

City Council Chamber, City Hall, Tuesday, February 4, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 4, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Carol Alvarado, Annise Parker and Gordon Quan; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Addie Wiseman absent due to being ill. Council Members Bert Keller, Michael Berry and Carroll Robinson absent on personal business. Council Members Gabriel Vasquez and Shelly Sekula-Gibbs, M.D. absent on city business.

At 2:11 p.m. Mayor Brown stated that Council would begin their presentations. Council Member Galloway stated that she had a proclamation to present and invited Mr. Howard Jefferson and his family to the podium and presented him a Proclamation for his dedicated service to Houston by his work with the NAACP and other numerous organizations and proclaimed Tuesday, February 4, 2003, as "Howard Jefferson Day" in Houston, Texas. Mr. Jefferson thanked his wife and children and stated that his wife did all the work and he got all the credit. Council Members Edwards, Ellis, Alvarado and Parker absent. (NO QUORUM PRESENT)

Council Member Quan stated that AIDS had become an epidemic in our country and Houston was one of eight cities chosen for the National Minority AIDS Council training session and invited Mr. Robert Davney, director of communications with the National Minority AIDS Council, and Mr. Terrance O'Neil, the CEO, to the podium and presented them with a Proclamation for their efforts in increasing communication, education and preventive action in stopping the transmission of HIV and the spread of AIDS, for hosting the regional training session in Houston, wished them a successful event and proclaimed February 3 – 7, 2003, as "National Minority AIDS Council Regional Training Session Week" in Houston, Texas. A spokesperson on behalf of the National Minority AIDS Council commended Houston for their fight against HIV/AIDS. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Mayor Brown stated that a number of Council Members attended the service for the astronauts and the meeting could not convene at this time, but they would begin hearing from the public; and asked the City Secretary to begin calling the speakers. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Council Member Quan moved to hear Ms. Ruth Terry and Mr. John Florez out of order and Mr. Glenn See after Mr. Keith Kostelecky, was seconded by Council Member Tatro. No vote was recorded as a quorum was not present. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Ms. Ruth Terry, 5908 Buffalo Speedway, Houston, Texas 77005 (713-665-6690) appeared and stated that she was present regarding the fees set for food vendors at the Rodeo; that if Council recognized the fee was wrong they needed to make it right; that all temporary vendors were not the same; that a Council Member suggested the Rodeo alter their fees but their fees went toward scholarships and did not need changing; that she and the group with her today were affected by the large increase and they were requesting a delay in payment of the fees until Council could review them. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Ms. Terry stated that she was referring to the daily temporary health permit fee increase; that they were present asking that a change be made to the fee schedule and they had submitted recommendations to Council. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would ask F & A to look at what she submitted and come back with a recommendation for Council. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Ms. Terry asked if Council could give them a delay in payment; and upon questions by Mayor Brown, Mr. Bibler stated he was trying to think of the mechanics of it and off hand could not think of one. Mayor Brown stated that there were legal requirements which they had to abide by, but if Mr. Bibler could not think of anything he would ask him to take a look at it and see if it could be done. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Council Member Quan stated that he had a chance to look at her proposal and it seemed to be reasonable; that he understood it was difficult to get a quick analysis but also understood their time pressures in putting the money up and they would work with her to see how they could work with the Administration on trying to get the review done as soon as possible; that when the budget was adopted it was adopted with a number of such modifications in place and they were the projections being worked with to balance the budget, but he saw the merit in their request and it was something he would look into. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she was going to ask for an update between last week and this week, but it seemed the Administration was working on the proposal; and upon questions, Mayor Brown stated that Mr. Bibler could not think of anything they could do legally. Mr. Bibler stated that he was not sure he understood why they had to get their money in ten days before the event unless it was a Health Department rule and maybe that could be adjusted. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he was glad to see Chief Bradford back at work, but he was present regarding the food vendor permit fee and suggested that the city ignore the ordinance as they did when they called one of the Martin Luther King parades a festival, they had clearly ignored that ordinance as a parade was not a festival and he had an ordinance which stated that if a major thoroughfare was to be closed those producing the event must hold a hearing, but the Pride Committee which closed one mile of Westheimer was not required to follow the ordinance. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Florez stated that six times the city closed Allen Parkway for his festival and not once did they need a hearing when the ordinance for street closure said you had to have a hearing first; that it seemed when the city passed an ordinance without much thought it simply ignored it or did as it pleased as they did not follow their ordinances. Council Members Edwards, Ellis and Parker absent. (NO QUORUM PRESENT)

Mr. Josh Gibson, 5176 Richmond, Houston, Texas 77056 (281-704-1978) appeared and stated that he was present to voice his concerns over the increase in the temporary food permit fees, that he could operate a restaurant for a full year for a \$300.00 permit and to operate at the Houston Livestock Show and Rodeo it would cost him \$1,200.00 and asked Council to change the set fee and suggested alternatives. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Racheal El-Saleh, 863 Plainwood, Houston, Texas 77079 (281-493-4825) had reserved time to speak but was not present when her name was called. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Mr. Mario Pendraza, 3301 Erastus, Houston, Texas 77026 (713-675-5156) had reserved time to speak but was not present when his name was called. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Rhonda Scales, 12702 Old Pine Lane, Houston, Texas 77015 (713-451-1894) had reserved time to speak but was not present when her name was called. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Laurie Garza, 6947 Fox Mesa Lane, Humble, Texas 77338 (832-423-1181) had reserved time to speak but was not present when her name was called. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Mr. Peter Medley, 1405 W. 34 1/2, Houston, Texas 77018 (713-683-0216) appeared and stated that he was with a non-profit group which went to festivals and distributed vegetarian foods, sometimes giving it away, but they still had to purchase a food permit; that he was asking for a difference to be made between non-profit groups and the professional vendors. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Cindy Pool, 16817 Kettle Creek, Spring, Texas 77379 (281-376-4931) appeared and stated that she would like to relinquish her time to Ms. Cindy Cornelison. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Council Member Quan moved to hear from Ms. Cindy Cornelison, seconded by Council Member Alvarado. No vote was recorded as a quorum was not present. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Cindy Cornelison appeared and stated that they were asking for a delay in the payment for the temporary food permit fee at the Houston Livestock Show and Rodeo until the Mayor and Council could consider reducing the fee to something more fair; that other cities were charging far less and a 300% increase was far beyond fair; that there were over 11,000 restaurants in Houston and proposed that an increase be made of \$50.00 in the yearly permit fees and that would be another \$550,000.00 a year. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Cornelison stated that her business was in Harris County in which she paid \$250.00 a year for a permit; that she attended about 15 festivals a year and the majority were in the Houston area. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Mr. Josh Bullard, 2600 Westridge #237, Houston, Texas 77054 (713-839-1505) appeared and stated that he never heard anything more frivolous than having seven vendors come before Council requesting that permit fees be lowered; that it was only seven out of many vendors and it was not a 300% increase it was a 0% increase for 15 years; and he was asking that Council keep the fee as it now was. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Bullard stated that he was not operating a booth, but the mass majority of vendors were not coming before Council and they should not back down. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Mr. Bullard stated that his interest in this was for the other citizens in Houston, he had no money interest in it. Council Members Tatro, Edwards and Parker absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone had reserved time to speak but was not present when his name was called. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Mr. Michael Farrar, 906 Green Road #179, Houston, Texas 77060 (281-448-7696) appeared and stated that he lived in the Greenspoint Area and was present asking for a stop light at Imperial Valley and Greens Road and Way Forest; that there had been wrecks and he was almost hit. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Mayor Brown stated that a study had been done of that intersection in 1999 and based on him bringing it back to Council's attention another traffic study would be conducted; and asked that he leave his information with Ms. Dillard who would make sure it was handed to the Traffic Engineer as he would conduct the study and see what needed to be done. Mr. Farrar stated that he wanted to thank Council Member Galloway for her assistance also. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Council Member Galloway thanked Mr. Farrar for coming and stated that it had already been sent to the Traffic Engineer and they were aware of the situation and were working on it trying to get a light repaired. Upon questions by Mr. Farrar, Mayor Brown stated that it would be within two months. Council Member Galloway stated that it should be two to three months, but it should be taken care of.

Council Member Ellis moved to suspend the rules to hear Ms. Suzanne Feather out of order, seconded by Council Member Tatro. No vote was recorded as a quorum was not present. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Ms. Suzanne Feather, 1201 Herman, Houston, Texas 77004 (713-524-7500) appeared, presented a three page statement in which she stated that she was a member of the Citizens Review Committee and was present regarding her participation on the committee in how it related to what has become known as the "K Mart" raid; that she was present as an individual and was not speaking for anyone else from the CRC; that her experience on the CRC had given her the opportunity to look closely at how HPD worked and she was impressed with the department, both from the perspective of the investigations of the Internal Affairs Division and from the perspective of officers receiving complaints, it was her experience files were complete and officers used an amazing amount of restraint performing their duties and it made her feel better about being a Houstonian; that the K Mart raid deviated from normal procedure, the research provided included approximately 6,000 pages of information and what she was able to review did not make a dent in the amount of documentation provided and only one other person from CRC came in early to read any materials; that they conducted their deliberations with only one person, herself, from any of the panels having reviewed any significant amount of written materials and therein lay the problem; that because of time constraints, the CRC totally relied upon the interpretation of IAD to make its determination and they made their decisions on discipline based on information furnished by and conclusions reached by IAD without having given any of the officers an opportunity to be heard and that greatly concerned her; that it was not an adequate unbiased review by citizens which was the responsibility of the CRC; that the process, as conducted, compounded her already agonized feeling that the entire episode was in fact caused by insubordination of a few with on-site command, but was adversely and unjustly affecting many others and she had attached a copy of the letter she had sent to Chief Oettmeier discussing her concerns which she continued to review with Council. Council Members Edwards and Parker absent. (NO QUORUM PRESENT)

Upon questions by the Mayor and Council, Ms. Feather stated that she was in the Real Estate business; that Captain King had given her presentation of the conclusions of the Internal Affairs Division staff which was thorough and understandable; that they were in the meeting all day Saturday with the oral review, eight hours, and there were 60 to 70 officers reviewed she was not sure how many; that she was present because she had a concern about the specific procedure but did not know what could have been done differently. Mayor Brown thanked

Ms. Feather for coming to Council and for volunteering her services and he would have Chief Oettmeier respond. Council Members Edwards, Alvarado and Parker absent. (NO QUORUM PRESENT)

Mr. William Koehler, 1602 Lynnview, Houston, Texas 77055 (713-263-9200) appeared, displayed a graph and stated that he was present regarding the VOIP system the city was currently reviewing; that his attempt today was to discuss the voice override and what it really meant from a technology perspective; that currently the city had independent PBX in locations and they were trumped with telephone lines mostly from Southwestern Bell and the theory the City's IT Department was currently implementing reviewing was very significant which was aggregating a number of services in attempt to reduce operating costs and ongoing monthly expenses; that once the equipment was networked the city would be able to reduce operating cost for maintenance and so forth, but the problem he had with the way the city was going about its analogy was they were only looking at one solution which was the voice override P solution; that if they would look at what they had 70% to 90% of the equipment was upgradeable and able to reach their savings anyway, they did not need to spend tens of millions of dollars to procure a brand new technology; and keeping in mind their savings are not necessarily available depending on how the city had its network laid out as he was not an expert on what the city had where, but he was an expert on how technology worked and its functions. Council Member Galloway absent.

Upon questions by Council Members Mr. Koehler stated that he had an MIS degree from Texas University and for the past twelve years was an independent IT consultant with the last three years being president of a corporation in town which assisted in procuring and evaluating IT projects; that they were involved with a number of VOIP projects; that he did not and would not bid on the City's RFP; that essentially the city boxed vendors into a narrow solution where for all practical purposes it was a VOIP solution; that there were a multitude of vendors that would have been very happy to bid the project and would have been very cost advantages had the option been made available to them; that he had received a tremendous amount of calls from vendors asking him to call the city and solicit them hiring him as a consultant because they had seen the proposal and it was biased toward one solution which they thought to be a bad idea and once he saw the RFP found they were accurate as it was geared toward one particular solution; that first everything should be evaluated and base lines set so you could determine and give the city options on what you wanted to do, what the city did was place the cart before the horse as it was contracting with a vendor who would come in behind the actual signed contract and tell them whether they should spend \$10,000,000 to \$20,000,000 and with his history in the industry he was confident the vendor would say to spend it. Council Member Tatro stated that he would like him and the others present to speak on this would submit a list of questions to Council which should be asked and answered before making decisions and what data should be gathered first. Upon further questions by Council Members, Mr. Koehler stated that the city's theory was good but aggregating and centralizing maintenance and lines they could potentially reduce cost and it could be a very fruitful effort; that it was the first place to start when wanting to reduce telecommunications cost; that he believed 10% of the city's equipment was replaced one and a half years ago; that aggregating lines and PBXs was not something new and most of the city's equipment was not fifteen years old and anything that fell new of that range was networkable; that his concern when hearing numbers in the \$20,000,000 range to make the procurement and that was only the tip of the iceberg, they were talking about tens of millions of additional dollars over the next few years to implement what was being bid today. Council Members Galloway and Parker absent. (NO QUORUM PRESENT)

Council Member Ellis stated that he would like Mr. Lewis and Mr. Koehler to have dialogue together; and upon questions, Mr. Lewis stated that in looking for solutions they used an independent firm involved in network issues to help prepare the RFP, but the primary decision to go after proposals involving the Voice Over Internet Protocol technology was based on staff, department and consultant together and the reason was that the Voice Over Internet Protocol technology was the future of telephones, it allowed you to collapse your voice network onto data

lines you already owned or paid for; that when you converged the two networks you not only saved telephone line calls but all telephone line calls made inside the city on a data line were you were able to dramatically decrease your cost of telephone lines, furthermore, when you collapsed the voice and data together you were maintaining one network and it was far more economical to maintain going forward; that Mr. Koehler was correct with regard to the Voice Over Internet Protocol, there were eight vendors of the technology around the planet and they had five participating initially with three submitting proposals, seven of them selected one technology and two others went with another technology, there were nine proposals so it was a very competitive process and the spread on pricing was \$10,000,000 between the low and high; that he did not believe Mr. Koehler was correct suggesting the city would drop telephone line calls from 8,000,000 to 3,000,000 or 4,000,000 by making an investment of several hundred thousand dollars, he did not believe it to be real or reasonable. Council Members Galloway and Parker absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would like Mr. Koehler to meet with Mr. Lewis and share his observations. Council Members Galloway and Parker absent. (NO QUORUM PRESENT)

Mr. Keith Kostelecky, 1318 Sue Barnett, Houston, Texas 77018 (713-851-2711) appeared and stated that he had no vested interest in the project other than he was a taxpayer; that he had 22 years experience in the communications industry and designed and installed VOIP networks; that his issues were with no specific product but how the process went about; that you needed to know which systems were in place at what locations and what amount of track was there and then you could analyze how many lines could be eliminated and what amount of savings you were looking at; that to the user VOIP really did not mean a lot a dial tone was a dial tone, but the numbers coming about were pie in the sky numbers because facts were not present; that Mr. Lewis said after the debt service the city would save one to one and a half million a year and he did not know how that could be stated when you did not know which system you needed to purchase or how many lines would be eliminated. Council Members Galloway, Goldberg, Ellis, Parker and Quan absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Kostelecky stated that he was told the city had an inventory of what every city location had on premises and also knew which network was on each system and if that was true he did not understand why the information was not made available to all vendors in the RFP; that no vendor would go out and survey 200 sites, that was what an assessment was for and he felt they would have received a lot of quality bids if they would have said what they had and what was needed; that a line count would not suffice because if they had 20 lines and were only using 12 they could eliminate a bunch of circuits and save money; that people put in systems and say they saved a certain amount of money, but they may have saved that money without putting any new system in.

At 3:39 p.m. Mayor Brown stated that a quorum was now present and called the meeting to order; Council Member Tatro led everyone in prayer and in the pledge of allegiance.

At 3:40 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business.

Council Members Galloway and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business. MOTION ADOPTED.

Mr. Glenn See, 13105 Northwest Freeway #1200, Houston, Texas 77040 (713-939-6689) appeared and stated that he wanted to thank everyone for their efforts in helping him as a local tax payer save money on their infrastructure charges and to streamline the administration of telecommunications and lower cost; that he was present today to ask them to withdraw their

RFP and his reasons were many as his constituents said earlier today; that he had been in the telecommunications business 24 years and he supported the technology and roads they wanted to go down but not the way they were doing it, many things were left out of the RFP and an intelligent decision could not be made; that he worked for Siemens and they were probably the largest telecommunications vendor in the world and they did not respond to it because they could not respond to it, it was vary narrowly focused on a technology they felt would not be successful. Council Members Goldberg and Parker absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. See stated that technology talk was mind boggling if you had not been in it many years and in implementing a Voice Over IP technology they first needed to work at the core, the foundation, the network they were going to build everything upon and he had not seen that in the RFP; that his company had looked at the RFP, but it was decided they could not respond and immediately responded to the city that they could not; that voice and video calls would be coming in the near future and they should not forget that, they needed to know exactly what they wanted to build and then build the RFI and RFP so other applications could be added. Mayor Brown, Council Members Galloway, Alvarado and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rob Johnson, 519 North Sam Houston Parkway #600, Houston, Texas 77060 (281-260-4841) appeared and stated that he was present to set the record straight in terms of NORTEL and the reason they no bid was some reasons stated earlier by Mr. Koehler and Mr. Kostelecky and Mr. See; that the bid was not an open proposal; that he had sent a letter to Council before the RFP came out stating there was an assessment phase which needed to happen and when the RFP did come out they sent another letter talking in great detail about the issues they had regarding the RFP; that you could not place Voice Over IP into a category and today PBXs could be upgraded to support Voice Over IP but you could also use another technology. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Johnson stated that he did not believe the city properly looked at other options available; that he was not sure where all NORTEL's systems were in the city but knew the airport had one and they could not be called obsolete unless an assessment had been done and if they were obsolete they needed to be upgraded or go to a Voice Over IP technology, but that decision had not been made. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Lewis stated that two assessments were done prior to the RFP, one by Compaq which was a pretty extensive assessment and the other by Arthur Andersen's business Consultant practice which was a higher level assessment; that a vendor would not come forward and rely on an assessment done by another party if they were going to have financial risks associated with the design and implementation of the solution; that they approached this business deal to insure the proposer was at financial risk for producing the telephone line saver; that no firm worth their salt would come in and guarantee a savings without performing the assessment themselves; that the RFP had three phases of work and Council Member Tatro and most vendors knew that with the first being assessment, the second design and the third implementation and when the design was complete the vendor he would bring to the Council table would be guarantying the line savings. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Johnson stated that an assessment for a project such as this could be done through an independent consultant or by the vendor if you wanted to pay him for that, but in most cases in the cities they worked with they had an independent consultant and he would factor that into his price; that he received the assessment done by Arthur Andersen and it was very high level, but it was not an assessment it was a strategic document which had a lot of high level numbers thrown around which could be

construed and detailed out to have a cost savings, but it was not an assessment, they did not do an assessment for Voice Over IP technology as it related to their RFP. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Johnson stated you could not guarantee on an independent assessment a savings guarantee. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Lewis stated that to be specific the city originally asked the proposers to estimate the telco line savings, in the part II evaluation they asked for ideas on sharing the financial risk and as they moved into part III part of the conditions for entering was a financial guarantee. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Johnson stated that the assessment of traffic in the lines was not done to his knowledge; and agreed that the assessment the city did was a high level assessment as to where servers and lines were, but it was not a detail assessment as related to by him and the others present today. Mayor Brown, Council Members Galloway, Goldberg, Edwards and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Bailey, 2900 N. Loop West #1130, Houston, Texas 77092 (713-852-1133) appeared, presented information and stated that he was present regarding a different Voice OIP Issue; that it was true the system in the City Hall building was obsolete and it represented 900 of their 22,000 stations they went to the RFP for, at best that was a gross misrepresentation on being obsolete; that in 1995 they did a major upgrade on the network so it was running six to seven years old as far as technology overall; that once Mr. Lewis took his position they told him one of the first things he wanted to understand was what he had in place, what it could do and what it could be upgraded to do and tried to set a meeting but was unable to; that this week they met and he found him to be a straight forward individual, but he did not know what the city had in the existing AVAYA PBX architecture and that was his opinion as a manufacturer; that today over 50% of city employees were on AVAYA and all the products were ADA compliant today. Mayor Brown, Council Members Galloway and Goldberg absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Bailey stated that the RFP requested items that in his opinion no one had successful items for; that at the meeting with Ms. King they had a full discussion, but after they asked if the city expected all vendors to engineer and design systems which fully complied with ADA law, which seemed easy for the city to say absolutely, but instead they got talked around; that most commercial customers would ask could they use what they now had and get savings and that answer would be yes; that at the meeting with Ms. King he got the impression she was asked not to engage in further dialogue around ADA compliance. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Lewis stated that he thought the meeting Mr. Bailey was referring to happened in early 2002 and he had no knowledge of that meeting; that last Tuesday when Mr. Towne appeared before Council the Mayor directed that he meet with him which he did and was interested enough in the issues to have his staff meet with him the following day as he was out of town; that Ms. King was unable to attend because of a prior commitment, but he spoke with her today and they had a meeting scheduled for 1:30 p.m. and she was going to be very active in the final negotiations or at least the provisions which would address the ADA requirement; that his view was the RFP was in full compliance with the ADA and the contract would require full compliance with ADA and the solution they would implement would exceed ADA requirements and provide significant enhancements particularly for the

vision impaired employees in this city; that he would assure him the city would certainly insure they would comply and require any vendor to comply with ADA requirements. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro stated that the point Council Member Robinson brought up last week was notification; that his concern was what they continued to hear from their CIO which was continually stating the city system was obsolete; that Mr. Bailey mentioned in one building they had an obsolete PBX which was not supported anymore; and upon questions, Mr. Bailey stated that was correct and there were 30 other PBX which were not obsolete. Mayor Brown, Council Members Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Lewis stated that he said the 1986 acquisition of the city net system from Lucent Technology which was done at a cost of \$28,000,000 and was the primary phone system was obsolete; that the phone on Council Member Ellis's desk, which was a part of the city net system acquired in 1986 was obsolete. Council Member Tatro stated that it was very important that those words coming from city staff when making a decision, saying they must go forward because their system was obsolete, was misleading in his opinion; and Mr. Lewis stated that he did not use the word system he referred to an acquisition years ago which cost \$28,000,000. Council Member Tatro stated the way it was stated it gave everyone an impression that what they had was obsolete and was absolutely in need of replacement. Council Member Tatro asked if Mr. Bailey had a comment; and Mr. Bailey stated that actually Mr. Lewis's statement was correct and the system Council Member Ellis was using happened to be one of the 30 so it may be that it was being played upon to give the assumption the other 20,000 users were obsolete to and that was not true. Mayor Brown, Council Members Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Jacobs, 6105 Westline, Houston, Texas 77036 (713-272-4600) appeared and stated that he was a professional in the telecommunications industry and they had Voice Over IP in their network and currently had commercial customers with Voice Over IP solutions; that they also felt the city had the cart before the horse they were allowing the Voice Over IP solution to mandate and dictate and upgrade their existing network and the real problem was the city did not have a very large problem with their existing network infrastructure; that he took his hat off to Mr. Lewis for having done an excellent job in his short period of time to try and get a handle on what the city really had, but they were allowing an application to drive the upgrade of their infrastructure; that you did not build a road because you had cars you did a study first on the growth so they were going about it in a backwards way. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Jacobs stated that he was with PHONOSCOPE and not a vendor, but did work with most of the vendors who bid. Mayor Brown, Council Members Galloway and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

After further discussion and upon questions by Council Members with Mr. Lewis; and Mr. Lewis stated that the two assessments, which he described previously, were performed in 2000/2001; that one was a detailed assessment of the data network from Compaq and the second was a high level assessment by Arthur Andersen; that he made a judgment that because those assessments were available to the bidding community and because no vendor would come in and do the work and be at financial risk without doing their own assessment he made the decision not to perform another assessment but rather to roll the assessment into the overall assessment design and implementation of the converge voice and data network; that he was comfortable the two assessments provided the competitive markets with sufficient information to make competitive proposals and it was confirmed when they received nine

proposals; that he had prepared the competitive market before the RFP went out and he took great pains to avoid meeting with any individual firm as he did not want to give anyone a basis for alleging they had a competitive advantage according to the process; that a web site was posted, he sent out 150 letters to prospective firms, they had 700 hits on the website and at the first pre-submission conference they had 72 different companies attend the pre-bid with over 120 people; that they went through three clarification processes verifying provisions of the RFP and making great efforts to make it as open as they could and they conducted a second pre-submission conference primarily because he was concerned that Council Member Tatro, his activity was having a diminishing, chilling effect on the competition and he invited those vendors who had indicated they would not respond to the RFP to please come to the second conference so he could address any questions they had in front of all prospective proposers; that he felt obligated for everyone to hear the same thing and to his knowledge there had never been two pre-submission conferences in the history of a solicitation and they received nine proposals; that point number two was it involved assessment, design and implementation, the assessment had to be one of the results he was comfortable with before moving into design and design had to create a telephone cost statement which triggered a financial guarantee and point number three was this was the foundation of all their technology, the network, data centers, applications and desk tops, they had to make the investment in the network if they were going to make their technology evolve and get on the information super highway; and his final point was they would never see pricing on this project as good as it was today, they had proposals from bidders never interested in doing business with the city before because of market conditions and if they did not do it now they would pay premium amount in the future; and since the first week in January he had been negotiating with the top two proposals and hoped to bring to Council a recommended contract soon. Mayor Brown, Council Members Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Orenthal Fowler, 8010 Snowden, Houston, Texas 77028 (713-571-8853) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and presented information to Council in which he stated that he was for funds for the New Houston Police Department advocate first time publicly open undercover Technocracy throughout the City of Houston through satellite intelligence learning, doing and examples. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Mercer for coming and stated that his written request would be passed on to the Mayor. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Fowler was present and would be heard at this time. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Orenthal Fowler, 8010 Snowden, Houston, Texas 77028 (713-571-8853) appeared and stated that he was looking for a job, but he had a felony and it was hard to look for work as that was held against him; that he had a new family and needed a new chance. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Ms. Dillard with Citizens Assistance was present and would speak with him and see if she could direct him and help him find a job. Council Member Edwards stated that New Directions also worked with situations such as his. Mayor Pro Tem Quan stated that they applauded his efforts in wanting to do right and be a part of

society and they would see what could be done to help him find a position. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Brenda Flores, 2041 Mernel, Houston Texas 77055 (713-722-9258) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg and Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) appeared and stated that right now there were many men just like the one before him and he was trying to get assistance to help them, but that was not why he was present; that many buildings did not have addresses and it seemed Council could pass a rule to have addresses on all large buildings; that he also wanted to know how many Council Members had been to the jail lately; that one of his competitors had him arrested for trespassing, but he did not know he was on his property; that it was about 3:00 p.m. when he got to the jail and he had enough money in his pocket but it was 4:00 a.m. before he was out and he had to sleep on a concrete floor; that there was plenty of money to build all kinds of sports stadiums and it was his understanding you were innocent until proven guilty and yet they were treated like they were already guilty upon arrest; that it was dehumanizing, but he would not have known of the situation if he were not arrested and he was requesting something be done. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was correct those were concerns and the city was trying to get out of the jail business and contract with the county so they would not have to maintain it; that the jail was built in the 1950s and at that time it was a state of the art jail, but it was long past its prime and they were under a federal judge mandate at this time and having to monitor every six months because of the jail; that he had visited and they had gone through to make sure water was running and toilet paper was provided and they were trying their best; and he appreciated him raising the issue. Mr. York stated that they needed more help, only one girl had been working and it took him from 3:00 p.m. to 4:00 a.m. to get out. Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Donald Weston, 1000 Kempwood, Houston, Texas 77080 (713-996-0890) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Cassandra Keller, 500 Airtex #2606, Houston, Texas 77090 (281-875-4288) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Julianne Gustafson-Lira, 13914 Cypresswood, Houston, Texas 77040 (281-257-3330) appeared and expressed her opinions regarding the proposed war with Iraq and urged Council Members to sign a resolution as other cities making Houston a "War Free Zone". Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he agreed with her and they were working on a resolution at this time.

Council Member Edwards stated that she applauded her for staying and she agreed with Council Member Quan that they needed to speak up before it was too late; and upon questions, Ms. Gustafson stated that she wanted Council to place something on the Agenda soon and vote

for a "War Free Zone" in Houston, everyday cities were being added to the list. Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he had a letter in his hand from the Dioceses of Galveston Houston Office Justice of the Peace also requesting Council to take some action. Mayor Brown, Council Members Galloway, Goldberg, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Pamela Bratcher, 3322 Keenland, Houston, Texas 77093 (713-682-0197) appeared and voiced her personal experiences and opinions until her time expired. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Hazel Wise, 2803 Tidewater, Houston, Texas 77045 (713-433-0616) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Tom Bazan, P. O. Box 2784, Houston, Texas 77252 (713-466-4477) appeared, presented information and stated that he was present asking for the Mayor to consider notifying families who had been victimized by buying homes which were contaminated; that the information he gave them showed that the Mayor had been aware of the problem since 1998 and nothing had been done to notify them. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Bazan for raising the issue before Council. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official presidential candidate for the upcoming election and continued expressing his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Racheal El-Saleh was now present and would be hard at this time. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Racheal El-Saleh, 863 Plainwood, Houston, Texas 77079 (281-493-4825) appeared and stated that she had friends and family in Israel and was the wife of an Iraqi born Muslim who was now a naturalized American citizen and they had a large family in Iraq; and urged Council Members to consider a petition opposing the military intervention in Iraq. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. El-Saleh for coming to Council and expressing her rights. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he owned NASA and continued expressing his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:56 p.m. City Council recessed until 9:00 a.m., Wednesday, February 5, 2002. Council Member Wiseman absent due to being ill. Council Members Keller, Berry and Robinson absent on personal business. Council Members Vasquez and Sekula-Gibbs absent on city business. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Parker absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 5, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 5, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D. and Michael Berry; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Martha Stein, Agenda Director present. Council Member Addie Wiseman absent due to being ill. Council Members Bert Keller and Carroll Robinson absent on personal business.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 a.m. Mayor Brown called to order the meeting of the City Council and stated that the first order of business was the monthly financial report. Council Members Goldberg and Alvarado.

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 and a Quarterly Investment Report by the City Controller

Ms. Judy Johnson, City Controller, stated that she was pleased to present the Monthly Financial Report for December 2002, that it seemed definitely that the most watched figures at this point were the estimated General Fund Revenues, that while they had raised their projections for Property Taxes, Franchise Fees and Mixed Beverages Taxes, they had lower their projections for Sales Taxes and Interest Income and overall their estimate had not changed since last month, that they projected that revenues would be \$44 million below budget, offsetting that they were projecting that expenditures would be \$23 million below budget and that was primarily due to spending controls that were in place by the administration, that the net amount that they project is needed to balance the budget was therefore \$21 million, that as they pointed out in a memo Council Members received on Monday, it was their estimate of the probable shortfall and was neither a best case nor a worst case analysis, in the best case they would have no further shortfall, however in the worst case the budget shortfall could be as much as \$43 million and she would point out that it was more than the total of unrestricted cash balances including ALP Funds, Street and Bridge Funds and Housing Funds, which were a bit over \$20 million, that they had not included the Rainy Day Fund in that analysis, therefore since they were projecting a possible shortfall of more than the available cash balances they would encourage the Mayor and City Council to agree on a plan of action that covered not just Finance and Administration projections or the Controller's office projections but covers what could happen if the economy continues to deteriorate, that on a more positive note they had increased their projections for Water and Sewer Revenues and were now projecting a break even status in

comparison to budget for the Water and Sewer Funds; that as to the Quarterly Investment Report, as of December 31, 2002 the City had approximately \$2.7 billion invested in 8 different investment pools, that it was about \$200 million less than last quarter, but that was due to normal seasonal variations at this time of year, that the portfolio was primarily invested in agency securities and had a weighted average maturity of 1.4 years, that interest rates had declined during the quarter that ended in December and that was most vividly demonstrated by the lowering of the Fed Funds Rate by 1.25%, that many economists were forecasting that there may be an additional reduction in the Fed Funds Rate during the next few months due to continuing weakness in the economy, that as a result of these declines the earning capacity of their investments had been reduced, to illustrate that the yield on the General Investment Pool one year ago, was 4.7% and at December 31, 2002 it was 3.5%, more than a full percentage point below last year, that they were continuing that and the yield on the investment pool would continue to decline during the rest of the fiscal year and could be as low as 2.75 % before the end of the year, and that concluded her report.

Dr. Philip Scheps, Director, Finance & Administration, stated that they to had reduced their estimates of interest earnings in accordance with the Controller, that they actually disclosed it to Fiscal Affairs, although it was not in the report, they knew it was coming and was actually in the report now, that they did have a conference call with Dr. Smith, one of Judy's staff members was on the call and they could see in his letter that he kind of discussed that Dr. Smith had lowered his estimates do they were actually in agreement now because they were still using Dr. Smith's mid range estimate, that he agreed with Judy that they did not know whether it was the end of the drop or not and the graph in his letter showed that they were actually getting less Sales Tax this year than they did last year, that they actually had a negative growth in Sales Tax, that it was about even if they looked at the limited purpose annexations, but year to year comparable amounts were actually negative, that they would get the Christmas check later on today, but he did not think it was going to be enough to reverse, that his only hope was that it was not a big negative surprise relative to what they had, that they were not out of the woods on Sales Tax, that in his letter he sort of described that everybody had the Sales Tax problem, that they had HISD listed, but they did not get Sales Tax, they got State money and the State was affected by the Sales Tax, but it was a little confusing the way he wrote it, that clearly Metro and the other Cities and States were having the same kinds of problems that they were having; on the expenditure side they were actually showing a balanced budget with a slight surplus, they were doing that because they had projected that they would approve the tax rate exchange that they talked about at the special Fiscal Affairs meeting and that was a \$10 million move in essence, in financial essence from the surplus in the Debt Service Fund to the General Fund to help plug the gap caused by the Sales Tax drop, that was actually shown as a projection, although he understood they had not approved it, but they were going to bring it to Council, but it was shown as a projection because they were recommending it, that they were also not showing the lowest revenues, the Controller's revenues, they were showing theirs and all of the gap was diminishing between them and the Controller, that they still, as of this report, had about an \$8 million gap in the revenue projections to this point and they hoped to narrow that gap and hopefully it was in the upward direction, that she could come up to theirs, but on the other hand it was possible that they had to drop theirs, or that both of them would have to go down; that on the expense side, the Mayor had instituted the cuts that they talked with Fiscal Affairs about, nothing had really changed in the week since the special Fiscal Affairs meeting, so they insisted that all departments cut all discretionary travel and there was no hiring going on except through a special process that involved the Chief Administrative Officer and hoped that would be sufficient if the remainder of the revenues hold up and they could use that \$10 million as they discussed with them last month, the only other thing he would mention was that the people at the Council table were the only ones getting the printed copies of the report now, it was being distributed entirely by the internet now, they had gone from 200 printed copies down to about 15 or 20, and that concluded his report.

Upon questions by Council Member Vasquez, Dr. Scheps stated that other than the \$10 million transfer, they had a list last time and had used the 405 Funds for example, and they

noted that there was money available, should anybody want to use it, in Rainy Day Fund and ALP, that there was a little less than \$1 million in a Housing Fund and they had not used that in the projections yet, that they had exported some expenditures to the tune of \$3 million in the Police Department over to Special Purpose Funds that they could charge other things to, so in essence they were using those funds as well.

Upon questions by Council Member Vasquez, Ms. Johnson stated that she did not know if they would know if they were in a worst case scenario but would have a lot better information by the end of February than they would now because between now and then they would have the Sales Tax figure for the December activity, which was probably the most critical number given indication for the rest of the year.

Council Member Vasquez asked Dr. Scheps to get him an answer to the Neighborhood Standards and when it was going to be funded.

Council Member Tatro stated that he would like to get an analysis, an update on the current exposure that the City had for funding the pension plan as it related to the 201 Change or the current environment they were in; that as to Sales Tax, if they were 6% below last year at this point why was the estimate basically the same as last year, and Dr. Scheps stated that they got big checks every quarter so one of the reasons that 6% they could be below because they got a big check, that the biggest check of the year was coming in, so the five checks they had gotten so far could cause them to be below last year.

Upon questions by Council Member Sekula-Gibbs, Ms. Johnson stated that \$10 million transfer for this year would have no effect because they had already levied the tax rate for the current fiscal year, the proposal was to shift the tax rate between the two elements of operations versus Debt Service so it would have a one cent effect.

Council Member Goldberg asked if in the analysis of the loss of Sales Tax, what effect had internet sales had on it, had Dr. Smith done an analysis on it, and Dr. Scheps stated that on Dr. Smith's part there had not been an analysis, that he thought nationally there had been quite a bit and there was a lot of discussion on it, but he did not have any numbers as to what it meant to Houston, that he would ask Dr. Smith.

Mayor Brown stated that this was an issue that had been addressed by the U.S. Conference of Mayor's and even through the Congress and there had been a two year moratorium on doing something until they could figure out what was really happening and what impact it had on cities, but was a major concern and probably had some impact on their revenue as it was the case throughout the Nation, but there were no answers to that question right now.

Council Member Goldberg asked Dr. Scheps what plans of action they had and since most of it was going to constitute personnel was it going to be in the form of furlough's or layoffs, how were they going to approach it and what options did they have, and Dr. Scheps stated that he thought it would be better to do that next week at Fiscal Affairs, that the plan of action that Mr. Haines laid out basically got them to what was a balanced budget if their revenues held out at this point and it involved use of the one time transfer from the Debt Service Fund, use of all the other surplus balances they could find and reduction of expenses in every department, that next Tuesday they could ask Mr. Haines to address it.

Council Member Edwards stated that she would like to meet with both Dr. Scheps and Ms. Johnson to talk about some ideas of how they could deal with it.

Council Member Berry stated that he was concerned because they were getting memo's, that they just got one from the Parks Department saying that hours and programs were being cut, that library hours were being shortened, that obviously some decisions were already being made and they were finding out about it on the backend rather than the front end, so he knew

they were going to talk about potentially furloughs or layoffs and asked when were those decisions made, because they were starting to get letters from department heads telling them that programs were being cut, and Dr. Scheps stated that those decisions were made by the Mayor and that particular one, he thought Mr. Haines mentioned at Fiscal Affairs, that the administration did make those decisions as the Council Members insisted upon to balance the budget, the Mayor had to do that, and Council Member Berry asked if a directive was being given from the administration to the department heads, and Dr. Scheps stated that typically what happens was that the department was given a target and comes back with consequences of the target and the Mayor makes the final decision as to whether that was an acceptable consequence and then they disclose it to the Council Members as part of the Fiscal Affairs, and Council Member Berry asked if for instance the library chose to cut hours at regional libraries and continues spending a lot of dollars printing newsletters every month, that was their decision not the administrations and Dr. Scheps stated that it was their recommendation but the administration ultimately has to take the responsibility.

Council Member Vasquez requested an update from Dr. Scheps on the service cuts, either at the Fiscal Affairs meeting or in writing, and asked Ms. Johnson on the Debt Transfer Fund, what impact would that have on their bond rating, and Ms. Johnson stated that she was not sure that it would have any direct impact on the bond rating, certainly the viewpoint of the bond rating agencies was that from their point of view the greater flexibility in terms of setting a tax rate the better they see it, but they were still primarily looking at the tax that was levied for Debt Service and the ability to make the Debt Service payments, so she did not see that it would have any big impact at all, and Council Member Vasquez asked if they had any conversation with their financial advisors regarding it, and Dr. Scheps stated that he had and they said just what Ms. Johnson said, that for the narrow purpose of rating their bonds, the rating agencies were nervous that they were up against the cap, that they had limited flexibility in operations, that according to Henry Sauer, for Southwest, they would prefer to see them farther away from the cap, that their advice was to go ahead and make the transfer, and Council Member Vasquez asked if they were willing to put it in writing and Dr. Scheps stated that he thought so, and Council Member Vasquez stated that he would love to see that.

After further questions by Council Member Tatro, Dr. Scheps stated that layoffs were not an option at this time, the Mayor had not approved that, that he believed in the 2004 Budget they were going to have to look at it, that it was going to have to be considered, that they were in the beginning of a budget process and the process takes 2 or 3 months and it was an option in the 2004 Budget, that it would not work in 2003, that it was going to be so close to over that they could not save any money, as Mr. Haines said last week, it would not work to solve the 2003 problem. Council Member Ellis absent.

Council Member Alvarado stated that the memo they received from the Parks and Recreation Department regarding the reduction of community center hours talked about when it would go into affect and asked Dr. Scheps if he knew how long they were going to operate on the reduced hours and Dr. Scheps stated that he did not know but would get her an answer later on in the day. Council Member Ellis absent.

Council Member Parker stated that they had to cancel yesterday's Fiscal Affairs Committee meeting because of the memorial service at NASA, that it would be held next Tuesday and next Wednesday afternoon they would have a special Fiscal Affairs Committee meeting and she would remind Council that it was really their first opportunity at the 2004 Budget, she could not make the administration bring a zero base budget forward, but was working with the administration to bring the departments forward so they could have policy discussion on provisions of core services and elimination of programs, if that was what Council desired, that they were having the discussions now instead of when they were faced with line items in the overall budget along about May, that she would encourage Council Members to attend and the three departments that would be presenting Wednesday afternoon were Police, Public Works and Solid Waste, since 70% of the budget was in Fire, Police and Public Works

and while she would agree that they wanted those core services that Public Works provided they had to look at where the money was and that was the bulk of their budget and they wanted to put them out on the block first, not necessarily to cut, but what services were they providing, did they want those services, maybe they wanted to eliminate those services and maybe they wanted to outsource those services, that they would go through all of the City Departments with that discussion in mind and they may get some consensus on things they would like to see cut that had been funded in the past but did not think were core services by the various departments, so she would encourage them to attend.

Council Member Parker moved to accept the Monthly Financial and Operations Report and the Quarterly Investment Report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Ellis absent. MOTION 2003-0101 ADOPTED.

Mayor Brown stated that he wanted to correct something that Council Member Berry stated about the Library publishing a lot of newsletters, that they only published one external letter and that was to fulfill a grant requirement for publicity to recognize donors, that had even been changed to go on line, so it was not correct that they put out a lot of newsletters. Council Member Ellis absent.

Council Member Galloway moved to suspend the rules to consider Item Numbers 35, 45, 55, 2, 47 and 48 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0102 ADOPTED.

35. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-1097 by deleting one (1) Assistant Arson Investigator Position and adding one (1) Senior Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented.

Council Member Galloway moved to divide the question into two ordinances, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0103 ADOPTED.

35. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-1097 by deleting one (1) Assistant Arson Investigator Position and adding one (1) Senior Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented.

Council Member Galloway moved to postpone the Assistant Arson Investigator Position for 90 days, seconded by Council Member Vasquez.

Council Member Goldberg stated that he was curious why they had to delay it for 90 days if they could come up with a solution before that, and Council Member Galloway stated that they needed 90 days to give the department ample time to really look over it and see if they had funds available because they had a lot of positions in the Fire Department that they did need, and Mayor Brown stated that as he understood it they wanted to consider that in context of other personnel issues and felt it would take them that long to work out the details.

Council Member Parker stated that not speaking against the motion, but the motion was to delay 90 days, would that take them past the window of the position, was it not open for only 90 days, and Mayor Brown stated that it did not pose a problem.

A vote was called on Council Member Galloway motion to postpone the ordinance relating to the Assistant Arson Investigator Position for 90 days. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0104 ADOPTED.

35. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-1097 by ~~deleting one (1) Assistant Arson Investigator Position~~ and adding one (1) Senior Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0106 ADOPTED.
45. ORDINANCE appropriating \$1,600,000.00 out of Airports Improvement Fund and approving and authorizing professional services contract between the City of Houston and **MIR, FOX & RODRIGUEZ, P.C.**, for Professional Accounting Services related to Houston Airport System Construction Projects (Project No. 574), CIP A-0434 - **DISTRICTS B - GALLOWAY; E- WISEMAN and I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0107 ADOPTED.
55. ORDINANCE approving and authorizing contract between the City of Houston and **HOLMAN & KEELING, P.C.** for Professional Litigation Support Services - \$100,000.00 - Enterprise Fund – (**This was Item 27 on Agenda of January 29, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0108 ADOPTED.
2. RECOMMENDATION from Acting Chief of Police to increase spending authority by \$70,000.00 from \$127,200.00 to \$197,200.00 on contract between the City of Houston and **BOOTH RESEARCH GROUP, INC** for Assessment and Evaluation of Candidates for Police Sergeants - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Vasquez.

Council Member Vasquez stated that he would like a meeting on the item and Council Member Alvarado asked to add her tag to the item.

47. ORDINANCE appropriating \$454,300.00 out of C & E Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **WISS, JANNEY, ELSTNER ASSOCIATES, INC** for Construction Administration of the Jones Hall for The Performing Arts Travertine Wall Cladding Repair, GFS B-0071-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the C & E Construction Fund - **DISTRICT I - ALVARADO** – was presented.

Council Member Sekula-Gibbs stated that this item was basically helping to repair Jones Hall, that was desperately in need of repair and that was not the concern she had, that the issue was if they looked at the item carefully they would see that there was a 10% overhead and salary recovery that the department was charging back to basically bond money and that added up very quickly, on Item 47 the 10% was \$41,000 and on Item 48 the 10% charge back to the Department of Building Services was \$441,000, so the total credit that the department was pulling away from bond money was almost half a million dollars, that really was money that should be, in her understanding, coming from the General Fund and not from debt money, that she did not want to stop the project because she knew that the project was vitally important and did not want to deal with a sensitive policy issue on a project by project basis, that she thought it really needed to be addressed in the Mayor's office as a systemic issue and how do they change it so that they were not paying for salaried positions in the departments with debt money, with bond money, that she would like all of the Council Members to consider it, that it was not good business practice, that she would support the item. Council Members Vasquez and Berry absent.

Council Member Parker stated that it was an Enterprise Fund and Enterprise Dollars and not General Fund dollars, that they were talking about today. Council Members Vasquez and

Berry absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Vasquez and Berry absent. ORDINANCE 2003-0109 ADOPTED.

48. ORDINANCE appropriating \$4,683,264.00 out of C & E Construction Fund and awarding construction contract to **SPAW GLASS CONSTRUCTION CORPORATION** for Jones Hall for The Performing Arts Travertine Wall Cladding Repairs, CIP B-0071-01-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by the C & E Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Vasquez and Berry absent. ORDINANCE 2003-0110 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$651,746.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Calendar Year 2003 Ground Water Withdrawal - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Vasquez and Berry absent. MOTION 2003-0105 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,100,275.83 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-13-3 (4250-57) 11.10% under the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - VASQUEZ and I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0106 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,288,780.14 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of Water Main Replacement in Songwood/Wood Shadows Subdivision, GFS S-0477-01-3 (10480) - 07.24% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0107 ADOPTED.

PROPERTY - NUMBERS 6 and 6A

6. ORDINANCE appropriating \$58, 855.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Thomas S. Lucksinger, et al., to acquire Parcel Number A99-14, for the **CONRAD SAUER STREET IMPROVEMENT PROJECT (Old Katy Road - Long Point Road)**; GFS/CIP N-0549B-00-1 - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0111 ADOPTED.

- 6a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Thomas S. Lucksinger, et al, Cause Number 721,530, for acquisition of Parcel A99-14; for the Conrad Sauer Street Improvement Project (Old Katy Road - Long Point Road); GFS/CIP N-0493-01-1 \$8,855.00 - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0108 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 13

7. **HAZARD ASSESSMENT LEADERS, INC** - \$55,227.00 and contingencies for a total amount not to exceed \$57,988.35 and **BASIC INDUSTRIES, INC** - \$38,576.18 and contingencies for a total amount not to exceed \$40,504.99 for Mold Remediation, Asbestos Abatement and Build Back Services at Six Fire Stations for Building Services Department - Fire Consolidated Construction Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0109 ADOPTED.
10. **CENTRAL POLY CORPORATION** - \$743,106.01 and **INTERBORO PACKAGING CORPORATION, Bid 1F** - \$57,470.18 for Polyethylene, Linear Low Density Bags Contract for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0110 ADOPTED.

ORDINANCES - NUMBERS 14 through 50

14. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Charterwood Municipal Utility District and certain territory located in the vicinity of Charterwood Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0112 ADOPTED.
15. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CNP UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within CNP Utility District and certain territory located in the vicinity of CNP Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0113 ADOPTED.
16. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY**

MUNICIPAL UTILITY DISTRICT NO. 120 to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 120 and certain territory located in the vicinity of Harris County Municipal Utility District No. 120, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. **ORDINANCE 2003-0114 ADOPTED.**

17. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 249** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 249 and certain territory located in the vicinity of Harris County Municipal Utility District No. 249, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. **ORDINANCE 2003-0115 ADOPTED.**
18. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 61 and certain territory located in the vicinity of Harris County Municipal Utility District No. 61, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. **ORDINANCE 2003-0116 ADOPTED.**
19. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Malcomson Road Utility District and certain territory located in the vicinity of Malcomson Road Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. **ORDINANCE 2003-0117 ADOPTED.**
20. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Memorial Hills Utility District and certain territory located in the vicinity of Memorial Hills Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. **ORDINANCE**

2003-0118 ADOPTED.

21. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Mission Bend Municipal Utility District No. 1 and certain territory located in the vicinity of Mission Bend Municipal Utility District No. 1, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0119 ADOPTED.
22. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Mission Bend Municipal Utility District No. 2 and certain territory located in the vicinity of Mission Bend Municipal Utility District No. 2, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0120 ADOPTED.
23. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Park Municipal Utility District and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0121 ADOPTED.
24. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control and Improvement District No. 110 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 110, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0122 ADOPTED.
25. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WEST MEMORIAL MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within West Memorial Municipal Utility District and certain territory located in the vicinity of West Memorial Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject

HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0123 ADOPTED.

26. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 51** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Fresh Water Supply District No. 51 and certain territory located in the vicinity of Harris County Fresh Water Supply District No. 51, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0124 ADOPTED.
27. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Cimarron Municipal Utility District and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0125 ADOPTED.
28. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 86 and certain territory located in the vicinity of Harris County Municipal Utility District No. 86, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0126 ADOPTED.
29. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **PONDEROSA FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Ponderosa Forest Utility District and certain territory located in the vicinity of Ponderosa Forest Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0127 ADOPTED.
30. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory

within Harris County Municipal Utility District No. 62; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0128 ADOPTED.

31. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WESTON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Weston Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0129 ADOPTED.
32. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to disannex a certain area to be located within Clear Brook City Municipal Utility District and on a proposal by the City of Houston to annex such area for limited purposes; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0130 ADOPTED.
33. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to disannex certain territory to be located within Harris County Water Control and Improvement District No. 89 and on a proposal by the City of Houston to annex for limited purposes such territory and additional territory located within Harris County Water Control and Improvement District No. 89; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0131 ADOPTED.
34. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes all of the area in Harris County Municipal Utility District No. 63 and certain territory located in the vicinity of Harris County Municipal Utility District No. 63, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability **HEARING DATES - WEDNESDAY - 9:00 A.M. - FEBRUARY 26 & MARCH 5, 2003** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0132 ADOPTED.
37. ORDINANCE amending Ordinance No. 2000-1113 (passed by the City Council on December 20, 2000) to increase the maximum contract amount and approving and

authorizing first amendment to contract (approved by Ordinance No. 2000-1113) between the City of Houston and **ELECTRONIC DATA SYSTEMS CORPORATION** for Alarm Tracking, Billing and Collections for the Fire Department - \$2,196,120.00 - General Fund had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.

38. ORDINANCE approving and authorizing interlocal agreement and grant award from the **HOUSTON GALVESTON AREA COUNCIL (HGAC)** for the City of Houston to provide Ambient Water Quality Sampling under the Texas Clean Rivers Program - \$100,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0133 ADOPTED.
40. ORDINANCE approving and authorizing contract between City of Houston and **CHUBB GROUP OF INSURANCE COMPANIES** for Purchase of a Boiler & Machinery Insurance Policy - 1 Year \$75,175.00 - Insurance Management Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0134 ADOPTED.
41. Omitted
44. ORDINANCE appropriating \$300,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for professional environmental consulting services under the following five professional environmental consulting services contracts: **GEO ENVIRONMENTAL CONSULTANTS, INC** (approved by Ordinance No. 01-794); **PRIDA ENVIRONMENTAL SERVICES** (approved by Ordinance No. 01-795); **RAO ENVIRONMENTAL** (approved by Ordinance No. 01-796); **ENVIRONMENTAL RESOURCE CONSULTANTS, INC** (approved by Ordinance No. 01-797); **GROUND TECHNOLOGY, INC** (approved by Ordinance No. 01-798), GFS D-0073-01-2, D-0073-02-2, D-0073-03-2, D-0073-05-2, D-0073-07-2 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0135 ADOPTED.
49. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD** for Water, Wastewater and Drainage Facilities to serve Victoria Park, Section Two; approving and authorizing assignment of construction contract to **KB HOME LONE STAR, L.P.**, GFS S-0800-63-3 and R-0800-63-03 - **DISTRICT E- WISEMAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0136 ADOPTED.
50. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD** for Water, Wastewater and Drainage Facilities to serve Victoria Park, Section Three; approving and authorizing assignment of construction contract to **KB HOME LONE STAR, L.P.**, GFS S-0800-64-3 and R-0800-64-03 - **DISTRICT E- WISEMAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2003-0137 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,184,659.83 and acceptance of work on contract with **JERDON ENTERPRISE, INC** for Roads and Services Support at William P. Hobby Airport (HOU),

Project No. 498, CIP A-0295, A-0308, A-0310, A-0141, A-0347 and A-0405 - 21.80% over the original contract amount **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro. Council Member Berry absent.

Council Member Tatro stated that Council Member Keller had asked that they tag item so any questions could be referred to his office to get that information. Council Member Berry absent.

PURCHASING AND TABULATION OF BIDS

8. **PHILPOTT MOTORS LTD. d.b.a. PHILPOTT FORD** for Patrol Vehicles for Police Department \$5,456,896.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0111 ADOPTED.
9. **WAUSAU FINANCIAL SYSTEMS, INC** for Hardware and Software Maintenance Upgrade from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$249,914.31 Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0112 ADOPTED.
11. **PHILPOTT MOTORS, LTD** - \$520,752.50 and **LAWRENCE MARSHALL CHEVROLET II, L.P.** \$230,585.00 for Light-Duty Trucks for Various Departments - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Parker. Council Member Wiseman absent due to being ill. Council Member Berry absent.

Council Member Alvarado asked why they were buying the vehicles from an out of town dealer and Mayor Brown stated low bid and they had to abide by State law on the bidding process. Council Member Berry absent.

12. **PHILPOTT MOTORS, LTD** - \$1,119,072.50, **CLASSIC CHEVROLET HUMMER, INC** \$1,185,286.25, **LAWRENCE MARSHALL CHRYSLER, L.P.** - \$40,837.50, **LAWRENCE MARSHALL CHEVROLET II, L.P.** - \$1,197,530.00 and **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$975,066.25 for Automobiles, Vans, Utility Vehicles and Pickup Trucks for Various Departments - \$4,517,792.50 - Grant, Enterprise and Other Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Parker and Alvarado. Council Member Wiseman absent due to being ill. Council Member Berry absent.

Council Member Parker stated that they were going to have a discussion of vehicle usage and purchases next Tuesday at the Fiscal Affairs meeting and wanted to have the discussion before they made the purchase. Council Member Berry absent.

13. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Asphalt Crack Sealer Machines, Riding Mowers, Tractors and Riding Utility Vehicles through the interlocal agreement for Cooperative Purchasing for Various Departments - \$192,317.62 - Enterprise and Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2003-0113 ADOPTED.

ORDINANCES

36. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST WORKFORCE DEVELOPMENT BOARD** for Certification of Qualified After School Achievement Program Expenditures to obtain further Federal Funding for Child Care Services and providing for reimbursement of Administrative costs – was presented.

Council Member Quan stated that he wanted to commend the Mayor and his staff for working with them on the item, that he thought it was a way they could add additional funds to help children in the After School Program.

A vote was called on Item No. 36. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0138 ADOPTED.

39. ORDINANCE approving and authorizing contract between the City and **THE UNIVERSITY OF TEXAS at HOUSTON HEALTH SCIENCE CENTER** for Behavioral Surveillance Services; providing a maximum contract amount - \$567,513.00 - Grant Fund – was presented, and tagged by Council Member Sekula-Gibbs.

Council Member Alvarado asked if it was going to be reflective of the entire population or was it targeting a certain community or geographic area, and Mayor Brown stated that it did include the entire population and it was outlined in the grant itself, and Council Member Sekula-Gibbs asked that someone come to her office and brief her on it, and Mayor Brown stated that they would have someone visit with her on it.

42. ORDINANCE appropriating the sum of \$895,856.00 out of the Affordable Housing Uptown 2002B Fund and approving and authorizing a contract between the City and **CDI MANAGEMENT SERVICES, INC** for implementation of the Water Intrusion Relief Initiative; Containing Provisions Relating to the Subject and Declaring an Emergency - **DISTRICT I – ALVARADO** – was presented.

Council Member Parker stated that she understood what the item was and appreciated the City stepping up since their water lines damaged the properties, her question was over the fact that they were going to be paying 18% in administrative costs to pay for the damages and would like an opportunity to discuss it further, and would like to tag the item.

Mayor Brown stated that they would have someone visit with her and thought they could answer her questions satisfactorily.

43. ORDINANCE amending Ordinance No. 2002-8 (passed by the City Council on January 3, 2002) to increase the maximum contract amount and approving and authorizing second amendment to contract (approved by Ordinance No. 1998-0352) between the City of Houston and the **WEST GROUP** for On-Line Research Services for the Legal Department - 5 Years - Increase of \$210,000.00 for total contract amount of \$510,000.00 - General Fund – was presented.

Council Member Ellis stated that he was going to tag Item No. 43 for Council Member Keller and somebody could get with him before next week, and Mayor Brown stated that they would have someone visit with him.

46. ORDINANCE approving and authorizing architectural services contract between the City of Houston and **JAMES S. WALKER ARCHITECTS** for Architectural Programming/Predesign Services in connection with the Gregory School Building, GFS E-0144-01-2 - \$138,819.00 Grant Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Tatro and Ellis.

MATTERS HELD - NUMBERS 51 through 60

51. ORDINANCE appropriating \$11,040.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. United Orthodox Synagogues of Houston, a Texas Non-profit Corporation, et al., to acquire Parcel Number A98-54, for the Alameda-Genoa Road Paving Project (Alameda Road - State Highway 288); GFS/CIP N-0493-01-1 - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0139 ADOPTED.
- 51a. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. United Orthodox Synagogues of Houston, a Texas Non-profit Corporation, et al, Cause Number 736,674, for acquisition of Parcel A98-54; for the Alameda-Genoa Widening Project (Alameda Road - State Highway 288); GFS/CIP N-0493-01-1 - \$7,040.00 - **DISTRICT D- EDWARDS – (These were Items 3 and 3A on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0114 ADOPTED.
52. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to AMEND MOTION #2000-513, 4/12/00, TO EXTEND expiration date from April 12, 2003 to April 11, 2004, for Medical, Breast-Feeding Apparatus for Health & Human Services Department, awarded to MEDELA, INC. – **(This was Item 7 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0115 ADOPTED.
53. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-570, 4/26/00, TO EXTEND** expiration date from May 14, 2003 to May 13, 2004, for Landscape Plants, Trees, Grass and Associated Materials for Various Departments, awarded to **LIVING EARTH TECHNOLOGY CO., INC, ANTHONY HUTCHISON EXTERIOR DESIGN, BWI SCHULENBURG and HOUSTON LANDSCAPING DEVELOPMENT, INC** – **(This was Item 21 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBERS ELLIS and ALVARADO)** – was presented.

Council Member Ellis moved to postpone Houston Landscaping Development, Inc. for one week, seconded by Council Member Tatro. Council Member Wiseman absent due to being ill. MOTION 2003-0116 ADOPTED.

53. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-570, 4/26/00, TO EXTEND** expiration date from May 14, 2003 to May 13, 2004, for Landscape Plants, Trees, Grass and Associated Materials for Various Departments, awarded to **LIVING EARTH TECHNOLOGY CO., INC, ANTHONY HUTCHISON EXTERIOR DESIGN, BWI SCHULENBURG and HOUSTON LANDSCAPING DEVELOPMENT, INC** – **(This was Item 21 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBERS ELLIS and ALVARADO)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0117 ADOPTED.

54. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **STEWART & STEVENSON** for Allison Transmission Rebuilt and Repair Parts for Various Departments \$919,792.85 - General, Enterprise and Fleet Management Funds – (This was Item 22 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBER KELLER) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0118 ADOPTED.
56. ORDINANCE appropriating \$14,002,174.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation to professional engineering services contract between the City of Houston and **J. F. THOMPSON, INC** for Completion of the Comprehensive Drainage Study and providing project management services for the Storm Water Management Program (approved by Ordinance Nos. 01-257 and 02-273), GFS M-0220-02-2 (SM5013); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund – (This was Item 32 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY, BERRY, ROBINSON and TATRO) – was presented.

Council Member Galloway moved to postpone Item No. 56 for one week, seconded by Council Member Tatro.

Council Member Vasquez stated that the project impacted his district and wanted to get some understanding of what the delay was for, and Council Member Galloway stated that she had arranged a meeting with Mr. Thompson and he was out of town right now and she had further discussions to discuss with him, that she had two major projects in her district as well and she was very concerned about the particular storm drainage as well.

Mayor Brown asked what impact it had on the project if it was delayed for one week, and Mr. Haines stated that they would just not move forward for one week, but did not think it would shut the program down, that they should probably ask Public Works the question, that he did not believe there was any impact, but would get them the answer right away, and Council Member Vasquez asked if there was anyone from Public Works who could address whether there was any impact or not, and Mr. Haines stated that he could make a quick call if they could hold on the item and Council Member Vasquez asked if they could delay to the end of the agenda.

Council Member Galloway moved to postpone Item No. 56 to the end of the agenda, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2003-0119 ADOPTED.

57. ORDINANCE No. 2003-52, passed second reading 1/22/2003
ORDINANCE granting to **GULF COAST ENVIRONMENTAL, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - THIRD AND FINAL READING – (This was Item 36-31 on Agenda of January 29, 2003, POSTPONED BY MOTION #2003-90) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0052 ADOPTED THIRD AND FINAL READING IN FULL.
58. ORDINANCE No. 2003-58, passed second reading 1/22/2003
ORDINANCE granting to **STAR DISPOSAL SYSTEMS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - THIRD AND FINAL READING – (This was Item 36-37 on Agenda of January 29, 2003, POSTPONED BY MOTION #2003-

91) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0058 ADOPTED THIRD AND FINAL READING IN FULL.

59. ORDINANCE No. 2003-62, passed second reading 1/22/2003
ORDINANCE granting to **WASTE PRO SERVICES, L.L.C.**, a Texas Limited Liability Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING – (This was Item 36-41 on Agenda of January 29, 2003, POSTPONED BY MOTION #2003-92)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0062 ADOPTED THIRD AND FINAL READING IN FULL.
60. ORDINANCE approving and authorizing occupancy agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION**, as occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I – ALVARADO** – (This was Item 41 on Agenda of January 29, 2003, POSTPONED BY MOTION #2003-96) – was presented.

Council Member Ellis moved to postpone Item No. 60 for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0120 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Mayor Brown stated that they would begin with Council presentation and come back to Item No. 56, which was delayed. Council Member Parker absent.

Council Member Quan stated that obviously they all were aware that the past week had been a very trying time for the citizens of Houston as they mourned the loss of 7 astronauts on the shuttle Columbia and asked for a moment of silence. Council Member Parker absent.

Council Member Quan stated that earlier in the meeting there was a discussion regarding cuts in services in various parks and other areas and that the Council Members were among the last to learn about it, that it was very embarrassing as Council Member Alvarado mentioned when they went out to different groups and asked if they knew the park hours were cut and a community center hours was cut, that he certainly wished and would like before those things happened that they be notified and be consulted as well, that it seemed that some of the cuts occurred over the weekends when the parks were in the greatest use, whereas if it was done during the weekdays they could coordinate it so that there would be less usage during those times, so he would sincerely ask before the cuts in services be enacted that they be notified of that. Council Members Parker and Berry absent.

Council Member Quan stated that he believed that each of them in the newspaper yesterday about SRO housing, Single Room Occupancy, that it was a major issue and the City had discussion about it before in the Housing Committee and they planned to bring Mr. Etuk back to discuss his meetings in Fort Worth with HUD, that he also wanted Council Members to know that he had a chance to speak with Congresswoman Sheila Jackson Lee and she was also going to be working with them on the project, that he knew everybody was concerned and asked for their patience as they worked on it together. Council Members Parker and Berry absent.

Council Member Sekula-Gibbs stated that she agreed with what Council Member Quan stated, that she thought that the City needed to recognize that some of their services, parks and libraries particularly, were used on the weekend, so she to had a great concern that they were shutting down on the weekends and staying open during the week.

Council Member Sekula-Gibbs stated that she wanted to thank the Mayor and all of the Council Members for turning out to pay their respects to the fallen astronauts of the Columbia Shuttle, that she thought it showed a great deal of sensitivity and caring and support from the Mayor.

Council Member Galloway stated that she would like to bring Item No. 56 back and Mayor Brown stated that they agreed to take it up at the end of the agenda and stated that they would take up Item No. 56 now.

56. ORDINANCE appropriating \$14,002,174.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation to professional engineering services contract between the City of Houston and **J. F. THOMPSON, INC** for Completion of the Comprehensive Drainage Study and providing project management services for the Storm Water Management Program (approved by Ordinance Nos. 01-257 and 02-273), GFS M-0220-02-2 (SM5013); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund – **(This was Item 32 on Agenda of January 29, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY, BERRY, ROBINSON and TATRO)** – was again before Council. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0140 ADOPTED.

Council Member Vasquez stated that he wanted to thank Council Member Galloway for her flexibility in working Item No. 56 out.

Mayor Brown stated that he wanted to introduce a couple of students, that Mr. Julius Jackson, from Worthing High School, who was shadowing the City Attorney as part of Secretary Colin Powell's America's Promise, that they were glad to have him present, and also Mr. Eric Powers, who was shadowing the Mayor of the City of Houston, and was from Waltrip High School and was in Junior Achievement.

Council Member Parker stated that she had been trying to get out to the CIP meetings and listen to the drainage hearing discussion and managed to attend several and it had caused her to have a number of questions about the impact of the drainage fee and how it would be managed, that she sent out a memo last week to Mr. Haines asking for some information and had not heard back and wanted to give him a reasonable time to answer, but thought a lot of the questions were things that should be known before they go out and answer citizens questions at the Drainage Hearing meetings and would reiterate some of them today and ask if at all possible that they could get the answers to her and certainly be prepared to answer citizens as they go around the neighborhoods, that one was whether they were proposing any ordinances or other changes to limit development in flood prone areas or lessen damages through increased mitigations in conjunction with the drainage fee, what would be the impact of higher design standards for construction of new storm sewers, going forward, that they currently scaled the storm sewers for a two year flood, what would be the incremental cost of upgrading the standard to a five year flood and what would be the impact of that on flooding in the area, what would be the impact on their current neighborhood street reconstruction plans, would streets already in the CIP be bumped for areas with higher drainage needs or would a drainage component be added to the planned street reconstructions as they go forward, would it be possible to attach a sunset clause to the drainage fee, that it came from a citizen and they did not answer the question, she was aware that they must identify a funding source that coincided with the terms of the bonds and just wanted to know if it would possible to do both, and again another citizens question, was there any possibility of federal funding or FEMA monies to be tapped for drainage improvements, that she certainly thought they ought to answer that question before they moved forward, and their response on those would be appreciated.

Council Member Alvarado stated that yet again they had another issue surrounding the

Housing Authority and because of past deficiencies with the Housing Authority they were unable to obtain funding from HUD for SRO's so they were losing out on money that could provide housing for the homeless, and they were violations that occurred back in 2001 and the Housing Authority had yet to come in compliance and would hope that Council Member Quan, during his committee, needed to put some fire into the seat of the Housing Authority. Council Member Tatro absent.

Mayor Brown asked Council Member Quan to respond, that it was not the Housing Authority that was not in compliance, it was some facilities. Council Member Tatro absent.

Council Member Quan stated that they oversee SRO Housing, there had to be a government agency that receives the funds and monitors them, that he had spoken again with Mr. Etuk's office and Mr. David Zappasodi was the assistant in charge of that, but he did want to bring an update to all of the Council as to what was going on, they did have a meeting in Fort Worth as they may have read, but they were working closely to monitor the Housing Authority, that the Housing Authority was kind of an anomaly in that the monies were all federal monies, but the appointment of the board came through the Mayor, but he took to heart Council Member Alvarado suggestion and they were really trying to see what they could do, and Council Member Alvarado asked if it was not under the Housing Authority's jurisdiction to correct the violations that were cited by the feds in 2001, and Council Member Quan stated that they had to show that they were in fact overseeing and monitoring to make sure that those deficiencies did not occur again. Council Member Parker absent.

Council Member Alvarado stated that she wanted to thank the Parks Department, Ms. Roksan Okan-Vick, Ms. Mayreen Guston and Mr. Roy Wilson for working with her staff to address some issues in Garden Villas Park and also Mr. Issa Dadouch with Building Services and also Mr. Beto Bautista for working with her staff regarding some issues in the Mason Park area. Council Member Parker absent.

Council Member Alvarado stated that she thought it was a disservice that the Council Members and the community were not given enough notice when the facilities in their districts were facing a reduction in hours, that they ought to do better planning and thought the community ought to be given a little bit more notice that hours of operation were going to change. Council Member Parker absent.

Council Member Parker stated that she wanted to remove her tag on Item No. 42.

42. ORDINANCE appropriating the sum of \$895,856.00 out of the Affordable Housing Uptown 2002B Fund and approving and authorizing a contract between the City and **CDI MANAGEMENT SERVICES, INC** for implementation of the Water Intrusion Relief Initiative; Containing Provisions Relating to the Subject and Declaring an Emergency - **DISTRICT I – ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2003-0141 ADOPTED.

Council Member Berry stated that in response to the issue over where the Library Department spends its dollars, he thought as a City they needed to have a clear policy, they were budget questions, so he would save them until budget time save for the fact that they were cutting services in their communities through library hours and park services and so they were making, in his opinion, very drastic cuts as regards to community, that his office was certainly receiving a lot of calls and it was a source of great concern and he thought before they cut those services they needed to decide what their priorities were and find other places they could cut, that as he looked through the budget over the last month he noticed they had more than one printing plant and that several departments, Parks and Library, had their own printing plants and he knew if they turned around corporations one of the things they looked for was duplicative services and could not imagine that every department needed their own printing plant, that it had

been the clear consensus of Council, on more than one occasion, that take home vehicles were a source of some concern and had not seen a response to that, that it had been a concern over what they spent on travel and how that travel was undertaken and had not seen a response to that, and one of the comments with regard to the newsletter he received from a constituent this week, who happened to be a City employee was "your talking about cutting back library hours and park hours in my City and as a City employee I get the Extra Miler and City Savy and I can't see that there is a need for two different newspapers" and that constituent, who was also a City employee, made the connection that at some point when they published all the newsletters and all the glossy papers, which he knew that City Savy had cut back on the quality of their document, that was coming out of their paycheck and there was some concern and he would just echo that concern.

Council Member Berry stated that he had heard from several different people in the engineering community that there was \$20 million to \$25 million in street reconstruction dollars tied up in Metro that was not being spent and he went back and looked at the agendas and had not seen street reconstruction projects on their agenda in quite some time, that they hear some rumors, and many of them not true, that those were dollars being diverted to the rail program and did not know if the Mayor had an awareness of that, but it concerned him if in fact somewhere near \$25 million in street reconstruction was not ending up being spent there.

Council Member Berry stated that he noticed billboards popping up all throughout the community with regard to vaccination programs, that he thought it was a very good advertisement and hopefully they would see their vaccinations increase and knew that was something the administration had committed itself to and it was nice to see that message taken out into the community, so hopefully they would see some direct results of that and would like to commend Public Health for that.

Council Member Ellis stated that Monday morning at 10:00 a.m. they would be having a Regulatory Affairs Committee meeting and would encourage everybody to attend, even if they were not on that committee, that they would be discussing the Debt Ordinance and would do that first and thought everybody wanted to weigh in and thought it was a great opportunity to move forward with the Debt Ordinance.

Council Member Ellis stated that once again he wanted to complain about the Kirkwood Repaving Project, that he wanted to voice his concerns, that the Legal Department had been working with the surety and Public Works had been working with the community and they had been trying to move the project forward, but they had a problem with the surety who would not move forward, that he would like for somebody from Legal to come and tell them what they could do about it, that it was almost as if they had their hands tied, they had a project that was about one third completed, he thought it was a public safety hazard for the area as well as a nuisance, that he would request that the Mayor weigh in on it, that if they needed to say that they were not going to use the surety any more at the City of Houston than so be it, then they needed to have a process with which they could move through that, and Mayor Brown requested that Mr. Haines deal with it.

Council Member Ellis stated that with regard to the administrations cutbacks, he applauded the Mayor and the administration for taking steps to cutback and balance the budget, it was not going to be easy and they were all going to have concerns and objections and so forth, but thought they should notify them in a proper fashion, that they may have dropped the ball in that regard, but it was not his intention and not a lot of his colleagues intention to go out and raise taxes, therefore they had to make cuts and they had to make permanent cuts, so he applauded the administration and the Mayor for stepping forward and trying to balance the budget, the notification process they could probably do better on and should do better with the Council Members so they could reach out to their constituents and tell them what services would be cut and try to prepare them for the cuts, and Mayor Brown stated that he agreed they could do better and would do better in the notification.

Council Member Goldberg stated that they all agree that they did not want to raise taxes and they probably should come forward with the cuts, that he thought that Council Member Alvarado was the only one so far that had said to cut a program, that everyone else had said do not cut community service or libraries, that instead of saying what not to cut he thought each of them should come forward and talk about what they should cut and what they were willing to cut.

Council Member Goldberg stated that he would also like to follow up on the thoughts about the memorial service yesterday, that he thought it was quite moving and the poignant moment of it was the fly over as the jets were going across and they saw one jet leave and go out into the orbit never to see it again and he thought at that time it was such a poignant moment and that was when everyone really started to tear up and thought it was touching and it was quite in contrast to a scene he had seen about three weeks earlier, that he actually went to the liftoff at Cape Canaveral, that he had been to a liftoff before and experienced it but this one was quite unusual because they had people from all over the world there, that he remembered a group of Australian students that were giving Australian cheers and there were people from India and Israel and all over the world and they were as one, unlike they had seen at any other moment, that he remembered that the noise was tremendous and they could really feel the vibrations from the liftoff and it was just a moment of hope and just amazement, that it really was amazing and when they saw it on television they were used to it going up and it was routine and everything was alright, but when they were actually there they just stare at it and wonder how they make it work, it was really unbelievable, that they had a chance to inspect one of the shuttles and the astronauts know something that the public did not know and that made it all the more scary and unbelievable that they would even go up, that every single mission that the shuttle goes up the tile gets damaged every single time, and there was always that risk that something could happen upon reentry and on one of the shuttles that he had looked at the tiles they had circled and chalked, after it came down, all of the replacements that needed to be repaired and there were about 200 circles, there were at least 200 pieces of tile that had to be repaired, and it was almost every mission, that it was an average mission, that the astronauts knew that if there was enough tile that something could happen, that the tile they could poke it with a pencil, it was so fragile, that the amazement was and one other thing that he thought the astronauts knew that the public did not know before, if enough of the tile came off, and just to give them an example that it could come off, that one of the reasons they could not liftoff during rain was because they were going so fast at such a high speed that a drop of rain would make a hole in the tile, that was how delicate it was and that was why they could not have rain any where near and around there, that the astronauts knew that if there was enough tile missing there was nothing they could do, there was no rescue, if they had known and even if they had been able to see that there was tile missing and that there was a danger upon reentry, there was nothing they could do, there was not enough time to send up another shuttle, there was just not the capability of repairing the tile out there, that once they went up there and there was damage they knew that their lives were at stake, that everyone of the crew that went up there and every time they went up there, they knew this, and he thought it really brought home what heroes they were, that he had a chance to meet some of the astronauts and did get to meet Ilan Roman from the crew, that he even though he was in the military, and most of the astronauts were from the military, he really was a man of peace and was a quite man, he was a humble man and did not have any ego, and he was just extremely gentle, that all of the astronauts were allowed to take up some personal affects into the shuttle with them and one of the things he took up there was a 2,000 year old passage, it was a document that was actually rescued through the Holocaust and he wanted to read it to the rest of the crew and he did not know if Ilan Roman had a chance to read it but he wanted to read it right now, "You have but to inquire about bygone ages that came before you, ever since God created man on earth from one end of Heaven to the other, has anything as grand as this ever happened or has it's likes ever been known, has any people heard the voice of God speaking out of fire as you have and survived".

Council Member Galloway stated that she wanted to commend Mr. Like and his staff for their efforts by including all participants on a process with input to expedite the demolishing of

abandoned and dangerous buildings in a process that she thought would be advantageous to the City as well as to the community, she had a meeting yesterday with all the contractors and they and the contractors had input and she thought that with all of them working together, they could have accountability in areas like this, especially as it related to quality of life, that Mr. Litke had also put in place faster process and accountability for inspectors and thought that with the overhaul of Neighborhood Protection it was really going to make a difference for them as well as saving them tax dollars, so she just wanted to commend him in his effort and his department and let them know that they were going to see a difference in the City and were going to see it at a much faster pace, that she told him she could not wait for all of those buildings to come down in her district, that they did have a good plan.

Council Member Edwards stated that she wanted to dovetail on the comments regarding the memorial service yesterday, that she thought it was very moving and very appropriate and the attitude that Council Member Goldberg spoke about the astronauts, that some very special people in her life had been Navy fighter pilots, that Mr. Hall was a pilot, that there was a type of energy, that she just like to commend, that she sat with Mr. Bernard Harris and Ms. May Jemison at the services and they wanted to send the Mayor their well wishes and to the City, that she thought for their young people, whether military or not military, the whole attitude of being brave enough to reach out and take those risks were phenomenal.

Council Member Edwards stated that last year when they had the first CIP meetings she had brought up the fact that she thought there was a need for at least one CIP meeting in the districts to be held on a Saturday to allow for senior citizens who did not drive at night but were probably the most active people in their communities to attend and she would like to make that suggestion again, that they look at least having one CIP meeting that was either on a Saturday or Sunday afternoon, so that the senior citizens who did not drive or who had problems seeing at night, or were just afraid to come out at night, in some communities, could attend.

Council Member Edwards stated that she wanted to comment Mr. Jeff Taylor in Public Works and Engineering, they had another meeting last night about the Alameda Sink Hole and they were really looking forward to the Mayor going out there on the 19th, that it was amazing to watch Mr. Taylor week after week walk through the fire and still come out and represent the City very well and in a very professional way, that she wanted to commend Mr. Taylor and Public Works and Engineering, that he had some of his staff there again last night, that if they had not seen it they could not appreciate it unless they went to look at it, that it was an amazing thing that was going on and it looked as if that whole area was in jeopardy so it was going to be a more extended process but the way that he handled it and the way they had been working so closely with the community she thought there was a partnership being developed there, that the only problem was that they were still having a problem with the traffic, people were still disregarding the yield, stop and detour signs and besides being disrespectful it was going to start costing them money because the residential area roads were being destroyed by the trucks coming through, so they were going to wind up spending more money if they did not mitigate the traffic in a better manner, that she had talked with the captain from the station out there and they were supposed to get with Traffic Management to have some people out there from Traffic to help mitigate that, they needed to do that, that was the real sore out there that people were contending with.

Council Member Edwards asked if the Fourth Ward Task Force was still something that was going on and Mr. Haines stated yes, that they met every month and Council Member Edwards stated that their office had no knowledge of what that group was doing and would like for someone on her staff be brought up to date on that because they had some very serious issues in that community and they were always referring to the Fourth Ward Task Force.

Council Member Edwards stated that she would like to thank Mr. Roy Wilson and Director Roksan Okan-Vick for helping them to reestablish the hours at Judson Robinson Center, that they were working very strongly and hard with them to make sure that they get as many of

those hours recaptured.

Council Member Edwards stated that as to SRO's, she had some serious questions on two levels with SRO's, in some cities where people she knew had some experience with SRO's they had not been very positive, that she would be very concerned, she had no problem with the theory of SRO's, but the practicality and the evaluation and the maintenance she would like to see very well detailed out and how it was going to be done, that she had a serious problem with their Housing Authority, and the problems they already had, taking it on without some very serious structure and so forth put in place, that she would like to have some strong conversations on that before they got locked into it, Council Member Quan stated that he appreciated her concerns and would be glad to have her tour some of the SRO's that they had in Houston, that he thought they had been very well maintained and did respect the dignity of the individuals.

Mayor Brown stated that they would have the police step up their presence out there and enforcement as well and would ask Mr. Haines to figure out a mechanism of figuring out a mechanism of having some Saturday CIP meetings so people could attend and participate.

Council Member Tatro stated that yesterday they had six speakers come and speak about the Voice Over IP Project and three of them were independent consultants, not tied with the vendor and the vendor being the manufacturer of the phone system and effectively their statements were the same, that one of the consultants that came to speak yesterday was Mr. William Koehler, that the Mayor said that he would have an opportunity to speak with Mr. Lewis and that was very good, that the other gentlemen, an independent, was Mr. Keith Kostelecky, and he had been involved in the project for almost a year now and was the first person that informed him back when the press release came out almost a year ago about the whole VOIP Project under Mr. Piper, that he wanted to follow up specifically with something that Mr. Kostelecky had done recently in his involvement with Mr. Lewis, the CIO, that on January 13, Mr. Kostelecky wrote effectively what they might call a white paper on Voice Over Internet Protocol and what the City might do on a very academic basis and produced that letter and sent it to the Council Members and the Mayor and Mr. Lewis, that on January 17, Mr. Lewis called him and requested a meeting and it was held on January 17, on a Friday, and on January 23 Mr. Kostelecky wrote a follow up to that meeting in an email which he distributed to the Council Members. Council Member Tatro read the January 23 letter, a copy of which is on file in the City Secretary's Office for review. Council Members Galloway and Berry absent.

Council Member Edwards stated that she wanted to express her sense of pride for the number of people who responded to Council Member Wiseman at the Space Center yesterday, that it really gave a good impression of what the City was trying to do, that she was really proud of how people responded to Council Member Wiseman yesterday. Council Members Galloway and Berry absent.

Mayor Brown stated that one of their Assistant Fire Chief's was appointed the Fire Chief for Sugarland, that it was Assistant Chief Smith, that they would miss him but it certainly was a reflection of the respect that their Fire Department was having throughout the Country, that one of his visions was to have their Fire personnel be selected to run other Fire Departments and that was beginning to happen, so he extended his congratulations to Assistant Chief Smith, that he would be missed but knew he would do an outstanding job for Sugarland.

There being no further business before Council, the City Council adjourned at 12:02 p.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary