOPTED.

21. ORDINANCE consenting to the addition of 153.153 acres of land to **BARKER-CYPRESS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0440 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and **EDUCATIONAL PRODUCTIONS IN THE COMMUNITY LP** for Education and Training Services - \$300,000.00 Grant Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
28. ORDINANCE approving and authorizing contract between the City of Houston and **CHOICE POINT BUSINESS AND GOVERNMENT SERVICES, INC** for Background Information Retrieval Software and Database Services for the Houston Police Department - 3 Years - \$88,836.00 General Fund - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0441 ADOPTED.
29. ORDINANCE approving and authorizing sponsorship agreement between the City and **ELM GROVE TOWNHOMES ASSOCIATION** and **SPRINGROCK LANE ESTATES COMMUNITY ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 2 Months - \$504.00 - **DISTRICTS A - TATRO and E - WISEMAN** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0442 ADOPTED.
32. ORDINANCE appropriating \$819,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing third amendment to professional services contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INC** for Design of Sludge Facilities Improvements and Expansion at the East Water Purification Plant (EWPP) Complex, CIP S-0056-Y8-2 (10536); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund had been pulled from the Agenda by the Administration and was not considered. Council Member Berry absent.
33. ORDINANCE appropriating \$200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional Miscellaneous Engineering Testing Laboratory Services contract between the City of Houston and **GEOTEST ENGINEERING, INC** for Engineering Testing Services, GFS R-0019-01-02 (WW4828) - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0443 ADOPTED.
35. ORDINANCE approving and authorizing contract amendment between the City of Houston and **TROY CONSTRUCTION, L.L.P.**, for Water Line Repairs by Point Repair Method (Contract 52994) - (WA10710) - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0444 ADOPTED.
36. ORDINANCE approving and authorizing contract amendment between the City of Houston

and **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Repairs by Point Repair Method (Contract 52998) - (WA10713) - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0445 ADOPTED.

38. ORDINANCE appropriating \$834,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** and approving and authorizing professional services contract for engineering testing services with **EARTH ENGINEERING, INC** for Safe Sidewalk Program, GFS N-0610A-G8-3 (SB9007-3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO and B- GALLOWAY** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0446 ADOPTED.
39. ORDINANCE appropriating \$1,255,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for construction of Telephone Road No. 1, Lear Drive, and Beaver Drive Lift Station Replacements, GFS R-0267-30-3 (4275-18); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - GALLOWAY and I - ALVARADO** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0447 ADOPTED.
40. ORDINANCE appropriating \$3,717,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, INC** for 48-inch Water Line along Hempstead Highway and Spencer Road from Brittmoore Road to the Jersey Village Pumping Station, GFS S-0900-71-3 (WA10644); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0448 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Chief of Police for approval for Refund of Cash Draw of \$472,341.00 in federal grant funds, plus accumulated interest of \$21,000.00 pertaining to the Distance Learning Project funded under the COPS More '98 Grant to the **DEPARTMENT OF JUSTICE** – was presented, moved by Council Member Galloway, seconded by Council Member Vasquez, and tagged by Council Member Sekula-Rodriguez. Council Member Berry absent.
- 6-1. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **ENRIQUE DUHARTE-TUR** - was presented, moved by Council Member Parker, seconded by Council Member Sekula-Rodriguez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business.

Council Member Berry absent. MOTION 2002-0603 ADOPTED.

ACCEPT WORK

9. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$7,511,009.62 and acceptance of work on contract with **CHAMPAGNE WEBBER, INC, TEXAS** for Terminals A & B Apron Reconstruction Phase I at George Bush Intercontinental Airport/Houston (IAH), Project 538; CIP A0359 - 03.25% over the original contract amount **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. MOTION 2002-0604 ADOPTED.

PURCHASING AND TABULATION OF BIDS

11. **GRAPHIC TECHNOLOGY, INC** for Printing Barcode Labels for Library Department \$180,500.00 - General Fund - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. MOTION 2002-0605 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. RESOLUTION of the City Council prescribing the date, time and location of a public hearing on the City Budgets for the time period July 1, 2002 through June 30, 2003; authorizing notice of such public hearing and making other provisions related to the subject HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 11, 2002 - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. RESOLUTION 2002-0019 ADOPTED.
16. ORDINANCE amending **CHAPTERS 8 and 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the location and operation of Automobile Storage Lots, Automobile Wrecking and Salvage Yards and Lots used for open storage by Junk Dealers, Scrap Metal Processors and Second Hand Dealers near Churches, Schools or Residences; containing other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Parker moved to delay Item No. 16 for 3 weeks, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. MOTION 2002-0606 ADOPTED.

17. ORDINANCE amending **SECTION 45-271 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Culpable Mental State for certain Vehicle Weight Limits Offenses; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0449 ADOPTED.
22. ORDINANCE approving and authorizing first amendment to Reimbursement Agreement between the City of Houston and **GARDEN CITY LIMITED** relating to a Federal Funded Anti-Drug Program - \$51,032.00 - Grant Fund - **DISTRICT B - GALLOWAY** - was

presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0450 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** for the Houston Fire Department to manage the County's Juvenile Firesetter Program; authorizing two new part-time positions - \$40,000.00 - Revenue - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0451 ADOPTED.
25. ORDINANCE approving and authorizing maximum contract amount for contract between the City of Houston and **HAYS INFORMATION MANAGEMENT, INC** for Record Storage, Retrieval and Destruction Services for Various Departments; formally approved by Ordinance No. 2002-285 - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Member Berry absent. ORDINANCE 2002-0452 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **INTERNET ACCESS TECHNOLOGIES, INC** for Desktop Software and Productivity Tools, Licensing and Support Citywide; providing a maximum contract amount - \$9,560,375.00 - Equipment Acquisition Consolidated Fund - 3 Years with 3 one year options - was presented, and tagged by Council Members Wiseman, Edwards, Tatro, Vasquez, Keller, Sekula-Rodriguez, Parker, and Galloway. Council Member Berry absent.

Council Member Tatro stated that he had passed out to Council Members a spread sheet, titled Economic Analysis and a newspaper clipping, that his concern about the project was what was really driving the project and was this really the best way to approach it, what should be driving the project was the desire to save money by using technology at the City, that the concern they had yesterday at the budget meeting was that the proposed Director of Information Technology Department took a credit of his operating budget of \$1.6 million and told Council that it was if they implemented the project, but could not justify or give a schedule or name a single computer, user or department where cost would be reduced if they implemented the project, that those were just literally virtual savings, and when asked to provide documentation on the credit that he was giving himself for the project he said that he felt those would be the savings, that if that was the level that they had come to in their budget analysis in that they felt that they could save money by implementing projects, then he suggested they all hold hands around the Council table and pray because he felt that they could get that savings up to about \$3 million by lunch if they just prayed, that he thought they should set a slightly higher standard and set a slightly higher standard and ask a slightly higher standard of the proposed department directors to provide documentation on savings on other than just feelings, that he wanted to focus on the cost basis and hoped that what was driving it was saving the City money, but if saving money was what was driving it then he thought that clearly they had taken a even bigger wrong turn, that he passed out an economic analysis which compared two pieces of software, the SimDesk proposal, which they knew was going to cost them \$5 million up front and one of their concerns was that no other software had been evaluated, that they took a little time to evaluate some software and the software they looked at, which was an office suite, was called Star Office, and developed by Sun Microsystems, that the number of users of SimDesk to date was not known, that the number of users of Star Office was 1.8 million users at Fortune 500 companies alone, the initial cost of SimDesk as opposed to Star Office would be \$5 million, that the cost of Star Office for 10,000 would be \$25, that meant they could buy 10,000 copies of the software for only \$250,000. Council Members Parker and Berry absent.

Council Member Sekula-Rodriguez stated that she looked at the expenditure of \$9.5 million

in order to save \$1.6 million as a sale, but a sale of something they did not necessarily need, that if times were really great and they were flushed with cash that they could afford it and be a luxury and outstanding to be able to give it to the citizens of Houston to come in and have access to the web at their convenience at various locations, that she thought it was a great noble goal, but whenever times were hard and they did not have the money she could not justify taking money from the Health Department, Parks Department and the libraries, that need it desperately and invest it on something that could wait, that there were probably other options and if they waited a year it and came back next year it would probably be cheaper, that she would encourage restraint on the matter and waiting. Council Members Parker and Berry absent.

Council Member Robinson stated that he hoped they would not chill innovation, that he thought they ought to be clear on the facts and not misleading to the public, that it was not \$9.5 million or \$6 million in one year, it was over a period of time and everybody ought to say that, that second it was not just \$1.6 million, it was \$1.6 million in the first year and in the out years it was \$7 million annually, that it was not money that was coming from the Parks, Libraries and Health Department and people ought to say that, that they had all put forth ideas relative to the General Fund Budget of how they could find more money, in fact he had put forward almost all of the ideas on how they could fully fund the Health Department and Library during the budget workshops, that Council Member Sekula-Rodriguez had also offered some ideas, but the money that would be used for the item was not money that was coming out of the General Fund Budget and they ought not to be scaring the public. Council Member Berry absent.

Council Member Keller stated that Council Member Robinson was right about the way the bonds were defined to where that was not something that could be put into the ALP, etc., that his point was that he did not really see the hurry, he did not think they had real numbers to work with at this time, that they were talking about something that was optional, it would be one thing if they were going to address something for the entire City and for the entire City to phase into and be educated on it and run workshops with their staff, where was the savings of all of the employees in the City having to relearn something, that he did not call it education, he called it a distraction, that he thought it would be one thing if they were using the bonding capacity to integrate the compatibility of all the departments, that he thought it would be great if all of the departments could integrate and talk to one another because they were on the course of replacing their software, that he was not opposed to this ever happening, he would just like to see it done in a more instrumental way to help all departments. Council Members Ellis and Berry absent.

At 9:32 Mayor Pro Tem Quan stated they would move to the public session and requested the City Secretary to call the list of speakers. Council Members Ellis, Alvarado and Berry absent.

Mr. David Webb, 7215 Blandford, Houston, Texas 77055 (713-957-4460) had reserved time to speak, but was not present when his name was called. Council Members Ellis, Alvarado and Berry absent.

Ms. Dawn Small, 13105 North West Fwy, No. 1200, Houston, Texas 77040 (713-939-6636) appeared and stated that she was with Siemens and represented the fifth largest electronic company in the world, that she was present to address her concern regarding agenda Item No. 26 for a contract in the amount of \$9.5 million to Internet Access Technologies, Inc., that the proposed service to provide Desk Top Solver and Productivity Tools for the City of Houston with access to the public at the Houston Library locations, that while she did commend the City for wanting to provide email address for the public and storage space for documents, etc., she believed there were more efficient and economical methods to achieve the same results, that for example, while attending a national conference for community colleges in Austin yesterday she had an opportunity to speak with several college presidents regarding internet access for the students and the common reply was that they had each student sign up for free email access

with Yahoo.Com, why was free internet access account with Yahoo.Com not okay for the City of Houston residents, that Dennis Piper, CIO, had stated that the City would save a significant amount of money by deploying this technology, however it was also stated that it was with replacement of computers on the desks of City of Houston employees, where were the old computers going, could they not be deployed in the libraries to give access, these were already paid for and had software on them, that what they would like to say was that they should not invest in technology just for technology's sake, they needed to look at the full return on investment and make sure that the dollars they were spending were getting the return on investment that was promised and then be able to benchmark that with future studies and so forth to make sure they were getting what they paid for. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Council Member Tatro asked Ms. Small if her company would accept and just blindly go to the use of a software that had not been BETA tested by the employee groups or by different departments and Ms. Small stated absolutely not, and Council Member Tatro stated that was what they were looking to do, that they were looking to change the City standard to a piece of software that nobody at the City had reviewed, that he believed he was probably one of the only employees at the city that actually had an opportunity to test out this software, and that was another significant issue behind this whole proposition. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Ms. Small stated she had not had opportunity to access the software but did sit in on a technology conference committee meeting when it was discussed, that her company was Siemens and was the fifth largest electronic company and she was in the communications department and infrastructure, that her company did not generate a software package, they were not a software manufacturer for those types of things, they did have a division of Siemens that did data retrieval and storage of documents, but not anything that would compete with the Sim Houston project, that she was present as a citizen letting them know she worked for a huge electronics company and had experience in the field of technology and letting them know that she had not seen the savings or understood exactly how this was to be deployed and get the savings that were being touted by the department. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Mayor Pro Tem Quan stated that he would just remind Council Members that they did have an opportunity to test the software last week in the Council Chambers, it was set up for demonstration all day. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Mr. Thomas J. Brimingham, 384 Litchfield, Houston, Texas 77024 (713-465-7415) appeared and stated that what he was bringing up was something quite old that dated back to Mayor Louie Welch's term, that at that time the State of Texas regulated the cost of electricity to the citizens of the State and at that time there was a major increase that Houston Lighting and Power was looking for, that Mayor Welch did agree to the increase, but he asked one thing of Houston Light and Power, and that was that the utilities, power was what he was speaking of, the pole type system, be eliminated within the city limits of City of Houston, that at that time he thought it was only to the area of highway 6, but was not very certain on this information, that he had a small business and met people from foreign countries, and the funniest thing, it was really horrifying to him, that everyone of these people from Europe and from developed countries in Asia looked at their power system with these wooden poles and asked how many times did they replace them during storms or high winds or tree limbs falling down, and he said frequently, that he arrived in Houston during hurricane Carla and at that time they were out, they lost everything, and that was why he believed Mayor Welch was attempting to correct this problem, that he would love to see the City maybe take action and find out was there an obligation by HL&P to place that stuff underground and if there was, proceed with it, he did not need the money back,

but would certainly like to see them correct the problem. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Council Member Sekula-Rodriguez stated that she too, would very much like to see the power lines buried, that it would be aesthetically better, safer, and also be a matter of less repair after a storm, that she had inquired with the people at Reliant and also discussed it with the Mayor, and it all boiled down to money, that the Reliant people did not want to do it because they said it was very costly, and the City did not want to do it, that the City took care of the water and sewer and storm drains but not the other utilities, the telephone and the electric. so it's a matter of who would pay for it and it is very costly, and Mr. Birmingham asked if he could have a percentage, that he thought it between 12 or 14 percent of his utility bill was increased and understand that had never been refunded by HL&P and therefore would suggest that the citizens of Houston be repaid that fine money, and Council Member Sekula-Rodriguez asked if he had some data on that could he provide it to her office. Council Members Tatro, Edwards, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she had talked to Reliant about it too, that the issue had come up and asked Mr. Bibler if a TIRZ could make rules to mandate that and Mr. Bibler stated that he would ask Ms. McAbee to get back with her on that, that there might be a question there whether they could do that or not, but the cost was just exponentially more than overhead power lines, that the other issue was if they wanted to pay more for electricity than people in Bellaire or places like that, but he did not know how HL&P would equitably set their rates if they made them do something that cost twice as much in Houston, and Council Member Parker stated that she realized it was much more expensive and was why they had not mandated it, but if they were doing a wholesale redevelopment through a TIRZ, could they make that decision as part of their TIRZ plan and mandate that within the boundaries of the TIRZ, that she would be happy to have an answer later. Council Members Tatro, Edwards, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Joe Robinson, 4615 Nicholas, Houston, Texas 77028 (713-674-3217) appeared and stated that he had an idea about revenue enhancement that they could probably use for tax, that he was thinking that for people whose taxes were delinquent, they could collect the money through the water bills, that a lot of those places were occupied, that they could bill the address, not the owner of the property, if they bill the address and let whoever was paying rent at that property pay a payment to the City every month towards the taxes, and then send them a receipt at the end of next month so they could give that receipt to the landlord and take that money from their rent, that it would work for properties occupied and for properties not occupied, there were other ideas he had that he would like to explain to someone about how they could collect that money, too, that it could be done, that it could roughly bring in \$100 million a year and would come in year after year after year. Council Members Edwards, Vasquez and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to thank Mr. Robinson for sharing that idea and if he had some other ideas to give them to Mr. Cantu with the Mayor's Assistance office and they would consider those to. Council Members Edwards, Vasquez and Robinson absent.

Council Member Sekula-Rodriguez moved to suspend the rules to hear Ms. Andrea Cooksey, Ms. Sylvia Castillo and Mr. Juan Parras out of order, seconded by Council Member Ellis. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Members Edwards, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-0607 ADOPTED.

Ms. Andrea Cooksey, 1102 Pinemont, Houston, Texas 77018 (713-957-2789) appeared and stated that she was the Program Director of the Houston Chapter of Clear CORE,

Community Lead Education and Reduction Corps, that she presently was serving as Chairperson of the Texas Gulf Coast Lead Coalition, that she was present to solicit support or basically to challenge each Council Member to investigate the problem of lead in their district, that lead was a very serious problem in Houston and they needed to raise the awareness, that they had kids that were being affected and they would hear later from the rest of her colleagues in regards to how much it was affecting it, that she brought brochures because she was part of a national organization, that Clear Core in Houston was an affiliate of the Dominion Community Development Corporation, and they were struggling to raise awareness of lead and to protect their kids, that lead could cause major learning disabilities and if they checked in each of their Council Districts and saw the increased number of kids being registered into the E. S. L. classes, slow learning and those type of things, all of those things were directly related to a lead poisoned child, as well as the deteriorating housing stock that created the major problem, that they had areas in Acres Homes and Third Ward areas that were not touched yet, that it was a combination of a lot of different things that they as City Council Members could do and they would be happy to meet with them on a one on one basis to discuss those areas, but she would like to challenge each of the Council Members to look at lead in their district, that she wanted to leave some brochures, and Mayor Pro Tem Quan asked that she give them to Mr. Cantu. Council Members Keller, Vasquez and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Ms. Cooksey stated that she had not worked specifically with Ms. Bingham of the Housing Department on the issue, that what they had been doing was working with the Health Department and trying to get to the kids, that it was very important that they get to the children before the age of 6, that it was also an inspection issue, that they had a situation now in terms of contractors, in order to be a contractor they just get a truck, a ladder and a sign from fast sign and they were in business, and she constantly saw renovation going on throughout the City and they were just dry scraping houses with kids all around it and that was creating a hazard, so it went all the way down to the licenses or at least requiring contractors, who worked in the City, to have some form of environmental classes, they had not have a clue, but ignorance of the law was not an excuse, that they had kids that were dying or being undetected because they had lead poisoning. Council Members Keller, Vasquez and Robinson absent.

Council Member Edwards stated that she wanted to applaud Ms. Cooksey for her work and wanted her to contact their office. Council Members Keller, Vasquez and Robinson absent.

Council Member Edwards requested a point of privilege and stated that she wanted to acknowledge those appointees to the Houston Commission on Disabilities that were present today and asked that they stand and be recognized. Council Members Keller, Vasquez and Robinson absent.

Council Member Edwards moved to suspend the rules to hear from appointees to the Houston Commission on Disabilities, seconded by Council Member Robinson. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Members Keller and Vasquez absent. MOTION 2002-0608 ADOPTED.

Mr. Roy Moore stated that he worked for the Mental Health and Retardation Authority of Harris County, that he was the public engagement manager. Council Members Keller and Vasquez absent.

Mayor Pro Tem Quan stated that he wanted to thank Mr. Moore for his service, and knew they had worked together on many issues in the past. Council Members Keller and Vasquez absent.

Ms. Sylvia Castillo, 1108 Pashall, Houston, Texas 77009 (713-223-2432) appeared and stated that she was Executive Director for a program in the near north side called de Madres a Madres, from Mothers to Mothers, that they were located in Council Member Vasquez's district, that she wanted to take the time to thank each Council Member for allowing them to speak and also especially Council Member Sekula-Rodriguez for her interest in helping them get to Council, that her group was in the back and wanted to acknowledge all their mothers, that they were not able to bring all of them because they did not have a way to get them to Council, that they also brought their children, that she wanted the Council Members to keep this in mind before they got started, that these mothers had children with lead, not only one, but two, three and four, that she would tell them about lead in her presentation, keep that in mind, because whatever lead had affected in these children they could not take back, that lead poisoning affected their children's intelligence, that high lead levels or lead poisoning affected disabilities, that it also caused attention span and also delinquency, and then they wondered how come some of their children were dropping out of school, how come the children in their community were not graduating, that most of their children had lead, but then they had to also remember that children above six years old were not tested, that they only tested children below the age of six, and what made their area so highly poisoned with lead were three factors, that most of the houses in their area were built before 1950, and some of them were painted before 1978, that another was the poverty status, that most of the people rented the houses, most of the people could not afford to fix these houses that they lived in, but what was most important was that they ranked highest in the number of children before age one, and they rank highest in the number of children between one and two, and they ranked third highest in children under the age of six, so as they could see they had a lot of children being affected, what were they doing right now to help this problem, that they were going into the schools and working real close with the City of Houston because they were allowing the testers to go into the schools and screen their children and they were getting the results and to their surprise, which was not much, all the children had lead, that not all of them had a level of ten, but some of them had levels of five, three, four, six, seven, so pretty soon they would be a ten, that by the time it got to a level of ten, the children had been affected. Council Members Edwards, Keller, Berry and Robinson absent.

Council Member Alvarado stated that Ms. Castillo had made a comment that testing only occurred in children under the age of six and asked if that was State law or federal law or who stated that, and Ms. Castillo stated that Medicaid should be testing children over the age of six but it was not being done, that nobody was there to enforce it or to do it and when the child goes to the doctor, the doctor did not take it upon himself to screen these children, and Council Member Alvarado stated that they had a lot of speakers come and discuss the subject and she was not sure if they were taking the issue as seriously as they should, that they had not seen anything in terms of a plan come forward to address this issue, and Mayor Pro Tem Quan stated that he knew they had applied for grants through the Health Department for lead abatement, and had been working with several contractors on that issue in the past, that he was not sure if he could tell her that they had done everything we could, and Council Member Alvarado asked if they could get a report from the Health Department, a status or update through one of their committees, and Mayor Pro Tem Quan stated that Council Member Parker's Quality of Life Committee would get a report on that. Council Members Edwards, Keller, Berry and Robinson absent.

Council Member Galloway stated that her concern was with the awareness program, that she commended them for what they were doing and also the Dominion CDC for providing the brochure and working with the community in getting the word out, that she was aware that they did have a lot of older residents and homes that had been in existence for years, that she did not know if they as a City, through their Health Department had some kind of comprehensive program where they identified the older homes and knew that they were subject to have lead poisoning, that she knew that they did have a Lead Abatement Program where they went out and

abated the homes that had been identified as having lead, but there were many more that they were unaware of, and maybe they needed to think about a comprehensive program because it really did affect the small children and it was drastic to them. Council Members Edwards, Keller, Berry and Robinson absent.

Council Member Sekula-Rodriguez asked Ms. Castillo if she could give them three or four quick things that people at home could do to prevent lead poisoning in their children, and Ms. Castillo stated that they went into the home and taught the mothers how to clean their home, and they also taught them nutrition for their children, because they had to get calcium to get rid of the lead that they were accumulating right now, that milk, cheese and vegetables all helped the children, that they taught them utensils not to cook with, that also most of these houses had water pipes and so they taught the mothers that before they start using the water in the morning to let it run a little bit so that way any lead that had settled in the pipes could get out, that they taught them not to cook with hot water that they get from the faucet, not to make formula with the hot water because of the same thing, that they taught them about medicines and especially the candy wrappers and the plastic that was brought from Mexico, that sometimes at the store you see them sucking on lollipops, they are sucking over the paper and that is lead, that most of the parents were construction workers and so they tell them to wash their husbands clothes separately, and Council Member Sekula-Rodriguez asked if she had any specific recommendations to a parent who might have a child they suspect of having lead poisoning, and Ms. Castillo stated that they should take their children and get them screened and ask for the results, that the mother should ask for the number, that they worry about all numbers and Council Member Sekula-Rodriguez stated that Ms. Castillo should go on television and talk about lead, and Mayor Pro Tem Quan stated that he thought Channel 11 did a story on lead poisoning. Council Members Tatro, Edwards, Keller, Berry and Robinson absent.

Mr. Juan Parras, 4622 Rusk, Houston, Texas 77009 (713-313-4479) appeared and stated that in anticipation of National Lead Awareness Week, which was in October of this coming year, they had a proposal on behalf of the Madres a Madres to make to City Council, that he was from the Thurgood Marshal School of Law, the Environmental Justice Department and he was present in support of Madres a Madres, a local grass roots organization doing everything within its power for the prevention of childhood lead poisoning, that childhood lead poisoning was a preventable health problem, that according to the Center for Disease Control, lead was a hazardous substance serving no known beneficial health purpose, that lead could harm the kidney and blood cells and cause delay in growth, learning disabilities and emotional and behavioral disturbances with life long effects, that lead could also harm the nervous and reproductive system, that it was especially harmful to the developing brains of children, that while adults could be lead poisoned, children under six were most at risk, with those aged one to two years at highest risk, that the Center for Disease Control defined lead poisoning as a blood level exceeding 10 micro grams per decimeter and even this low level could be associated with harmful effects of children learning and behavioral problems, that in collaboration with the Madres a Madres, they submitted to them, their trusted City of Houston elected officials, call it a proposal, to assist them in implementing a strategic plan of action to conduct lead screening for elevated levels of lead in all children under the age of six, that they were talking about the City of Houston, that the Madres a Madres believed that with the cooperation of the City elected officials, the City Health Department, trained staff and personnel and the use of City multi service centers, that they could screen approximately 8,000 children by the time National Lead Awareness Week comes up, October 21, 2002, that they believed it could happen, si se puede, that they would be making similar proposals to Harris County Commissioners Court, the Texas Department of Health, and all health care providers at the Texas Medical Center and the Houston Independent School District, that Madres a Madres believed it was possible, that they had from now until October, that was five more months, if they were successful, on National Lead Awareness Week, they could all take the National spotlight for conducting an aggressive campaign for the

prevention of childhood lead poisoning and demonstrating to the Nation that they in Houston, Texas, were committed to preventing childhood lead poisoning, that they were ready if City Council was, that they expected to hear from them regarding their proposal, surely the City of Houston had accepted other challenges and exceeded them, that he had a draft listing the agencies and health departments that were willing to work with them. Council Member Wiseman, Keller and Berry absent.

Mayor Pro Tem Quan stated that he knew this was an issue that Mr. Parras had taken very seriously and was working on other issues, that he knew that Cesar Chavez High School issue was one that he worked hard on well as well. Council Member Wiseman, Keller, Parker and Berry absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Parras stated that they had not contacted the Harris County Medical Society, that they had a draft proposal and right now it included people that maybe they needed to contact, like Ms. Bingham at the Community Housing Development, and Council Member Sekula-Rodriguez stated that she would suggest Mr. Greg Burnica, Executive Director at the Harris County Medical Society, that she did not know if they could screen 8,000 by October but they could certainly go to Dr. Kendrick and see what was available. Council Member Wiseman, Keller, Parker and Berry absent.

Council Member Alvarado asked Mr. Parras if UTMB and the County signed of on it or had he talked to them about his proposal and Mr. Parras stated that UTMB was interested in doing community outreach, that they had talked to them and they were going to meet with Madres a Madres in the coming two weeks, that they were going to go through the community so they felt like they had them on board, that some of those others listed were still not on board, but they actually dealt with lead poisoning issues so they felt confident that in trying to reach the 8,000 goal, that they would accept the challenge, that they had not talked to anyone at the County but they did have coalition meetings, County personnel attends those meetings, and Council Member Alvarado stated that she would strongly urge him to visit with the County representatives as well, and Mr. Parras asked if the parents in the audience would come to the front of the podium and be recognized. Council Member Wiseman, Keller, Parker, Berry and Robinson absent.

Council Member Galloway stated that she wanted to commend Mr. Parras for what he had put together and the work on the project. Council Member Wiseman, Parker, Berry and Robinson absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present to speak about lead based paint, that it was very tragic that many of those kids did not need to be poisoned because it was something that was easily preventable, that he had been coming before City Council ever since the previous Mayor, Mayor Lanier, and they had a lead based paint ordinance that they had been working on up until it was pigeonholed in 1995, and the attorney that was working on the program quit, then the lead test work was disbanded, that after he appeared before the Mayor in 1998, Mayor Brown, he guessed they reconvened the lead task force and they had worked on a lead based paint ordinance that just sat pigeonholed since then, that there was really no interest on the part of the administration to deal with the issue, that he had been complaining, he believed, since 1998, about the fact that the administration would not enforce its own contract provisions with the administrator of the HUD Program for First Time Home Buyers to require proper lead based paint inspections and that there were children that kept coming up poisoned who had moved into these houses where the parents were unaware that there were lead hazards and it was so sad that no one seemed to really take the issue seriously and it could be prevented, that Dr. Berger had not returned his last two phone calls in the last two months, that he was trying to get her to tell him what the status of the stake holders responses were to a lead based paint ordinance, and whether or not they would ever bring it to the table for a vote, that last year, when they had the flooding from Tropical Storm Allison, he had complained and they did catch a number of people that were improperly repairing the houses, causing tremendous contamination problems, and there still had not been any serious effort on the part of the City to deal with the issue and he did not believe there was any oversight by the Housing and Community Development to monitor this situation, that they would not review the reports that were being submitted, that he was now the custodian of hundreds and hundreds of improperly done lead based paint inspections that were turned in for the bogus certifications for the loans, that he had filed a number of complaints, that the problem they almost had was that many of the families would not stand up and complain because they were afraid that there was going to be some sort of retaliation against them or the bank would come and take their home away from them, that it was very serious and he wished they would take it as serious as the issue was, that he was just terribly sorry that so many children were continually exposed and the City's interest was merely to spend the grant money and not to enforce the rules. Council Members Galloway, Wiseman, Vasquez, Parker and Robinson absent.

Mayor Pro Tem Quan stated that he knew a task force had been convened, as Mr. Bazan had stated and they had studied the issue, that he believed that the women who had come before them had again demonstrated that this was something that needed to be done, that they were willing to look at it, that his aide, Mark Adams was present and would set up a time to meet with him. Council Members Galloway, Wiseman, Vasquez, Parker and Robinson absent.

Council Member Sekula-Rodriguez stated that she would like to be involved as she was sure other Council Members at the table would be as well, that it was an important issue, and Mr. Bazan stated that he wished she would encourage a lead based paint ordinance. Council Members Galloway, Wiseman, Vasquez, Parker and Robinson absent.

Council Member Alvarado stated that she had asked for a status, an update, on exactly what they were doing as a City to address the problem, that it was going to take a lot of education, awareness and enforcement to deal with lead abatement, so she would ask that he come back and visit their committee when the issue was discussed and hoped that they would have a plan in place that would deal with all of those issues aside from just doing the grant funding, and Mr. Bazan stated that the level of competence in the department that was handling the abatement was shameful, and he had been critical of the way they were spending the money and how they were doing it, that they were taking houses that should be knocked down and

putting some siding and new windows that immediately crack because the structures were unstable, that the soil was still contaminated, that the interior was still contaminated, but they had spent the grant money, and Council Member Alvarado stated that those were the things that they needed to know about and hopefully they could address it through Council Member Parker's committee and deal with the issue once and for all. Council Members Galloway, Wiseman and Vasquez absent.

Mayor Pro Tem Quan stated that he had seen Mr. Bazan present in Council before and he was just saying to him that they were willing to look at it and willing to see what they could do as a body to get it smooth, that he knew of his frustration with different departments but that did not mean they were going to ignore him this time. Council Members Galloway, Wiseman and Vasquez absent.

Mr. Larry Caplin, 5331 Pine Arbor, Houston, Texas 77066 (713-580-0165) appeared and stated that he was present representing the people of the City of Houston, that they had a problem, that for ten years Royal Window Coverings, formerly known as know NOVO Industries, had constructed over 600,000 square feet of plant facilities and manufacturing without one single square foot having complied with the City building permits and Certificates of Occupancy, that this problem was addressed in May of last year and on August 14th there was a City notice that this company had been given 30 days to comply with all Certificates of Occupancy, that to date there were no plans or blueprints submitted, that some of the problems were egregious, however, thousands of problems could be rectified within a two week period, but none had been done, that one of the biggest problems was a 52,000 square foot area which was built entirely without building permits or Certificate of Occupancy, that he was a graduate engineer, but none of them had to be engineers to know that when they had a metal building on a roof, it heats up the building, that when there was no ventilation in that building it creates additional humidity, that none of them had to be engineers to know that that humidity creates moisture and when that moisture was sitting on high voltage electrical equipment it acts as conductor, not as an insulator, that was the main cause of the death of Mr. Hiento, two years ago, that he was sent improperly to operate on some machinery, high voltage, with these conditions known, that today, over 200 people work in that same department with less than 5 percent of the ventilation required by City of Houston code, that there was another building, with 126,000 square feet that operated with less than 10 percent of the ventilation required by the City of Houston code, all without Certificates of Occupancy, that this company had arrogantly defied all regulatory agencies at all levels, that workers had been smuggled from Canada to do ventilation work and electrical work, of course they were not permitted to work in the City of Houston, they were not licensed, they were not inspected, and they are not permitted, and that equipment operates today, that agencies such as TNRCC, there was not one moment prior to connecting to the MUD district that all wastewater and potable water was in compliance at that plant, imagine the City of Houston in these times not to have a potable water system, that the response of the management was that it was their pleasure to shit on America, that the building permit and inspection department compares favorably with the finest in this country, it was under good direction and they had a lot of good people in this City that were knowledgeable, honest, hard working, experienced and helpful, but they may have only one set of rules for the City and they must be enforced equally, that every time they met in this room they were reminded that the people were the City. Council Members Galloway, Wiseman, Vasquez and Alvarado absent.

Mayor Pro Tem Quan stated that they had information, as a matter of fact, the company was required to submit plans which had not yet been approved, that reports were made to the TNRCC by the Planning Department about the sewage problem Mr. Caplin reported, that the construction company said that there were code violations they were trying to follow up on at this time, that Mr. Melvin Embry, Planning and Permitting Department, was present today to meet with him to go over where they stood right now, and Mr. Caplin stated that he would like the City

to know that these were some of the major problems, and Mayor Pro Tem Quan stated that they had inspectors go out to the facilities, that Investigator Reid was there and had requested various permits be obtained, which the company had been working with their department on at this time. Council Members Galloway, Wiseman, Vasquez and Alvarado absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Caplin stated that the company he brought to their attention was Royal Window Coverings, at 7611 Rail Head Lane, Houston, Texas 77086, formerly known as NOVO Industries, that he would send some information to her office by fax or by mail, that he was involved as a consultant for that company but it became too much of a liability to continue with them, that the roof structure were grossly overloaded, that he had an engineer's report by the State of Texas, which he read, that all members, after doing the structural study, had failed by 350 percent at the lowest, that the much higher percentage, and most importantly, all beams had failed in those conditions, that he was not in any sort of litigation with the company any longer. Council Members Galloway, Wiseman, Ellis, Vasquez and Alvarado absent.

Ms. Sandra Forman, 1111 Lubbock Blvd., Houston, Texas 77006 (713-523-2231 ext. 18) appeared and stated that she worked as the Director of Advocacy with Covenant House of Texas, that Covenant House, which was located in the Montrose area of Houston, that Covenant House was an international nonprofit organization that had 22 sites, 15 in the United States and 7 in other countries, that they provided housing for homeless youth up to age 21, that Covenant House of Texas supported the Mayor's proposed budget decision to continue allocating \$100,000 to fund four school health clinics in HISD, that according to the January 2000 report from the Texas Office of Education of Homeless Children and Youth for the period ending 1999, HISD had the highest number of homeless children and youth including preschoolers out of all the school districts in the State of Texas, the report also stated that the estimated number for HISD in 1999 was 32,860 homeless children and youth, that according to the homeless liaison in the Counseling and Guidance Department for Elementary Schools in HISD, an estimated number of 30 homeless children and youth attend the four schools that receive City funding for the health clinics for purposes of health care access, that for these homeless children and youth who are in the state of survival, that she requests that the City Council approve this particular budget item. Council Members Galloway and Alvarado absent.

Mayor Pro Tem Quan stated that he knew that Council Members supported retaining those clinics in the schools. Council Members Galloway and Alvarado absent.

Upon questions by Council Member Sekula-Rodriguez, Ms. Forman stated that the schools involved were Bonner, Alrod, Easter and MacNamara. Council Members Tatro, Galloway and Alvarado absent.

Council Member Edwards moved to suspend the rules to hear from Ms. Polly Ledvina, out of order, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Members Tatro, Galloway, Parker and Berry absent. MOTION 2002-0609 ADOPTED.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she was present as a board member of Mothers For Clean Air and as a resident concerned about quality of life in the City, that she would be one of several people present talking about Houston's Clean Air Plan, that at the Texas Natural Resource Conservation Commission board meeting coming up on June 5th, the Executive Director, Jeff Sidis would recommend industrial plants in the 8 county area be required to reduce nitrogen oxide emissions 80 percent by 2007, that this was instead of the 90 percent currently required in the State Implementation plan already approved by the Environmental Protection Agency, that this was a doubling of

nitrogen oxide emissions currently allowed and amounted to an increase of 60 to 80 tons per day which would be emitted into the air, that the science to justify this reduction did not exist, that she wanted to make a couple of points, if they gave industry this 10 percent she wanted them to know that it amounted to 5 to 10 times the reduction they were achieving by the 55 miles per hour speed limit, so how, if the science did not pan out, they had made a proposal they had not done the science, if the science did not pan out, how were they going to go back and get these cuts. Council Members Tatro, Galloway, Wiseman, Alvarado and Berry absent.

Mr. John Wilson, 518 Woodland, Houston, Texas 77009 (713-868-2601) appeared and stated that he lived in the Woodland Heights area of Houston and was Executive Director of the Galveston Houston Association for Smog Prevention, that he was present with several other residents of Houston to ask City Council to take action to help them stop the TNRCC from rolling back Houston's Clean Air Plan, that they were very concerned about the steps that the TNRCC was about to take, that as previously mentioned, the TNRCC had admitted that they did not have the scientific basis for the proposal they were going to be making next Wednesday and launching a formal process to relax regulation on industry emissions of key air pollution from a current level of a 90 percent control to an 80 percent control, that this doubling would increase air pollution by 60 to 80 tons per day in the year 2007, that amounted to about a 25 percent increase in the pollution, that it was being justified by industry, not by anyone else, as being based on some fairly dubious science and some technical explanations that really did not hold any water, that it was particularly compounded by the fact that their explanations were related to an increase in certain highly reactive ozone forming chemicals from their current level that they were reporting only 12,000 tons per day, that the actual amount that actually was being emitted was 143,000 tons per day, so they were saying 12,000 tons, that the actual monitoring data suggested that the real emissions were 143,000 tons and what they were offering to do was that they would do their best to clean up the unreported pollution, that they would give it a try and in exchange for that they wanted the actual regulations relaxed, that they really objected to this and thought this was going to lead to real problems for implementing the Clean Air Plan, that it was going to place a great burden on everyone else who was responsible for doing their share to clean up the air and it was not an equitable policy. Council Members Galloway, Wiseman, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Wilson stated that the decision was not going to be formally made on June 5th, that it was going to be turned into a formal proposal, that perhaps he read the history wrong, but generally when the State made a proposal, they did not back down, that sometimes they would make some changes and some tweaks, but they were very concerned that once this became a formal proposal, that industry would be in a position to say, look, they made this proposal, they made business decisions counting on it, they could not back down now, that the proposal was made by the Business Coalition for Clean Air Appeal Group which was different than the Business Coalition for Clean Air, that they were very careful to point that out, that both of the organizations were established by the Greater Houston Partnership and the appeal group was established later and was a more select group of Houston industries, that they had the full list available on GASP's website and it included companies like EXXON Mobile, Dow, Lyondale, Dynegy, Entergy, Reliant, that he could not remember them all, but the companies collectively represented about 56 percent of the industrial air pollution that was being emitted in the region, that they were the big guys, that it was not every company, for instance BP Amoco had taken a very responsible position on the issue and stated that they could achieve those pollution reduction and were willing to do it and had not joined in the industry lawsuit and scientific assault on the agency. Mayor Pro Tem Quan, Council Members Galloway, Wiseman, Alvarado and Berry absent. Vice Mayor Pro Tem Keller presiding.

Council Member Sekula-Rodriguez asked Mr. Bibler what was the right approach for the City to take if it was indeed verified that the TNRCC was going to propose a reduction or a

relaxation from the 90 percent level of NOX reductions down to an 80 percent level of Nitrogen Oxide reductions, and Mr. Bibler stated that he would ask Ms. McAbee to check into it, that there were certain types of these proceedings that they were allowed to intervene in and of course there was a great cost to doing that but if they thought there was some merit to it then they would submit a proposal in that regard and let her know what it would cost to participate, and Council Member Sekula-Rodriguez asked if they had not just hired, at great expense, a representative to lobby at the TNRCC, Mr. John Hall, and should he not be at the top of this and getting information so they did not have to hear about it from their constituents, and Mr. Bibler stated that he was told it was related to something that they had already intervened in, that they would like he could ask Ms. McAbee to give them more information, and Council Member Sekula-Rodriguez stated that she would like to hear the exact details of why they did not know and why it was happening against the better interests of the citizens of Houston, in her opinion, and Ms. McAbee stated that they had intervened in the challenge brought by Business Coalition for Clean Air, GASP, Environmental Defense, Sierra Club and others, challenging EPA's approval of the State Implementation Plan, that was under other litigation, State court litigation, where BCCA sued the TNRCC, the TNRCC had a settlement deadline, as she understood it, to do something in June with respect to looking at the scientific issues, and Mr. Wilson stated that what they had to do June 5th was that they were required to decide whether or not the BCCA appeal group request was feasible, and their understanding, they had not made a public statement about this other than the one that appeared in a newspaper article this morning, was that they would make that finding sort out, that they would say they did not have the science to justify it but they wanted to make the proposal any way, and they had been following this through the intervention process and had some settlement discussions, that there was a confidentiality agreement that the City and others have entered into, so she would be happy to visit with her individually to answer some of her questions about it, that there were two different pieces of litigation, there was a State court lawsuit that involved BCCA and the TNRCC that the City was not a party to, that there was a federal court challenge in the Fifth Circuit involving multiple parties in which the City had intervened, that various groups had challenged EPA's action in approving the Houston Galveston State Implementation Plan, that the City had intervened in that in support of EPA's approval of the SIP as part of settlement discussions that had been underway with respect to the federal court litigation, they had been tracking what TNRCC was doing, that her concern, sitting here today, was that there was a confidentiality agreement binding on all the parties on the federal suit, that she had no particular information on the State court suit because they were not intervening in that and as a result of that confidentiality agreement she would be concerned that anything she would say in a public forum would violate the terms of that confidentiality agreement. Mayor Pro Tem Quan and Council Members Galloway absent. Vice Mayor Pro Tem Keller presiding.

Council Member Parker moved to suspend the rules to continue debate, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Mayor Pro Tem Quan and Council Member Galloway absent. Vice Mayor Pro Tem Keller presiding. MOTION 2002-0610 ADOPTED.

Council Member Sekula-Rodriguez asked, if working within the parameters of their restrictions, what could they do now knowing that there was an opportunity for public comment, what could they do as a City Council or the Mayor to affect it, and Ms. McAbee stated that there were several things that they could do and she would anticipate that they would follow very carefully the rule making process, that anything that the TNRCC would propose on the 5th of June would be part of the Texas Administrative Process for Rule Making, which meant they would have to submit draft comments for public input, they would have an opportunity to weigh in on those rules and file written comments if there were public hearings, appear and make oral comments, that presumably this issue would continue to be on the table with respect to the settlement discussions that were going forward or potentially would go forward in the federal

court lawsuit, that as a party participant they would be able to participate in those discussions and represent the City's interest in anything that was going to prevent them from obtaining their clean air objectives by the statutory deadline, that the position they had publicly taken and had consistently taken was that they had intervened on the side of the EPA to support the SIP, that they thought it was critically important to the City that the 2007 deadline to demonstrate attainment with a federally approved State implementation plan be met, that this was the first time that the idea of the City going to the June 5th meeting had been presented to her, that she could certainly talk with representatives in the administration about whether they were intending to go, and Mr. Wilson stated that he had a draft resolution to hand out to the City Council. Mayor Pro Tem Quan and Council Member Galloway absent. Vice Mayor Pro Tem Keller presiding.

Council Member Edwards asked Mr. Wilson if in addition to the draft resolution if he had any quantitative things that the City Council could do, and Mr. Wilson stated that he understood their schedules may constrain it, but to attend the meeting in Austin on June 5th, that short of that what they would like for the City Council to do was at least personally write a letter to the Commissioner of the TNRCC and ask him to support their position, that they had draft letters that he could make available to them to work from, and Council Member Edwards asked Mr. Wilson if they did nothing on this, how would it exacerbate the quality of life, especially in District D, they had a lot of children with asthma, a lot of senior citizens with lung and those type of problems, how would that affect those types of citizens, and Mr. Wilson stated that there were several other speakers present to address the topic and several of them were either personally affected or members of their family were affected by air pollution, that he preferred them to address that comment in their public comment. Mayor Pro Tem Quan and Council Members Galloway and Vasquez absent. Vice Mayor Pro Tem Keller presiding.

Council Member Robinson stated that this was not a new issue, it was an ongoing issue and in fact the reason why the Legal Department was involved and that Council had in the past approved and authorized attorney's fees and consultant's fees to make sure the City remained involved in the issue, that his only encouragement was that somewhere along the line he thought Council Member Tatro, in another context, had said something along the line that like parts must add up to the whole, that was the reason why they intervened on behalf of the total State Implementation Plan because as they make one change it had to be offset and as they went forward they also had to deal with a couple of realities, that the surrounding folks all blamed it on Houston, to his knowledge, most of the plants, if not all of the plants, were outside the jurisdictional limits of the City of Houston, they just got the bad impact, so it was not just the City of Houston and the plants, it was also the speed limit and everybody had to understand that they were all going to participate in this together. Mayor Pro Tem Quan and Council Members Galloway, Wiseman, Vasquez and Berry absent. Vice Mayor Pro Tem Keller presiding.

Council Member Alvarado stated that it seemed like when they talked about the environment they were also reacting to something that had happened at the State or EPA and hoped that they could be a little more involved in what was going on with the TNRCC and the EPA, that she had done a story with channel 11 about some high levels of butadiene that were detected in part of her district, that she had since then met with some of their State legislators and representatives at the TNRCC and requested additional air monitors in that area and also requested remote testing, that they started doing some remote testing a couple of weekends ago and it was so bad that the person that was actually doing the testing became ill and they had to stop the testing so they had a serious problem there and she hoped that they looked beyond, just like Council Member Robinson said, that they needed to have the City of Pasadena at the table and Deer Park and all of the surrounding municipalities that were contributing to the problem, that a lot of those facilities were in her district and as long as they had grandfathering issues and companies were polluting and unregulated they were going to continue to have these problems, that she thought that whether it was through the attorneys that they hired or their lobbyists in

Austin, who they paid to look after their interest in the Legislature, that they had to be a little more proactive and stay on top of the issues and she for one was going to send a letter, that she was not going to wait for their resolution, that she was going to send hers and encourage her colleagues to do the same. Mayor Pro Tem Quan and Council Members Vasquez and Berry absent. Vice Mayor Pro Tem Keller presiding.

Ms. Becky Smith, 702 Standord, Houston, Texas 77019 (713-822-2038) appeared and stated that she lived in the Montrose area, that she worked with a local citizens environmental group, Clean Water Action, that all the facts were on the table here about the issue, that she wanted to thank them for some good ire, that they had been inspired today and just to reiterate that the science was not where it needed to be, that there was science there when reductions were set at 90 percent as approved by the EPA, that science dissolved when profits did, so she thought they had to get together and use a holistic approach, that as a citizens group they talked to 80,000 Texans a year and that was pretty holistic, so they were all going to be hearing from them. Mayor Pro Tem Quan and Council Members Galloway, Vasquez and Berry absent. Vice Mayor Pro Tem Keller presiding.

Dr. David Marrack, P. O. Box 271907, Houston, Texas 77277 (713-667-1397) appeared and stated that he was an actively practicing physician and licensed in the State of Texas, that he had a long time interest in the effects of air and water pollution in this area, that they had an air pollution problem, as they well knew, that it was a legal issue at the moment, the ozone one hour standard, but he wanted to remind them that there was a more stringent eight hour standard standing out there for them to follow later, that air pollution, and particularly ozone, was not good for their health, that it initiated asthma in children, triggered exacerbation's in adults and children, it damaged airway linings so respiratory disease in children particularly was increased, frequency was increased and the result was absence from school, impaired education, parents not going to work because they take care of the children, and had a general cost all around, that in addition ozone damaged the airway lining so particulate matter, which was particularly toxic, stayed longer in the lung airways and did more damage, that for these reasons, air pollution was an important issue for them because they allow further ozone emissions from industry, or Nitrogen Oxide emissions, to go on and all the rest of the people had to make a reduction and that fell on their shoulders, that they control all the other sources of Nitrogen Oxide emissions, that the SIP, the State Implementation Plan submitted to TNRCC and then to EPA, had a 56 percent a day NOX deficit in it, that they did not know how to make it up and if they added another 50 or 80 tons per day from reducing industry's required reductions from the 90 to 80 percent, then they had a bigger gap that they control, that he thought this was an issue which they had a very considerable concern over, the legal issue of not getting in compliance by 2007, financially, loss of federal funds, the adverse image effect that this would have on the City to have not gotten there was very serious and he thought they needed to be concerned that they get there and he thought they needed to make sure that industry did its' full part, capable of doing it, at this time. Council Members Galloway, Vasquez, Parker and Berry absent.

Upon questions by Council Member Sekula-Rodriguez, Dr. Marrack stated that he was a Board Certified Pathologist and his background was Physical Chemistry, that as to what the ozone did to the lungs, they had a mechanism in the lining of the airways to remove the mucous and the particles and other bits of bacteria they all inhale out, they either spit it out or swallow it and ozone damages that escalated mechanism and when that did not work well, then the bacteria stays there, the particulate's stay there and it enhances the damage of not only the ozone or the lining, but the chemicals and the infectious agents that were present, too, so they had a compounding process going on when they damage their mechanism for getting particles out of the lungs with ozone. Council Members Tatro, Galloway, Vasquez, Parker and Berry absent.

Mrs. Mary Hintikka, 2513 S. Gate Blvd., Houston, Texas 77030 (713-699-9724) appeared and stated that she wanted a strong, clean air plan for Houston, that her family had had detrimental effects from the ozone, that she had a 7-year-old son who had asthma and she could say, without a doubt, that his asthma had been triggered by ozone and it was very concerning to her, that she had been tracking the ozone and her son's asthma since 1998, that he was seven years old and in the fall of 1998 they had eight purple days, that her son became very ill that fall, he developed his asthma exacerbation and developed pneumonia, that for eight months her son had recurrent pneumonia that was difficult to manage, that they would get him stable and again the following June they were outside at a birthday party, at a swimming pool, they had an ozone warning and she was talking to other friends that they should not be there, yes, no, she was concerned that they should not be there and her son had the worst asthma attack that evening, that again, she got him clear, they went back to school that year, on August 25th, they had an ozone level 155 parts per billion, he was in school and she could not control what the school did, and he was going outside and playing in the ozone and again his asthma was triggered, that she wanted them to be aware that it took a very short time, 15 minutes, an hour out in the ozone, and children were at risk, and it did not just create a problem for that day or a couple of days, but it created a problem for weeks and months, and she hoped they would consider what had been said before them. Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they were aware of the problem and would be working on it. Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Rodriguez stated that she sympathized with her and thought it was a terrible burden on her shoulders to wonder if she was exposing her child to something that could shorten his life and it was the air, that they would work very hard, that if Ms. Hintikka could give a little anecdotal summary to her office, that was relative when they wrote to Jeff Sidis they could put that summary in the letter and say it was a personal issue, that the mothers in Houston were concerned, so if she could do that that it would be helpful. Council Members Tatro, Galloway, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Cameron Naficy, 5630 Edith, Houston, Texas 77081 (713-771-1505) appeared and stated that he was present to continue the debate on what they had been talking about, the TNRCC SIP, specifically what he wanted to talk about was the reporting of emissions and 143,000 tons that had been found to be emitted in this area by the National Oceanic and Atmospheric Association, reports done by Baylor and also by the Burkhaven National Laboratory, that they were in opposition to the 12,000 tons that had been reported by industry themselves, that he had grown up in Houston since he was a young kid and went to high school and the university as well, that his father had some problems as well that were related to pollution, particularly ozone, that he had been tested for allergies and had none that were known and had been diagnosed with a problem most likely related to the pollution so it was affecting their lives and he understood that they had some responsibility, citizens in Houston to some extent, to reduce emissions by how they drove and how they lived, that what they had right now was an opportunity to force the industry to take responsibility also for their part of it, that he had an excerpt from an article that said the unreported emissions were roughly equivalent to three times the weight of the oil spilled by the Exxon Valdez, which was a huge amount, that imagine three tankers cracked open, steadily spewing chemicals into the air all year long, these massive chemical leaks into the air produced hazardous levels of ozone, harming the health of Houston residents, that it was not only NOX emissions, it was also those emissions that were produced primarily by industry and not by citizens and this was an opportunity to not back down and to have them take responsibility for this, that it really seemed unacceptable to him that they have an estimate that was more than an order of magnitude greater than what had been reported by

industry. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mayor Pro Tem Quan stated that as Mr. Naficy had heard, they were playing an active role in the discussion. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mr. Bartholomew Stephens, 3940 Heather Brook, Houston, Texas 77045 (713-413-3144) appeared and stated that he was with the City of Houston Health Department, that he was previously present a year and a half ago to complain about retaliation against him by his director and assistant directors in the Health Department because of whistle blowing, that he thought the City had a policy against retaliation, that the City had a policy regarding hiring and promotion, that the City of Houston Health and Human Services Department was continuously violating those policies, that strictly speaking right now they were always pre-selected the employees for promotion, that there was a position right now that he applied for and they pre-selected Mr. George Dabney, who did not even have the educational qualification for this promotion, that now he was sitting back there listening to citizens complaining very bitterly about lead poisoning in Houston, that he was the person that single-handedly did the research to establish the need for lead poisoning prevention in Houston and applied for the grant, but he was denied a promotion to manage that position and to manage the program, that about three times he applied for the position and had been denied the promotion, that he also applied for a grant to do lead hazard abatement within the City and was denied the promotion to manage the program, that he had spent about 30 years with the City and had managed and coordinated several programs, including the lead hazard detection with Housing and Community Development, Margie Bingham's department, that every time he applied for a promotion, somebody less qualified was hired from outside, so it was really very frustrating, that right now the department had, because he blew a whistle regarding administrative misconduct in the department, improperly demoted him from a supervisor and from managing programs and coordinating programs, to a position that was not even classified, that he did not have any job duties, no job assignment, that he had a Masters in Public Administration and a Masters in Industrial Hygiene, but the department did not see fit to give him a job right now that was worthwhile in the department, that he had documents to hand out to the Council Members. Council Members Galloway, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent.

Mayor Pro Tem Quan asked that he give the documents to Mr. Cantu, that he understood that Mr. Stephens had two complaints at this time filed with the Office of Inspector General, one regarding the promotion was still pending and the another regarding equal employment opportunities, that he thought Mr. Stephens had gone through the administrative channels they had available to try to investigate this. Council Members Galloway, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent.

Ms. Faye Stanley, 6810 Flamingo, Houston, Texas 77081 (713-525-9338) appeared and stated that they wanted to thank Council Member Robinson for the taking time, that out of the 27 years of being a City employee they had never had an opportunity to be able to express what they felt about any decisions, that there were City employees present who had taken their vacation time to be present today because these issues were very important to them, that they were speaking on their health care and the pay raises, that they wanted to leave their health care benefits the same, that if there was going to be an increase, they would like to have a better health care plan, that the health care providers were not providing quality service for the majority of the City employees, that concerning the pay raise, they wanted all of their pay raise, that usually when they got a pay raise there was always something lined up to take part of it, that as

far as the years she worked for the City she never remembered getting a pay raise without something taking part of their pay raise, that these were some of the issues that were raised at the meeting that Council Member Robinson had called and she had a list, that some of the City employees did not come because they were afraid they may be retaliated against or harassed, that she had three pages that the City employees signed at the meeting, that they wanted to let the City Council know that they were concerned, too, even though they were not present, that they needed some help, and they wanted to be able to get a pay raise that they could get the full benefits out of, that they had like \$4 million allotted and they had, she guessed, 13,000 employees and they were getting like a 3.5 percent raise, which would not really be that much divided among them, that they were present really pleading that they could get all of their money and not have anything taken away from them and get the full benefits. Council Members Galloway, Sekula-Rodriguez and Berry absent.

Council Member Robinson stated that he want to thank Ms. Stanley and the other employees for being present and expressing their opinion and hope they would work their way to a place where the City employees would not be afraid to express their thoughts to the elected representatives that were present to do good for the citizens and employees, that some of their employees were actually residents of the City, that he wanted to express again his position that they ought to leave their insurance benefits and co-pays as they were and take the remaining pot of money and provide the employees with an equal dollar amount pay increase, that for some folks, if they did that, it would be more than 3.5 percent and he hoped they would continue to share with Council that at least at the current time and over the course of the existing contract, that they ought to leave it alone and engage in a dialogue with the employees to decide the next step with regard to the health care, that at their meeting they heard a lot from those folks who were paying hundreds in prescriptions and those who had serious health problems among themselves or family members, that it was his hope they would leave the package as is and take care of the employees from there, that they appreciate everything and felt like they were important too, and that what they did was helping to run the City, that they wanted to get a higher than 2 or 3 percent raise. Council Member Galloway absent.

Upon questions by Council Member Edwards, Ms. Stanley stated that she had several people on the list that had been keeping contact with her and when they came today, they did not show up and even voicing their opinion after signing the list one of them made the comment that their supervisor was already harassing them, and Council Member Edwards stated that she had several City employees come to her and say that they felt not open to speak about their concerns and what they were feeling, that she would like someone to brief her and asked if it was a social milieu that they had that City employees were afraid to discuss their concerns and their issues, that she would like to know if there was a policy about that or a procedure that she was not aware of or what was the standard on that, and Mr. Bibler stated that they would visit with her. Council Member Galloway absent.

Mr. Don Seributra, 7023 Dickson Way, Missouri City, Texas 77489 (281-437-4931) appeared and stated that he was born August 27, 1972 in Houston, Texas, that the issue he wanted to discuss with the Council today was about tree destruction on the 800 or 900 block of Hyde Park Blvd., boarded by Converse, Grant and Fairview, that he e-mailed every Member of City Council about the tree destruction that was going on in that part of the block near the South Beach Night Club, that he had a background about him, that he was a historical preservation advocate and member of the Inner Loop Affordable Housing Coalition, that on the destruction of the trees in that part of Montrose, he had e-mailed the Council Members two separate files, that one was the block before that actually was a row of houses that used to be residential until the Montrose Bar District and the La Tapatia Restaurant were located in that section, that was why the block was being redeveloped into a strip mall, that he did not know what the purpose of that was today, that environmental implications of cutting down the trees in the neighborhood, one

thing he heard earlier from Mr. John Wilson was that they had a high ground level ozone level, that at the same time, one thing that had happened in the Houston area was to lower the speed limit from 70 miles per hour to 55, that he called this a 1970's throw back, that his question was where was the Ford Pinto on the highway, that the vacant lot, it was a common practice Inside Loop 610 where the real estate developers would come inside the inner loop neighborhoods and redevelop the lots, even if it meant they had to destroy a tree, that tree destruction, one thing it did in the neighborhood was that it increased the chances for ground level ozone to go up, they would have no carbon dioxide conversion to oxygen, if they cut down green leaves, this was why Houston was labeled for two years the City with the highest ground level ozones, that another thing also was that free enterprise was something that actually existed in the City, that a company like Perry Homes, a Stop and Go or a Burger King could come inside the Houston area and do business, especially in historical inner loop neighborhoods, that these companies should be held accountable for their actions. Council Members Galloway, Keller and Robinson absent.

Council Member Sekula-Rodriguez stated that they appreciated Mr. Seributra being a watchdog and providing their office and other offices information as he saw it out there because he did have eyes and ears that were quite effective at noticing problems and they appreciated his hard work.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Keller and Robinson absent.

Mr. James Brooks, 6720 Shotwell, Houston, Texas 77028 (713-635-2836) appeared and stated that he was with Prepaid Legal Services, Inc., that the problem they were experiencing with the City of Houston employees was not being able to explain their program to them, that he sent an e-mail to most of the City Council, that the people who needed the legal services the most when they had to pay \$100 to \$200 an hour obviously could not afford them, that he was talking about people in Solid Waste or people in whatever different jobs, lower paying jobs, that the problem that they had run up against was that if they tried to explain it to them, somebody would say not to do it on their time and he thought they lose more time by a person having to take off from work to defend his or herself in court or having to do this when they could do it much better with the legal services, and prepaid legal services could take care of those issues, that they were present before City Council about two weeks ago and nobody said anything, but he would like to ask them today if they had any comments to let them know what they should do or who they should see.

Mayor Pro Tem Quan stated that if Mr. Brooks had any concerns with his program that he should speak to their Benefits Department or Human Resources Department, that was the appropriate avenue to go, and Mr. Brooks stated that they had already been approved by the City of Houston to have payroll authorization. Council Members Galloway and Robinson absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Galloway and Robinson absent.

Ms. Barbara McCormick, 12119 Boheme, Houston, Texas 77024 (713-464-8802) appeared and stated that she was from Children at Risk, that last week several of the Council Members requested that Children at Risk bring their recommendations for Child Maternal Health Services for the Health & Human Services Department, that in the packet they were handing out they had identified 8 key findings that they believed were major components for the Council's action that would positively impact Child Maternal Health, that at this time they did not have a top recommendation, however, they were looking at priorities and were very pleased with the individual initiatives of Council Members that were addressing Child Maternal Health issues and

were supportive of those issues and they would work for all of them, that they also included a budget worksheet for the Health & Human Services Department, that a budget workshop for tomorrow that was in the back of the packet following the 8 recommendations, that they would be happy to meet with their staffs and talk with them if they had questions.

Mayor Pro Tem Quan stated that he wanted to thank Ms. McCormick for following up on their discussion from last week. Council Member Galloway absent.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved time to speak, but was not present when his name was called. Council Member Galloway absent.

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-8782355) appeared and voiced his personal opinions until his time expired. Council Member Galloway absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Member Galloway absent.

At 11:27 a.m. Mayor Pro Tem Quan stated they would return to the business portion of the City Council meeting. Council Member Galloway absent.

Mayor Pro Tem Quan recognized Council Member Vasquez for a point of personal privilege and Council Member Vasquez stated that he wanted to bring to their attention a City employee who had worked for 22 and a half years for the City and was in the process of retiring, that he had done an outstanding job with the City, and invited Mr. Melvin Embrey to the podium.

Mayor Pro Tem Quan and Council Members Vasquez, Berry, Parker and Keller stated that they wanted to thank Mr. Embry for his service to the City. Council Member Galloway absent.

Mayor Pro Tem Quan stated that there were still some Council Members who wanted to speak on Item No. 26. Council Members Galloway and Robinson absent.

Council Member Tatro stated that to point out a couple of issues that came to light, that they would be spending \$5.12 million on SimDesk, that they would be putting that on a credit card, but that was money that would be on the taxpayer rolls that they had to pay for in the future, that they were going to be paying that with bonds so they would be paying interest on it for five to seven years so that was real money out there and he hoped Council Members would be as passionate about demanding savings because what they had was real cost, that one of his biggest concerns had not been justified in any way, shape or form to date, that there were virtual savings and he thought they should demand more and be as passionate on City personnel statements and demand documentation rather than just what they felt was going to happen. Council Members Galloway and Robinson absent.

Mayor Pro Tem Quan state that Item No. 26 had been tagged. Council Members Galloway and Robinson absent.

27. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE, L.P., formerly known as SOUTHWESTERN BELL TELEPHONE COMPANY** (approved by Ordinance No. 2000-882) for Local Telephone Services Citywide - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business.

Council Members Galloway and Robinson absent. ORDINANCE 2002-0453 ADOPTED.

30. ORDINANCE appropriating \$279,850.00 out of Street & Bridge Consolidated Construction Fund and \$33,270.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY** for Reconstruction of Aldine-Westfield Road from 1000 feet south of Beltway 8 to Simmans Road, CIP N-NA-0002-2 (SB9072) - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Ellis. Council Members Galloway and Robinson absent.
31. ORDINANCE appropriating \$204,715.00 out of Street & Bridge Consolidated Construction Fund and \$282,485.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY** for Reconstruction of Brittmoore Road from Clay Road to approximately 1,150 feet south of Tanner Road, CIP N-NA-0003-2 and S-0521-E7 (SB9073); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented, and tagged by Council Member Ellis. Council Members Galloway and Robinson absent.
34. ORDINANCE approving and authorizing amendment to Ordinance No. 00-025 and reallocating \$73,500.00 from Construction contract No. 51161, and depositing \$73,500.00 into Professional Construction Management Services Contract No. 38497 between the City of Houston and **PATE ENGINEERS, INC** for the Rehabilitation of Four Elevated Storage Tanks and Replacement of One Elevated Storage Tank with Hydropneumatic Tanks, GFS S-0600-21-3 - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0454 ADOPTED.
37. ORDINANCE approving and authorizing contract amendment between the City of Houston and **TROY CONSTRUCTION, L.L.P.**, for Water Line Repairs by Point Repair Method (Contract 52627) (WA10698) - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0455 ADOPTED.

NON CONSENT AGENDA - NUMBERS 41 and 42

MISCELLANEOUS

41. RECEIVE nominations for Positions A through I of the **HOUSTON CLEAN CITY COMMISSION**, for terms to expire February 1, 2003 - was presented.

Mayor Pro Tem Quan stated that he would call each Council Member by district and those that were prepared they would accept the nomination at this time. Council Member Galloway absent.

Council Member Tatro moved to have the nomination for Position A postponed until next week. Council Member Galloway absent.

Council Member Robinson stated that Council Member Galloway had asked that he name for re-nomination Mr. R. C. Jones for Position B and his resume had been passed out to the Council Members. Council Member Galloway absent.

Council Member Edwards stated that she wanted to nominate Ms. Sherri Sterling for Position D and her resume had been passed out to Council Members. Council Member Galloway absent.

Council Member Wiseman stated that she would like to nominate Mr. Paul Kevin Dix for Position E and his resume had been passed out to Council Members. Council Member Galloway absent.

Council Member Ellis stated that he wanted to re-nominate Ms. Karen North for Position F. Council Member Galloway absent.

Council Member Keller stated that he wanted to postpone his nomination for Position G. Council Member Galloway absent.

Council Member Vasquez stated that he wanted to nominate Ms. Teresa Taylor for Position H and her resume had been passed out to Council Members. Council Member Galloway absent.

Council Member Alvarado stated that she wanted to nominate Mr. Ramiro Fonseca for Position I. Council Member Galloway absent.

Council Member Sekula-Rodriguez moved to close nominations for Positions B, D, E, F, H and I through I for the Houston Clean City Commission, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2002-0611 ADOPTED.

Council Member Tatro moved to postpone nominations for Position A, C and G for the Houston Clean City Commission, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2002-0612 ADOPTED.

42. RECEIVE nominations for Positions 18 and 21 of the **HOUSTON READ COMMISSION**, for terms to expire January 1, 2005 - was presented.

Mayor Pro Tem Quan stated that he wanted to re-nominate Ms. Elsi Huang for Position 18 of the Houston Read Commission. Council Member Galloway absent.

Council Member Ellis moved that the nominations remain open for Position 18 of the Houston Read Commission for one week, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2002-0613 ADOPTED.

Council Member Sekula-Rodriguez stated that she wanted to nominate Ms. Diana Valverde for Position 21 of the Houston Read Commission. Council Member Galloway absent.

Council Member Vasquez moved to close nominations for Position 21 of the Houston Read Commission, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2002-0614 ADOPTED.

MATTERS HELD - NUMBERS 43 through 46

43. ORDINANCE appropriating \$211,779.59 out of Water & Sewer System Consolidated Fund

and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **W & W ASSET MANAGEMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines in the Villages of Glenshire Subdivision, CIP S-0800-46-03 and R-0800-52-03 - **DISTRICT C - GOLDBERG – (This was Item 18 on Agenda of May 22, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0456 ADOPTED.

44. ORDINANCE appropriating additional sum of \$1,500,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Neighborhood Sewer System Improvements under an engineering services contract with **MWH AMERICAS, INC** (approved by Ordinance No. 99-855), CIP R-0544-01-02 (R-0544-04), Project No. 4751 – **(This was Item 23 on Agenda of May 22, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY and VASQUEZ)** - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0457 ADOPTED.
45. ORDINANCE consenting to the transfer to **SHAW COMMUNICATIONS, INC** of control of the Cable Television Franchise currently held by Kingwood Cablevision, Inc, granted pursuant to City of Houston Ordinance No. 98-15 and prescribing certain supplemental conditions to such assignment - **FIRST READING IN FULL – (This was Item 28 on Agenda of May 22, 2002, TAGGED BY COUNCIL MEMBER KELLER)** - was presented.

Council Member Wiseman stated that this was for a transfer of a franchise agreement to Shaw Communication which was operating in Kingwood as Kingwood Cablevision, that this request for a transfer was presented to the City back in March of 2001, that under FCC rules there was a 120 day period whereby negotiations had to occur and if an agreement was not reached at that time, the applicant was then allowed to operate under the existing franchise agreement, that the City asked for an agreement period extension, that they asked for three of them if she was not mistaken and here they were more than a year later and they were addressing it at Council, that had put them in a very difficult position with this, that as a new Council Member she was not aware of what was transpiring with regards to this item until it was being brought to the Regulatory Affairs Committee, at which time it was asked if they had addressed the district Council Member and the response was yes and there was no problem there, that in fact was not the case, that she had received complaints from constituents with regard to the service being received in Kingwood, that she too was a Kingwood cable subscriber and had some issues as a consumer as well as a district Council Member, that she had tried to address her concerns and issues with the department and unfortunately in that entire time she asked for numerous pieces of information and documents and received stacks upon stacks of stuff, and some of what she had requested she did not receive and to this day had not received, but in all of this never once were they told that there was a 120 day period whereby they had to reach an agreement or the existing franchise would continue on until 2012, in fact, the Regulatory Affairs Committee chair's representative also said that they were not told of this 120 day period, that had put them between a rock and a hard place in the negotiations, that as she looked at what they were giving in return for what they were getting, there was an extension of the franchise to the year 2017, that this franchise was not up for renewal until 2012, so she posed the question to the department, why then, if that being the case, and she found out that it was up for sale, so her question was, if they were trying to sell their U.S. holdings, because this was an operation out of Canada, why were they asking for a five-year extension, that the representatives from the department told her they were not asking for that extension the

department offered it to them and in essence what that extension did was limit what they as Kingwood consumers could have in the way of technological advancements, that the agreement, as it stood, brought the services up to the standards that were being provided by Time Warner, the rest of the Houston cable market basically, that this agreement brought them up to that level, however, it will keep them at that level until the year 2017 and that puts them at a disadvantage, that if it did not pass today they would continue to operate under the old agreement, which was a greater disadvantage, that it was unfortunate that the people of Kingwood had been put in this situation and it was unfortunate that the departmental allowed it to happen, that she asked if whether or not the City could require Shaw to upgrade and they said that every three years they had to undergo performance appraisals and nothing in the language said that they had to upgrade so they were getting the raw end of the deal. Council Member Galloway absent.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Wiseman for her diligence and following up on the matter. Council Member Galloway absent.

Upon questions by Council Member Keller, Mr. Hall stated that much of it was true, there were documents that indicated that when this was first presented to the committee in 2001, the 120 day period was noticed to the committee, that obviously Council Member Wiseman was not on council at that time so she would not have received the documents, that he thought under the process, and it was not his area of expertise, they had a lawyer present who followed that, it was a give and take process, that one of the things that they did was to pay the City some money obviously, they got a five-year extension on their term so it had to be a give and take to provide incentive for settlement of the process, that he thought the provision was there with the time limit on it in the federal regulation to ensure that there was an orderly process by which these things got transferred in the normal business of commerce, that he thought that was why the federal regulations prescribed those time limits, that he was not aware of any more situations like this at the moment, that as they well knew, these were business entities that were bought, sold, transferred, merged, so it was difficult to anticipate when or when one would or would not be subject to a requested transfer of franchise but it did happen with some regularity, that they would not know it until they made an application. Council Member Galloway absent.

Upon questions by Council Member Tatro, Council Member Wiseman stated that what they had foregone was allowing Kingwood to keep pace with the improvements that the rest of the cable market will be realizing as the other existing franchise agreements were negotiated and renewed. Council Member Galloway absent.

Council Member Vasquez asked Mr. Hall what would happen if they referred the item back to the administration, and Mr. Hall stated that under the federal regulations if it was not approved by the notice date they had been given, which would be the 12th, which would be the third reading of this ordinance, then the franchise was transferred to the transferee under the present terms, they would not get any of the benefits that had been negotiated, that they could not amend it at the Council table because it was published this way. Council Member Galloway absent.

Council Member Sekula-Rodriguez stated that she would like to know how many cable companies were out there doing this sort of business and did they all, once they had a contract, have a monopoly in their geographic area, or did they have competition coming to Kingwood in the near future, that competition would take place and then the Kingwood citizens could select an alternative cable company or was this a monopoly that would exist to the year 2017, and Mr. Hall stated that they this was not an exclusive franchise, that he did not think there was another cable company in Kingwood, that he thought another one could go into Kingwood, that they could provide her a list of historically how many had requested transfer, and any that had applications filed, that would be the only information they had, that they did not know what negotiations were taking place out in the private sector, there was no way to know that, that yes it was typical to

have such extended contracts, that the standard term under what this was, a transfer of the franchise they gave he would have to go back some, that there was a time when they had exclusive control over all of those issues, but that changed in the late 1980's, frankly against the City Council's wishes, that they granted franchises now under the federal regulations that gave people the right to lay these cables and all in the City's right of way, that it was an expensive proposition, that he did not think anybody quarreled with that because they encouraged cable service be provided in all parts of Houston, that they were typically calculated to be about 15 years, that it would be helpful for them to develop a little workshop on these issues because they were not quite as clear-cut as they seemed. Council Member Galloway absent.

Council Member Robinson stated that he guessed about two years ago, when they went through the new franchise agreements, he thought Western Integrated Network, they actually had the Warner Cable Franchise Agreement, Western Integrated Network, and the franchise agreement they had with them was probably the best of all of the potential franchise agreements that were out there at the time, that he would suggest that they get some information to Council, because they had two more readings, that one, the side by side that was prepared for Regulatory Affairs at the time when they looked at the Warner Cable Agreement, that he would ask that they do a side by side of what the existing agreement was, and compare it to the Warner Agreement and Western Integrated Network because he thought the issue was, did they get as much as they possibly could in this agreement, because he would like their standard to be their Western Integrated Network, where they were always dealing with the federal regulatory requirement that they could not force people. Council Member Galloway absent.

Mayor Pro Tem Quan stated that was an excellent suggestion and that it was now noon and would entertain a motion to extend council. Council Member Galloway absent.

Council Member Ellis moved to remain in session past the noon hour, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2002-0615 ADOPTED.

Council Member Edwards stated that she thought there was a bigger issue sticking out as opposed to the actual contract and so forth and what happens in her experience as a new Council Member coming in, there was no process by which they were brought up to speed as to what had been going on and she was not sure what committee that would go to, but it was something that had to be looked at, especially with term limits, because things got dropped off the radar screen and then the new Council Member gets caught short and she thought that it was more, in her opinion, about process than it was about the actual issues.

Mayor Pro Tem Quan stated that Council Governance, he guessed, would be the committee and he and Council Member Keller co-chaired that committee and they were scheduled to have a meeting that afternoon at 1:30 p.m., that he would talk to Council Member Keller about it and see what they could do to help make that system work, that she was talking about the overall training of issues pending within their districts when they take on that position. Council Member Galloway absent.

A vote was called on Item No. 45. Council Members Wiseman, Edwards, Keller and Berry voting no, balance voting aye. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0458 ADOPTED FIRST READING IN FULL..

46. ORDINANCE authorizing acceptance of a grant from the Texas General Land Office and approving and authorizing grant agreement between the City of Houston and the **TEXAS**

GENERAL LAND OFFICE relating to the Buffalo Bayou East Sector Redevelopment Plan; declaring the City's eligibility for such grant; authorizing the Director of the Houston Parks and Recreation Department to act as the City's representative and to accept such grant funds and all subsequent awards, if any pertaining to the project - **DISTRICT H – VASQUEZ** – (This was Item 32 on Agenda of May 22, 2002, POSTPONED BY MOTION #2002-592) - was presented.

Council Member Vasquez stated that his office had been investigating this particular situation over the last several weeks, and from their investigation they had learned that the property was contaminated and it had been cleaned up, but not completely, that it was only cleaned up to commercial industrial level and not residential, that he did have concerns about the City taking title to formerly contaminated property and would like the Legal Department to meet with the Parks Department to sort this out before coming back to council to complete this transaction; that he would like for the bike program to get with the Buffalo Bayou Partnership and explore the possibility of the City just taking an easement for the bike trail as opposed to title to the entire property, that he had already delayed it once and had looked at it and it could go forward, that it had to come back to Council before they complete the final transaction, and Mayor Pro Tem Quan stated that he believed the administration had agreed to that and were prepared to move forward.

A vote was called on Item No. 46. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Robinson absent. ORDINANCE 2002-0459 ADOPTED.

Items received during the meeting.

7. ORDINANCE appropriating \$2,449,546.00 out of Houston Airport System Consolidated 2001AMT Construction Fund and approving and authorizing amendment No. 1 to the construction contract between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Utility Tunnel to Terminal E, FIS Foundations and Excavation and Site Utilities at George Bush Intercontinental Airport/Houston, Project No. 500J, CIP A-0203 - **DISTRICT B - GALLOWAY** - was presented and tagged by Council Member Edwards. Council Member Galloway absent.
- 7a. RECOMMENDATION from Director Department of Aviation for approval of Change Order No. 2 in the amount of \$2,449,546.00 on contract with **MANHATTAN CONSTRUCTION COMPANY** for Utility Tunnel to Terminal E, FIS Foundations and Excavation and Site Utilities at George Bush Intercontinental Airport/Houston, Project No. 500J, CIP A-0203 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sekula-Rodriguez, seconded by Council Member Tatro, and tagged by Council Member Edwards. Council Member Galloway absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that on Thursday the 23rd, she had the opportunity to address Third Grade Class from Chambers Elementary School and they gave her a list of concerns that they wanted City Council to be aware of so they put them in writing for Council so they could have them and address them appropriately. Council Members Galloway and Vasquez absent.

Council Member Tatro stated as Council Members knew, Black & Veatch was hired to do some baseline work for water rate review, that it was a significant issue and understood that

F&A may be taking the lead in the water rate review and Black & Veatch may be acting as doing some detail work and doing some number crunching for F&A, that for two months he had been trying to set up a meeting, with whoever in the administration could give him some information on the direction of the study, the parameters they were looking at, were they considering irrigation, were they considering the subsidized rate or keeping the same rate classes, and that meeting had been scheduled and canceled, that today he had a meeting set up for two o'clock and Gilbert Garcia canceled the meeting, that he would appreciate the administration making somewhat of an effort to meet with him and keep the meeting just so they could get some details about exactly what they were paying the \$150,000 to Black & Veatch for, so when they get the rate study back at the table they were simply not going through all the paperwork, that he would appreciate just being able to get some insight from the administration and hopefully keep the meeting on track that they had been trying to schedule, and Mr. Haines stated that he would take care of it. Council Members Galloway and Vasquez absent.

Council Member Sekula-Rodriguez stated that she just wanted to reiterate her deep concerns about the budget cuts that were being levied against the Health Department, and address the administration's efforts to look at that and applaud them and thank them for looking at creative ways to restore the Health Department budget, not only in school based clinics, but also in rescinding the cuts, the 29 hours of reduced services that were planned, and would work very hard to make that happen because she did not think the City could afford to have 29 hours in cuts in Health Department Clinic services. Council Members Galloway and Vasquez absent.

Council Member Alvarado stated that she would like an update on where they were with the Civility Ordinance that passed Regulatory Affairs a couple of weeks ago and would like to know how soon they could expect that to come up for a vote. Council Members Galloway and Vasquez absent.

Council Member Alvarado stated that she would like the administration to look at the metered parking issue, that currently the limit was one hour and if they were going to lunch downtown with all the construction and trying to find a parking space and going through the obstacle course of getting to the restaurant they were trying to get to, the hour was eaten up, so she would like to see if they could extend the metered parking from one hour to two hours. Council Members Galloway, Edwards and Vasquez absent.

Mayor Pro Tem Quan stated that it was his understanding that the Mayor was to be briefed on the Civility Ordinance answer when he gets back and planned to put it on the agenda from there. Council Members Galloway, Edwards and Vasquez absent.

Council Member Berry stated that he wanted to speak briefly about the budget and the budget process, that it struck him that the City was potentially due some hard times, that El Paso Corporation had just laid off a lot of people this morning and announced future layoffs that were going to be significant, that he thought Dynegy's move yesterday predicted bad things for the City, that CMS Energy's CEO stepping down yesterday and their stock price dropped, that he thought they had to be prepared, and in fact they were supposed to be leaders, that their City was bracing for hard times, that they were contingent still, even after their efforts to diversify on the energy industry and the energy industry was taking hits on the off balance answer sheet financing mechanisms and until this played itself out he thought they were going to have some tough times which meant they needed to be ahead of the curve and not behind it, particularly with regard to their economic cycle and he thought they needed to recognize what they were doing, that any cut was tough and anytime they made a cut there were going to be ramifications, that he thought one of those areas ought to be travel, that he for one had cut his travel budget to zero and thought they ought to consider a drastic cut to show the public how serious they were about, a zero travel on the City budget across the board. Council Members Galloway and Vasquez

absent.

Mayor Pro Tem Quan stated that as a matter of fact, he thought Council Member Galloway had a proposal to do away with City Council's budget and they were going to be having a discussion at 1:30 p.m. on that issue. Council Members Galloway and Vasquez absent.

Council Member Ellis stated that he was a little bit irritated with Fire Chief Connealy, that they had sent him four or five e-mails trying to get him to respond to a question that had been brought to their attention, that it dealt with the proposed False Fire Alarm Ordinance, that he was unable to attend the budget workshop for the Fire Department, but at that time he had his staff member ask Chief Connealy if BOMA was in agreement with their definition of what a false fire alarm would be and he stated, yes, they were 100 percent on board and that was not true, that BOMA still had concerns and Chief Connealy stated that he had listened to their recommendations and they were on board, that he had spoken with them and they had said no as late as yesterday afternoon, that they were still in disagreement with the definition of a false alarm, that the big issue was that they were not getting any response back from the chief, and Mayor Pro Tem Quan stated that those were valid concerns and they would follow up to make sure an answer was received immediately, that he was disappointed that Council Member Ellis had not been getting a response, that he knew there had been several requests during the budget workshops for information and they were all waiting for answers to all those questions. Council Members Galloway and Vasquez absent.

Council Member Ellis stated that on a personal note he wanted to talk about a gentleman and a friend that they laid to rest yesterday, that he was born in southeast Houston some 59 years ago and resided in southeast Houston when he passed away, that he was the husband of an employee that had worked for him for two years, Mrs. Pat Medley, that his name was Mr. Danny Medley. Council Members Galloway and Vasquez absent.

Council Member Wiseman stated that she wanted to reiterate the need to get the information they had been requesting through the budget workshops.

Mayor Pro Tem Quan stated that he wanted to remind Council Members that they were having a Council Governance meeting at 1:30 p.m.

There being no further business before Council, the City Council adjourned at 12:20 p.m. upon MOTION by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Goldberg absent on city business. Council Members Galloway and Vasquez absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary