

City Council Chamber, City Hall, Tuesday, March 11, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 11, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D. Michael Berry, Carroll Robinson; Mr. Don Cheatham, Division Chief, Legal Department; 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 Gordon Quan out of the city on city business.

At 2:09 p.m. Mayor Brown stated that Council would begin their presentations.

Council Member Edwards stated that she felt the Bravo Awards were especially poignant with all the discussion of possible furloughs and layoffs of city employees and some were still holding the light and being excellent in carrying out their duties; and first invited Mr. Ruben Cervantes of the Solid Waste Management Department to the podium. Council Member Edwards stated that Ruben had unpleasant jobs of removing dead and dangerous animals, etc., but always went the extra mile for seniors and with a smile even crawling under houses; that he was courteous, polite and the epitome of the "can do spirit"; and presented him with the Bravo Award. Council Members Goldberg, Ellis, Keller, Vasquez and Robinson absent.

Council Member Edwards stated that next she would call Ms. Catheryn Gardner of the Police Department and invited Officer Gardner to the podium. Council Member Edwards stated that Officer Gardner had helped many children in the Juvenile Division but one case especially revealed her compassion and persistence where she investigated and exhumed a child's body and in the end filed a murder charge against the mother; and presented her with the Bravo Award. Council Members Ellis and Robinson absent.

Council Member Edwards stated that the last honoree today was Ms. Mary Hammond; and invited Ms. Hammond of the Library Department to the podium. Council Member Edwards stated that Ms. Hammond raised the standard of customer service being extremely pleasant and courteous and with no customer concern she could not resolve; and presented her with the Bravo Award. Council Members Ellis and Robinson absent.

Council Member Sekula-Gibbs appeared and stated that it was her pleasure to invite the family of a young woman she had known for many years who passed away January 1, 2001; and invited Mr. And Mrs. Zimel to the podium. Council Member Sekula-Gibbs stated that Mr. And Mrs. Zimel were kind enough to raise money for the Pediatric Cancer Unit at MD Anderson and presented them with a proclamation in memoriam of Jori Zimel, for hosting the first annual Jori Zimel Bone Cancer Walk to be held March 23, 2003, extended best wishes to all for a rewarding event; and proclaimed March 23, 2003, as "Jori Zimel Day, in the City of Houston, Texas. Council Member Robinson absent.

Council Member Galloway invited Ms. Georgia Doyle-Provost to the podium and stated that active civic involvement by dedicated citizens greatly enhanced the quality of life enjoyed by all Houstonians and Ms. Doyle-Provost had made many contributions for the betterment of the city through her dedication and commitment and had received many awards; and presented her a proclamation proclaiming March 11, 2003, as "Georgia Doyle-Provost Day", in the City of Houston, Texas. Council Member Robinson absent.

At 2:33 p.m. Mayor Brown called the meeting to order and Council Member Vasquez led everyone in prayer and in the pledge of allegiance. Council Members Sekula-Gibbs and Robinson absent.

At 2:34 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Member Quan out of the city on city business. Council Members Sekula-Gibbs and Robinson absent.

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

Mayor Brown requested the City Secretary to call the list of speakers. Council Members Sekula-Gibbs and Robinson absent.

Council Member Edwards moved to suspend the rules for the purpose of hearing Mrs. Karen Jacobs and Mr. Tom Horan after Ms. Monica Johnson; Mr. Michael Ketner as the first speaker; Mr. Jason Yoder, Mr. Marc Linsner, Mr. Manny Vanegas and Mr. Jack Seigler as the first speakers under Non-Agenda for three minutes; and Ms. Christine Sagstetter and Mr. Thomas Webb after Mr. Bob Ryan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Quan out of the city on city business. Council Members Sekula-Gibbs and Robinson absent. MOTION 2002-0261 ADOPTED.

Mr. Michael Ketner, 9800 Hollock, Houston, Texas 77075 (713-941-9532) appeared and stated that he was in the Houston Fire Department and in September he was accused of cheating on an exam, but not on that day as protocol stated but three days later, after the review board the finding said there was no evidence and charges were unfounded and then in November he was given another 24 hour notice on the exact same event and at the meeting he resigned. Council Member Robinson absent.

Council Member Parker stated that she had tried to get more information on his case and part of the problem was he did resign and the department's position was that he did it voluntarily; and upon questions, Mr. Ketner stated that his intent was to be reinstated at his rightful place in the academy. Council Member Parker stated that it appeared there was double jeopardy as the allegations were not sustained in the formal hearing and then suddenly reopened months later; and upon questions, Mayor Brown stated that he would find out more about it and see what could be done. Council Member Parker stated that she would appreciate it. Council Members Goldberg, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Galloway, Mr. Ketner stated that he was told to either resign or be fired, he was not able to take the last exam, but had completed all literature needed; that he was told he could not take the test because of the city liability reasons. Council Member Galloway stated that once again she was requesting a thorough investigation because when persons were pressured into resigning versus terminated to maintain their record it was capricious and arbitrary; and Mayor Brown stated that he would ask Chief Simms who was in the Chamber to look into it and report back to Council with results. Council Members Goldberg and Robinson absent.

Council Member Edwards stated that this seemed like an ongoing theme in the cadet class of the Fire Department and she tried to get information; that she joined Council Members Galloway and Parker as since she had been on Council she had at least 10 cadets come to her who were accused of cheating on tests and being terminated and if that was how the organization was going to be run it was a little disingenuous in what the department did seek to be and she would challenge that department and chief to work with them closely to remedy this; that you could not just dismiss people on unfounded or unproven allegations; and Mayor Brown stated that they would report back to her after the findings. Council Members Goldberg and Robinson absent.

Council Member Vasquez stated that as a point of personal privilege he wanted to recognize a former colleague of his and HISD School Board trustee, Mr. Larry Marshall and asked that he stand to be recognized. Council Members Goldberg and Robinson absent.

Ms. Evalyn Krudy, 2034 Milford, Houston, Texas 77098 (713-807-1787) appeared and stated that she was present as representative of the University Place neighborhood and was asking for support of Agenda Item 2 tomorrow, designation of residential permit parking areas and related parking regulations for their neighborhood. Council Member Robinson absent.

Mr. Stanley Briers, 219 Westspring Oak, Taylor Lake Village, Texas 77586 (281-326-5400) appeared and stated that that he was representing the Plumbing, Air Conditioning and Mechanical Contractors Association and present to speak on two things, one being the ordinance passed 2002, 9/26 regarding meters on fire lines; that it had run into trouble and was back at the CIC being reworked; that one item the city did not back off of in that ordinance which he thought was bad for the industry was installing a meter and a vault on the large systems which went into the buildings; that they were saying people were stealing water but he believed they had not lost that much water and felt there was some confusion inasmuch as there was a standby charge and the unmetered systems had been paying that over the years to a tune of about \$180,000 to \$200,000 a month they probably felt they had some water coming and he had sent recommendations to Council and he would ask Council to have the water Department to look at that again and maybe come to a favorable conclusion; that his second item was Agenda Item 36c with furloughs; that they had no problem with it except as it applied to the Inspection Department; that they could not afford a four day work week and the holding of jobs for three to four days, they needed the construction industry moved along. Council Member Robinson absent.

Upon questions by Council Members, Mr. Briers stated that they were able to call in to the inspectors today and get an inspection tomorrow and the flow of work went well; that if there was a problem with funding his association would work with the city so they did not run into the same problem they ran into years ago, they were willing to fund them. Council Member Robinson absent.

Council Member Parker stated that inspection fees went into a fund for inspectors so there should be no reason to furlough or layoff inspectors to save general fund dollars, it was a closed system, contractors paid their salary and it was a service that needed to be in balance. Council Member Robinson absent.

Mr. Bob Ryan, 5311 Kirby Dr. #111, Houston, Texas 77005 (713-523-1600) appeared presented a statement in which he stated that he was present to protest Item 16 on Council's Agenda wherein the Administration was requesting authorization to, once again, pilfer for the ALP Fund; that term limits had ruined the city as now they did not have professionals who understood the system but had those who wanted to become a legend in six years and the 15 seats were springboards for larger ambitions; that the Houston Chronicle was calling the police crime lab a disgrace and yet they had a budget approaching \$1,000,000 should not they have criminologists rather than flacks; that hands should be kept off the ALP funds and they should get rid of the fluff and unnecessary personnel and duplication of positions. Council Member Robinson absent.

Upon questions by Mayor Brown, Mr. Ryan stated that he supported getting rid of the deadweight and was in favor of making another downtown fire station and getting criminologists for the Police Department. Council Member Robinson absent.

Ms. Christine Sagstetter, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 X 17) appeared, presented information and stated that AFSCME Local 1550 was calling on the Mayor and Council to delay consideration or oppose adoption of the furlough/layoff ordinance; that questions still remained regarding the magnitude and impact of a fiscal shortfall in the City of Houston for FY2003 and AFSCME agreed with Mayor Brown that money was available to balance the budget; that the proposed ordinance changes would result in erosion and elimination of Civil Service provisions they could not support such as redefined demotion to include up to three pay grades with no appeal, not appealing less than a 15% reduction in base pay, and pay

grades 23 and above could not grieve or appeal involuntary demotion; and while Local 1550 did not have Meet & Confer they were asking the Administration to sit down with them and discuss the budget crisis. Council Member Tatro absent.

Upon questions by Council Member Parker, Ms. Sagstetter stated that she heard when the furlough proposal was brought to Council it stated it had to be implemented before June of this year and there was also voluntary furloughs in the ordinance which could be activated at any time. Council Member Parker stated that they did bring a furlough ordinance which would allow them to institute furloughs before the end of the year to provide funds for this fiscal years budget, however, in discussion she and her colleagues stated they would not vote for furloughs because they had not made the case and she wanted the ordinance separated from the proposal; that if Council killed what the Administration was proposing they could order a layoff without benefits which they proposed; and Ms. Sagstetter stated they were aware of it and it was not their intent to hamper discussion in coming to an agreement in that area, however, there were other things being proposed simultaneous to passage of the proposed ordinance changes they could not support. Council Member Parker stated that she intended to offer a motion to refer the item back to the Administration tomorrow. Council Member Tatro absent.

Council Member Robinson stated that he intended to support Council Member Parker's motion and Council Members had expressed amendments they wanted, but he would like the union to write down in specific details what they thought should be changed, added back or modified so they could have an ordinance where the Administration could do furloughs, but where they had to bring that plan back to Council for approval before it could be implemented; and he thanked Ms. Sagstetter and those at AFSCME for being so involved in this as it was the most active he had seen the union in some time and he welcomed their participation. Council Members Tatro and Berry absent.

Council Member Alvarado stated that she shared many of their concerns; and upon questions, Ms. Sagstetter stated they did not feel they had ample opportunity for input. Council Member Alvarado stated that she and other Council Members had asked that they be allowed to take part in discussions and she would ask again that union representatives be able to take part in discussions and she would also ask that accurate information get out to the employees. Council Members Tatro and Berry absent.

Council Member Galloway stated that she would also support Council Member Parker's motion to refer the ordinance back to the Administration and her sympathy did lie with the employees. Council Member Berry absent.

Council Member Sekula-Gibbs stated that in her information it said some 8,000 of the lowest paid employees who actually provided the city services would be the most impacted and the higher paid and middle upper management positions who had grown over the last years and new programs like SimHouston had proliferated while budget problems persisted and she felt that was important; that many people contacted her office and they were concerned that those actually doing the work would be the ones let go and she would encourage her to stay on track with that; and her information also said the Administration wanted to take back the 3.5% pay increase and she would not support that because the city employees traded by paying more for medical insurance, it was a very clear trade and not just a clear pay increase. Council Member Berry absent.

Council Member Vasquez stated that he reviewed her comments, but what he would like her to produce was suggestions; that he saw her concerns, but would like solutions proposed. Council Member Berry absent.

Council Member Edwards stated that she would also support Council Member Parker's motion to refer back to the Administration, but she would also say they needed the union to produce solutions or options; and Ms. Sagstetter stated that they still needed responses from

Mr. Vara's office so they could try and finalize. Council Member Edwards stated that if they did not get that information she would say they should move forward with their own plan, she needed something. Council Member Berry absent.

Upon questions by Mayor Brown, Mrs. Sagstetter stated that Lonnie Vara called and asked for a meeting, but the purpose of the call seemed to be his insistence that they support the proposed ordinance; that he did not get back with her regarding their questions, but wanted them to sit with him in discussion and that discussion was focused on supporting the passage of the ordinance as written. Council Member Berry absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 x-16) appeared and stated that he was present in support of Ms. Sagstetter, he too was a representative of the American Federation of State County and Municipal Employees, and his concern was it sounded like they were talking about everything but people and that disturbed him, they were talking about employees, hard working people with family responsibilities just like everyone else and it seemed like in the mix of this they needed to find a way to make it happen without taking jobs away; that the matter of furloughs, layoffs, decreased work weeks and voluntary demotions were all going to affect city workers and were extremely unfair and to state there was no other way to balance the shortfall of the city budget was a slap in the face to the workers as well as citizens of this great city; that everyone of Council was chosen by voters of the city to run it in a sound and reasonable fashion and to threaten the hardworking, underpaid and understaffed employees of this city with the inability to take care of their home and family was unacceptable; and those at AFSCME were respectfully asking to sit with city government and the Administration and offer their assistance to find other means; that they were the second largest public workers union in the United States of America and had access to some of the finest budget masters and budget experts in the world and they would call upon them to assist if allowed to. Council Member Berry absent.

Mayor Brown stated that they would most certainly be glad to sit down with them and if it had not happened he would make sure they did so. Council Member Berry absent.

Council Member Edwards stated that she would ask the same of him as Ms. Sagstetter and if they could help devise a plan with their experts they needed assistance in finding an alternative for a win/win proposition. Council Members Parker and Berry absent.

Council Member Galloway stated that she supported Council Member Parker's motion to take it back to the Administration because they knew city employees were hard workers and she understood the bread and butter issue and they would be working with him to try and make it something everyone could live with. Council Members Parker and Berry absent.

Council Member Robinson stated that he would like to ask AFSCME to go out and do an "idea survey" from employees and then come to Council with a book of ideas not listing the employee names with areas, etc., needing to be looked at; that his old man said if you pick up a penny ninety nine more make a dollar and he wanted to pick up every penny in this and the employees could help them do that. Council Members Parker and Berry absent.

Ms. Monica Johnson, 12514 Avery Vale Lane, Houston, Texas 77014 (281-440-7781) appeared, presented information to Council Members and stated that she wanted to reflect on the current situation with the economy and rise and fall of unemployment; that several corporations both large and small had suffered economic distress and the result was massive layoffs; that a decrease or loss of income could have devastating affects financially, emotionally and psychologically and she had founded a nonprofit corporation, "Pathways of Success" and implemented a back on track program for the unemployed, it was to assist those who had been devastated financially, emotionally and psychologically and she was asking that the city join forces with her and use resources at their disposal to strengthen Houstonians who would in turn strengthen the nation as they get back on track. Council Members Ellis, Parker and Berry

absent.

Council Member Edwards stated that she was not in her district but if she would not mind she would like to refer her information to someone in her district who was doing workshops and seminars; and Ms. Johnson stated that was not a problem. Council Members Ellis, Vasquez, and Berry absent.

Council Member Robinson stated that Council Member Keller was on the HGAC Board with the Workforce Commission and they had the workforce dollars that came into such projects and she may want to speak with Mr. Rodney Bradshaw and his office could give her the number; and Ms. Johnson stated that she worked with the workforce during an event she held and it was a successful and they were very helpful. Council Members Ellis and Berry absent.

Upon questions by Council Member Galloway, Ms. Johnson stated that she was working from her residence at present; that it was nonprofit and she had a board and would get the information for her. Council Members Ellis and Berry absent.

Mrs. Karen Jacobs, 14609 South Main, Houston, Texas 77035 (713-687-1411) appeared and stated that she along with several food vendors participating in the Houston Livestock Show and Rodeo had been before Council on numerous occasions speaking on the temporary food vendor permit; that an amendment was proposed to the ordinance and Mayor Brown assured them something would be done; that the Regulatory Affairs Committee had done what it could do and now they needed the Mayor to put the proposed amendment on the Agenda; that Sunday was the last day of the rodeo and they wanted to know if he was going to place something on the Agenda and when. Council Members Galloway, Ellis, Parker and Berry absent.

Mayor Brown stated that they were working with the Legal Department and what came out of committee he was informed they could not legally do; that he had another proposal and within another couple of weeks or so did intend to have something on the Agenda; that he would find the right person to call her and brief her on what was proposed; that nothing may help this year but they would put a proposal before Council which would help alleviate the issues consistently brought before them over the past weeks. Council Members Galloway, Ellis, Parker and Berry absent.

Council Member Robinson stated that he thought all Council Members had been sympathetic and he was interested in finding out how all the vendors were doing at the rodeo; that he wanted to visit with someone and talk about numbers because he did not want to do something that was not relief and then something get set in place that only benefited a few and not all. Council Members Galloway, Ellis, Parker and Berry absent.

Mayor Brown stated that something would be brought before the Fiscal Affairs Committee. Council Members Galloway, Ellis, Parker and Berry absent.

Mr. Tom Horan, 2045 Brentwood, Houston, Texas 77019 (713-940-0645) appeared, presented St. Patrick holy cards and stated that he wanted to wish everyone a happy St. Patrick's Day which was Monday, March 17, 2003, and he hoped the Mayor and Council would join in the parade March 15th; that March 16th at 1:00 p.m. at the loop in Hermann Park there would be a monument ceremony honoring Dick Dowling and encouraged them to join them Monday, March 17th at the University of St. Thomas for a St. Patrick's Day mass. Council Members Galloway, Ellis, Parker and Berry absent.

Mayor Brown wished Mr. Horan a happy St. Patrick's Day as well. Council Members Galloway, Ellis, Parker and Berry absent.

Ms. Ruthie Hatten 4325 Kay Circle, Houston, Texas 77051 (713-738-0225) appeared and stated that she was present to discuss the opening of the Johnson Library in southeast

Houston; that she would like to know what the holdup was as it had been closed about a year or so and it seemed all the remodeling was done. Council Members Galloway, Ellis, Keller, Parker and Berry absent.

Mayor Brown stated that the library had suffered from water problems, which created damage to the foundation and mold, but they expected to have it open by May; that the furniture had been ordered and should be here by next month. Council Members Galloway, Ellis, Keller, Parker and Berry absent.

Mr. L. E. Chamberlain, 12702 Murr Way, Houston, Texas 77048 (713-732-5130) appeared and stated that he was present to speak as the Super Neighborhood president of Sunnyside South Acres Crestmont Park regarding the Johnson Library issue and the books were returned, but where was the furniture and the employees. Council Members Galloway, Ellis and Berry absent.

Mayor Brown stated that they hoped to have the library open in May and the furniture should be in by April; that he would have someone get in touch if he wanted to give him more specific information. Council Members Galloway, Ellis, Alvarado and Berry absent.

Council Member Edwards stated that the issue of the furniture and staffing as it was explained to her was that it was absorbed into other libraries in need; and again her request to Ms. Gubbin was if they could open no earlier than May that they open no later than May. Council Members Galloway, Ellis, Alvarado and Berry absent.

Mr. Jason Yoder, 9301 SW Freeway #660, Houston, Texas (713-448-1630) appeared and stated that he was senior manager of regulatory affairs at CISCO Systems and he viewed a taped statement made in Council in February by AVAYA's registered lobbyist Douglas Towne on the IP project and was present to share his observations about CISCO's compliance with the laws and commitment; that as a supplier and user of their own products they were subject to the laws of the US including the Americans with Disabilities Act, Telecommunications Act and Rehabilitation Act and they complied with the laws and delivered products to make it possible for them to fulfill their responsibilities; that they built accessible products to ensure compatibility with common preferable devices in accordance with the Telecommunications Act and their networks were compatible with common analog devices from the core of the network all the way out to individual users. Council Members Galloway, Ellis, Vasquez, Edwards and Berry absent.

Council Member Robinson stated that what he would really like was for folks to provide Council with educational information as opposed to advocacy so they could work their way through as Council Members and if he would visit with him he would be happy to get some information together and get it out to Council Members. Council Members Galloway, Ellis, Vasquez and Berry absent.

Council Member Goldberg stated that he knew they had representatives from AVAYA talking about compliance and at one time said systems from CISCO were not compliant and now say they are but that they were not user friendly; and upon questions, Mr. Yoder stated that they went beyond the statutes to provide new advance features including giving people the ability to move around the office with their existing phones; that they consulted with leading national organizations to determine the best features and would work with the city. Council Members Galloway, Ellis, Vasquez and Berry absent.

Mr. Marc Linsner, 691 Pelican Court, Marco Island, Texas appeared and stated that he was with CISCO Systems and was present to clarify past statements and misconceptions on VOIP and the support of TTY and he brought a TTY today in case anyone had not seen one; that CISCO had done extensive testing to demonstrate that TTY conversations could be carried reliably utilizing CISCO's call manager and CISCO's IP phones and presented its findings to the Telecommunications Industry Association (TIA) which was an accredited American National

Standards Institute which was (ANSI) to develop industry standards for a wide variety of telecommunications products; that they had validated their test results that TTY devices worked over CISCO's call manager Voice Over IP networks and he would forward a copy of the letter stating that fact to each Council Member; that TTY devices had been installed and working for the past 18 months at the City of Houston Public Library Voice Over IP networks with no technical problems. Council Members Galloway, Ellis, Vasquez and Berry absent.

Upon questions by Council Member Goldberg, Mr. Linsner stated that this device was for hearing impaired; that CISCO's phones had made advancements in the past few months so it would have an audible tone to show what state the call was in for those who were visually impaired; that if they could not see the screen they would have to know where the buttons were and go by the audible tones. Council Members Galloway, Ellis, Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that she would like his information in writing and for him to maybe visit with her and explain in detail; and Mr. Linsner stated that he was leaving town tonight, but would forward information to her. Council Members Galloway, Ellis, Keller, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he had a chance to visit with Mr. Lewis's office and they were working to get information for them based on the conversation he and Council Member Sekula-Gibbs had previously so hopefully within the next week or two they would have it. Council Members Galloway, Ellis, Keller, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Mr. Manny Vanegas, 1100 Bering #311, Houston, Texas 77057 (713-977-9470) appeared and stated that he worked for Merrill Lynch and had been in the telecommunications business for about 15 years having sold the IP systems and was part of the modem manufacturing before IP; that there were two issues to this, the assessment and whether it would save the city money and two networks running data and voice would never be as efficient as one network running both; that Voice Over IP allowed you to have a platform that was future ready not one like they were sitting on needing updates and upgrades. Council Members Galloway, Edwards, Ellis, Keller, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Vanegas stated that at this time he was a financial advisor for Merrill Lynch and had no gain in this, but he had been in that business for over 15 years; that this was not a product but technology, a platform that could be built on. Council Members Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Vanegas stated that he saw a letter that said they would guarantee savings on the project. Council Member Tatro stated that guaranteed savings was not a part of the initial proposal; and Mr. Vanegas stated that the letter he saw said the city required guarantees on this project; that it was a part of the RFP process, it said there had to be imbedded guarantees. Upon further questions, Mr. Vanegas stated that he worked for Merrill Lynch and did technology analysis but was a financial advisor and as he saw it he sanctioned this RFP and the methodology. Council Members Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Ms. Bessie Swindle, 4103 Madden Lane, Houston, Texas 77004 (713-738-7902) appeared and stated that she wanted to thank everyone for helping the people of Sunnyside to win their lawsuit against the concrete company; and on another subject of the Johnson Library, they had received a progress report every month and that would mean so did the Library Director so why were they ordering furniture now; that they were in the dilemma now of no furniture and no staff and the building had been ready about 30 days; that none of it was their fault and she would like it pushed forward. Council Members Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)



Mayor Brown stated that it would be looked at to see what could be done; and Mr. DeYoung would meet with her and follow-up. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Jack Seigler, 1401 McKinney, Houston, Texas 77002 (713-857-2126) appeared and stated that he was vice president of Intellanex LLC, a subsidiary of Ernst & Young and his background included 25 years in the technologies and information systems industry; that he was interested in saving taxpayers money and had followed the debate on the IP project and based on his experience he was offering his professional opinion on the vendor selection process and RFP process followed by the city; that he had written, responded to and evaluated RFPs and his opinion of this process was it was fair and consistent with industry standards seen in both public and private sectors and contractual terms placed on the winning bid provided strong measures of accountability and protected the city from having a runaway project as the winning bidder would be obligated to guarantee the savings identified. Council Members Galloway, Edwards, Ellis, Keller, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Seigler stated that there were many ways to get from Point A to Point B, he thought the pilot project at the library proved the technology, but he would not consider a 10 or 20 year ROI and he did not believe leveraging or migrating current equipment was a methodology to arrive at the same technology; that he thought the replacement approach was a much more cost effective and prudent approach in implementing new technology. Council Members Galloway, Edwards, Ellis, Keller, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Gregory McAfee, 4511 Kingsbury Lane, Houston, Texas 77021 (713-748-5211) appeared and stated that he wanted to thank city workers who helped him previously with a parking problem he had, but today he was present to present an idea that could possibly generate funds for the City of Houston and it stemmed from the recent ticket amnesty program, if possible they could extend the program to include three areas being city liens, delinquent taxes and delinquent school taxes; that to be able to participate in the delinquent tax program the individual should have to pay current taxes and a minimum of \$100.00 a month and make sure the following years taxes were kept current by December 31st and a pay schedule could be entered for city liens and as an incentive for the program the interest would freeze or no longer accumulate on past due balances; that Council could modify his program and depending on participation the revenue generated could be significant. Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor Brown, Mr. Bibler stated that he did not recall looking at that, but off hand he would agree that the fees and assessments were imposed by state law and by the contract they had with the outside collection firm he did not believe they were waveable whereas in the Municipal Court the fines were set by the Municipal Judge and she would have some discretion to adjust them. Mayor Brown thanked Mr. McAfee and stated that he appreciated his interest; and if they had not looked at it they would do so. Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Col. Stan Horton, 1225 Wyecliffe, Houston, Texas 77043 (713-464-2227) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Ms. Nancy Stevens, 2503 Watts, Houston, Texas 77030 (713-218-8770) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Jerry McMorrow, 2432 Addison, Houston, Texas 77030 (713-665-4088) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Tim Wise, 20302 Olds, Porter, Texas 77365 (713-951-8138) appeared and stated that he was present to discuss a parking issue and citations being issued downtown; that many areas were improperly marked and some areas not marked at all; that he was issued three citations on his truck and he brought it to the attention of the meter person at 1200 Clay that the area was not marked and after their debate he opened the door to leave and she noticed he had a police officer jacket hanging in his truck and asked if he was an officer and he said yes then she took the ticket and walked away; that he was booted and he had received no notices regarding the citations and he knew no record was ever sent to him because the contractor he worked for took them from your check automatically and his problem was when he went to talk to them about the boot, Mr. Manuel Barrera, he asked how he could appeal and was told there was no way to appeal and since he had a problem with that answer he asked who his boss was and was told Judge Mejia so he went to her and she enlightened him of the same thing, since he did not go there within 45 days it was a no issue so he told her the tickets should not be valid anyway because there were no "No Parking" signs there and he did not appreciate the way it was handled and when he asked Mr. Barrera for a copy of the hearing he was refused. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that after Council Members questions he would ask Mr. Paul Dugas who was present to meet with him, follow-up and conduct an analysis and investigation and report back. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Wise stated that he was a police officer in Waller County and worked a second job, when the meter person saw he was an officer she removed all three tickets from his hand and thought she was extending a professional courtesy but evidently they were turned in; that he asked for no special privilege but assumed they used their discretion the same as he was able to do, but his contention was it was not an illegal zone and that was why she pulled the tickets after he brought it to her attention there was no "No Parking" sign; that if they were enforcing things improperly then Council needed to know; that he had not known he had tickets out because his company had received no notices, but since February 27, 2003, they had received 50 delinquent notices. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Al Yazdchi, 2100 Tanglewilde #662, Houston, Texas 77063 (713-447-3237) appeared and stated that he had the same problem as the police officer that was just present and was trying to correct a problem; that parking management was the worst organization and they were walking around giving tickets to people even though there was no violation; that he had an ongoing problem for almost two years, his car was booted and he was blackmailed for \$2,800 for parking meters, they booted him and he had never had a ticket on his car, not one; that he brought the problem before and nothing was done, but he was a victim of parking management; that his car was in storage and he still received tickets; that once you were given four tickets you should be booted and yet for a year he was given 43 tickets and he did not believe such should happen and was requesting that it be checked into. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor Brown, Mr. Bibler stated it was his understanding there had been two lawsuits with the most recent being dismissed a few months ago. Mayor Brown stated that Mr. Yazdchi had been before Council previously and not received satisfaction and filed lawsuits and the only recourse he could suggest would be through the courts. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Watkins, 1326 W. Gray, Houston, Texas 77019 (713-526-4819) appeared and stated that he owned two businesses and was present to discuss the decal parking issue; that he was concerned with the Neartown Area, he purchased his house on W. Gray in 1991 and when he went to the title company was told it was an unrestricted area, then he purchased property for his other business in 1999 and again was told it was an unrestricted area; that as a business owner in Neartown he employed about 100 people and paid over \$500,000 in local and state taxes each year; that as a business owner and resident of the area he was imploring Council to not change the status quo for the area as the businesses depend on street parking. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he worked with Mr. Watkins and he was very helpful and there was a parking problem and he worked with security and it was helpful; that the decal parking ordinance had some flexibility, but the whole idea was to allow residents to park outside their own house and to allow garbage trucks and emergency vehicles and so forth to get through. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Parker stated that the area he had the tavern in was a residential neighborhood, but because there were no restrictions businesses had moved in and it was residential long before businesses arrived there, but she thought he may have some misconceptions about the ordinance; that she strongly supported it and would vote for it and residents on W. Pierce want the decal parking and in a democratic process passed a petition and as far as she knew everyone on both sides of that strip of W. Pierce signed on except him, however, the side of the street the tavern was on and his additional property on W. Pierce did not qualify for the decal parking ordinance because of his commercial property and it would only apply to the opposite side of the street, on his side of the street as many cars could park as wanted. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Watkins for always showing up at meetings, but she thought this was a win/win situation for both of them as his patrons could still park and residents would be relieved; that she intended to vote for the decal parking; and she thanked him for taking responsibility. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Ms. Jessica Valentine, 1915 Blodgett, Houston, Texas 77004 (713-522-4104) appeared and stated that they had been coming before Council for 16 months and they sat and listened to everyone and did not even have the respect of having half the Council Members present when they spoke; that it was ridiculous that people kept calling and saying they were being evicted because of what the Housing Authority was doing, she did not know how to help them and month to month they received the runaround before Council; that she saw Congresswoman Lee on Council Member Edwards show and she said she knew nothing of the audit requested and what was so hard about that, had any of them been homeless; that she went to school, was raising grandchildren and every week Allen Parkway was in the news and she came to Council to help others that sometimes she did not even know. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Ms. Jean Wilkins Dember, MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that housing needed to be a priority and officials needed to assure through their responsible oversight that human rights of public housing residents were not violated; and urged the Mayor and Council Members to listen closely and respond to petitions and grievances to assure justice. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had called for an operational audit of HUD, it had not yet happened, and Legal said it was not under their jurisdiction; that she had written once again to the Mayor asking for intervention; and upon questions, Ms. Valentine came back to the podium and stated that what was offered to Mary Pruitt was a Fifth Ward project where you could buy a home with little or no money down but one of the requirements was you had to have a stable work history and she had been homeless for a year and basically no one in the Fair Housing Coalition could have qualified for that. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was frustrated as to where Council could go and not go; and upon questions, Mayor Brown stated that they could ask the AGO to do a performance audit of the Housing Authority and he would think if a request was made that was some influence but he could not say if they would do it or not; that what he was told was HUD had rules and regulations and they expected their residents to follow them and violations were made. Council Member Edwards stated that the gap she saw here was that there was an alleged violation of due process by tenants regarding the indictments and so forth held up and for overall policy procedures as well as the individual cases was there a way to get an audit done that would quantify in an objective manner if the Authority was operating properly. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had spoken with Mr. Alfonso Jackson the Secretary of HUD and he asked that she once again put request in writing to him and they were in that process, but she felt they needed information; and Mayor Brown stated that every Federal Agency had an office at the Inspector General and maybe the complaint should be lodged there. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he was sick and tired of this issue because it should have been resolved in a way where everyone felt it was fairly addressed and he did not even feel that; that he would make a suggestion and hoped Mayor Brown would do it so it would come with some weight, but former Dean Britton was at the Thurgood Marshall School of Law and he would like him written to ask that he put together a group of lawyers, law professors, make it a pro bono project where they would look at the information and give the city some evaluation and take it out of the back and forth between the two parties; that would give Council Members some comfort in what they were hearing one way or the other; and Mayor Brown stated that they would make a request of him and see if he would do it. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Ms. Dember stated she would like to know if there could be an emergency housing allowing a family to be stabilized, for Mr. Johnson to be able to do his work; and Mayor Brown stated that they could use whatever information and resources they had through Citizens Assistance to help them locate housing and asked Mr. Cantu to see if he could help. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Ms. Chada Derow, 1403 Bluebonnet Plaza Circle, Houston, Texas 77004 (713-571-0871) appeared and stated that she was president of the Resident Council at Allen Parkway Village and they received a flyer in their doors from the Fair Housing Coalition and she came thinking she would be representing residents at APV and in essence she guess she was on an issue of increased ceiling rent rates of about 62%; that some residents in the 51% to 80% medium income were going to suffer an increase of double rent; that they talked to the Housing Authority and they momentarily agreed to take the ceiling rent average back down to review them again and at that point they would give residents an opportunity to state their feelings about whatever new ceiling rent they came up with if they did not remain the same, but there was a strong possibility according to Mr. Horace Allyson of the Housing Authority that the ceiling rates would

remain at the 62% they were at now. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that now it was under review; and Ms. Derow stated that yes now the matter was under review and she was assured the increase would not be implemented until it was reviewed and at that point they would give residents an opportunity to express their viewpoints, but she wanted the Mayor and Council to be aware of it because if it did remain at the 62% residents would have to express they could not pay double the rent; that a two bedroom was looking at going from around \$468.00 to about \$804.00. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Rev. Samuel Smith, 118 W. Gray, Houston, Texas 77019 (713-529-4507) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-228-3334) appeared and stated that they had returned again on the matter of Allen Parkway Village because they learned the residents rates had doubled and instead of it being 30% of their income, the amount agreed to in their contract, and they could not pay it and in some instances proceedings were brought against them to evict them; that subsidized housing was created and subsidized by HUD; that it appeared what was happening was the continuing of the program to change the characteristics of Freedmen's Town; that they were drowning in a sea of verbiage while people were being pushed out of their homes; that the same money and time expended could have been used to provide relief for families which was the purpose and ability of public housing; and they wanted to know what they could expect from the Mayor. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that what he was going to do is follow the suggestion made by Council Member Robinson; that they were hearing two sides and the agency was controlled by the Federal Government, rules and regulations were not set by this Council, so they were going to call on a law professor at Texas Southern University to serve, if he would, as arbitrator and come back with a recommendation and that should resolve the issue. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Dean Britton had a reputation for that type of work and he was more than capable, but her question was would they look at what he came up with with respect; that she hoped they could accept and move with his recommendations; and Mayor Brown stated that would be his expectation also. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 11111 Rubin, Houston, Texas 77047 (713-731-0495) appeared and stated that as he said before the Housing Authority was the agency that historically had wrecked senior citizens lives, created nightmares for families and destroyed the future of children; that when it came to rent the Housing Authority was known for voodoo mathematics, there was no logical reason for any public housing resident to have their rent jump from \$400.00 to \$800.00, however, there were laws on the book that said between annual leases it should go up no more than 10%; that they expected the Housing Authority to tie market rents to neighborhoods appreciated property value as opposed to citywide fair market rent set by HUD; that in 1998 Mayor Brown created a moratorium on building at APV to protect their dead and now he wanted him to create a moratorium on rent increase to protect their living. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that it was his understanding the rent increasing was put on hold. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Keller stated that he remembered this had been a problem for a longtime and he thought it was brilliant of Council Member Robinson to make the suggestion he did; that today they got their money's worth coming to Council and he would assure them Dean Britton would see the opportunity for the right thing to happen; that during development the Mayor had some say because they needed permits, etc., but now they were self-contained and the city could not invade, if Sheila Jackson Lee could not get attention Council could not; that everyone on Council wanted this to workout, but the Mayor could not make a call on HUD's field. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would get something in writing for them regarding the rent increase in response to his request and get it to him. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, 2420 South Piney Point, Houston, Texas 77063 (no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Ovide Duncantell, 8002 Crestwick, Houston, Texas 77083 (281-561-6606) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Melissa Thibodeaux, 1834 Southmore, Houston, Texas 77004 (713-942-8920) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Claudio Carugai, 813 E. 26th, Houston, Texas 77008 (832-618-1304) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Darrell Lucas, 2411 Green Rock Houston, Texas 77032 (281-821-2640) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (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. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he wanted the UN Security Council to veto everything the US had to say; and continued with his personal opinions until his time expired. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official president of the US and candidate for 2004; and continued with his personal opinions until his time expired. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address ( no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Josh Bullard, 2600 Westridge #237, Houston, Texas 77054 (713-839-1505) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

At 5:15 p.m. upon motion by Council Member Sekula-Gibbs and seconded by Council Member Goldberg, City Council recessed until 9:00 a.m., Wednesday, March 12, 2003. Council Member Wiseman absent due to being ill. Council Member Quan out of the city on city business. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 12, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 12, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Assistant City Attorney; and Ms. Martha Stein, Agenda Director present.

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

At 9:13 a.m. Mayor Brown reconvened the meeting of the City Council. Council Member Alvarado absent.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 1 through 31

#### MISCELLANEOUS - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.1611 per square foot for properties connecting to the 8-inch water line constructed by **MHL HOMEBUILDERS, L.L.C.** located along Talina Way and Hollow Hook Road - **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0262 ADOPTED.
4. RECOMMENDATION from Chief of Police for Injured on Duty status for Police Officer **DAVID G. JOHNSON** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0263 ADOPTED.

#### ACCEPT WORK - NUMBERS 5 through 6

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,146,897.46 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Lift Station Rehabilitation in Sims Bayou, GFS R-0267-27-3 (4275-15) - 04.17% over the original contract amount - **DISTRICTS D- EDWARDS and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none.

MOTION 2003-0264 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,253,052.51 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Paul Quinn Gardens and Noble Subdivisions, GFS S-0035-61-3 (WA10588) - 01.06% under the original contract amount **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0265 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,435,280.65 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Gulf Palms Subdivision, GFS S-0035-84-3 (WA10670) - 05.99% under the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0266 ADOPTED.

**PROPERTY** - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Southway Business Park, Ltd. [Oakmont Group, Inc. (William M. Burney, vice president), general partner], for abandonment and sale of Airplane Drive, from Freehill Street ±721 feet east to the west boundary of Ellington Field Addition, a 2-foot wide sanitary sewer easement, and a 10-foot wide water line easement, all located within Southpoint Subdivision, Section 3, Parcels SY3-035A, SY3-035B and SY3-035C - **STAFF APPRAISERS DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0267 ADOPTED.

**ORDINANCES** - NUMBERS 18 through 25

18. ORDINANCE consenting to the addition of 15.0001 acres of land to **FOREST HILLS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0223 ADOPTED.
19. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142** – was presented. All voting aye. Nays none. ORDINANCE 2003-0224 ADOPTED.
20. ORDINANCE consenting to the addition of 13.94 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0225 ADOPTED.
21. ORDINANCE consenting to the addition of 2.2383 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0226 ADOPTED.
22. ORDINANCE consenting to the addition of 8.7925 acres of land to **LAKE FOREST UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0227 ADOPTED.
23. ORDINANCE consenting to the addition of 338.4 acres of land to **RAYFORD ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting



aye. Nays none. ORDINANCE 2003-0228 ADOPTED.

24. ORDINANCE consenting to the addition of 96.5347 acres of land to **THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0229 ADOPTED.
25. ORDINANCE establishing the north and south sides of the 1200 block of Omar Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0230 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

1. RECOMMENDATION from Director Planning & Development Department to accept the January 2003 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0268 ADOPTED.
- 1a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$7,928,493.82 to Revenue Bond Debt Service as recommended in the January 2003 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Sekula-Gibbs.
2. RECOMMENDATION from Director Department of Planning & Development for the designation of two residential parking permit areas and related parking regulations in the University Place Super Neighborhood - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0269 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,780,495.33 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Neighborhood Street Reconstruction Project No. 432A Phase I, GFS N-0364-02-3 (N-0364-02) - 05.41% over the original contract amount - **DISTRICTS C - GOLDBERG and I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Keller stated that with this company he had repeated problems in his district with on a project for Afton Oaks and intended to tag it and was going to look into every change order and they better hope he would not find anything unusual, that it would get a lot more scrutiny than he normally would give, that he was in the construction business and the client was always right, that Monday of this week he had a constituent going to her driveway and the contractor notified her that she had to move her car in ten minutes and she said she could not move it in ten minutes and he said tough, that she tried to diplomatically buy more time and notified his office, that the contractor told her that if it was not moved in ten minutes he was going to call the police and have her car towed, that he applauded Public Works and Mr. Tim Lincoln, who had been unbelievable in dealing with some of the issues that Mr. Tim Burton had done to some of his constituents in Afton Oaks, that what Mr. Burton and CTI needed to know was that

they were representing the Council Members and the City of Houston when they were paying them millions of dollars to perform a City project, which was paid for by Mrs. Stewart, the constituent and by the other neighbors in the projects, that it was more than disrespectful and he would hope that a message was sent and that assistance was given to Mr. Lincoln to put as much teeth in his bite as possible and he urged his colleagues to watch out for any projects that CTI was doing and would be performing in their districts, that he had another incident happen Monday where they had Texas Sterling doing the same exact project in Briargrove in his district, that San Felipe was being reconstructed and it was impossible for the parents of Briargrove Elementary to get their kids, that the contractor was going to lose a lot of money by turning off every piece of apparatus and equipment that had an engine from 7:30 a.m. to 8:00 a.m. and from 3:00 p.m. to 3:30 p.m., that the contractor, out of his own pocket, hired HPD and was paying for HPD to walk the kids on the perimeters, the three entrance and exists of Briargrove Elementary, that was cherishing the clientele, that Texas Sterling, Mr. Pat Manning, the right way, Mr. Burton, CTI, the wrong way, that he hoped everybody would notice that because their projects were only as good as the contractors performing them, that he was going to tag Item No. 5.

Council Member Tatro stated that he would ditto what Council Member Keller stated and would add his tag to Item No. 5.

Council Member Alvarado stated that she wanted to take a point of personal privilege and recognize a group of students who were joining them today, Ms. Anderson's Fifth Grade Class from Brookline Elementary in District I and asked that they stand and be recognized and thanked them for being present and hoped they learned a lot observing the City Council.

Mayor Brown stated that he wanted to welcome them to City Hall and the City Council meeting and hoped that they would consider public service as a career and encouraged them to stay in school, get good grades and in the future they could be sitting on Council and making important decisions about how the City operated.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,911,579.74 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION COMPANY** for Generic Overlay Program, GFS N1037-33-3 (OL2033) - 04.99% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Parker.

Council Member Quan stated that he wanted to commend Public Works in the matter, that it was a company that they had dealt with for many years, they had come in under their contract goal, but they did penalize them punitive damages of \$21,000 for being late in performing their duties, that he appreciated the fact that they were taking an aggressive position to make sure that contractors that they worked with did perform in a timely manner.

A vote was called on Item No. 6. All voting aye. Nays none. MOTION 2003-0270 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS**

11. **NIPPON CARBIDE INDUSTRIES (USA), INC** for Reflective and Non-Reflective Materials, Part II, for Various Departments - \$293,145.00 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2003-0271 ADOPTED.
12. **AMEND MOTION #2000-756, 6/14/00, TO INCREASE** spending authority from \$22,974,940.00 to \$26,974,940.00 for Reformulated Gasoline for Finance and Administration Department, awarded to **ADA RESOURCES, INC** for a total increase of

\$4,000,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Parker, seconded by Council Member Vasquez, and tagged by Council Member Wiseman.

Council Member Tatro stated that since it was tagged he would like to know how it was factored into the current budget cycle, what impact it had on the current budget cycle and was not sure if the term of the contract was for the fiscal or calendar year, but would like to see its current impact on this fiscal year as well.

Mayor Brown stated that he would ask Dr. Scheps to give him an answer to his question.

Council Member Tatro moved to suspend the rules to hear from Dr. Philip Scheps, Director, Finance and Administration, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0272 ADOPTED.

Dr. Scheps stated that this action had no specific impact on the budget, that budgets did not change because of it, that is was spending authority, that Council Member Tatro was asking if there was a budgetary impact of higher fuel prices, the answer was yes, but all departments had to absorb that within their budgets and their budgets had been cut, but this action merely extended the contractual authority, and Council Member Tatro stated that he understood that but his concern was that they were adding more money to it and they heard at the same time that budgets were going down and his concern was how did they offset, where was the line item in the budget, was it increasing in the budget, and Dr. Scheps stated that various departments would offset it in various ways, that in his department they did not have a big fuel bill, but he would have to figure out ways to cut other things as would the Police Department, and Council Member Tatro asked if it was calendar year or fiscal year, was it towards the end of the fiscal, and Dr. Scheps stated yes, and Council Member Tatro asked if they anticipated from budget needing to spend approximately \$4 million more on fuel than originally budgeted, and Dr. Scheps stated that was a high estimate and was thinking that it was going to be more like \$2.5 million and Council Member Tatro asked if the funds would be encumbered and appropriated to that, and Dr. Scheps stated absolutely, but it did include other than the General Fund as well, that it included water and waste water, that it was everybody who used unleaded fuel, Aviation and so forth, and Council Member Tatro asked if that amount would be incorporated within the individual departmental budgets or would it be in the revolving fund, and Dr. Scheps stated that it would be billed to the individual departments, in each individual department there was a line item for fuel. Council Member Robinson absent.

Council Member Quan asked if the Central Service Revolving Fund paid and then billed back to each department and was that how it worked, and Dr. Scheps stated yes, for a variety of different things, for electricity and for print shop, it should have no balance, it had to find its sources back in individual operating budgets themselves, and Council Member Quan asked if it was an accounting function that served overall and Dr. Scheps stated that was right, that they typically did not report that because it was a revolving fund, and Council Member Quan asked if it was because it was in each department and then they just pay into the Central Service as they used it, and Dr. Scheps stated correct, and Council Member Quan asked if there was a premium added by Central Service to the department for administrative cost and Dr. Scheps stated not a premium, but they did distribute the cost, for example the print shop, there were six people working at the print shop so when someone got a print job a portion of those six people was billed out in the price of the print work, so if that was what he meant by a premium, it was nothing extra added only the cost of the staff itself, that the individuals who did the fuel budget billing he did not believe were billed back out, that was just in his budget, only the price of the fuel was billed back out.

Council Member Tatro asked for clarification and stated that when they started out the budget year they would have had \$22.9 budgeted for it, and now in the revised budget so to speak they now had to allocate \$26.9 for it and he was saying that some people were just going

to have to come up with deeper savings, and Dr. Scheps stated that was exactly correct and Council Member Tatro asked that when they put together a revised budget the \$26.9 would now be reflected in the departmental expenditures and Dr. Scheps stated yes.

13. **AMEND MOTION #2000-426, 3/22/00, TO EXTEND** expiration date from March 22, 2003 to March 21, 2004, for Tarps and Tarp Straps for Various Departments, awarded to **HUMPHREY'S TEXTILE PRODUCTS, INDUSTRIAL DISPOSAL SUPPLY COMPANY** and **HILCO INDUSTRIES, INC** – was presented.

Council Member Ellis moved to divide the question and take out Hilco Industries, Inc. and refer it back to the administration, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2003-0273 ADOPTED.

Council Member Quan moved to adopt the recommendation to extend the expiration date on award to Humphrey's Textile Products and Industrial Disposal Supply Company, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0274 ADOPTED.

### ORDINANCES

14. ORDINANCE awarding contract for Layered General Property Insurance Coverage between the City of Houston and **WESTCHESTER FIRE INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; HARTFORD FIRE INSURANCE; ESSEX INSURANCE COMPANY; ROYAL SURPLUS LINES INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY; COMMONWEALTH INSURANCE COMPANY; AMERICAN GUARANTEE & LIABILITY INSURANCE COMPANY; CLARENDON AMERICA INSURANCE COMPANY; QBE INTERNATIONAL INSURANCE; SHEFFIELD INSURANCE COMPANY; GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA; UNDERWRITERS AT LLOYDS**; providing a maximum contract amount - \$6,450,815.00 - Insurance Revolving Fund – was presented.

Council Member Quan stated that he wanted to commend the administration for being able to get cheaper insurance this year than the year before, that he knew that insurance had been a big problem and this was 4.4% lower than last years cost, so considering all the problems they had with insurance he thought that was a major accomplishment.

A vote was called on Item No. 14. All voting aye. Nays none. ORDINANCE 2003-0231 ADOPTED.

15. ORDINANCE awarding contract for Terrorism Insurance Coverage to **LEXINGTON INSURANCE COMPANY**; providing a maximum contract amount - \$383,250.00 - Insurance Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0231 ADOPTED.
16. ORDINANCE making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003; making other findings and provisions related to the subject – was presented.

Council Member Vasquez stated that he wanted to make a motion to delete the current language in Section 7 from the ordinance, that basically what it did was that it would eliminate the interim borrowing of cash by the City's General Fund, that there may be a point in time in the future when it had to occur and they did it routinely on an annual basis, however they did not necessarily have to do it at this point and time.

Council Member Vasquez moved to delete Section 7 from the ordinance, seconded by Council Member Parker, and tagged by Council Member Tatro.

Council Member Tatro stated that he wanted to remove his tag, and Mayor Brown stated that Council Member Tatro removed his tag.

Council Member Ellis stated that Council Member Vasquez said Section 7 and asked if he was to assume that was the borrowing from Fund 75498D and 12R, and Council Member Vasquez stated correct, and there may be a point and time where they had to do that but right now they did not necessarily need to that.

A vote was called on Council Member Vasquez motion to delete Section 7. All voting aye. Nays none. MOTION 2003-0275 ADOPTED.

Council Member Parker moved to divide the question on Item 16, that she would like to have a separate vote on the transfer from the Disaster Recovery Fund as one vote and then the \$10 million Debt transfer and the other small fund transfers as a second vote, seconded by Council Member Keller.

Council Member Robinson stated that he wanted to lay on the table two amendments, and Mayor Brown stated that they currently had a motion on the table and they had to dispose of it, and Council Member Robinson asked if they were going to tag or just vote to divide the question, and Mayor Brown stated that it was to separate the question.

Council Member Keller asked if they had been reimbursed by FEMA for the entire amount that they put forward, and Mayor Brown asked Dr. Scheps to answer the question.

Dr. Scheps stated that they had a lot of reimbursements coming from FEMA and some from commercial insurance, so everything they were suggesting to use was cash that had been reimbursed, that they were not fully reimbursed by either their commercial insurance carriers or FEMA, but they were not counting that, and Council Member Keller asked if they were reimbursed in that amount, the \$15 million, and Dr. Scheps stated that they got about \$30 million from insurance companies and this was the net.

Mayor Brown stated that what was before them was to divide the question, and Council Member Parker stated that it was not her intention at this point to make any difference in the movement of funds, she just wanted the ability to vote separately on the two items.

A roll call vote was called on Council Member Parker motion to divide the question.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2003-0276 ADOPTED

Council Member Robinson stated that he had two written amendments and offered the following:

“Written motion by Council Member Robinson to amend Item 16 as follows:

1. Transfer \$5.5 million from the ALP fund with \$5 million to be immediately deposited in the Rainy Day Fund and the remaining \$500,000 to be used to eliminate delaying the start of the April HPD Cadet class; and
2. Use all excess cash in the Disaster Recovery Fund not needed to help balance the FY’03 budget or payoff an outstanding bill to help purchase the “Midtown Superblock” for use as a city park and underground parking garage to be a source of future dedicated funding for the Parks Department”, tagged by Council Members Parker and Tatro.

Council Member Tatro stated that he had a couple of questions for Dr. Scheps and stated that in years past it was his understanding that when they did the certification they were in effect approving a revised budget and asked if that was correct, and Dr. Scheps stated yes, and Council Member Tatro stated that what they did not get was backup or the departmental expenditures that refer to the projected revenues being certified by the Controller and asked Dr. Scheps if he had that, and Dr. Scheps stated that he did, that he got Council Member Tatro’s request this morning and what he had asked for among other things was an individual listing of the new departmental budgets, which he had and could hand it out at the table or if it was going to be tagged he would just give it to him after the meeting, and Council Member Tatro stated that also in that memo he would like to have the administration give to them what the departments were doing to hit the numbers that the administration was putting forward as the new expenditure numbers on the revised and Dr. Scheps stated that it was in the memo too at his request, that it was just the handouts that Mr. Haines had given Fiscal Affairs, and Mr. Haines stated that they distributed a listing at the last Fiscal Affairs meeting on exactly how the \$4 million was being reconciled and would just simply refer him to that document, that was what it was, that he thought it was pretty clear and if he needed more detail on it they would be glad to visit with him, but they went through it pretty basically and that was essentially dealing with reduction in force, and Council Member Tatro requested again that he would like a departmental detail on what the department directors were doing to hit the new budget numbers, the new expenditure numbers, which were included in the ordinance, and additionally he would like to know from Dr. Scheps, if they were going to be certifying \$1.399 million as the expenditure level, and would like to know at what point and time those expenditures as they rise or as they did not fall as drastically as the administration thought they would with the cuts, at what level of expenditure the administration was going to need to look at the furlough issue to balance the budget, and Mayor Brown stated that he had not given Dr. Scheps an answer to that and would direct him how to respond.

Council Member Ellis asked Dr. Scheps, on the \$15 million from the Disaster Recovery Fund, it was his understanding that it was already supposed to be transferred into the Rainy Day Fund per the last budget cycle, so were they just renaming it and was it already in the Rainy Day Fund, and Dr. Scheps stated that it was not, that it had never been transferred, and Council Member Ellis stated that it was their understanding that they would reimburse the Rainy Fund with the recoveries up to \$15 million, which would give them at a total of \$20 million in the Rainy

Day Fund, and Mayor Brown stated that it was not a reimbursement because it had never been there, that it was to be added to the Rainy Day Fund, and Council Member Ellis stated that his request and his concern was when were they going to repay the \$15 million to the Rainy Day Fund, was there a commitment or a date in Fiscal Year 2004 that they would do that, and Mr. Haines stated that the answer was no, that was all there was in terms of recovery, that there may be some increment on top of that but it would not be more than \$2 million or \$3 million and that was under appeal or a process between them and FEMA and the insurance companies, that in terms of recovery against that \$25 million original amount that was appropriated for disaster recovery they believed that at this point they had recovered \$15 million of it, that \$15 million was intended to go into the Rainy Day Fund but it would not be there any more, and Council Member Ellis stated that they were not discussing the same issue, that his question was that they had earmarked it for the Rainy Day Fund and they were not going to transfer it to the Rainy Day Fund they were just going to transfer it to the General Fund, when were they going to go back and pay back the Rainy Day Fund, the \$15 million that the City Council agreed to do in the last budget cycle.

Council Member Goldberg stated that it was not a loan, that it was just a gift basically and Mr. Haines stated yes.

Council Member Parker stated that was why she made her motion to divide the question so they would all be very clear that what they were doing was that instead of beefing up the Rainy Day Fund they were tapping the Rainy Day Fund, that it would be their vote that it was a rainy day and she wanted the Council to have a heads up vote on it.

Council Member Ellis stated that he knew that the Disaster Recovery Fund was earmarked to go into the Rainy Day Fund but was under the impression that they were going to make up the difference in 2004 and reimburse and get the Rainy Day Fund back up to \$20 million, and Dr. Scheps stated that with the budget gap they were facing for 2004 there was very little chance there would be the opportunity to do that.

Council Member Robinson stated that was why he sent out the memo last time and thought they needed to have the full discussion and was glad they were going to have the weeks delay, that the question was do they use FEMA or do they take the \$16 million and know what the repercussion was that they would have a water and sewer increase next year, that the way they would avoid the rate increase was to leave \$10 million of ALP and shut off the 5% transfer and start doing what Council Member Tatro had said ever since he got to Council and start a pay as you go program in water and sewer out of the R&R \$250 million surplus, so it was a multiple of things and that was why he thought they should have everything before them.

Council Member Ellis moved to suspend the rules to hear from Ms. Judy Gray Johnson, Controller, at this time, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0277 ADOPTED.

Upon questions by Mayor Brown and the Council Members, Ms. Johnson stated that the Controller's certification, Ordinance No. 16, was in relation to the full ordinance of all of the parts of the ordinance in her discussion with Dr. Scheps last week, that she made it clear that if the Rainy Day Funds and the Disaster Recovery Funds were going to be used to balance the budget that they would indeed need some sort of borrowing authority to be able to get through the end of the year on a cash basis and he agreed that the Any Lawful Purpose Funds and some other funds would be included in the ordinance to give borrowing authority in addition to the spending authority, that she wanted to explain part of what may not have been clear, when they were passing the appropriation ordinance they were giving spending authority, the full amount, they were authorizing the departments to make those commitments and spend the money, spending authority without the ability to pay all those bills when they came due simply did not work, they had to have the cash authority to be able to pay those bills as well, before June 30, 2003, if that was when they were due, the analysis of the cash connection and the revenue connection

indicated that they did need \$20 million of borrowing authority in addition to or as compliment to the spending authority, in other words if it passed in its original form they would make the commitment to spend almost \$1.399 billion, they needed the capacity to pay those bills when they came due and the certification spoke to the money being received in the treasury during the current fiscal year, they did not project enough cash to be in the treasury to go with those revenues and transfer authority, without the additional borrowing authority, it did not have to be \$31 million, it could be as low as \$20 million, but they did need to have that and her certification of the availability of funds included that and could not maintain that certification, she was not sure of the right legal language, she needed to withdraw her certification if that amendment to eliminate the borrowing authority stands, on that basis she could not maintain the certification, she had to withdraw it, and Mayor Brown asked if that was because of the amendment, was it accurate, and Ms. Johnson stated yes.

Upon questions by Council Member Galloway, Mr. Haines stated that no, the department expenditure reductions involved neither layoffs nor furloughs, it was strictly pulling down spending based on current vacant positions or other kinds of activities that they were not going to spend, that there was no consideration at all in this proposal that related to layoffs or furloughs.

Upon further questions by Council Members, Ms. Johnson stated that she did suggest that an alternative would be to make additional cuts in departmental expenditures, there was considerable doubt that without the authority to do furloughs that those could be achieved, just looking at the numbers, not a value judgment as to what level of service or what type of service was better, one or the other, she was not saying that, but just looking at the numbers in terms of what discretionary funds were left so late in the year, there were not that many and in order for departments to be able to cut expenditures without cutting core or essential services she thought they probably needed some authority to do furloughs, there were alternatives just in terms of the dollars and the cents, such things as cutting overtime for police officers was probably not high on any ones priority list, that it was not that they had no means of achieving some of those dollars in terms of cuts to expenditures, but if they wanted to do that without cutting services any further than they may need to cut them, that was why she suggested that the departments would need to have the authority to work with the Mayor and that was why she suggested that the furlough ordinance should be part of the package; that the last analysis she had seen, and thought Coastal Securities may have updated them since the last analysis, but the last analysis that she saw indicated that a rate increase was going to be needed in Fiscal Year 2004 in either case, unless there was a substitution of funding from a storm drainage fee, but without the storm drainage fee the projections of the numbers showed a rate increase in either case, whether they used the \$16 million putting it back in the water and sewer system or whether they transferred it out, that they still might need rate increase whether they send that money out keep it in; that she did not expect that a few weeks would make any difference in the level of revenues that they were willing to certify, that the general appropriation ordinance needed to be passed and without it they ran out of appropriation authority from the continuing appropriation, they had not done that analysis since it was coming forward, that their estimates were that they could go certainly into April, but she was not sure how far into April, but was sure they could go a few more weeks without running out of continuing appropriation ordinance authority.

Dr. Scheps stated that a line test for the Council was if they were going to use balances or were they going to go to the employee, the longer they waited to furlough to get the same dollars was a much harder thing for the employees to deal with, there was no third option, if they wanted balances then they pick the balances or if they wanted to go to furloughs with the employees, there was no third choice, that if they did not agree to balance it, sooner or later, with three or four weeks from now the furloughs were the remaining option and the longer they waited the harder it would hit the employee to raise a certain amount of money, that if they ended up not using any of those balances for whatever reason, which was their recommendation, they would hit the employee harder because it would be compressed into a shorter period of time, the result would be that the same dollars would have to be raised for the employee over a shorter period of time, that if there were cash borrowing authority and if they agreed to use balances to meet the



Controller's test there was no reason for furloughs.

Upon further questions, Ms. Johnson stated that yes, she agreed that it was an ordinance that she could certify the funds were available for, that she thought it was stated in a way that Council understood, that on her part there was no intent whatsoever to mislead or confuse and did not think that Dr. Schepps or Mr. Haines were intending to, that the question she answered was a fairly narrow one, that she was not trying to suggest that it made no difference when they decided, but certainly she thought it behooved City Council to make the right decisions and consider them carefully, that she could not agree and could not certify the ordinance without Section 7, she could not agree that she could certify that the funds would be received in the treasury during the current fiscal year, that was what she had been asked to sign and what she had signed on Item No. 16, that without that cash availability she could not say that and it was not prudent to have spending authority, meaning that the City could agree, move forward, commit the funds, make the contracts, have the services performed and then not be able to pay the bills, that was not the same thing, that if they meant that the whole ordinance could be postponed, then certainly, that if they meant that they could postpone the borrowing authority question and retain the ordinance without it then she could not agree to it, that her suggestion if they wanted more time, she would postpone the whole item for a few weeks.

After further discussion, Council Member Wiseman stated that she wanted as much detail as possible and would be tagging Item No. 16 and would like to visit with the Controller, Dr. Schepps and Mr. Haines. Council Member Ellis absent.

Council Member Robinson moved to transfer \$16,000,000.00 from the Any Lawful Purpose Fund to the General Fund, seconded by Council Member Galloway and tagged by Council Member Tatro. Council Member Ellis absent.

Council Member Robinson moved to transfer \$15,000,000.00 from the Disaster Recovery Fund to the Rainy Day Fund, seconded by Council Member Tatro, and tagged by Council Members Tatro and Parker. Council Member Ellis absent.

After a further lengthy discussion, Ms. Johnson stated that they had done inter fund borrowings at the end of the year, that the item that was deleted from Item No. 16 was the authorization to do that if needed, that whatever amount up to what they approved they could borrow against, that was how it was written, that it did not have to happen in April or March, that they had an appropriation in place that was passed in June and as long as they did not spend more than that appropriation they could carry it all the way through to the end of the year but would be limited to the amounts in that original continuing appropriation ordinance, the amounts that were proposed today were greater than that, that there was no legal requirement to certify the funds for a new appropriation prior to the time they were going to run out of funds from the existing appropriation, that Dr. Schepps stated a couple of weeks ago that they intended to proceed very soon with the appropriation ordinance, that the general appropriation would be done as quickly as they could that was their intent and they needed her to give them the amount of what revenues she was willing to certify and move forward and when they talked about the level of revenues that could be certified it was on a budgetary basis which had some differences with the cash requirements, that what they had said when they went through there was that it was the level of revenues they could certify on a budgetary basis but they also needed to be able to pay those bills as they came in, that they needed borrowing authority in addition to that or they would have to lower the amount of the revenue certification, that for the last few years they had the circumstance where after they had the certification although the revenues were coming in as predicted, the cash flow may not have been there and then they had gone back to Council and said they needed the additional cash because it was different than the cash that was anticipated at the final certification, that the Controller at that time could indeed have come back to Council and said she would withdraw her certification, but since there was an agreement to go forward with the authority to borrow there was no need to do that and no need to act in a way that would send a message that things were more serious than they were, that was conceptionally not different than where they were today it was just that in prior years the cash issues came up after the original. Council Members Quan and Berry absent.

Ms. Susan Taylor, Legal Department, stated that the Charter process was that before they could approve an appropriation or an expenditure authorization the City Controller had to have certified that there would actually be funds in the bank by the time the bill came due, not necessarily that they were there today, but that they would be there by the time the bill came due, that in this case, in the general appropriation, which was on the actual ordinance, the \$1.399 billion number that the Controller was certifying would be in the bank by the time the fiscal year was over and the bills would come due, that what she understood the Controller to be telling them was that in order to certify that those funds would be available before the end of the fiscal year she was relying, at least in part on, these various appropriations as well as Council approving the interim borrowing to bring the cash forward, even in perhaps the last few days of the year, that she would not necessarily have to make that conclusion but that was her conclusion, that she needed to have that Council authorization in place in order to certify that they would have funds available to cover that full appropriation amount, that she thought if they were to delay the approval of the interim borrowing what the Controller's response might well be was that she could not certify beyond the amount that was available without that borrowing, so they would not have the general appropriation in front of them to vote on they would have another interim appropriation, but she really did need that piece as she understood it from the Controller. Council Members Goldberg, Quan, Berry and Robinson absent.

After further discussion, Council Member Ellis stated that it was his assumption that the main item would be tagged and there was a \$20 million gap that could be made up by cutting expenditures or by transferring of the funds and assumed that would work for the Controller, so they had two weeks to find that \$20 million so he would tag the item, and Mayor Brown stated that Council Member Wiseman had tagged the item, and Council Member Ellis stated that he would tag it as well, and Council Members Robinson and Sekula-Gibbs tagged the main item as well, and Mayor Brown stated that the item had been tagged by Council Members Wiseman, Ellis, Sekula-Gibbs and Robinson and Council Members Tatro and Keller asked that their tag be added also.

17. ORDINANCE appropriating \$22,500,000.00 out of City of Houston Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes Series A for a refund to Series E Commercial Paper C & E Fund used to acquire the Superblock located immediately across from the George R. Brown Convention Center – was presented, and tagged by Council Member Keller.
26. ORDINANCE approving and authorizing acceptance of funds for the **TEXAS DEPARTMENT OF HEALTH SEXUALLY TRANSMITTED DISEASE PREVENTION AND CONTROL PROGRAM** (TDH Contract No. 7460011640-04); declaring the City's eligibility for such grants; authorizing the Director of the Health and Human Services Department to expend such grant funds and to accept and expend subsequent awards, if any - \$1,435,997.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0233 ADOPTED.
27. ORDINANCE approving and authorizing the execution of Airport Joint Use Agreement between the City of Houston, **THE UNITED STATES OF AMERICA** and **THE STATE OF TEXAS** regarding the use of Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2003-0234 ADOPTED.
28. ORDINANCE approving and authorizing compromise and settlement agreement and full and final release between **MOISTURE CONTROL TECHNOLOGIES, INC (MCT)** and the City of Houston to settle a claim - \$48,898.60 - Enterprise Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0235 ADOPTED.
29. ORDINANCE approving and authorizing interim treated water supply contract between the City of Houston and **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY** –

was presented. All voting aye. Nays none. ORDINANCE 2003-0236 ADOPTED.

30. ORDINANCE appropriating \$4,638,128.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing engineering services agreement between the City of Houston and **CORPRO COMPANIES, INC** for Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, CIP S-0037-02-2; providing a maximum contract amount for budget funding - \$648,240.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0237 ADOPTED.
31. ORDINANCE appropriating \$4,771,582.00 out of Water & Sewer Consolidated Construction Fund, and awarding contract with **KENNEDY COATING INSPECTION SERVICES, INC** for Water Tank Evaluation, Flush/Disinfect and Inspection Services for Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2003-0238 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 36C

32. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 26 on Agenda of March 5, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. MOTION 2003-0278 ADOPTED.
33. ORDINANCE approving the issuance of Notes by the **CITY PARK REDEVELOPMENT AUTHORITY - DISTRICT A - TATRO** – **(This was Item 40 on Agenda of March 5, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0239 ADOPTED.
34. 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** – **(This was Item 47 on Agenda of March 5, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0240 ADOPTED.
35. 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** – **(This was Item 55 on Agenda of March 5, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0241 ADOPTED.
36. MOTION by Council Member Robinson/Seconded by Council Member Galloway to amend Item 36c below 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 – **(TAGGED BY COUNCIL MEMBERS ROBINSON and GALLOWAY)** – was presented.

Council Member Parker moved to refer Item Numbers 36, 36a, 36b and 36c back to the administration, seconded by Council Member Tatros. All voting aye. Nays none. Council Member Keller absent. MOTION 2003-0279 ADOPTED.

- 36a. WRITTEN MOTION presented by Council Member Vasquez to amend Item 36c below:  
Amend the first line of the caption to insert "and Chapter 18" after "Chapter 14."  
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)** – was presented, and referred back to the administration by MOTION 2003-0279.
- 36b. WRITTEN Motion presented by Council Member Robinson to amend Item 36c 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.  
**(This was Item 60 on Agenda of March 5, 2003, POSTPONED BY MOTION #2003-218)** – was presented, and referred back to the administration by MOTION 2003-0279.
- 36c. 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 60a on Agenda of March 5, 2003, POSTPONED BY MOTION #2003-218)** – was presented, and referred back to the administration by MOTION 2003-0279.

Council Member Parker stated that in referring it back to the administration it was possible that Council would not pass the entire Item 16 that they just passed so much time debating, in which case the last resort option was a furlough so the administration could bring the item back as early as the next Council meeting and asked if that was correct and Mayor Brown stated yes. Council Member Keller absent.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Berry stated that every week they were asked to vote on provisions in a hasty environment because if they did not there would be dire consequences, so they did everything on a weekly basis without setting long term precedence, that he had gone back and looked at what they had done since Fiscal Year 1999 and the shortfalls they had seen every single year since 1999 and reviewed a series of Chronicle articles, and stated that as their forthcoming budget comes forward he thought they all needed to recognize that they needed to be a lot more conservative in their revenue projections and that when Council Member Ellis suggested late last summer and early fall that they were in for terrible times due to not collecting the funds they were supposed to he was called any number of things or at least his projections were considered unrealistic and thought that they all saw that the bill had come due and yet they were about to enter another budget cycle and hoped that this time, for the first time, they would get it right and not forecast too high. Council Member Galloway absent.

Council Member Ellis stated that this week in the Regulatory Affairs committee meeting they unanimously passed a proposed ordinance, which they called the Debtors Ordinance, of which he knew that the Mayor had been helpful with through the Legal Department and believed that it would be brought to the administration in the next 10 days and would hope that they could have it on the next Council agenda, which was two weeks out, so he would request the Mayor's help with putting the proposed ordinance before the full body for consideration, and Mayor Brown stated that as soon as

Legal finishes its write up they would put it on the agenda. Council Member Galloway absent.

Council Member Goldberg stated that he thought this week that the case of Josiah Sutton had really brought home the fact that something was desperately wrong in their DNA Lab, that Mr. Sutton had spent 4 ½ years in jail and it was difficult to determine the guilt or innocence now, it certainly was a factor and there had been comments from some jury members who said that it was “the factor” that led to the conviction, that the DA’s office and the County and the prosecutors depended on the City’s DNA Lab to give them the evidence and then they go with it and they did not question it and obviously jurors did not question it either, that a lot of them convict solely on the basis of DNA, that he thought that because of the plight maybe it was time for the City of Houston to get out of the DNA business. Council Members Tatro and Alvarado absent.

Mayor Brown stated that it was really unacceptable for something like that to happen, they were in the process of determining what the future to be but they were not doing the analysis in the crime lab right now, it was being contracted out. Council Members Tatro and Alvarado absent.

Council Member Wiseman stated that last week she brought up her concerns about the Fire Department’s budget and rumors that had been circulating with respect to possible closings of some fire stations, that she received a memo from Chief Connealy and read the following, “I want to address your concerns about some information that has been forwarded to you concerning potential fire station closures that was discussed at last week’s City Council meeting. I do not know where you received this information, but it is very premature at this point. I have been working with the various employee groups on different scenarios if the department’s budget is reduced. I told City Council last year at budget hearings that any further cuts in the department’s budget would require fire station closings, the budget that I am submitting for FY04 does not require the closing of fire stations. It is not my intent to close any fire stations; I want to assure you that adequate fire protection coverage will be provided to the citizens of Houston“, that basically it did not answer her question and she was still concerned because he did not deny that there were any possible plans to close fire stations, that she had asked the union representatives if they had been included in the discussions that the Fire Chief said he had with various employee groups and they had not, that she would like to visit with the Chief to get very specific answers. Council Members Keller and Alvarado absent.

Council Member Wiseman stated that with respect to Fire Station 102 in Kingwood she wanted to thank the Agenda Director, Ms. Stein, for bringing her an update on that from Building Services and wanted to thank Ms. Monique McGilbra for a prompt response on one part of her inquiry, that with respect to the broken up drive she had not received a response to that yet and would like that as soon as possible. Council Members Keller and Alvarado absent.

Council Member Wiseman stated that she had been contacted by several constituents in the Clear Lake area with respect to some changes at the Clear Lake Golf Course and plans to convert it to mix residential space in violation of current deed restrictions for that area, that she would like to meet with a representative of the Planning Department to see exactly what was going with the situation and see what they could do for the residents. Council Member Alvarado absent.

Council Member Galloway stated that she had reported about trees being cut in the park in her district and would like an update on what they were going to do about the loss of all of the pine trees at the park and what penalties or fines they might be considering because some of the constituents in that area were very concerned about the loss of the trees in the park so she just wanted them to investigate thoroughly and then give her a briefing or let her know what was the outcome of that. Council Member Alvarado absent.

Council Member Galloway stated that she wanted the administration to work with ASCME Local 1550 before they brought the furlough and layoff back to the table because she thought they had some ideas as to ways that it would be fair for all of the employees and so she hoped that the administration would work closely with them as well. Council Members Tatro, Goldberg and Alvarado absent.

Council Member Galloway stated that she knew they had some problems with outstanding parking fines and thought that it might be coming to Council Member Ellis's committee but would love to see the Regulatory Affairs Committee address the issue about the taxi companies being charged for the fines of parking tickets for their drivers, that she would like for them to really do something about the problem to eliminate it so it would not continue because it was another revenue they were losing. Council Members Goldberg and Alvarado absent.

Council Member Robinson stated that he hoped as they started this years budget process everybody would put all their cards on the table from the very beginning so they could work their way through whatever the implication and repercussions so they would not have surprises at the end. Council Member Goldberg absent.

Council Member Robinson stated that in light of Council Member Goldberg's comments, the DNA Lab was important but thought the real issue was that the State ought to impose a moratorium on the death penalty and deal with the issue of DNA testing and the quality of the laboratories and the evidence all across the State if they were really going to address it. Council Member Goldberg absent.

Council Member Robinson stated that he hoped the administration would start the process of trying to develop some kind of valet parking zone fee. Council Member Goldberg absent.

Council Member Robinson stated that a couple of weeks ago he sent Mayor Brown a memo of the approximately \$1 million that was owed to them by TXDOT and had not heard anything from anybody since about whether or not they had started the process of collecting that money and wanted somebody to let him know what was going on. Council Member Goldberg absent.

Council Member Robinson stated that he wanted to thank Council Member Vasquez and the Regional Planning Committee for endorsing the concept of asking the Mayor to bring forward as one of his reports a briefing from the Houston Rockets on where they were in the process of fulfilling their 30% commitment on MWBE participation at the new arena, that when they came to ask Council to put it on the ballot for the voters they were very forward and frank and he expected the same kind of relationship knowing Les Alexander and George Postolos and Council Member Vasquez stated that that he agreed with him.

Council Member Robinson stated that he knew that somewhere out there he had asked the department directors to look at the issue of consolidation and hoped that they were making some progress on it because he thought that at the end of the day that was one of the great things they could leave the City in terms of long term, positive change and cost efficiency.

Council Member Robinson stated that during the discussion on Item No. 16 and the possible implication as to water and sewer rates he knew that over the years Council Member Keller had mentioned the fact about looking at what they could do in the area of water and waste water treatment plants along the model that they had already used at the Southeast Water Plant where they would do some sort of competition with City employees against the private sector to see if they could have some savings because even if they could do a zero rate increase this year they would have to do some things and hoped that he would be willing to work with him at the TTI Committee with the administration in the coming months, that he thought that on March 24, 2003, Mr. Haines would come back to continue the briefing they had been having on the water sewer and drainage fee and hoped that Council Member Keller would be willing to talk about some of the ideas and how they could integrate those on the water sewer treatment plant issue.

Council Member Edwards stated that she wanted to join Council Member Robinson's statement regarding the crime lab, their office was sending a letter to Governor Perry requesting that he declare a moratorium on the death penalty in the State until the crime lab situation was cleared up, that she understood that there were several people on death row who were there from evidence that had come out of the lab and so she thought it was only appropriate and good common sense that they ask for that moratorium until the issue had been cleared up completely.

Council Member Edwards stated that she had mentioned several times about the rise of Hepatitis C in their communities and had sent an official memo to Dr. Kendrick asking if they could tie in testing for Hepatitis C with the HIV testing that they were doing in those areas because there was a very strong correlation just on empirical data that she had seen and would appreciate the administration's assistance in at least starting the dialog to see if they could move so maybe they could help more people at the same time. Council Member Wiseman absent.

Council Member Edwards stated that she wanted to thank everyone for their support on the Chocolate Bayou Festival, that in spite of the rain they had over 10,000 people attend, according to the Parks and Recreation, that it was like a big family reunion, that it was great and they had no incidents at all, that she would send out an official thank you, and Mayor Brown stated that he wanted to congratulate her on a very successful event. Council Member Wiseman absent.

Council Member Tatro continued discussion on his concerns regarding the certification on Item No. 16 and asked Council to refer to the notes of the department directors and how they were achieving their cuts, were those cuts realistic and were the administrations projections on costs and expenditures realistic. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he held a townhall meeting last Thursday to try and help find some long term solutions to the prostitution problem across the City, that behind the scenes officers had told him that it was difficult for them to crack down on prostitutes when they were encouraged to adhere to what was called the eight point productivity standard plan that was being administered by HPD, that there were eight standard activities that HPD used to rate officers performance and in order to meet the minimum productivity standards each patrol unit must earn an average of eight points for each day worked of the calendar month, so for example a patrol union would earn one point if a suspect was placed in jail and another if an accident report was made, since concerns had been raised he would like to receive a briefing on the productivity standards and how they were impacting basically law enforcement and it may be something that Council Member Edwards might want to consider for the Public Safety Committee. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that as they all knew the Houston Police Department budget had increased by \$70 million over the past 5 years and about three or four weeks ago he requested a breakdown of expenditures by category and had yet to receive that, that he was asking Mr. Haines and the Mayor's help to get the ball rolling and to get that information. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he would also like some information on the Safe Routes to Schools Program, which was funded through State and Federal Funds and private contributions, that evidently the City did submit some applications, that they received a number of applications and they submitted one and it was disqualified so he wanted to know how the City decided, from the many applications that were received, how they decided which one to go forward with and why their particular application was disqualified, that it was about more than \$5 million for projects to improve children's safety in terms of how they go to school and the routes that they take to school, that as a former school board member and current City Council Member, children's safety around schools continued to be an issue of his. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he wanted to wish a happy birthday to his Chief of Staff, Lisa Diamond. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that as Council Member Robinson mentioned, he thought it was important for the Mayor to have the Rockets come forward and brief Council on March 26, 2003,

that the Regional Planning and Economic Development Committee did vote that out of committee and request the Mayor to bring the Rockets to Council, that he did think it was important to have either Les Alexander or George Postolos. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he would like to say thank you to the HPOU and the police officers for what they had done because he had no idea what today's deliberations would have been like if they were looking for another \$13.5 million, that he thought it was important to note that those guys, earlier in the week, voted among themselves and the rank and file voted 90% to approve the new agreement, that he was glad that they were able to do it and thought it was very forward thinking and thought it saved services and showed that they were true public servants. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he now thought it was incumbent upon them to look for their way to start saving and one way that he thought they possibly could save \$40 million over the next few years, and some cities had done it, was to privatize, that he had a budget amendment the last three sessions to privatize water and waste water, the maintenance and operations of water and waste water, that they did it with their water plant and saved \$12.5 million, they should continue that kind of behavior, that in all of the cases of privatizing water and waste water, nobody had shown an increase, the minimum of the cities that they had researched had a 10% decrease when they had attempted the privatization, when they would do the privatization of the storm drainage system maintenance, which was possibly \$40 million to the City, that amount of money could be put back into other projects in the CIP, it was no loss and he hoped they would be able to pull it into the TTI Committee and formulate a way to approach it with the input of the Director of Public Works, and to keep in mind, like they had done with the southeast plant and some of the others in the Nation, a lot of companies came to them with a huge lump sum of money, an up front payment of about \$60 million for them to award the contract, which certainly should be duly noted in the upcoming budget discussions. Mayor Brown, Council Members Tatro, Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he had just returned from the National League of Cities and had a chance to meet the Mayor of Indianapolis, as well as the Council President of Detroit and would be more than happy to discuss with Council Member Keller what they had told him about some of their privatization efforts. Mayor Brown, Council Members Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that in going to the conference he was enlightened about the problems that other cities had, that New York City had an \$11 billion shortfall and had laid off 3,500 police officers and increased their property taxes by 25% and they were still \$4 billion short of meeting their budget, so while he thought they should all do their homework and certainly come up with as many ideas as possible these were not things that were unique to Houston right now, that Beaumont, a City of 115,000 people, just laid off 130 of their employees because they could not meet their budget in that city as well, so he thought that if they all worked together they could overcome their problems in Houston. Mayor Brown, Council Members Tatro, Galloway and Wiseman absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they would have a little bonus next year, which would be the Super Bowl coming to Houston, that there was discussion last week of how they get their citizens involved in the process, that there was an orientation that was given last week and his office had a chance to attend and they would be more than happy to share, at maybe one of the committees, of how they could get more citizens involved, that they were looking for venues, entertainment, souvenirs and other opportunities, that with a \$300 million impact that it would have to the City they needed to look at every avenue they could to capitalize on the opportunity. Mayor Brown, Council Members Tatro, Galloway, Wiseman and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that yesterday they had the Police Officer of the Year Award and Council Members Parker and Ellis were present, that they recognized Officer Thurston Roberson for



his fine work, that he thought he was a symbol of all of the other fine officers that went out every day to do their job, that there were also the officers for Officer of the Month for each of the month and wanted to recognize the fine work of the Police Department. Mayor Brown, Council Members Galloway, Wiseman and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that tonight the City of Houston would be hosting a reception in Austin for the State Legislature, that as they knew they had a \$10 billion shortfall and their effects upon Houston was going to be very important, that it would be in Austin at 5:30 p.m. if any Council Member had an opportunity to go to Austin to share with the Legislature some of their concerns, that he knew they were looking at Metro right now, that he had met with some of the members of the Metro Board about the re-composition of Metro that would be more County oriented versus City. Mayor Brown, Council Members Galloway, Wiseman, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that regarding the crime lab, she hoped they were looking at other cities, that she knew that San Antonio had a very troubled crime lab and now she heard that it was one of the best, top notch, that also the City of Los Angeles was merging with the County for their crime lab, so she hoped that they looked to other cities. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that Council Member Robinson talked about the valet zones and she was very supportive of creating some sort of fee for the valet zones, they recognized that the most immediate concern was trying to relieve some of the traffic congestion and that was the main reason for creating the zones. Mayor Brown, Council Members Tatro, Galloway, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that last week they had a townhall meeting in her district, they had another incident with a young lady who had been missing for almost a week and there were many issues raised, that the young lady went to George I. Sanchez High School and there were several motels that were in the area that the community had some concerns with and she thought they needed to revisit their City ordinances to see how they crack down on some of the motels that were attracting a lot of criminal activity, such as drug activity and prostitution. Mayor Brown, Council Members Tatro, Galloway and Robinson absent. Mayor Pro Tem Quan presiding.

There being no further business before Council, the City Council adjourned at 11:29 p.m. upon MOTION by Council Member Wiseman, seconded by Council Member Vasquez. Mayor Brown, Council Members Tatro, Galloway and Robinson absent. Mayor Pro Tem Quan presiding.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary