

City Council Chamber, City Hall, Tuesday, May 13, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 13, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs M.D., Michael Berry, Carroll Robinson; Mr. Daniel Doherty, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Mark Ellis and Bert Keller absent due to being ill. Council Member Gordon Quan out of the city on city business.

At 2:03 p.m. Mayor Brown stated that Council did not have a quorum at this time and could not take up Agenda items and would not convene the meeting but would begin with the public session starting with the Non Agenda speakers. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs 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, Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Ms. Gladys House, 1605 Andrew, Houston, Texas 77019 (713-742-6995) appeared and stated that she was present asking for Council's support on the Gregory Multi-Purpose Center in Freedman's Town; that the City of Houston had totally excluded them from their own project; that they received an invitation to the Advisory Committee, but they did not want that, they had signed up for the real committee and they were wanting all three buildings on the site fully restored and wanted complete control as a team player with the City of Houston; that she was told earlier in the year she would have information within two weeks and after constant persevering and months later she was told about a meeting in April to be held outside the neighborhood and she and the others in Freedman's Town had a problem with that because if their neighborhood was to be discussed it should be done in the neighborhood; that they also wanted all three buildings restored and there was an article which stated only one would be and the other two would be demolished, Mayor Brown's group totally ignored everything they tried to proposed and it was those deceptive practices and polices they were subjected to and it needed to stop. Council Members Tatro, Sekula-Gibbs and Robinson absent.

Council Member Edwards moved that the rules be suspend for the purpose of hearing from Mr. Dadoush at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Ellis and Keller absent due to being ill. Council Member Quan out of the city on city business. Council Members Tatro, Sekula-Gibbs and Robinson absent. MOTION 2003-0453 ADOPTED.

Upon questions by Council Member Edwards, Mr. Dadoush stated that the building built in 1926 had historical significance, but the other two did not and both were in such bad shape they needed to be demolished; that any building could be saved but they would be spending a lot of money on two with no historical significance; that the intent was to preserve the 1926 building and have an addition of 16,000 square feet to the back of the building and the site would be better utilized with a park atmosphere and parking spaces; that the demolition of the two buildings had no community input but were based on professional opinion. Council Members Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Edwards, Ms. House stated that the bottom line was the buildings were neglected by HISD and the City of Houston for twenty years and they tried to get site control and were not given it and Mr. Dadoush could just say anything, but they had

nothing in writing. Council Members Sekula-Gibbs and Robinson absent.

Council Member Edwards asked that Mr. Dadoush provide her with the information which drew him to his conclusion; and Mr. Dadoush stated that he would and in addition to his conclusion they hired three separate engineers who came back with the same conclusion the buildings were dangerous to work in and needed to be torn down; that May 20th they would be holding another meeting. Council Members Sekula-Gibbs and Robinson absent.

Council Member Alvarado stated that she would like the same briefing; that there seemed to be a wide variety of support for creating a community center which would offer many aspects of the history of the neighborhood and would draw more people than a library and she felt that was what they should be doing, drawing people back; and hoped the process could be slowed down and give the community ample time to have real input. Council Member Robinson absent.

At 2:15 p.m. Mayor Brown called the meeting to order and Council Member Goldberg stated that Council Member Ellis fell and damaged his shoulder and was in the hospital and would ask that he be kept in everyone's thoughts and at this time assume an attitude of prayer; and led all in the pledge of allegiance to the flag. Council Member Robinson absent.

At 2:16 p.m. the City Secretary called the roll. Council Members Ellis and Keller absent due to being ill. Council Member Quan out of the city on city business. Council Member Robinson absent.

Council Members Galloway and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Ellis and Keller absent due to being ill. Council Member Quan absent. Council Member Robinson absent. MOTION ADOPTED.

Council Member Tatro moved that the rules be suspended for the purpose of hearing Mr. Joe Ewen and Mr. Ken Jones after Mr. Claude Cummings, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Ellis and Keller absent due to being ill. Council Member Quan out of the city on city business. Council Member Robinson absent. MOTION 2003-0454 ADOPTED.

Mr. Jack Seigler, 1401 McKinney, Houston, Texas 77002 (713-857-2126) appeared and stated that he was present speaking on the IP Telephony issue and was discouraged to learn in two months the issue still seemed to be bounding around with no decision; that as a member of a firm who adopted the same solution and saved millions of dollars he would encourage Council to vote for the proposal and move it forward; that he was with Ernest and Ernest.

Mr. Neil Duarte, 3780 Stockbridge, Sugarland, Texas 77479 (281-265-1373) appeared, presented copy of letter and stated that he was present representing the Executive Service Corps of Houston (ESCH), a nonprofit group; that they were asked by Mr. Lewis to look at the VOIP project and perform a process audit of the project and as a result found the procurement process carried out was professional in all respects; and reviewed the five recommendations contained in the letter presented to Council.

Council Member Tatro thanked Mr. Duarte for all his services given to the city and stated that he would agree the IT Department did extensive work; and upon questions, Mr. Duarte stated that they went back and reviewed what occurred during the procurement phase and assumed the project was already proven and correct and that financial assumption on the cash positive nature was correct and that the bid information on all vendors was accurate.

Mayor Brown stated that they did appreciate him and his colleagues taking their time and working with them.

Mr. Claude Cummings, 3915 Cherry Forest Dr., Houston, Texas 77088 (713-419-6044)

appeared and stated that he was president of The Communication Workers of America and present because he was concerned with the VOIP project and was urging Council to vote against it; that he did not know how many jobs would be lost but if they lost an \$8,000,000 contract it would cost jobs and they did not know if it would save money; that Council Members were told the dispatch center would dramatically improve public safety and save \$7,000,000 a year when actually those who supported it now say the savings expected were lost; that with AVAYA and SBC Council knew they had a good working relationship and they knew by signing a contract with SBC they would automatically save \$1.8 million a year.

Upon questions by Council Member Sekula-Gibbs, Mr. Cummings stated that SBC was denied negotiations and he spoke before the Technology Committee and the only time SBC was given an opportunity to show the city they could save money was after he spoke.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing from Mr. Richard Lewis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Ellis and Keller absent due to being ill. Council Member Quan out of the city on city business. MOTION 2003-0455 ADOPTED.

Upon questions by Council Member Goldberg, Mr. Lewis stated that in looking at SBC Communications, Inc. revenues for 2002 it was \$43.1 billion and the estimate of revenue savings from this project he estimated to be at \$4.2 million and that was ninety eight one hundredths of 1% and in applying it to their job count it worked out to a job loss of 17.1 jobs; that someone from Getronics may be best to answer for their personnel, but his recollection was they would have between 12 and 13 people working on the project for approximately 2 years; that by his calculation the job loss was almost minim less; that what was happening in the industry would probably have more of an impact than their particular contract.

Council Member Robinson stated that he was perplexed as to why they made this such a convoluted and complicated issue and it seemed they kept saying they had to do one thing at the exclusion of the other when to him they could do it all simultaneously; that the issue for him was why would they not move to the new tariff and it seemed they did not want to extend the contract when that should not be the argument, the argument should be an economic argument; that if they went to the new tariff there was nothing he knew of that SBC could do if they decided to start peeling away lines if they moved to the new tariff so the Administration had to be saying they were opposed to the extension of the contract and if that was the case they should just say that; and his second issue was he received the letter from Ken Jones and it continued to enforce his argument that they did not have to do things at the exclusion of the other; that he was holding in his hand a letter with another set of cost savings and he did not care who got the credit for the savings, but this was not an argument over the use of VOIP but over the footprint and whether they take advantage of the municipal rate for savings and he would like to find a way to get all things done when they were not mutually exclusive. Council Members Galloway, Alvarado and Parker

Mayor Brown stated that seemed to be the objective of the exercise they were going through and asked Mr. Lewis to respond. Mr. Lewis stated that the contract tariff, the current contract was for a five year period and required a certain amount of lines be used by the city and there were penalties if they were terminated; that a new contract required that they have at least the same number of lines and rates or better if entering a new one; that there were ways to manage the penalties and he was totally open and prepared to enter new contract negotiations and had sent a letter to SBC on the 7th with good faith language for each party in guarantying the \$1.8 million savings and if they were going to go with the VOIP it was important to ascertain the number of telephone lines they would need going forward in the future and the assessment and design phases would do that and the access capacity issues needed to be worked through before they started the implementation so the incentive fees available to Getronics did not count those lines to be reduced; and he felt the first thing to do was to proceed with the assessment and design phases. Council Members Galloway and Alvarado absent.

Council Member Sekula-Gibbs stated that in looking at the revised May 7th contract offer Mr. Lewis referred to she found it to not be such a genuine offer; that it said the city intended to enter into a good faith contract negotiation with SBC to amend and extend the agreement as soon as the assessment and design phases related to improvements were completed and that could be five months and they were losing money every day the contract extension was not initiated and it was desperately needed money; that she did not see why they could not extend the contract now for 30 months and reap the total amount of savings needed and then go forward. Council Member Galloway absent.

Mr. Lewis stated that the current contract required the city to maintain the number of lines they had and if they renewed it they needed the same number of lines and rates or better to SBC; and Council Member Sekula-Gibbs stated that SBC had indicated complete flexibility in the eagerness to extend this and were willing to work on whatever it took to make the contract work and also said it could be retroactive and they could use retroactive savings. Council Members Galloway and Vasquez absent.

Council Member Tatro stated they were looking for the footprint, stripping from the bill and getting the benefit of the amendment of the contract, dropping the footprint \$1.8 million and taking the excess line capacity out then looking at the financial benefit of VOIP; that Mr. Lewis stated it was possible that they do an assessment and design and then if they find no significant return on investment and decide not to move forward with the project was that correct; and Mr. Lewis stated the contract was negotiated to protect the city's interest if that eventuality or potentially occurred, but he did not think that was likely, the three firms which competed in the second round averaged a 55% reduction and the pilot project at the library resulted in a potential of 70% reduction in lines. Council Member Tatro stated that the fact of the matter was he had stated it was possible they might not move forward at all. Council Members Galloway, Edwards and Vasquez absent.

Mr. Cummings stated that today Southwestern Bell announced a surplus of 44 technicians in the City of Houston so he did not know where Mr. Lewis got 1.8 people on surplus and if they lost an \$8,000,000 contract they would lose more. Council Members Galloway, Edwards and Vasquez absent.

Council Member Goldberg stated that whether they did the contract or not they were losing 44 people; and Mr. Cummings stated that was correct and he did not want to lose more. Council Members Galloway, Edwards and Vasquez absent.

Mr. Joe Ewen, 6500 W. Loop South, Bellaire, Texas 77401 (713-567-5507) appeared and stated that he was the regional manager of government accounts and was not present to discuss the VOIP project at all, but since the subject of the SBC proposal entered into the discussion perhaps it would be appropriate that he continue but would defer to the Mayor's judgment and Mayor Brown stated that he would be glad to hear about the SBC proposal which he came for; and Mr. Ewen stated that the cost savings proposal placed on the table originated at the request of Council Member Robinson's committee, Chairman of the TTI, and they spent much time working with Mr. Lewis's staff and Council Member Sekula-Gibbs's staff and that effort was following 10 plus years of savings proposals from SBC communications, they had saved the city cumulatively over \$20,000,000 during that period so they were not late to the party but following their traditional service; that SBC's job was to make recommendations for the city's action and he could not compel them to take action on their recommendations; that he other issue which surfaced was whose numbers should be used in determining savings potential and they had four people working full time to compare bills rendered and checks received because it was extremely important that the bill be reconciled; that they discovered for the bill of 2002 they could reconcile about \$7,000,000 and they were not through with that reconciliation yet. Council Member Galloway absent.

Council Member Robinson stated that the \$1.8 million in the proposal they were recommending, was that money based on line reductions; and Mr. Ewen stated that it was a combination of line reductions, reduction in surplus they believed superfluous services, DID numbers and call forwarding, just a combination of things. Upon further questions by Council Member Robinson, Mr. Ewen stated that the current term plan pricing for government entities the city was under required some levels of service to be maintained, but it was important to understand that as they dropped below those thresholds the penalty was not on a total bill basis it was on the basis of per line. Council Member Robinson stated that if the city stayed on the contract they were on now they could reduce lines and pay line reduction penalty and if they moved to a new contract with the new tariff they could move to that contract after they reduced lines and pay penalty and then move over how many lines they had or move lines today and then be allowed to do the same thing reduce lines and pay penalty and the only issue was whether the reduction in tariff outweighed the penalty; and Mr. Ewen stated that he believed that was correct. Council Member Robinson stated that was the question he kept asking, if they were going to do line reduction why were they not moving to the new tariff so when they were ready to disconnect lines they would already be under the new contract and get the retroactive benefits of savings minus the cutoff penalty versus going five months and no retroactive benefit. Council Members Galloway and Vasquez absent.

Mr. Lewis stated that the first time they looked at the disconnect penalties he reported in 26 facilities there was roughly an 18% excess capacity; that they should keep in mind the Southwestern Bell savings was \$1.8 million, \$1.2 million excess capacity, \$600,000 tariff contract change; that the first time they could look at the penalties associated with the excess capacity disconnect he reported it averaged 7% and if that continued it made sense to move to a new contract so last Friday a new report was issued and savings were up to \$400,000, SBC has been asked to confirm savings and give the second piece of data on disconnect penalties and if it was still at that low level he did think they should proceed with contract negotiations on a new tariff. Council Members Galloway and Vasquez absent.

Upon questions by Mayor Brown, Mr. Lewis stated they wanted to get a response on that information. Council Members Galloway and Vasquez absent.

Upon questions by Mayor Brown, Mr. Ewen stated that they were now working on that response and should be able to get the information by tomorrow. Council Members Galloway and Vasquez absent.

Mayor Brown stated with that they should be able to make a decision on entering into a new contract; and Mr. Lewis stated he felt they would be comfortable making that judgment. Mayor Brown stated that it was correct SBC did not oppose the VOIP project; and Mr. Ewen stated yes, they had participated in the RFP response. Council Members Galloway and Vasquez absent.

Upon questions by Mayor Brown, Mr. Ewen stated that SBC provided a service to all customers including verification of usage, traffic studies and such, but typically it was done at the request of the customer and most do it annually though the city had not. Council Members Galloway and Vasquez absent.

Upon questions by Council Member Goldberg, Mr. Ewen stated that the disconnect penalties were figured once the disconnect arrangements were made and they felt they were still conservative in the \$1.8 million; that from that figure you would subtract the disconnect penalties and add back additional savings found as a part of the process, there was a termination liability with disconnecting lines and it was adjusted from the total savings; and they originally indicated they would go back to April 15th on retroactive savings. Council Members Tatro, Galloway, Vasquez and Alvarado absent.

Upon questions by Council Member Goldberg, Mr. Lewis stated that the contract with Southwestern Bell was ending in 2005; that April was the first time they saw a quantification of

disconnect penalties, about 7%, and if the second round savings came in at the same level it would seem to make good business judgment to make a longer term agreement. Council Members Galloway, Vasquez and Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Ewen stated that he had seen the HTIS study and thought Mr. Jones made reasonable assumptions and the product appeared to be good quality. Council Members Galloway, Vasquez and Alvarado absent.

Council Member Wiseman stated that the Mayor brought up looking at the lines and upon questions, Mr. Ewen stated that there was no fee for doing an annual review; that for the city it would probably make sense to have a rotating schedule for analysis where you look building to building rather than trying to look at the entire enterprise at one time. Council Members Galloway, Vasquez and Alvarado absent.

Council Member Robinson stated that Mr. Lewis said at this stage the disconnect penalty was 7% and if they were going to turn down the \$1.8 because 7% disconnect was bad and they were going to make \$4.2 on line reduction and not sure if that was net or penalty he was not going to ask; and Mayor Brown stated to answer what he would not ask if there was money to save they would pursue it. Council Members Galloway, Vasquez and Alvarado absent.

Mr. Ken Jones, 6001 Storington #196, Houston, Texas 77040 (713-462-0977) appeared and stated that he wanted to compliment Mr. Lewis's staff as they were very courteous and when looking at the same data they came to the same conclusions, but the study they did they left out 55% of the lines going into the facilities, but did agree with his math and he stood by the study he did at Council Member Robinson's request; that it did amount in three facilities to almost \$400,000 a year and the 1,156 lines represented roughly 10% of the city's lines so if they were as overtrumped on the other 90% then there was \$4,000,000 in savings though he would not make that assumption and traffic studies did need to be done on all city facilities. Council Members Galloway, Vasquez and Robinson absent.

Mayor Brown stated that he would ask Mr. Lewis to respond to the numbers; and Mr. Lewis stated they did have a productive meetings and in reviewing conclusions reached they determined Mr. Jones looked at areas they had not looked at yet, however, in the areas looked at they basically reached the same conclusions; that the city's concentration had been on phone lines and Mr. Jones looked at data lines at Riesner and voice lines at Walker, but a full report on that would be put out today. Council Members Galloway, Vasquez and Robinson absent.

Council Member Tatro stated that the IT Director previously stated they looked at 26 buildings and found 274 lines which could be reduced and Mr. Jones looked at three buildings and upon questions, Mr. Jones stated he found 1,156 lines and 540 of those could be reduced, some lines were not looked at because they did not go through the PBX and some were not looked at because of the function they were being used for and some lines they did not know of, but they all agreed the analysis he did was correct, however, they did want to talk to the departments and see if there was a business case to maintain the overage they had. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Sekula-Gibbs thanked Mr. Jones for his work and stated she was grateful to him; and upon questions, Mr. Jones stated that he graded the city service the same as a business; that at Riesner there was a total of 384 lines and 156 could be reduced where they found 50, but the issue on that site was they did not look at all the data, they did not know what some of the lines were used for and they were going to go back and determine that; that at 611 Walker he found 540 lines and able to reduce 257 and the city found 24. Council Member Sekula-Gibbs stated that she wondered if that would sort of nullify the whole process of putting the RFP out; and Mr. Jones stated that he had said the RFP was backwards, normally you would find what you had first and then go out to bid and find a solution where as here they were still trying to find out what they had. Council Members Galloway, Edwards, Wiseman, Vasquez,

Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that Mr. Jones made it clear all good ideas did not revolve around those at City Hall and that if they reached out to the community some citizens really worked hard to make Houston a better place and he did appreciate him; and regarding Council Member Sekula-Gibbs question on nullification if they went out with an assessment would they take the more conservative position of the staff and reduce or draw down the assessment recommendation or would they accept the assessment recommendation and go with a more aggressive number than what the staff would recommend. Council Member Robinson yielded to Council Member Sekula-Gibbs who stated that she believed she recalled from the RFP there was an estimate of 11,000 lines starting forward and that was the fundamental start point and the reduction in lines was part of the savings, but if they were able to reduce lines that changed the start point and the entire complexion of the RFP and she was concerned that they were going forward on an estimate with a faulty start point. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Yates, 5418 Leopold, Houston, Texas 77021 (713-747-2427) appeared and stated that she was a member of the board of the Rutherford B. Yates Museum and a member of the Greater Houston Preservation Alliance and today was present regarding preserving and restoring their history and heritage and would like to see all three buildings of the Gregory School retained and the brick streets, etc. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Yates stated that she was present when Mr. Dadoush said the buildings were dangerous, but she thought they could be fixed and were important enough to do so and would like the engineers to take another look. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Mr. Luther Brown, 3726 Tartan Lane, Houston, Texas 77025 (713-661-7734) appeared, presented pictures for Council to view of the buildings they wanted to save and stated that he hoped they were not too late to get some things in Fourth Ward they wanted; that he agreed with Ms. House they were ignored to a certain extent and thought they had an excellent plan which should be looked at; that they thought the brick streets were to be saved and now they were being torn up and out of 800 houses only about 30 were left; that they acquired several lots, a parking lot and a house with no city assistance and he was asking Council to give them until July 1st to present their plan in which they were raising funds for. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Mayor Brown asked Mr. Brown to go over what he had in mind and Mr. Brown displayed a drawing and gave an overview of their plan. Council Members Tatro, Galloway, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she visited with Mr. Brown and Mr. Medley and thought what they presented warranted further discussion and would like the process slowed down to give them time for a more thorough presentation. Council Members Tatro, Galloway, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that a lot of property in Fourth Ward was being lost and she would support the effort and felt they owed it to the work and memory of the people they were talking about. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Mr. Dan Medley, 110 Clearview #211, Friendswood, Texas 77546 (281-648-2635) appeared and stated that he was an architect and his hobby was historic preservation and had been working with the Yates Museum; that often times a historic restoration was accomplished

but there was no theme or interest and two Administrations later it was a tax burden and the doors were locked and he did not want that to happen; that they had an agreement with TSU, Rice University, University of Houston, HSPBA, Houston Opera Guild, Museum of Fine Arts, etc., they had a plan in place and agreements to entirely fund the entire process and fund at a much higher level than what was accessed on the Gregory House, they really hoped to make something inspirational in Freedman's Town and bring it to the city without any cost because the history of Freedman's Town and of those people was wonderful, it was a testament to human spirit around the world. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Ms. Chyrisse Wilson was present and would meet with him and he could brief her on their proposal. Mr. Medley stated that Friedman's town itself was a national historic district and the only one remaining in the United States and it would be a huge mistake to not recognize what they were given. Mayor Brown stated that they did recognize it and that was why they got the property from HISD. Council Members Galloway, Wiseman, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he would like to get a sheet of what they wanted him to do, specific things they wanted, as he would be happy to look at it and work with them. Council Members Galloway, Wiseman, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the work and history of Freedman's town was deserving of being respected and preserved and she was with him on it. Council Members Galloway, Wiseman, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that they had held meetings in the community and involved people in the process to take them where they were going so it was not as if there was no community involvement and he would like him to meet with Ms. Wilson so he could see the difference between their proposal and what the city was on its way to accomplishing before he slowed the process. Council Members Galloway, Wiseman, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Mr. Johnnie McFarland and Ms. Jeanette Rash at this time, seconded by Council Member Goldberg. A vote was called but not recorded as a quorum was not present. Council Members Ellis and Keller absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Johnnie McFarland, 1900 N. L. West #540, Houston, Texas 77018 appeared and stated that he was a City of Houston police officer and vice president of the Houston Police Patrolman's Union Fraternal Order of Police; that a war was being fought in the Middle East right now and what would happen if those commanders did not take care of their troops, they would be replaced; that a big part of preparing a soldier for battle was keeping their moral high and building confidence, but who was insuring the city's support system to the telecommunicators, who he asked to stand to be recognized, the people working in emergency communication at the City of Houston Police Department, who were insuring those true first responders were ready for battle; that they tried to have input into the opening of the Houston Emergency Center but all attempts were rebuffed, was it to hide the fact that the Houston Emergency Center was \$18,000,000 in the hole or was it to hide the fact that their trained, experienced and dedicated communicators would be laid off or were their attempts rebuffed because those in charge wanted to conceal the fact from Council and the citizens that they procured a dispatch system that did not work now and might not work later; that whoever was in charge of this project truly dropped the ball, now there was constant threat of terrorist attack and yet someone decided to rob the telecommunicators, the true first responders, of their livelihoods and their seniority; that they,

and only they, had the duty and obligation to send help when help was needed; that layoffs were not good for moral, policies and procedures forcing telecommunicators to go to work sick were not good for moral and not being informed on what was going on was not good for moral and finding you were being laid off through an intercepted E-mail was not good for moral; that he did not realize they were \$18,000,000 in the hole and it was hard to believe they were about to lose their trained and dedicated people who had to be there, they were not expendable; that it would be terrible to have loss of life because someone did not take care of business and if there needed to be changes he would strongly suggest looking at who was running the show and if they needed to be replaced to do so. Council Members Galloway, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she and Council Member Parker started conversations with him and other folks to try to come to a resolution; and upon questions, Mr. McFarland stated that those meetings were discontinued in January after two were held and nothing was resolved and now they were \$18,000,000 in the hole, dispatchers being laid off and a dispatch system which did not work now and probably would not in the future; that a Divisional Captain received an E-mail informing his troops some telecommunications would be laid off and one of the officers sent the E-mail to Dispatch and that was no way to treat people who had dedicated their lives to serving Houston citizens, it was just wrong; that they were understaffed now and he thought they were preparing for terrorist attack, they were in a flood plain and overdue for a hurricane. Council Members Galloway, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like an official write-up on what was going on related to layoffs and who was being laid off and so forth; and Mayor Brown stated that they were still making budget decisions; that as of today he would make his final decisions. Council Members Galloway, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that he would let Mr. McFarland make a closing statement; and Mr. McFarland stated that \$18,000,000 was already lost and they were in danger of losing trained and experienced telecommunicators and he prayed they did not need to lose lives before they made a change. Council Members Galloway, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared and stated that she wanted to explain publicly to the towing industry what she was doing; that she was working on three projects with the first being to use the vehicles that they were already towing and not tow any more vehicles than they already were; we are doing a pilot project and would collect parking tickets from those people whose vehicles had been towed so the city did not need to spend any more money to do that and people could pay their parking tickets on line at her facility; that her next pilot project had kept her very busy in Austin and the other Bill she was working on so private industry could get rid of junk vehicles and the city would not have to pay to take them from people's yards; that the Bill would cut the time they had to keep the vehicles in storage and cut out the second notice that Auto Dealers in the Police Department had to spend which would save them probably \$50,000 to \$70,000 a year; that right now if someone did not have a title to a vehicle they could not legally get rid of it and they were ticketed by the city for not getting rid of it and can't do anything with the vehicle but would be able to call them and if they could keep the vehicle for less time they would do that; that she was a little disturbed because she received a letter saying she needed to have Workers Comp Insurance to do the towing for the abandoned vehicle contract and she towed the same vehicles for 10 to 15 years without it; that the state law said she could have Occupational Insurance and that was what she had all these years. Council Members Galloway, Edwards, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that they did appreciate her doing what she did that it

should help the city tremendously; and upon questions, Ms. Rash stated that she received a letter regarding the insurance from Mr. Calvin Wells and was disappointed because the person who did not have a good bid at all got to tow 200 cars and his insurance was nothing in comparison to hers. Council Member Alvarado stated that she would like the Administration to look into the insurance issue, she was not sure why Purchasing was asking her to have it if state law said it was not required. Ms Rash stated that her third project was to get rid of the thieving rascals in their industry and they had a Bill which would make it criminal for people to overcharge in their industry and the JP could refund money if overcharged so her message would be to pack their bags and leave the state of Texas. Council Members Galloway, Edwards, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that regarding the insurance question; she was required to have Workman's Compensation because it was in the bid specs. Council Members Galloway, Edwards, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Ms. Rash stated that there would be a computer in their lobby and if there were three outstanding tickets or more they would be required to go on line or use the phone and call to pay the tickets; that it would be the same situation as usual it was still under the same law. Council Members Galloway, Edwards, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Aaron Potier, 2920 Shadowbriar #214, Houston, Texas 77082 (201-630-1875) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jonathan Howard, 2610 Elgin, Houston, Texas 77004 (713-742-1946) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jeremiah Alexander, 2610 Elgin, Houston, Texas 77004 (713-742-1946) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 2001 Bryan Tower #1938, Dallas, Texas 75201 (214-965-9454) appeared and stated that he was representing Texans Super Shuttle which was a local ground transportation company providing shuttle van service to the greater Houston area; that they formed in 2002 in response to a void created in the ground transportation industry by Coach USA who discontinued their services; that he was asking Council for official support and assistance in providing increased shuttle service to those underserved areas such as the Galleria, Reliant Park, Houston Medical Center and the Downtown and Convention Center areas that more specifically he was asking Council to endorse what was already proposed by a study commission and paid for by citizens of Houston, he was asking for a complete and immediate investigation into actions and what was viewed by Texans Super Shuttle as a systematic frustration of efforts to provide shuttle van services; that the City of Houston was prohibiting Texans Super Shuttle from delivering its passengers and additionally they were prohibiting them from transporting passengers between the two main airports, however, the city was allowing Express Shuttle which was owned by the Yellow Cab Company unlimited access to virtually the same routes and the justification was that Express Shuttle deserved preferential treatment because they had been around longer and paid more fees and by that double standard Texans Shuttle was being shut out of the market. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO

QUORUM PRESENT)

Mayor Brown stated that Ms. Warford was present and would meet with him, check into his issues and report back so they could be responsive. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would also like access to the information; and Mayor Brown stated that it would be given to every Council Member. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Quanel X, 2428 Southmore, Houston, Texas 77020 (281-472-5589) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Paula Helwick, 8600 Woodway #250, Houston, Texas 77063 (713-785-4773) appeared, presented information and stated that she was present to present a proposal for The Art America Walk of Fame Project which was a program that could impact Houston's tourism industry and raise public awareness and appreciation for American Art; that the walk of fame would serve as a veritable chronological history of American Art honoring American visual artists who made a major contribution with an exceptional body of artwork and pending approval by the City of Houston 300 American visual artists would be honored with an individual 2' x 2' mahogany granite Texas Ranger Star Plaque to be embedded into the sidewalks of seven main streets within the Museum District; that NAALA would be raising money for the project and the City of Houston would incur no additional cost to implement the program; and urged Council to vote in support of the project. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Brown, Ms. Helwick stated that to implement the Star Ranger Plaques into the city sidewalks she understood they needed the City's permission. Mayor Brown stated that someone from his staff would get with her and see what research needed to be done; and thanked Ms. Helwick for sharing the project. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Helwick stated that she was a non-profit organization and the artists would be selected by local Houston area directors of the museums, curators, art historians, etc., the organization would form a nominating committee and the money would be raised by her organization. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Youngshen Wang, 4454 S. MacGregor #1, Houston, Texas 77021 (713-842-2814) appeared, presented information to Council Members and stated that he was inviting them to the fourth Anniversary of World Falun Dafa Day and presented his personal views on Falun Dafa until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and stated that he would like Council to provide more funding for Sign Administration so they could hire another inspector trainee, he would like to be in that enforcement; that he picked signs up in the Spring Branch Area, enjoyed it very much and would like that considered. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Robert Norris was present and would meet with him and see what could be done. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Paula Harris, 12261 Fondren #303, Houston, Texas 77035 (713-988-2970) appeared, presented information and stated that she wanted Cuney Homes home of the National Guard when they were not on base and would like a response as to whether Cuney Homes would be suitable to recommend to Blacks for the National Guard, Black and African. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that they would look at her idea. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, 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, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. William Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and expressed personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was the wealthiest and most powerful and continued with his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs, 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 only official Presidential candidate and continued with his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Delayed Parker, 3201 Elgin, Houston, Texas 77004 (713-521-0629) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

At 4:38 p.m. City Council recessed until 9:00 a.m., Wednesday, May 14, 2003. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 14, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 14, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Martha Stein, Agenda Director present. Council Member Mark Ellis absent due to being ill. Council Member Gordon Quan out of the city on city business.

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

At 9:08 Mayor Brown reconvened the meeting of the City Council and stated that their first item of business would be a public hearing. Council Members Galloway, Edwards and Vasquez absent.

HEARINGS

1. **PUBLIC HEARING** to consider proposed assessments against properties in the Lamar Terrace Public Improvement District No. 2 established by City Council Resolution No. 95-121, August 9, 1995 - **9:00 A. M.**

The City Secretary stated that they had one speaker who had reserved time and another gentleman was present and would like to speak, that they would hear first from Mr. Bill Calderon of Hawes Hill and Associates. Council Members Galloway and Vasquez absent.

Mr. Calderon stated that the public hearing was on the re-adoption of the Service and Assessment Plan for the Lamar Terrace PID No. 2, that the Lamar Terrace Public Improvement District No. 2 was established in 1995 to finance supplemental services for certain public improvements within the PID, that Council approved an original five year Service and Assessment Plan in August of 1996, which provided for supplemental services and mentioned in the service plan that there would be additional assessments in the future to fund Western Re-Development Area Improvements and a perimeter fence, that the assessment rate which was approved subsequent to that initial public hearing was 8 cents per square foot for property within the PID, that today's public hearing was being held pursuant to Chapter 372 of the Local Government Code to hear public comment on the updated service and assessment plan, that the plan as proposed would provide services through the year 2011, that the current plan provided for a continuance of the supplemental services, which included security, landscaping, PID administration and zoning administration for the TIRZ in Lamar Terrace, that it provided for Debt Service for infrastructure improvements in the Western Redevelopment Area and also provided for a one time assessment that would pay the TIRZ for TIRZ funds for costs associated with the construction of the sound barrier wall, that supplemental services included administration for the development regulations for the PID, maintenance of public properties, the esplanades and public right of ways, constable services for security, which provided enhanced enforcement, also enhanced enforcement of land use regulations and board administration of both the PID and the TIRZ, that annual costs for the same were estimated to be about \$216,000, that the assessment of that portion of the Service and Assessment Plan was seven cents per square foot, that the Western Re-Development Area improvements had already been constructed and included various street and sidewalk reconstruction, street light improvements, fencing and landscaping, that in April 2000 City Council issued Certificates of Obligation to pay for the improvements and a proportionate share of the reimburseables were due to the City from the PID, that was estimated to be \$910,000 at this point and really represented the bulk of the assessment under the service plan, which was sixty one cents per square foot, in addition to the costs they were also proposing to access slightly more than two cents per square foot to reimburse the TIRZ for costs associated with the construction of the sound barrier wall on the 5500 block of Fairdale Lane that borders a commercial parking lot, and that concluded his comments. Council Members Galloway, Keller and Vasquez absent.

Mr. Richard Rieger, 5402 Lampasas, Houston, Texas 77056 (713-960-1239) appeared and stated that he owned a couple of properties in the Saint George Place of Lamar Terrace and was currently a resident there and was not present to speak against the assessments, he was one of the original persons who signed up for the annexing of the western half into the eastern half to make it one zone, that at that time the lots were all designated as R1, single family residential lots and the assessments were based on square foot basis and since then there had been a lot of redevelopment and the changing of the zone regulations to allow for some selected areas to have two residents on one lot, that the supplementary of services fee, he thought, was a little bit

inequitable in the way it was administered on a square foot basis and thought that the civic association probably should look at a more equitable method for distributing the supplemental services fees, partially on a household basis and partially a square foot basis, that since everything had pretty much been determined at this point, what he would like to see was the supplemental services fee only extended for five years instead of the ten years that had been proposed, that would give them time to possibly look at a more equitable method for distributing the supplemental services fee, that it did not amount to a whole lot of money per lot, normally a 66,000 square foot standard lot in there would be paying somewhere around \$100 per year for supplemental services, whereas the split lots would be paying about half that amount, so somewhere in between there would be a more equitable distribution of the supplemental services fee. Council Members Tatro, Galloway, Berry and Robinson absent.

Upon questions by Council Member Goldberg, Mr. Calderon stated that it was possible to do a five year instead of a ten year term under the statute, that they had presented to the TIRZ Board the option of going for ten years since the bulk of what the PID was doing now really was related more to debt service than it was to supplemental services, those services were ongoing and would continue, but they figured since the bulk of what was being paid for with the assessments was really going to be coming back to the City for the CO's that the City sold, that a ten year plan made a lot more sense, having said that it was also important to note that there was an annual review process and an annual approving of the debt budgets that would happen each and every year that the service plan was in effect, and Council Member Goldberg asked if he was saying was that the contract was able to be terminated in any year and Mr. Calderon stated that it would not be recommended at this point given the fact that when the City sold the Certificates of Obligation it did so under the anticipation that the assessments would be available to remit payments to the City for the PID's share of the Certificates of Obligations, that the supplemental services were built into the ten year plan, that it was possible to terminate the supplemental services at any time, however, to do so would effectively negate the only mechanism that was currently in place to sustain and improve the infrastructure improvements that had been financed, not only by the TIRZ but by the PID as well, and Council Member Goldberg stated that in light of the fact that the properties were increasing in appraisals at such a high rate they may be able to pay off the CO's much faster than anticipated and asked Mr. Calderon if he agreed with that, and Mr. Calderon stated yes and in fact that was one of the benefits to the annual review process that the City would be engaging in, that what in fact would be happening was that they would be looking at what kind of revenues would be generated based on the assessments that would be approved by the plan and if in fact there was too much money they would have an opportunity to back it off, and Council Member Goldberg stated that Mr. Calderon had listed in their backup five different areas of the supplemental services and requested a cost breakdown of each of those five areas, and Mr. Calderon stated yes, that they would be happy to deliver that to him and every Council Member, and Council Member Goldberg stated that from their understanding the supplemental services came up for a yearly annual review and were terminable at any point and time and Mr. Calderon stated that yes, there would be an annual review process, and Mayor Brown stated that he would have someone from Planning meet with Council Member Goldberg and work with him on his issue. Council Members Tatro, Berry and Robinson absent.

Council Member Vasquez moved to close the public hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Tatro and Berry absent. MOTION 2003-0456 ADOPTED.

Mayor Brown stated that he had on the agenda for the Mayor's Report an update on their HPD Lab Assessment, that one person was en route from the airport so he would come back to the report. Council Members Tatro and Berry absent.

Council Member Wiseman moved to suspend the rules to consider Item Numbers 35, 31, 14, 32, 32a, 38, 34 and 19 out of order, seconded by Council Member Robinson. All voting aye.

Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Tatro and Berry absent. MOTION 2003-0457 ADOPTED.

35. ORDINANCE appropriating \$911,000.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **GETRONICSWANG CO. L.L.C.** for an IP Telephony System – (**This was Item 24 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBERS TATRO, VASQUEZ, KELLER, ROBINSON, SEKULA-GIBBS and ELLIS**) – was presented, and tagged by Council Member Wiseman.
31. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department, to award to **FOCUS CAMERA, INC** \$481,699.85, **HPI INTERNATIONAL, INC** - \$54,866.70, **THE TAPE COMPANY (Bid No. 3)** \$33,440.00 and **THE TAPE COMPANY (Bid No. 2)** - \$99,615.50 for Photography Supplies for Various Departments except Fire and Police Departments - \$669,622.05 - General, Enterprise, Cable Television and Building Inspection Funds – (**This was a portion of Item 45 on Agenda of April 30, 2003, POSTPONED BY MOTION #2003-432**) – was presented.

Council Member Wiseman moved to postpone Item No. 31 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. MOTION 2003-0458 ADOPTED.

14. RESOLUTION authorizing the City Attorney to take appropriate legal action in connection with the City's opposition to the proposed routes for the Bayport Loop Rail Line expressed in City of Houston Resolution No. 2002-10 – was presented.

Council Member Robinson stated that he wanted to thank the administration for getting the item on the agenda so quickly, that a number of them had an opportunity to be briefed by the Legal Department and they knew they would have some assistance from outside counsel and would be moving as expeditiously as possible so he hoped they would support the item and get it passed so they could continue to see what they could do on the item. Council Member Goldberg absent.

Council Member Vasquez asked Mr. Hall what the range of appropriate legal action might be in this case, and Mr. Hall stated that he could tell them in a general way, but Ms. McAbee was present to give them specific details, that there was, as he understood it, about 30 days administrative comment and appeal period, which tend to run together, that it would close the administrative process and following that, obviously, they would have the option of judicial appeal of the decision, that Ms. McAbee earlier advised him that was a fairly high and steep hill to climb because it would be an appeal, on a legal standard, of what was called abusive discretion, and that was a fairly steep hill to climb, that they were pursuing all of those avenues and would be pursuing all of those avenues because their hope was that there still may be an opportunity for a more favorable outcome for it, among them there may be still an arrangement between the two, maybe the selection of a less objectionable route for them, all of them were objectionable, but a less objectionable route, that all those possible outcomes, they thought, would be better than where they were today, and Council Member Vasquez asked what was the potential cost of outside counsel, and Mr. Hall stated that they had not finalized that yet because they had not made any firm judgment about specifics of how they would proceed, that as they would expect, because it was not regular kind of work, it was kind of a special area that they needed some assistance on, some special expertise, they did not do it everyday, that Ms. McAbee could give them more detail on the administrative part of the appeals process, that they were proceeding because the basic and fundamental work was done by Ms. McAbee and her people, and Ms. McAbee stated that they were in discussions with the law firm that represents the City and if the

resolution passed they would continue those negotiations, that she thought the Council should expect that it would cost at least a couple of \$100,000, in their experience in that kind of litigation, that if they went through to the end it would be quite costly, but they did not have a budget from the law firm so she could not say what the ultimate recommendation on that would be, that they had a rule from the Surface and Transportation Board that the administrative appeal had to be filed within 20 days because they were combining it with a process under the National Environmental Policy Act that provided a 30 day period for comment, they had announced that the appeal period would extend until June 9, 2003, that they made their decision last Friday on May 9, 2003, that they announced that the 30 day period would prevail, but one of the issues that they would be discussing with outside counsel was whether the prudent thing to do would be to try to file within that 20 day period, and Mr. Hall stated that it was new ground, even for them, and there were some excellent circumstances that if they wanted further details she could visit with him. Council Members Goldberg and Robinson absent.

Council Member Alvarado stated that she wanted to thank the City Attorney and his staff for bring the item forward and wanted to thank her colleagues for the support they had lent to it, that Council Members Wiseman, Sekula-Gibbs and herself had started out on it and had been opposing it very adamantly with their constituents, that yes, it may be a costly item but did not think they could put the price on people's health and safety and the potential damage that it had to their neighborhoods. Council Members Goldberg and Robinson.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor Brown for being very supportive of protecting neighborhoods, because she thought that was what the final analysis was, protecting the neighborhoods, but it was also protecting Ellington Field and their economic investment in the Sylvan Rodriguez Park and wanted to make clear that some of them may not know that the funding of it was not out of the General Fund that it would be coming from funds through the Department of Aviation, HAS, that in addition she had a question for Ms. McAbee, was there any opportunity still for people who lived in the East End and South Houston and Clear Lake to still have an impact in the decision, and Ms. McAbee stated yes, that the order of the Surface Transportation Board did indicate that one did not need to be a party in order to comment during the 30 day period, that it would, however, be appropriate that any comments be made in the context of an appeal as opposed to how they commented during the process of the Draft Environmental Impact Statement, because of the way the two sets of rules worked together, it would be prudent for anyone who wanted to comment during the 30 day period to style their comments as an appeal of the decision of the Surface Transportation Board in that particular docket and she would certainly be happy to have the details of docket number and caption, that it was on the website, and at Mr. Hall's suggestion she would circulate that information so that they would have it available. Council Members Goldberg and Robinson absent.

Council Member Edwards asked if they were currently in the appeal process and Mr. Hall stated yes, that as Ms. McAbee had suggested, it was a fairly unusual process because they were merging two different sets of rules, one was the Environmental Evaluation Rule Process and the other were the rules of the Surface Transportation Board itself, that they had acknowledged to Ms. McAbee, and they had been talking directly to the lawyers that they were kind of plowing new ground with some of it also and that was why they had the dichotomy of the 20 to 30 days, one called it a comment period and the other called it an appeal period and they thought it be prudent that they all ought to interpret it as an appeal period, and Council Member Edwards asked where did it leave the railroad, were they moving forward on their plans and were they in process of putting the line in the ground, did they know that, and Ms. McAbee stated that at this point they were not authorized to construct, the decision of the Surface Transportation Board on Friday did not take effect until June 9, 2003, so they would not be authorized to construct until June 9, 2003, but they certainly would be free after that period to construct absent an action to stay the order of the decision of the Surface Transportation Board, and Mr. Hall stated that Ms. McAbee and the others were actually studying intensely now and that was one of the reasons of possibly assistance of outside counsel, because there was a possibility to at

least apply for a stay of the order and they were also checking to see what was a practical consequence of a judicial appeal, that it may well be that they would build it with notice, which would relieve them of liability for anything that happened adverse to them after that, that all of those things were being examined and assumed that in the next few days they would have a more definitive strategy that they could communicate to the Council of how best to proceed, and Council Member Edwards stated that comment that the funds were being taken out of Aviation was that correct, and Mr. Hall stated yes, that he had talked to Mr. Vacar and were working with them because they were financing this part of the process because of the obvious impact that any of the routes would have on Ellington Field, that the one that they had indicated as a preferred route was the one that was most objectionable to the airport. Council Member Robinson absent.

Council Member Wiseman stated that she wanted to reiterate the sentiments of her colleague, Council Member Alvarado, who expressed her thanks to their colleagues for the support they had given them on the issue, that it did have significant regional implications given the proximity to Ellington Field and wanted to thank the Legal staff for all they had done, highly professional work in the area for them, and the outside legal counsel that would be working on it for them, that she would like to thank the Mayor for the manner in which he stayed true to his commitment to support the community and Ellington Field. Council Members Goldberg and Robinson absent.

Council Member Alvarado stated that Council Member Robinson's committee had been very instrumental in keeping them advised and asked if they could use that as a vehicle for briefing as they moved through the 30 day process, and Mr. Hall stated that they certainly could and as they were aware they were trying to comply with all of their local rules and laws which was why they had been rather selective in the people who were most impacted in terms of the individual briefings of Council Members, that it certainly would be their desire that if they wanted to ask Council Member Robinson to schedule that they would be willing to do that, but some of it would involve strategy that they probably would not want to convey. Council Members Goldberg and Robinson absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Goldberg and Robinson absent. RESOLUTION 2003-0011 ADOPTED.

Mayor Brown stated that it had been brought to his attention that there may be someone else in the Council Chamber that would like to speak on the public hearing and asked that they open it up again. Council Members Goldberg and Robinson absent.

Council Member Sekula-Gibbs moved to reopen the public hearing to consider proposed assessments against properties in the Lamar Terrace Public Improvement District No. 2 established by City Council Resolution No. 95-121, August 9, 1995, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Goldberg and Robinson absent. MOTION 2003-0459 ADOPTED.

Ms. Ginger Pope appeared and stated that she had some concerns about the PID, that she had two houses in the western development and because of the first PID the services that they paid for were never received, that Fayette Street which was in the PID number one, they had not received any kind of services out there, that patio homes were built and the street was a fire hazard because they could not get in and out of the one block long street, and also they built the patio homes so close together that if there was a fire or some kind of function on the 5300 block of Fayette Street they could not get out, that Mr. Hawes, who used to be with the City, was hired for management, and they got no kind of support from that company, that she was very disappointed in the way the PID had been going to several years, that she had been very disappointed because she kept her properties up out there and the only two properties she had

in the number two PID was on Lampasses and McCullough Circle and there was nothing that the company did and they were supposed to be a management company, that they just sent out letters that the grass was high and they had a department with the City of Houston that did the same thing and she thought that it was really a waste of money to pay that company the management fees, simply because they had City services that took care of it.

Upon questions by Council Member Tatro, Ms. Pope stated that there were no services out there, and Council Member Tatro stated that he thought that there was a requirement, either a management district or also a public improvement district, that said that if the homeowner or the property owner was not getting the benefit of the assesses or services that the PID was supposed to provide then they should not be charged, that he wanted a list from her or any other homeowner, a list of what they were told or what they believed they should be paying for and what services she believed she was not getting and if she could put it in writing and distribute it to the Council he thought it would be beneficial. Council Members Edwards and Wiseman absent.

Council Member Robinson moved to close the public hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Goldberg and Edwards absent. MOTION 2003-0460 ADOPTED.

32. ORDINANCE making an appropriation of \$15,000,000.00 from the Public Works & Engineering Accumulated Unexpended Fund (Fund No. 754); authorizing its transfer to the Rainy Day Fund (Fund No. 12R); amending Ordinance No. 2003-0243 related to the Interim Borrowing of Cash in support of the City's General Fund – **(This was Item 47 on Agenda of April 30, 2003, POSTPONED BY MOTION #2003-413)** – was presented. Council Member Edwards absent.

Council Member Robinson moved to postpone Item No. 32 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Member Edwards absent. MOTION 2003-0461 ADOPTED.

32a. ORDINANCE amending and restating the City of Houston's Financial Policies adopted by Ordinance No. 1987-1881, and previously amended by Ordinance No. 1997-776, to add a provision related to the City's Rainy Day Fund - **NOTE: Item 32A is not a Matter Held, however its passage is contingent upon passage of Item 32** – was presented. Council Member Edwards absent.

Council Member Robinson moved to postpone Item No. 32a for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Member Edwards absent. MOTION 2003-0462 ADOPTED.

38. ORDINANCE making an appropriation of \$15,000,000.00 from the Public Works & Engineering Accumulated Unexpended Fund (Fund No. 754); authorizing its transfer to the Stormwater Utility Fund (Fund No. 227) – **(This was Item 35 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Member Edwards absent.

Council Member Robinson moved to postpone Item No. 38 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Member Edwards absent. MOTION 2003-0463 ADOPTED.

Council Member Robinson stated that he wanted to thank the administration for getting the items on the agenda, that they were continuing the progress that they started. Council Member Edwards absent.

Council Member Robinson moved to suspend the rules to consider Item No. 34a out of order after Item No. 34, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. MOTION 2003-0464 ADOPTED.

34. ORDINANCE accepting \$2,600,000.00 from Harris County and depositing such funds into the Harris County Construction Fund; approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for Richmond/West Alabama Corridor Traffic Mobility Improvements - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO** - **(This was Item 21 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBERS VASQUEZ and BERRY)** - was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. ORDINANCE 2003-0456 ADOPTED.
- 34a. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Spur 527 Traffic Mitigation Plan Improvements - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO** - **NOTE: Item 34A is not a Matter Held, however its passage is contingent upon passage of Item 34** - was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. ORDINANCE 2003-0457 ADOPTED.
19. ORDINANCE approving first amendment of the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown); authorizing the City Secretary to distribute such plans - **DISTRICTS C - GOLDBERG and G - KELLER** - was presented, and tagged by Council Member Tatro.

Council Member Tatro stated that he wanted to visit with somebody from Planning and Development on the revisions to the agreement, and Mayor Brown stated that they would have someone visit with him.

MAYOR'S REPORT - Progress Report on HPD Crime Lab Assessment by representatives of National Forensic Science Technology Center (NFSTC) - Kevin Lotheridge and David Epstein

At 9:45 a.m. Mayor Brown stated that he wanted to return to the front of the agenda for the Mayor's Report time and invited Mr. Kevin Lotheridge and Mr. David Epstein to come forward and sit where Mr. Haines was sitting and stated that as they knew they had asked for an outside review of the Crime Lab in the Houston Police Department and the company they had asked to do the review and assessment was the National Forensic Science Technology Center, Inc. which was located in Largo, Florida, that it was an independent, not for profit, organization and totally independent, that it had funding from the federal government grants to conduct such assessments and the City was paying some fees to them for it as well, that they were the largest accrediting agency for forensic science laboratories, that they had asked them to update the Council on their initial assessment of their review of the laboratory.

Mr. Kevin Lotheridge stated that he was the Deputy Executive Director of the National Forensic Science Technology Center, that he wanted to take a few minutes to talk about the NFSTC and what their role was, that they were actually incorporated by the American Society of Crime Lab Directors as a not for profit organization in 1995 and began full time operations in July 1996, that their core goals were to provide competency and quality system support to all of the

crime laboratories in the Country and they did that by doing education and training programs and as far as the quality system support went, that was to go and teach people about quality assurance, perform audits and perform needs assessments, which was what they were doing in the City of Houston, that they did have two sides of the house, one was a federally funded side, which they were not representing today, and they provide services free of charge to all of the crime laboratories in the Country and had done so in all 50 states in the last two to three years, that what they were present to discuss was their initial assessment of the Houston Police Department Crime Laboratory and stated that Mr. David Epstein, Director of Scientific Operations, was going to talk about their initial assessment.

Mr. Epstein and Mr. Lothridge reviewed their NFSTC Initial Summary to the Police Department about the Crime Laboratory as follows:

EXECUTIVE SUMMARY

The NFSTC was asked to perform several tasks, not limited to providing an opinion about the provision of DNA analysis and other forensic services. To summarize the NFSTC's initial review of the Houston Police Department (HPD) Laboratory, the forensic service difficulties appear to be the result of inadequate supervision, both within the laboratory and in the department. These issues seems to have occurred due to a hands-off approach by those directly responsible for crime laboratory management, where it was assumed that the laboratory manager and supervisors were taking all necessary steps to provide a quality service.

PURPOSE & TASKS PERFORMED

This summary is to update the Houston Police Department and the City of Houston on the progress made by the NFSTC regarding our consulting engagement. All observations and recommendations contained in this summary are based on information gathered to date and are subject to change as more information is obtained. As of this writing, the NFSTC has:

- Written a laboratory survey instrument to obtain information including
 - ? Budget results for the last 3 years available
 - ? Staff complement and organizational structure
 - ? Quality assurance resources
 - ? Performance management systems
 - ? Workloads by testing areas (biology analysis, controlled substance analysis, DNA analysis, firearms & tool mark examination, fire debris analysis, toxicology, and trace evidence analysis)
 - Number of cases received
 - Number of cases analyzed
 - Number of items received
 - Number of items analyzed
 - Turn around time
 - ? Factors limiting service delivery in testing areas such as
 - Equipment
 - Training
 - Capacity exceeded by demand
 - Physical space
 - Staff size
 - ? Current status of equipment
 - State of the art
 - Modern
 - Old but serviceable
 - Obsolete
 - ? Example management reports

- ? Dimensioned floor plan
- ? Copy of quality manual
- Analyzed the response to the above laboratory survey
- Performed an on-site review of laboratory operations to augment the survey
- Interviewed laboratory stakeholders about their service needs
- Instructed 18 HPD staff members on the principles of laboratory auditing, a 2.5 day workshop to ensure the HPD laboratory has the skills necessary to measure its operations against external standards
- Briefed the HPD Command Staff on initial observations

OBSERVATIONS

Funding

Base funding of the laboratory has not included an equipment replacement fund or sufficient training funds. Otherwise, the base budget has been adequate. The laboratory has been fortunate to receive grant funding to provide for DNA and other forensic testing needs.

Facilities

The overall amount of space is adequate for the operations of the testing units of the HPD. Some reconfiguration would improve efficiency and safety in some testing units. The roof repairs are underway and scheduled to be completed no later than July 1, 2003. The Central Evidence Receiving area (CER) is overrun with evidence from large drug seizures. This poses health and safety problems, from mites, mold and dust that can lead to pulmonary problems. All drug evidence is maintained by the CER and is not released to the Property division.

The NFSTC staff had concerns regarding health and safety with the storage and handling of chemicals. These concerns deal with the large quantities of solvents and other chemicals stored in the laboratory.

Equipment

Modern and state of the art analysis equipment was found in most testing units of the laboratory. This is true especially in DNA analysis, where the most modern analytical equipment and robotics are in place. An exception is computer hardware and networking, which are extremely limited.

Number of Staff

The approved staff complement is adequate for the current caseload of the laboratory. Current cases do not include investigations where no suspect has been identified that require DNA testing. However, several vacant positions exist, and some scientific personnel perform clerical duties.

Training

The drug analysis and firearms examination units have documented training programs in place. This practice is not in place in the other testing units.

Competency Demonstration

There is no system wide requirement for scientific personnel to complete formal competency demonstration prior to assuming casework responsibilities.

Continuing professional development

There exist no requirement for and there is insufficient funding for provision of necessary continuing professional development opportunities.

RECOMMENDATIONS

Facilities

The laboratory should work closely with the District Attorney to develop a system to dispose of evidence on a routine basis, while meeting statutory requirements.

The HPD management should conduct a thorough safety review of the laboratory.

Equipment

The laboratory should establish an equipment replacement schedule so that older items can systematically be replaced. This will allow for proper budget control.

Number of Staff / Training / Demonstration of Competency

A priority should be to fill the vacant positions, using documented training programs and competency tests. Although a sufficient number are available, the positions are not allocated to meet the demands on DNA testing. This situation should be reviewed and addressed. All testing units should develop and use documented training programs, which include documented demonstrations of competency.

Continuing Professional Development

A budget needs to be developed that allows for a structured program. The management should require all staff to participate in continuing professional development.

CHANGE MANAGEMENT FOR THE HPD CRIME LABORATORY

A decision needs to be made as to what, if any, necessary forensic services the Houston Police Department will provide for the citizens of the city. If the City of Houston does not provide the services, no agency is currently able to meet the needs of the citizens.

The provision of forensic science services is neither inexpensive nor uncomplicated. The city has provided the base funding and the laboratory has sought and received federal grants to augment that base funding. This model of funding is flawed and is dependent on the availability of federal funds to provide proper services. Although funding has been available, adequate supervision of the laboratory operations has been lacking.

The immediate recommendation of the NFSTC is that a strong manager, not necessarily a forensic scientist, be placed in control of the lab. This person should have a track record of leadership and project management. The manager should be given the immediate assistance of a contract quality manager and DNA technical manager, and they should initiate a quality assurance system. This quality assurance system should demonstrate the competency of the current staff

It is the opinion of NFSTC, based on the work performed thus far, that the essential tools to provide DNA Analysis and other forensic science services are present in the HPD Crime Laboratory. When the HPD Crime Laboratory complies with national DNA Standards and other

quality guidelines, it will have the necessary infrastructure to provide timely fault-free forensic science service.

Based on the NFSTC opinion, the following short term recommendations should be implemented:

- Conduct internal assessment using trained staff members
- Establish core service areas
- Additional auditor training from NFSTC
- Perform internal audits using NFSTC provided audit experts to lead trained staff members

Mayor Brown asked if they were finished with their assessment and this was just a preliminary report, and Mr. Epstein stated that it was a preliminary report based on what they had seen thus far, that if the recommendations were followed to provide the additional training and perform the internal audits, led by their staff, that would yield more information for them, that additionally they had not spoken to all of the stake holders that they wished to contact, they had done some of the stake holder interviews but they still had some of those to schedule before they could make a final report, that once they had finished all of their work they would produce a final report with their final recommendations to them, that they had a written overview, about a four page document plus a title page, that he had copies of for the Council Members, and Mayor Brown stated that they had indicated that there were no alternatives that existed in the City of Houston right now so if they just stopped doing the lab work there was no one who could take up that slack, and Mr. Lothridge stated that they had several forensic laboratories in the geographic location, however if they looked at the caseload and if they stopped tomorrow he did not think they would have many friends at those other places because they were going to have to absorb roughly 15,000 drug cases and all the other cases in their facilities and he would say that they would probably not be very happy to do that, and Mayor Brown stated that would suggest that the best alternative that they could see right now, as far as to make sure that their lab was accredited and functioning properly to best serve the City of Houston, and Mr. Lothridge stated that was the best way that they could assure a quality of service was provided to the City of Houston and that was why they were saying that a decision had to be made, what if any services, and thought that was where they had to go forward and say they were going to make a commitment to it because if that was followed up it would neither be cheap or easy. Council Members Tatro, Wiseman and Keller absent.

Mr. Epstein and Mr. Lothridge were questioned at length by Members of Council, and Council Member Vasquez requested a copy of the scope of services, and Council Member Sekula-Gibbs requested that when they give Council Members their report if they would be able to give them the cost of outsourcing a specific service like DNA or all the 8,000 rape cases to clear the backlog. A copy of the audio tape of the Council meeting is available in the City Secretary's office for review. Council Members Galloway and Wiseman absent.

Mayor Brown stated that he wanted to thank them and stated that they appreciated their being present and asked that they leave a copy of the summary so they could distribute it to the Council Members and looked forward to their final report and appreciated their work very much. Council Members Galloway and Wiseman absent.

Mayor Brown stated that he wanted to recognize former Council Member Larry McKaskle who was present in the Council Chamber, that he also wanted to recognize Ms. Stein's parents, Mr. Tom and Mrs. Betty Lewis who were present as well and asked that they stand and be recognized and Ms. Stein's daughter, Annie, who just graduated from Rice University, that they were very proud of her. Council Member Galloway and Wiseman absent.

Council Member Tatro moved to suspend the rules to consider Item No. 29 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council

Members Galloway and Wiseman absent. MOTION 2003-0465 ADOPTED.

29. ORDINANCE No. 2003-422, passed second reading 5/7/03
ORDINANCE granting to **PHONOSCOPE, LTD.**, a Texas Limited Partnership, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0422 ADOPTED THIRD AND FINAL READING IN FULL

Mayor Brown stated that they would proceed to the consent agenda. Council Members Galloway and Wiseman absent.

CONSENT AGENDA NUMBERS 2 through 29

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice in the amount of \$30,267.00 from the **ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES (AMSA)** for 2003 Membership Fee - Enterprise Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0466 ADOPTED

PROPERTY - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY2-007, located at 6807 Portwest Drive, owned by MSW-NSG Real Estate Ventures, Ltd., a Texas limited partnership Margaret S. Wilson, president, for the **PORT WEST LIFT STATION PROJECT**, CIP R-0267-07-2 - **DISTRICT A - TATRO** - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0467 ADOPTED
6. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels KY3-056A and KY3-056B, located within the 150-foot wide Houston Lighting and Power utility corridor between Wilcrest Drive and Lakeside Forest Lane, owned by Reliant Energy Incorporated, formerly known as Houston Lighting and Power Company, now known as CenterPoint Energy Houston Electric, LLC, a Texas limited liability company, for **APPLETREE WATERLINE EASEMENTS PROJECT from Wilcrest Drive to Lakeside Forest Lane**, CIP S-0900-52-3 - \$46,232.00 - **DISTRICT G - KELLER** - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0468 ADOPTED

PURCHASING AND TABULATION OF BIDS - NUMBER 12

12. **AMEND MOTION #2000-676, 5/24/00 and #2001-1035, 9/19/01, TO EXTEND** term from May 24, 2003 to May 23, 2004, for Flags, Banners and Pennants Contracts, Parts I and II for Various Departments, awarded to **LONE STAR FLAGS & FLAGPOLES, INC, HOUSTON FLAGS, INC dba UNITED FLAG AND BANNER** and **A DIVISION OF ASSOCIATED BUILDERS SPECIALTIES dba KRONBERG'S FLAGS AND**

FLAGPOLES - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0469 ADOPTED

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 27

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the north 10 feet of a 50-foot wide utility easement from Smith Street to Brazos Street, located in Unrestricted Reserve A, Block 1, Section 1, Spec's Midtown Addition; vacating and abandoning said north 10 feet of said 50-foot wide utility easement to Carolynn F. Jackson Family Partners, Ltd., the abutting owner, in consideration of the owner's payment of \$37,305.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0458 ADOPTED
- 16-1. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Afton Street, from the south line of Blocks 1 and 2 south to the new boundary of the Interstate Highway 10 Service Road, located within Afton Village Section 1; vacating and abandoning said portion of said street to IKEA Property, Inc, the abutting owner, in consideration of the owner's dedication of a water line easement, located within Restricted Reserve A, Commons at Antoine, and the payment of \$257,304.00 and other consideration to the City – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0459 ADOPTED
17. ORDINANCE approving and authorizing lease agreement between **BNC SOUTH LOOP ASSOCIATES, L.P., as Landlord**, and the City of Houston, Texas, as tenant, for space at 2636 South Loop West for use by Neighborhood Protection Division, Planning Department **DISTRICT C – GOLDBERG** – had been pulled from the Agenda by the Administration, and was not considered. Council Members Galloway and Wiseman absent.
18. ORDINANCE approving payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an arbitrage rebate not to exceed \$113,054.00 relating to the City's Tax and Revenue Certificates of Obligation, Series 1995B – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0460 ADOPTED
20. ORDINANCE approving and authorizing contract amendment between the City of Houston and **KINSEL INDUSTRIES** for Repair and Replacement of Concrete Pavement, Sidewalks, Driveways, Wheelchair Ramps and Mudjacking Pavement, authorizing the Director to approve an assignment of the contract to **MAIN LANE**, CIP N-0655-02-3 - \$1,459,410.00 - General and Stormwater Utility Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Galloway and Wiseman absent.
27. ORDINANCE appropriating \$514,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P. d/b/a NATHELYNE A. KENNEDY & ASSOCIATES** for Design of Water Line Replacements in the Bennington Subdivision Area, CIP S-0035-A3-2 (WA10763); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0461 ADOPTED

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ROBERT EARL RAY, SR.**, et al vs. City of Houston and Micah Webb; Cause No. 2001-44164; in the 280th Judicial District Court of Harris County, Texas - \$180,000.00 - Property and Casualty Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0470 ADOPTED

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,456,240.69 and acceptance of work on contract with **C. E. BARKER, INC** for Construction of Water Main Replacement in Langwood Subdivision Section 1, GFS S-0036-L1-3 (10493) - 04.07% over the original contract amount - **DISTRICT A – TATRO** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Members Galloway and Wiseman absent.

Council Member Keller stated that there was a \$56,000 change order in the job and looked like they were blaming it on the passage of the Street Cut Ordinance and asked that somebody visit with him and show him how the passage of the Street Cut Ordinance could adversely affect a project so much so that it needed to have a \$56,000 change order, and Mayor Brown stated that they would have someone visit with him on it, and Council Member Keller stated that he would tag Item No. 4. Council Members Galloway and Wiseman absent.

PURCHASING AND TABULATION OF BIDS

7. **HOUSTON G&G DEMOLITION SERVICE, INC** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$35,712.00 and contingencies for a total amount not to exceed \$37,497.60 - General Fund – was presented, and tagged by Council Members Sekula-Gibbs and Goldberg. Council Members Galloway and Wiseman absent.
8. **AAA DEMOLISHING COMPANY** for Demolition Services for Planning & Development Department - \$33,600.00 and contingencies for an amount not to exceed \$35,280.00 Dangerous Building Consolidated Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Goldberg. Council Members Galloway and Wiseman absent.
9. **TRAILER WHEEL & FRAME** for Trailers for Department of Public Works & Engineering \$33,370.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Sekula-Gibbs. Council Members Galloway and Wiseman absent.
10. **CYPRESS LAWN & TURF EQUIP. CO., INC (Bid No. 2)** - \$27,100.00 and **BROOKSIDE EQUIPMENT SALES, INC** - \$30,400.00 for Riding Mowers for Various Departments

Stormwater Utility and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0471 ADOPTED

11. **BUD'S AUTO UPHOLSTERY** for Automotive Seat Covers, Upholstery and Repair for Various Departments - \$50,170.00 - General and Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that she wanted to take the opportunity to congratulate Mr. Calvin Wells on working very hard to save the City money on the item and also to thank the individuals involved, because it looked like it was a great savings, \$50,000 spread between the three bids and wanted to give kudos to Calvin for his hard work on it, and Mayor Brown stated that they would make sure he got the message. Council Members Galloway and Wiseman absent.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0472 ADOPTED

RESOLUTIONS AND ORDINANCES

13. RESOLUTION urging the City of Houston to identify and pursue Federal, State and other sources of funding to increase Pedestrian Sidewalk Construction and Improvements - (Requested by the Legislative Affairs Committee) – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. RESOLUTION 2003-0012 ADOPTED
15. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2003 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2003, and ending June 30, 2004; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of the Preliminary Official Statement to provide for the competitive sale of the Notes; authorizing Paying Agent/Registrar Agreement and other agreements relating thereto; approving Co-bond Counsel, and Paying Agent/Registrar for such Notes; making other provisions relating to such Notes including use of the proceeds thereof, and matters incident thereto; and declaring an emergency – was presented, and tagged by Council Member Tatro. Council Members Galloway and Wiseman absent.
- 15a. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas, Tax and Revenue Anticipation Note, Series 2003A to provide for payment of current expenses of the City for a portion of Fiscal Year 2004; authorizing repayment of the principal of and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note as evidenced by Note Purchase Agreement; authorizing execution of a Co-bond Counsel Agreement; making other findings and provisions related to the subject; and declaring an emergency – was presented, and tagged by Council Member Tatro. Council Members Galloway and Wiseman absent.
21. ORDINANCE appropriating \$167,791.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0390, and approving and authorizing Change Order No. 3 to construction contract between the City of Houston and

STEWART-MATL, LTD. for HAS Administration Building Renovation and Expansion at George Bush Intercontinental Airport/Houston (IAH), Project No. 562B - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Keller. Council Members Galloway and Wiseman absent.

22. ORDINANCE approving and authorizing first amendment to contract between the City and **LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM & SAMPSON, L.L.P.**, for Collection Services relating to Delinquent Parking Citations – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Robinson absent. ORDINANCE 2003-0462 ADOPTED
23. ORDINANCE approving and authorizing contract between the City of Houston and **TEXAS MEDICAL CENTER CENTRAL HEATING AND COOLING SERVICES COOPERATIVE ASSOCIATION (“TECO”)** for Chilled Water and Steam Services – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0463 ADOPTED
24. ORDINANCE approving and authorizing Timber Sale and Clearing Agreement granting **STETSON LOGGING, INC** the right to Cut, Harvest, Remove and Purchase Merchantable Timber on approximately 300 acres at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0464 ADOPTED
25. ORDINANCE appropriating \$90,604.13 out of Airports Improvement Fund, CIP A0422, \$249,950.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0436 and \$5,441,215.87 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0463; awarding construction contract to **DIAMOND COMMERCIAL CONSTRUCTION, INC** for Federal Inspection Services (FIS) Cargo One-Stop Facility at George Bush Intercontinental Airport/Houston (IAH), (Project No. 605B); providing funding for engineering testing services and for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Goldberg. Council Members Galloway and Wiseman absent. (Note: Council Member Goldberg released his tag later in the meeting.)
26. ORDINANCE appropriating \$487,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SUNLAND ENGINEERING COMPANY d/b/a SUNLAND GROUP, INC** for Design of Water Line Replacements in the Alabama Subdivision Area, CIP S-0035-A2-2 (WA10762); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented. Council Members Galloway and Wiseman absent.

Council Member Goldberg stated that he was not going to tag the item but would like someone from Public Works to visit with him regarding the engineering, that he would like to know if any streets were going to be torn up in the process or if there was any kind of reconstruction of the streets in the neighborhood, both on Item Numbers 26 and 28, and Mayor Brown stated that they would have someone visit with him on both items. Council Members Galloway and Wiseman absent.

Council Member Robinson stated that to follow up on Council Member Goldberg's request, Mr. Vanden Bosch was supposed to come to committee to give them an update on the street inventory item and asked if he could overlay that with what projects beyond what they knew on the CIP were going to be under construction in the next five years so they would have that so they could follow up on what was going to be coming down the line, and Mayor Brown stated that they would see if he could put it together by that time. Council Members Galloway and Wiseman absent.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0465 ADOPTED

28. ORDINANCE appropriating \$505,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **JNS CONSULTING ENGINEERS, INC** for Engineering services associated with the Design of Water Line Replacements in the Kelving Subdivision Area, CIP S-0035-A7-2 (WA10767); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0466 ADOPTED

NON CONSENT AGENDA - NUMBER 30

PROPERTY

30. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Meredith of Pinnell Survey Co. on behalf of F. W. Gartner Thermal Spraying Co. (Michele Falzon, president) for abandonment and sale of Lamar Street, from Milby Street to St. Joseph Street, in exchange for the conveyance to the City of a 10-by 10-foot fire hydrant easement, between Blocks 2 and 3, Woodleigh Addition, Parcels SY3-043 and KY3-126 - **APPRAISERS - DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Alvarado. Council Members Galloway, Wiseman and Vasquez absent.

MATTERS HELD - NUMBERS 31 through 39A

33. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,034,209.29 and acceptance of work on contract with **BLASTCO INCORPORATED** for Rehabilitation of Two Five (5) Million Gallon Water Storage Tanks at the Spring Branch Pumping Station, GFS S-0600-24-3 (10596-24) - 02.10% under the original contract amount - **DISTRICT A - TATRO** – (**This was Item 5 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Vasquez absent. MOTION 2003-0473 ADOPTED
36. ORDINANCE awarding contract to **J.T.B. SERVICES, INC** for Demolition Services for Planning & Development Department; providing a maximum contract amount - 1 Year with three one-year options - \$1,988,950.00 - Dangerous Building Consolidated Fund – (**This was Item 29 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG, GALLOWAY and KELLER**) – was presented. Council Members Galloway, Wiseman and Vasquez absent.

Council Member Sekula-Gibbs moved to postpone Item No. 36 for one week, seconded by Council Member Tatro. – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Vasquez absent. MOTION 2003-0474 ADOPTED (Note: Motion 2003-0474 was reconsidered later in the meeting.)

37. ORDINANCE awarding contract to **JOHN WARNER HORSESHOEING** for Farrier Services for Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$606,750.00 - General Fund – **(This was Item 30 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. Council Members Galloway and Wiseman absent.

Council Member Keller stated that this item was regarding the horseshoeing and moved to postpone Item No. 37 for one week to still punch some numbers, seconded by Council Member Tatro. – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0475 ADOPTED

Council Member Robinson stated that they say that the horses were wonderful but they could not fertilize the streets so if they could do something about cleaning up, a number of constituents had shared those thoughtful commentary's with him and wanted to make sure he passed them along, and Mayor Brown stated that they would make sure that message was passed along to the appropriate person. Council Members Galloway and Wiseman absent.

39. WRITTEN MOTION by Council Member Goldberg to amend Item 39A below as follows:
1. Delete the ninety (90) day termination for convenience during the first two years of the Agreement so that neither party may terminate the Agreement for convenience during the first two years
 2. Amend the term of the Agreement so that it begins May 19, 2003 and continues until midnight April 30, 2008. Also add a provision that during the last three (3) years of the Agreement either party may terminate the Agreement for convenience by providing the other party ninety (90) days' prior written notice of such termination.
 3. Add a new provision establishing the Parking Fee for years three through five of the Agreement at \$45.00, \$47.50 and \$50.00 respectively.
 4. Add a new provision requiring the Licensor to provide security for the Premises that is at least comparable to the security provided by the Licensee in its Theater District Garage.
 5. Add a new provision that if the Premises becomes unusable due to Force Majeure or otherwise, then for each day that the City cannot use the Premises, then Licensor shall adjust the Parking Fee for such month to reflect the period of disuse.
 6. Add a new provision that Licensor shall permit the City Employee Shuttle Van to utilize the Hobby Center driveway located on Bagby Street for passenger pick-up and delivery. **(TAGGED BY COUNCIL MEMBER ELLIS)**

- was presented. Council Members Galloway and Wiseman absent.

Council Member Tatro stated that for Item No. 1, in normal contractual agreements, he did not think it was wise or proper to be entering into an agreement where they could not terminate a contract for two years for convenience purposes, and asked Council Member Goldberg why

would they want to enter a contract for reasons the City or HCPA could not terminate for simple convenience for a two year period and why was that beneficial, and Council Member Goldberg stated that he thought the benefits of it were apparent now, otherwise it would not even be on the agenda and in so saying what they were doing was moving 691 City employees to the Hobby Center Garage, they really did not want to move them back within a short of time and thought that two years was an amount of time that would make it palpable for the City, that they could always lock in the rates because if Hobby Center could terminate in 90 days they may say that they would terminate unless the City adjusted the rates, and Council Member Tatro stated that there were a multiple of scenarios where he said or she said or could be or would be, but he just did not think it was proper to be entering into a contract where that contract could not be terminated for two years, that he did not think it was good business and did not believe it was good contract writing, and Council Member Tatro stated that he was not sure why they would enter into a contract that they could not get out of for two years, and Council Member Goldberg stated why enter into it at all then, that if it was a bad idea then why enter into it at all. Council Members Galloway and Wiseman absent.

Council Member Tatro moved to divide the question separating Item No. 1 from the rest of the 6, seconded by Council Member Robinson. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that it would seemed to her that the City would be better served if they could terminate for convenience but they could not, and asked if they could structure it in such a way that if circumstances were going foul and the City wanted to exit the contract that they would have the opportunity to do so, but that they would be held to the contract because they were the ones receiving the money, and Mr. Hall stated that there were two ways to answer her question, that was there legal prohibition to structuring it that way, the answer was no, that could they practically do that, the answer was generally no, because though they were receiving money they were providing service, that it was Council Member Goldberg's amendment, but as explained to them part of the reason for doing it in addition to what he had expressed was to try to lock in the cost, the costs were very low compared to what they were paying now and what was expected over the next couple of years so there was an effort to make sure they would enjoy that savings for that period of time, that non performance would cancel the contract. Council Members Galloway and Wiseman. Council Members Galloway and Wiseman absent.

Council Member Goldberg stated that the other problem was that they were emptying their garage of 691 spaces and hopefully they would fill them with people willing to pay more money for those spaces than the City currently was and how could they get into a year long contract if it could be terminated any time, that he thought they were better off locking people into parking contracts there if they could do a year or two years and with the clause they could do that and without the clause they could not do that. Council Members Galloway and Wiseman absent.

A vote was called on the motion to divide the question. Mayor Brown voting no, balance voting aye. Council Member Ellis absent due to be ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION TO DIVIDE THE QUESTION CARRIED.

Council Member Goldberg moved to accept amendment No. 1, seconded by Council Member Parker. Council Member Tatro voting no, balance voting aye. Council Member Ellis absent due to be ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION TO ACCEPT AMENDMENT NO. 1 CARRIED.

A vote was called on the remainder, amendments 2 through 6. All voting aye. Nays none. Council Member Ellis absent due to be ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2003-0476 ADOPTED.

- 39a. ORDINANCE approving and authorizing contract parking agreement between the City and **HCPA SERVICES COMPANY** for certain City Employee parking in the Hobby Center Garage; providing a maximum contract amount - 2 Years - \$684,090.00 - General, Enterprise and Other Funds **DISTRICT I - ALVARADO** – **(This as Item 39 on Agenda of May 7, 2003, POSTPONED BY MOTION #2003-451)** – was presented as amended. All voting aye. Nays none. Council Member Ellis absent due to be ill. Council Member Quan out of the city on city business. Council Members Galloway and Wiseman absent. ORDINANCE 2003-0467 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that he would like to invite his colleagues and constituents to a special workshop that District H was having on Thursday night, that it was a townhall meeting on how to protest the alcohol license of a cantina or other business in their neighborhood, that it would be from 6:30 p.m. to 8:00 p.m. at the Moody Park Community Center at 3725 Fulton, that the agencies that would be represented included TABC, the City of Houston Legal Department, HPD and Harris County Judges, that it was the first time that all of the agencies that regulated cantinas would be together to give them some strategies and some information on how they could cleanup and close down the cantinas, that it was an important issue in the City and neighborhoods because the cantinas caused so many problems, that children were at risk when traffic increased and there were more drunk drivers, that their kids had to walk past the cantinas, they add trash to the neighborhood and just threatened the quality of life, so it was important to learn how to protest the alcohol licenses. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that it had come to her attention that there were still serious concerns in the East End about the potential closing of the Magnolia Clinic and wanted to say that many of them, including herself, seriously would fight any effort to close the Magnolia Clinic because it was a very important part of the service for health care in that area and basically it was irreplaceable, that she wanted to reassure people that it was not anything formal that had evolved, that she also wanted to clarify that an application for a federally qualified health center had been instituted in the East End and that was for a clinic that existed currently on Navigation, called El Centro de Corazon, that application was submitted on April 30, 2003 and had the support of the City of Houston behind it and the Mayor had indicated that he was very supported of that and they were grateful to have his support, that federally qualified center, assuming that it went through the federal designation, would bring enhanced services to the East End and would in no way take away or compete for services from the Magnolia Clinic, that she wanted to encourage people to be supportive of the petitions that were going forward in the medically underserved areas to the federal government to bring federally qualified health centers to Houston Harris County because they only had one of the federally supported clinics whereas other communities such as Chicago had 80, Los Angeles had 37, they desperately needed to correct the deficiency and if some of them may have noticed in the Houston Chronicle the General Accounting Office had released a new study that indicated that the number of uninsured people in Texas was probably much greater than the 23% that they had been resting on and assuming as correct and that made Texas by far the State with the highest number of uninsured people in it across the Country, that meant that the federal government really needed to recognize that Houston Harris County had a desperate need to bring federal money back to the community to support taking care of uninsured people in places other than emergency rooms, that she knew that people had been very nervous about the potential. Council Members Galloway, Wiseman and Keller absent.

Council Member Parker stated that thanks to the State there was liable to be a whole lot more uninsured folks wanting to take advantage of their City clinics and she too would fight the closing of the Magnolia Clinic so she was glad to hear that it was not going to be in the budget that was coming to them. Council Members Galloway, Wiseman and Keller absent.

Council Member Parker stated that considering the discussion they had about the crime lab and the sub text to that discussion of serious concerns about management issues within the Police Department and she would also submit management issues within the Fire Department, she certainly intended to ask a lot of questions during the budget process about overhauls of those two departments when they are present before the Council, and that led to the subject of the Houston Emergency Center, that she raised the issue of the Houston Emergency Center last week, subsequently the Houston Chronicle jumped on it and did some research and among the questions that she asked in a written memo to the administration was what was the final cost of the project, when did they take possession and therefore begin to be responsible for the payments on the facility, what the new total functionality date was for the facility, that again it seemed to be an area of public safety where the management of the project dropped the ball, that she was extremely concerned, that after all it was the Mayor's area of expertise and something that she knew was of great concern to him, that she again request that they have a public presentation on the HEC, either at the Public Safety Committee, chaired by Council Member Edwards or in a Mayor's presentation to Council so that they could all be brought up to speed. Council Members Galloway, Wiseman and Keller absent.

Mayor Brown stated that he would give an answer to her question and they would get a written response, that the answer was very simple, the Houston Emergency Center was under budget and on time, that the projected cost of the physical structure was \$54 million and an estimate approved by the City Council in September of 2000, that the actual cost of the completed facility would be \$53 million, that was \$1 million under budget, that there was a reason for confusion and the reason for the confusion about the total anticipate cost of the facility stemmed from a news release in January 2001 at the ground breaking for the facility, it gave the erroneous impression that the anticipated cost would be \$35 million, the cost for design construction of the shell building and the site acquisition, that would be the total expected cost of HEC, and that was never the case, again, in the contract approved by the Council it was \$54 million, the figure of \$35 million did not include furniture, lighting, extremely secure and redundant heavy equipment systems for the building, air conditioning and security systems, that the structure took 18 months to complete and was delivered to the City in March of 2002 as expected, that a project of this magnitude normally took 3 years to complete, that for an example, facilities in Chicago and Los Angeles took much longer to complete, Chicago had a 150,000 square foot building which cost \$98 million and took them 4 years to build, its computer systems cost \$23 million compared to \$23 million for Houston's, that Houston's system was a later version of the equipment from the same vendors as used by Chicago, that Houston was in its 20th month of the project and the Fire, Police and 911 personnel would move into the facility in August, that they were now in the process of training everyone, that it would be irresponsible to move them in without the appropriate training and the testing of the systems, when appropriately managed he believed that the City would see a savings from the new facility, that savings would be achieved due to reduction in staff to attrition, improve efficiency in handling calls and an operating budget that was lower than the operating budget for the three independent operations and the use of single system instead of multiple systems, that their goal in doing this was to reduce response time to greater efficiency, that the Fire and Police Department would be on the same system, offering a direct line of communication and the City would have more access to State and National databases, that there was a reason that the information came out erroneously, but it only dealt with the shell of the building, which was completed within budget and on time, the contract approved by the Council and the actual final product would be \$1 million under budget, that he would put it in writing for them, and Council Member Parker stated that she appreciated that clarification because clearly there was something reported differently in the Chronicle, but the other question was if they accepted the building as completed in 2002 and it was on time, it would be 18 months before it was completely functional, that she voted for the project and was certainly very supportive of it but again going back through her records they were supposed to be up and functioning many months ago, that she would like an explanation, and Mayor Brown stated that they would give her an explanation, and Council Member Parker stated that there were ongoing and serious situations and she was aware of them and Council

Member Edwards was as well, that they had met with some of the dispatchers in integrating those work forces and would like a discussion of that. Council Members Galloway, Wiseman and Keller absent.

Mayor Brown stated that he wanted to recognize Council Member Goldberg, and Council Member Goldberg stated that he wanted to release his tag on Item No. 25, that it was a cargo facility and he had seen a component in there for civic art and was not sure why they needed civic art in a cargo facility, but was told that the money would not go into the facility but would be added to a pot of other projects, that their lease payments on HAS were fixed so what difference did it make what the cost was, if the cost overruns of the lease payments were fixed, and Mayor Brown stated that they built the building on a design and build, that was why they got it done so quick, and once the lease payments were finished in X number of years the building was the City's, so what was his question, and Council Member Goldberg stated that if their lease payments were fixed then they could over spend \$100 million and it would not affect their lease payments, and Mayor Brown stated that was correct. Council Members Galloway, Wiseman and Keller absent.

Council Member Goldberg stated that it was not really their concern how much over budget they were and Mayor Brown stated that their concern right now was to move into the facility but prudence tells them to do the training first and make sure that the systems were working and they were testing all of that right now and in August they would move in. Council Members Galloway, Wiseman and Keller absent.

Mayor Brown stated that Council Member Goldberg had released his tag and before they would lose a quorum he requested that the City Secretary called Item No. 25. Council Members Galloway, Wiseman and Keller absent.

25. ORDINANCE appropriating \$90,604.13 out of Airports Improvement Fund, CIP A-0422, \$249,950.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0436 and \$5,441,215.87 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0463; awarding construction contract to **DIAMOND COMMERCIAL CONSTRUCTION, INC** for Federal Inspection Services (FIS) Cargo One-Stop Facility at George Bush Intercontinental Airport/Houston (IAH), (Project No. 605B); providing funding for engineering testing services and for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B – GALLOWAY** – was again before Council. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Keller absent. ORDINANCE 2003-0468 ADOPTED.

Council Member Parker stated that in response to Council Member Goldberg, she agreed and her memo to the administration there was a fixed amount and she simply requested to know whether they were going to be asked to modify that lease payment or had there been any changes to that, and Mayor Brown stated that they were not but would give her a written answer to all of questions. Council Members Galloway, Wiseman and Keller absent.

Council Member Alvarado stated that she had been a big supporter and proponent of the 311 system, but recently, as she visited several civic associations, she was hearing concerns that there were inconsistencies, that when one person calls with the same problem they would call three times and get three different answers from the call takers and there was concern that the call takers were not adequately trained and knew that it was a very new process and system but hoped that the training issues and information that was given out was consistent and accurate, and Mayor Brown stated that it would be helpful if she found that occurring to let them know so they could correct it, that it probably would be a training issue. Council Members

Galloway, Wiseman and Keller absent.

Mayor Brown stated that he wanted to recognize Council Member Sekula-Gibbs, and Council Member Sekula-Gibbs stated that she would like to release the request for a one week delay on Item No. 36.

Council Member Sekula-Gibbs moved to reconsider the motion to postpone Item No. 36 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Keller absent. MOTION 2003-0477 ADOPTED.

36. ORDINANCE awarding contract to **J.T.B. SERVICES, INC** for Demolition Services for Planning & Development Department; providing a maximum contract amount - 1 Year with three one-year options - \$1,988,950.00 - Dangerous Building Consolidated Fund – **(This was Item 29 on Agenda of May 7, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG, GALLOWAY and KELLER)** – was again before Council. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman and Vasquez absent. ORDINANCE 2003-0469 ADOPTED.

Council Member Robinson stated that on Friday and Saturday, May 16th and 17th there would be a HIV/AIDS Hip Hop Summit at the George R. Brown Convention Center sponsored by himself, Council Members Edwards, Galloway and Keller and would be in Exhibit Hall D from 12:00 p.m. to 6:00 p.m. on Friday and Saturday and on Sunday May 18th it would run from 2:00 p.m. to 6:00 p.m., that there would be HIV/AIDS testing being done by the Donald Watkins Memorial Foundation, also by Caring Safe Place and WHAM, that he hoped folks would come out and participate in that event. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Council Member Robinson stated that he wanted to thank the administration for continuing to move forward on the items relative to closing the ALP funding and setting up the drainage account and the transfer item on the agenda that they delayed and also transferring the money to the Rainy Day Fund, that he would hope that they had some language relative to increasing the vote but as they had been informed that unless there was a Charter change, and he hoped they would give some consideration to putting a Charter referendum when they could, and Mr. Hall stated that they could put it on anytime after the expiration of two years and thought that was 2 days after the November election, so there could not be any Charter referendum on this year's ballot. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Council Member Robinson stated that he would hope they would look out for all of the health care clinics and try to mitigate their damages on the libraries because they had already taken big enough hits, that he still thought they needed to reorganize City government and thought they started to consolidate the Police and Fire Department and relevant portions of the Health Department into a Public Safety Department, that he would be interested in an update on the progress that the folks at the zoo were making relative to the private sector fund raising. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Council Member Edwards stated that she would like to thank her colleagues for passing Item No. 34 and also wanted to thank the Public Works and Engineering Department, especially Mr. Vanden Bosch and Mr. Gronsky for meeting with the community representatives of that area regarding Spur 527 and U.S. 59, that they were able to work out a process that she thought would call for the transparency and the community involvement that was necessary to make it continue to move, that she wanted to thank Council Member Parker for her help and assistance in the whole matter of the U.S. 59 issue. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Council Member Edwards stated that she wanted to thank Neighborhood Protection, they provided a kind of in depth workshop for their staff and thought other staff members attended, regarding the changes and the updates and how Neighborhood Protection worked and how they could work better as teams between the department and the community and their office, that she wanted to thank Ms. Flannigan for her staff coming down and the inspectors coming down, that they did a pretty good in depth workshop for the staff, and wanted to thank her Chief of Staff, Ms. Tamara Jones, for pulling it together and having the insight to do that. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Council Member Edwards stated that she wanted to thank Mayor Brown for the report on the crime lab, that she speculated that it was probably painful for the Mayor with his background and what he had tried to do with the policing to hear what was heard, but she really honored and respected that he brought it to Council, that it added more questions for her and she was very concerned and would be joining Council Member Parker during the budget session to look at management issues as it drills down to what the end product of their police services were coming forth, that she thought they owed it to the community. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Berry absent. NO QUORUM PRESENT

Council Member Edwards stated that as to the HEC, she was very concerned about the dispatchers and the morale that was being affected, they had several meetings with them and was hopeful that they could come to some type of agreement on a go forward strategy but that had not happened and all the dispatchers served a very valuable role to the City and they had to come to a point where they could agree to move forward and a strategy that was beneficial, not only to the employees, but to the City and to the citizens, that she was really concerned about where they were with the HEC and how long was it going to take them to get to where they needed to be and those questions she would like to talk with the Mayor about and how they could move it forward and if they had to bring it to committee she would be willing to do that for the June meeting. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Berry absent. NO QUORUM PRESENT

Council Member Edwards stated that she wanted to thank the Mayor for his help with the HIV situation and once again wanted to reiterate her support of a stand alone task force for Hepatitis C and anything that she could do to help move it forward she would do, but thought that was an ample amount of people in the community that could take the ball and run with it, but thanked him for his assistance. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Berry absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:26 a.m. upon MOTION by Council Member Tatro, seconded by Council Member Robinson. Council Member Ellis absent due to being ill. Council Member Quan out of the city on city business. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Berry absent. NO QUORUM PRESENT, INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary