

City Council Chamber, City Hall, Tuesday, January 7, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 7, 2003, Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown absent on jury duty.

At 1:57 p.m. Mayor Pro Tem Quan stated that Council would begin their presentations.

Council Member Alvarado invited Ms. Milagros Enriquez to the podium and stated that Ms. Enriquez was awarded the Milken Family Foundation Educator Award which also entitled her to \$25,000.00; that she was selected because of her exceptional instructional practices and outstanding educational accomplishments; and presented her a proclamation saluting her on her accomplishments, extending best wishes and proclaiming January 7, 2003 as "Milagros Enriquez Day" in Houston, Texas. Council Members Vasquez and Berry absent.

Mayor Pro Tem Quan stated that all Council Members would find an invitation at their seat for the Jazz Extravaganza to be held January 19 at the First United Methodist Church and invited Mr. Conrad Johnson to the podium. Mayor Pro Tem Quan stated that Mr. Johnson was a great asset to the City of Houston and presented him a proclamation for being inducted into the Texas Band Master Hall of Fame, for HISD naming a music school after him and proclaiming January 7, 2003 as "Conrad Johnson Music and Foundation Day" in Houston, Texas. Mr. Johnson stated that his father wrote a song for Houston in the 1950s and he had sent it now to the Mayor to see if it could be a song for the City of Houston and he thanked Council Members for that possibility. Council Members Tatro and Ellis absent.

Council Members congratulated Mr. Johnson on his accomplishments and stated that he was a great asset to the City of Houston. Council Members Tatro and Ellis absent.

Council Member Galloway stated that this was a surprise for Council Member Edwards in honor of her birthday and invited family members to the podium who led Council in singing Happy Birthday to Council Member Edwards; other well wishers sang to her and her office staff presented her a certificate of recognition. Council Member Edwards stated that this was an amazing presentation and she did appreciate it; that she was 60 years old today. Mayor Pro Tem Quan stated that 60 was a very meaningful year for the Chinese, it was five times around the horoscope, the zodiac, and that meant a person had really obtained maturity; and wished her a happy birthday. Council Member Berry absent.

At 2:14 p.m. Mayor Pro Tem Quan called the meeting to order and stated that Council Member Alvarado would lead Council in the prayer and pledge; and Council Member Alvarado called Reverend Hubbard with the New Guide Missionary Baptist Church to lead all in prayer. Council Member Alvarado led everyone in the pledge of allegiance. Council Members Edwards and Berry absent.

At 2:16 p.m. the City Secretary called the roll. Mayor Brown absent on jury duty. Council Members Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Council Members Keller and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Brown absent on jury duty. Council Members Edwards and Berry absent. Mayor Pro Tem Quan presiding. MOTION ADOPTED.

Mayor Pro Tem Quan requested the City Secretary to begin calling the list of speakers. Council Member Goldberg absent.

Council Member Keller moved to suspend the rules to add Mr. Cliff Harris to the list of speakers, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on jury duty. Council Members Edwards, Wiseman and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0001 ADOPTED.

Ms. Elsie Finley, 3202 Ozark, Houston, Texas 77021 (713-747-7155) had reserved time to speak but was not present when her name was called. Council Members Edwards, Wiseman, Alvarado, Berry and Robinson absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-645-0682) appeared and stated that this was her second time in front of Council regarding her home; that Mayor Brown had requested the Urban League to fix her home and they were out several times, but the work was not complete; that they needed quality people to do the work correctly as she was dissatisfied; and she was pleading today to get the work done. Council Members Wiseman, Vasquez, Berry and Robinson absent.

Mayor Pro Tem Quan stated that his understanding was on May 23, 2001 the Urban League completed work on her home totaling \$14,920.00 and then tropical storm Allison hit further damaging the home and then she was advised she could get another \$5,000.00 worth of work done; and upon questions, Ms. Taylor stated that was not correct; that the storm did no damage to her home; that she had work done and she was very dissatisfied, they had paint all over everything and they were not thorough. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Goldberg, Mayor Pro Tem Quan stated that the Urban League was one of the city's contractors for home repair; that they were a conduit and did not do the work the subcontractors did the work. Council Members Vasquez and Robinson absent.

Council Member Goldberg moved to suspend the rules to hear from Mr. Mike Halpin, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on jury duty. Council Members Vasquez and Robinson absent. MOTION 2003-0002 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Halpin stated that there were other complaints, but out of 900 plus homes the percentage was small and it was unfortunate; that the Urban League had a different story as they had presented and it was the Urban League's job to resolve it and hire a contractor to make it work; that the way he read the Council approved guidelines it was not Ms. Taylor but the Urban League who would pick the contractor. Council Member Keller absent.

Mayor Pro Tem Quan stated that his notes stated Ms. Taylor had refused to sign a work agreement with the contractor for the Urban League; and upon questions, Ms. Taylor stated that was not correct; that they had not offered anyone to perform the repairs and told her to find someone who had liability and her question was why didn't they use the liability insurance for the contractor who messed it up, but if the Urban League had a contractor she was ready for them. Council Member Keller absent.

Mayor Pro Tem Quan stated that he would like Mr. Halpin to follow-up; that his notes said the Urban League had a contractor ready and Ms. Taylor was ready. Mr. Halpin stated that he understood there was an issue with selecting a contractor and apparently they were mistaken; that they would send out an inspector from the department to look at it.

Mr. Steven Williams, no address, no phone, had reserved time to speak but was not present when his name was called.

Ms. Sheryl Washington, 8507 Cottage Gate Ln., Houston, Texas 77088 (281-272-1070) had reserved time to speak but was not present when her name was called.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to

speak but was not present when his name was called.

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and sang and danced until his time expired.

Mr. Dale Thomas, 11707 Kape Hyannis, Houston, Texas 77048 (713-738-2013) had reserved time to speak but was not present when his name was called.

Mr. Russell Hankins, 806 Saybrook, Houston, Texas 77024 (713-465-8542) appeared and stated that he was present asking Council Members to support their Fire Chief; that he made the same presentation about one and a half years ago when all they were talking about was four men in a truck; that he agreed a fourth man was needed, but the fourth man was needed at the fire site and he gave Council Members seven suggestions as to how to dispatch them there and they all made sense and he could tell from Council's expressions they all agreed but none wanted to go any further; that he did not represent firefighters but was interested in good city government; that they also needed firefighters who followed established procedure and not heroes; that he had an editorial in front of him from Friday's Houston Chronicle that read "In Firefighters We Trust", but what about the Chief, Captain Perry needed to be terminated.

Upon questions by Council Member Ellis, Mr. Hankins stated that he was slated to be president of the Harris County Mayors and Council in May and he looked to be working with Houston; that it was an elected and appointed position; that he had no firefighter experience but he had a career in safety and had an interest in it.

Upon questions by Council Member Berry, Mr. Hankins stated that if he would look in the report Mr. Perry did not follow procedure, there were a lot of questions; that his concern was they were misusing resources which could be used in other fire department areas, but he did not have that information as to where at this time. Council Member Berry stated that the City of Houston just won national awards for being the best fire department and now he was coming to say where resources should be spent; and upon questions, Mr. Hankins stated that it was fine they had the recognition but four men in a truck had nothing to do with that recognition. Council Members Goldberg and Parker absent.

Council Member Robinson stated that no matter how many rode on a truck it was the men and women of the Fire Department that made this city best ranking and he had no idea why he was saying the frontline firefighters were the problem. Council Member Parker absent.

Upon questions by Council Member Edwards as to how he thought the Council could better assist Chief Connealy, Mr. Hankins stated that he did not care to respond and walked away from the podium. Council Member Parker absent.

Ms. Catherine Burst, 1747 Maux, Houston, Texas 77043 (713-539-0970) appeared and stated that in 2002 Harris County Commissioner Precinct 3 Steve Radack initiated efforts to take control of Nob Hill Park and requested approval of an interlocal agreement granting Precinct 3 permission to rename the park and develop and maintain it to county standards; that a request for council action had been filed to approve the agreement and she was present on behalf of the Royal Oaks Civic Association which abutted the park on the eastside as they were opposing the transfer of the park and were asking Council Members to vote against it; citizens of their community had been actively involved in efforts to improve Nob Hill Park and recently successful in a city matching grant for construction of a children's playground and over 235 trees and had a lighted baseball field and an excellent safety record because of regular police patrol; that Commissioner Radack stated he would maintain the park as he saw fit rather than as they saw fit and if they did not like it they could vote him out of office. Council Members Galloway and Parker absent.

Upon questions by Council Member Ellis, Ms. Burst stated that they were in Council Member Tatro's district. Council Member Ellis stated that he had been unable to get the City

Parks Department to do what he wanted in his district and had entered into an interlocal agreement with the county and they had done a fine job at Lansdale Park. Upon further questions by Council Member Ellis, Ms. Burst stated that Commissioner Radack stated he would do what he wanted with the park and not what the taxpayers wanted. Council Member Ellis stated that he would encourage her to work with Council Member Tatro and Commissioner Radack; that he believed it may strip some of their authority, but believed they would benefit greatly. Council Member Galloway absent.

Council Member Tatro stated that the item came up last week and was approved; that he believed this would be a win/win situation and Commissioner Radack was more open to public input than the city. Council Member Galloway absent.

Upon questions by Council Member Edwards, Ms. Burst stated she thought it would be extremely helpful if Council Member Tatro's office would provide staff to meet with the commissioner and his staff, if they could provide a liaison for them. Council Member Galloway absent.

Mayor Pro Tem Quan stated that he felt confident Council Member Tatro would fulfill that role for her and if not she should feel free to contact any At-Large Council Member; and he and Commissioner Radack went to the same church and he would be glad to speak with him. Council Member Galloway absent.

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

Mr. Cliff Harris 4316 Nichols, Houston, Texas 77020 appeared and stated that he was present with several issue, first he was a certified disabled person and there was much discrimination against the disabled, especially males; that they were told many services were available, but they could not get it; that often they were to have case managers and they did not always do what the disabled were told they were to do; that he was supposed to be going up for housing and he wanted to work, but if he worked the state said he had no benefits; that he had been trying to get housing for the longest and he needed assistance like many other disabled persons; that he had signed up for all programs and he had not seen any assistance yet. Council Member Galloway absent.

Mayor Pro Tem Quan thanked Mr. Harris for coming and stated that this was not a perfect society, but Mr. Cantu and Ms. Dillard were present from the Citizen's Assistance Office and Ms. Dillard would meet with him at this time and see what assistance they could help him with. Council Member Galloway absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President and seeking re-election and continued with his personal opinions until his time expired. Council Member Galloway absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that that he was telling the United Nations to take control and come and get him and continued with his personal opinions until his time expired. Council Member Galloway absent.

At 2:57 p.m. City Council recessed until 9:00 a.m., Wednesday, January 8, 2003. Mayor Brown absent on jury duty. Council Member Galloway absent. Mayor Pro Tem Quan presiding.

City Council Chamber, City Hall, Wednesday, January 8, 2003

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 8, 2003, 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 Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director, present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 Mayor Brown reconvened the meeting of the City Council and stated they would start with the report from the new City Controller and their Finance and Administration Director. Council Members Goldberg, Vasquez, Alvarado, Sekula-Gibbs and Berry absent.

MAYOR'S REPORT

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

Ms. Judy Gray Johnson, City Controller, stated that she was pleased to present the Monthly Financial Report for November 2002, that first of all the numbers in the first column of all the pages in the report for the Fiscal Year ending 2002 were the final audited numbers, the comprehensive Annual Financial Report had been distributed and anyone with questions should contact their office on it, that report did include all of the new requirements of the Government Accounting Standards Board with debt relating to Infrastructure, Assets and had government wide financial statements that they had not reported before, the Ending Fund Balance from Fiscal Year 2002 coming into the current Fiscal Year was almost exactly the amount that was estimated when the 2003 Budget was prepared and that meant that they had no adjustments to make going forward related to the prior year, as to the estimated General Fund Revenues for the Fiscal Year 2003, the current year, the only change they had made from the last month was their estimate for Sales Taxes, they had made a reduction of \$5 million, it was primarily due to an anticipated delay in the collection of Sales Taxes related to the limited purpose annexations that had occurred during the year, that they had also reduced expenditures in the General Government category by \$2.5 million, because 50% of those Sales Taxes were shared with the participating municipal utility districts, their Sales Tax estimates for the remainder of the year included an estimate that Sales Taxes would be 2.5% higher than the comparable checks the prior year, that it was of course a very volatile area and somewhat difficult to predict, that they had for example four months of actual data at this point and eight months that were estimates; regarding the General Fund Expenditures, they had recognized an additional \$7.3 million in savings on spending controls that had been implemented by the administration, that the net results of all of those adjustments, compared to last months report, was that they had reduced the amount that was needed to balance the budget by \$4.8 million, their new estimate as the amount of challenge that lay ahead was \$27.3 million for the General Fund; in the other funds, the only significant adjustment that had been made since last month was that they had reduced the revenues in the Water and Sewer Fund and those figures were in agreement with those used by the Finance and Administration Department and that concluded her report. Council Members Goldberg and Berry absent.

Dr. Philip Scheps, Director, Finance and Administration, stated that they also had few changes in the report from last month and that was in anticipation of the meeting with Fiscal Affairs, that Council Member Parker had called a special meeting next week where they would report on the steps taken to balance the budget, so there were really very few changes in this report, that they had added an Attachment C to his letter which would make it easier to track where they actually were in the budget relative to expenditures, they had accounting nuances that cloud the statements and made it somewhat difficult to tell from their tables and the MOFAR itself, so he added the Attachment C to describe where those changes were, that the news that they did have was negative this month, they were now showing a revenue below budget of \$21.9 million, but as Judy mentioned, at least \$3 million of that was somebody else's money, it was pass through money that went to those districts, so they also had reduced substantially the revenue estimate that they made for those districts, so although

their revenue was down \$21.9 million, only \$18.9 million of it was truly revenue that they had to deal with, that he put graphs in the report for the first time that showed of that \$18.9 million it was almost all Sales and Property Tax and they thought they were being conservative at the time they set it up, the graph and report showed that they used the revenue estimates from an agency known to be conservative, they used HCAD, for their property taxes and they also used Bart Smith's number and cut a percent off of that and they were substantially below both of those, that it was a problem nationwide that they were facing, that they had made very few changes on the expenditure side, again that would be covered in full next week, that they also talked to the committee yesterday about the delinquent property taxpayer names in the newspaper, Council Member Keller's suggestion, and they handed out for those Council Members that were there and picked up the information, actually draft names and a schedule that would culminate in everybody getting noticed and also something would be in the newspaper, they thought, around January 31, 2003, that also next week they would have the 5 year forecast that would begin to deal with the problems that were associated with the FY04 Budget and that concluded his report. Council Members Goldberg, Berry and Robinson absent.

Council Member Vasquez asked Dr. Scheps as to the 5 year forecast, was he just going to project the revenues or was he going to look at what the major expenses to be and, Dr. Scheps stated revenues and expenses, and Council Member Vasquez asked if it would anticipate anything for Fire, and Dr. Scheps, stated no, not what Council Member Vasquez was thinking of, it would anticipate classes for Fire, it would anticipate the replacement of people on overtime with the cadets coming up, that it would not anticipate compensation increases if that was what he was driving at, but it would certainly be their best guess of the Fire Department, and it would anticipate new facilities, there were new fire stations coming on that had to be staffed and that would be in there as well, and Council Member Vasquez asked Dr. Scheps if he could also give them a sense of what was not going to be included in that, and Dr. Scheps stated that he did not think there was anything that was not going to be included, the way they had typically done business because the Police Budget went up so rapidly because of Meet and Confer, the Fire Budget, because of four on a truck, was predictable, Debt Service goes up in a predictable manner, assuming that they knew what sort of refundings they were going to do and what kind of debt they were going to do, that Health Insurance went up in a predictable manner, that what they tended to do was predict everything that they could and back into the number that was really available for all the other departments, that there would be no compensation increases, other than mandated Meet and Confer increases, that he thought everything would be there that they knew of, and Council Member Vasquez stated that they were discussing the potential of a drainage or utility fee and asked Dr. Scheps if he would look at how that might impact the 5 year forecast as well, and Dr. Scheps stated that he certainly would. Council Members Goldberg and Berry absent.

Council Member Robinson asked if they could take a look at what the impact of the drainage fee would be vis-à-vis all the discussions he hoped they would have sometime soon about a potential Water and Sewer increase, would it offset the need, and he would like to visit with Dr. Scheps and some of the other folks, Mr. Haines and maybe the financial advisors to see if they could have that kind of a thorough discussion because it was his understanding, at least from looking at some of the preliminary numbers, they may have the ability to offset the early discussion that they had about a 9% Water and Sewer increase and drop it down significantly, if not totally, and if that was the case he may be more inclined to entertain the idea of the drainage fee, as he had talked about all along, so he thought they were getting closer to some numbers now that they could engage in that discussion; that the other thing that he would ask, and he talked to Dr. Scheps yesterday, if they could get some kind of analysis for the special Fiscal Affairs meeting on employees vacation time and use of vacation time and what the financial implications were, they had a discussion about a plan, somebody came and offered them an idea and it opened up the discussion about how they may be able to give the employees some benefit, but he was also interested in how going forward, not impacting any of the current employees, but how they may try to take some steps to lower their liability on that issue and he would like to have some information on that from Dr. Scheps, and to Ms. Johnson, he had a favor to ask of her, that he knew that Dr. Scheps was going to offer a plan and would like to see if she had any thoughts, that a couple of years ago he remembered, when Commissioner Garcia was with the City, as City Controller she went through an exercise of scrubbing all of their bank accounts and came up with a number of accounts that had funds that were not unobligated as part of a proposal that she put forward as part of a proposal she put forward to help close the financial gap, so he would like to see if

Ms. Johnson would engage in the same kind of effort, along with F&A, to see if there were any accounts out there where they had not already obligated all the money in there, or they had some accounts that were around with whittling balances, that he would like to see if she and Dr. Scheps would engage in that exercise for them as a part of the presentation for next Tuesday, and Ms. Johnson stated that they could give them a summary of the Any Lawful Purpose type of category of funds that could be used for different things, and Council Member Robinson stated that he was looking at all of the general accounts, that what Controller Garcia did was go through everything and came back with about four or five accounts that had a little bit of money left over, that they could move some enterprise money from different accounts to help out on the Capital Improvement Plan, that was what he was trying to get a feel for, to see if there was anything out there, and Ms. Johnson stated they would get that together by the 15th's meeting. Council Members Goldberg and Berry absent.

Council Member Tatro stated that he was looking at the Water and Sewer Enterprise Fund, and thought it came up during the budget, but was trying to track what was now the 5% gross transfer out of the Water and Sewer to the General Fund for various purposes and the \$4.1 million, if they took the 5% from estimated revenues it was about \$27.5 million and add the \$4.1 million new money this year being transferred, it was about \$31.6 million, where was that in the Water and Sewer Operating Fund Schedule, that he only saw transfers for Street and Drainage at about \$11.4 million, and Dr. Scheps stated that it was not there, that it was from the "scrape" that was done for the current year for ALP, they budgeted the \$4.1 to go to the General Fund, so they would not see it on that piece of paper, that "scrape" was completed at the audit and it was basically the surplus generated from last year, that it was not on the scheduled, that he would ask the Controller to help put a schedule together that demonstrated that, and Council Member Tatro stated yes, that he would like to understand that, so of the \$31 million how much was being taken out of the carryover and Dr. Scheps stated that his recollection was that it was the \$4.1 million to go to the General Fund and it was the repayment for the TIRZ assets that Council adopted theoretically and then there was about \$11 million that was the making whole, that they saw part of the transfer, the \$11.4 million and the rest of it was another \$10 million or \$11 million that went to the drainage, that they were both estimating a negative net current activity in Water and Sewer this year, that it was a preliminary, that he would get him the total "scrape". Council Members Berry and Robinson absent.

Council Member Sekula-Gibbs asked Dr. Scheps and Ms. Johnson, when they give the report on their suggestions to please address the increase amount of Debt Service they were paying as a City, that yesterday they mentioned that they paid \$178 million per year, and Dr. Scheps stated that was the transfer from the General Fund, they paid more than that in Debt Service, that was just what came out of the General Fund to go to the Debt Service, and Council Member Sekula-Gibbs stated that came out of their Operating Expense every year and was a 10% or more bite out of the General Fund, and Dr. Scheps stated that was what paid for the CIP and Council Member Sekula-Gibbs stated that she would like some attention directed towards how they could reduce that because it was eating away at their Operating Expenses and would like some of Dr. Scheps suggestions and she had some of her own on how they needed to address that, and also she would like some attention paid to the increasing number of unfilled positions in Public Works and the Health Department, because every time they reduced those departments they were really losing jobs and would like some clear numbers on how many people were not working that they might be needing in the community because of the trends. Council Members Berry and Robinson absent.

Council Member Parker stated that the upcoming special Fiscal Affairs meeting, it would really be structured in two parts, the first were the immediate problems that they had with the current budget and she met with the administration yesterday to talk about those issues and they also, as had been discussed, move into the major elements of the 2004 Budget, that it would essentially be the first budget meeting for the 2004 Budget and to try and lay out the parameters in both income and expenses and would encourage Council Members to begin to think about it, that she heard Council Members discuss prioritizing departments, well if they looked at their budget they already prioritized departments, what they needed to do was prioritize programs and services and if they were going to be cutting, instead of saying they wanted to cut a certain percent, they needed to say they did not need to do this service or they did not need to have that program and she would really encourage them to start thinking along those lines as they moved into the budget. Council Members Berry and Robinson

absent.

Council Member Parker moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2003-0003 ADOPTED.

Mayor Brown stated that he noticed they had a couple of former Council Members in the audience and recognized former Council Member Judson Robinson and former Mayor Pro Tem Jew Don Boney and asked if he would introduce the group that was present with him today. Council Members Berry and Robinson absent.

Mr. Jew Don Boney stated that he wanted to thank them for a few moments to indulge the extraordinary student leaders who were part of the Texas Legislative Internship Program and knew that many of the Council Members in the past had been generous enough with their time to meet with some of the young student leaders, that they were the Class of 2003 and asked that they stand and be recognized, that they were about 21 of the 30 students that had been selected for the Texas Legislative Internship Program that was administered by the Mickey Leeland Center of Texas Southern University and sponsored by Texas State Senator Rodney Ellis, they would be working in the offices as staff members of the Texas State Legislature throughout the session, they were an outstanding group and were from Brazil, Africa, Switzerland and all throughout colleges and universities in the State of Texas and Louisiana, graduate students, law school students and even a few under grads, so this was what they thought was the cream of the cream of the young student leaders of today, that one of the students stated that they spoke 12 languages fluently and another one spoke five languages fluently and so that was just to give them an idea of the kind of intellectual skills as well as commitment to public service that they had and so they wanted to come down and observe a little bit of City Council and see their City leaders carrying out the City's business and hoped that over the course of time and in the near future they could talk about another local internship program that would be ongoing and working with the Mayor and City Council and other offices of City government. Council Member Robinson absent.

CONSENT AGENDA NUMBERS 1 through 27

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **NORMAN ALLEN** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2003-0004 ADOPTED.
2. RECOMMENDATION from Acting Chief of Police for Extension of Injured on Duty Status for Police Officer **WARREN V. JONES** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2003-0005 ADOPTED.

PROPERTY - NUMBERS 8 through 9A

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Charles Mock, on behalf of Reward Third Ward, Inc. (Rose Mary Washington, president), for abandonment and sale of a 10-foot wide prescriptive sanitary sewer easement, located in Lot 3, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, located in Lots 3 and 4, both within Block 7, Reward Third Ward Subdivision, Parcels SY3-025 and DY3-007 - **STAFF APPRAISERS DISTRICT I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0006 ADOPTED.
9. ORDINANCE appropriating \$14,175.00 out of Water & Sewer System Consolidated

Construction Fund Number 755 to pay the amount of the Agreed Final Judgment and the appraisal expense in connection with the settlement of the eminent domain proceeding styled City of Houston v. The Estate of Doris J. Neely, deceased, et al., to acquire Parcel Number C99-3, for the Telephone Road Lift Station Project; GFS/CIP R-0267-00-1 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0001 ADOPTED.

- 9a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. the Estate of Doris J. Neely, Deceased, et al., Cause Number 758,178; for a total consideration of \$42,500.00 and pay appraisal services of \$1,850.00 in connection with **TELEPHONE ROAD LIFT STATION PROJECT**; GFS/CIP R-0267-00-1 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0007 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 17

14. **AMEND MOTION #2000-76, 1/19/00, TO EXTEND** expiration date from January 19, 2003 to January 18, 2004, for Electrical Switchgear and Motor Controls for Various Departments, awarded to **TURTLE AND HUGHES, INC** and **DEALERS ELECTRICAL SUPPLY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0008 ADOPTED.

ORDINANCES - NUMBERS 18 through 27

18. ORDINANCE establishing the north side of the 700 block of East 8th 1/2 Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0002 ADOPTED.
19. ORDINANCE establish the south side of the 1900 block of Harold Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2003-0003 ADOPTED.
20. ORDINANCE establish the east side of the 1500 block of Harvard Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0004 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$149,602.00 and acceptance of work on contract with **PROJECT DEVELOPMENT GROUP, INC** for Asbestos & Mold Abatement and Selective Demolition in the “Y” Tunnel, GFS B-0070-01-5 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0009 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$594,827.51 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Construction of IRA Street Storm Sewer Outfall, GFS M-0126-13-3 (M-0126-13) - 00.17% over the original contract amount - **DISTRICT H -**

VASQUEZ – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$797,800.43 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of Neighborhood Street Reconstruction Project No. 432A Phase II, GFS N-0364-03-3 (N-0364-03-3) - 14.80% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,979,338.04 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Neighborhood Street Reconstruction #43 Afton Oaks Subdivision, N-0369-01-3 (N-0369-01) - 01.94% under the original contract amount - **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0010 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,495,856.54 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of On-Call Water Main and Sanitary Sewer Extensions, GFS S-0700-OD-3 (WA10660) - 00.17% under the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.

PURCHASING AND TABULATION OF BIDS

10. **PARKER SYSTEMS, INC d/b/a WEB DEVICES** to Furnish and Install Safety Equipment at the Wortham Theater Center for the Convention and Entertainment Facilities Department \$37,204.01 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0011 ADOPTED.
11. ORDINANCE appropriating \$37,779.00 out of General Improvement Consolidated Fund for purchase of the Partial Renovation of the Denver Harbor Multi-Service Center for Health & Human Services Department, CIP D-0077-01-3 – was presented. All voting aye. Nays none. ORDINANCE 2002-0005 ADOPTED.
- 11a. **SOUTHERLAND CONSTRUCTION COMPANY** for Partial Renovation of the Denver Harbor Multi-Service Center for Health and Human Services Department - \$35,980.00 and contingencies for a total amount not to exceed \$37,779.00 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0012 ADOPTED.
12. **AUTOMATED ACCESS SYSTEMS, INC** to Furnish and Install an Automated Pay-On-Foot Parking System for Library Department - \$100,982.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Alvarado asked if this was in any way changing the parking rates, and Mayor Brown stated that it did not.

A vote was called on Item No. 12. Council Member Berry voting no, balance voting aye. Nays none. MOTION 2003-0013 ADOPTED.

13. **TOTAL POWER SYSTEMS** for Repair of Submersible Pumps for Department of Public

Works & Engineering - \$60,645.91 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.

15. **AMEND MOTION #2000-118, 1/26/00, TO EXTEND** expiration date from January 26, 2003 to January 26, 2004, for Fiat Allis Road Machinery Replacement Parts for Various Departments, awarded to **HI-WAY EQUIPMENT COMPANY, INC** – was presented, moved by Council Member Robinson, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.
16. **AMEND MOTION #2000-251, 2/16/00, TO EXTEND** expiration date from February 16, 2003 to August 15, 2003, for Safety Footwear for Various Departments, awarded to **SAFETY SHOE DISTRIBUTORS, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis.
17. **DIRECT ACTION UNIFORMS** - \$2,436,021.02 and **L & N UNIFORM SUPPLY CO.** \$100,514.80 for Apparel, Uniforms for Various Departments - General, Enterprise and Storm Water Utility Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.

ORDINANCES

21. ORDINANCE approving and authorizing Amendment No. 1 to contract between the City of Houston and **NORTH HARRIS MONTGOMERY COMMUNITY COLLEGE DISTRICT** for Professional Services in connection with Workplace Competency Training for the Houston Airport System - \$150,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Members Alvarado, Goldberg and Keller.
22. ORDINANCE approving and authorizing the submittal of an application the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Immunization Field and Program Services (The "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing thirteen (13) new staff positions \$3,890,557.00 - Grant Fund – was presented.

Council Member Sekula-Gibbs stated that she wanted someone from the Health Department to meet with her, that she had some questions and Mayor Brown stated that they would make sure it happened.

Council Member Ellis stated that he too had some concerns about the item, that they had a grant fund of almost \$3.9 million and only \$1.1 million was going to the vaccines for children and thought that the program operation expenses were extremely high, that he did not know a lot about Health and Human Services, so he was going to tag the item and requested that someone come and chat with him and explain the breakdown on it.

Mayor Brown stated that they would have a briefing at the next Neighborhood Protection Committee, but wanted to point out that they had been trying for some time to set up a registry so that wherever they received their vaccinations, whether it was a private physician or if they moved, they would have one central depository for that information, that a lot of the funds would go towards that process.

Council Member Parker stated that she wanted to confirm that it was scheduled for the

next Neighborhood Protection Committee meeting, that they did not have an opportunity to have a meeting this week and anticipated a tag on the item so it would be on their agenda.

23. ORDINANCE approving and authorizing contract between the City of Houston and **RFP DEPOT, L.L.C.** for Internet Auction Services for Finance & Administration Department – was presented, and tagged by Council Members Tatro and Parker.

Council Member Robinson stated that he left a note and knew the Purchasing Director was working on it for him, that he saw an article in the newspaper and just wanted to get some information about how Harris County got their system up and running and what they paid to get it started and thought they all ought to be aware that he thought that was the concern of Council Members, that they said they did it in house and Council Members wanted to know how much they paid and how much they sell that kind of basic information to make a comparison and Mayor Brown stated that they would get that information.

24. ORDINANCE approving and authorizing contract for Internet-Based Reverse Auction Services between the City of Houston and **TEXAS PROCUREMENT CENTER, L.L.C.** – was presented.

Council Member Tatro stated that he was going to tag the item, that he had put a call and the contact was Mr. Garcia but would get it from Mr. Wells who returned their call, that to follow up on Council Member Robinson's statements, the reverse auction was a very valid and good opportunity to pursue but the question becomes what were going to be the costs, they had a 3% charge commission and his concern was how much were they going to be putting through, if they were going to be putting one to five items through a reverse auction then it did not behoove the City to develop the software and house it on their website because somebody on the outside could do it cheaper, but if they were going to be pushing through a bunch of purchases that 3% would start to escalate and the monetary number would start to grow and grow, that he had talked to a couple of IT people and obviously the County had some tech people who felt that it was not, that he would not know at this time how much they use it and how much the City would use it but there would become a point of diminishing returns where they purchased so much that they were paying 3% more and they would be better to invest in the asset for the software and servers than just keep bleeding money on expenditures, that the more they purchased, obviously, the more it would be a better deal to do in house because of the commission and if Mr. Wells was listening he would like to know how much money they planned to put through in the first three years and they wanted to follow up with the County as well, because the County had obviously analyzed it for their level of purchases and knew it was cheaper to do it in house, that there was no question in his mind that the whole reverse auction process was a very valid and cost effective way to do business, and that he would tag the item.

Council Member Ellis stated that the County did not have a reverse auction service, that he thought Council Member Tatro had Item Numbers 23 and 24 confused, Item No. 23 was the internet service to sell salvage items and so forth, and that was 8% and seemed a little excessive to him, but Item No. 24 was the reverse auction, of which the County did not have the capabilities to do, that he had been working on it for the past couple of years with Mr. Calvin Wells, that they purchased almost \$400 million worth of goods per fiscal year and if only 25% of the items were bought through the internet reverse auction process, it would be \$100 million and the net cost savings that they believed they would get was between 10% and 20% and they were looking at \$10 million to \$20 million in cost savings in the first year of moving forward with it, that he knew that TPC was the low bidder on it with the 3% so after Council Member Tatro looks into the matter he hoped he would discuss it with him in further details. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Department, at this time, seconded by Council Member Robinson. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-0014 ADOPTED.

Upon questions by Council Members, Mr. Wells stated that he was the Purchasing Agent, that as to the reverse auction, he did not think that Harris County was even doing it, that as to the internet auctioning to sell surplus, that was done by what they called in house, it was his understanding, after contacting Harris County yesterday, his staff spoke with Tony Riddle, the manager of Harris County's Purchasing Department and asked how much did it cost for Harris County to develop the internet auction software and startup their internet auction and Mr. Riddle advised that they did not have the cost, that the second question that was raised was how much did Harris County sell on the internet last year and the answer was \$411,000, that Harris County did not submit a proposal for internet auction services, Mr. Riddle and his wife owned a company called Tech Auction.Com and a proposal was received from that company by the City for the particular solicitation of theirs and as he understood it was that Tech Auction. Com company software or platform was similar to Harris County, but not the same, that Harris County did not have the outside contract to perform internet auction services, they did, however, have several contracts for auction services to sell cars and heavy duty equipment, that he was saying that the person who was doing it in house had a company on the outside that did the same services, internet sale of surplus equipment; that he did not do an estimate to do the reverse auction, Item No. 24, that they looked at the possibility of doing it, that in the bid submittals there were some flat fees and some slider scales, that it was 3% of the total award and was deducted from the award that was being awarded; that it was a misunderstanding what it was all about, that the Texas Procurement Center was one of many that was doing reverse auction and they would announce to a multiplicity of suppliers that the auction would take place on their internet and everyone would have an opportunity to register to participate in that particular solicitation, that an announcement would be made and companies could go online and could continue to bid on a particular item, that it was a lot more than just hooking up their computer and saying that today they wanted to put the reverse auction on the computer, that they had the access to get a lot of businesses participating in it and were responsible for doing it, that he did not have any earthly idea how much it would cost for the City to implement the program in house, because they had to have certain infrastructure to house such a thing. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After further discussion, Mayor Pro Tem Quan stated that Item No. 24 remained tagged. Mayor Brown absent. Mayor Pro Tem Quan presiding.

25. ORDINANCE appropriating \$173,782.14 out of Water & Sewer System Consolidated Construction Fund and \$238,727.47 out of the Homeless and Housing Consolidated Bond Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 1 of the Crisfield Meadows Subdivision, CIP S-0800-76-03 and R-0800-76-03 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Members Wiseman and Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.
26. ORDINANCE appropriating \$136,131.20 out of Water & Sewer System Consolidated Construction Fund and \$222,750.31 out of the Affordable Housing Uptown 2002B Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 2 of the Crisfield Meadows Subdivision, CIP S-0800-77-03 and R-0800-77-03 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Members Wiseman and Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.
27. ORDINANCE appropriating \$246,443.99 out of Water & Sewer System Consolidated Construction Fund and \$143,876.12 out of the Homeless and Housing Consolidated Bond Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for

Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 3 of the Crisfield Meadows Subdivision, CIP S-0800-78-03 and R-0800-78-03 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Members Wiseman and Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.

MATTERS HELD - NUMBERS 28 through 39

28. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Scanlan Building located at 405 Main Street; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability – (**This was Item 33 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBER ALVARADO**) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado moved to postpone Item No. 28 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-0015 ADOPTED.

Council Members Keller and Goldberg requested that someone visit with them regarding Item No. 28. Mayor Brown absent. Mayor Pro Tem Quan presiding.

29. ORDINANCE approving and authorizing professional services contract between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** for Evaluation of a Cultural Diversity Training Program for Houston Police Department - \$50,000.00 - Grant Fund – (**This was Item 35 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBERS PARKER and EDWARDS**) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she did not have any problems with the item and had met with the department and planned on voting for it, but she just wanted to note that Sam Houston State University was well known for its Criminal Justice Program and they used it regularly, but the University of Houston Downtown had an emerging Criminal Justice Program and she would strongly suggest that the Police Department begin to develop a relationship in Houston. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 29. All voting aye. Nays none. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0006 ADOPTED.

30. ORDINANCE approving and authorizing contract between the City and **WINSTEAD, SECHREST & MINICK PC** to Render Expunction Legal Services for Individuals arrested on August 16, 17 and 18, 2002 in the vicinity of 8400 Westheimer; providing a maximum contract amount - \$165,000.00 Property and Casualty Fund – (**This was Item 36 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBERS QUAN and SEKULA-GIBBS**) – was presented. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he thought everybody saw the article in the Houston Chronicle, that in the editorial they made the observation, and he assumed that some reporter or someone at the Chronicle called the Police Department to try to check who had the arrest records and the person in the Police Department told them it was the Municipal Court and the Municipal Court person said no, it was the Police Department and at least the representation was that it was the “three stooges” and nobody knew who in the City had the records, and his commentary was that it was the concern that he had been raising from the very outset of the issue and why, at least on four different occasions since their last briefing, he had asked that

they be briefed, and they were told that they were going to be briefed but they had not been briefed, that he did not want anybody to fall between the cracks because they sit at the table and take an action and then when it got down the line they totally flub it, that he did not know if it was true or not but would certainly like to know that somebody knew where the records were if they were going to shell out all of the money to Winstead and they were going to make sure they expunged the records of those folks who wanted it, that he was very uncomfortable if in fact the representation made in the Chronicle editorial was correct that they did not even know what they were doing when it came to the records and hoped that was not the case. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked that Mr. Hall respond, and Mr. Hall stated that was absolutely not the case, the prosecutor's office could tell them in excruciating detail, as they had him on a number of occasions, exactly who had the records, what had to be done and how it had to be done, and he did not know where that came from, that they knew how to do it. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Upon further discussion and questions by Council Members, Mr. Hall stated that the core of the issue was that they had to assure that they provide independent counsel for those folks in this matter that was not compromised by the several pieces of litigation that was presently under way, that he did not know why it was suggested that they did not know what the process was because they were the persons who recommended it, that they had obviously been contacting the people since the incident began and he thought that they could contact all but 27 of the folks and the 27 of the total that they had not been able to contact because they were from out of State or were students visiting and they were continuing the efforts to contact those folks, but they would be noticed that this was available and be told specifically who to contact and they had committed to assure that there would be somebody there to be responsive to the people and walk them through the process so that it would be painless and seamless, that they would have someone in their office to call, but more than that they would be advising them through the mail to call someone at Winstead, that there would be a client contact; that the agreement with Winstead was specifically just for the expungements, that it was fairly unusual, they had a number of issues, as they knew, they had internal administrative disciplinary issues that they represent the Police Department regarding the genesis of all of the trouble and they had now, he thought, four law suits filed, claiming untold millions in damages resulting from it, and then they had what Council Member Quan had been talking about and he thought an abiding obligation to try to right, what they thought was wrong, a part of that was to assure that those folks, who in their judgment and based on the Police Department's investigation, were wrongfully arrested, not have that remain on their records, that it was particularly important for the young people, that what they were trying to do was to negotiate all of the complicated areas at the same time, it involved a legal conflict because they had to file a lawsuit to get the arrest off of their record, the firm being hired and was being paid only on the per capita basis, that for every person who came in they would pay the filing fee and a \$350 fee for their completing the entire process, that all of the parties were agreeing that this was what should be done so that all they needed was for the persons who were arrested to accept the offer of representation that they would be providing, that as to the issue that if one accepted the expungement in some kind of way limited their ability to perhaps "sue the City", he and Council Member Quan had discussed the issue, and it did not impact the ability to sue the City, it could be argued that it would impact any damages they could claim from that, but he thought persons were ill advised not to get their records cleared up when it had been offered to them at no cost and then turn around and say they were damaged because they had the arrest on their record, that it was kind of a no win in his view, that he thought that the civil litigation would take a long time, it was not as quick as the expungement process would be, his guess was that at some point, in some reasonable time period, after they had made every effort they thought was reasonable in contacting the people and offering it, which meant probably more than once, they would terminate the offer and would terminate the agreement they had with the law firm to do it. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

After further discussion Council Member Goldberg stated that there was nothing in the

agenda item placing a time limit on it and the way it worked was that they would allocate \$25,000 at a time as people started using Winstead Law Firm, that they would not have to come back to Council until the \$165,000 was used up, that he would like to place a time limit on the \$165,000 and offered the following motion to amend Item No. 30:

“That if the \$165,000 was not used up within 18 months, that would be the end of the agenda item and they would have to come back to Council for more appropriations.

Mr. Hall stated that he did not have any problem about it, just the wording, and thought that probably it would be more appropriate to make the contract for 18 months, just the contract, not on the funding, and Council Member Goldberg withdrew his prior motion and moved to limit the contract for 18 months, seconded by Council Member Tatro.

A vote was called on Council Member Goldberg motion to amend Item No. 30. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0016 ADOPTED.

Mr. Hall stated that their concern was that in the civil litigation process, sometimes, as they knew, it was protracted, but he thought they could just come back in 18 months.

A vote was called on Item No. 30 as amended. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0007 ADOPTED AS AMENDED.

31. ORDINANCE awarding contract to **RBEX, INC d/b/a APPLE TOWING COMPANY** for Towing Services for Light, Medium and Heavy-Duty Vehicles for Various Departments; providing a maximum contract amount - 1 Year with four one-year options - \$1,310,475.00 - General and Fleet Management Funds – **(This was Item 38 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBERS VASQUEZ, ELLIS and KELLER)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0008 ADOPTED.
32. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services contract for On-Call Transportation Engineering Services with **PARSONS TRANSPORTATION GROUP, INC** (approved by Ordinance No. 2001-482) CIP N-0650-04-2; providing funding for contingencies relating to engineering services for various facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 39 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0009 ADOPTED.
33. ORDINANCE appropriating \$25,826,986.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2003 Equipment for Various Departments – **(This was Item 40 on Agenda of December 31, 2002, TAGGED BY COUNCIL MEMBERS TATRO, VASQUEZ, KELLER, ROBINSON, SEKULA-GIBBS, BERRY and GOLDBERG)** – was presented. Council Member Berry voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0010 ADOPTED.
34. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2003 - January 1, 2003 through December 31, 2003 – **(This was Item 41 on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1482)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she had been raising questions about some issues

regarding 911 for the last couple of weeks and moved to hear from Ms. Laverne Hogan, Director of 911, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Alvarado, Ms. Hogan stated that on the wire line side the fees were collected on wire line telephones and those were collected by all of the telephone companies in their area, that when they started out in 1983 there were six telephone companies and they now had over 100 local telephone companies collecting and transmitting fees and those were collected by those companies and transmitted directly toward the 911 network, that on the wireless side, however, there was a piece of legislation in 1997 assessing a fifty cent per subscriber number on wireless and that particular legislation did designate that the fees collected would be transmitted to the State Comptroller's Office and distributed around the State based upon population, that it would be very difficult to estimate how much 911 would be obtaining if they changed the process, if the wireless phone providers collected those surcharges and it went directly to 911 as opposed to what they had now, they knew for example that during this fiscal year they would be collecting, if they added up the fifty cents per subscriber number, approximately on 1.7 million wireless telephones, how many more they could collect would be a guess, but they did believe that the penetration level of wireless telephones in the Harris County area was certainly greater than what it would be in some outlying areas in the State. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she would like to have the issue taken to the TTI Committee and had talked to Council Member Robinson and he had agreed to that, that she did not understand if this was how they were getting their funding for 911, they could not even obtain information on the wireless phones to determine whether or not there was a way to obtain more funding. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated they had gotten some periodic briefings on 911, they were doing it on the locator system, but would add it to the agenda probably for January or February or the earliest possible date that they could be ready and would also ask Mr. Haines if he could talk to the Legal Department and see if there was anybody or what process they could pursue to try to at least get the number of cell phones registered with an area code for the Houston area, and Ms. Hogan stated that she might mention, because they had been meeting with him on a regular basis on the wireless, within the next week or two they would be fully compliant with location technology with all six carriers, that it would be the first major metropolitan area in the Country that had wireless location with all carriers. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After further discussion by Council Members, a vote was called on Item No. 34. All voting aye. Nays none. Mayor Brown and Council Members Galloway and Robinson absent. MOTION 2003-0018 ADOPTED.

35. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-190, 2/9/00, TO EXTEND** expiration date from February 9, 2003 to February 8, 2004, for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **U. S. FILTER CORPORATION – (This was Item 44 on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1485)** – was presented.

Council Member Robinson stated that these folks owed the City some money and their position was that they were going to strong arm the City, that their position was that they were not going to pay their back taxes and part of the dilemma was that the City had them hooked up and hog tied in the contract and they were getting the service way below market and so they were willing forego paying taxes for the purposes of the City letting them out of the contract, that they owed the City \$655 so they were in the dilemma that they talked about when they originally had those discussions and they did not necessarily figure out ways through all of it, that he was

inclined to send it back, but he was also inclined to punish them by giving the City the lower price, that he was not sure what they ought to do. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that this was a great point for them to have some discussion about and asked why could they not withhold the \$655 and asked the City Attorney if they could do that, and Mr. Hall stated that he thought the accurate answer at this stage was, he did not know, that it was a very complicated question and was a question of whether they had the right to what was called offset, the problem was whether or not, as they had communicated to the Council, whether or not it was truly in a legal sense a debt reduced to judgment, those kind of issues had not been resolved, that he guessed that they could take the approach that one of the ways to find out was to approve the contract and do it and let the company sue the City, and asked if they could hold the item one more week and let them look at it. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

After further discussion Council Member Robinson moved to pass the item and request that the administration withhold the \$655 in delinquent taxes, seconded by Council Member Ellis. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Mr. Hall stated that he thought it was probably more appropriate to ask that they approve the contract with a request to the administration that the delinquent taxes be withheld and that would give them some option because they would be amending the contract if they did it the other way, and Council Member Robinson stated that they do it in the appropriate way with the request to the administration.

After a further lengthy discussion by Council Members, Council Member Edwards asked if they had developed an ordinance or policy around the issue and Council Member Ellis stated that they were still working on the Debtors Ordinance and as a matter of fact they had to reschedule the Regulatory Affairs Committee meeting which they were going to address next week because of the Fiscal Affairs emergency meeting that they were going to be holding, so it was going to be coming up in February and he would request everybody that sat on that committee and any other Council Members that wanted to weigh in to read through the proposed Debtors Ordinance and make any changes and be ready to move forward at the next committee meeting.

A vote was called on Council Member Robinson motion to amend Item No. 35. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION ADOPTED.

After further discussion a vote was called on Item No. 35 as amended. Council Member Berry voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-0019 ADOPTED AS AMENDED.

36. ORDINANCE approving and authorizing contract between the City and **SLA STUDIO LAND, INC** for Streetscape Design for Bissonnet/Binz Streets from Bayard to Crawford in the Museum District - \$140,000.00 - Grant Fund - **DISTRICT D - EDWARDS** – **(This was Item 45A on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1487)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0011 ADOPTED.
37. ORDINANCE approving and authorizing contract between the City and **JOHN KIRKSEY ASSOCIATES, ARCHITECTS, INC** for professional architectural services for Renovation of Root Memorial Square - \$509,191.00 - Enterprise Fund - **DISTRICT I - ALVARADO** – **(This was Item 46 on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1488)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he raised some questions and issues about the item last week and wanted to report back that he was very pleased with the Convention and

Entertainment Department, Ms. Dawn Ullrich, Mr. Stephen Lewis, Mr. Russell Clark and the architect, Mr. Scott Evans, that he was real pleased to see that the numbers that they broke out were incredibly detailed, that it was the most detailed presentation that had been given to him, that he understood that a good portion of the work also was going to be done just preliminary in the design stage but they were going to stay on throughout the whole project, through the construction phase as well, which he thought was something that normally they did not get from a lot of their vendors. Mayor Brown, Council Members Edwards and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Quan stated that he was under the impression that the Rockets would share some of that cost and asked Council Member Keller if it was ever brought to his attention at all, and Council Member Keller stated that he was just looking at it from the contract that was before Council and that was not what they were voting on, that he thought it was a possibility but did not have that answer, and Council Member Goldberg stated that they were going to contribute \$150,000. Mayor Brown, Council Members Edwards and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that originally the Rockets wanted them to turn the entire Root Park into multiple basketball courts and they were persuaded from doing that. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 37. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding.

38. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HOUSTON G & G DEMOLISHING SERVICE, INC** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$26,169.00 and contingencies for an amount not to exceed \$27,477.45 - General Fund – **(This was Item 48 on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1490)** – was presented.

Council Member Ellis stated that they were back in the same place that they were on Item No. 35, that Houston G & G Demolishing Service had not paid their taxes and guessed that it was delayed a couple of times, that to the City they owed \$920, to the County \$951 and to the school district \$1,948 and moved to request that they withhold the City taxes and approve the contract. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he thought it was the same thing that Mr. Hall was going to be investigating, as to the set aside issue and Mr. Hall stated that what he thought they resolved and what they approved was to approve the item with a request that the City and Controller withhold or offset the amount of the City taxes owed, and Council Member Ellis stated that was his motion, seconded by Council Member Alvarado. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After a lengthy discussion by Council Members, Council Member Ellis stated that he would withdraw his motion and moved to refer Item No. 38 back to the administration, seconded by Council Member Robinson. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that it was a very crucial matter because the buildings were sitting abandoned, wide open, right next to a school and her community had been after them for quite some time, they were affected in the flood in June 2001 and the buildings and old houses had been sitting there all open, and for them to continue to prolong the situation, she knew they had a problem as it related to collecting taxes, but they needed to come together as a body and get an ordinance in place that dealt with these type of situations and not hinder the better of their community because of one company. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller moved that the matter be awarded to the second low bidder and Mr. Hall advised that the second low bidder would have to be posted on the agenda and Council Member Keller requested that the item be posted for the second low bidder. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After a further lengthy discussion by Council Members a roll call vote was called on Council Member Ellis's motion to refer Item No. 38 back to the administration. Mayor Brown absent. Mayor Pro Tem Quan presiding.

ROLL CALL VOTE:

Mayor Brown absent.	Council Member Keller voting aye
Mayor Pro Tem Quan voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Sekula-Gibbs voting aye
Council Member Edwards voting no	Council Member Berry voting aye
Council Member Wiseman voting aye	Council Member Robinson voting no
Council Member Ellis voting aye	MOTION 2003-0020 ADOPTED

Mayor Pro Tem Quan stated that Item No. 39 had been referred back to the administration. Mayor Brown absent. Mayor Pro Tem Quan presiding.

39. ORDINANCE approving and authorizing contract for professional Civic Art Administration Services by and between City of Houston and the **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Building Services Department - \$112,943.00 Bond Funds – (This was Item 49 on Agenda of December 31, 2002, POSTPONED BY MOTION #2002-1491) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that the item addressed the beginning of a relationship between the City of Houston and the Arts Council of Houston/Harris County, that the cultural arts council was going to provide management services to implement art throughout the City for the City departments other than Aviation and the Convention and Entertainment Facilities, that it was 1.75% of all bond money that would be used in the future towards building, that it was a very big task and there was nothing that she had about criticism regarding the cultural arts council in implementing their program, that she thought it was a very good thing, that the reason that she had passed out an amendment was to simply call attention to the fact that Building Services had the responsibility of overseeing the cultural arts council and in her investigation of how it happened they met with Building Services on several meetings and she wanted to thank Ollie Schiller for being so cooperative with them, that she had informed that on average they were asking 10% to provide the oversight process, for management and construction and were using that same formula to provide oversight for CACHE, however because they had a strong need to reduce costs and because these costs were being funneled into long term debt as opposed to General Operations expenses, she had requested from Ms. Schiller that she look at ways to reduce that cost, because that was a significant amount of money and they had agreed that they may be able to reduce that cost, and was offering the following motion to amend Item No. 39:

“Insert the following paragraph as a new Section 2 of the ordinance:

The Mayor directs the Director of the Building Services Department to submit a report to City Council on the salary recovery costs actually incurred during the first year of the contract term along with recommendations for reducing the amount allocated for salary recovery for subsequent years as a prerequisite to any requests for future allocations for this contract. City Council may consider the Director's recommendations and any other measures appropriate to reduce the salary recovery expenditures in subsequent years.” Mayor Brown and Council Member Robinson absent. Mayor Pro

Tem Quan presiding.

Council Member Sekula-Gibbs stated that this would hopefully help them to reduce the increasing escalation in their long term debt, that she also wanted to thank Dr. Scheps and his office for helping with the amendment. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that the administration had reviewed it and were supportive of her motion to amend Item No. 39. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

A vote was called on Council Member Sekula-Gibbs motion to amend Item No. 39. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0021 ADOPTED.

Council Member Goldberg stated that he recently had tagged the item and it was not so much the heart of the item that he had an issue with, but with CACHE altogether, it seemed that CACHE had been operating as kind of a small budget organization but when Mayor Brown lifted the cap a few years ago all of a sudden it was a very big budget organization, however they were acting as a small budgeted organization and no one cared at that time, that he had talked to the executive director and they were going to make some changes, they were going to change the bylaws and have a reorganization and he was pleased with what they were going to do, that they knew they were under the gun next time at budget time and they would have their budget in order, before the City passed theirs, directing the money, that he was going to vote in favor of the item. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he appreciated Council Member Goldberg's work with CACHE, that he thought that over 600 arts group benefited from those funds. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 39 as amended. Council Member Tatro voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0013 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Robinson stated that he wanted to invite Members of Council, that on Saturday the Northeast Y.M.C.A. was hosting its Martin Luther King Jr. Freedom Fund Banquet at Minute Maid Park in the Champions Pavilion and would start at 8:30 and the keynote speaker was someone they all knew and respected, Reverend William Lawson, Pastor at Wheeler Avenue Baptist Church, that it was an annual fundraiser that the Y.M.C.A. holds to help support its programs. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he would appreciate it very much if Council Member Vasquez's Regional Affairs Committee would host an update on downtown activities, that they had seen a couple of items in the newspaper in the last several days and they had a discussion about the Sidewalk Program at the TTI Committee, but if they could just get an overview, and Council Member Vasquez stated that it was a great idea and they would take it up in committee. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that somebody contacted his office yesterday and they actually called in to get the garbage tag but it had been three weeks since they called in and had not gotten the tag but still had the garbage out in the yard, that his office was working on it and did not know how many other people were in the situation where they had asked for the tag or sticker, and had not ever received, but the person complained that the garbage was now in bad shape out there and they wanted to make sure that it got picked up, that he hoped they could get

some kind of update from Solid Waste as to how many stickers had been issued and where they were in terms of responding, and Mayor Pro Tem Quan stated that they would get that addressed. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she had a real concern regarding the non profit organizations that were listed on the tax delinquent list and would like to speak with somebody about it, that a couple of them had contacted her office regarding the use of facilities and the use of City services and so forth and would like to at least attempt to be consistent as to how they were working with organizations that owed taxes, and Mr. Hall stated that it was actually not the administrations program, that as they recalled publishing the list was a different issue than how they dealt with the contracts, that the issues as they had explained from the very beginning were policy issues that had to be decided by Council, they were tough issues and thought that Council Member Ellis's committee, appropriately, was the place where they ought to discuss all of those issues and develop a consistent coherent policy for how they were going to treat them, it was not something anybody in the administration could unilaterally answer, that what Council Member Edwards should do is invite the organization to come to the committee meeting. Mayor Brown, Council Members Goldberg, Ellis, Alvarado, Sekula-Gibbs and Barry absent.

Council Member Edwards stated that she received a citation and within three days she started getting letters from attorneys asking her to hire them and her question was if it had any impact on the fees that were collected through Municipal Courts and did not know if anyone had any information on that, and Mr. Hall stated that the issue would be controlled by the Bar and Ethics Rules and he wanted to say that all of his colleagues in the legal profession did not conduct their business in a way that made them proud, that solicitation was a serious problem and if she had some concerns, the State Bar takes a dim view of that and she might contact them if she had some concerns about it, but he could not tell her whether or not the fact that they offered those services had any diminutive consequences on their revenue collection. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Barry absent. NO QUORUM PRESENT

Council Member Tatro stated that he had a constituent who had a parking ticket and waited three weeks and went on line to pay the parking ticket and it was not there, that it was not posted and he would like to know from the Municipal Courts how long it was taking them to process and input parking tickets, because it was three weeks and it was not there and then they fall into the problem of possibly missing the date of payment. Mayor Brown, Council Members Goldberg, Ellis, Alvarado, Sekula-Gibbs and Barry absent.

Mayor Pro Tem Quan stated that he thought that was in Ms. Sudhoff's department because of the posting and collections and they would get that for him, and Mr. Hall stated that it would be important, when they transmitted that, to know who wrote the ticket because as he understood it there was a different process if a policeman wrote it as against one of the parking meter person. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Gibbs and Barry absent.

Council Member Vasquez asked Mr. Haines what was the status of the drainage fee, and Mr. Haines stated that they did plan, as had been requested at Fiscal Affairs and again today, they would be presenting as part of next Fiscal Affairs special meeting and the budget discussion, the scenarios relative to Water and Sewer rates as well as a possibility of a drainage fee, that also they had either completed, or Council Members would be informed by Friday, they were folding into the regular CIP process, public meeting process in the Council districts, the discussion of a drainage enterprise and so those meetings he knew had been calendared and would begin on January 21, 2003 through February 13, 2003, that they looked forward to making the presentation next week on the fiscal side of the proposed funding, that by Friday Council Members would get their schedules.

Council Member Vasquez stated that yesterday at the Fiscal Affairs Committee meeting questions were raised about the Rainy Day Fund and when it should actually be used, that they

could have up to \$20 million by the end of the fiscal year in the fund, that they set up the fund for emergency situations and a policy was supposed to have been developed, but the policy had yet to be finalized and given their budget shortfall so far they may have to exercise it as an option at the end of the fiscal year and that was why he believed it was important to put a Rainy Day Fund Policy in place as soon as possible with specific guidelines to tell them when they could use the reserved fund or they come up with a Rainy Day Fund Policy that states the money could be used for anything that two thirds of the Council votes on, and asked Mr. Haines if he had any idea when they would actually get a Rainy Day Policy and Mr. Haines stated that he would have to confirm that with Dr. Scheps, that he knew that F&A had been working on a draft and if they could they may be able to make that part of the discussion next week, because clearly that would be an option that would be put on the table next week. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis and Barry absent.

Council Member Vasquez stated that he would like to take a moment to thank a police captain in their district who went above and beyond the call of duty every day, that it was Captain Glen York, who had been a tremendous resource to their office and their district. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis and Barry absent.

Council Member Keller stated that he and Mr. Haines had talked on numerous occasions about the storm drainage fund that was coming and he wanted to make sure that he knew where he was going to be looking, that he wanted to make sure that they try all other ways to solve the problem of establishing it and funding it before they use the word "fee", and Mr. Haines stated that they had been doing an exhaustive national survey of how other cities and areas around the Country had dealt with the issue. Mayor Brown, Council Members Tatro, Galloway, Ellis and Barry absent.

Council Member Keller stated that he had also had numerous calls on the tag the bag program and was going to work with some of his colleagues because if they could not get it straightened out, because he had called Mr. Buchanan's office and he wanted to meet with him or a member of Solid Waste and find out exactly what was happening, that he was getting ready to start a bag the tag program because he was having a lot of calls from people. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Barry absent.

Council Member Wiseman stated that she shared Council Member Keller concerns about the possibility of even trashing the program altogether, given that she was receiving a great number of calls from people about tags and garbage being dumped all over neighborhoods and now they had an increasing problem of trash being dumped all over the City, because people did not have tags, that she was meeting with Mr. Buchanan to try to address some of the issues. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Barry absent.

Council Member Edwards stated that she wanted to echo the same points that Council Member Wiseman stated, that they noticed that during the Christmas season, in fact there was one place that they had been calling for the last two weeks where people just dumped their trash, they took and threw it on the sidewalk, that there was something that had to be done and she just called and the trash was still sitting there. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Barry absent.

Council Member Parker stated that the trash cleanup issue would be in the Neighborhood Protection Committee, the revenue and fee issue would be in Fiscal Affairs, so either one, if they needed to bring it up, she would be glad to. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Barry absent.

Mayor Pro Tem Quan stated that they were in contact with Mr. Buchanan to make sure they got a full explanation of how the program stood. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Barry absent.

Mayor Pro Tem Quan stated that he had been one of those who had been pushing for the

expungements to take place and was glad that at least they acted upon it today and hoped that those persons affected did take advantage of it and thought it would be a travesty that after they went through all those lengths that only a few people would come forward and have their records expunged. Mayor Brown, Council Members Tatro and Ellis absent.

Mayor Pro Tem Quan stated that yesterday they had Conrad Johnson before Council and some of them may have seen on Channel 2 a story about Conrad and his foundation to help raise monies for young people who were trying to get an education, especially in music, that he was having an event on January 19, 2003 to raise funds to fund equipment for young people especially in areas that they could not afford their own instruments. Mayor Brown, Council Members Tatro and Ellis absent.

Mayor Pro Tem Quan stated that he wanted to congratulate Council Member Parker and her partner, Kathy Hubbard, on the adoption of their daughter Marquitta. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Sekula-Gibbs stated that the Surface Transportation Board would be holding meetings next Tuesday and Wednesday, January 14 and 15, at the Pasadena Convention Center and Ceasar Chavez High School at the corner of Highway 3 and Howard Drive and everyone was invited to come and participate in those public hearings, they were designed to give them an opportunity to share their concerns and voice their opinions about the proposed Burlington Northern San Jacinto Rail that was going to be constructed, 12.8 miles of new track, somewhere in the Clear Lake area if they had their way and she encouraged everybody who was interested in the new rail to please come and voice their opinion, if they wanted more information to call their office, that there was also an article in the Chronicle on Sunday about it. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Sekula-Gibbs stated that Christmas tree recycling would be over this weekend so she would encourage people rather than dumping their trees on the side of the road to please take the tree to the recycling location, that they could find the location on the City of Houston's website, that it would be turned into mulch and used. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Sekula-Gibbs stated that as to the lady who came to City Council last week and very concerned about the killing of her pet dog by the two pit bulls owned by her neighbor, that she had discussed it briefly with Council Member Parker and it was something that they could take up for discussion the Neighborhood Protection Quality of Life Meeting because on review of the ordinances that pertained to dangerous dogs it may surprise them to find out that a dog was only designated to be dangerous if it bit a human, it was not considered dangerous if it destroyed property, including another dog, that she believed the dog owners were cited for not having a license but nothing could be done under the City's regulations as they currently stood because the two dogs in questions killed another persons pet, even though it occurred on their porch. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to thank Ms. Ollie Shiller of Building Services and Mr. Vela for working with them regarding the issue of using departmental services for monitoring construction projects and now the art project and looking for ways to not increase their long term debt and exposing the City to more financial liability. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Parker stated that in talking about the Bureau of Animal Regulation and Care, about a year and a half ago they had a proposal from Pet Data to outsource the City's licensing and tag operations and it was projected at that time to save BARC about \$100,000 per year which it would be great to move some of that money into enforcement instead of spending on licensing, that the best she could determine that contract had been bouncing around from the Legal Department to the Health Department and was not exactly sure where it was but as they were talking about budget issues and that it had been out there so long and it was a hot topic,

she would very much like to find out where the pet data proposal was and how soon they could bring it to Council, and Mayor Pro Tem Quan asked Mr. Hall to follow up on it. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Alvarado stated that she had it with the Mens Fitness Magazine because they had once again, for the third time, named Houston as the "fattest city" and if they looked at some of the things they were measuring, they were beyond their control, the climate, the air and water quality, which was a long term project for the City, that the worst rating came in deadly sins, alcohol, smoking and watching too much television, that it was time for Houstonians to get up from the couch and get out of bed and get out there and get some exercise, that the first year it did not phase them, but the second year, she thought, they did a lot to try and overcome that title, and now she was just mad at the magazine because she thought that their methodology and the criteria was just ridiculous, that Council Member Berry had taken the leadership in introducing a resolution and was sending a letter to Men's Fitness Magazine protesting the title they received for the third year in a row, that she wanted to commend the administration, specifically the Parks Department, for everything they had done and also Lee Labrada and his staff. Mayor Brown, Council Members Tatro and Ellis absent.

Council Member Berry stated that they were way beyond their expressing their unhappiness with the magazine, that on Friday, when the story first hit, Good Morning America and over 100 other national media outlets carried it, "once again Houston is the fattest City in the Country", interesting except for the fact that it was without regard to any measurement of their waistlines, that on Monday morning Good Morning America's follow up to the story was the City of Houston was committed to losing 13,000 pounds, but what he would submit to them, if they studied it carefully was that the City of Houston could lose 13 million pounds and they would still be, by Men's Fitness standards, the fattest City in the Country, which would tell them that there was no science to the study, that for instance they measured not the City's climate but the State's climate, that they said that if it was over 90 degrees that they were not exercising, well he would respectfully suggest that if they would go with them to Memorial Park on any given day when it was 91 degrees they would see thousands of people jogging at Memorial Park, that they measured fast food restaurants, not actual aggregate fast food restaurants, but number of fast food restaurants that advertised in YellowPages.com so he would call on every restaurant out there that fit under the fast food category to no longer advertise with YellowPages.com because they could do more there than they could in losing weight and he did not mean to say they should not try to be more fit as a City, by all means it gave them an opportunity to do that, but at the expense of their image, that it was important to recognize that in 200 when Philadelphia was the "fattest city in the Country", Men's Fitness went to them and said they would help them get lean, if they put a Get Lean Program in place and they would be one of their sponsors and would have a link to their little magazine so that anyone in their City that was concerned about their fatness would be able to read their magazine and learn how to get fit, so what they really did was go around the Country and declare City's fat based on scurrilous standards and they linked to their program and their magazine became overnight a national magazine so he was calling on the City of Houston to no longer allow them to trash them three years in a row and then let them promote sales of their magazine, that they needed to stop committing to all those health standards that did not have anything to do with helping their status and needed to take on Men's Fitness and say "you can trash someone else's City we are no longer going to tolerate it, its unfair, its inaccurate and your little piddley magazine needs to develop a marketing department that could do something other than release studies calling us something that in fact we are not" and would ask everyone to join him in that effort. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Berry for his efforts, that he knew the Mayor had issued a press release and saw no reason why he would not sign Council Member Berry's resolution as well. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Council Member Goldberg stated that a few weeks ago he made an amendment to an

ordinance change regarding the airport with lowering the parking rates at Ellington and the reason why was that there was not a lot of demand, that it did not make sense to raise the rates when no one was using it at all, that now he would like to propose to the administration to work with Convention and Entertainment to raise the parking rates, that with the transaction regarding the Compaq Center and buying the super block they now owned two parking lots in front of the George R. Brown and he thought the rates were \$5 which was ridiculous because for Astro's games parking lots were getting \$10, \$15 and even \$20, so they needed to at least match the market, that there was a concern regarding convention goers, but they could always raise the rate to \$10 but offer convention goers a \$2.50 discount with a coupon, but C&E could not raise the rates without coming to Council first so he would ask the administration to work on an ordinance to change the parking rates, not just for the super block in front of the George R. Brown but to check with the parking lots underground by the Bayou Place and see if they were in line with the surrounding lots and what their rates were. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Council Member Robinson stated that he would like some offset on how much General Fund they shipped over to the zoo and put some onto the revenue increase as opposed to giving them a revenue increase when they already had a surplus that was not going to be used for debt because they did not have any debt, as far as he knew, on the garages, but he would be interested in seeing all those numbers, but his ultimate objective would be if they were going to do that it ought to take some weight off of their General Fund. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Mayor Pro Tem Quan stated that his comments were dully noted and would ask that they review it. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Council Member Wiseman stated that she felt the urge to put her two cents in about the Men's Fitness thing and understood where Council Member Berry was coming from and understood he was upset, but there was the old saying "sticks and stones will bring my bones", that she thought they needed to grow some thick skin, they were going to insult them and it had happened before, but with respect to censoring publications they did have a constitutional issue to deal with, they could affect them where it hurt them most and that was by not purchasing their magazine. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Council Member Galloway stated that she would like to thank her colleagues that were in support of Agenda Item No. 38 not being referred back to the administration, that maybe all of the bidders on there had delinquent taxes, they had not checked into the situation to see about the other bidders, that they were thinking about the other governing entities but they could get their own ordinance or rules in place that govern delinquent taxes, but they wanted to collect for all and she did not think that the City Council was the collecting agent for all of the government entities in the City, that she really hoped that the others that were listed on the item did not have delinquent taxes, that she would be out at the schools to speak with the parents and let them know who voted to refer it back and why it continued to be delayed. Mayor Brown, Council Members Tatro, Vasquez and Ellis absent.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Galloway for her concern on the issue and they would work to make sure they would expedite the processing of the RFP and that the next responsible bidder who could qualify be awarded as soon as possible.

Council Member Edwards stated that she was concerned about the State deficit and did not know if anyone had looked at how those deficits and those cut backs might be affecting the City and if someone had done that and if Mr. Haines or someone had that information and was it something that they needed to be concerned about, and Mr. Hall stated that there were a number of things they needed to be concerned about and the answer was obviously yes, that he granted an interview this morning because the Legislature starts its biannual meeting on Tuesday, that he thought that Council Members needed to be especially vigilant, that as they knew there was considerable discussion at the federal level of providing assistance to the States, but inevitably

when there were financial problems at the State level there could be a greater tendency to impose what they called mandates without funding from the State and he would ask Council Members to be especially vigilant about that, that obviously there were going to be painful decisions that had to be made at the State level, that it was going to take all of the Council Members from all over the State to deal with the issue, that lack of money did not make for a good Legislative session, and Council Member Alvarado stated that she encouraged all of her colleagues to attend the Legislative Affairs Committee because they would have regular updates from the staff and from representatives of the lobby team on the status of bills and other things that were occurring in the Legislature. Mayor Brown, Council Members Vasquez and Ellis absent.

There being no further business before Council, the City Council adjourned at 11:55 a.m. upon MOTION by Council Member Tatro, seconded by Council Member Galloway.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary