

City Council Chamber, City Hall, Tuesday, June 11, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 11, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:48 p.m. Mayor Pro Tem Quan called to order the meeting of the City Council and Council Member Vasquez led everyone in prayer and pledge of allegiance. Mayor Brown, Council Members Wiseman, Ellis, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Council Members Wiseman, Ellis, Keller and Berry absent.

Council Members Vasquez and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Wiseman, Ellis, Keller and Berry absent.

HEARINGS

1. **PUBLIC HEARING** on the City Budgets for the time period July 1, 2002 through June 30, 2003 - was presented.

Ms. Gloria Russell, 7022 Neff, Houston, Texas 77074 (713-988-7095) appeared and stated that she was President of the Houston Genealogical Forum, which was established in 1958, that she would like to request their support on behalf of the forum and the genealogical community as a whole to pledge their commitment to keep the Clayton Library hours of operation as is, that adequate staffing and hours of operation were critical to Clayton Library, because unlike other libraries in the Houston Public Library system, Clayton staff must have specialized training in genealogy and family history, that Clayton Library, as well as the Texas Room, was not a lending library and use of all materials must be on premises, that nothing was available for checkout, that the proposed budget cut in the evening hours of operation would reduce evening research two of the three evenings hours that it was currently open and would in turn make the already very busy Saturday schedule even more busy. Council Members Ellis and Keller absent.

Council Member Parker stated that Ms. Russell was not the only person present to speak for the Clayton Library and it was her understanding that they had been able to resolve that issue internally and wanted to thank the administration for working very quickly with her to work it out and to the librarians and folks at Clayton Library for being willing to sit down with her staff and talk about changes in scheduling to make sure there were no gaps in service. Council Member Ellis absent.

Council Member Berry stated that he received probably 150 to 200 emails from her group and that was truly democracy in action, that he learned more about the Clayton Library than he expected to. Council Member Ellis absent.

Council Member Robinson stated that he wanted to ask their group to lend their voice to the effort to help offset some of the other service reductions in other areas of the library. Council Member Ellis absent.

Ms. Linda Gibbs, 3202 Oakdale, Houston, Texas 77004 (713-218-5585) had reserved time to speak, but was not present when her name was called. Council Member Ellis absent.

Mr. Jose Perez, 12603 Woodforest, Houston, Texas 77020 (713-408-4477) appeared and stated that he was a volunteer with the soccer program for the Parks and Recreation Department and asked that they continue supporting the soccer program, that he was a volunteer for the past three years, both competitive and recreational level, that they had a very successful program at Melrose Park that really needed their support, that all they were trying to do was to keep their kids off of the streets and off of drugs and out of bad influence, that at the competitive level they had the Houstonians Soccer Club, which was a very recognized club in the Houston area, and also at the national level the kids out of the program were receiving scholarships to go to colleges around the State and to continue their education. Council Member Ellis absent.

Council Member Robinson stated that it was good that Mr. Perez was present because they had not heard that much about the Parks Department and the program service reductions, that he intended to offer an amendment tomorrow to try to put \$6 million back into the budget for Parks, Libraries and the Health Department and hoped the folks that supported the services in the Parks Department would let their voices be heard also. Council Member Ellis absent.

Council Member Galloway stated that she knew the soccer team was very active at Melrose Park and wanted him to know that they had already approved the renovation and construction of the parks and the lights, that she wanted him to know that she would be monitoring the situation because they needed to have the young people off of the streets and into a wholesome environment. Council Member Ellis absent.

Council Member Quan asked if he had been consulted regarding what the modification would be that had been proposed, and Mr. Perez stated that it was a very slow process and they knew it was a team involved already and the signing of the lights for the park and some other improvements, but he had not heard anything concrete, and Council Member Quan stated that what they had been told by the Parks Director was that that full season would continue, but the playoffs would be cut short by a couple of weeks, but that there would still be programs for children and so they were still committed to having programs and he did not know if Mr. Perez had been advised that the soccer league would be shortened or that problems would occur at the Park, was there anything concrete he had been told, and Mr. Perez stated no, that he was basically saying that it was a good program and please continue to support the program and all the renovations that were planned to continue and be completed as soon as possible. Council Member Ellis absent.

Ms. Pat Lasher, 2317 Mimosa, Houston, Texas 77019 (713-986-7101) appeared and stated that she was present on behalf of the Houston Public Library as a board member and former chair, that she was present for two reasons, that one was to urge them to continue their support, that they ask them, in this belt tightening time, to try as hard as they could not to cut the budget, that this was a time when their citizens were pulling in their belts as well, that for many parents that was the opportunity to go and get the books and the resources that would not otherwise be available, that they ask them not to cut hours or the budget, to keep what they could and what they had, that she knew they were tired of maybe seeing her come with her hand out, but it was their hand that was out and Council's, that the other thing was to tell them some good news, that they at the Houston Public Library Board were in the process of forming a new friends group, that Friends of the Julia Idelson Building, that she knew they would be glad to hear that, that it was a beautiful building that had been a cornerstone of their library system for a long time, that it was a jewel, much like an elderly lady, that needed a little polish and they intended to see that it happened, that they knew they had the support of the Friends of Clayton, the Friends of Houston Library, that this was the hundred anniversary of the hiring of Julia Idason as the head librarian and what they were hoping to do was to raise funds so that the building could be restored, they had the Norma Melvin Room, named after a Houston child who died of Scarlet Fever, the Texas Room, the Harriet Dixson Meddles Room, that they would like to see that funds were raised for that and would do what they could to raise them from the private sector, they would like to see that building restored to its former glory, that as they knew that building was built in 1927, that all

of their City Hall Complex was supposed to look like that building, but unfortunately the Depression intervened, and that was their new group that was being formed, that they knew they had some support from ladies readings clubs and asked for their support as well. Council Member Tatro absent.

Upon questions by Council Members, Ms. Lasher stated that it was important that the Julia Idason remained, it was the crown jewel of the library, that she could not imagine that the building would not remain a library building. Council Members Tatro and Alvarado absent.

Mr. Bob Craig, 3521 Westheimer, Houston, Texas 77027 (713-850-7474, ext. 105) appeared and stated that he was present representing the Dry Cleaning Industry, that he represented Craig's Cleaners and they had 12 stores and about 175 employees and their industry employed thousands of people in the City of Houston, that they were a lot of entry level people and also lower paid people, so their industry affected a lot of people in the community that needed jobs, that he was present because of the increase that was shown in the newspaper a couple of weeks ago where their industry was going to have a permit fee put on it with a 500% increase, that there were some other industries listed that had increases from 11% to a 100%, with an average increase of 77%, that the Cleaning Industry was going to have something proposed at a 500% increase, that he did not think that was fair, that he went back after his being present at Council and they gave him some homework to do, they asked what happened on an inspection and how long did they spend, well they had four plants and he contacted all of his managers at those plants and they have had the inspection fee since 1982, and the best they could remember was that they had two inspections in all that time and they lasted about 15 minutes, the inspectors would come in, look at their equipment, and look at their paperwork and then leave, that \$1,200 fee for doing something like this was outrageous, that they had an outside consultant come in from out of town who had a reputation of suggesting big fees around the Country, so it was advantageous for the Council to hire someone like this when they needed money, that \$1,200 to spend 12 minutes in a person's plant to inspect was not correct and he challenged that figure, that he was not sure that they had any input from their industry as to what should be inspected and how much time it should take. Council Members Tatro, Galloway and Alvarado absent.

Mayor Brown asked what did they do when they come in, what steps did they go through, and Mr. Craig stated that they come in to their cleaning department and look at their equipment, that maybe they were looking for leaks, that they then look at their paperwork, that he was not sure if the fee had not changed since 1982, that he did not have his records to see what they spent in 1982, that he thought it was improper for the City to put a fee on him of \$1,200 for the purpose of inspection and spending so little time and doing so little for himself or the industry or the community, that he saw no benefit that they had given the community from their inspections at his place, that he did not know how often they were supposed to inspect his plants, but would think yearly since it was a yearly inspection fee.

Council Member Wiseman stated that she asked for some information, that if they were charging a fee then obviously the City must be going out and conducting inspections, that she asked for copies of the inspection reports on the inspections that were conducted on Mr. Craigs plants, that she received from Health and Human Services a package, a blank form, and her question was if that meant they had not been conducting inspections or did that mean they wanted her to conduct the inspection herself. Council Members Galloway and Alvarado absent.

Council Member Wiseman moved to suspend the rules to hear from Ms. Gloria Moreno, Health and Human Services Department, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway and Alvarado absent. MOTION 2002-0651 ADOPTED.

Upon questions by Mayor Brown and Council Members, Ms. Moreno stated that she thought there was a misunderstanding on her request, that the department received the request

as to Council Member Wiseman wanting to know what was included in an inspection, that they would go ahead and look into the inspections, especially for Mr. Criag's establishments, that the plants were to be inspected every year, that TNRCC had been revising what they were looking for in their inspections from the Texas Natural Resource Conservation Commission, that what she had forwarded to Council Member Wiseman was a copy of a flowchart depending on the size of the plant, what they needed to inspect for, as well as the checklist of what were the items, that TNRCC had not really been communicating, which was what they were told when they went to talk to TNRCC as well, with the industry, to find out these were what some of the perimeters were that they were looking for, but in fact the department was responsible for going out and inspecting, in the past TNRCC would handle those inspections themselves, but that was one of the items within their contract with TNRCC for those inspections, and as a result, since TNRCC had been inspecting in the past, that was what was causing the increase to the fee because it was now something that the City was responsible for, in the past the City had not been responsible to the extent that TNRCC had, that she thought that was probably what would account for Mr. Craig stating that his facilities had not been inspected annually by the City, that what they were told when they went back to communicate was that TNRCC had been in the process of changing the rules since last August or September, that it was her understanding that the fee of \$200 was in effect since 1992, that when Maximus did the study, she thought they looked at it with the intention of the City taking over and doing the inspections to the degree that they were being held to by the TNRCC under their contract, that it was her understanding that they estimated what the time would be, that when they looked at the range if they had one to five employees it was \$150, six to ten employees it was \$500, but if it was over eleven or more employees it jumped to \$1,200 and that was because basically when they went out to inspect a plant the volume of air pollutants coming from the plant would increase depending on the number of employees they had working at that plant, that they were in the process of complying with TNRCC's State code, and she could give them the citation to their flow chart of what the needs were, that there would be inspectors from their Air Quality Division who participate and do inspections of the cleaners, that the City was under contract through TNRCC for air quality inspections and they were basically the first line of inspectors for air quality issues, that again, dry cleaning was a separate entity, that in the past it had been TNRCC who was responsible, that Mr. Craig saying that he had been inspected only twice in twenty years was not acceptable to the Health Department, she thought they had enough of a relationship to go back to TNRCC to say they wanted to get copies of all the inspections done by TNRCC at Mr. Criag's establishments, however for their particular inspections they were responsible for what happens through their inspectors, that currently they reimburse the City for the number of inspections the City does as well as for any follow up regarding those inspections on air quality issues, that once the City issues notice of violations if the establishments do not remedy their notice of violations, after receiving three they send it to TNRCC and TNRCC is then responsible for going to court and going further, that for the dry cleaners when they notice violations based on what they were checking for on the checklist that the Council Members had in front of them, then they issue the NOV's based on the checklist. Council Member Alvarado absent.

Council Member Edwards stated that she would like to see the inspection records for Craig's Cleaners, that she would like to see TNRCC's 20 year record of Craig Cleaners in Houston, Texas and Ms. Moreno stated that they would put the request in, that she would call her with the answer as to when it would be available. Council Member Alvarado absent.

Council Member Robinson stated that he would like to know what was the determining factor if they were doing cost recovery and they had dry cleaners with one to five employees and currently charged \$75 and they say that the City's actual cost was \$1,267.13 and they were only going to recover \$150, so he wanted to know what the substantive demarcation point was for why they would only recover \$150, and for dry cleaners with six to ten, why they would only recover \$500 and why they would only recover the \$1,200 on dry cleaners with eleven or more employees, that he would also be interested in how many dry cleaners were there in the city and how many had one to five, six to ten and how many had eleven or more and Council Member

Quan stated that it was on the chart that was as to the breakdown of expenses. Council Member Vasquez, Alvarado and Parker absent.

Upon further questions by Council Members, Mr. Moreno stated that the TNRCC had done inspection of all plants up until last September and then they were in the process of doing a transfer to have the City take over regarding the inspections, that the City had not taken it up yet, that she knew that they had an exiting number of health inspectors in their Air Quality Bureau of which this would be an additional responsibility for the existing inspectors, that she was assuming that it would be mandated that the City would be picking up the inspections once a year, that it was still being discussed who would be determining that. Council Member Vasquez, Alvarado and Parker absent.

Council Member Berry asked Mr. Craig if he would be amenable to calling some of his friends in other cities who ran dry cleaners and let him know what the other major cities in the Country and other large cities in the State paid in dry cleaning permits so they would get some sort of standard and Mr. Craig stated that he would be glad to, and Council Member Berry stated that he had looked at the Maximus study and they did tell how they arrived at how much it cost to do each of those inspections. Council Member Vasquez absent.

Upon further questions by Council Members, Ms. Moreno stated that they knew what they were inspecting based on what TNRCC had indicated as to what they needed to inspect and that was what was listed on the checklist, that under their existing contract with TNRCC, when they do air quality inspections they get reimbursed for any air quality issue that they handle, that for dry cleaning it was a separate situation, that she was talking on air quality overall, when they had people complaining about companies that were emitting air pollution, etc. Council Members Keller, Vasquez and Quan absent.

Mrs. Jean Warnke, 4603 Fox Hollow Blvd., Spring, Texas 77389 (281-288-2144) appeared and stated that she was the Executive Director of the Greater Houston Cleaners and Laundry's Association, a position she had held since 1971, that dry cleaners were some of the smallest of the small entrepreneurs yet since 1981 they had become some of the most regulated business people in the community and the Country, that they were appalled when they read in the Houston Chronicle, on the 22nd of May that Mayor Brown had proposed increasing the inspection fees for dry cleaners from \$200 to \$1,200, that the fee was originally levied to cover inspections by the City because they were classified as hazardous waste generators, that at that at the time it was originated their association worked very closely with the Health Department to establish a reasonable fee based on the time they felt it would be required to make one inspection annually of perhaps 15 and 45 minutes, that unless the City was now paying wages equally \$1,600 per hour for inspectors, the fee was totally out of line and certainly was not justified when compared to the other proposed increases, that she was surprised during the meeting last week when Bob Craig addressed them that Council Member Goldberg took time to compute what it would cost Mr. Craig to pay the increase based on his volume, that they might remember that Mr. Craig stated that he was high quality, high service and high priced, that she submitted that Mr. Craig was in the one percentile of the industry, that the national average of sales for a dry cleaner was approximately \$175,000 based on prices from \$5.50 to \$6.00 per full garment, that it was \$6.00 per garment and that equated to 291,666 garments, however they were talking national average, not Houston, that Houston had a very depressed dry cleaning market due to an over saturated market in discount cleaners, a professional cleaner must now operate on a very small margin of profit in order to maintain market share, and she was talking around 5% on his investment, that there were other listed businesses facing proposed fee increases of approximately 11.25% to 100%, the proposed increase for dry cleaners represented 500% increase, that it was a feeling of her constituency that they had been unfairly targeted for unreasonable fees because they were numerous and highly visible, they were being fee'd, licensed, permitted and taxed out of business by the government, on the City level there was a boiler permit, boiler operator license, sign permit, alarm permit, trash container, fire permit, fire prevention permit, occupancy permit, hazardous waste generator license and last but not least the City inspection fee, there was

school tax, City tax, County tax, income tax, social security tax, ad valorem tax, unemployment tax, workers compensation tax, Metro tax, franchise tax, corporate tax, sales tax and now they were being looked at by the TNRCC as a possible source of another \$225 to add to their administrative fee for them to pay an air permit, that dry cleaners could qualify for a permit by rule which in itself said that they did not impact the ambient air, but they needed operating money and they too looked for an easy target, but that was another fight on another level, that they believed it was time for the City to concentrate on cutting spending and waste and collecting unpaid fees, licenses and permits rather than penalizing those businesses that were already on the radar screen, that surely with the increased health issues they faced today it was still vital to the health of their citizens, however if government continues to reach into the pockets of dry cleaners to fund their bureaucracy's she would soon have to advise her members to seek employment with the City, State or federal government, turn over the keys to their business to the government who would find it a very difficult and labor intensive business, that maybe if the business survives a small check could be given back to the entrepreneur who started and nurtured it with his blood, sweat and tears, that she implored them to reject this unconscionable fee increase and not let it become a reality, that the average dry cleaner could not afford it. Council Members Keller, Vasquez, Alvarado, Quan and Berry absent.

Mr. David Singleton, 12018 Briar Forest, Houston, Texas 77077 (713-402-3853) appeared and stated that previously he had spoken on behalf of the master plan for the library, that he had requested that the Council vote for that library plan but as the President of the Clayton Library Friends, a 1,500 member organization, and his commitment to them, as the leader of the volunteers, that he would continue to enhance their effort when they put money into, that they would enhance by getting money into their library and they would do it with volunteer hours, that they were disturbed to hear the original proposal to cut back the hours of Clayton Library, that he had the opportunity to hear Mr. Oliver Spellman speak the other day and he was talking about advocacy and he said that it needed to be well directed and well respected, that he hoped that the emails, letters and communications that they had received had been in that vein, if there had been any that had not been then he apologized for them right now, that it had been their intention to work through the system, that they had the luxury of being able to visit with many of them and specifically when Council Member Parker gave them some advice and gave them some homework to do which they did, that his request was if the hours were going to be restored back to Clayton Library like they felt there would be some extra money that was involved and hoped that they would vote for that, that they had started a massive volunteer effort for the Clayton Library that would involve a significant number of people, they had met with the director of their library to put in position hours, possibly even up to five people a day to help in the two buildings they had, they had given \$1.6 million to the Clayton Library in monies since they were founded in 1987 and hoped to do \$150,000 this year, that the Mayor created what he believed a great first step in the world class Houston Public Library System with the Power Card, that he did work in the prison system from time to time and it was his hope that in ten years or even five years from now when he was in there he would not find a single inmate that had been issued a Power Card as a youngster, he sincerely hoped that, that if they would continue to support their library and their library system with their money, they would continue to support it with their hours and their time writing grants and raising money on their own. Council Members Edwards, Keller, Vasquez, Alvarado, Quan and Berry absent.

Council Member Parker stated that she wanted to thank him and his organization because when they met it was not just their coming in and saying they had to restore the funding and hours, it was lets explore some ideas, if money was not available there may be some alternatives and they came up and offered a volunteer plan and they were able to use that volunteer plan but also figure out a way to restore some of the money, that the best thing about their interaction was that they came with some ideas and not just that the Council had to do something. Council Members Edwards, Vasquez, Alvarado, Quan, Berry and Robinson absent.

Ms. Earlene Bradford, 2923 Trail Lake Dr., Houston, Texas 77045 (713-371-1119) appeared and stated that she was employed by the City of Houston Public Works and

Engineering Department, Utility Customer Service, that she saw that Council was planning to increase their fees for insurance, that they had not had a raise for three years being that the City was absorbing the cost of their insurance and she did not see where they were getting a raise but the cost of their health care was going to be increase and that was her reason for asking Council not to vote for that increase. Council Members Edwards, Vasquez, Alvarado, Quan, Berry and Robinson absent.

Mr. Munday Olford, 4008 Dogwood Dr., Pearland, Texas 77584 (281-489-3626) appeared and stated that he was employed with the City of Houston also in the Fire Department for the last 11 years and grew up in the City of Houston, that it did not make for them to have to go through this, that he had a family and three kids and one of his kids had Cerebral Palsy, that it was very important for him and his family, and his wife was also a police officer in Houston, for this not to be increased upon them, that it was not fair because he had not had a raise also and to have to deal with the increase and have a decrease in benefits, if they did not have anyone in their family that was ill and did not have to go back and forth to the doctor they would not understand his position, that he was asking the City Council and the Mayor not to increase the co-pay because it was not fair to them. Council Members Vasquez, Alvarado, Quan and Robinson absent.

Council Member Sekula-Rodriguez stated that with the increases they were trying to position themselves so they would have a better advantage when they went back to the negotiating table in two years, plus take the savings and funnel them back to the employees in the form of a raise around 3% to 3.5%, that it was painful but at least it would come back to them. Council Members Vasquez, Alvarado, Quan and Robinson absent.

Ms. Gayle Workman, 9700 Glenfield, Houston, Texas 77096-3837 (713-723-8853) appeared and stated that she was present on behalf of Clayton Library, that she had been in Houston for 25 years and was ready to leave until she found Clayton Library, that a City without a library was not a City, they needed a place to go to do researching, if none of them had ever been to Clayton Library, go, but go by themselves, do not take a crowd with them, because they would detract from the specialty of the library, that this library was founded with a lot of hard work by pioneers, that they had been noted throughout the world as one of the libraries for genealogical researching and if they did not believe her to contract Readers Digest, that they wrote them up in November of 1997 and told about it, that people that went to Salt Lake City come back here and say why did they go there they should have stayed in Houston, they had supporters to the library and libraries should never be considered when it came to cutting a budget, because if they did not have a library and schools were being apprehended in some degrees with their books and that, where were those people supposed to go but to a library to do their researching and if none of them had ever sent any of their employees to a library to do some special researching then they were not doing their job, because they had to do it from time to time and she had known very prestigious people in her lifetime that had gone to public libraries to do their researching and also to genealogical libraries, so please keep the hours that they had at Clayton Library right now, they were bringing a lot of revenue into the City, whether they realized it or not, that people who came in to do research stayed at hotels and had meals, they did not come in for one day, some come in for one week, that it was not a checking out library, it was not a drive by library, that Clayton Library should be retained without any consideration of tax cut at any time, that there were other ways of getting around staffing that library and if they wanted to know to contact her, they had her email and she could give them a very good floor plan on it. Council Members Goldberg, Alvarado and Quan absent.

Ms. Dorothy Carroll, 958 Buoy, Houston, Texas (281-488-6636) appeared and stated that she lived in Clear Lake City, that she was not unaware of budget restraints, that she appreciated the job they had to do, however, the City of Houston had a world class genealogical research facility, which was ranked among the top five of their Nation, that Clayton Library annually draws about 72,000 people, many of whom were from out of town, that these people in turn spend money in goods and services, that if they took two of the nights away from the folks who come in from out of town they would lose a lot of their incentive to come and stay in Houston because

they really need the three intensive days of research to make their trip worthwhile, that they did not circulate their books and could not even send anything out on an interlibrary loan, so do not cut their hours, that her first experience at Clayton Library was in May of 1968, they had a fantastic collection then, but now how that collection had grown, that if any of them were out at the Clayton Library when it was just a house it was just a tiny collection compared to what they had now and they had a nice group of folks who really worked hard and were really concerned and now it had grown up to 1,500 Clayton Library Friends who worked hard, that even a lot of other people, like Exxon, made regular very generous donations and they had helped to build their collection, that rather than cut the services, operating hours or the staff she asked that they please take the cover off of Houston's best keep secret. Council Members Vasquez, Alvarado and Quan absent.

Ms. Fay Stanley, 6810 Flamingo Dr., Houston, Texas 77087 (713-525-9838) appeared and stated that she was again present on behalf of the City of Houston concerning their health care plan and their pay raise, they as City employees had never had a chance to have any say so in anything that was done, as a matter of fact they had never been asked what they really wanted and they thank Council Member Robinson for giving them the opportunity and for having this door to open up for them, they had noticed that last week the Council had tagged the item and were glad they had the opportunity to come back and voice their concern, that the majority of employees that had been calling the Council Members, did not want anything to change in the health plan, that the average person with the salary they made could not afford to have any increases, they would like the City employees to be the first on the agenda before they started making any decisions as far as which way the budget was going to go, they had never come before City Council they had always accepted what ever they had made arrangements for them to have, the City employees as far as insurance they wanted to have a choice, they did not have a choice as far as who they wanted to use, that a lot of them say they had to wait as much as a month, they wanted a choice as far as the health care providers that they could use, that they appreciated the beautification, the Olympics was coming to Houston, but they wanted to be able to have some of that money to go towards their trying to make a decent living for their families, that she appreciated some of the City employees who were present today, that they had some others present to let them know how much it meant to them, that they as City employees had faith in the City Council, that they had always had been in the background of the Fire and Police Department and thanked GOD for them, but they had people who put their lives on the line ever day as well and give just as good service to the City of Houston, that they could look at her paycheck and tell that she could not afford another deduction, that there were over \$400 worth of deductions, that there were some City employees who had not gotten a raise in many years and with the pay increase the only way that they would get ever more on their check was to have the increase and a lot of them worked very hard out of their job classification and had not been compensated for it. Council Members Vasquez, Alvarado and Quan absent.

After further discussion, Council Member Robinson stated that he wanted to make the observation that these changes guaranteed nothing in terms of the deal they would strike two years from now, they would just guarantee that they lowered the benefit package, increased the cost and the co-payments, mid-course correction or not, they did not do anything for them two years out and if the argument was that the employees were over utilizing then nobody was going to want them, somebody was going to want to deal with this entity because they had 27,000 something employees and had money to buy insurance or there were other options, that most private companies now were moving to a defined contribution program, that there would be somebody who would want to work with them at the end of two years. Mayor Brown, Council Members Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Steve Lufburrow, 5200 Jensen, Houston, Texas 77026 (713-699-6332) appeared and stated that he was President and CEO of Goodwill Industries of Houston, that it was a tough time for the City and he recognized that, they had a lot of budget issues that they were dealing with every day and knew that was not a lot of fun, that he did understand how difficult the decisions they had before them, that Goodwill Industries had worked with the City of Houston as a

contractor for the Parks and Recreation Department and for the Janitorial Services since 1984 and they had been very proud of that partnership and thanks to the City they had been especially pleased that they had been able to provide opportunities through jobs in training to people with disabilities and other barriers in the City, they were honored when the Mayor and the City Council in the 1990's said they were the largest employer of people with disabilities in the City of Houston, that as a CEO he too was involved with budgets and the decisions that were difficult and that affected employees and in fact that was why he was present, that they had enjoyed their association with the City of Houston because in the past once they had signed a contract together he could then make budget decisions at Goodwill based on that contract and he had always been able to bank on that contract, he had purchased capital equipment to maintain the contract based on the contract and had hired employees to work on the contract based on the contract, that the contract was a binding agreement between two or more parties and a binding agreement was what they had yet last year the City renewed contracts that Goodwill performed for years, and then two months after signing it began reducing the major profitable pieces out of that contract which led to a mutual decision by Goodwill and the City of Houston to end the contract, that as a result of the City's cuts on those contracts, 25 people were laid off, 19 of those had disabilities and fortunately with the City's help and to their credit, because of many meetings, they were able to have a majority of those employees rehired by the new contractor that they engaged, that this year their binding agreement had been in effect since April 2001 and another contract with option years up to 2006, but last year they received a fax from the City that the contract was going to be cut again and then yesterday he received a fax from the City telling him that they were only going to reduce the contract, that here they go, he had been there before, that this was no way to build a relationship with a long time trusted contractor, how did they trust a binding contract with the City of Houston if they could add, delete or cancel at any time, he was very frustrated, that last week they received confirmation that the City had accepted their price on additional lawn services for HPD and now he was really confused, they wanted their services on one hand but on the other they were willing to cut or reduce current contracts that they had existing since the 1980's, that he understood that the contract that they signed with the City was very one sided in the verbiage which allowed the City to add or delete at any time, but the fact of the matter was that it was not easy to depend on the City when people's jobs were at stake, that Goodwill trained people, put people to work, who a lot of people in the community did not want to employ, they gave them opportunities and training and they did it through the City services, that the good part was that they hoped to continue their positive relationship with the City of Houston but felt compelled to publicly talk about it because the phone calls and the letters sometimes did not work, and in closing he hoped that Council would make the right choice for the City, whatever that was, that Goodwill was very proud of the partnership that they shared with the City of Houston and looked forward to the relationship continuing today and well into the future. Mayor Brown, Council Members Edwards, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Quan stated they appreciated all of the good work they did at Goodwill Industries and taking people who had such a difficult time finding a job and training them and employing them, that it was not a easy decision to cut back on the Parks contract. Mayor Brown, Council Members Edwards, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Sekula-Rodriguez, Mr. Lufburrow stated that consistency would be wonderful, but what he was requesting was just a re-look, that they took a major hit last year as a result of the contract that was pulled out, basically, from under them in December, that the contract they had now was about \$168,000 per year and basically what had happened was that they were asked to go back with a reduction from the City, which they were ready to do to reduce, but along with that the City came in and said they wanted to re-look at the specifications which would mean it would come to a 44% decrease on a contract which was about \$73,000 and made it not cost effective for them to continue to do, that they used the money to hire and employ people and pay benefits, that they did pay benefits as well from health insurance to retirement. Mayor Brown, Council Members Edwards, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Sekula-Rodriguez, Mr. Scheps stated that everything was negotiable, the Parks Department Director was given a target to meet and that was how he had chosen to meet it, so anything could be talked about within that target. Mayor Brown, Council Members Edwards, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Dr. William Gray, 5425 Polk Ave., Houston, Texas 77023 (713-767-3471) appeared and stated that he was current chairman of the Dental Health Task Force of the Greater Houston Metropolitan area and stated that he had a handout for City Council Members, and on the third page was an informational sheet on their dental task force, participating agencies and organizations, that he was present to testify on behalf of the dental task force regarding the dental needs of the children in the greater Houston area, that the Surgeon General had stated that dental carries was the single most common chronic childhood disease, five times more common than asthma and seven times more common than hay fever, that recently the University of Texas Dental Branch at Houston, with major support from the Dental Health Task Force and funded through the Texas Department of Health Tobacco Innovative Grant Fund Program, finished a two year research project on children's oral health in seven counties in their Public Health Region Six area, that in the study over 2,800 children were screened, Pre-K, Second, Seventh and Tenth graders, and nine school districts participated, that again out of the seven counties participating it included Harris County, there were basically three components to the data collection, there was a detailed epidemic logic study of dental disease, then there was an interview and questionnaire for the seventh and tenth graders who participated on how oral health impacted their daily lives and their daily performance, that as they might expect with teenagers poor nutritional and oral hygiene habits, evident in their population, possibly contributed to the progression of dental disease that was found, that there was also an in depth manpower analysis of the existing public health dental service delivery system within the Public Health Region Six with particular emphasis on the Greater Houston Metropolitan area, that back on the dental disease epidemic logic it was found that 52.4% of the pre-kindergarten children were found to have untreated decay, 45.9% of the second grade children were found to have untreated decay, that was one out of two, that also particularly important for the Houston area, the Hispanic children experienced more decay than either non-Hispanic White or non-Hispanic Black children, that consequently they knew that dental decay was alive and well in the greater Houston area, that regarding the manpower analysis, public health dental clinics in Harris County were distributed as they should be along the lines of low income populations, but there were many gaps in coverage, that current dental clinics were under funded and some had closed due to lack of operational funds and insufficient salaries to attract and retain dental professional staff persons, that in the City there were currently four City Dental Clinics that were functioning and historically there had been eight, so the conclusion was that City Dental Clinics did provide a valuable safety net for the most disadvantaged children since there were very few other alternatives to treatment, that where dentistry was concerned primary care was secondary to prevention, the City Dental Clinics were providing both primary and secondary prevention and the data collected from their Tobacco Innovative Grant Study lead the Dental Health Task Force to strongly support continuation and or expansion of the Dental Clinic activities. Mayor Brown, Council Members Goldberg, Keller and Berry absent.

Mayor Pro Tem Quan stated that he believed that Council was certainly receptive to restoring services that were originally slated to be reduced at the Health Department and knew that the dental area was one of concern. Mayor Brown, Council Members Goldberg, Keller and Berry absent.

Upon questions by Council Members, Dr. Gray stated that he was simply present because he was worried that services were going to be cut. Mayor Brown, Council Members Goldberg, Keller and Berry absent.

Ms. Barbara McCormick, 12119 Boheme, Houston, Texas 77024 (713-869-7740) appeared and stated that she was present to address them about the health care needs of Houston's

children and reviewed a handout that she presented to the Council Members and stated that 39% of the children that sought dental treatment were denied over the past few years and they had closed, as Dr. Gray said, those clinics, that she wanted to thank them for their immediate response to those kind of health needs of their children, that they urged them and appreciated the efforts to restore some dollars, the \$1.5 million, and urged them to target those to child, maternal, dental, immunization, prenatal care services and urged them to replace the essential staff that had been lost over the last few years and urged them to beware of looking at current level of services that could well be 2002 that reflected the heavy cuts of position control in 2002 and urged them to go back to the adopted budget levels of 2002 and aim for those numbers, they wanted them to also insure that extended hours did not mean empty clinics, like the had in the neighborhoods now, they had to increase the staff that had been lost, they had to replace them and had to insure that they had medical supplies, that if they looked at the budget for dental supplies they would see a huge cut, that it was all essential. Mayor Brown, Council Members Tatro, Goldberg and Alvarado absent.

Upon questions by Council Members, Ms. McCormick stated that she really appreciated the City's responsiveness and their willingness to understand that the City did have a responsible role in whatever future plan they came up for health services, that if Council could get her a couple of million dollars more they needed it for health services for the kids in the community. Mayor Brown, Council Members Tatro, Goldberg, Wiseman and Alvarado absent.

Ms. Joycelyn Forsythe, 5619 Lynd Hurst Dr., Houston, Texas 77033 (713-738-9335) appeared and stated that she was currently an employee of the City of Houston, in the records division at the Houston Police Department and although they were with the Houston Police Department they did not get the raises that the policemen did, that she was present as an ERC representative on behalf of her fellow employees and herself to say that they really needed a raise, that as anybody knew they could not get rich in Civil Service, but most of them worked in Civil Service because they liked the work, they loved their jobs and loved what they did and they did it well, but they were finding it harder and harder to make ends meet on what they were paid, for example, every two weeks gross she made \$707 and after taxes and deductions she got approximately \$520, she had to save that entire check plus half of the other check to pay the rent and that left her with a balance to pay living expenses, food, transportation, parking, medicine, etc., that a lot of her fellow employees had second jobs, because they needed the second job in order to live, that a lot of them go to their second jobs and got in trouble at work because they were tired and they still had to do another whole eight hour shift, that a lot of them were well over the age of 30 and that brought to mind that in the last three weeks she tried to find an apartment, it was the most embarrassing and upsetting thing she ever had to do in Houston, that because of the three and a half times the rent she could not even afford to get an apartment that only cost \$550 per month, they told her she did not make enough money, that she went to other apartments and it was the same thing, that there was not very much that she could do in trying to find a decent place to live on what she made, that they were not being greedy, they did not need the money to buy cars or fancy clothes. Mayor Brown, Council Members Tatro, Vasquez and Alvarado absent.

Upon questions by Council Members, Ms. Forsythe stated that she spent six years in the military and worked for the City of Lafayette for five years in the Police Department and worked for the Federal Insurance Corporation, FDIC, and all her life she had worked in government because she really liked it, but this was the lowest pay she ever received for doing the same work, that she had worked for City of Houston approximately two years, that in the City of Lafayette, Louisiana, she made ten years ago a starting salary, what she made now. Mayor Brown and Council Member Tatro absent.

Ms. Annie Fabio, 2802 Conway, Houston, Texas 77025 (713-661-5725) appeared and stated that was present to urge their continue support for the Youth Sports Program and to ask if there was any possible if they could allocate more dollars and more employees to help, that she wanted to give them an understanding of what the City did now and to tell them how very

important it was for the kids to have the support they now gave them, that she did not think many of them really recognized how really important it was for the kids, that the City allocated field space for the program, they allocated vans to pick up some of the children, she did not think the City owned the vans, she thought the dollars were actually donated, but there were two vans that employee's of the City, she understood, drove, they pick up the children and bring them to the fields, those kids would not otherwise have rides to the fields to practice, these were programs that kept the kids off of the streets and offered opportunities that were bigger than these kids would otherwise have, that her children competed at a level that was the highest level they could compete, and was specifically referring to the Soccer Program and the kids in the program were primarily inner city kids, she was actually speaking for their parents, because they could not be present, that these children were given an opportunity to compete and had to work hard for the opportunity and had to find rides if the vans could not pick them up for whatever reason, but what happened was that these kids competed against other teams within the City in the eastern district and these were great kids and worked hard, they competed against other kids who were well funded and if they did not have the City support to practice on, to get them to the games by the vans they would not get there, that when the kids competed it was very competitive and very difficult for them and they did not have a lot of parental support like the other kids did, they were given an opportunity that they otherwise would not have, that she thought they did not understand how important the program was. Mayor Brown and Council Members Tatro and Wiseman absent.

Mayor Pro Tem Quan stated that he thought they did appreciate how important the program was, that as they had gone through the budget they had been cognizant of where they needed to cut, but trying not to cut that effected youth sports, so they were going to see what they were going to do with some of the monies that they had now been able to locate. Mayor Brown and Council Members Tatro and Vasquez absent.

Upon questions by Council Members, Ms. Fabio stated that she thought if there were cuts then the cuts would be in allocation of employees and field space and in then the program would go away, that she did not know, and Mayor Pro Tem Quan stated that they were not cutting that program out and were looking to restore monies as well, and Ms. Fabio stated that if there were means of finding more fields they could really use the fields.

Ms. Emilie Booth, 2721 Cason, Houston, Texas 77005 (281-250-7464) appeared and stated that she had a son who played on the Houstonians Soccer Program, that she was present, as Ms. Fabio was, as a representative for the number of parents who had blue collar jobs and could not take off in the middle of the day to be present, nor was their English good enough to be present to speak nor were they comfortable with doing that, that she was asked to speak a little bit about what the program had meant to her child, that her child probably could play any where that he wanted in the City, one of the things that was important to differentiate between the Houstonian Program and the City programs were that most of the programs were run by clubs and it cost money to belong, it cost money for the trainers and a number of things, that this program was unique in that it cut across racial and ethnic lines and the great equalizer was the sport itself and so consequently it did not matter how much money their parents could afford to pay, they were allowed to participate if they could play at that level, there were children that she knew had really been given up on in other programs, but through this program were able to go to college and become good citizens, that these were children that were really taken off of the streets that probably would not have an opportunity to play in other youth sports, not just soccer, if it were not for this, that she was present to plead the case of the Parks program and to ask their support.

Council Member Robinson moved to close the hearing on the budget, seconded by Council Member Edwards. All voting aye. Nays none. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0652 ADOPTED.

At 3:56 p.m. Mayor Pro Tem Quan stated they would move to the public session and asked the City Secretary to call the list of speakers.

Mr. John Francis Burke, 9267 Rockhurst Drive, Houston, Texas 77080 (713-203-9651) had reserved time to speak, but was not present when his name was called.

Council Member Robinson moved to suspend the rules to hear Mr. Franklin Olson, Reverend Pedro Cantu, Ms. Adrina Cadena and Mr. John Orgen out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0653 ADOPTED.

Mr. Franklin Olson, 201 Vander Pool No. 113, Houston, Texas 77024 (713-7465-0043) appeared and stated that he was with the Metropolitan Organization and also Memorial Drive United Methodist Church, that for over twenty years churches in the Spring Branch Memorial community had been addressing the needs of the less fortunate through food banks, clothing drives, educational assistance and emergency assistance, that it had been done without regard for race, ethnicity or documentation status, that it had resulted in the lives of thousands of people being positively impacted, in the past six months some of the churches through the Metropolitan Organization had been working with the police department and other community organizations, including unions, to help men and women in the northwest part of Houston, particularly Spring Branch, develop a workers center and hiring hall, with over 60% of Spring Branch being Hispanic and with that number growing daily TMO recognized that they could not continue to live in denial with a double standard for dealing with the workers, the problem was such that private funding could no longer adequately address the situation as they had done in the past, that with over 200 to 300 men congregating on street corners on a daily basis in the Spring Branch area it was becoming a more critical issue, they could not just feed those men and women and give them emergency assistance, they must do more than that, they were persons for the most part who provided for themselves and their families if given the tools to do so, that was why they proposed the creation of a workers center where persons could go that was safe for both workers and employers, not only to make contact with employers, but to inquire new skills and to find out about their rights and responsibilities as workers, they urge the City Council to keep the CDBG funds of \$100,000 that had been proposed in the budget for the Spring Branch area as well as the \$100,000 for the Chimney Rock location for the creation of a workers center in the northwest Houston area and if the City Council deemed that it was not the best place for the center, they encourage Council to use the funds in another part of the City, that regardless of what happens with the vote, those of them in TMO and the churches in the Spring Branch community challenge those leaders in the community to find a solution to the problem, that it was not going away, they were going to have to continue to deal with the problem. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Members, Mr. Olson stated that they had discussed several alternative sites, one on Hempstead Highway and one in the Tanner and Gessner Road area and he was not sure what Council Member Tatro's position was on that, that they did have proposed areas and proposed locations that they felt would be adequate and were near where the workers were congregating, that they did have church support and some community support, that obviously they did have others in the community that did not support it and they recognized that, that they chose the Spring Branch area because they were approached by the police department in the area because they had a lot of problems with the men on the street and complaints from the community and they also had an active group of churches in the community that could network with other churches and other organizations and they went to the three super neighborhoods in the area about it and talked to citizens in the area so they recognized that there was a problem there and they also recognized that there were probably some folks that would not want it to be there, that they tried to do their homework and visit with as many people as Council Member Tatro gave them, people who would be interested one way or another, that

Reverend Pedro Cantu, 1131 Witt Road, Houston, Texas 77055 (713-932-1777) appeared and stated through an interpreter that he was a pastor in a church in Spring Branch and they had been working for 12 years in the area and they were compromised to help the Hispanic people in the Spring Brach area specifically and they were supporting Mr. Olson in everything he stated and they were very glad to invest money and time to this but they wanted a firm commitment from the City to help all of the Hispanic people and all the groups in the streets, that he and Pastor Fidel Garcia were working together with other pastors in the area, but they wanted to know who represented them in the Spring Branch area to see if they could count on their support also, that they would like to meet with them personally because they still did not know them, he wanted to know who was their representative for the Spring Branch area. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that the representative for the Spring Branch area was Council Member Tatro who was not present at this time. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that Council Member Tatro was their representative but was not present at this time and asked what in his opinion why was the center so important to the workers and the Hispanic Community in this particular area, and Reverend Cantu stated that he considered that there should be a minimum of three centers that they should open, that there was one in the area of Long Point and Witt, one in the Hollister area and one in the Gessner and Tanner area, that there were about 150 to 200 people daily looking for work and they wanted to help them, that it had been a blessing and an honor to help them but they felt it was important for the City to also support them. Mayor Brown, Council Members Tatro, Galloway, Edwards, Wiseman, Vasquez and Sekula-Rodriguez absent. Mayor Pro Tem Quan presiding.

Reverend Fidel Garcia, 8564 Risen, Houston, Texas 77080 (713-939-1664) appeared and stated through an interpreter that he had also been a pastor for 12 years and was in charge of 10 churches that he represented and thanked GOD because he was in that area and in working in that area he was not just looking at the four walls of the church but also his eyes were looking outside where there was so much need and this was their opportunity to ask the City for the collaboration to help those people, that they see them every day in the streets. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Adrina Cadena, 2506 Sutherland, Houston, Texas 77023 (281-380-2753) appeared and stated that she represented the Service Employees International Union and was present on behalf of organized labor once again to thank them and show support for the City that they were for refunding of the GANO Day Labor Site as well as for a second center, that although the area that they saw was in most need was the Spring Branch area they did feel that there needed to be a second center where it was not just a day labor site but also a place where workers could be dispatched for work, receive training, ESL classes, GED and so forth and they would like to show that there was a tremendous support from organized labor in the City for such a center. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Orgen, 12568 Memorial Dr., Houston, Texas 77024 (713-851-4388) appeared and stated that he was also with the Metropolitan Organization, TMO, and a member of Chapelwood United Methodist Church, that in listening to their speakers they had enthusiasm as they could tell and his job was to sum up what they had said so forth, that they had attempted to come at the day labor center issues obviously from a Spring Branch perspective because that was where they were from and they had spent most of the last year meeting with people, surveying the workers on the corner, getting to understand the issue more and so they came from that perspective, they were convinced that it was a serious and growing problem, that they had a

large and growing immigrant community and the problem was simply not going to go away, so they were committed to continue to work on it and work until they got some things resolved in Spring Branch, that they would continue to work with Council Member Tatro and would bring the issues to his attention and appreciated the support of the other Council Members in listening to them and helping them with ideas and would continue to work until they had a start on a satisfactory solution there, however they also recognized that day labor sites were not a purely Spring Branch issue, they were a citywide issue and they were delighted to see the City Council taking a broad view of it and looking at ways of addressing the overall problem in the City, that they certainly supported the Oscar Romero Center and the continued funding of it, that it was a wonderful template for all of them to look at how the situation could be improved and they saluted them for supporting and funding that center, that they did support the idea very much of continuing the process and supporting a second center this year and so they encouraged them to leave the money in the budget, that they would work with them to address a center and would be happy to work on other centers, that the main thing that they needed, where ever they went, was first of all a solid basis identifying the need, knowing that they had numbers of people on the corners each day, so they were addressing a significant population, then have to find an appropriate building and finding the resources and by that he meant the community support and the volunteers who were willing to help work and make one of the centers go, so they certainly asked for their continued support. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she had numbers from HPD and the Mayor's office that indicated where an alternative site might be so she wanted to continue to work with them to make sure they were putting the center where it was most needed and where it would be easier for the people to get to. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Joe Rubio, 2900 Louisiana Street, Houston, Texas 77002 (713-874-6657) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg moved to suspend the rules to hear Mr. Robert Silvers out of order, seconded by Council Member Keller. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT) (Note: as no quorum was present no vote was recorded)

Mr. Robert Silvers, P. O. Box 22735, Houston, Texas 77227 (713-520-5566) appeared and stated that he had been trying to get something done in Lamar Terrace, the first TIRZ in Houston, for the last years, which he thought spent some of their money that should be used other places, that they created the district and before they created the district they had to prove to Council that the infrastructure was deteriorated beyond use, they raised bonds and built new sewer lines, they still had more old homes in the area, rent homes, maybe three homesteads and the City would not make those homes connect onto the new sewer lines so they now had two sewer systems in Lamar Terrace, a new system and the old deteriorated system which meant any time the people who rent the houses had a backup problem they had to call the City, that he knew for a fact that they had used the television cameras and knew the ones were deteriorated, they could not slip line, that meant that at every individual call they got they had to send a crew out there to dig up the line, repair it at that spot and go on and he knew it cost a lot more than \$50, that the point was that it was just pure common sense to go in there and cut off the old line and have those homes connect onto the new line, that he felt that the district could afford to pay for the homesteaders who were out there, and he did not think there were more than three older people and connect their lines, that they would not do it for an apartment building so they should not be doing it for a rent house, which went back to his argument with Lamar Terrace and

creating the district in the first place, that one of the things that he was told why they were doing it was that under the State Law they had the right to eminent domain, which City Council's ten years back had not done anything about it, that downtown they could condemn a man's commercial business that he had for thirty-five years for a basketball stadium, that most men spend more time at their business than they do at home, that they take that away to build a parking lot but they could not take away a rent house that was not being properly maintained to make way to create new housing which gave a larger increment, and this went back to what he thought he was doing 12 years ago when he had the district created, that it went back to what he thought he was doing good for the City. Mayor Brown, Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Silvers stated that the old sewer lines were built in the back of the property and now the way they build them was they put them out in the street because the City employees did not have to go through the property and dig up their backyard, that they had about 153 old residences and maybe only the old car lots on Richmond and they were tied into the old lines. Mayor Brown, Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Public Works and Engineering advises that it was very expensive for the homeowners to unhook the line in the back of their homes and line up in front and based upon review of request for work in that area they had not experienced any extraordinary amount of sanitary sewer problems, that they had a representative of Public Works who could work with Mr. Silvers on the issue, that it was certainly worthwhile to investigate and thought they were right to look at an analysis to look at the value of that.

Ms. Regina Garcia, 2425 University Blvd., Houston, Texas 77025 (713-522-9306) appeared and stated that she wanted to thank them very much for the bikeway map, that so many of them had been waiting on it for so long, that it was a great map and included all of the parks in the City of Houston, that when they look at it they could also see that not all the connections had been made, they had a lot more work to do, that also she had to thank everybody who participated in Bike To Work Day and they were all so impressed that the Council Members showed up and rode with them in the rain, that they really appreciated their dedication because riding their bike in the rain truly was a strong dedication to really helping somebody come forth with something that they believed in. Mayor Brown, Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Ms. Garcia stated that the maps were distributed at City libraries and across the hall at the Visitors Centers or they could call the City's Bikeway Program and they would send them a map as well, that the most important thing they could do was to insure that any new transportation projects that were implemented that consideration for bicyclists and pedestrians were included because they all knew how expensive it was to go back and retrofit the projects. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jaime Jesson, 414 W. Drew, Houston, Texas 77006 (713-758-2564) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Teresa Perez, 12603 Woodforest Blvd., No. 109, Houston, Texas 77015 (713-453-8922) had reserved time to speak, but was not present when her name was called.

Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Glen Thomas, 5838 South Lea, Houston, Texas 77033 (713-643-1696) appeared and stated that he was present for the third time, that he was present regarding corruption in the home repair section, that he was trying to correct some very serious problems in which the City was a funding source to an emergency home repair in Houston, that the agencies were running rampant, that the Mayor assigned Michael Halpern of the City to oversee his particular project, that he could not live with insubordination being that somebody would put \$400 worth of cabinets in a house that they painted in the yard and the actual contract said \$3,500 pre-finished cabinets, that he could not live with \$200 worth of sheetrock and the bill on the actual write-up said close to \$3,000, that this type of things were not being watched and Mr. Halpern's hands were tied, that he initially said that the repair agency slept in his home and damaged his home and that his home had flood damage and they chose not to report it to their own insurance company correctly, that he did not get any notification until 30 days later on a water loss, that it was unbelievable, that his insurance company could not believe that he was under a City mandate, but the problem was that they were not being watched, that the inspectors were being paid with City funding. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan asked Mr. Thomas if he refused to allow the repair contractor access to his property so he could complete the punch list and arrange for City inspection, and Mr. Thomas stated that he just moved back into his home last Friday, and Mayor Pro Tem Quan stated that Ms. Flora Garcia from the Housing office was present and would meet with him, that they wanted to get to the bottom of it because he did not want them to be wasting money either, that he thought they were serious allegations that they needed to follow up on, that he would follow up with the Urban League on what was going on with the contractor and the program in general as well as Ms. Bingham. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards asked Mr. Thomas if he had made an appointment with her office because she did not remember talking with him on the issue, and Mr. Thomas stated that back in February, Mr. Halpern stated that they should try to get the work done and completed and have him move back into his house then he could go back to the Council Member in his district and show her in black and white the things that were unbelievable that were happening, that no he had not made an appointment, and Council Member Edwards stated that if he would give them the information then they could possibly try to help him work it out with Mayor Pro Tem Quan. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Paula Harrison, 12261 Fondren, No. 303, Houston, Texas 77035 (713-726-9382) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Ms. Marian Brooks, 3805 Anita, Houston, Texas 77004 (832-274-5221) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members

Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Douglas McIntyre, 18147 Dinner Creek Dr., Katy, Texas 77449 (832-978-4549) appeared and stated that he had a handout for the Council Members, that he was present representing 250 independent cab drivers that worked at the airport, that it came to their attention, which they would see in the document, that some rules were going to be changed at the airport and they felt it was without proper hearing or notification, that the rules were going to allow the limousine drivers, who were contract carriers, to have free access to public parking in the airport and also allowed into the baggage handling areas, that the independent contractors supposedly and by regulation of the City Council, could only come onto the airport grounds if they had a contract to pickup an individual person, that what they had been doing, and what he was sure the transportation would verify, was they come on the grounds and solicit business and were taking a huge number of trips that should go to the taxi drivers of the City, the taxi drivers were regulated and made to sit in a parking lot for anywhere from 3 to 7 hours between trips for a \$50 trip, but the limousine drivers who were breaking the regulations and in Section Three they would see what the regulations were, were coming in at will and bragging that they were taking six to eight trips a day out of the airport, everyone of those trips were taking money out of the mouth of a cab driver who was doing his duty and abiding by the regulations, they had no problem with limousine drivers who were acting according to the rules but did have a problem if the limousine driver came in and had free access to the passenger list, that his own passenger yesterday afternoon complained that he was solicited by two limo drivers between the baggage area and the door to the taxi area, there problem was how did they enforce these things, that they knew the limousine drivers had great contempt for the enforcement officers who seemed not to be able to control the situation, however they noticed there were a huge number of policemen standing around who could enforce it and their petition was to ask the City Council to, number one, cease all efforts to change the regulations now in place that would allow those limousine drivers back into the baggage area, it would be like letting the fox back into the chicken house, that number two, they wanted matters pertaining to those regulations to be held in open meetings so that they could have input into it, and number three, they ask that the City somehow find the power of enforcement of their own regulation, either through the Department of Transportation inspectors or through the City police and stop the limousine drivers from breaking the ordinance as listed. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that this was an issue that had actually come up a number of times recently, first of all they did not normally ask cab drivers how to regulate limo drivers because they were under separate ordinance and regulated separately, although there was some overlap in the businesses, that she appreciated his interest in it, that secondly the limousine drivers had been pushed out of the terminals because of changes in FAA regulations and they had been trying to figure out a way to allow them to conduct their very regulated business in a reasonable manner and they had not been able to do that in the last few months after September 11th, that the limos charged more and there was a certain amount of service expected and one of those services was to meet their passengers either at the gate or baggage claim and be able to help them out, that she thought the new rules, which she had been briefed on, were reasonable in that regard, that one of the things that was being done to insure that limousine drivers did not solicit was that the limo drivers would be subject to having their vehicles searched and would be able to park them near the terminal but would be required to show a manifest with the passengers name that could be verified if necessary. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. McIntyre asked if it had all been in negotiations why had someone not been informed that it was in negotiation because there was panic spreading among the cab drivers, and Council Member Parker stated that it was more under the control of Aviation than of the franchise

administrators in F&A because they were juggling the FAA rules, but if they had not been providing information to the industry she would apologize for that and make every effort to get that information out. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he did not support the Houston Police Department being used in that way and was almost impossible for the officers to get involved because once they intervened they were being told two different sides and then it was hearsay. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would forward a memo to Chief Bradford as well as to Mr. Vacar at the Airport to take Mr. McIntyre's comments into consideration and see about enforcing it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. George Cerda, Robert Crest, Houston, Texas 77039 (832-419-2870) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Vernice Dickson, 4750 Angleton, Houston, Texas 77033 (713-734-6317) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker moved to suspend the rules to hear from Mr. Brooks, F&A, seconded by Council Member Robinson. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT) (Note: as no quorum was present no vote was recorded)

Mayor Pro Tem Quan asked Mr. Brooks to update them on what was going on. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Brooks stated that basically what they were doing was trying to return the operation at the Airport back to pre 9/11 status level, customer service as well as enforcement, that they covered the entire 24 hour shift of the operation of the airport, they were also looking at training their supervisors who had the citation writing ability therefore they could double their coverage at the airport, that they knew there was a problem and were trying to address it, that they were still in the planning stages as far as implementing a system that was going to streamline the operation as well as pretty much eliminate or reduce dramatically the number of solicitors that operated at the airport, that they were also going to schedule a meeting with the taxi owners to pretty much get some input from the owners as well as some of the drivers to find out basically what their concerns were, that currently any time they did operate at the airport it was one of the requirements that they have a manifest, that under the new rules there would be an automatic point of contact because the vehicles would be inspected and there would be an opportunity to check and the inspectors could do spot checks as they were coming back out again. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Steven William, no address, no phone, had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston, No. 1107, Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jean Warnke, 4603 Fox Hollow Blvd., Spring, Texas 77389 (281-288-2144) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and sang until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) appeared and stated that he had word that Clifton Miles was supposed to be coming back to Judson Robinson Center, that he was the one that was supposed to be gone because he had a case with a thirteen year old child, that he was supposed to be starting back in July, that he was told by Mr. Brian Hill that it was not true, but other influences were telling him that they were going to try to sneak him back in and he wanted to put the City Council on notice, that he did not mind Mr. Miles working there after the charges were dropped or if he beats the case but before that he had no business working around any kids. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they would work with Mr. Hill on that situation. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Mayor Brown had stated that the contract would not be renewed and she talked to people in Parks and Recreation and they said they were not aware of it and that it would not happen. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor

Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Dennis Keim, 5651 Laurel Creek, Houston, Texas 77017 (713-202-9428) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 5:00 p.m. the City Council recessed until 9:00 a.m., Wednesday, June 12, 2002. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Rodriguez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, June 12, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 12, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director present.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 Mayor Brown reconvened the meeting of the City Council.

MAYOR'S REPORT

Council Member Vasquez moved to suspend the rules to consider Item Numbers 29, 56, 51 and 51a out of order, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0654 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 53 and 53a first, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0655 ADOPTED.

53. ORDINANCE relating to Health Benefits; approving and authorizing the restatement of the Point-of-Service Health Program contained in the revised plan document, City of Houston Employee Welfare Benefit Plan; approving and authorizing two restated agreements between the City of Houston and **SOUTHWEST TEXAS HMO, INC d/b/a HMO BLUE TEXAS**: (1) for provision of Health Maintenance Organization Services and (2) for administration of the City of Houston Point of Service Health Program and the Retirees' Hospitalization and Medical-Surgical Program; authorizing certain documents to be executed; containing findings and other provisions relating the foregoing subject; providing for severability - **(This was Item 16 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

A roll call vote was called on Item No. 53.

ROLL CALL VOTE:

Mayor Brown voting aye

Council Member Vasquez voting aye

Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Rodriguez voting aye
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting no	ORDINANCE 2002-0483 ADOPTED

53a. RECOMMENDATION from Director Human Resources to establish new participant contributions - **(This was Item 16a on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER ROBINSON and TATRO)** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Members Galloway, Edwards, Keller, Barry and Robinson voting no, balance voting aye. MOTION 2002-0656 ADOPTED.

29. ORDINANCE approving and authorizing the City of Houston to submit an application for the Shelter Plus Care Program in the amount of \$765,720.00 to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** under the authority of Title IV, Subtitle F, of the Stewart B. McKinney Homeless Assistance Act; to accept the aforementioned grant funds, if awarded – was presented, and tagged by Council Member Vasquez.

Council Member Vasquez stated that he would request a meeting with someone on this item, and Mayor Brown stated they would have someone from Housing meet with him.

56. ORDINANCE approving and authorizing contract between the City and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** for Education and Training Services \$300,000.00 CDBG Funds – **(This was Item 24 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Council Member Sekula-Rodriguez stated that she wanted to take an opportunity to thank Ms. Bingham, Director, Housing and Community Development, for providing her with background information that was helpful and did clarify quite a few things regarding the distribution of the housing supports that were across the City.

A vote was called on Item No. 56. Council Member Alvarado voting no, balance voting aye. ORDINANCE 2002-0484 ADOPTED.

51. Consideration of amendments to Agenda Item 51A below, that have been pre-filed by Council Members Wiseman, Sekula-Rodriguez, Keller, Edwards, Goldberg, Parker, Alvarado, Quan, Vasquez and Robinson and are outlined in the memoranda attached to this agenda as Exhibits 1 through 10 – was presented. Note: For Exhibits 1 through 10 see file in Office of the City Secretary or the posted agenda.

Council Member Parker stated that she appreciated the work the staff did in preparing the Matrix of the City Council budget amendments at last weeks final Fiscal Affairs Committee meeting to consider items for the budget, that they deferred consideration of all proposed amendments at that time and ask that they go through them in today's meeting, that she would suggest that they consider the items as proposed and laid out on the Matrix, they could consider them by individual Council amendments, because they were listed that way in the agenda, but it would be more helpful if they worked from the Matrix and would move that they consider items received at the table after they knocked out the items on the Matrix, seconded by Council Member Ellis.

Council Member Ellis stated that with regard to the Matrix and all of the budget amendments he would prefer that they accept all of the budget amendments that were at the

table at this time and that they tag all of the budget amendments, including the ones that had been submitted with the administrations response, because personally he just received the administration's response on whether they concurred or disagreed with them and would like to take a week to evaluate them and then they could come in and have the debate at the table over all of the budget amendments.

Council Member Parker stated that was not contradicting her motion, which was that they take first the ones that were on the Matrix and then the ones at the table, if they wanted to pull up all the ones on the Matrix and tag all of those, they could do that.

Council Member Ellis stated then accept the budget amendments and asked Mr. Hall if that was the correct procedure, and Mr. Hall stated that he thought what was confusing was that Council Member Ellis was saying "accept them", that what he was suggesting was that they get them all on the table, and then he suggested that those that were not yet before the committee or City Council be included on the Matrix so they could be considered all as the same group if they related to those issues.

Council Member Robinson stated that he had three amendments that he distributed and assumed it was the appropriate time to lay an amendment before Council so it could be wrapped up in the entire package, that he would like to tag the item and then lay out his three amendments that he had distributed in writing.

Mayor Brown stated that any new amendments that were being submitted would be considered under Item No. 51a, and Council Member Robinson stated that he would tag Item No. 51.

Council Member Parker stated they were trying to get everybody in the same place with all of the amendments on the table.

Mr. Hall stated that they would advise that Council Member Robinson release his tag because some of the new amendments related to amendments that were already out there, so it was better to have them all out there and then tag the whole thing.

Council Member Robinson stated that he would lift his tag and wanted to put his three amendments on the table so at the appropriate time they could be tagged as a part of all of the other amendments.

1. Amend the budget to dedicate: (1) \$5 million of the anticipated FEMA ALP reimbursement; (2) the undesignated \$500,000 and \$200,000 for unspecified consultants in the General Government account; and (3) \$50,000 from the Mayor Pro Tern budget (\$5.75 million total) to eliminate service cuts in the Health, Library and Parks Department.
2. Amend the budget to dedicate all FEMA ALP reimbursement in excess of \$5 million to paying off as many of the Certificates of Obligation as possible that were issued in FY'02 for paying for street overlays.
3. Amend the budget to limit the Department of Health and Human Services proposed Dry Cleaners fee increases to 100%.

Council Member Vasquez offered the following amendments:

1. The Convention and Entertainment Department shall include in the next contract negotiated with the Cultural Arts Council of Houston/Harris County increased annual funding of \$100,000 for Talento Bilingue de Houston (TBH) and the Ensemble Theater.
2. The administration will initiate in FY03 a cost/benefit study for the utilization of "associate"

prosecutors at Municipal Courts. An associate prosecutor would be similar to an associate judge and would be utilized during peak need periods, thus allowing for a potential reduction in permanent prosecutor staffing. The study will be completed no later than February 1, 2003, thus being available for the FY04 budget cycle.

3. The Health and Human Services Department will initiate an internal study on the costs, benefits and drawbacks possible from merging with the Harris County Health Department and Harris County Hospital District. Previous studies prepared regarding merging services will be utilized to the greatest extent possible. The Health and Human Services Department will seek the cooperation of the Harris County Health Department and the Harris County Hospital District in preparing this study. The study will be completed no later than February 1, 2003, thus being available for the FY04 budget cycle.
4. The following departments will prepare zero-based General Fund budgets for the FY04 budget cycle: Police, Finance and Administration, Planning and Development and Building Services.
5. The administration will undertake an internal cost/benefit study of the full privatization of the new IT Department. The study will be completed no later than February 1, 2003, thus being available for the FY04 budget cycle.
6. The Parks and Recreation Department's budget will be increased by \$500,000 for recreation operations and maintenance.
7. The Parks and Recreation Department's "Funday in the Park" program will be renewed for FY03 with \$500,000 in funding.

Council Member Keller offered the following amendments:

1. Amend the budget to mandate Finance & Administration study and implement a reduction of all duplicative services in various city departments concerning the areas of purchasing, payroll, auditing, accounting and human resources.
2. Amend the budget to out source, through competitive bidding, the City of Houston information system for better control, technology and cost effectiveness.

Council Member Berry offered the following amendments:

1. Cut all travel budgets to zero. This would save \$3.5 million from the General Fund, and another \$2.2 million from the Enterprise, Special Funds, and Revolving Funds. (see attachment, "Travel Savings", 8 pages). Any travel expenses can then be approved by City Council vote.
2. Fully fund Clayton Library to Fiscal 2001 levels.
3. Reduce ad valorem taxes by one cent. This would send a strong message that we recognize taxpayers are struggling with increased valuations, and it would cost the city only a few million dollars in revenues.
4. Increase ad valorem tax exemption to \$60,000 from \$34,006 per household for all low-income senior citizens and disabled citizens. Taxpayer must attest to income, including social security, medical compensation, pension, and income, of less than \$30,000 annually for the past year in order to qualify for the exemption.
5. Dedicated funding for potholes and street and sidewalk repairs. This should be a top concern from both the operational and funding perspectives. It does not require new

expenditure of funds, but allows us to track annual expenditures for this function.

6. Assign TEN (10) attorneys within the legal department to deed restriction enforcement. Said move shall occasion no new expenditures, as these should be pulled from other functions in the legal department and assigned to deed restrictions.
7. Apply all water and sewer fund excess funds toward defeasance of bonds, in order to prevent future rate increases. Declare that funds collected in the ALP fund will never be used for anything other than water and sewer projects or water/sewer bond defeasance.
8. Renegotiate the ACS contract to improve ambulance revenue collections by TWENTY-FIVE PERCENT (25%) before re-signing the contract renewal. If the goal is not reached, terminate the contract at its expiration and engage another contractor.
9. Institute a complete hiring freeze city-wide. Positions which open due to retirement, resignation, or termination should be filled by re-deploying current personnel where needed (including across department lines), and left vacant where they are deemed unnecessary by the position control committee.

Council Member Tatro offered the following amendments:

1. End the D.A.R.E. Program and return all officers to regular duty.
2. Remove the transfer of \$4.1 million from the Water/Sewer Enterprise fund to General Fund Revenues —(Miscellaneous/Other Revenues — line item — Other Operating Transfers). This transfer is being proposed by the administration as for “water and wastewater reimbursement to the General Fund for infrastructure purchased through the TIRZ financing mechanism”.
3. Water & Sewer Enterprise System and the Stormwater Utility Fund — Reduce transfer from Water/Sewer to Storm Water Utility Fund 227/20 from 5% back to 4% that has been in effect since 1995.
4. During FY03 there will be no Houston Fire Department shift change, from FY02, in City Fire Stations for Classified Fire Fighters and EMS Personnel.
5. For FY03, the City's Fire Department Booster Trucks will be fully staffed, as has existed in FY02, and Fire Fighters assigned to Booster Trucks will not additionally be assigned to another Emergency Apparatus.
6. Remove \$1.2 million credit, (of the \$3.9 million) taken in line item 399 — Management Initiative Savings, under the General Government account# 100/99. Amount would then be restated as (\$2,700,000).

Council Member Ellis offered the follow amendments:

1. Senior Citizen and Disabled Individual Homestead Exemption:

Increase in Senior Citizen and Disabled Individual Homestead Exemption to \$40,000 in FY 2003 with 10% increases per annum over the next five years for a total exemption of \$64,420 in FY2008
2. Reverse Auction Procurement Procedure:

Require that the Strategic Purchasing Division of the Finance & Administration Department use the reverse auction procedure for FY 2003 as defined by Sec

2155.062(d), Government Code, for purchasing as set forth in "Texas Senate Bill 221 Referring To Reverse Auctioning".

Said amendment shall require that the general fund and each of the three enterprise funds apply the reverse auction procedure for 50% of the total purchases of products and services in FY 2003.

3. MWBE Reciprocal Certification:

In an effort to reduce costs in the Affirmative Action Division and to aid qualified MWBE's desiring to do business with the City of Houston, any company which has been certified by the Houston Minority Business Council or the Houston Women's Business Council shall automatically be certified as a MBE or WBE with the City of Houston, respectively, and shall automatically be determined to be an established business enterprise for all SIC/NAIS codes listed for the company with those organizations.

The Affirmative Action Division shall only determine the size of the company as required by Section 15-87. Approval of this amendment could result in a 50% reduction in the budget of the Certification and Outreach Section of the Affirmative Action Division.

Council Member Robinson stated that he wanted to tag everything pre-filed and on the table today, and Mayor Brown stated that all of the amendments were tagged by Council Member Robinson.

51a. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2003 for the General, Enterprise, Special Revenue, Internal Service, Revolving , Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund balances; amending the Code of Ordinances and the Fire Code relative to various fees; amending the Code of Ordinances relative to the creation and reorganization of certain departments; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – was presented and tagged by Council Members Robinson and Tatro.

Council Member Vasquez stated that he wanted to request that the administration produce a Matrix of all the additional amendments that were presented at the table today.

Council Member Robinson stated that he wanted to thank Council Member Parker for the job she did as Chair of the Fiscal Affairs Committee to get them to this point, where he thought they ironed out a lot of issues and thought they would have some smooth sailing ahead of them in terms of the process.

CONSENT AGENDA NUMBERS 2 through 49

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2005:
- Position Nine - **MS. SHARON MICHAEL OWENS**
 - Position Ten - **MR. JESUS SOTO, JR.**
 - Position Eleven - **MR. GILBERT GARCIA**
 - Position Twelve - **MS. PAULA SAIZAN**
 - Position Thirteen - **MR. ERNIE M. FLOHR**

Position Fourteen - **MR. PAUL LAYNE**
Position Fifteen - **MR. GREGORY BROTHERS**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0658 ADOPTED.

3. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**, for terms to expire February 1, 2003:
Position A - **MS. JESSICA PUGIL**, appointment
Position C - **MS. RUTH R. HURST**, reappointment
Position G - **MR. HARRY J. PHILLIPS, JR.**, appointment
- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0659 ADOPTED.
4. CONFIRMATION of the reappointment of **MS. ELSIE HUANG** to Position 18 of the **HOUSTON READ COMMISSION**, for a term to expire January 1, 2005 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0660 ADOPTED.
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **MIDTOWN MANAGEMENT DISTRICT** for Law Enforcement Services of 2 Deputies from Harris County Constable Precinct 7 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0661 ADOPTED.
6. RECOMMENDATION from City Secretary for authority to Return Bid Deposit in the amount of \$81,000.00 submitted in the form of a Cashier's Check by **KENNY INDUSTRIAL SERVICES** and allow substitution of a Bid Bond previously approved by the Legal Department, in connection with bids received 05/23/02 for Sanitary Sewer Inspection & Rehabilitation by the Point Repair Method; GFS R-0266-R7-3 (4277-11) - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0662 ADOPTED.

ACCEPT WORK - NUMBERS 7 and 7A

7. ORDINANCE appropriating \$81,570.84 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for construction of Phase II Neighborhood Street Reconstruction, GFS N-0365-03-3 under construction contract with **CONTRACTOR TECHNOLOGY, INC** (approved by Ordinance No. 99-0091) - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0485 ADOPTED.
- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$138,660.26, final contract amount of \$4,187,095.31 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Phase II Neighborhood Street Reconstruction, GFS N-0365-03-3 NSR 433 - 07.09% over the original contract amount - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0663 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-113, located at 11610 FM 529 (Spencer Road) owned by GSCC Investments, Ltd. Rule Oil Company, Inc., General Partner, Gary Rule, President, for the **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village**

Pump Station, CIP S-0900-71-2 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0664 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 15

10. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Two Heavy-Duty Rescue Trucks through the Interlocal Agreement for Cooperative Purchasing for Fire Department - \$800,000.00 Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0665 ADOPTED.
11. **PROMEGA CORPORATION** - \$28,095.00 and **BECKMAN COULTER, INC** - \$73,542.76 to Furnish, Deliver and Install a DNA Automated Laboratory Robotic Workstation for the Houston Police Department - General and Police Special Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0666 ADOPTED.
12. **KUSTOM SIGNALS, INC** for Laser Radar Units for the Houston Police Department - \$42,585.00 Asset Forfeiture Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0667 ADOPTED.
13. **AMEND MOTION #99-1057, 6/19/99, TO EXTEND** expiration date for twelve months, from June 16, 2002 to June 16, 2003, for Chemical, Hydrofluosilicic Acid Contract for Department of Public Works & Engineering, awarded to **PENCCO, INC** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0668 ADOPTED.
15. **APPLE GLASS COMPANY, LTD** for Automotive Glass Contract for Various Departments \$488,728.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0669 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 18 through 49

18. ORDINANCE consenting to the addition of 5.7197 acres of land to **BAKER ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0486 ADOPTED.
19. ORDINANCE consenting to the addition of 37.034 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0487 ADOPTED.
20. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 375** - was presented. All voting aye. Nays none. ORDINANCE 2002-0488 ADOPTED.
21. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 376** - was presented. All voting aye. Nays none. ORDINANCE 2002-0489 ADOPTED.
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 377** - was presented. All voting aye. Nays none. ORDINANCE 2002-0490

ADOPTED.

23. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 378** - was presented. All voting aye. Nays none. ORDINANCE 2002-0491 ADOPTED.
24. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 379** - was presented. All voting aye. Nays none. ORDINANCE 2002-0492 ADOPTED.
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 380** - was presented. All voting aye. Nays none. ORDINANCE 2002-0493 ADOPTED.
26. ORDINANCE establishing the north side of the 1000 block of Omar Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0494 ADOPTED.
27. ORDINANCE establishing the south side of the 1000 block of Omar Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0495 ADOPTED.
28. ORDINANCE amending Ordinance No. 2000-358 that approved and authorized an agreement between the City of Houston, the **CITY PARK REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) DISTRICT A - TATRO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0496 ADOPTED.
34. ORDINANCE appropriating \$80,000.00 out of Public Health Consolidated Construction Fund for Roof Repair Services under Contract No. 39756 (**CHAMBERLIN WATERPROOFING AND ROOFING, INC**) for the Houston Department of Health and Human Services, CIP H-0018 - was presented. All voting aye. Nays none. ORDINANCE 2002-0497 ADOPTED.
35. ORDINANCE awarding contract to **WINGO SERVICE COMPANY, INC** for Water Meter Instrumentation Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$570,200.00 - Enterprise Fund had been pulled from the Agenda by the Administration and was not considered.
36. ORDINANCE appropriating \$127,000.00 out of Airport Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 2.557 acres of land out of the J. Armstrong Survey, Abstract 89, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0082-12 and approving Purchase and Sale Agreement with **HOUSTON INTERCONTINENTAL TRADE CENTER, L.P.**, to acquire the land for a purchase price, including closing costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0498 ADOPTED.
38. ORDINANCE appropriating \$55,384.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **A. K. INTERESTS - HUNTERWOOD, L.P.** for construction of Water and Sanitary Sewer Lines to serve the Hunterwood Apartments, CIP S-0802-03-03 -

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.

39. ORDINANCE appropriating \$233,942.69 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, and approving and authorizing contract between the City of Houston and **UNIVERSITY DEVELOPMENT CORPORATION** for construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Northborough Village, Section 1 Subdivision, CIP S-0800-48-03 and R-0800-54-03 - **DISTRICT B – GALLOWAY** had been pulled from the Agenda by the Administration and was not considered.
40. ORDINANCE appropriating \$184,889.67 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, and approving and authorizing Developer Participation contract between the City of Houston and **RICO DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Chasewood Meadows Subdivision, CIP S-0800-47-03 and R-0800-53-03 - **DISTRICT D – EDWARDS** had been pulled from the Agenda by the Administration and was not considered.
41. ORDINANCE appropriating \$236,900.00 out of General Improvements Consolidated Construction Fund, \$108,900.00 out of Parks Capital Project Fund, \$102,850.00 out of Solid Waste Consolidated Construction Fund and \$313,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional environmental consulting services contract with **MALCOLM PIRNIE, INC**, GFS D-0073-10-2, L-0067-01-2 and S-0019-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund, Parks Capital Project Fund, Solid Waste Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-0499 ADOPTED.
42. ORDINANCE appropriating \$591,000.00 out of Fire Consolidated Construction Fund; awarding construction contract to **STRIPING UNLIMITED CORPORATION** and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES, INC** for the Replacement of Apparatus Approach Slabs and Parking Lots at Fire Stations 07, 26, 44, 47, 48, 49 and 59, CIP C-0089-02; providing funding for and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund **DISTRICTS A - TATRO; C - GOLDBERG; D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0500 ADOPTED.
43. ORDINANCE appropriating \$801,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LAUGHLIN ENVIRONMENTAL, INC** for Roark No. 2 Lift Station Rehabilitation and Roark No. 4 Lift Station Diversion, GFS R-0267-A3-3 (WW4728-3); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0501 ADOPTED.
45. ORDINANCE appropriating \$5,802,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** for 48-inch water line along Westview Drive and Rail Road Easement from Wisterwood Drive to Katy-Addicks Re-Pump Station, and 30-inch and 36-inch water lines along Brittmoore Road and Rail Road Easement from Timber Oak Drive to Old Katy Road, GFS S-0900-47-3 (WA10604); 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. ORDINANCE 2002-0502 ADOPTED.

46. ORDINANCE appropriating \$13,930,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.**, and approving and authorizing professional services contract for Construction Management and Inspection Services with **PATE ENGINEERS, INC** for construction of Katy Addicks Surface Water Pump Station, GFS S-1002-00-3 (10502); providing funding for the Civic Art Program, engineering testing, 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. ORDINANCE 2002-0503 ADOPTED.
47. ORDINANCE appropriating \$590,950.86 out of Convention & Entertainment Construction Fund, \$655,069.05 out of Fire Consolidated Construction Fund, \$1,491,922.20 out of General Improvement Consolidated Construction Fund, \$693,415.02 out of Public Library Consolidated Construction Fund, \$645,120.95 out of Park Consolidated Construction Fund, \$271,778.48 out of Police Consolidated Construction Fund, \$298,447.92 out of Public Health Consolidated Construction Fund, and \$148,815.33 out of Solid Waste Consolidated Construction Fund for Project Management relating to various CIP projects financed by the respective Consolidated Construction Funds for the Building Services Department - Parks Special Fund \$10,133.11 had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, (1) disclaiming, releasing and relinquishing the City's right, title, interest, claim and demand in and to the utility easements referenced as restrictive covenants and recorded in Volume 1122, Page 600 and File Nos. J706585, K875254, L994815, M980380 and N458110, Harris County Deed Records; and (2) authorizing the abandonment and sale of a 10-foot-wide utility easement and a 5-foot-wide aerial easement, both located within Lot 3, Block 2, Second Replat Hidden Oaks, and a 2-foot-wide sanitary sewer easement, located within Lots 36, 37, and half of Lot 38, West Oaks Subdivision, in exchange for the conveyance to the City of a 10-foot-wide utility easement and a 30-foot-wide drainage easement, all located within the proposed West Oaks Place Subdivision, Parcels SY2-048A through H, VY2-023 and LY2-038 - **STAFF APPRAISERS - DISTRICT G- KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0670 ADOPTED.

PURCHASING AND TABULATION OF BIDS

14. **TOYOTALIFT OF HOUSTON** for Utility Vehicles for Department of Public Works & Engineering \$36,050.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0671 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION relating to the appointment of Directors to the Board of Directors of the **HOUSTON DOWNTOWN MANAGEMENT CORPORATION** - was presented. All voting aye. Nays none. RESOLUTION 2002-0020 ADOPTED.
17. ORDINANCE amending the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Offensive Conduct in Public Places; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented.

Council Member Parker stated that she had distributed an amendment to Item No. 17 specifically to the portion of the ordinance that dealt with "dumpster diving", that the effect was to decriminalize rummaging in the trash.

Council Member Parker offered the following amendment:

Amend item #17 on the June 12, 2002 City Council agenda as follows:

Section 2. That Subsection (a) of Section 39-2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb, or remove any contents of any bin, bag, or other container that has been placed for collection of ~~garbage or~~ recyclable materials at the designated location for pickup by the department, ~~or for pickup by any other public or private collection service.~~

Council Member Robinson stated that the ordinance applied in the Central Business District so the only thing that would be criminal to rummage through would be recyclable materials and he was assuming they did not have very much recyclable materials put out in the Central Business District, and Council Member Parker stated that she did not know but they had a problem in the past with people taking the recyclables that were out in the City green bins and she did not want to encourage that but did want to not criminalize rummaging in garbage dumpsters, that she would be happy to have it applied citywide, and Council Member Robinson asked what was the penalty under the ordinance on dumpster diving, and Mr. Hall stated he was advised it was a general Class C Misdemeanor penalty which was \$500 maximum.

Council Member Ellis stated that there had been some individuals who had been uncomfortable with the dumpster diving portion of the proposed ordinance, that there were three issues, one had to do with aggressive panhandling, camping on a public sidewalk in a designated area and dumpster diving, that of the three issues involved in the ordinance the social service groups had adamantly agreed with one and two and were kind of lukewarm on the third issue and Council Member Parker had taken some issue with it, so if she would like to amend it that he would not have a problem with it because it was the first two issues that he was really concerned with, but now Mr. Hall was telling them that legally it might cause some issues and he would like to ask exactly what problems it might cause if they were to adopt the amendment.

Mr. Hall stated that he suspected it was one of the changed statutes and gave Council

Member Robinson an incorrect answer, that it was one of those things that had been modified by the Legislature to make the maximum penalty \$2,000, not \$500, so the correct answer was \$2,000, that for the question that Council Member Ellis asked, there presently existed in the ordinances a prohibition against knowingly and recklessly scavenging or removing any contents and all of that business, placed in a place for collection of both garbage and recyclable material by the City itself, that there was both a health and more importantly a privacy issue related to that and was a very sensitive issue, that many of them had read over time about the rights that people had to go through peoples garbage, that what was proposed by the committee was to extend that protection for people who did not have City pickup, but had private waste hauls, that what Council Member Parker amendment proposed to do was to change both of them to take garbage completely out so that it would only apply to recyclable materials and that would be restricted to just that which would be picked up by the department itself, that the proposed ordinance would extend the current ordinance by adding one provision, in effect, and that was to allow it to cover private pick up in addition to the City pickup, that was what Council Member Ellis's proposal did, but Council Member Parker's proposal eliminate that and eliminates garbage from the prohibition and that was what gave them some concern. Council Member Tatro absent.

Council Member Ellis moved to suspend the rules to hear from Chief Storemski, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Tatro absent. MOTION 2002-0672 ADOPTED.

Mayor Brown asked Chief Storemski what was the Police Department's position on the ordinance and the proposed amendment made by Council Member Parker, and Chief Storemski stated that first of all the Police Department supported the entire package, to deal with the aggressive panhandling and the camping on on the sidewalks, that regarding the dumpster diving simply extended it to private pickup, if they did not include that part they basically excluded the whole downtown area because there was a contract with the Downtown Management District to do trash pickup, that the Solid Waste Department did not pick up trash in the Downtown Central Business District, so what the purpose of that particular amendment was to include that in the package so that downtown would be the same as the rest of the City.

Upon questions by Council Member Ellis, Chief Storemski stated that right now there was an existing City ordinance that made it illegal to rummage through trash cans, and that applied citywide, but the language in the ordinance says any garbage that was picked up by the Solid Waste Department, and what this amendment did was allow it to include privately picked up garbage, because the Downtown Management District contracted with a private entity to pickup garbage.

Council Member Quan asked Mr. Hall if under the existing law did they not have a zone of protection of three to five feet, that a person could not approach a person aggressively and act in a threatening manner, and Mr. Hall stated yes, and asked Mr. Bibler to explain it, that he drafted those three areas. Council Members Vasquez and Robinson absent.

Mr. Bibler stated that they had a bubble ordinance, as he described, and believed the distance was eight feet and if they asked the panhandler to get away they were supposed to retreat, that he thought these were issues for the Police Department, they proposed these items and thought they could tell him how, operationally, how it would help. Council Members Vasquez, Berry and Robinson absent.

Chief Storemski stated that he thought it was an enforcement issue in terms of the existing panhandling ordinance that said that a person had to tell them to stand back and leave them alone, they had to step back eight feet, that under the current draft it would prohibit anyone from even attempting to panhandle within eight feet of an ATM or parking meter, generally where people would have money in their hands and would be intimidated, that the other important enforcement aspect of this was that they did not need a complainant, that under the existing panhandling act they had to actually have the person complain and then appear in court and

testify against the individual, which basically had made it totally unenforceable for them, that under this ordinance if an officer saw a person panhandling within this area he could arrest them and did not need the citizen as a complaining witness, that was the primary issue. Council Members Vasquez, Berry and Robinson absent.

Upon questions by Council Member Sekula-Rodriguez, Chief Storemski stated that the police could arrest an individual if they are within eight feet of the person at an ATM machine, then they are placed in jail and tried in Municipal Court. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that during the Regulatory Affairs Committee they addressed the issue of what the next step would be and right now Judge Mejia and Mrs. Sudhoff were trying to work some type of plan where they could address the needs of the street individual or homeless person and bring in the Social Services group to the court to try and assist, that they were trying to formulate a plan so the outreach groups could come in and assist with those individuals, that they were going to have a subcommittee and he would request that any Council Member that was interested in that please attend and put forth some ideas that they may have, and Chief Storemski stated that an officer always had the discretion when dealing with classic misdemeanors and in fact the officers who worked downtown had referral cards and refer people to the Star of Hope and the Coalition for the Homeless and other like agencies if they choose to go there, but if they are arrested and placed in jail and do not post bond then they appear in Municipal Court. Council Members Berry and Robinson absent.

Council Member Edwards asked what was the expectation of the ordinance, and Chief Storemski stated that they always seek voluntary compliance and the ordinance was directed at behavior and not social status, that certain behavior, like sleeping on the streets and panhandling, just creates general disorder so it was the behavior they were dealing with and obviously they were asking for voluntary compliance, in fact the section that dealt with sleeping on the street requires the officer to first advise the person that they were in violation of the law and if they get up and move then they are not to be arrested, that the ordinance provides that safeguard.

After further discussion Council Member Keller moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway, Quan and Berry absent. MOTION 2002-0673 ADOPTED.

A roll call vote was called on Council Member Parker's motion to amend Item NO. 17.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Rodriguez voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-0674 FAILED

A vote was called on Item NO. 17. Council Members Edwards, Parker and Quan voting no, balance voting aye. ORDINANCE 2002-504 ADOPTED.

Council Member Ellis stated that he wanted to say thanks to Legal Department, HPD, the Downtown Management and the various service providers who worked with them in drafting the ordinance and getting on board, that SEARCH, Star of Hope and Coalition for the Homeless all came together and worked on the ordinance and he thanked everyone who had worked so diligently.

30. ORDINANCE approving and authorizing contract between the City and **M2L ASSOCIATES, INC** for Design services related to Streetscape Improvements to connect the Third Ward Community to the Main Street Corridor - **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented, and tagged by Council Member Alvarado.
31. ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC**, providing up to \$70,000.00 in Housing Opportunities for Persons With AIDS Funds for a Computer Literacy Training Program along with Supportive Services - Grant Fund - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0505 ADOPTED.
32. ORDINANCE approving and authorizing an Intercreditor Agreement between **FIRST CAPITAL BANK, HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION** and the City of Houston to subordinate the City's existing third lien Performance-Based Loan made to Renaissance Cooperative, secured by the shopping center located at 6102 Scott, Houston, Texas, in connection with the refinancing of the existing first lien loan - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0506 ADOPTED.
37. ORDINANCE appropriating \$638,400.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to contract between the City of Houston and **PIERCE, GOODWIN, ALEXANDER AND LINVILLE, INC** for Professional Architectural/Engineering Services in connection with the Consolidated Car Rental Facility at George Bush Intercontinental Airport/Houston, Project No. 444, CIP A-0026.15 - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Goldberg. Mayor Brown absent. Mayor Pro Tem Quan presiding.
44. ORDINANCE appropriating \$26,214,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.**, and approving and authorizing professional services contract for Construction Management and Inspection Services with **CH2M HILL, INC** for construction of Capacity Expansion to 350 MGD and Plant Improvements at the East Water Purification Plant, GFS S-0056-34-3 (WA10594-4); providing funding for the Civic Art Program and engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0507 ADOPTED.
48. ORDINANCE No. 2002-0458 passed second reading June 4, 2002
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 - **THIRD AND FINAL READING** – was presented. Council Members Wiseman and Keller voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. 2002-0458 PASSED THIRD AND FINAL READING IN FULL.
49. ORDINANCE authorizing an Interim Borrowing by the General Fund from various other funds of a total amount not to exceed 31.6 million dollars - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0508 ADOPTED.

FISCAL YEAR 2003 BUDGET MATTERS

50. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article Via, Section 1 of the City Charter, making appropriations from the Public Works & Engineering/Accumulated Unexpended Fund, Tax Increment Reinvestment Zone Funds, Housing Special Revenue Fund, and Low-Income Housing Fund; making other provisions related to the subject; containing a severability clause - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0509 ADOPTED.
- 51b. ORDINANCE amending Article IV of Chapter 39, Code of Ordinances, Houston, Texas, relating to fees for Extra Capacity Collection of Solid Waste, containing findings and other provisions related to the subject; containing a repealer; containing a savings clause; providing an effective date; providing for severability – was presented and tagged by Council Members Keller, Ellis, Wiseman and Sekula-Rodriguez.
- 51c. ORDINANCE amending Chapter 39 of the Code of Ordinances, Houston, Texas relating to the Franchising of Commercial Solid Waste Operators to provide service within the City and Assessing Fee therefore; declaring certain conduct to be unlawful and providing a penalty therefore; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented and tagged by Council Members Robinson, Vasquez, Tatro, Keller and Sekula-Rodriguez.

Council Member Robinson stated that it was his understanding that there were some discussions going on with the apartment association, that he wanted to find out what the status of those were and if there had been some agreement, and Mayor Brown stated they would have someone brief him on it.

- 51d. ORDINANCE amending Chapter 11 of the Code of Ordinances, Houston, Texas, relating to Fire Alarm Systems; containing findings and other provisions relating to the foregoing subject; providing for Civil Fees and Criminal Penalties; providing an effective date; providing for severability – was presented, and tagged by Council Members Galloway, Tatro, Vasquez and Ellis.

MATTERS HELD - NUMBERS 52 through 58

52. ORDINANCE creating the **DEL MONTE FRESH PRODUCE REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **(This was Item 15a on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER)** – was presented.

Council Member Quan moved to refer Item Numbers 52 and 52a back to the administration, seconded by Council Member Alvarado. Council Member Parker absent.

Council Member Quan stated that Del Monte was having second thoughts about whether to even continuing their application and was considering their application, that they were still in negotiations to try to get them to reconsider whether they wanted to continue or not. Council Member Parker absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Bill Calderon, Planning and Development and Ms. Pam Lovett, Greater Houston Partnership, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker absent. MOTION 2002-0675 ADOPTED.

Council Member Ellis stated that they were in the final stages and the administration had put it on the agenda, they had some discussions about it and now everybody wanted to pull the

plug on it and he was curious what was the reason.

Mayor Brown stated that Ms. Lovett had sent a letter and requested her to tell them what had transpired and the reason the people decided to go somewhere else rather than Houston.

Ms. Lovett stated that as they knew when they came before Council with an application for tax abatement they had already sold all the other assets and attributes of the City and the company had said that it was an important consideration for them, that by the time it gets to Council they had screened the project for applicability, the City Planning Department had thoroughly screened the project for applicability, they had opportunities to talk with the District Council Member and they absolutely were in favor of portraying a very pro business atmosphere for the client, that this was 320 total jobs that could have come to the Houston community, that the economic impact on an annual basis was \$59.5 million, that they did not execute in a business friendly fashion for this client and would hope in the future when clients come before this body that they would be enthusiastically, warmly welcomed and encouraged to do their project in Houston, that they were ambassadors for Houston and all the Council was as well, that they should learn from this and go forward, that the client made an application and had an opportunity to answer questions from various Council Members and they understood that was appropriate and that each of the Council Members have an opportunity to have their questions answered, that when the client was present for the public hearing questions were asked and subsequent meetings were scheduled and the client responded in a favorable fashion and felt when they were present last Wednesday that they would get a favorable vote on the tax abatement ordinance, at that point and time the matter was tagged and the client after that said they were a consumer products company and did not want any unfavorable actions.

Mayor Brown asked if he was correct that they were really upset that the matter was tagged and they had other options, that other jurisdictions wanted them and when the matter was tagged they said "forget you, we can go somewhere else with our business" was that about accurate, and Ms. Lovett stated that was the final straw for the client, when the matter was tagged when they were ready to go forward, that they had already delayed the process in order to try to make it work in Houston and that would have been a further delay for the project, that they were an international company, it was the kind of company that would have meant new business for Houston, what they were trying everyday to encourage and the client said they had other options as did everyone.

Mayor Brown stated that he had been on the phone trying to tell them that it was a good City and that they wanted them, but they preferred not to get caught up in the politics that they saw on the Council, particularly with the matter being tagged, that his efforts were not successful and they said they would go somewhere else.

After a discussion and questions by Members of Council, Ms. Lovett stated that the total job impact was up to 322 total jobs and the annual economic impact for the project would have been \$59.5 million every year, that always when a tax abatement was approved by Council there was net new tax income and that Mr. Calderon knew exactly the tax impact and would prefer that he answer that, and Mr. Calderon stated that the way they work, their tax abatements were actually tax phase ins, that over a ten year period on an approved abatement the average abated revenues totaled 56% of the taxes on the new value and the City gets the other 44% over that same ten year period, but in addition to that they also receive, typically under abatements like these, all the taxes attributable to personal property that was kept on site, and which was not subject to abatement, they also receive the added benefit of the sales tax contribution, roughly about \$340 per capita on an annualized basis with each new job that comes to the City, so their analysis sets forth a net new gain for the City, in this case, a little over \$88,000 per year after the abatement ceases, during the abatement period it was actually \$63,000 a year in new revenues to the City, during the abatement period, just attributable to the jobs the company creates; and Ms. Lovett stated that she agreed and understood that each of them had the right and obligation to ask questions, they were suggesting that they allow more time up front to get those questions

answered, that she understood that some discussions happen at the Council table, that the client was present last week and did want the opportunity to come to the podium and have their questions addressed, that they had gotten the final communication from the company that they were not going to pursue the Houston location, that the Mayor and at least one other Council Member attempted to resurrect it, that they had also tried to encourage them to reconsider as had City Planning Department; that they understand the process and they do share it with the client, that it was a matter that between the public hearing and appearing for contract approval, there was a lot of discussion, that Council Member Edwards had productive discussion with the company in the intervening period, that it was a matter of trying to understand what the questions might be, if they needed to be asked at the Council table so that those could be explained, that ideally they would have all of that taken care of and not have to tag for a further consideration, but when that happened, after there had been so many different conversations with the client and Council Members who had expressed their concerns, they truly thought they had answered all the questions, that they had traveled into Houston and did not have operations in Houston so it was an investment of time and money on the clients part to be present to answer questions, and they felt like they had done that and wanted action; that when they start working with a company considering Houston they do explain the whole process, the screening that the Greater Houston Partnership would go through, the screening that the Planning Department would go through, the public hearing process, the communications with usually the District Council Member taking the lead on those, the opportunity at public hearing to have other questions, that they do a letter of support to Council and would provide that much earlier than they had in the past because they do respect Council Members right to ask those question and deliberate and they do not take for granted, that they felt like it was their job to tell the Council the aspects of the project so they could earn their support for a project, that they do tell them the project could be tagged by a Council Member, at maximum, for a two week delay, that they do share the mechanics of the process with the prospects.

After further discussion Council Member Quan stated that he would withdraw his motion to refer Item 52 and 52a back to the administration, and Council Member Keller stated that he hoped they would set an example today and vote the item through and let Del Monte have 30 days to say whether they wanted it or not, let them not be the ones that walked away.

Council Member Keller moved to call the question on Item 52 and 52a, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0676 ADOPTED.

A roll call vote was called on Item No. 52.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Rodriguez voting aye
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	ORDINANCE 2002-0510 ADOPTED.

Mayor Brown stated that it may not make any difference but if Ms. Lovett talked to the company again she could tell them what the Council's action was, that in his conversation with the company they were very adamant about going some place else, that he attempted also to explain their process, that Council Members did have a right to ask questions, which they did and had a right to tag, and that chances were that it would be passed, that if they had other reasons not to come here, he would suggest that they should be up front with the City as the City was with them.

52a. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas, **DEL MONTE FRESH PRODUCE, N.A., INC.**, and **TCB #6, L.P.** for certain property located within the **DEL MONTE FRESH PRODUCE REINVESTMENT ZONE - (This was Item 15a on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0511 ADOPTED.

54. MOTION by Council Member Vasquez/Seconded by Council Member Keller that Item 54A be amended to provide the following:
Amend the 2002 Consolidated Annual Plan to designate the funds to be used in the Spring Branch area for a day laborer facility to be used in the Washington Ave. Corridor in the vicinity Shepherd/Durham - **TAGGED BY COUNCIL MEMBER TATRO**

Council Member Alvarado stated that last week she had attempted to present an amendment that would have allowed them to look for the best location that was in the most need of a day labor site and understood that Council Member Vasquez was still pursuing the location that he submitted last week and folks from TMO, Catholic Charities and AFL-CIO had come to see her and she had looked at the numbers that Mr. Richard Cantu, Mayor's Citizens Assistance Office, had provided and HPD, that as she had been saying all along she would support it going to the location with the most need, that there was another location that just happened to be in District H, that the location was on Jensen and Parker where many more people were congregating and she felt like that would be the better location, that the folks from TMO, Catholic Charities and AFL-CIO also concurred and had attempted to contact some of the folks in that community and felt very comfortable with that site.

Council Member Vasquez stated that he just received the report this morning and they actually did not receive complaints from the other areas, they received specific complaints from the Washington and Shepherd corridor area, that quite frankly he was not even aware about some of the other locations because the day labor camps were so unorganized across the City, that to TMO he would encourage them to come and work with him on issues that related to District H, that he respected the idea of going for the most need, that he would be willing to accept a friendly amendment that created an either/or situation, where it could be the Washington/Shepherd and the Jensen/Parker, that he had not even visited the Jensen/Parker area and would like to do so and would like some flexibility to do that and at the same time he would like to visit with the TMO and have them speak to him directly, and again he would be willing to accept a friendly amendment that creates an either/or situation that would allow him some flexibility to do some due process on it, and Council Member Alvarado stated that she would like to ask someone from Community and Development if they could do that, and Mayor Brown stated that they could do that, put either/or. Council Member Goldberg absent.

Council Member Alvarado moved to amend Item 54a with "either of those locations or the immediate vicinity", seconded by Council Member Quan. Council Member Goldberg absent.

After further discussion a vote was called on Item No. 54 as amended. All voting aye. Nays none. Council Members Galloway absent. MOTION 2002-0677 ADOPTED.

54a. ORDINANCE approving and authorizing the City of Houston to submit the 2002 Consolidated Annual Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2002-2003 grant applications: 1) 28th Year Community Development Block Grant in the amount of \$38,900,000.00 (\$35,900,000.00 Entitlement Grant and \$3,000,000.00 Program Income); 2) Home Investment Partnerships in the amount of \$13,624,000.00 (\$13,124,000.00 Grant and \$500,000.00 Program Income); 3) Housing Opportunities for Persons With AIDS in the amount of \$4,653,000.00; and 4) Emergency Shelter Grants in the amount of \$1,239,000.00; and to accept the aforementioned grant funds, if awarded - **(This was Item 19 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER TATRO)** -

was presented. All voting aye. Nays none. ORDINANCE 2002-0512 ADOPTED AS AMENDED.

55. ORDINANCE appropriating \$260,000.00 out of Low Income Housing Fund 872; appropriating \$146,086.00 out of Low Income Housing Fund 162; approving and authorizing an agreement between the City of Houston and **PYRAMID RESIDENTIAL COMMUNITY CORPORATION** to provide a grant of \$406,086.00 to pay eligible costs in connection with the construction of 106 Single-Family Affordable Homes - **DISTRICT D – EDWARDS** – **(This was Item 23 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-0513 ADOPTED.

57. ORDINANCE approving authorizing amendment No. 1 to the construction contract between the City of Houston and **MORGANTI GROUP, INC** for the Central Concourse at William P. Hobby Airport; Project 417D; CIP A-0131, A-0141, A-0222 and A-0372 - **DISTRICT I – ALVARADO** – **(This was Item 32 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he wanted to compliment and thank Ms. Sally Bradford in Aviation, that he had gone over at least 40 change orders with her over the past week, analyzing the necessity and the applicability of each and everyone of them and she was to be thanked for a quick response and how much she put forth to him, and how hard it was to track down all that information. Council Member Galloway absent.

A vote was called on Item No. 57. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-0514 ADOPTED.

58. ORDINANCE appropriating \$503,185.17 out of Storm Sewer Consolidated Construction Fund and \$5,493,123.96 out of Street & Bridge Consolidated Construction Fund for Management of various Storm Sewer, Street and Bridge Projects – **(This was Item 40 on Agenda of June 5, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-0515 ADOPTED.

Item received during the meeting

33. ORDINANCE amending Ordinance Number 2001-947 to increase the maximum contract amount for contract between the City and **HARRIS COUNTY**, the **HOUSTON INDEPENDENT SCHOOL DISTRICT**, the **HOUSTON COMMUNITY COLLEGE SYSTEM**, and the **CITY OF BELLAIRE**, for expenses related to the November 6, 2001 Election and subsequent Run-off Election and allocating additional funds thereto - From \$800,000.00 to \$2,000,000.00 – was presented.

Council Member Alvarado stated that she wanted someone to explain to her what they were doing, and Mayor Brown asked Mr. Hall to explain what the item was about.

Mr. Hall stated that they contracted for the runoff but did not appropriate the money for the runoff, that each election was approximately \$1 million, that they appropriated \$800,000 for the first election and the total cost for both of them, which they always reconcile it at the end, came to \$1.2 million more, that they were paying for the runoff, that they had contracted for it but never appropriated money for it, that he did not know if the other entities, the County, had appropriated the money, but they would have to, there was a formula where they allocate the cost based on how much of the election was attributable to the issues and candidates that they had on the ballot, so they had a formula where they pre-agreed to do that with, so when they calculate it they send them the bill and they would have to pay their part, that the County was in charge of it, that all of them contracted with the County to do it.

Upon questions by Council Member Vasquez, Mr. Hall stated that this was merely appropriating the money, that they had gotten the bill for the election, that they contracted with them to do the election, they just did not appropriate enough money, they appropriated money only for the first election and not for the runoff and as it turned out when they got finished with the whole thing, this was the final bill for those elections.

A vote was called on Item No. 33. All voting aye. Nays none. ORDINANCE 2002-0516 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that they would be having a town hall meeting on the privatization of the zoo issue on Thursday and would solicit and encourage their input, that she knew it was in District D but it was a citywide issue. Council Member Alvarado absent.

Council Member Edwards stated that regarding the Del Monte situation, that as an international City she thought when companies come that had international operations that should be an item that was always going to be an item of concern for her, so those people bringing companies to her for presentation that she would encourage them to have that information on those particular companies on their international operations. Council Member Alvarado absent.

Council Member Vasquez stated that as to the Del Monte situation, that he hoped that the business world in Houston and beyond gets the message that Del Monte, should they chose to walk away from Houston, it was their decision that they could not withstand the public scrutiny and the public due process. Council Member Alvarado absent.

Council Member Vasquez stated that he wanted to wish everyone a Happy Fatehrs Day. Council Member Alvarado absent.

Council Member Keller stated that he wanted to congratulate Rice and UT for being number one and number two going into the College World Series this weekend. Council Member Alvarado absent.

Council Member Keller stated that he wanted to say that he was not happy with what went on last week with Mr. Piper. Council Member Vasquez absent.

Council Member Quan stated that he was happy that so many Council Members were concerned with the day labor issue, an issue that he had been concerned since he came to Council, that he looked forward to working with each and everyone in trying to develop a plan that really addressed an overall problem in the City. Council Member Vasquez

Council Member Quan stated that regarding Mr. Piper, he hoped that other department heads and people in decision were not inhibited in bringing ideas forward. Council Member Vasquez absent.

Council Member Sekula-Rodriguez stated that her distant cousin was Eddie Lewis and was playing on the American Soccer Team in Korea at the World Cup. Council Member Vasquez absent.

Council Member Sekula-Rodriguez stated that she wanted to thank the administration for agreeing to restore \$1.5 million to the Health Department.

Council Member Sekula-Rodriguez stated that she wanted to congratulate Dr. Kendrick and the Houston Department of Health and Human Services for having an article published in

JAMA, the Journal of the American Medical Association, it was called "Tropical Storm Allison Rapid Needs Assistance Houston, Texas June 2001", that it pointed out how well they did during Tropical Storm Allison and a lot of credit had to go to Mayor Brown for responding quickly. Council Member Vasquez absent.

Council Member Sekula-Rodriguez stated that she too was dismayed and disgusted with the situation regarding Mr. Piper and thought the SimDesk item needed to be brought back to Council and needed to be re-addressed with full disclosure. Council Member Vasquez absent.

Council Member Parker stated that as to Mr. Piper she was not only disappointed but felt that Mr. Piper lied to the Council and caused them to question the integrity of the contract, however she understood that the Mayor had selected a replacement for Mr. Piper, that the replacement would be Mr. Richard Lewis and subject to the approval of the creation of the Information Technology Department, she was assuming that if a new department through the budget that Mr. Lewis would be subject to Council confirmation, and Mayor Brown stated that was correct.

Council Member Parker stated that she wanted to mention the Civility Ordinance that they passed earlier and made no secret that she did not support the Civility Ordinance, that she wanted to thank Mr. Bibler for working with her on her attempts to decriminalize the dumpster diving.

Council Member Parker stated that as a proud graduate of Rice University she wanted to wish them well in Omaha, that this was their third year there and proved that they could combine academics and athletics. Council Member Wiseman absent.

Council Member Alvarado stated that she could understand the feelings and sentiments that her colleagues had about Mr. Piper's resignation, but did not think any of them voted for SimDesk because they liked Mr. Piper, they voted for it because of the product and did not think it would be appropriate to try to recall it. Council Member Wiseman absent.

Council Member Alvarado stated that most of the Council Members should have received a letter from a young lady that worked in HPD's Crime Lab, that she had a chance to spend most of the morning there yesterday and she was pretty embarrassed about some of the conditions that were at the Crime Lab, very deplorable conditions, that it was her feeling that Chief Bradford was probably not aware of the conditions, because if he were he would make sure they were corrected and would ask that they have an immediate investigation of the conditions, that it was located at 1200 Travis on the 26th floor, and Mayor Brown stated to Chief Storemski that he relay that to Chief Bradford and tell him to have a report back within a week on what had been done to correct the problem. Council Member Edwards absent.

Council Member Berry stated that as to the Mr. Piper issue, he voted against it and for those who voted for it he did not know if Mr. Piper's assurances were there or not, but he knew that it was repeatedly stated by Mr. Piper, even when he was not asked, that he would offer his job up as collateral for his credibility on this project and he thought that was disturbing, that he thought they should always be able to look to their chief legal advisor on Legal issues, and their chief information advisor on IT issues and Mr. Litke on Planning issues and if they could not do that in making their votes he thought it was going to be troubling to the process. Council Members Edwards and Vasquez absent.

Council Member Berry stated that he wanted to commend Council Member Ellis for his work on the Civility Ordinance. Council Members Galloway, Edwards and Vasquez absent.

Council Member Berry stated that he wanted to thank Mr. Litke, that they brought a few issues to his attention over the last couples of weeks and he had been very responsive and he appreciated that, that he wanted to thank the Public Works Director, that they took up the issues

of potholes in his department and he particularly had been very responsive. Council Members Galloway, Edwards and Vasquez absent.

Council Member Tatro stated that as to the Mr. Piper situation, he did not think that it could be stated enough what had transpired with that, that he lost all faith in Mr. Piper's ability to save the taxpayer money under the projects that he was shepherding forward. Council Members Galloway, Vasquez and Parker absent.

Council Member Goldberg stated that tomorrow the International Special Event Society was having an all day convention at the George R. Brown, that it was a virtually new society and association, that basically it was all the organizations that put on special events and special attractions, that it was great for the City of Houston that they were headquartered here because it did attract a lot of outside business, that a lot of people came in from all over the State to attend the convention. Council Members Galloway, Vasquez and Berry absent.

Council Member Goldberg stated that as to the situation with Mr. Piper, he was looking at his calendar and supposedly on the day that Mr. Piper handed in his resignation was the 28th and on his calendar on the 28th that was the day Mr. Piper did his workshop and was explaining to them about his department and the financing and what a great program it was, that if he handed in his resignation on the 28th he must have been contemplating this for a few weeks or months, that on the 28th somebody in the administration knew and he would like to know who knew at that time that Mr. Piper had handed in his letter of resignation and why were the Council Members not alerted, why was it purposely withheld until after the vote. Council Member Galloway absent.

Council Member Weisman stated that as to the Mr. Piper situation she thought that it was pretty apparent that there were a lot of people were upset over the fact that their Chief Information Officer withheld information.

Council Member Weisman stated that this week was their second week for the student page program for the summer, that it was going very well and she wanted to thank the Mayor, that the kids were just extremely excited, that they had a lot of good questions.

Council Member Galloway stated that District B was spotlighted in the Houston Chronicle yesterday and just wanted to compliment Rachel Grace for the article, that she did a beautiful job in notifying the Houston community about what was going on in District B.

Council Member Galloway stated that she wanted to wish everyone a Happy Fathers Day.

Council Member Robinson stated that in addition to the Rice Program they had a pretty outstanding effort by Forest Brook who made it to the State High School Playoffs this year.

Council Member Robinson stated that as to Del Monte for him it was not unions versus right to work, but was about employee empowerment and they all knew in this community they had serious emergency health care issues and if they did not pay people a good wage that could support them and their family it ended up costing the City, that if people were listening Del Monte was talking about \$66,000 per year and in a tight budget he wanted the \$66,000 per year, but if they did the employees so bad that they ended up costing the City millions of dollars through the Harris County Hospital District it clearly offset the \$66,000 and was a net loss, so those questions were always going to be important to him.

Council Member Robinson stated that yesterday in the newspaper there was a story titled "City Could Handle Dirty Bomb" and would like to request that one of the Council Committee's or the Mayor's Report to give them some kind of generalized briefing.

Council Member Robinson stated that on the Day Labor issue he hoped that they would make a part of the comprehensive approach the movement on the ordinance they had been discussing for some time now about solicitation of laborers away from the day labor site, he thought if they did not have that as part of the package they did themselves a dis-service.

Council Member Robinson stated that it was not just about the employees health care benefits and not just about a pay increase, there was an attitude problem at the supervisory level in the City as it related to front line employee, that if there was a management attitude to employees it was never going to get better even after a 3.5% pay increase, that was not what they were asking for, they were asking for respect and to fix the pay scale and make their jobs competitive and give them an opportunity to promote up.

Council Member Robinson stated that as to technology, he wished that Mr. Piper would have told them he was leaving, but nobody had talked about the substance of the deal, that in the area of technology a whole lot of what had been going on lately was that some folks did not like the answer.

There being no further business before Council, the City Council adjourned at 11:50 a.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary