

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 4, 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, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Addie Wiseman absent due to being ill. Council Member Bert Keller absent on personal business. Council Member Shelly Sekula-Gibbs out of the city on city business.

At 2:02 p.m. Mayor Pro Tem Quan stated that Council would begin with the presentations. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he wanted to present to Council a young lady who would be representing this area and invited Ms. Betsy Uschkrat, Ms. Southeast Texas 2003, to the podium. Mayor Pro Tem Quan stated that Ms. Uschkrat's platform was hunger and invited her to speak to Council. Ms. Uschkrat stated that she was present to speak on behalf of those who had a special need and that was hunger, she told of a woman and small boy who came to her for help; urged all to keep hunger in the forefront and encouraged Council Members to remember them when voting on Agenda Item 55 tomorrow. Council Members Tatro, Goldberg, Parker and Berry absent.

Council Member Robinson stated that he was present to recognize Ms. Tammie Campbell, executive director and founder of the Honey Brown Hope Foundation and invited her to the podium. Council Member Robinson stated that the foundation was involved with HEB and Kraft Foods, thanked everyone for their good works and invited Ms. Campbell to speak to Council. Ms. Campbell stated that on behalf of Kraft Foods, HEB and the Honey Brown Hope Foundation she was pleased to present their "Reflections of Heritage Expressions of Family Calendar" which was designed to plant positive seeds of diversity appreciation and to remind everyone they had a role to play in building good bridges; that photographers were invited to enter a contest and those winners were in the calendar. Council Members Galloway, Goldberg and Berry absent.

At 2:14 p.m. Mayor Brown called the meeting to order and Council Member Tatro led everyone in prayer and in pledging allegiance to the flag. Council Members Galloway, Goldberg and Berry absent.

At 2:15 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Council Members Goldberg and Berry absent.

Council Members Robinson 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 Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Council Member Berry absent. MOTION ADOPTED.

Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Jim Edmonds, 55 Waugh Dr. #1120, Houston, Texas 77007 (713-861-3036) appeared and stated that he was present to speak on the Port of Houston and to thank Council Members for their help in 2001 for passing a resolution, many of them campaigned on behalf of Proposition 3 which allowed the Port to waive inventory or property taxes on bags of green beans and coffee stored in Harris County and that passed and last week they were given the designation as a green/coffee port; that they had the largest port in the US and the 6th largest in the world and expected a 15% growth rate in jobs with new warehouses coming and distribution networks; that they would see coffees never before seen in this part of the world as they were now the fourth

designated coffee port in the US, thanked the Mayor and Council Members for their help, presented all with a small presentation and the Mayor with a plaque. Mayor Brown thanked Mr. Edmonds and his colleagues for an outstanding job, for increasing the opportunity for more trade and more jobs. Council Members Goldberg and Berry absent.

Council Member Ellis moved to suspend the rules to hear Mr. Paul Bettencourt, Mr. Barry Mandel, Mr. S. L. Chaver and Mr. John Johnson out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Council Members Goldberg and Berry absent. MOTION 2003-0210 ADOPTED.

Mr. Paul Bettencourt, 1001 Preston, Houston, Texas 77002 (713-368-2500) appeared, presented information and stated that he was present to set the record straight as there had been articles out that were not correct regarding the city's taxes; that the facts were they were at a record property tax collection for the City of Houston and lower did not apply to the record levels of property tax revenue or for next year's forecast which was already approximately 4.6% over the current record year; that currently there was an increase of \$24 million in property taxes of which they had exceeded by \$25 million, the forecast for 2002 showed the city would collect \$633 million up from \$609 million; that delinquent property tax collections were up by 29%, close to \$5.8 million; that the residential load as a percent of the tax roll using HCAD predictions was increasing over time and would shortly be 50% of the taxes collected; that property tax collections were up, up and up. Council Members Goldberg and Berry absent.

Upon questions by Council Member Tatro, Mr. Bettencourt stated that the average Houston homeowner's tax bill increased by 73% since 1997, that represented \$11,024.00 per household and by the Houston Chronicle report also represented almost 6.1% of people's disposable income; that out of that 73% approximately 61% was due to appraised value increases with the other 7% multiplied by the 61% was from the net effect of tax rate increases; that the formula for most jurisdictions was appraised taxable value times tax rate equaled tax bill collected; that in the analyses it would be about 8% for residences next year and that meant with only a couple more short years the average Houston homeowner would have paid 100% more in property tax if there was not offsetting tax rate reductions, they would be close to paying \$3,000 in property taxes and the point on that was that was now half of a 30 year mortgage with mortgage rates at an all time low, the problem was you could pay off your banker, but you would never pay off your taxman. Council Member Tatro stated that Representative Wong's legislation was to decrease the increase and cap it a 5%; and Mr. Bettencourt stated that he strongly supported House Bill 474, that he felt it was time for homeowner relief and promoted it strongly and would appreciate letters from Council Members regarding it. Council Members Goldberg and Berry absent.

Upon questions by Council Member Ellis, Mr. Bettencourt stated that he felt with a record roll in tax collections he felt the only way to have a shortfall would be over budgeting and he commended Council on getting companies to pay taxes owed before doing business with them and them getting more public money. Council Member Ellis stated that he would request Mr. Bettencourt speak with Mr. Scheps and Mr. Haines and try and keep his arms around them when they try and come out with faulty revenue projections. Council Members Goldberg and Berry absent.

Upon questions by Mayor Brown, Mr. Bettencourt stated that he was a member of the Appraisal District Board; that Mr. Jim Robinson was the Chief Appraiser of Harris County and had specific statutory powers separate from the board, he did provide information on what he felt the income would be on property taxes. Mayor Brown stated that he wondered if he was aware the city budget was based on Mr. Robinson's recommendation; and Mr. Bettencourt stated that last time they had the discussion in writing with Mr. Scheps he noted the fact that the City of Houston estimate was higher than the Appraisal District's estimate in the budget process. Mayor Brown stated would it be incorrect if it were said both the Controller and the Director of F & A had the same figure and the same figure came from Jim Robinson and as a result of his

projections they were \$6.4 million less than what he said; and Mr. Bettencourt stated in initial estimated during the summer they were revised and showed a gap between the City of Houston's number and the Appraisal District's number. Mayor Brown stated that the problem with the City's concerns was not property tax but sales tax, the county had certain responsibilities with property taxes they collected and he would like to know the percentage of that money collected which was spent inside the City of Houston and asked if he knew or could find out; and Mr. Bettencourt stated that he did not know, but would pass his question to the spenders, he could tell him where the collections were and refer it to Commissioners Court; that he was not refusing to help, but he would refer it to Commissioners Court. Mayor Brown stated that he could make the call himself, he thought maybe he could have helped expedite it. Council Members Goldberg and Berry absent.

Council Member Robinson stated that the majority of revenue was spent outside the city and they received an offsetting credit according to the Commissioners Court for the county jail and courthouse system and he always argued that since they collected no property taxes on the court system just move all of that outside the city and let them have the downtown property so he could put taxable development, but that was not his argument and he was in agreement with him the House Bill should be supported and cap placed; that about five years ago he put out a five point plan on property tax relief and he hoped the legislature took care of lowering the cap, the next issue he felt homeowners needed relief on was if his neighbor protested his appraisal and it was lowered he felt there should be a change in policy so that in a radius, a computerized zone, everyone else computer evaluated should also be lowered; and Mr. Bettencourt stated that he would tell Representative Wong his letter was on the way and they would look at that for mass appraisal. Council Members Goldberg and Berry absent.

Council Member Vasquez stated that his information was showing a 72.68% increase in the average single-family residence tax bill; and upon questions, Mr. Bettencourt stated that in that particular case all of it related to HISD offset by the city's penny and the fractional pennies from both Houston community colleges as well as the county; that he would get that in writing to him. Council Members Goldberg and Berry absent.

Council Member Quan stated that Mr. Bettencourt said he had done an analysis of Representative Wong's Bill and it would have a 1% impact on the city budget; and upon questions, Mr. Bettencourt stated that was property tax revenues; that the cap delayed future revenues so it would delay an additional \$5 million worth of revenue; that the Appraisal District provided estimates as far back as January of this year and would again in May; that the county did their own estimate. Council Members Galloway, Goldberg, Vasquez and Robinson absent.

Mr. Robert Horton approached the podium to speak and was led from the Council Chamber by a police officer. Council Members Galloway, Goldberg, Vasquez and Robinson absent.

Council Member Edwards stated that property owners thought they were paying taxes and getting fewer city services, but for the most part that money was going to the county and she would like him to work with her and let citizens understand where there taxes were going and what they could expect; and Mr. Bettencourt stated that record taxation existed at the county and city and school district and he would be happy to do that. Council Members Galloway, Goldberg, Vasquez and Robinson absent.

Mr. Barry Mandel, 3023 S. Braeswood, Houston, Texas 77025 (713-662-2516) appeared and stated that he was director of the Theater District and Thursday they were having a World Premier of "Harlem After Hours" at the Ensemble Theater; that some Council Members had purchased tickets, he thanked them and encouraged all to attend. Council Members Goldberg, Vasquez and Robinson absent.

Mr. S. L. Chaver, 3438 Milbrad, Houston, Texas 77026 (713-674-7268) appeared and

stated that he was present requesting speed bumps on Collingsworth as it was a racetrack; that Saturday another car was in his yard and he had property damaged four times now with cars getting on his property and none of them ever had insurance. Council Members Goldberg, Vasquez and Robinson absent.

Mayor Brown stated that after Council's questions Mr. Robert Fiederlein would meet with him and see what could be done, but that street was a major thoroughfare and you could not place speed humps on major thoroughfares. Council Members Goldberg and Robinson absent.

Council Member Galloway stated that she had spoken with the Captain who said he would beef up watch in his area; that maybe he could get a speed bump on his street which was Milbrad as that was not a major thoroughfare. Council Members Goldberg and Robinson absent.

Upon questions by Council Member Edwards, Mr. Chaver stated that his property was damaged four times starting in 1991; that once it went into his home and damages were over \$20,000, but this was his first time going before Council. Council Members Goldberg and Robinson absent.

Mayor Brown stated that they would work with him and see if the problem could be corrected. Council Member Goldberg absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Galloway and Goldberg absent.

Ms. Karen Kay Kristopher, 5161 San Felipe #320, Houston, Texas 77057 (713-866-4016) appeared, presented information and stated that she was working for Bill HR4 Abstinence Until Marriage Education; that the Houston Area Association for Decency urged citizens to contact their senators to pass HR4 for the abstinence programs, for health issues for children and the future of the Houston area depended on abstinence; that it was very important and encouraged all Council Members to support it. Council Members Galloway and Goldberg absent.

Council Member Parker thanked Ms. Kristopher for coming and raising everyone's concerns and stated that unfortunately Council had decided to not support issues to other levels of government so they were not able to formally help in the issue. Council Members Galloway and Goldberg absent.

Mr. Isaac Idicula, 2823 Gray Moss, Sugarland, Texas 77478 (713-221-7136) appeared and stated that he was present because his neighbor had a business in District E and had the street closed thereby his access to his property was denied and he wanted to see if a gate could be removed; that it was placed there by the previous administration and up until now he had no help in getting it removed. Council Members Galloway and Vasquez absent.

Mayor Brown stated that there was a question as to if the city had ever accepted the dedication of the street; so it was a legal question and Mr. Robert Fiederlein would meet with and speak to him at this time and follow it through to conclusion and see how the problem could be solved. Council Members Galloway and Vasquez absent.

Council Member Goldberg moved to suspend the rules to hear from Mr. Tony Koosis, Ms. Ruth Love, Ms. Rubie Dixon, Mr. Michael Thomas, Mr. F. Bruce Pegelow, Mrs. Mary Anne Pegelow, Ms. Audria Dinwiddie, Mr. Don Hughes, Mr. Ron Castillo, Mr. Dan Barr, Mr. Eural Johnson, Ms. Elaine Heller, Ms. Elaine Gaskamp, Ms. Ruth Hurst, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Council Members Galloway and Vasquez absent. MOTION 2003-0211 ADOPTED.

Mr. Tony Koosis, 7000 Regency Square Blvd., Houston, Texas 77036 (713-974-4621) appeared, presented information and stated that one problem the disability community faced was lack of options when needing assistance for daily activities; that most people who needed the services received them through Medicaid programs funded by the State of Texas, but now the programs were under attack by the 78th Legislature and some may be eliminated entirely with many being cast out; that members of the Houston disability community were calling on Council to pass a resolution and demonstrate that they did not want to abandon the disabled to meet a bottom line. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that Mr. Cantu would get a copy of what he had so that it could be considered, he was not one who believed business of the state and federal government was not the city's business as what happened there did have an affect on the city so he would look at it and see what could be done. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Quan stated that he too believed Council should speak out for citizens and he too would look at the information. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Parker stated that she was happy to write a personal letter of support and to contact her representative to lobby on his behalf; that she too thought Council should take such positions, but again a strong majority of Council Members believed they should not make resolutions directed to other levels of government. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Edwards requested Mr. Koosis to contact her office and they too would write a letter of support. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Robinson stated that he would write a letter also and hoped it could be discussed with other issues in the Legislative Affairs Committee, which Council Member Alvarado chaired and he looked forward to working with him. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Rev. Ruth Love, 2310 Crescent Park Dr. #1207, Houston, Texas 77077 (281-496-9899) appeared and stated that she was also present regarding the disabled; that she had 21 diseases and waited on the list for CDA for three years; and urged Council Members to please contact representatives so that they would not cut their services which were desperately needed. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Ms. Rubie Dixon, 6463 Cambridge Glen Lane, Houston, Texas 77035 (713-728-0714) appeared and stated that she and the others present were pleading for justice in the disabled community as the benefits were so badly needed, the medicine and personal care was only a beginning because it would also affect housing, health, transportation and many more areas vital to their struggling community; and urged Council's support. Council Members Vasquez, Alvarado and Berry absent.

Mr. Michael Thomas, 12211 Fondren Rd. #1111, Houston, Texas 77035 (713 283-0505) appeared and stated that he lived in his own apartment and enjoyed it; that he lived in a nursing home before and it was a terrible experience; that the state allowed him freedom to choose how he lived with services, but programs may be cut and he was present asking for Council's support and that they support the resolution and strengthen Houston. Council Members Vasquez and Alvarado absent.

Mr. F. Bruce Pegelow, 1206 Stanford, Houston, Texas 77019 (713-521-0717) appeared and stated that he and his wife were present to add verbiage to assisting others less fortunate than they; that they knew it was hard on the local level of government when the funding was at

the federal level, but at the city, county and state levels there should be at least one individual researching where federal funds may not be specifically designated or derived to overcome the shortfall of funding for whatever locally implemented program. Council Members Vasquez and Alvarado absent.

Mrs. Mary Anne Pegelow, 1206 Stanford, Houston, Texas 77019 (713-521-0717) appeared and stated that she too had a disability and was totally behind the Houston Center for Independent Living resolution to enable those with disabilities to remain as viable parts of the community; that she was also present asking that the sidewalk curb cuts be straight across the street and not on the fan version; that visually impaired people should not have to fight to legally cross the street and the fan version did not allow their guide dog or cane to follow common, acceptable and legal traffic laws for pedestrians and the city needed to do those cuts over correctly. Council Members Vasquez and Alvarado absent.

Ms. Audria Dinwiddie, 10950 Westbrae Parkway, Houston, Texas 77031 (713-995-5177) appeared and stated that she was present as representative of 223 residents of Crystal Falls Apartment Homes and 70 families most with children in West Place voicing their opposition to the Ruffino Hills transfer station which would be less than half a mile from their homes, schools, etc., and appreciated any assistance Council might offer. Council Members Vasquez and Alvarado absent.

Council Member Goldberg stated that it was the City of Bellaire who bought land for a dumpsite near 59 and HWY 8 and it was permitted 20 years ago; that since then residential areas had built around it and now they wanted to build a transfer station right in the middle; that it was a huge problem and they would like the City of Bellaire to withdraw; and he did appreciate Ms. Dinwiddie for coming. Council Members Vasquez and Alvarado absent.

Mr. Don Hughes, 8103 Burning Hills Dr., Houston, Texas 77071 (713-778-0597) appeared and stated that he lived in the Braeburn Valley Subdivision and there were many health concerns regarding the Ruffino Hills transfer station, but disregarding those concerns the diesel exhaust would be terrible; there could be up to 120 diesel trucks daily at the site and those type engines emitted up to 100 times greater volume of matter than gas engines. Council Members Vasquez and Alvarado absent.

Upon questions by Mayor Brown, Mr. Hughes stated that he was asking the city to assist in anyway they could in fighting the facility. Council Members Vasquez and Alvarado absent.

Council Member Parker stated that this did impact the City of Houston and she felt they should get involved; and upon questions, Mr. Bibler stated that he checked with the city's environmental lawyers and they knew nothing about this so they had not been briefed. Council Members Vasquez and Alvarado absent.

Council Member Parker stated that when the matter was through being researched she would like Council Members contacted so they would know what the situation was; and Mayor Brown stated that would be done. Council Members Vasquez and Alvarado absent.

Mr. Ron Castillo, 701 Southfourth, Richmond, Texas 77469 (281-238-3453) appeared and stated that he was the executive assistant to Ft. Bend County Commissioner Tom Staveinoha, Precinct 1, and read the resolution signed by the Judge and Commissioners of Ft. Bend County encouraging the City of Houston and Harris County to oppose the proposed Ruffino Hills/Long Point Partners Garbage Transfer Station; and thanked Council for their consideration. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mayor Brown asked that Mr. Castillo hand the resolution to Mr. Cantu who would make sure Council Members received copies. Council Members Galloway, Vasquez, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Mr. Castillo stated that Commissioner Staveinoha had been attending all the meetings on the station, but today he was due in court; that the Commissioner and several others had met to determine the next step and there were details in what he presented. Council Member Parker stated that apparently the property was in the city limits of the City of Houston, so Bellaire was moving their trash to Houston; that they owned the property but it was this city and this city should be involved. Council Members Galloway, Vasquez, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he knew Commissioner Staveinoha was very active and attended all the meetings and this was actually two parts, one was the transfer station was in the Houston city limits and not even close to the City of Bellaire and second was there were many environmental issues such as the ground water and so forth; and he did appreciate Commissioner Staveinoha getting involved. Council Members Galloway, Vasquez, Alvarado, Quan, and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he hoped someone would meet with the Legal Department, but wondered where this was through HGAC; and Mr. Castillo stated that he was not sure if the residents had met with HGAC, but he would mention the County Commissioner was proposing legislative changes so that permits not activated within a three year period would be automatically revoked; that this particular one sat for 18 years. Council Members Galloway, Vasquez, Alvarado, Quan, and Berry absent. (NO QUORUM PRESENT)

Mr. Dan Barr, 12518 North Garden, Houston, Texas 77071 (713-995-7584) appeared and stated that he was appearing on behalf of the West Airport Homeowners Association in opposition to the Ruffino Hill garbage transfer station and they wanted all Council Members to be aware of what Bellaire was doing; thanked Council Member Goldberg and Commissioner Staveinoha for all their help and urged the Mayor and Council Members to do all they could to keep it out. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Eural Johnson, 10910 Paulwood, Houston, Texas 77071 (713-777-8748) appeared and stated that he and the others in his community were opposing the Ruffino Hill garbage transfer station; and asked that Council do whatever they could to avert the catastrophe. Mayor Brown, Council Members Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Johnson for coming and stated that a representative from his office had been at almost all the meetings and he would contact the Mayor of Bellaire as well. Mayor Brown, Council Members Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Elaine Heller, 8519 Braesdale, Houston, Texas 77071 (713-774-0194) appeared and stated that she lived in Braeburn Valley and was present opposing the Ruffino Hill garbage transfer station and read her complaint she had written in the form of a poem. Mayor Brown, Council Members Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that she wanted more information and she thought the Administration was going to provide more information, but she would like to know if it was also possible to intervene in the permit process and would like that to be a part of the process. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan asked Mr. Bibler if he had heard Council Member Parker's request; and Mr. Bibler stated that he heard, but what concerned him was if what was being relayed and

there was no permit process then it was just there unless they could find a way to bust a 20 year old permit. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Eural Johnson again approached the podium and Council Member Parker moved to allow Mr. Eural Johnson to speak, seconded by Council Member Ellis. No vote was recorded as a quorum was not present. Council Member Wiseman absent due to being ill. Council Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Johnson stated that as a 25 year veteran of the armed forces he saw his fellow people disabled and he hoped Council would do whatever they could in Austin to help the disabled; and thanked them once again for listening. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mayor Pro Tem Quan stated that they were working with the group and would see if there were any data from the EPA; that he was not aware of any and from Mr. Bibler's response he did not think his office was aware of anything. Mr. Bibler stated that they were aware of nothing, but would look into this; that if the permit was valid he was not sure what option they had rather than opening up a facility in Bellaire and talking with them. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Mr. Bibler stated the station itself would not be subject to the city waste hauler franchise fees but the people who functioned in and out of the station would be. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that the right to permit solid waste facilities was very guarded by the state; that cities had input in the permit process and could participate in the permit hearing process and oppose permits in the process of being issued, but as he said earlier what scared him was it sounded as if it was a permit already issued and it was unfathomable that it could lay dormant for 20 years and still be good, but if that was the state's position it was kind of scary. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Elaine Gaskamp, 9315 Petersham Dr., Houston, Texas 77031 (713-778-0522) appeared and stated that she was a resident of the Glenshire Community and was co-chairing the effort opposing the Ruffino Hill garbage transfer station; that the permit was issued in 1981 and she too could not believe a permit could lay dormant for 20 years and still be active; that the City of Bellaire entered into a contract for sale of their half of the permit with Ruffino Hills and the other half of the permit was owned by Gulf Coast Waste and they understood Ruffino Hills was trying to purchase that other half of the permit; that another part of the agreement between Ruffino Hills and the City of Bellaire was the ground lease agreement; that since nothing could be built on the property they hoped it would be used as recreational areas; that another history point was the City Council passed a resolution in opposition to the development of the transfer station in 1980, however, in the permit which they had a copy of the motion and resolution passed was voided and ineffective as a point of law because it was in violation of the Texas Open Meetings Act, evidently a quorum of the Council met and whether it was at a Council Meeting or just a meeting that did not get public announcement she did not know if that hurt their cause but with their attorney they fought it, and thanked Council for their time. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Gaskamp for the background history and stated that at this time maybe the Gulf Coast Waste Company would be a good place to lobby. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Gaskamp stated that she and Ruth Hurst, as chairs of this, went with Commissioner Tom Stavinoha when he made a presentation to the City of Bellaire, at that time they did not make a presentation, but did intend to do so. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Ruth Hurst, 8503 Twin Hill Dr., Houston, Texas 77071 (713-776-2760) appeared and stated that she was an activist in the Fondren Southwest Community and worked very hard with quality of life issues and this Ruffino Hill transfer station was one of the worst of those type issues their area had been faced with in the 30 years she had lived in the community; that they were having a protest march on Monday, March 10th at 7:30 a.m. in front of Ruffino Hills and believed it was at 9720 W. Bellfort and they were inviting all Council Members to attend. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg thanked Ms. Hurst for coming and organizing the townhall meetings they had and the protest rally to be held two times Monday one at 7:00 a.m. and the other at 4:00 p.m.; and he invited all the media out to see what effect it would have on the neighborhood. Ms. Hurst stated that they were also considering having a Bellaire protest the night of one of their meetings. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Troy Birkhett, 2121 El Paseo #1315, Houston, Texas 77054 (281-937-9027) was called; and Mr. Sylvester Brown appeared and stated that he was speaking on behalf of Mr. Birkhett. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro moved to allow Mr. Sylvester Brown to speak at this time, seconded by Council Member Robinson. No vote was recorded as a quorum was not present. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Sylvester Brown appeared and stated that he was cofounder of Hip Hop Against Drugs, an anti drug foundation and was present expressing a grievance and seeking a policy review regarding METRO and one of his organizations volunteers; and gave an overview where that person had applied for work and went through all criteria and then denied and discharged because of a ticket she received in 1992 where she failed to provide motor vehicle registration. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that what Mr. Brown was discussing had nothing to do with business affairs of the city. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Brown stated that she was dismissed because she failed to note the incident, but she did not know a traffic ticket was a misdemeanor; that he was saying if on an application someone was being asked if they ever had a misdemeanor how would you know a traffic ticket and one that long ago was a misdemeanor, it was a nonmoving violation and the person in charge of background checks did not think that

was proper. Council Member Edwards stated that she understood what was being asked, but was not sure how Council could be of assistance. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the city had a liaison with METRO and they would pass the information on that it seemed the situation was not clarified and could be misleading to applicants; and thanked Mr. Brown for bringing it to Council's attention. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone appeared and stated that he spoke to Mr. Bibler many times on what he wanted to do on signs and things and was told it depended on what the sign said, but the Houston Chronicle stood out there and nothing happened and said his would say "Automotive News how to buy a new car for \$500.00, etc." and wanted to know what permit he needed. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Bibler stated that they had the conversation every few months and the factual scenario seemed to be somewhat ambiguous, but as he understood Mr. Williams wanted to stand in street right-of-way and sell a book or something he published and he had told him he might or might not fit under the Houston Chronicle case and it would be a decision for a judge and jury. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Marty Moran, 14227 Woodhook, Houston, Texas 77077 (281-497-5442) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-542-4578) appeared, presented information and stated that she was chairman of the Katy Corridor Coalition and was present to update Council on what was going on within that corridor, discussed the plan their group presented; and hoped to be able to explain the plan presented whenever possible. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council Member Robinson, the chairman of the TTI Committee, indicated he was willing to schedule time before that committee for her; that he was impressed and his representative at the public hearing found it to be very open and informative. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that if she would work with his chief of staff they could probably schedule her in the April committee meeting. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Monica Johnson, 12514 Avery Vale Lane, Houston, Texas 77014 (281-447-7781) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Sibley Cooley, 10878 Westheimer #330, Houston, Texas 77042 (713-765-3701) appeared and stated that he was present on behalf of veterans who they were losing at 3,000 a month; that they had been working on the Veterans Museum of Texas for over five years now

and had constant delays which they wanted eliminated; that the veterans deserved a better deal, bureaucracies in the Aviation Department were ignoring the fact that regulations had exceptions allowing the City of Houston to provide to veterans the same lease terms five other museums had and they wanted it; that veterans had earned fair treatment, he wondered how many Council Members had served or had family and friends who served in the military, there was no excuse for the delay and they were asking for their support and thanked those who did. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was one of the Council Members who had signed on and met with the Aviation Department briefly; that he would be more than happy to follow-through and see what could be done, but their presentation to him was a counterproposal had been made and they were waiting for a response from him though he knew he had said to him previously none had been made. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that he did not know what the terms of the other museums were; and Mr. Cooley stated that the terms were a 50 to 35 year lease at \$1.00 per year with a \$1.00 option to renew for another 35 to 50 years; and veterans deserved at least that. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that if Mr. Bibler could help them, but he always heard when on Aviation property because you ran into federal regulations there were different standards and requirements; and Mr. Bibler stated that he had not been involved in this, but could reinforce everything he just said about Aviation property being different. Council Member Robinson stated that maybe they could get this in the Aviation Committee; that he knew when this first came up he and Council Member Parker sent it to Aviation and they included it in the Master Plan at Ellington Field so they had been working on it and it was his understanding they were negotiating a lease price, but he would love to see it in committee; and Mayor Pro Tem Quan stated that would be very appropriate. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Bibler stated that he believed each museum was a one on one transaction; there was no set policy. Council Member Goldberg stated that it may be in their best interest to develop a policy because many groups would like museums and he did not think it should be totally discretionary with Council. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that she agreed there should be something consistent, but she too was told by the Aviation Department they made a counterproposal to their organization and suggested that they also look through their inventory of land available; and Mr. Cooley stated that what they offered was a former sewage treatment plant location and the fact of the matter was Ellington was originally an air force base, had a direct connection and a foundation was moving their historic aircraft there and on March 30 and April 4 all Council Members and the Mayor were welcome to come and fly in a B17, but he could not understand why veterans were not being given a right deal. Council Member Parker stated that it had nothing to do with veterans, but the fact it was aviation property with different guidelines; that a massive explosion could be directly across the street and the fire trucks on aviation property could not respond as they were required to stay on airport property; and upon questions, Mr. Cooley stated that they would qualify for funds from the Transportation Department just as the Lone Star Flight Museum qualified for, he believed about \$20,000,000 or \$40,000,000, and if 10% of their museum was oriented to transportation that would qualify them for that money to help create the museum and

they had other sources of funding also. Council Member Parker stated that regarding a question asked earlier, to her knowledge, there was not a single member of Council who had ever served in the military though her dad did in the 82nd Airborne. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Cooley stated that the fact was the museum would be built one way or the other but the question was whether Houston wanted to honor veterans and military personnel and give them the same terms as other museums or not; that they would be glad for her to examine all the aspects he touched on in their business plan and discuss any element in them as they were critical in the selection of Ellington Field. Council Member Edwards stated that in answer to his previous question she had never been in the military but her father was in WWII, her uncle was a Navy Seal, and her son-in-law was in Kuwait now; and she felt like as long as it was not the so called "my way or the highway" it could be worked out. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that he would like to echo the sentiments of Council Member Edwards; and upon questions, Mayor Pro Tem Quan stated they were talking about 35 acres, there were no other museums with that much property he was aware of. Council Member Goldberg stated that ruled out the Museum District as he thought the whole area was only about that. Mr. Cooley stated that when you were talking about having military exhibits and aircraft and PT boats and such you did need space; that they would also have meeting spaces for conventions of veteran organizations and this would be the National Veteran Museum in the United States and they had those commitments from Congress; that what they would have to start would be about \$80,000,000 out of the \$100,000,000; that the Smithsonian came up with the idea and Congress allocated the funding because the idea was that anyone who wanted to see such had to go to Washington and they were encouraging them in other parts of the US so they could exhibit items they had. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Kenneth Wait, 1542 Orchard Park Dr., Houston, Texas 77077 (281-293-9122) appeared and stated that he was a WWII pilot and his purpose was to help others have empathy for what the military was doing; that the military gave everyone their freedom and kept their freedom for them; that he had a speech but wanted to quickly go through his first mission so they could know what it was like to be in the military, you were under fire every day, day after day, he landed in Germany December 25th and on January 8th they made their first mission, they were up at 3:00 a.m., ate and went to briefing then you were assigned to go to your plane, examine it and line up and that day was foggy so you had to watch the plane in front and 30 seconds after it started rolling you put full power on your B17 and then you were flying in a cloud and hoping everyone was doing their job so you could break out on top; that day was full position and he was as close to a B17 as a Council Member and they were having to put up with a German antiaircraft gun and when it exploded it fragmented, during the run they dropped bombs and had two engines shot off, made it back to the channel in a snowstorm, down to 2,500 feet then lost a third engine and cart wheeled a B17 into the forest and he was out for 48 hours and in a hospital several months, then when he got out he made eleven more missions; that hundreds of people committed themselves to go fight for freedom and that was why the military and veterans were so important and everyone was sitting where they were today because that war was won. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Wait for coming and stated that his father also served in Germany in the US Army. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Diane Manderscheid, 12014 Raven South, Cypress, Texas 77429 (281-894-4297) appeared and stated that she was present to encourage all Council Members to support the new Veterans Museum; that everyone owed their veterans a great deal, they fought and died on the battlefield so all could be free and all veterans groups were behind the museum; that at the Veterans Hospital she saw many with no arms or legs and her heart went out to them and their sacrifices; that veterans were a national treasure and they needed to be treasured and she hoped construction of the museum would begin. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Pam Walker, 2407 Goldsmith, Houston, Texas 77030 (713-661-0825) appeared and stated that she was present representing Morningside Place Civic Association to request a specific item in the current fiscal year's CIP be placed on Council's Agenda for approval as soon as possible, she was referring to a sidewalk on the west side of Morningside between Holcombe and University, it was approved in 2001 for inclusion in the 2002/2003 CIP and had been delayed most recently because of budget shortfalls; that it was now moving forward and she hoped to speedup the process. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that it was not a budget shortfall because it was a CIP project; that he was told by Mike Cordova it should be before Council within 30 days; that it was a safety issue and really needed; and thanked Ms. Walker for all her work. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Fred Schneider, 4826 Debeney, Houston, Texas 77039 (832-483-8885) appeared, presented information and stated that he was present with three problems, one being heavy trash pickup which he thought was now resolved; secondly, was potholes in the 3300 block of Elgin Court which was large enough for a child to fall in and drown; third, was at the corner of Dowling and Barbee which was for parallel parking only and cars continually parked head in and you could not see when coming from Barbee onto Dowling as the cars stuck out too far. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that in looking at the pictures he saw the difficulties with the area and Mr. Robert De Young was present and would work with him and see what could be done. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry 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 Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Madine Lewis, 716 Valentine Way, Houston, Texas 77019 (713-571-8853) appeared and stated that she had been fighting a fight and Council was her last hope; that her grandchildren were sexually abused through Children's Protective Services and she had the evidence with her; that she was asking that they be placed back in her home with her; and asked for Council Members assistance. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he had sympathy with her concerns and Assistant Chief Norman Wong was present and would speak with her. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Khaled Elsayed, 9850 Richmond Ave. #8108, Houston, Texas 77042 (713-532-4025) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Mr. Pete Ortiz, 3233 Mangum, Houston, Texas 77092 (713-682-7369) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Maria Delacruz, 7313 Northline Dr. #223, Houston, Texas 77076 (713-697-6548) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Sandra Massie Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Lizzet Gutierrez, 7343 Dunkirk, Houston, Texas 77033 (713-738-5619) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rene Rocha, 13129 Knoll Crest, Houston, Texas 77015 (713-451-7191) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry 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 U. S. President seeking reelection and continued with his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Karen Jacobs, 14609 South Main, Houston, Texas 77035 (713-687-1411) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 appeared in the Council Chamber and was recalled. Mr. Taylor stated behavior just thanking USA 188 FBI agents move parent concern; and continued until his time expired. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Pete Ortiz, 3233 Mangum, Houston, Texas 77092 (713-682-7369) appeared in the Council Chamber and was recalled. Mr. Ortiz stated that he was born with Cerebral Palsy; that he had lived in Houston more than 30 years and lived independently with community based programs, TDHS; that he was able to meet and interact with others in the community who were disabled but the federal government wanted to reduce funding and he was concerned that many would be forced back to nursing homes and he and others were asking for Council's support; that they did not want to go back to the old days where they were only seen going to the doctor or on hospital beds. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Ortiz for coming and stated that he greatly appreciated his dedication and his input. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 5:20 p.m. City Council recessed until 9:00 a.m., Wednesday, March 5, 2003. Council Member Wiseman absent due to being ill. Council Member Keller absent on personal business. Council Member Sekula-Gibbs out of the city on city business. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

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

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 a.m. Mayor Brown reconvened the meeting of the City Council and stated that he wanted to take his Mayor's Report time to update the Council on two issues, number one, the question that had been asked about what the Police Department would do to prevent a similar event from happening in the future such as occurred on what they now called the Kmart issue, and second on what the Police Department was doing about their Crime Lab and probably the best way for him to brief them was to ask the Police Chief to come up and do it. Council Member Alvarado absent.

Council Member Robinson moved to suspend the rules to hear from Chief C. O. Bradford at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Alvarado absent. MOTION 2003-0212 ADOPTED.

MAYOR'S REPORT

Chief C. O. Bradford appeared before the City Council and presented and reviewed the following report:

"Citywide Crime Strategy Process

The Houston Police Department remains committed to providing effective law enforcement to the community. As you know an investigation of literally historic proportions was conducted and the following problems were identified:

- A few officers intentionally violated department policies and procedures.
- A few officers stood by and acquiesced to those violations of policies and procedures.
- Other officers were directly or indirectly misled by some scene supervisors resulting in violations of policies and procedures.

Great care was taken to determine each involved officer's innocence or culpability in the actions he or she took.

I also want to say that in this department's ongoing law enforcement mission there will be future operations involving illegal street racing. We would be remiss if we did not incorporate lessons learned during this experience into the future planning, approval and execution of similar operations. Most of the perceived shortcomings of those operations would have been avoided if personnel had used better judgement in conducting themselves according to their basic peace officer training and the department's existing policies and procedures.

Training is a never-ending endeavor and is vital to the delivery of effective and efficient law enforcement services. This department has always devoted its resources in a manner such that the training provided to officers, both as cadets and as incumbent officers, meets or exceeds all professional requirements.

Accordingly, I am implementing the following plan of action to address the problems identified during the Internal Affairs investigation.

Reinforcement of Training Regarding the "Citywide Crime Strategy Process"
(Including Homeland Security Refresher Course)

- In the normal course of business, ongoing training is provided for the employees of this department. Obviously some training will be directed at certain groups because the training directly impacts their day to day duties.
- This training generally serves to both reinforce and/or refresh the training the officers have already received and to fine-tune that training to reflect any changes in law or policy.
- The topics of the training are determined in several ways. For example, it may be mandated by state law (e.g. racial profiling) or it may be mandated by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Often, however, the need for training arises from either repeated questions on a particular topic or from a critical incident.
- In March of 2000 this department established the Statistical Analysis — Active Response System (STAARS). This program laid the groundwork for the Citywide Crime Strategy Process by identifying types of crimes needing to be addressed and helped coordinate an efficient use of resources by targeting those crimes according to location as well. The Citywide Crime Strategy Process provides a systematic framework in which operations addressing identified crime trends will be planned and executed.
- As part of an already planned mandatory training curriculum for supervisors and officers, I am directing to be included training on certain issues that arose during the recent initiative which was intended to address illegal street racing and on Homeland Security related issues. This training will be presented in an 8-hour block of instruction to all officers and supervisors. Topics will include:
 1. Refresher training on General Order 600-41, *Weapons of Mass Destruction*. (Effective

February 20, 2001)

2. Refresher training on the appropriate application of General Order 500-5, *Immigration*. (Effective June 25, 1992)
 3. Review of the national alert level system and responsibilities under each level.
 4. Determination of which issues can be adequately addressed with divisional resources and which issues merit a more encompassing neighborhood or citywide crime strategy process. (See attached Flow Charts.)
 5. The proper role and responsibilities of supervisors or ranking police officers during coordinated crime strategy operations.
 6. Proper communication within the chain of command when planning neighborhood or citywide crime strategy operations.
 7. Proper review and approval of neighborhood or citywide crime strategy operations.
 8. Proper filing of interim status reports during ongoing neighborhood or citywide crime strategy operations.
 9. Proper filing of reports at the conclusion of a neighborhood or citywide crime strategy operation.
 10. Proper handling of inquiries by subordinates.
 11. Proper completion of court complaints and towing documents.
 12. Supervisor responsibility for officer training, supervision and/or discipline.
- As you can see, most of these topics reflect basic managerial skills and techniques that need to be applied to the department's existing General Orders.
 - In these times of terroristic threats, our officers and supervisors will benefit from a review of their duties and responsibilities under the various security alert levels.
 - Let me also reiterate that this department has conducted successful operations addressing illegal street racing. The manner in which a recent component of this department's street racing initiative was conducted (1) did not reflect the approved plan and (2) reflects an isolated incident of poor planning, execution and communication primarily attributable to the on-scene supervisors.

These training initiatives were in the planning stages in August 2002, nevertheless reinforcing and/or refreshing training on existing policy and procedures is always consistent with this department's ongoing efforts to assure that the public is provided with well trained officers.

PROPOSED CITYWIDE CRIME STRATEGY PROCESS

CRIME ANALYSIS DIVISION

1. Review input from a variety of sources (i.e. divisional crime analysis units, CID, Command Staff, & community sources, etc.)
2. Interpret input & sort into citywide problem statements.
3. Present citywide problems to **COMMAND GROUP**.

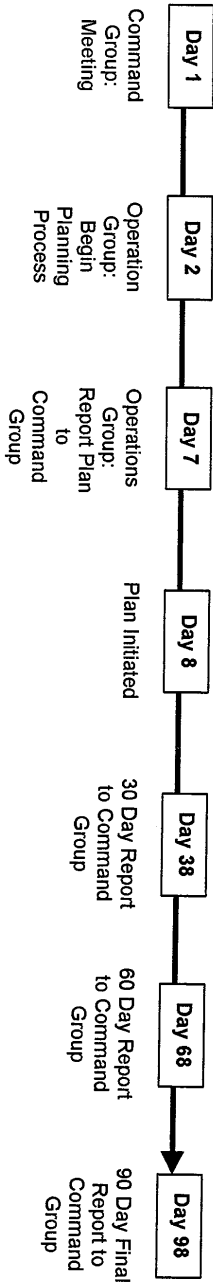
COMMAND GROUP

1. Includes:
 - a. Operations Coordinator
 - b. Administration Coordinator
 - c. Support Coordinator
 - d. Operational Assistant Chiefs
 - e. Tactical Assistant Chief
2. Tasks:
 - a. Review and prioritize problems
 - b. Select problems for further action
 - c. Select a group of captains to act as **OPERATIONAL GROUP**. A separate group is appointed for each problem and a leader is selected for each group.

OPERATIONAL GROUP

1. Review problem.
2. Plan a tactical response to problem.
3. Allowed 5 business days for planning
4. Report plan to **COMMAND GROUP**
5. 6 business days following initiation of process
6. Edit plan according to edicts of **COMMAND GROUP**.
7. Initiate plan
8. Report results every 30 days
9. Present Final report at 90 days

TIME LINE FOR CITYWIDE CRIME STRATEGY PROCESS



MULTIPLE TIME LINES WILL OPERATE AT THE SAME TIME.

PROPOSED NEIGHBORHOOD CRIME STRATEGY PROCESS

BI WEEKLY MEETING

1. Attended by all Operations A/CS and Captains
2. Chaired by Operations Coordinator
3. Maximum of 4 Patrol Division presentations each meeting (6 week cycle)

PATROL DIVISION PRESENTATIONS

1. Define divisional hotspots (Time Limit - 20 min.) (i.e. crime, CFS, or quality of life issues)
2. Establish plan to attack the hotspots
3. Report results from previous initiatives
4. Respond to questions and receive constructive criticism

MEETING SCHEDULE**

- Week 1: Northwest, North, Northeast
 - Week 3: Westside, Southwest, Fondren, Southeast
 - Week 5: Central, South Central, Eastside, Clearlake
- **Each patrol station would report every 6 weeks.

Houston Police Department Crime Lab - Analysis of Issues and Plan of Action

HPD Crime Lab Overview

The Houston Police Crime Lab is located in the 1200 Travis Building and occupies approximately 40,000 square feet of office space encompassing the entire 26th floor and portions of the 24th and 25th floors. The Crime Lab is responsible for the examination and analysis of evidence as it relates to DNA, serology, controlled substances, toxicology, firearms, trace evidence, and photography.

1) Problems in the DNA Section of the HPD Crime Lab

- a) Questions were raised regarding training of the DNA Analysts.
- b) Concerns were raised about the thoroughness of quality assurance documentation.
- c) The DNA Section of the Crime Lab is not accredited.

2) Current status of operations in the HPD Crime Lab

- a) DPS conducted an audit of the HPD Crime Lab DNA Section on December ~ 2th and 13th, 2002, and subsequent to that audit, DNA analysis was suspended on 12/13/02.
- b) An internal affairs investigation has been initiated to determine if any employee misconduct or violation of department policies and procedures by crime lab personnel occurred. It is anticipated that this investigation will be completed by 03/31/03.
- c) The Harris County Medical Examiner's Office and private laboratories will analyze post conviction cases, pending trial cases, and active investigations in which there is a critical need for DNA analysis as determined by the District Attorney's Office.
 - i) While awaiting council approval of a \$75,000.00 contract with Identigene for DNA testing, re-testing and case reviews, an emergency purchase order in the amount of \$19,630.00 was issued on 01/31/03 to meet immediate needs. Subsequently, on 02/19/03 the contract was approved, and asset forfeiture funds were utilized for these expenses.
 - ii) Also, on 02/19/03 a contract with Reliagene Technologies Inc. was approved for forensic DNA testing services for up to 8,000 backlogged sexual assault cases with no known suspects. This is a three-year contract with two one-year options, for a total of a five-year term totaling 3.5 million dollars. The contract will be funded by the use of 1.1 million dollars to be reimbursed by a Department of Public Safety grant and the remaining 2.4 million dollars coming from additional grant funds or city funds, the source of which must be determined on an annual basis. Again, this is an effort to examine backlogged cases that were not possible to review with prior existing resources.
- d) A process has begun to examine all cases in which DNA was analyzed by the HPD Crime Lab dating back to 1992.
 - i) As of 03/03/03 HPD has identified and provided 525 cases, in which some form of DNA analysis was performed, to the DA's Office for review.
 - ii) The DA's Office will review that portion of the 525 cases where charges were filed. They will determine to what extent, if any, DNA evidence was utilized.
 - iii) As of 03/03/03 the DA's Office has identified 22 post conviction cases for re-testing, of which 7 are currently incarcerated awaiting capital punishment. Identigene is giving these cases priority status.

3) Future Plan of Action

- a) Secure the professional services of the NFSTC (National Forensic Science Technology Center), a nationally recognized provider of accreditation services for public and private forensic testing laboratories. The NFSTC has developed a unique audit process that has worked effectively for four state laboratory systems and numerous individual public crime laboratories. Upon approval of necessary funds (approximately \$20,000) they propose to have a team on site within 30 to 45 days to begin the assessment process. The following will be accomplished:
 - i) Conduct a detailed needs assessment of the entire HPD Crime Lab and identify potential opportunities for improvement, including but not limited to, personnel training, policy implementation issues, and quality assurance procedures.
 - ii) Assist the HPD Crime Lab in the development, implementation, and documentation of a quality assurance program that meets ASCLD-LAB (American Society of Crime Lab Directors — Laboratory Accreditation Board) and FBI-DAB (DNA Advisory Board) standards.
 - iii) Assist the HPD Crime Lab in developing a strategic plan toward attaining ASCLD-LAB accreditation.
- b) Furthermore, utilizing the information provided by the NFSTC the department will conduct a cost/benefit study to determine if the community is best served by maintaining an HPD DNA Section versus outsourcing DNA analysis.
- c) The selection of a new Crime Lab Director who can lead the HPD Crime Lab to accreditation. This job posting, which is in compliance with standards set forth by the ASCLD-LAB, is prepared and awaiting release approval.
- d) If necessary, the recruitment and selection of a new Technical Leader to oversee operations in the DNA Section. (This would not be necessary if the DNA analysis is outsourced.)

4) Current status of roof repair at 1200 Travis Police Building

- a) Problems with the roof at the 1200 Travis Building were first identified in 1995 **and** have been ongoing since that time. Early on, the leaks involved the flashing on the sides of the roof, which caused leaks down the sides of the building and the window frames.
- b) Previous attempts have been made to repair the roof however, there have been complications as indicated by the following:
 - i) February 1995 — construction contract for renovation of police headquarters approved by council.
 - ii) October 1995 — roof repair project estimated to cost \$373,000.00.
 - iii) May 1997 — roof work in progress. Additional roof problems and damage discovered.
 - iv) September 1997 — change order to roof repair contract submitted.
 - v) December 1997 — dedication ceremony for police building.
 - vi) February 1998 — roof work stopped. Fireproofing material on the steel columns was found to contain asbestos and was being dislodged by debris falling through the cavity from the roof.
 - vii) April 1998 — due to the asbestos contamination issue, Juvenile Division was relocated from the second floor of the 1200 Travis Building to the Southeast Station at 8300 Mykawa. (To date the second floor of the 1200 Travis Building remains unoccupied).
 - viii) June 1999 — city closed-out construction contract and received \$316,714.15 in credit for unfinished work. This credit was earmarked for roof replacement under

a separate contract.

- ix) December 1999 — City attempted to retain an engineering firm for the design of roof replacement.
- x) September 2001 — another attempt to retain an engineering firm for design services; however, they were unable to attain required City insurance coverage.
- xi) June 2002 — City attempted to retain another firm for roof design services, and RCA was written.
- xii) July 2002 — bids were solicited for roof replacement under an emergency purchase order.
- xiii) September 2002 — bids received.
- xiv) November 2002 — contract awarded to Texas Liqua Tech.
- xv) December 2002 — purchase order #00025000936 issued.
- xvi) January 14, 2003 — work begun by Texas Liqua Tech.
- xvii) May 1, 2003 — estimated date of completion by existing contractor.

HPD will continue to address the issues identified to this point and take the necessary remedial action.”

Chief Bradford was questioned at length by Members of the City Council, an audio tape is available in the City Secretary's Office for review. Council Members Tatro, Galloway, Vasquez and Berry absent.

Council Member Parker moved to suspend the rules to consider Item Numbers 19, 20, the Monthly Financial Report and Item No. 39 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Vasquez and Berry absent. MOTION 2003-0213 ADOPTED.

The City Secretary stated that they listed the public speaker for Item No. 20 because they were under the understanding that she was interested in what was going to happen in reference to annexation, and Ms. Margaret Wallace would make comments. Council Member Berry absent.

19. **PUBLIC HEARING** on a proposal for the City of Houston to disannex a certain area to be located within **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas - was presented.

Ms. Wallace stated that this was a hearing for the dis-annexation of property located on the northwest side of Scarsdale Boulevard between Interstate 45 South and Highway 3, the property was currently undeveloped and could not be cost effectively served with waste water utilities from the City of Houston, upon dis-annexation the Council would execute a Strategic Partnership Agreement with the Clear Brook City MUD for re-annexation of the properties for limited purposes. Council Member Berry absent.

Council Member Tatro moved to close the public hearing, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0214 ADOPTED.

20. **PUBLIC HEARING** 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 annex for limited purposes a certain area to be located within Clear Brook City Municipal Utility District, in Harris County, Texas - was presented.

Ms. Dawanna Scott, 16522 Teak Dr., Houston, Texas 77489 (281-261-2282) had reserved time to speak, but was not present when her name was called. Council Member Berry absent.

Ms. Wallace stated that the hearing was for the Strategic Partnership Agreement with the Clear Brook City MUD for re-annexation of the properties for limited purposes property located on the northwest side of Scarsdale Boulevard between Interstate 45 South and Highway 3, the area included in the agreement included commercial properties only, there were no residences, that it was undeveloped property, the City would levy a one cent sales tax which it would not divide with the district, the City of Houston would provide fire suppression, emergency medical and police services within the area annexed for limited purposes, in addition it would enforce all other applicable Chapters of the Code of Ordinance, that she wanted to make it clear that it was undeveloped property.

Council Member Parker moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0215 ADOPTED.

At 10:22 Mayor Brown stated that they would now move to the report from the Controller and the Director of Finance and Administration, the Monthly Financial Report. Council Member Berry absent.

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

Ms. Judy Gray Johnson, Controller, stated that she was pleased to present the Monthly Financial Report for January of 2003, that once again all eyes were on the General Fund Revenues, overall their estimate was down \$15.4 million from last month and it was almost entirely due to the disappointing sales tax check they received in February for the sales through December, while consumer spending had previously been holding at least even, the latest measures of consumer confidence were at the worst levels since 1993, as a result they simply did not have any reason for optimism on that score and they were now assuming that the sales tax for the year would be 5% below the amount that they received last year, it brought their overall revenue projection to \$59.3 million below the budget, offsetting that they had recognized \$22.4 million in reduced spending and that meant the net amount that was needed to balance the budget, at this point, was \$36.9 million, they realized that the administration had proposed a plan for addressing the shortfall and there may be enough cash to implement the administration's proposals, it was very important and imperative that the City maintain enough cash on hand to meet its year end responsibilities, the money in the Disaster Recovery Fund was currently dedicated for storm repairs, further analysis was needed to determine whether some of that money was no longer needed for those repairs and may be freed up for use, they were not ready this morning to say whether that would work or not, it needed further analysis and were going to start doing that today, that complicating matters further was the fact that the current projected shortfall was not the most pessimistic, it was not a worse case scenario, their analysis indicated a shortfall of \$44 million in a worse case, they encouraged the Mayor and City Council to agree on and implement a plan of action that did address the full shortfall and maintain adequate cash balances, that she would be happy to answer questions. Council Member Berry absent.

Dr. Scheps stated that he thought that most of them were there yesterday and they had a full discussion so he would not go through all the details, that they did make three major changes this month, one major change and two minor changes, but of course the biggest was the sales tax and as Judy said it was an unprecedented decrease in sales tax and it was something that they had to look back probably 10 to 15 years to find anything like it and they did not adequately predict it and they understood that, that the most important information at Fiscal Affairs took place after his report and that was the Mayor's plan, which he knew they all knew about and it involved \$15 million from the 90AD or the money destined for the Rainy Day Fund, \$10 million from the Debt Service Fund through a Debt Service transfer involving water and waste water but no financial expense to water and waste water, \$4 million in decreased expenses, that he knew there were some questions on reconciliation that they carefully reconciled, that it was the Controller's number that they were meeting of course and they must, and of course they would not even get the RCA next week for debate were it not to be reconciled, she would not release the RCA for their discussion next week unless it could be properly reconciled to her number, in terms of the Debt Service Fund transfer, Council Member Vasquez did request a letter from the financial advisor and he had the letter and had given Council Member Vasquez a copy and would have the rest of the copies in the Council Members mail boxes so they would not get lost on the Council table, but that letter had arrived and saying that there was no adverse rating affect from using some of the Debt Service money for plugging the budget shortfall, that they intended to get the RCA to Ms. Johnson for her study and that concluded his report. Council Member Berry absent.

Upon questions from Council Member Tatro, Ms. Johnson stated that year to date they were down about 7% and believed it was about one and a half percent per month for the remaining of the months that they had not received yet, one and a half percent less than last year for all of those that they had not gotten yet, that the projection that the sales tax receipts from last year was not optimistic and did not think it was pessimistic, they viewed that as a middle range, against that the other thing was that in calculating that amount they had given no credit whatsoever to the limited purpose annexations, they finally gave up trying to analyze that and counted that as zero, and Dr. Scheps stated that he was projecting about the same, they really did not have that much, they only had about a \$3 million or \$4 million decrease and it had to do with the limited purposed annexations, and Council Member Tatro stated that Ms. Johnson had brought up a good point about the cash situation, obviously if they went to the Disaster Fund, which was ALP money transferred in, and they went to the Debt Service that would take out the cash, with that scenario, as the administration had proposed, where could they see a cash flow analysis for the end of the year with that scenario in play, was that something that she or Dr. Scheps could prepare, and Ms. Johnson stated yes, that as they knew they had to balance on a cash basis, they had to pay the bills with the available funds, in addition to balancing on an accrual or actually a modified accrual budgetary basis, so they had to do both, that they had already started the emails going back and forth between her office and one of Dr. Scheps staff members to update projections between now and the end of the year, and Dr. Scheps stated that last year the Council gave them permission to take cash, just over the weekend, at the end of the year for cash purposes, not spending purposes, of ALP, the Rainy Day Fund, \$5 million, and they would ask for that permission again, there was \$15 million in ALP they did not want to spend, but they did want the ability, as the Council gave them last year, to borrow that cash and that would be on the RCA, just borrow it for purposes of cash flow, the last payroll before the Trans was issued, but Judy still had to be convinced it would be sufficient, and Council Member Tatro stated that he would ask of the administration on the cash flow if they could get a balance from the Controller as well, to get the two, as the administration moved forward with the \$15 million and the other \$10 million on the Debt Service, given that it took cash off of the table, to give them a cash projection through the end of the year, and Dr. Scheps stated that incidentally the \$10 million in Debt Service was never available for cash purposes, they could not borrow so that did not take any cash off of the table that they could have used. Council Member Berry absent.

Upon questions by Council Member Robinson, Ms. Johnson stated that they had \$15

million or \$16 million in cash in the ALP account and \$5 million in the Rainy Day account, that they did not know how much was available to spend in the FEMA account, that they started analyzing that yesterday afternoon, and Dr. Scheps stated that there was no discrepancy, it did reconcile, that he had just not given them the report and there was no question in his mind that the \$15 million in 90AD was spendable, that Judy said she had a question, but he had no question, that was a residual amount that was left and there was actually more cash in there at this moment but there were commitments, they had only taken the amount of 90AD for which there were no commitments, that Judy would have to convince herself of that, and Ms. Johnson stated that it was not \$29 million that they were trying to bridge, their report showed that they had \$36.7 million and Dr. Scheps stated that they agreed with that, and Ms. Johnson stated that she did not really think that was really at issue, that what they would be doing was that Finance and Administration had a draft Appropriation Ordinance that added up all of those things and that was what their task was to do, was to see that they agreed with each of the items, add them all up and see what the total was, that would be the amount available for appropriation, what Council appropriates it for would be up to the Council, that if it was in support of the budget, if there was not as much as the original budget there were cuts to be made, but the cuts were not the Controller's issue or their ability to say which should be cut or not cut, just how much was available, they could add up the funds and on both the budgetary basis and the cash basis, they would look at it both ways and satisfy themselves that both the budgetary basis the funds were there for appropriation and also that those revenues would bring in enough cash to pay the bills before the end of the year, that once they had looked at that then that would be the amount available for appropriation, she was assuming they would ask to appropriate all that was there. Council Members Edwards and Berry absent.

Council Member Quan stated that Ms. Johnson had made an allusion earlier to the fact that the limited purpose annexations were difficult to compute and asked if they had any in Fiscal Year 03 that they were looking at, and Ms. Johnson stated that it was just difficult to estimate in advance, there had been continued delays in getting the process in place for the merchants to start collecting the money and basically rather than continuing to try to analyze it as the number went down they just said they would count it at zero and then whatever came in was just in addition, and Council Member Quan stated that Mr. Bettencourt came to Council and was saying that he wanted to clarify the record, that they were in some way misleading the public regarding their collections and asked if they had over estimated general property taxes and were they below what they should be, what was the truth, and Dr. Scheps stated that he was not present, but had seen the material, and property tax revenues were higher than last year, they were lower than what they budgeted based on HCAD's written estimates given to them in June, and incidentally the Controller's estimate for the year was exactly what their's was, they were \$6 million to \$7 million below what HCAD's estimate was, and that was all he had ever said, that he thought what Mr. Bettencourt simply wanted it known that the property tax dollars that they were taking in were higher than next year, that was in the MOFAR and it was certainly true, but they built an expenditure budget based on a revenue estimate and they were below that revenue estimate, he never criticized HCAD and was, among others, very sympathetic to people who could not make 100% proper revenue estimates, they just did not get it, but that was okay they were trying to do what everybody was trying to do which was see the future, and Council Member Quan stated that as they looked at the 2004 Budget they were going to look at HCAD's numbers that would come out in June again, and Dr. Scheps stated yes they were, but frankly they could not wait until June, the Mayor had to propose a budget in May so they had to have an estimate, and incidentally HCAD's numbers historically had been conservative and this was just a year when they did not properly foresee the renderings and so forth, they did not do anything wrong, they tried their best and it did not come true, and Council Member Quan asked that they provide them a computation also, if State Representative Wong's bill was approved by the Legislature what the impact would be upon them as they prepared for next year. Council Members Edwards, Alvarado and Berry absent.

Council Member Goldberg asked Ms. Johnson how she came up with her projections regarding the sales tax, and Ms. Johnson stated that it was actually much more of an art than a

science, what they essentially do was put together spreadsheets where they had all of the data that went back probably 10 years, they run trend analysis on that, which with an Excel spreadsheet was fairly easy to do, they look at the percentage of the growth for the last 12 months and the last 6 months and the last 3 months and see whether the trends were either going up or going down, and more recently, of course, they had been going down and then at the end they look as well at economic reports, they do look at Mr. Barton Smith's report, they participate in the conference calls they have had recently and in the end they make a judgment call about what they think was the middle range, they calculate what they think is the best number that it might be and the worst number and see how much difference there was between the two and try to strike something in the middle, that she knew that was not a very simple answer but it was really not a very scientific process, and Council Member Goldberg stated that he did not know how much reliance they put in Dr. Smith's report or how much the administration did, but since he had been at Council his projections had always been off and had not been correct and just wondered how much his projection influenced the way the administration or the Controller's office came up with the projected sales tax revenue, and Ms. Johnson stated that they used that as one of the factors they took into account, but they did not simply take that report and say that was the number, and Dr. Scheps stated that to produce the budget they heavily relied on it, they took his report, and he would disagree, he thought that Dr. Smith had been very accurate in the past two years, this was the first year that the reliance had been questioned, they took his mid range and backed off on it 1% and Dr. Smith told them he had a 1.5% range of accuracy, plus or minus, they backed off a percent and then they added back limited purpose annexations, which his model could not have possibly predicted because they were new this year, so they very heavily relied on it, but next year was going to be a different story, he was still going to give them another projection, as a matter of fact they would have it next week for 2004, they would have to obviously scrutinize it more carefully, take a bigger margin for error, that was one way of doing it, use his model and kind of make it more conservative. Council Members Alvarado and Berry absent.

Council Member Tatro stated that he seemed to remember that limited purpose annexations were given a \$10 million sales tax number during the budget cycle, and Dr. Scheps stated \$10 million gross and \$5 million net, they had to give half a penny back, and Council Member Tatro asked what was their current estimate, and Dr. Scheps stated that was what Ms. Johnson was talking about, now that the annexations had come in it was all mixed up with the sales tax revenue that they got, they could not tell anymore how much came out of Bay Brook, for example, and that was why it was difficult to predict.

After further discussion, Council Member Parker moved acceptance of the Monthly Financial Report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Goldberg, Ellis and Berry absent. MOTION 2003-0216 ADOPTED.

Mayor Brown stated that before they proceeded with the agenda he wanted to introduce a young person who was shadowing him today, that Mr. Neajay Leah, a home schooled high school senior and was also a member of the HISD Junior Achievement Club, a member of the Windsor Village United Methodist Men's Choir and his plan was to attend Texas Tech University where he would major in computer science starting in the fall of 2003, that next week he would be playing the National Home School Basketball Tournament in Oklahoma City, and wanted to wish him luck in the tournament and also wish him luck in the future. Council Members Goldberg, Ellis and Berry absent.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 59, 63, 60 and 60 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Goldberg, Ellis and Berry absent. MOTION 2003-0217 ADOPTED.

39. ORDINANCE establishing lane use restrictions for trucks upon a portion of State Highway

225; declaring certain conduct to be unlawful and containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Goldberg, Ellis and Berry absent. ORDINANCE 2003-0204 ADOPTED.

Council Member Robinson stated that what they just passed was another phase of the No Trucks in the Left Lane Program and now they were doing it with Deer Park, La Porte and Pasadena along Highway 225 and knew that Council Member Alvarado had been working with him on the bill in Austin and watched that, but there was a bill up in Austin that would allow them to do it on I-45 and TXDOT was also seeking authorization in that bill so that they could do it across the State as they deemed necessary because it had been so successful, that he wanted to thank them for their support. Council Members Goldberg, Ellis and Berry absent.

Council Member Alvarado stated that she wanted to thank Council Member Robinson for his leadership in taking the initiative on it, that it had been something that he had been very passionate on and it just showed that if they worked diligently and brought people together they could make change and she thought this was a change for the best so she congratulated him. Council Members Goldberg, Ellis and Berry absent.

Mayor Brown stated that they had seen, as Council Members noted, some positive results, they had a memorandum that showed they had zero fatal crashes involving commercial and passenger vehicles from May 31, 2001 through September 25, 2002, that the crashes had been reduced by 68% and a compliance rate of over 70% and 90% and on and on, so it was a very good program and they thanked Council Member Robinson for championing it. Council Members Goldberg, Ellis and Berry absent.

59. RESOLUTION urging the 78th Texas Legislature to continue supporting the University of Houston as the next Flagship Research University in the State of Texas – (**This was Item 30 on Agenda of February 26, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and ROBINSON**) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Keller absent on personal business. Council Members Ellis and Berry absent. RESOLUTION 2003-0006 ADOPTED.

63. ORDINANCE appropriating \$467,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for engineering services associated with the Condition Assessment of existing large Diameter Water Mains, CIP S-0019-25-2 (WA10760); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – (**This was Item 38 on Agenda of February 26, 2003, TAGGED BY COUNCIL MEMBER BERRY**) – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Ellis and Berry absent. ORDINANCE 2003-0204 ADOPTED.

60. WRITTEN Motion presented by Council Member Robinson to amend Item 60a below:
Amend Item 32 to allow for the implementation of a four (4) day work week for civilian employees.
Amend Item 32 to mandate that before any plan authorized under Chapter 14 is implemented, it must first be approved by the City Council.

- was presented. Council Members Ellis and Berry absent.

Council Member Robinson stated that it was his understanding that all of them wanted to delay Item 60 and 60a for an additional week to deal with some issues and moved to postpone Item No. 60 for one week, seconded by Council Member Wiseman. All voting aye. Nays none.

Council Member Keller absent on personal business. Council Members Ellis and Berry absent.
MOTION 2003-0218 ADOPTED.

60a. ORDINANCE amending the Code of Ordinances, Houston, Texas to allow for economic savings through salary cost reduction and administrative or fiscal measures in difficult economic circumstances including furloughs, voluntary separations, salary assistance, layoffs and employee reclassifications; containing findings and other provisions relating to the foregoing subjects; providing for severability – **(This was Item 32 on Agenda of February 26, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON, GALLOWAY, ALVARADO, VASQUEZ, KELLER, SEKULA-GIBBS and TATRO)** – was presented.
Council Members Ellis and Berry absent.

Council Member Vasquez stated that had submitted a written amendment and as many of them knew his question had been about exempting anybody that may fall under the Revolving Door Ordinance from the ordinance regarding furloughs, layoffs and voluntary separations, etc., and in working with the Legal Department they had drafted an amendment to it and there was a final revision that should have been passed to them and offered the following amendment:

1. Amend the first line of the caption to insert "and Chapter 18" after "Chapter 14."
2. Add a new section 7A to read as follows:

"Section 7A. That Section 18-88 of the Code of Ordinances, Houston, Texas, be amended by adding a new subsection (f) to read as follows:

(f) The provisions of this section shall not apply to any loss of employment due to any layoff, or voluntary or involuntary termination, effected directly as a result of (i) a departmental reorganization, (ii) privatization, (iii) in connection with a salary incentive program, or (iv) an authorized reduction in force." Tagged by Council Member Robinson. Council Members Ellis and Berry absent.

Council Member Robinson stated that along the same general lines he wanted to lay another amendment on the table that he had distributed to Council Members, that it was an idea he borrowed in part from Council Member Galloway and offered the following amendment and stated that he would tag both amendments.

"Amend Item 60A to require a 10% cut in the salary of all city employees making \$100,000.00 or more if the city has to lay off employees or implement a furlough program", seconded by Council Member Galloway, and tagged by Council Members Robinson and Galloway. Council Members Ellis and Berry absent.

Council Member Robinson moved to postpone Item No. 60a for one week, seconded by Council Member Vasquez.

Council Member Parker asked Council Member Vasquez if they fired someone for cause, even if it was in the middle of all of this they were still subject to the revolving door and this language took care of that, and Council Member Vasquez stated correct and that in this language they tried to be more specific about that. Council Members Ellis and Berry absent.

Council Member Galloway stated that she was glad that Council Member Robinson had put the amendment on the table, and as she had stated yesterday she thought they all should take a part of the brunt of the crisis they were in on the budget so she the employees themselves would feel that everybody was working together in trying to resolve the issue, that she thought it was a good idea and supported it whole heartedly. Council Members Ellis and Berry absent.

A vote was called on the motion to postpone Item No. 60a. All voting aye. Nays none.
Council Member Keller absent on personal business. Council Members Ellis and Berry absent.

At 10:55 a.m. Mayor Brown stated they had some remaining hearings and invited Ms. Wallace back to go through the hearings.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Charterwood Municipal Utility District and certain territory located in the vicinity of Charterwood Municipal Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Charterwood Municipal Utility District, which was located on the east side of Highway 249, north of Luetta Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential for future police services at the City's option. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0220 ADOPTED.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **CNP UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within CNP Utility District and certain territory located in the vicinity of CNP Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with the CNP Utility District, which was located west of the North Freeway, between FM 1960 and Cypress Creek, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0221 ADOPTED.

3. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 120 and certain territory located in the vicinity of Harris County Municipal Utility District 120, in Harris County, Texas - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with MUD No. 120, which was located west of Highway 6 between Alief Clodine and Westheimer Road, the area included in the agreement was commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also

provided for the potential of future police services at the City's option. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Parker moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0222 ADOPTED.

4. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with MUD No. 249, which was located east of the North Freeway at Luetta Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Council Member Alvarado moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Wiseman, Ellis, Vasquez and Berry absent. MOTION 2003-0223 ADOPTED.

5. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with MUD No. 61, which was located on the north side of the Katy Freeway, west of Mason road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent.

Council Member Tatro stated that a lot of these continued to provide police services at the City's option, how was that option exercised and did it mean, for instance, police patrol, was there Council action or a contract, and Mr. Calvin Curtis, Assistant City Attorney II, Legal Department, stated that it was at the option of the Director of Planning and Development and the Police Chief, that it was in the contract and they give notice to the MUD when they were providing, if they decided to provide police services to other areas in the vicinity the MUD could request and it was at the City's option that they give notice, that until that notice they were not going to enforce traffic. Council Members Wiseman, Ellis, Parker, Berry and Robinson absent.

Council Member Alvarado moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Wiseman, Ellis, Parker, Berry and Robinson absent. MOTION 2003-0224 ADOPTED.

6. **PUBLIC HEARING** on a proposal for the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Malcomson Road Utility District and certain territory located in the vicinity of Malcomson Road Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Malcomson Road Utility District, which was located on the west side of Highway 249 between Luetta Road and Spring Cypress, the area included in the agreement was commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Wiseman, Ellis, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Wiseman, Ellis, Berry and Robinson absent. MOTION 2003-0225 ADOPTED.

7. **PUBLIC HEARING** on a proposal for the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Memorial Hills Utility District and certain territory located in the vicinity of Memorial Hills Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Memorial Hills Utility District, which was located east of the Hardy Toll Road at FM 1960, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Edwards, Wiseman, Ellis, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Edwards, Wiseman, Ellis, Berry and Robinson absent. MOTION 2003-0226 ADOPTED.

8. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Mission Bend Municipal Utility District No. 1, which was located west of Highway 6, south of Bellaire, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Edwards, Wiseman, Ellis, Berry and Robinson absent.

Council Member Tatro stated that his concern was the possibility of providing police services and really not getting a whole lot of compensation from the limited annexations on the sales tax issue, and asked if it was their option to craft the contract with the contract with the

option of providing that or not providing that in the future, and Mr. Curtis stated that was correct, and Council Member Tatro stated that if they were able to craft the contracts in such a manner he would be leery and concerned that they just give Planning and Development and the Police Chief autonomy to enact that without getting sufficient tax base and would ask that either write it in the future that Council approve or have that the contract must come back before Council again, that his concern was the compensation they were going to be getting if they just decide to have police services in the future in that area, that the splitting of the sales tax was probably not going to cover the cost of the service, especially if they were not getting any ad valorem tax, that he would ask the administration, proceeding with future contracts to really look at that and possibly make that a Council action. Council Members Edwards, Wiseman, Ellis, Vasquez, Berry and Robinson absent.

Council Member Quan stated that looking at the maps that they provided a number of the limited annexations were adjacent to the City limits, and asked that if the merchants there were robbed or in need of police protection, who would they call or how would the City respond, and Ms. Wallace stated that Harris County would provide those services as they currently were right now, that if the Houston Police were in the area in an emergency situation they would respond anyway, and Mayor Brown stated yes, they did not quibble over jurisdiction if there was an emergency. Council Members Edwards, Wiseman, Ellis, Berry and Robinson absent.

Council Member Goldberg stated that there were a lot of services that were covered by the County that the City takes over and asked whose discretion was it, was it going to be the County's or the City's and Ms. Wallace stated that as to whether they provide police services in the future it was the City's discretion. Council Members Tatro, Galloway, Edwards, Ellis, Berry and Robinson absent.

Council Member Parker moved to close the hearing, seconded by Council Member Vasquez. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Edwards, Ellis, Berry and Robinson absent. MOTION 2003-0227 ADOPTED.

9. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 - was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Mission Bend Municipal Utility District No. 2, which was located along Highway 6, north and south of Bellaire Boulevard, that the area included in the agreement commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Edwards, Ellis, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Edwards, Ellis, Berry and Robinson absent. MOTION 2003-0228 ADOPTED.

10. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located within Northwest Park Municipal Utility District and certain territory located in the vicinity of

Northwest Park Municipal Utility District, in Harris County, Texas

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Northwest Park Municipal Utility District, which was located at Highway 249 south of the Northbelt, the area included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Edwards, Ellis and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Edwards, Ellis and Berry absent. MOTION 2003-0229 ADOPTED.

11. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 – was presented.

Ms. Wallace stated that Water Control and Improvement District No. 110, which was located along the North Freeway between Cypress Creek and Spring Cypress Road, the area included in the agreement was commercial only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis and Berry absent. MOTION 2003-0230 ADOPTED.

12. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located within West Memorial Municipal Utility District and certain territory located in the vicinity of West Memorial Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that West Memorial Municipal Utility District was located south of the Katy Freeway and west of Mason road, the area included in the agreement was commercial only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis, Berry and Robinson absent. MOTION 2003-0231 ADOPTED.

13. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 – was presented.

Ms. Wallace stated that Fresh Water Supply District No. 51 was located in east Houston along Uvalde north of Wallisville Road, the area included in the agreement was commercial only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis, Berry and Robinson absent. MOTION 2003-0232 ADOPTED.

14. **PUBLIC HEARING** on a proposal for the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Cimarron Municipal Utility District and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that Cimarron MUD was located at the south side of the Katy Freeway at the Grand Park Place, the area included in the agreement was commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis and Berry absent. MOTION 2003-0233 ADOPTED.

15. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory located 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 – was presented.

Ms. Wallace stated that Harris County Municipal Utility District No. 86 was located west of Interstate 45 North along the south side of FM1960, the area included in the agreement was commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis, Quan and Berry absent.

Council Member Parker moved to close the hearing, seconded by Council Member Tatro. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis, Quan and Berry absent. MOTION 2003-0234 ADOPTED.

16. **PUBLIC HEARING** on a proposal for the City of Houston and **PONDEROSA FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Ponderosa Forest Utility District and certain territory located in the vicinity of Ponderosa Forest Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that Ponderosa Forest Utility District, which was located at FM1960 west of Ella Boulevard, the area included in the agreement was commercial only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Ellis, Quan, Berry and Robinson absent.

Council Member Parker moved to close the hearing, seconded by Council Member Tatro. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Ellis, Quan, Berry and Robinson absent. MOTION 2003-0235 ADOPTED.

17. **PUBLIC HEARING** 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 for the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 62, in Harris County, Texas – was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with MUD No. 62, which was located on the western edge of the Katy Freeway, east of Peak Road, the area included in the agreement was commercial only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Edwards, Quan, Berry and Robinson absent.

Council Member Parker moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Quan, Berry and Robinson absent. MOTION 2003-0236 ADOPTED.

18. **PUBLIC HEARING** on a proposal for the City of Houston and **WESTON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory within Weston Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that the Strategic Partnership Agreement with Weston Municipal Utility District, located on the northern side of the Katy Freeway east of Mason Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Quan and Berry absent.

Council Member Parker moved to close the hearing, seconded by Council Member Sekula-Gibbs. A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Quan and Berry absent. MOTION 2003-0237 ADOPTED.

21. **PUBLIC HEARING** on a proposal to disannex a certain area to be located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89**, in Harris County, Texas – was presented.

Ms. Wallace stated that the hearing was for the dis-annexation of property located on the east side of Cullen, north of the South Belt, that the property was currently undeveloped and the City of Houston could not cost effectively serve it with wastewater utilities, that upon dis-annexation the City Council would execute a Strategic Partnership Agreement with WCID No. 89 for re-annexation of a portion of the property for limited purposes. Council Members Galloway and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway and Berry absent. MOTION 2003-0238 ADOPTED.

22. **PUBLIC HEARING** 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 annex for limited purposes certain territory to be located within Harris County Water Control and Improvement District No. 89 and additional territory located within Harris County Water Control and Improvement District No. 89, in Harris County, Texas – was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with WCID No. 89m which was located along the South Belt, east of Scott Street, the area included in the agreement was currently undeveloped, that the City would levy a one cent sales tax, which it would not divide with the district, the City of Houston would provide fire suppression, emergency medical and police services within the area annexed for limited purposes and in addition they would enforce all other applicable charters of the Code of Ordinances. Council Member Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0197 ADOPTED.

23. **PUBLIC HEARING** 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 for 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 – was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with MUD 63, which was located on the northside of the Katy Freeway at Peak Road, that the area included in the agreement was commercial only, there were no residences, that the City would levy a one cent sales tax, which it would then divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, that the contract also provided for the potential of future police services at the City's option. Council Member Berry absent.

Council Member Quan stated that he knew they received her memorandum concerning the economic impact of the districts and it sounded like from the report from both the Controller and the head of F&A that it was difficult to really measure what sales tax revenues they would recognize, of course anything beyond zero was a gain, but from what Dr. Scheps had indicated, half of what they were getting they were sharing that and asked what was the cost of inspection services to the City, what was their net gain, he guessed, from the limited annexations, and Ms. Wallace stated that she could not speak directly to the cost of health inspections, however there

was someone present from the Health Department present that might be able to answer that directly, and Council Member Quan stated that he would get that information later, and Mayor Brown stated that they would have the Health Department get with him on that. Council Member Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0240 ADOPTED.

At 11:18 Mayor Brown stated that they would move to the Consent Agenda. Council Member Berry absent.

CONSENT AGENDA NUMBERS 24 through 55

MISCELLANEOUS - NUMBERS 24 through 25

24. REQUEST from Mayor for confirmation of the reappointment of the following to the **AUTOMOTIVE BOARD**, for terms to expire January 1, 2004:

Position One - **MR. WILLIAM C. SMITH, III**

Position Two - **MR. BILLY JONES**, and as Chair

Position Three - **MR. DALE E. EARLY**

Position Four - **MR. MANUEL CANO**

Position Five - **MR. HUSSEIN ABDELLATIF**

Position Six - **MS. TRACIE L. CARTER**

Position Seven - **MR. JAMES ANTHONY**

Position Eight - **MR. PHILLIP A. GEBHART**

Position Nine - **MR. TIM STRANEY**

- was presented, moved by Council Member Tatro, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0241 ADOPTED.

25. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOILER CODE REVIEW AND LICENSING BOARD**, for terms to expire January 2, 2005:

Position One - **MR. RODNEY LEWIS**

Position Three - **MR. VAUGHN COKER**

- was presented, moved by Council Member Tatro, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0242 ADOPTED.

PROPERTY - NUMBERS 32 and 32A

32. ORDINANCE appropriating \$39,899.50 out of Water & Sewer System Consolidated Construction Fund Number 755 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. Ladish Company, Inc, a Wisconsin Corporation, et al, to acquire Parcel Number KYO-102, for the Katy-Addicks Waterline Easements Project; GFS/CIP S-0900-47-2 - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0206 ADOPTED.

- 32a. 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. Ladish Company, Inc, a Wisconsin Corporation, et al, Cause

Number 768,974, for acquisition of Parcel KYO-102; in connection with the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**; GFS/CIP S-0900-47-2 - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0243 ADOPTED.

ORDINANCES - NUMBERS 39 through 55

46. ORDINANCE approving and authorizing reimbursement between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL** for a Solid Waste Management Education & Training Grant Program for the Houston Police Department - \$12,877.00 - Grant Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.
51. ORDINANCE appropriating \$2,455,200.00 out of Public Health Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for construction of Lyons Health Center Renovation, CIP H-0049-01-3; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0207 ADOPTED.
52. ORDINANCE appropriating \$191,500.00 out of Public Health Consolidated Construction Fund, awarding construction contract to **KMC/TL SERVICES, LLC** for construction of Fire Alarm System at Health Department Headquarters Building, CIP H-0031-01-3; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0208 ADOPTED.
53. ORDINANCE appropriating \$2,284,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **WESTERN SUMMIT CONSTRUCTORS, INC** for Sludge Handling System Improvements Project 1B, GFS S-0056-11-3 (10536-6); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0209 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

26. RECOMMENDATION from Director Houston Airport System for approval of membership fees in industry organizations (ACI & AAAE) for the period January 1, 2003 through December 31, 2003 \$166,650.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Vasquez. Council Member Berry absent.

DAMAGES

27. RECOMMENDATION from City Attorney for settlement of lawsuit styled **NOEMY ALVARENGA and JOSE ALVARENGA v. City of Houston and Darryl Lee Housley**; Cause

No. 2001-54048; in the 151st Judicial District Court of Harris County, Texas - \$70,000.00 - Property and Casualty Fund – was presented, moved by Council Member Tatro, seconded by Council Member Robinson. Council Member Berry absent.

Council Member Edwards stated that she had two questions regarding the item and did not know who to address it to, one, were City employees disciplined when they were involved and cited for these accidents and two, did the department itself pay for it or did the money come out of the General Fund, and Mayor Brown stated that it came out of the General Fund and they were disciplined in different degrees depending on the department, that most departments would have some type of internal policy relative to discipline, and Council Member Edwards asked if when City employees were cited did it go against their personal insurance record or did it go against the City's and Mayor Brown stated that it would be personal. Council Member Berry absent.

Council Member Parker stated that she remembered that Council Member Roach used to bring it up on a very regular basis that they have a lot of City employees and a lot of them were involved in accidents and it seemed to her that there ought to be a uniform policy across departments on how accidents were investigated and how discipline was given to City employees who violated traffic laws and was requesting that they examine whether they needed to create such a policy, and Mayor Brown stated that he had already directed Mr. Haines to do that and they were looking at it right now, and Council Member Parker stated that they might also consider rather than just having the expenses for settlement taken out of the General Government Fund, maybe going back to the individual departments and they may better police their employees if the departmental budgets were going to be nicked for it, and Mayor Brown stated that Mr. Hall had made that recommendation and it was under consideration. Council Member Berry absent.

A vote was called on Item No. 27. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0244 ADOPTED.

28. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MYRTLE HEATH** v. City of Houston and B. J. Bellamy; Cause No. 2002-59298; in the 157th Judicial District Court of Harris County, Texas - \$37,500.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0245 ADOPTED.

29. RECOMMENDATION from City Attorney for settlement of lawsuit titled **JAN WILKINS** vs. City of Houston and Richard Williams; Cause No. 10391BH99 in the 23rd Judicial Court of Brazoria County, Texas - \$50,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0246 ADOPTED.

ACCEPT WORK

30. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,868,257.90 and acceptance of work on contract with **K.C.C. GROUP, INC** for Sylvan Rodriguez (formerly Clear Lake Park), GFS F-0444-03-3 - 05.84% over the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0247 ADOPTED.

31. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,324,933.08 and acceptance of work on contract

with **RAY SMITH CONSTRUCTION, INC** for Construction of Bay Area Boulevard Improvements, El Camino Real to Space Center Boulevard, GFS N-0637-01-3 (N-0637) - 00.65% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0248 ADOPTED.

PURCHASING AND TABULATION OF BIDS

33. **AMEND MOTION #2002-1295, 10/30/02, TO APPROVE** Change Order for Mold Remediation and Build Back Services at Fire Station No. 31 for the Building Services Department in the amount of \$11,872.00, awarded to **BASIC INDUSTRIES, INC** - Fire Consolidated Construction Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0249 ADOPTED.
34. **AMEND MOTION #2000-449, 3/29/00, TO EXTEND** expiration date from March 29, 2003 to March 28, 2004, for Fluorescent Dye for Department of Public Works & Engineering, awarded to **TEXAS ANILINE DYE CO., INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0250 ADOPTED.
35. **VARIAN, INC** for One Atomic Absorption Spectrophotometer System 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 - \$37,496.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0251 ADOPTED.
36. **MCNEILUS COMPANIES** for Equipment, Special Truck and Body Contract, Part II, for Solid Waste Management Department - \$462,500.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0252 ADOPTED.
37. **AMEND MOTION #2000-452, 3/29/00, TO EXTEND** expiration date from March 29, 2003 to March 28, 2004, for Electrical, Instrument Relays, Meters and Fuses for Various Departments, awarded to **COMMERCIAL EQUIPMENT & SALES, CARLTON-BATES COMPANY and TURTLE AND HUGHES, INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0253 ADOPTED.
38. **AMEND MOTION #2000-539, 4/19/00, TO EXTEND** expiration date from May 11, 2003 to May 10, 2004, for Automotive, International Trucks, Gas/Diesel Replacement Parts and Repair Contract for Various Departments, awarded to **INTERNATIONAL TRUCKS OF HOUSTON (formerly OLYMPIC INTERNATIONAL TRUCKS, INC)** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0254 ADOPTED.

ORDINANCES

40. ORDINANCE approving the issuance of Notes by the **CITY PARK REDEVELOPMENT AUTHORITY - DISTRICT A – TATRO** – was presented, and tagged by Council Member Goldberg. Council Member Berry absent.
41. ORDINANCE approving and authorizing amendment No. 5 to lease agreement between **FRAYDUN ENTERPRISES**, as landlord, and the City of Houston, Texas, as tenant, for space at 3838 North Sam Houston Parkway East, Houston, Texas, for use by the Houston Airport System **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0210 ADOPTED.
42. ORDINANCE approving and authorizing agreement to terminate the Automated Surface Observing System Site License between the City of Houston and **THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION** at George Bush Intercontinental Airport/Houston **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0211 ADOPTED.
43. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **CITY OF BAYTOWN** for the Harris County Organized Crime and Narcotics Task Force Grant/10 for the Houston Police Department - Total \$421,843.00 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0212 ADOPTED.
44. ORDINANCE approving and authorizing submittal of an application to the **TEXAS DEPARTMENT OF HUMAN SERVICES** for grant for the Summer Food Service Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks & Recreation Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, of any, pertaining to the grant - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0213 ADOPTED.
45. ORDINANCE approving and authorizing reimbursement agreement between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL** for a Solid Waste Management Grant, Law Enforcement Program for the Houston Police Department - \$225,660.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0214 ADOPTED.
47. ORDINANCE appropriating \$1,718,000.00 out of Police System Consolidated Construction Fund No. 45 and approving and authorizing compromise and settlement agreement between the City of Houston and **AMERICAN RESOURCES, INC** to settle lawsuit arising out of activities financed by the Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Tatro. Council Member Berry absent.
48. ORDINANCE approving and authorizing sole source contract between the City of Houston and **CONCERTO SOFTWARE, INC** for Purchase of Maintenance Services for Davox Unison Outbound and Scaled Blend Call Management System Software and Hardware for the Public Works & Engineering Department; providing a maximum contract amount - 5 Years with five one-year options - \$155,508.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0215 ADOPTED.

49. ORDINANCE appropriating \$1,440,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **WESTON SOLUTIONS, INC** for Kirby Drive Reconstruction from IH-610 to Brays Bayou, CIP N0775-01-3 (SB9081), **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0216 ADOPTED.
50. ORDINANCE appropriating \$3,658,555.00 out of Street & Bridge Consolidated Construction Fund, \$3,000,000.00 out of Harris County/Kirby Project Fund, \$1,500,000.00 out of Sports Authority/Kirby Project Fund, \$4,407,499.00 out of Storm Sewer Consolidated Construction Fund, \$2,056,642.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.**, for Kirby Drive Reconstruction from IH-610 to Brays Bayou Project; GFS N0775-01-3 (SB9081); providing funding for engineering testing and contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund; Water & Sewer System Consolidated Construction Fund and Storm Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. Council Member Berry absent.

Council Member Sekula-Gibbs stated that Item Numbers 50 through 55 all brought up the issue of salary recovery through various departments, of Public Works and Building Services, predominately and the total of the amount of salary that was being paid out of bond money, if they calculated those, was \$856,000 that was paid for City employee salaries out of bond money on just these five or six items, and that got back to the question that she asked last week, and knew that Mr. Haines was working on getting sums of how much money was the City really paying for salaries that was then being transferred into Debt Service. Council Member Berry absent.

Council Member Tatro stated that pending Mr. Haines getting the updated numbers, they did it and requested it two years ago and it was around \$22 million and did not know if it was the General Fund or the various Enterprise Funds, but it was a significant amount of bond money that was being utilized to offset the operating costs, if they would, of the City of Houston. Council Member Berry absent.

Mayor Brown stated that they were working on the report at Council Member Sekula-Gibbs request, but what they were talking about included more than salaries, there were salaries, overhead, legal services and so forth and they would get a report to her on it. Council Member Berry absent.

Council Member Goldberg stated that he wanted to bring attention to Item No. 50 in particular and thank his colleagues that helped revise the CIP Project, that originally he had asked that it be voted down or the money not funded unless the County and either the NFL or the Sports Authority came up with money since they were talking about Kirby, next to the NFL stadium, and since that time the County had come up with \$2 million to fund the project and the Sports Authority \$1 million, which was only fair and appropriate, and Mr. Haines stated that it was \$3 million and \$1.5 million, and Council Member Goldberg stated that was even better, which he thought was appropriate in this matter, that it was a close vote but he thanked his colleagues for supporting him on that, that he noticed on their sheets that at one time Item No. 50 was not in and he assumed that it was because the Controller had not certified the funds and would like to know what was the status of the money that the County and Sports Authority promised them, and Ms. Stein stated that the check was in the mail, and Council Member Goldberg asked what exactly was the legality, how could they certify the funds for the project if they did not have the money for it yet, and Mayor Brown asked Mr. Hall to give an answer to that, and Mr. Hall stated that he thought it was probably the part of the discussion that morning, the Controller had to be certain that there was revenue to cover the contract, not necessarily that specific money, but

she had to be satisfied that the City could meet that obligation and it was a determination that she had elected to make, that he thought that many of the appropriations approved were based on contracts and it was not that the money was necessarily was in the bank, and Mayor Brown stated that they did have a contract with those organizations, Metro and the Sports Authority, so they were obligated legally to pay the money. Council Member Berry absent.

A vote was called on Item No. 50. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0217 ADOPTED.

54. ORDINANCE appropriating \$7,401,400.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RAMOS INDUSTRIES, INC** for 30-inch Water Line along Briar Forest Drive, Wilcrest Drive and HL&P Fee Strip from City West Boulevard to Lakeside Forest Lane and Jersey Village Pump Station Improvements, GFS S-0900-52-3 (WA10625); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and G - KELLER** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0218 ADOPTED.
55. ORDINANCE appropriating \$5,283,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for 30-inch water line along Lakeside Forest Lane, Wilcrest Drive, Appletree Road, HL&P Fee Strip, Lasso Lane, Autumn Oaks Lane, Water Line easement from HL&P Fee Strip to abandoned railroad, GFS S-0900-53-3 (WA10626); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented, and tagged by Council Member Ellis. Council Member Berry absent.

NON CONSENT AGENDA - NUMBERS 56 and 57

PROPERTY

56. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Houman Samanian of Ersa Grae Corporation, on behalf of 9700 Westchase Ltd. [Westchase Partners LLC (Ali Ebrahimi, president), general partner], for sale of the ±9,999-square foot, fee-owned Westchase Water Plant Site No. 1, located at 2714 South Gessner Road, out of the Issac Wade Survey, Abstract 854, Parcel SY3-030 - **APPRAISERS - DISTRICT G - KELLER** - was presented. Council Member Berry absent.

Council Member Tatro named Mr. Tom Kvinta of William Kvinta and Company and Mr. Tom Edmonds of Edmonds and Associates and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0255 ADOPTED.

57. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ron Nielsen of R. G. Miller Engineers, Inc., on behalf of Bolivar Partners, Ltd. [Bolivar Partners GP, Inc (Robert Brackman, president), general partner], for abandonment and sale of Winbern Avenue (formerly MacGregor Avenue), from Chenevert Street to its dead-end at U. S. Highway 59, in exchange for the conveyance to the City of a 20-foot wide storm sewer easement, both within Autrey's Subdivision, Parcels SY3-026 and LY3-004 - **APPRAISERS - DISTRICT I - ALVARADO** - was presented. Council Member Berry absent.

Council Member Alvarado named Mr. Michael Copland and Ms. Vanessa Hendrickson and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0256 ADOPTED.

MATTERS HELD - NUMBERS 58 through 66A

58. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **DIRECT ACTION UNIFORMS** - \$2,436,021.02 and **L & N UNIFORM SUPPLY CO.** - \$100,514.80 for Apparel, Uniforms for Various Departments - General, Enterprise and Storm Water Utility Fund - (This was Item 43 on Agenda of January 22, 2003, POSTPONED BY MOTION #2003-57) - was presented. Council Member Berry absent.

Council Member moved to refer Item No. 58 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. MOTION 2003-0257 ADOPTED.

61. ORDINANCE approving and authorizing professional services contract between the City of Houston and **KEEP HOUSTON BEAUTIFUL** for Clean Neighborhood Program for the Solid Waste Management Department - \$100,000.00 - General Fund - (**This was Item 34 on Agenda of February 26, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, ALVARADO and GOLDBERG**) - was presented. Council Member Berry absent.

Council Member Alvarado stated that she would like to refer Item No. 61 back to the administration and it had nothing to do with how she felt about Keep Houston Beautiful, she thought it was a great program and had seen the work they had done particularly in her district, but would like to have it referred back to revisit the program, that she had asked to have some examples of some of the work that they do outside of the actual cleanups and got a whole bunch of publications, that she thought if they were going to have a cleanup program then there ought to be more money spent on actual cleanups and less in a bunch of materials like the brochures, seconded by Council Member Wiseman. Council Member Berry absent.

Council Member Wiseman stated that she agreed with Council Member Alvarado sentiments on the item, and also right now they were looking at a General Fund allocation of \$100,000, that yes it had been reduced from what they had provided them with in the past, but when they were being told that they had to focus at this point and time on core services only she thought they needed to be as hard as they could on these things, that yes they had provided good service, but if they were going to talk the talk, they had to walk it and show some strength, that they really needed to look at everything extremely carefully right now and appreciated Council Member Alvarado making the motion to refer it back. Council Member Berry absent.

Council Member Goldberg stated that he was going to respectfully vote against the motion, that they did not just take \$100,000 and spend it, they leveraged it and get contributions from the outside community, the private sector and they do a lot of work, especially this year, on another year he might go along with it, but this year they had the Super Bowl and there was a lot of plans that the organization had for cleaning up around the City for the Super Bowl and thought it was really important that in order for them to get into the rotation for the Super Bowl that they put their best face on and this group was committed to doing that and cleaning up the City in the next year, so he was going to vote against it. Council Member Berry absent.

A roll call vote was called on Council Member Alvarado's motion to refer Item No. 61 back to the administration.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry absent
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller absent on personal business	MOTION 2003-0258 ADOPTED.

62. ORDINANCE approving and authorizing first amendment to professional engineering services contract between the City of Houston and **OTHON, INC** for Neighborhood Sewer Systems Improvements (approved by Ordinance No. 01-0064), GFS R-2011-18-2 (WW4809) - **DISTRICT B - GALLOWAY - (This was Item 37 on Agenda of February 26, 2003, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0219 ADOPTED.
64. ORDINANCE amending Ordinance No. 97-1167 to allocate \$900,000.00 of previously unallocated Section 108 HUD-Guaranteed Loan Funds and \$81,250.00 of previously unallocated Economic Development Initiative Grant Funds to the Small Business Loan Program administered by the Houston Small Business Development Corporation ("HSBDC") and approving and authorizing a fourth amendment to Subrecipient Loan Agreement with HSBDC to extend the time to commit funds thereunder and to provide additional funding - (**This was Item 51 on Agenda of February 26, 2003, POSTPONED BY MOTION #2003-207**) - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0220 ADOPTED.
65. ORDINANCE approving and authorizing the selection of **LATINO LEARNING CENTER** to participate, subject to further City Council approval of a funding contract, in the Neighborhood Facilities Renovation Program - **DISTRICT I - ALVARADO - (This was a portion of Item 52 on Agenda of February 26, 2003, POSTPONED BY MOTION #2003-208)** - was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Berry absent. ORDINANCE 2003-0221 ADOPTED.
66. WRITTEN Motion presented by Council Member Goldberg to provide seven (7) changes for the first amendment to the contract listed in Item 66a below - was presented. Council Member Berry absent.

Council Member Goldberg stated that previously the amendment had listed out several changes, about seven different changes, and since that time the Legal Department had incorporated all of the changes in a contract that was titled First Amendment to the Contract for Alarm Billing Services and believed that the City Secretary had a copy of the contract and would ask that instead of a his prior motion to amend he would move to substitute a full revised contract, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller absent. on personal business. Council Members Wiseman, Vasquez and Berry absent. MOTION 2003-0259 ADOPTED.

- 66a. 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 - \$2,506,100.00 - General Fund -

(This was Item 53 on Agenda of February 26, 2003, POSTPONED BY MOTION #2003-209) - was presented as amended. All voting aye. Nays none. Council Member Keller absent. on personal business. Council Members Wiseman, Vasquez and Berry absent. ORDINANCE 2003-0222 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that she would like to announce that District I along with the Mayor's Youth Council and the Mayor's Anti Gang Office was hosting a cleanup this Saturday at 8:00 a.m. and would be meeting at Stephen F. Austin High School. Council Members Wiseman, Vasquez and Berry absent.

Council Member Alvarado stated that she wanted to invite her colleagues to the City's Legislative reception which would be held Wednesday in Austin on March 12, 2003 at 5:30 p.m. at the Stephen F. Austin Hotel, that it would be a great opportunity for them to meet some of their legislatures, not only within their delegation, but throughout the State and key Members of the Legislature in leadership. Council Members Wiseman, Vasquez and Berry absent.

Council Member Alvarado stated that there was an event on Sunday that she did not find out about until very late but understood that most of colleagues were not included and that was the Super Bowl Host Committee, that she understood, in discussion with some folks that were involved with that event that Council Members were forgotten, that she was under the impression that the whole Super Bowl effort was a partnership with City government, the private sector and the host committee, so she hoped that as they proceed closer to the Super Bowl that the host committee would be much more inclusive, and Mayor Brown stated that he would advise them of that sentiment. Council Members Wiseman, Vasquez and Berry absent.

Council Member Ellis stated that he had the opportunity to speak to the Houston Police Officers Union at the George R. Brown Convention Center in regards to the amendment contract that they had entered into with the administration and believed that the contract was a win win solution and knew that the Houston Chronicle Editorial Board spoke against it and thought sometimes that validated their position as being a good solution, that what happens is that it saves the City some \$13 million in the Fiscal Year 2004 and pushes out their raises for six pay periods but it also locks in the COLA, the Cost of Living Adjustment, for the police officers out in the future and extends the contract for two years, he thought that if they had the Fire Fighters Union working with them at trying to come up with solutions from time to time it would benefit not only the Fire Fighters Union but the City of Houston as well and so he would encourage the Fire Fighters Union to come to the table and start talking to the administration and try to renegotiate their contract, that the HPLU saw that it was a problem out there for the City and they looked at it as an opportunity to benefit their union members in the long run and thought it also benefits the City's budget constraints for Fiscal Year 2004, that he applauded the Mayor's administration and the HPLU for stepping up to the plate and trying to find solutions to help them balance the budget for Fiscal Year 2004. Council Members Vasquez and Berry absent.

Council Member Ellis stated that with the budget crunch that was in front of them today, he met with the Mayor on Monday and said that he would be committed to supporting some of the Mayor's amendments and wanted to look through them and try to feel comfortable with them, that he had come to the conclusion that last year he voted for the budget, that there were three amendments that he desperately wanted and was able to pass them and therefore he voted for the budget, that he was going to do everything in his power to help find a solution to balance the budget for the end of the fiscal year, but for next year he probably would be a lot more controversial in the budget process for the Fiscal Year 2004, that he wanted to look at ways that they could do long time cuts, not just plug the leaks, they had to start to look for solutions, that the administration would be gone at the end of the calendar year and hopefully a lot of their faces would still be present to carry on after the calendar year and into the remainder of Fiscal 2004. Council Members Vasquez and Berry absent.

Mayor Brown stated that as to Council Member Alvarado's concern, it was not a public event, the host committee had invited all the representatives of company's that would host parties and receptions in Houston so they were present to look at the venues, that people like Motorola, who would host a party, their representative came to look at the various venues and pick a place where they would want to host their party, that was the nature of it. Council Members Vasquez and Berry absent.

Council Member Goldberg stated that regarding Item No. 50, the reconstruction of Kirby, it was actually a very bold and ambitious road project, that it was Kirby from 610 all the way north to the bayou, which was a stretch of just over a mile and if they thought about it, it needed to get done before the Super Bowl, which was less than a year and during that time they had eight NFL football games and other activities, they had to get the whole stretch done in less than a year and would start after the Rodeo, in order to get it done he had been told they would have to work 24 hours per day, and almost seven days per week, and it brought up a lot concerns about traffic in that area and he would like to get an idea of what plan they had to mitigate the traffic in that area, especially during the NFL season and there was one hotel in District C and one in District D and those hotels also had a concern that they would not lose business due to the fact that people could just not get to the hotels with huge stretches of roads being broken up at a time and the fact that there was going to be construction going on at all hours of the night and if someone could meet with him from Public Works to determine what sort of mitigation they had to help the hotels out, and Mayor Brown stated that they would have someone meet with him, that they did know that they would be working in two ten hours shifts. Council Members Vasquez and Berry absent.

Council Member Wiseman stated that Fire Station 102 in Kingwood approximately 4 weeks ago had new carpet installed in it and they had a problem with it now, the carpet was ruined, apparently there was a roof leak and now the brand new carpet, where so much money had been spent on was ruined, that she would like an explanation as to how it could have occurred and would like a response from the department on what plans would be made to rectify the situation, they had some other issues there with respect to the parking lot which was in extremely bad condition, the lot was also utilized by people who go there for Municipal Court services that are held every week, and she was concerned that people were going to try and bring claims against the City, that she would like that to be addressed. Council Members Tatro and Vasquez absent.

Council Member Wiseman stated that last night they had another of the constituent advisory committee coffee's at the I-10 Uvalde area, the North Shore part of her district, that as they knew it was one of the areas that received the most flooding in the City during Allison, they had a great number of needs and in visiting with them about their issues, such as flooding, one of the things that was brought to her attention was that there seemed to be a situation where Fire Station 53 on Uvalde was in the plans to be closed, she had been told that the station along with some others were planned by the Fire Department to be closed and that presented a tremendous problem for the area and would like a response to the rumors that were going on about the closings, in writing, as soon as possible so they could appropriately address it and know exactly what was happening with it, that if fire stations were being closed she thought it was something that Council Members needed to be made aware of as soon as possible. Council Member Vasquez absent.

Council Member Galloway stated that she wanted to express her concerns about the furloughs and layoffs that they were going to be addressing next week, that she had stated before while she was on the HISD Board that they did have their incentive programs for people who were eligible to retire, that they did have one offered in the package but thought that in order to make it more attractive they should increase from 90 days to six months, which is what they had at HISD and it was very effective and this way it could prevent them from laying off any employees or any one being furloughed, and as a matter of fact it would probably help them not to recommend a 10% cut in pay for those people making over \$100,000, and she wanted the

administration to look at it and wanted to know from Human Resources as well approximately how many employees were eligible for a package like that so that way they could have some type of idea as to what benefit it would be for them as to how it would affect the budget, Mayor Brown stated that they would look at that, but his immediate reaction was that they would have to end up laying off twice as many people to save the money, but they would give her a fiscal analysis of her recommendation. Council Member Vasquez absent.

Council Member Robinson stated that one of the concerns was that folks had accrued vacation time and that they also had that liability out there, and Council Member Galloway stated that it would be plus the vacation as well.

Council Member Robinson stated that as to the Super Bowl Host Committee, if they were going to be partners then whatever they wanted them to do they had to get going on that, that he shared some of Council Member Alvarado's concerns also. Council Members Goldberg and Vasquez absent.

Council Member Robinson stated that he had passed out some memos to the Council Members, that he absolutely agreed with Council Member Ellis and hoped that they would do some things that would really make a difference and included in that would be the consolidation of departments, that they were going to have to do a Meet and Confer agreement with the firefighters and thought it was a two way street and clearly they had not had any kind of update on the "on going Meet and Confer", but something was wrong and if it was on the Fire Department side then they needed to find it out, every time he talked to either party they were both pointing fingers at each other and they may needed to just move forward on some agreement if they were going to have a long term impact. Council Members Goldberg and Vasquez absent.

Council Member Robinson stated that yesterday at Fiscal Affairs the Mayor mentioned that he may want to send to Public Safety the staffing issue and he would hope that the Mayor would not do that, and that it would be a comprehensive package that he would send to the Public Safety Committee to look at, because if they just looked at the staff shift issue without looking at it in the context of the entire Meet and Confer agreement they were going to be nibbling around the edge of that issue. Council Members Goldberg and Vasquez absent.

Council Member Robinson stated that one of the memos was one to the Mayor that next week he would hope that the Mayor would incorporate into the ordinance bringing in \$5.5 million forward, out of the ALP account with, \$5 million of it going to the Rainy Day Fund if they were going to use the FEMA money and they would use the additional half a million to move forward in the cadet class in HPD as it was scheduled as opposed to delaying the class. Council Members Galloway, Goldberg, Vasquez and Sekula-Gibbs absent.

Council Member Robinson stated that there was an interesting article in the Wall Street Journal yesterday that talked about a small federal agency's that was in the business of trying to push the market of devices for homeland security and he sent a letter to their director by email, that they were field testing different pieces of equipment and he would hope that the administration would follow up and volunteer their Police, Fire and Health Department for field testing. Council Members Galloway, Goldberg, Vasquez and Sekula-Gibbs absent.

Mayor Brown stated that on the negotiation with the Fire Department, to quickly bring them up to date, the leader of the Fire Union had again walked away from the table so there were no negotiations going on right now, they had written to him and asked that he come back and he had refused to do so, that they could not negotiate if they did not stay at the table. Council Members Galloway, Goldberg, Vasquez and Sekula-Gibbs absent.

Council Member Tatro stated that he wanted to give an update as to the Sim Houston Project and the cost savings that were projected in the budget and where they stood because of

it, that as Council Members would recall in the actual budget the IT Department took a credit of \$1.6 million, that allocation was supposed to be spread out among all the General Fund Departments and when Mr. Lewis came on board he was to create those savings from all those departments, but if Council would look over the IT Budget right now they would notice that it was significantly over budget by about \$1.2 million and part of that was because there were no savings from Sim Houston to be materialized, that the thought that they could install Sim Houston and save them from having to purchase the upgrade was absolutely ridiculous, that his office had been monitoring it and they had been looking at the reported savings and it had not received a single solitary documented dollar of savings from the IT Department and it was practically because there were not any savings of the \$1.6 million to be realized and Council Member Tatro continued to brief the City Council with his personal update on the Sim Houston project until his time was up. Council Members Galloway, Edwards, Vasquez, Alvarado and Sekula-Gibbs absent.

Mayor Brown stated that as they knew the City had to accept the second and third phase before they paid any money so there were decision points to come. Council Members Galloway, Edwards, Vasquez, Alvarado and Sekula-Gibbs absent.

Council Member Quan moved to remain in session beyond the noon hour to complete the agenda, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Vasquez, Alvarado and Sekula-Gibbs absent. MOTION 2003-0260 ADOPTED.

Council Member Quan stated that he was disappointed that they did send the Keep Houston Beautiful contract back to the administration and hoped that they would look at it carefully and bring it up. Council Members Galloway, Edwards, Vasquez and Sekula-Gibbs absent.

Council Member Quan stated that a number of people were present yesterday from the Veterans Museum at public session and would hope that they could send it to the Regional Planning Committee so that at least they could understand their position on what was going on, that they all honored the veterans and their contributions to the City and to society, but there were limitations on how they could allocate that land. Council Members Galloway, Edwards, Vasquez and Sekula-Gibbs absent.

Council Member Quan stated that last week he spoke about the Community Advocate and Southwest Houston 2000 now informed him that Ms. Rye was out at their last meeting and that Police Chief Bradford had actually dedicated one of his officers, who was also a lawyer, to help with the nuisance issue in the southwest area, and the City Attorney had expressed interest in seeing how they could adopt a similar program that they had done in Dallas, and Mr. Hall stated that it was true, that they had been there for about two months and they had two lawyers that were working on it and were trying to beef up the program. Council Members Galloway, Edwards, Vasquez and Sekula-Gibbs absent.

Council Member Quan stated that they had received petitions from people in the Gulfton area regarding possibly moving the district lines and hoped that the Legal Department could move forward on that, and Mr. Hall stated that he wanted to suggest that typically district line adjustments were issues that came forth from the adjoining Council Members and for obvious reason he thought that was a good process so they had asked them to make a recommendation to them. Council Members Galloway, Edwards, Vasquez and Sekula-Gibbs absent.

There being no further business before Council, the City Council adjourned at 12:07 p.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. Council Member Keller absent on personal business. Council Members Galloway, Edwards, Vasquez and Sekula-Gibbs absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary