

City Council Chamber, City Hall, Tuesday, January 4, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 4, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office, Ms. Martha Stein, Agenda Director present.

At 1:55 p.m. Mayor Pro Tem Boney recognized Council Member Bell for a presentation.

Council Member Bell stated that a week from this Sunday would be the 27th running of the Methodist Health Care Houston Marathon, that as they all knew it had grown and grown over the years and had become a premier event in the City of Houston and attracted participants not only from all over the United States, but from different parts of the world as well, that it was a great showcase for the City of Houston, that the route ran all the way across the City of Houston and there were very few areas, especially inside the Loop that it did not touch and outside the Loop as well, that it gave a chance for the people all across the City to participate, that this was somewhat of a special year in that for the first time the Houston 2012 effort, the effort to bring the Olympics to the City of Houston in the year 2012, was lending support and was participating and there were representatives present that wanted to tell Council and the people of Houston all about that effort and introduced Ms. Susan Bandy who was now working with the Houston 2012 effort and Mr. David Hannah from the Houston Marathon. Mayor Brown, Council Members Tatro, Galloway, Keller, Quan, Sanchez and Robinson absent.

Ms. Susan Bandy appeared and stated that she was the Executive Director of Houston 2012, the group that was working very hard to bring the Olympics to the City in 2012, that as many of them already knew this was going to be a really big year for Houston 2012, they were putting in their bid, that their bid for the 2012 Olympics would go to the United States Olympic Committee in December 2000, a little 700 page document that they had been working on for a while, that they looked forward to working with all Council Members this year, that they were going to be contacting each Council Member individually over the next month, that Mr. George DeMontrond, who was chairman of the bid and herself would be calling on them to update them on their progress and to point out issues and events that would be coming up this year, that Houston Marathon as the largest single day amateur event in the Houston area was very important to both Houston and to Houston 2012, that she had been working with the committee for several years personally, but this year was of particular interest to them at Houston 2012 because of the Olympic tie in, that the marathon was an Olympic sport so obviously there was that tie in, and this year being an Olympic year they would have people in Houston for the marathon who would be vying for spots on their country's Olympic team, that they had people from Russia, Romania and Brazil, that any number of countries would be represented so it was going to be a significant event and Houston 2012 would have over 25 of their board members present to watch and give support, that this year the Houston 2012 Foundation had created the Houston 2012 5K Challenge

for the Downtown 5K Run that was affiliated with the marathon, that they were challenging City employees to sign up and walk or run in the 5K and raise money for the various charities that were affiliated with the walk or run, and were challenging County employees to do the same, so each City and County employee had received notification of the event and they would be providing a trophy to either the City or County that hopefully over the years would be very coveted and moved back and forth between City and County depending on which group raised the most money for charity during the 5K Race affiliated with the marathon, and they appreciated Mayor Brown's participation in the marathon this year, and Council Member Bell for his participation with the 5K and the marathon, and hoped that they could all join them for this event. Council Members Galloway, Quan, Sanchez and Robinson absent.

Mr. David Hannah appeared and stated that he would like for all Council Members to be with them Sunday morning, January 16, 2000, that they had a VIP Breakfast hosted by the Downtown Houston Association who had been doing it since 1993 and appreciated their participation, that they anticipated a great weekend and were looking forward to some wonderful weather, that they would start of on Friday and Saturday with a free Health and Fitness Expo which was sponsored by their overall sponsor, Methodist Health Care, that it was free to the public, that last year they had at the George R. Brown approximately 38,000 people who attended the expo, that it was free and open to all Houstonians, that there was a lot of good wellness information and wellness experts that they could speak with free of charge from Methodist Health Care and on Saturday morning they would feature the kids of the City of Houston, that Texas Children's Hospital and Houston Independent School District, Aldine Independent School District, Spring Branch Independent School District, middle schoolers, 4,000 of them would be running a modified course of about 2 miles in downtown Houston, that they were really appreciative of Texas Children's Hospital for their effort to help the youth of the City, that on marathon day they would be blessed again with about 5,000 volunteers that would help put on the race, that they came from all walks of life in the community, that they liked to say they felt that just about every zip code in the Houston community was represented in their volunteer workforce, that the entire weekend was the effort of a volunteer operation, that they only had a paid staff of two, that their volunteers worked hard, that Council Member Tatro was a former member of their committee and they looked forward to seeing him on Sunday, that they would have people running 26.2 mile marathon and expected people from 45 to 50 states, that it was not unusual to have people from Alaska, North Dakota and Hawaii competing in the race. Council Members Quan and Robinson absent.

At 2:03 p.m. Mayor Brown called the Council Meeting to order, and Council Member Vasquez led everyone in prayer and pledge of allegiance.

At 2:04 p.m. Mayor Brown requested the City Secretary to call the roll. Council Member Quan absent.

Council Members Boney and Tatro moved that the minutes of the preceding meeting be adopted. Council Member Quan absent.

At 2:08 Mayor Brown requested the City Secretary to call the list of speakers. Council Member Quan absent.

Mr. William Camfield, 1117 Milford, Houston, Texas 77006 (713-526-5509) appeared and stated that he and his wife lived in a single family home that they had lived in for 30 years, that with a neighbor Mr. William Stern who could not be present, were the authors who initiated the petition before Council requesting a prevailing building line for 5 block faces along Milford Street, and hoped that they had all received the envelopes that he delivered yesterday which had a letter, photographs and map, that it would show them what he was talking about, that the larger neighborhood had been without deed restrictions since the 1940's and as they could imagine this was made for a mixed neighborhood in terms of the types and functions of buildings, however it was a predominately residential neighborhood with single family homes, small apartments, duplexes, larger apartments, a few small business and recently an infusion of very large 3 to 4 story townhouses that had become so ubiquitous in the City today, that within the mixed neighborhood there happened to be one three block stretch that retained much of its original character and those three blocks just happened to be the ones that figured in their petition, that with only two exceptions out of 16 property units the original property lines prevailed along those blocks, that those property lines varied from about 25 feet to 35 feet back from the sidewalk and he would characterize that stretch of Milford Street as a charming and livable street with ample green space, friendly sidewalks, lots of trees and lots of on street parking, that this was represented in the photographs before them. Mr. Camfield continued to explain the map and photographs and stated that in both views he wanted them to note the greenspace, the trees and the on street parking, and would ask that they pivot the map 90 degrees to the right where they would be looking north along Yoakum Street past some new large townhouses that had been springing up all over their neighborhood, that here there was precious little greenspace, no trees at all, hardly any on street parking and sidewalks that did not function as sidewalks because they were frequently blocked by cars in the driveways.

Council Member Parker thanked Mr. Camfield for getting involved in the process and stated that they had fought very hard during the Chapter 42 changes to the development ordinance to allow neighborhoods to do the prevailing setbacks and believed they had already passed 5 of them and was glad that he was carrying forward the effort and understood that the Planning Commission did hear a protest, but approved their petition and hoped that Council would pass it tomorrow.

Mrs. Virginia Camfield, 1117 Milford, Houston, Texas 77006 (713-526-5509) appeared and stated that she was present in support of the petition for the establishment of a prevailing building line, that they lived at 1117 Milford in the middle of the blocks referred to in the petition and had lived in the neighborhood for 35 years, that they bought their house at a time when it was not apparent that the neighborhood would survive as a residential neighborhood, that the deed restrictions had lapsed in the 1940's, that when they moved there most of the homes were still occupied by the people who built them, that typically in those days neighborhoods such as theirs began to go commercial a little bit at a time, that they had rented in the neighborhood because it was close to where her husband taught, and when they decided to buy they realized they wanted to stay in that neighborhood, what they had discovered in those early years was that most people who lived there had some history of personal commitment to the neighborhood and even the apartment dwellers loved the area, that they bought the house next door to the one they rented, that over the years they had worked with their neighbors to protect the character and quality of their neighborhood and because they were not deed restricted it had taken considerable effort from time to time, that when City Council last year approved changes

in Section 2 of the Code of Ordinances they recognized immediately that it gave them an opportunity to further enhance their neighborhood and they filed the petition for prevailing building lines that Council had before them, that their goal in doing this was to preserve the trees, the greenspace and to preserve the character of their neighborhood, that they realized it would have some affect on future development, but thought that effect would be positive and would result in homes that would enhance the neighborhood.

Ms. Grayson Cecil, 4814 Yoakum Blvd., Houston, Texas 77006 (713-524-9894) appeared and stated that she was in opposition to the request for the setback provision, and she passed out copies that outlined her points and stated that this was not the appropriate neighborhood to pass the ordinance, it was not the kind of neighborhood for which the ordinance was initiated, that it was highly transitional neighborhood already, that in the three blocks of Milford under consideration there were not 2 but 3 townhome developments already there, that Banks and Barkdull were heavily developed in townhomes, that the setback provision did not really have wide support of the neighborhood, of the 16 houses there were 9 for and 7 against, that in blocks 23 and 40 which were the middle 2 blocks on the map, 5 of the 8 houses were opposed to the setback ordinance, that furthermore the property at 1117 Millford was claiming a 25 foot setback had its porch under the roofline of the house making the setback only 15 feet and that meant that the result was that the 25% fell outside the existing setback, that the application was gerrymandered by omitting block 22 which was in the original application, that they discovered that by including block 22 they fell outside of the 25% limitation on having a consistent setback, and this indicated to her that there was not really a prevailing setback for those three blocks, that the only 2 block faces that were appropriate in her mind were blocks 24 and 29 which had consistent setbacks, 100% support and several historic homes, that by imposing the setback they would impose real hardships on those who purchased under existing conditions, that 4814 Yoakum and 1116 Milford were purchased together by her with an eye for development in the future, that the new setback ordinance seriously eroded the economics of such development, that the townhouses at 1107 Milford and 1230 Milford would be unable to rebuild if some catastrophic occurrence happened.

Upon questions by Council Member Bell, Ms. Cecil stated that half of block 22 would not fall within the 25 foot setback, that beginning at the corner of Graustark there was about 100 feet of townhouses moving into the block and beyond that there was a house with a 15 foot setback, so half of that block fell outside of the existing setback that was being claimed, therefore when it was included and they took the 6 block faces as a whole it did not meet the requirement of having no more than 25% and was taken out, that she was called this summer to ask if she would join in the effort and she said she would not, that Ms. Haley Radcliff and the one at the corner of Yoakum and Milford were in opposition and the owner of the townhouse at the corner of Graustark and Milford was opposed to it.

Council Member Parker stated that she was a little surprised to hear Ms. Cecil talk about block 22 being gerrymandered out of it and asked Ms. Cecil if she was aware that this was a block face by block face basis, that the analysis was not done on the entire street, it was done by blockface, and each side of the street was done separately for statistical purposes to see if it fit under the ordinance, that they could have a long street and have block dotted up and down the street that would not fall under the ordinance and was she aware as to how the ordinance was written, and Ms. Cecil asked if that same

logic then apply to approval by each block face, and Council Member Parker stated that it depended how it was presented to Council, but the test for the ordinance was by block face, that it was all the houses on one side of the street or all the houses on the other side of the street, that the houses on block 23 could not have any impact on what the houses on block 30 wanted to do, that was the way the ordinance was written, that she was curious because Ms. Cecil stated in her letter that she had bought her property with the intention of converting it to townhomes and asked if Ms. Cecil had a development plan on file with the City, and Ms. Cecil stated no, that it was for future development and had not made a plan and still had not, and Council Member Parker stated that there was a great deal of discussion when they wrote the ordinance to allow those who were already planning on construction to proceed with construction, that it was not designed to prevent anyone from fully developing their property, but they did have a first in line first served policy, which was if they wanted to develop and were the first in there they got to develop, or if they wanted to set a prevailing blockface and were the first in they got to do that, again that was under the ordinance that was passed last year, and asked Ms. Cecil if she was aware that she had the opportunity, and Ms. Cecil said no, she was not aware and would have had to hurry a development plan, that she had just bought the second property and was not ready at all to make a development plan at that point, but was certainly bought it with the eye to what the existing regulations said about the property and felt that there was a certain inequity in changing the rules, and Council Member Parker stated that the rules were the same for everyone.

Upon questions by Council Member Goldberg, Ms. Cecil stated that she purchased one property two years ago that past November and had the other for a year and a half, that she bought them just for investment purposes, they were both duplexes and her idea was to have them used as duplexes for a period of time with future development of townhouses as a possibility and there were not restrictions on her doing that at the time she considered the purchases.

Council Member Keller requested a copy of the ordinance.

Upon questions by Council Member Robinson, Ms. Cecil stated that she would convert sooner than 20 years, which was what the setback ordinance imposed on her property, but did not know when between now and the 20 year period, that she thought that her plans, which were not formulated at that point, would be within the next 5 years.

Upon questions by Council Member Tatro, Ms. Cecil stated that she understood that the block faces on the three blocks were being considered all at once under the proposal and was rather confused when Council Member Parker stated that it was not the sum total of the consideration but block by block, so they were all put into one application, that her property was on block 30, that there were 5 block faces being considered, that if they took just block 30, two of the homes were opposed and two were for it, and across the street on block 23 it was three opposed and one for it.

Council Member Castillo moved to suspend the rules to hear Ms. Marlene Gafrick, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2000-0005 ADOPTED.

Ms. Marlene Gafrick, Planning and Development Department, appeared and stated that the concept behind the ordinance was they could preserve the character of a

neighborhood as small as a blockface by blockface basis, however they could do an entire neighborhood if that neighborhood had the resources necessary to preserve their neighborhood, and get out and get the people in action and in support of the building lines, that the ordinance required that they have somebody file a petition or letter requesting the establishment of prevailing building lines or the special building line requirement area, then they had a process where they had to show evidence of support and did not require any minimum percentage for the application to come forward other than they had to have evidence support and other requirements that were spelled out in the ordinance, that there was no minimum to start the process that it was evidence of support, that in that particular application they had 76% of the property owners signing and supporting the prevailing building line application for all 5 blockfaces, that the Planning Commission in the hearing determined that the application met the requirement that was spelled out in the ordinance.

Council Member Bell stated that he was curious if they were reading the ordinance correctly because it stated under Section E that the director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions existed, and condition number 2 said that the petition was signed by owners of 51% or more of the lots or tracts within the area proposed for special building line requirement area, and Ms. Gafrick stated that the ordinance was written that they could have just an application showing evidence of support, then if they just had showing evidence of support less than the 51% they were required to go and have a hearing before the Planning Commission, and the Planning Commission would determine if it met the requirements of the ordinance and the application would then be forwarded to City Council with the recommendation for approval, that the neighborhoods were concerned that it would lengthen the approval process and they wanted a way to shorten the process, and so one of the things that was set up in the ordinance was that if a neighborhood could get 51% or more of the property owners to sign and show that they supported it then the director could recommend approval of the application when he determined it met the requirement and it would go directly to City Council, but it still had to meet the same requirements in the ordinance.

Upon questions by Council Member Bell, Ms. Gafrick stated that if they had 51% they did not have to go through the hearing process before the Planning Commission, that this particular one had 76% of the property owners signing and was greater than 51%, however because there was a protest filed it had to go before the Planning Commission for a hearing.

Upon questions by Council Member Bell, Ms. Cecil stated that a number of people withdrew their approval of the original petition, who originally signed and asked for it, that she based her 9 to 7 number from one person on block 31 that withdrew, the two houses that she owned on Milford, the three across the street from her and there was the townhouse on the corner of Graustark and Milford, that the Planning Commission told her there were seven, and she thought they called in to have their name taken off. Council Member Castillo absent.

Council Member Sanchez stated that this brought up the same issue that they had with the speed humps where they had citizens go out and knock on doors asking if they would like speed humps and the signatures were from visitors and the City took that as a signed petition, that they had a citizen present and point out that a lot of people had

retracted those signatures because for one they were not even the home owners that signed it and he wondered what constituted a valid signature and was it just a signature on a piece of paper that they were looking for or was it the property owner of record, and Ms. Gafrick stated that they required a signature from a property owner, that there was an application that needed to be filled out and they had to supply them with information showing how far homes sat back from the street, whether the property was residential or commercial and they went out and field verified all the information that the applicant provided, that they verified all the signatures by checking against the tax records, and also notify the property owners in writing of the pending application, and when there was a hearing before the Planning Commission they also went back out and did re-notice to the property owners. Council Member Castillo absent.

Upon questions by Council Member Todd, Ms. Gafrick stated that they knew they were property owners because they had to check the tax records to verify that, they went through each signature and tied it to Harris County Tax rolls.

Council Member Todd asked Legal if they did any sort of assessment for taking purposes for situations such as these, and Mr. Bibler stated that he did not know of a case by case assessment, and certainly the Legal Department was comfortable with the concept of the ordinance at the time that it was adopted, and certainly they were not taking away the peoples right to use the property, they were just saying they had to build things a little further back than they would otherwise.

Upon questions by Council Member Todd, Ms. Cecil stated that she had an intention to develop the property down the road, probably in the next 5 years, and Council Member Todd asked if she were not able to develop the property how much money would it cost, and Ms. Cecil stated that she had not put an economic analysis on it, but did not think she would be able to develop it, that she would have to continue to use it as two duplexes, that the homes were worth \$300,000 to \$350,000 a piece, that she would imagine she could put 8 townhouses on the property and could get \$300,000 to \$350,000 a piece, that was what they were getting for the ones around the corner on Banks.

Council Member Parker asked Ms. Gafrick if under the ordinance the application fit the ordinance, and Ms. Gafrick stated they determined in their initial review that it complied with the ordinance, and the Planning Commission also determined that the application complied, that it was required to go before the Planning Commission except that a protest was filed, that the neighborhoods actually went out and measured but some of the neighborhoods had trouble with their measuring, so they went out and did some spot checks to field verify that they were doing it correctly, it was not required but that was what they did, that before they mailed out the letters they determined that with six blocks it would not meet the criteria so they worked with the neighborhood to show how they could comply and have a prevailing building line, and it was determined that the block would just be dropped. Council Members Galloway and Sanchez absent.

Upon questions by Council Member Keller, Ms. Cecil stated that she did not have any idea that there was an ordinance that affected the property when she bought it, and felt that she would definitely loose money with the current situation. Council Members Galloway and Sanchez absent.

Ms. Jane Curtis, 1112 Milford, Houston, Texas 77006 (713-528-2969) appeared and stated that her neighbor, Mr. Camfield, who initiated the petition, asked her to correct a few items that were recently under discussion, that there were 15 property owners and 13 of the 15 signed in support of the petition, and of those 3 later withdrew their names because they were concerned about their rights in the future, that two of the people that withdrew their names did so saying that they really like what they were doing but were worried because of the change in the ordinance or the change in the building setback requirements that had happened also since the ordinance, that they might not be able to rebuild their property if it were damaged beyond 75% of the property value, that they still had 10 of the 15 property owners in support; that she was present to talk about the physics of street trees, that she served as curator of the gardens as Bayou Bend Collection and Gardens, that part of her job was preserving and protecting historic trees, that she did that on a day to day basis, that she had done a little math in measuring in her neighborhood to see what it was that made the big shade trees, that everyone valued, flourish compared to the available areas that were made after intense development, that she used the tree in her front yard, of which she handed out a picture, that it was a live oak that was planted the year the house was built in 1926, so it made it a little over 70 years old, was 48 inches in diameter at the base, sixty feet tall and had a spread of about 100 feet, if they added those statistics they would find an available root zone for that tree of about 32,000 square feet of available root space, and if they knew anything about growing trees they would know that most of the feeder roots were in the top 12 inches of the soil and needed air and nutrients as well as water in order to thrive, that of the probably 32,000 square feet that the tree used for its root zone probably 40 percent of that was paved because it was planted right on her property line and that part of the street eliminated the area there so it was using maybe 20,000 square feet in order to survive and thrive, that if they compared that to the types of condominiums that were being developed around their neighborhood, of which she had gone and measured the three across the street from her, they were three stories, had two car garages, driveways to the garages and sidewalks, that left an available growing zone for any plants of less than 400 square feet, and she asked that they compare the difference of 400 square feet of root zone versus the 20,000 that was needed to support a shade tree, that the kind of development that was happening in their neighborhood was making it impossible for shade trees to grow, that her point was that the neighborhood had tremendous value to the people who lived on the street, walkers, joggers, roller bladders and children, that they had a park down the street and there were restaurants in the neighborhood and people came to that part of the Museum District because they could actually walk to shop, buy groceries and get their cars fixed, it was very rare in Houston and thought that the shade trees and the green corridors that they were arguing to preserve were a very important aspect of that quality of life and the types of condominium developments that came so close to the street were making it impossible to use the sidewalk, for a child to ride a tricycle down the street and it was something that was important to those who had chosen that neighborhood and made a commitment to it. Council Member Sanchez absent.

Upon questions by Council Member Bell, Ms. Curtis asked to yield back to Mr. Camfield who was the originator of the petition. Council Members Todd and Sanchez absent.

Council Member Bell moved to suspend the rules to allow Mr. Camfield to answer questions, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Members Todd and Sanchez absent. MOTION 2000-0006 ADOPTED.

Mr. Camfield stated that he was one of the originators of the petition and had done a lot of work, that there were 16 units along the streets that had filed the petition, that was 15 homeowners because Ms. Grayson Cecil owned two of those units, so there were 15 legal property owners, that 13 of those initially signed the petition, that one did not, which was Ms. Cecil, and one person simply did not respond, so 13 were in favor, and subsequently 3 people withdrew their signatures and 2 had been confirmed verbally with him, that one of the people was interested in developing his property like Ms. Cecil and was submitting identical letters with Ms. Cecil, that the other two people had originally signed with them and liked what they were doing who opposed the fact that the neighborhood would be totally filled with townhouses like their own, that they liked the street like it was but they became very concerned that in the case of severe damage to their home, that would take away 75% of their property, they would not be able to rebuild their homes, in short they would lose their homestead, that he tried to point out to those property owners that they already had severe problems, that already by City ordinances if they lost 75% of their homes to the foundation that the current setbacks would leave them nothing but a sliver. Council Member Sanchez absent.

Upon questions by Council Member Bell, Mr. Camfield stated that the count that they had come down to 10 for and 4 against, that Ms. Cecil owned two properties and only got one vote, that he had a conversation with one of the opposed property owners, that if given more time the remaining 2 opposed owners would probably go along with the majority, that was his opinion. Council Member Sanchez absent.

Upon questions by Council Member Tatro, Mr. Camfield stated that block 22 was excluded because about half of the block came right up to sidewalk and were developments that occurred ten years or so ago, that in terms of the prevailing setback percentage along those streets that would not work, that in terms about how they felt about the petition, they approved it, but it was just because it changed the percentage of the number of homes who had the already existing setback. Council Member Sanchez absent.

Mr. Gordon Center, 808 Teetshorn, Houston, Texas 77009 (713-863-8652) had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Ms. Alice Jenkins, 10927 Mayfield, Houston, Texas 77043 (no phone) had reserved time to speak, but was not present when her name was called. Council Member Sanchez absent.

Council Member Castillo moved to suspend the rules to hear Ms. Hilario Maldonado after Mr. Fajardo, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Keller and Sanchez absent. MOTION 2000-0007 ADOPTED.

Mr. Julio Fajardo, 8217 Cawart, Houston, Texas 77029 (713-674-9432) appeared and stated through translation by his son that he was president of the Port of Houston

Civic Club, that they were wearing black ribbons because several young people had died, because of gang related activities and because of a lack of security that existed in their neighborhood, that last year they had requested for police patrols but they had not been heard, that also improvement to the Cirio Gutierrez Park had not been done and any minute the ceiling from the basketball court could fall, that they were being denied the chance to progress, that their neighborhood had stayed the same and was getting worse every year, that it was the beginning of the year and they wanted to make a total change in their community, that due to the lack of security it was very dangerous to step outside, walk, ride a bike or basically have a fun time with their families, that they needed to improve the recreation and entertainment for their children and young people in their small and incomplete park, that the streets needed to be fixed, that the ditches needed to be improved because they were almost completely covered and flooded easily when the rains came, that there were very many families with children in their community, that they had one more bar in the community. Council Members Sanchez and Bell absent.

Mayor Brown stated that Mr. Fajardo had raised issues that cut across departments and that present in Chambers were Assistant Chief Dennis Richards from the Police Department, Mr. Wes Johnson from Public Works and would also represent Parks and Recreation, and would ask that they meet with him to address the concerns that he had brought to their attention. Council Members Goldberg, Sanchez and Bell absent.

Upon questions by Council Member Galloway, Mr. Fajardo stated that the area he was discussing was the Port of Houston and McCarty road off I-10, Denver Harbor and Pleasantville, that there was a lot of crime taking place, that right now they had no entertainment for the children. Council Members Goldberg, Parker, Sanchez and Bell absent.

Council Member Castillo stated that Mr. Fajardo had been present before Council with the same complaints, that his office had received 6 calls within the last three to four months, that he did not blame them for continuing to come forward, that all of his complaints had been referred to the proper departments and obviously it took time, that part of the problem with public safety occurred because of the great number of beer joints on the McCarty Street area, and advised him that the best way to address that problem was to protest the granting of liquor licenses when they expired, that they had told him the process for doing that because that was the only way that a neighborhood could really protect itself against a proliferation of alcoholic beverage permits, that during the summer the Kellogg Foundation made a gift of \$50,000 to the City's Parks Department for revitalization of Cirio Gutierrez Park and it would take time to redesign the pavilion and get it installed, but all of those were things that were in progress. Council Members Goldberg, Sanchez and Bell absent.

Mayor Brown stated that they wanted to make sure to do everything possible to correct his problem and those who were assigned to work with him would report back to the Mayor what progress had been made. Council Members Goldberg, Sanchez and Bell absent.

Council Member Todd asked Mr. Fajardo how many times he had been present, and Mr. Fajardo stated 4, and Council Member Todd stated that this was clearly a recurring problem, that they had been present four times, wore special tee-shirts and

taken the time to get organized, that surely Council could concentrate on the matter, that he had been in that area quite a few times and it was clearly an area where they had a good core group of home owners who wanted to pull the area together. Council Members Goldberg, Castillo, Sanchez and Bell absent.

Ms. Hilaria Maldonado, 8209 Norick, Houston, Texas 77029 (713-675-4861) appeared and stated through a translator that she was present regarding the problems with the ditches and a vacant City lot that had never been cleaned for about 10 years. Council Members Goldberg, Sanchez, Bell and Robinson absent.

Mayor Brown asked Ms. Maldonado to meet with the group assigned to Mr. Fajardo as well. Council Members Goldberg, Castillo, Sanchez and Bell absent.

Mr. Randy Moore, 7605 Glass St., Houston, Texas 77016 (713-764-6468) appeared and stated that he was present because of the drainage and poor maintenance of the street where he owned property, that they had a project going on that was approved to repave the streets, but the drainage was terrible, that he had recently spoken to Mr. Robert DeYoung about the problem which he immediately referred him to Mr. Nelson Marsh who was on the site three hours later to see the problem and agreed that the ditches needed to be regraded, that they also had a trash problem that he had been present on April 27, 1999 about because the ditches were continuously filled with trash, that they had a 2 million dollar project to repave the streets and yet were not going to fix the drainage problem, that their community thought that it was a waste of taxpayers money to come out and do something of that nature, that he had spoken with Mr. Jerry King who went out to their community and agreed that one of the streets needed to be made a one way because of the narrowness of it, which was done and their community was very thankful for that, but when was it going to be that they as taxpayers could have a nice paved well drained street like they had in the River Oaks and Garden Oaks subdivisions. Council Members Goldberg, Castillo, Sanchez and Bell absent.

Mayor Brown stated that what Mr. Moore was requesting would require a project on the capital improvement plan and Mr. King had indicated that he was prepared to recommend Mr. Moore's neighborhood for the Neighborhood to Standards Program and if it was successful in competition with other neighborhoods, then some of the things that he had talked about could occur, but some things were being done and he would get back with Mr. King to see what they could do to be responsive to Mr. Moore's concerns. Council Members Goldberg, Ellis, Vasquez, Castillo, Sanchez, Bell and Robinson absent.

Mr. Ron Doze, 7508 Glass, Houston, Texas 77016 (713-633-8894) had reserved time to speak, but was not present when his name was called. Council Member Goldberg, Ellis, Vasquez, Sanchez, Bell and Robinson absent.

Mr. Benito Coronado, 7919 Masterson, Houston, Texas 77029 (713-674-1496) had reserved time to speak, but was not present when his name was called. Council Member Goldberg, Ellis, Vasquez, Sanchez, Bell and Robinson absent.

Mr. Cliff McDaniel, 11555 Airline Dr., Houston, Texas 77037 (713-599-1800) appeared and stated that he represented Mr. Sam Pinter who owned an apartment property that was located at 11555 Airline Drive, that the property had been dilapidated for nine years, that Mr. Pinter purchased the property out of bankruptcy in April 1999 and

proceeded to begin renovation of the project and made a deal with the City that he would do certain things by certain dates and one of the dates was November 1999 which he was supposed to have 10 roof jobs done, and also had more work that had to be done by April 2000, that Mr. Pinter had found that the work on the project was going to be too expensive for his ability and did not have the resources in order to finish the job, so they had found an institutional buyer, Bank of America, who was interested in purchasing the property with their community redevelopment money and renovating the property, that they had a contract negotiated and the contract would allow for Bank of America to have 60 days in order to do a due diligence period and they wanted to make sure that they had time to renovate the property, that the current agreement that Mr. Pinter had with the City was that certain things were supposed to be done by November 1999 and more things were to be done by April 2000 so what they were seeking was a six month extension on the agreement for the work that was supposed to be completed in order for them to continue the deal with Bank of America, and allow Bank of America to do their inspection and hopefully purchase the property, that Bank of America was committed to put up a substantial amount of property to bring it on line, that it was a property that fronted a neighborhood and would greatly enhance all of the properties around it if the 404 unit property was brought back on line, that Mr. Pinter had spent a significant amount of money on the property, that he had not been able to complete all the work that he had planned on doing by the time period but had made a good faith effort in getting a lot of the roof work done that he had agreed to have done. Council Member Goldberg, Vasquez, Sanchez, Bell and Robinson absent.

Mayor Brown asked if Mr. McDaniel represented the owner at Council and that his request was for an extension to the agreement, and asked that Mr. McDaniel meet with Mr. Todd Cooper to see what could be done. Council Member Goldberg, Vasquez, Sanchez, Bell and Robinson absent.

Council Member Castillo asked if Mr. McDaniel had been working with anyone from Neighborhood Protection, and Mr. McDaniel stated that Bank of America and their Counsel met with Mr. Jerry King, Mr. Pinter and Mr. McDaniel last week and talked about it briefly, that there would be a meeting at the property with some inspectors and some different things and thought that they were going forward with the process, that Mr. Cooper and Ms. Bea Link were also involved and in discussion with them, that Mr. Pinter had asked him to come to Council and plead his case for him, and Council Member Castillo stated that the process that he initially had embarked on was the correct one and Mr. Todd could give him more details, that they did grant from time to time, extensions of time which would require for them to post a certain bond to insure that it was not just a dilatory tactic on their part and would encourage Mr. McDaniel to speak with Mr. Todd Cooper and follow his suggestions. Mayor Brown, Council Members Sanchez, Bell and Robinson absent.

Upon questions by Council Member Galloway, Mr. McDaniel stated that the property had been a problem for a while, that it went through a bankruptcy and the Federal Bankruptcy Court sold it to his client, that the problem that he could be responsible for was only for the last half of the year, and asked that they not put the 9 years of previous ownership on him, that he was not familiar with Mr. Pinter coming before Council. Mayor Brown, Council Members Sanchez, Bell and Robinson absent.

Upon questions by Council Member Quan, Mr. McDaniel stated that the property was a 404 unit apartment property, that Mr. Pinter had put up \$750,000 to purchase the property and had since then spent \$250,000, and that Bank of America was interested in buying the property, they had done a preliminary research of it, and Mr. McDaniel's question to them was how much did they believe they would have to spend, because if they thought that it would be \$7,000 per unit it was not going to be that cheap and Bank of America stated that they were ready to spend \$15,000 per unit in renovation of the property, and from what he could tell would be sufficient to bring the property up to at least a B+ quality, that his client would be completely out of the project and Bank of America would then take over the project and put both the debt and equity into the transaction and would be responsible for developing thereafter, and the management, that there was a 2 month period under which Bank of America was going to do their inspection period and there was a chance that they would go through the property and say there was too much work, there was no way they could do the project and they could at that point walk away from the deal, and then Mr. Pinter would have two months that would be lost, that his client was going to have to sell his property, that there were 100 units that were lived in now.

Upon questions by Council Member Tatro, Mr. McDaniel stated that the agreement was that Mr. Pinter put up a \$85,000 bond and he was to complete certain amount of work by certain dates, that the agreement that Mr. Pinter entered into was to pull the permits to do the work and they had found last week that the people that were to pull the permits did not get them pulled, that the agreement was with Ms. Bea Link and her department. Mayor Brown, Council Members Sanchez, Bell and Robinson absent.

Mr. Michael Bird, 11555 Airline Dr., Houston, Texas 77037 (713-691-1760) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Joaquin Ramirez, 11555 Airline Dr., Houston, Texas 77037 (281-447-8105) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Robert Perez, 5922 Bernice, Houston, Texas 77087 (713-664-0851) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. John Johnson, 7105 Wendemere, Houston, Texas 77088 (281-805-7828) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Brenda Barnes, 9701 Stella Link, Houston, Texas 77025 (713-664-0851) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Barbara Simmons, 12307 Currin Forest, Houston, Texas 77044 (28-458-8148) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Marlene Schumann, 5107 Sleepy Creek, Houston, Texas 77017 (713-944-6129) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. John Florez, 524 Westheimer #B, Houston, Texas 77006 (713-522-6548) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 (no phone) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Woodrow Johnson, 2407 Sam Wilson, Houston, 77020 (713-674-0836) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Lincoln Smooths, 7031 Foster, Houston, Texas 77021 (713-747-9213) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Darrell Scott, 8601 Broadway #1275, Houston, Texas 77061 (713-649-5294) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Ernest Tobar, 611 Walker, Houston, Texas 77002 (713-837-7779) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated Happy New Year to all, that two times in less than one week his house was vandalized, that the last time was on January 1, 2000, that he had written a letter to Council Member Sanchez, that it was very frightening if it would have happened to them, and believed that the police officers took too long to get there, that he had a witness who said that they saw the person, that it was a white man about 6 foot 2 inches, who went into 1607 Frances and Officer Tidwell went there and knocked on the door and no one came out, but somebody was in there because the television was on, so then Officer Tidwell told him that he would come back and talk to the people that were in there; that he wanted whoever vandalized his house, that they painted it all black and tore a

bunch of stuff off his house, that he wanted that person arrested and wanted to be paid for all the damage that person had done to him. Mayor Brown, Council Members Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) appeared and stated that he was President Joseph Charles of Royalty and also a certified volunteer deputy registrar of Harris County and one the only official presidential candidate for the coming presidential election, that he defeated and impeached President Bill Clinton and Al Gore during that past presidential election, that he wished for the new City Council Members to receive knowledge of and for them to keep in mind that he was deputized, that he had some of his cards to pass on, that the new City Council Members were not familiar with his crime victim case that he had been coming before City Council Chambers to receive emergency protection. Mayor Brown, Council Members Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

At 3:22 p.m. upon motion by Council Member Tatro and seconded by Council Member Galloway, City Council recessed until 9:00 a.m. Wednesday, January 5, 2000. Mayor Brown, Council Members Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Wednesday, January 5, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Jr., Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office, Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office and Ms. Martha Stein, Agenda Director present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

MAYOR'S REPORT

Consent agenda (Items 1 through 36) were considered as follows:

MISCELLANEOUS - NUMBERS 1 through 3A

1. RECOMMENDATION from Director Parks & Recreation Department to accept donation of the bronze sculpture titled, "The Lion Cubs" by the Docent Council to be placed near the Lion Exhibit of the Houston Zoological Gardens - **DISTRICT D – BONEY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0008 ADOPTED.
2. RECOMMENDATION from Director Parks & Recreation Department to accept donation of the bronze sculpture of a gaggle of geese titled, "Barnyard Watch Dogs" to be placed in the New John P. McGovern Children's Zoo of the Houston

Zoological Gardens - **DISTRICT D – BONEY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0009 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 9

5. RECOMMENDATION from Building Services Department for approval of final contract amount of \$1,941,515.50 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION COMPANY** for Construction of Fire Station No. 93, GFS C-0067-01-3 - 00.34% over the original contract amount - General Improvements Consolidated Construction Fund - **DISTRICT E – TODD** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0010 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final amount of \$3,365,062.51 and acceptance of work on contract with **BRH-GARVER, INC** for Harbor Relief Sewer, GFS R-1228-05-3 (4465NS1B-1) - 00.87% under the original contract amount - Enterprise Fund - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0011 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,820,943.24 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Cedar Bayou WWTP Modifications, GFS R-1229-01-3 (4622-1) - 02.36% under the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0012 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final amount of \$1,929,560.94 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sims Bayou Trunk Sewer Rehab, GFS R-2002-01-3 (4707-1) - 00.66% under the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Castillo and Bell absent. MOTION 2000-0013 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 17

LOW BIDS

11. **ICEMAKER’S, INC d.b.a. SUPER COOL MECHANICAL & CONSTRUCTION** for Replacement of HVAC Units at Civic Center Parking Garage for Convention & Entertainment Facilities Department \$102,000.00 and contingencies for a total amount not to exceed of \$107,100.00 Enterprise Fund – was presented, moved by

Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-0014 ADOPTED.

12. **POLAR SERVICE CENTERS** for Wheel Replacement Parts for Various Departments \$164,875.00 - General and Enterprise Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-0015 ADOPTED.
13. **CROWN DODGE** - \$212,137.50, **PHILPOTT MOTORS, LIMITED** - \$474,108.75, **LAWRENCE MARSHALL CHRYSLER, L.P.** - \$22,447.50, **LAWRENCE MARSHALL CHEVROLET, L.P.** \$263,886.25, **ARANSAS AUTOPLEX FLEET SERVICE** - \$57,918.75, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$514,312.50, **HI-TECH TRUCK RIGGING & EQUIPMENT COMPANY** \$33,985.00 and **MATECO TRUCK EQUIPMENT** - \$218,746.25 for Light Duty Cabs and Chassis and Bodies for Various Departments - Enterprise, Equipment Acquisition Consolidated and Sign Administration Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-0016 ADOPTED.

OTHER

14. **AMEND MOTION #98-121, 1/21/98 and #98-1925, 12/2/98, TO EXTEND** terms of contract from January 21, 2000 to February 20, 2000 for Rainwear, Waterproof Footwear and Hard Hat Wear, Part I and II for Various Departments awarded to **TRICON TOOL & SUPPLY, ABATIX ENVIRONMENTAL CORPORATION, GROVES INDUSTRIAL SUPPLY, CMC CONCRETE ACCESSORIES, INC dba SHEPLER'S, R&R UNIFORM CO., GISCO, INC., and ALLIED PRODUCTS on Part I and GROVES INDUSTRIAL SUPPLY and ORR SAFETY CORP. (Bid #1)** on Part II – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-0017 ADOPTED.

ORDINANCES - NUMBERS 18 through 36

23. ORDINANCE awarding contract to **WASTE RECOVERY, INC** for Used and Scrap Tire Disposal Services for Solid Waste Management Department; providing a maximum contract amount 5 Years - \$1,983,750.00 - General Fund – was presented. All voting aye. Nays none. Council Members Boney and Castillo absent. ORDINANCE 2000-1 ADOPTED.
24. ORDINANCE awarding the contract to **GT FIRE EQUIPMENT COMPANY INC dba AAA FIRE EQUIPMENT COMPANY, INC** for Fire Extinguishing Equipment Inspection, Maintenance and Hydrostatic Testing Services for Various Departments; providing a maximum contract amount 3 Years with two one-year renewal options - \$515,615.54 - General and Enterprise Funds – was presented.

All voting aye. Nays none. Council Members Boney and Castillo absent.
MOTION 2000-2 ADOPTED.

36. ORDINANCE appropriating \$2,750,000.00 out of Airport Renewal and Replacement Fund, CIP A-0131 and A-0356, awarding construction contract to **ROOFTOP SERVICE COMPANY, INC** for Terminal C Reroofing at George Bush Intercontinental Airport/Houston (IAH), Project No. 490G **DISTRICT B – GALLOWAY** – had been pulled from the Agenda by the Administration, and was not considered.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

3. ORDINANCE appropriating \$35,000.00 out of Public Library Consolidated Construction Fund 439 as an additional appropriation for construction of Clifford Tuttle Branch Library under construction contract with **RESICOM, INC**, CIP E-0032-01-3, approved by Ordinance No. 99-314; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund 439 - **DISTRICT H – VASQUEZ** - was presented. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-3 ADOPTED.
- 3a. RECOMMENDATION from Building Services Department for approval of Change Order No. 6 in the amount of \$35,000.00 on contract with **RESICOM, INC** for Renovation of Clifford Tuttle Branch Library, GFS E-0032-01-3 - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Sanchez, and seconded by Council Member Parker.

Council Member Vasquez stated that he wanted to go on record as supporting the contract extension, however, he was concerned about the resources to be used; that from his understanding the library could use additional audio/visual equipment, additional staffing and language resources and potentially an after school program and he did not want the resources for the library to be lost and would like the Administration to look into increasing the staffing, language resources, audio/visual resources and potentially an after school program for that particular library; and Mayor Brown stated that could be done but it would be during the budget process and he would make note of it. Council Member Boney absent.

Council Member Quan stated that Mr. Lewis was present and had been following the project closely and would like him to report on it, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-18 ADOPTED.

Mr. Lewis stated that on November 4 Mayor Brown instructed that he take personal interest in getting the project completed and the memorandum he signed last week indicated that with the change order they were on schedule to complete the construction February 19, 2000, and he saw no reason for it to not be completed on time and nor any reason for additional funding.

A vote was called on Item 3a. All voting aye. Nays none. MOTION 2000-0019 ADOPTED.

DAMAGES

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ANJAN KUMAR MITRA v. Romero Ricardo Resendez and the City of Houston**; No. 97-32693; in the 281st Judicial District Court of Harris County, Texas - \$17,000.00 - Property and Casualty Fund - was presented, moved by Council Member Galloway, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0020 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Building Services Department for approval of final contract amount of \$91,015.89 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of Parking for Fire Station No. 61, GFS C-0112-01-3 - **DISTRICT E – TODD** - was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0021 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

10. **LANSDOWNE-MOODY CO., INC** for Tractors, Mowers and Attachments for Houston Airport System - \$288,030.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro, and was tagged by Council Members Robinson and Galloway

Council Member Robinson stated that he would like someone to visit with him on Item 10; and Mayor Brown stated that someone would visit with him.

OTHER

15. **FLINT TRADING, INC** for Thermoplastic Materials for Various Departments - \$3,415,888.97 Enterprise and METRO Funds - was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0022 ADOPTED.
16. **PHILPOTT MOTORS, LIMITED** - \$674,711.25, **LAWRENCE MARSHALL CHEVROLET, L.P.** \$3,709,775.00, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$129,585.00, **CROWN DODGE** - \$1,198,620.00, **LAWRENCE MARSHALL CHRYSLER, L.P.** - \$1,493,070.00 and **TRIANGLE CHEVROLET, INC** - \$286,128.75 for Autos, Vans, Utility Vehicles and Pickup Trucks for Various Departments - Enterprise, Equipment Acquisition Consolidated, Grant, Park Special Revenue, Sign Administration and Building Inspection Funds - was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0023 ADOPTED.

17. **AMEND MOTION #98-53, 1/7/98, TO EXTEND** expiration date for three (3) months from January 11, 2000 to April 10, 2000 for Padlocks, Door Locks and associated hardware for Various Departments, awarded to **IDN ACME, INC, AMERICAN SECURITY DISTRIBUTION, INC, THOMAS CADEN-FAIRWAY SUPPLY, KING SAFE & LOCK CO., INC, BEST LOCKING SYSTEM OF HOUSTON, BARBARA'S SAFE & LOCK dba LOCKING SYSTEMS, INC** - was presented, moved by Council Member Sanchez, and seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0024 ADOPTED.

ORDINANCES

18. ORDINANCE relating to Safety Codes adopted for the protection and preservation of lives and property from fire and other perils; amending the Fire and Building Codes of the City of Houston and containing other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability – was presented, and was tagged by Council Members Robinson and Castillo.

Council Member Castillo stated that he had several questions on Item 18, it was a major action because Council was adopting actions which would govern construction in the city and he wondered what the significant changes were and how much it cost for the city to replenish their stock once changed; and moved to suspend the rules to hear from Mr. Melvin Embry at this time, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0025 ADOPTED.

Mr. Embry appeared and stated that they had provided about 20 pages which gave detail of the changes in the code and Ms. Stein would be glad to pass it out; that it was a nationally recognized standard that all major cities were involved in; that this year three model codes nationally were being combined into a national code and it was not mandated by the federal government, but they said it would make it simpler; and he would make the 20 page synopsis available to all Council Members. Council Member Boney absent.

Council Member Todd stated that whenever there was a major regulatory change such as this he felt it was incumbent for Council Members to ask many questions; that this went through the Construction Industry Council; and upon questions, Mr. Embry stated that there were approximately 57 members of the Council itself and they were comprised of various types of 57 organizations; and this was an every three year change. Council Member Todd thanked Mr. Embry on moving this forward and stated that he would have liked it to come through the Regulatory Affairs Committee but understood there were timing issues involved; and Mr. Embry stated that the code would also affect the insurance rating and the city had a very good insurance rating because they did stay current with the model codes.

Council Member Robinson stated that whenever someone came from a department to Council and the first thing they discussed was timing he wondered why they never came in enough time for Council to have some type of comment hold; that he wanted him to know this year he would be shooting through that; that he also did not like it when there was an issue and all who had an interest in it were not able to be heard, he

felt it was incumbent on departments to go out and reach out to everyone and provide them a significant opportunity to participate; that he felt it should come to a council committee so they could be reassured everyone had the opportunity; and he would like to visit with him because a number of people were interested in having comments on the substance of the code and they were experts and not a part of the CIC process; and Mr. Embry stated that they did want to make sure anyone impacted was involved with the decision making and the Construction Industry Council had been around for at least the last 30 years and the review of the code had been going on for a number of years and he was also surprised there was any opposition to this. Council Member Robinson stated that he did not think it was opposition, but that folks had tried over time to be a part of the CIC process and had been bared; and Mr. Embry stated that he would visit with him. Council Member Goldberg absent.

Council Member Tatro stated that he would echo comments of fellow Council Members; and he heard there was a timing issue so what was the expiration; and Mr. Embry stated that the issue now was the insurance rating; that he did not know exactly what the timeline was but did know it was another week or so and would have to get the information from Chief Tyra as he was who they had spoke with. Council Member Tatro stated that this was a significant issue and many were not a part of the CIC and had no opportunity to make comments to a Council committee; that he had spoken to members of the CIC and felt the process was very good, but still felt there should be an opportunity for others to come to the table; and requested that the Administration utilize the Council committee on such matters. Mr. Embry stated that Construction Industry Council had been in existence for over the last 30 years and the process today had been there for over 30 years and people who wanted to be involved and asked to join CIC he nor the Mayor appointed to it, but it was an organization recognized by the Mayor and Council and they had a selection process and they were not looking at saving or making more money but at the issue of safety; that they had a nationally recognized code viewed throughout the country and his preference would be no changes but because of climate, etc., there were and their 20 pages would be fairly minor to a 400 to 500 page document and at the last minute for someone to have an issue because they were not involved with it he would be glad to see if he could help them get involved. Council Member Tatro stated that Council Member Todd would not think the changes minor as he understood the levers on the gas meters was now allowed and that was a significant change.

Council Member Tatro yielded to Council Member Todd who stated that was important; that Council action last term did that informally and it was nice to have his legacy on Council making self service safe.

Upon questions by Council Member Bell, Mr. Embry stated that on the CIC it was the same group they looked to for getting input for suggestions on permitting; that regarding this, the codes themselves were broken into four categories, five with the Fire code, and each had a committee of individuals who were experts in the category and anyone wanting to make recommendations to the committee could; that the body was made up of 50 organizations and in most groups there was a subcommittee first reviewing, then a panel of 10 to 15 and then it went to the entire body; that he had someone sit on each committee and then Mr. Bibler reviewed and came back to them to make sure all that was done was above board and legal. Council Member Bell stated

that in the future he would be more comfortable if Mr. Bibler were required to attend all meetings.

Council Member Todd stated that he had a copy of local ADHOC members if anyone wanted to see that; and upon questions, Mr. Embry stated that the national committee was made up of jurisdictions.

Council Member Todd stated that he would like to know if Council was ratifying the actions today; and Mr. Bibler stated that he did not know if they had endorsed them, but they had certainly been a built-in part of the process on the Fire Code side, but then there was a Fire Code Review Board appointed by the Mayor and confirmed by Council which did review the Fire Code which represented all various industry groups interested, so there was an official body on the Fire Code side, but on the building Code side it was the ADHOC Committee. Mr. Embry stated that Houston was the only city in the state that he was aware of that did have something like this, where they brought in the organizations they monitored and he thought it had been 30 years but it had been over 40 years.

Mayor Brown stated that Item 18 had been tagged.

19. ORDINANCE establishing the north and south sides of the 1100 block and the north side of the 1200 block of Milford Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT C – GOLDBERG** – was presented.

Council Member Bell stated that in yesterday's Council Meeting several people appeared and there seemed to be disparity in the numbers according to the woman against the item and those supporting it; that he spoke with both sides and said he would like to tag it to see if they could work the matter out or at least to see who did support it and not support it; and Mr. Camfield and his wife, who were in favor of it, asked that it be delayed for three weeks because some were out of town and would not be back to state their positions if it was only delayed one week; and moved to postpone Item 19 for three weeks, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Sanchez absent. MOTION 2000-26 ADOPTED.

Council Member Keller stated that he was going to delay the item for the same reason and he looked forward to getting with both sides; that he felt the overall intent was good, but was concerned about their innate responsibility to protect property values. Council Members Todd and Sanchez absent.

Council Member Parker stated that she supported the delay as she wanted all Council Members to be comfortable with the item, but there had been no indications that this item did not follow the ordinance and would caution Council Members who might want to change the rules in midstream that it was probably not a good idea and Council had passed a similar item with virtually identical fact simulation at the last Council Meeting of the previous year. Council Members Todd and Sanchez absent.

20. ORDINANCE approving and authorizing the termination of a prior contract approved by Ordinance No. 94-728 between the City and Harris County in support of a Joint City-County Commission on Children; approving and authorizing a new contract between the City and **HARRIS COUNTY** for a New Joint City-County Commission on Children; providing a maximum contract amount \$71,909.00 - General Fund – was presented, and was tagged by Council Member Tatro. Council Members Todd, Castillo and Sanchez absent.
21. ORDINANCE appropriating \$1,060,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 12.869 acres of land, out of the A. R. Bodman Survey, Abstract 141, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and authorizing the Mayor to execute a Purchase and Sale Agreement with Fred Parks to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Members Todd, Castillo and Sanchez absent. ORDINANCE 2000-4 ADOPTED.
22. ORDINANCE approving and authorizing agreement to extend a Food and Beverage Concession between the City and **CONCESSION AIR HOUSTON** at William P. Hobby Airport - Revenue **DISTRICT E – TODD** – was presented, and was tagged by Council Member Robinson. Council Members Castillo and Sanchez absent.
25. ORDINANCE appropriating \$100,000.00 out of Public Health Consolidated Construction Fund for Roof Repair Services for Houston Department of Health & Human Services under contract No. C39756 (approved by Ordinance No. 98-1037) between the City and **SEYFORTH ROOFING COMPANY, INC**, CIP H-0018 – was presented. All voting aye. Nays none. Council Members Castillo and Sanchez absent. ORDINANCE 2000-5 ADOPTED.
26. ORDINANCE approving and authorizing agreement between the City of Houston and **PATE ENGINEERS, INC** for the Review and Update of the City's Water and Wastewater Impact Fee Program - \$155,300.00 - Enterprise Fund – was presented, and was tagged by Council Member Robinson. Council Member Sanchez absent. **(Council Member Robinson released his tag later in the meeting.)**
27. ORDINANCE appropriating \$2,335,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PATE ENGINEERS, INC** for the Design of Rehabilitation of Water Storage Tanks, CIP S-0600-05-2 (WA10596); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Sanchez absent. ORDINANCE 2000-6 ADOPTED.
28. ORDINANCE appropriating \$426,970.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional

services contract between the City of Houston and **SUNLAND ENGINEERING COMPANY** for Design of Water Main Replacement in Dumbarton Oaks Subdivision, CIP S-0035-64-2 (WA10589); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-7 ADOPTED.

29. ORDINANCE appropriating \$2,294,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Design of Wastewater Treatment & Sludge Plant Renewal/Replacement, CIP R-0265-09-2 (WW4759); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY; E - TODD; F - ELLIS and I – CASTILLO** – was presented.

Council Member Castillo stated that this involved professional services to rehab or bring up to standards certain facilities within the city; that in the backup it said it was preliminary evaluation and design of improvements and he wondered if it was common practice to combine the evaluation and then design; that it seemed they were building in an incentive to find things to change and then awarding it to the company that found them and moved to suspend the rules to hear Mr. King at this time, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-27 ADOPTED.

Council Member Castillo stated that on Items 27, 28 and 29 it appeared they were authorizing professional services contracts to evaluate conditions of certain facilities and then combining preliminary design of the actions; and upon questions, Mr. King stated that was common practice and they had been doing it for a number of years, but they did not go forward on projects not needed and there was staff oversight to make sure that did not happen.

Council Member Boney stated that he had an unrelated but parallel issue, the Johnson Branch Library, they had been trying to determine who was at fault with the leaks; and upon questions, Mr. King stated that he believed on that issue they were in a legal discussion to determine who was exactly at fault and Mr. Lewis may have more information. Council Member Boney stated that his constituent had scheduled a meeting with him in May and that would be two and a half years since they had first identified the problem and he would not like to say they were still trying to see who was at fault and he was giving him four months advance notice now.

Council Member Sanchez stated that this was not related to the issue, but Council Member Boney brought up an interesting issue, a couple of weeks ago Council had a discussion about the number of projects contractors had bungled and engineers had errors in designs and Council wanted a list of the number of contractors the city was pursuing in terms of legal action and he was surprised there were only three contractors on it; and upon questions, Mr. Hall stated that the list provided was in response to the number of active litigation cases; that the complete story about the issue was most of them performed under bonds and often the resolution of a dispute or difficulty was settled through negotiation by the bonding company. Council Member Sanchez stated that it would have been helpful if they would have received a list of troubled projects and

the resolutions and not just those going to litigation; and Mr. Hall stated that he would see if they could pull that together for him.

A vote was called on Item 29. All voting aye. Nays none. ORDINANCE 2000-8 ADOPTED.

30. ORDINANCE appropriating \$572,843.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Design of Water Line Replacement in Pleasantville, CIP S-0035-69-2 (WA10585); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-9 ADOPTED.

31. ORDINANCE appropriating \$687,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Design of Water Line Replacement in the Scenic Woods Subdivision, CIP S-0035-71-2 (WA10580); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-10 ADOPTED.

32. ORDINANCE appropriating \$482,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Design of Water Line Replacement in the Ranger and Brookline Subdivisions, CIP S-0035-73-2 (WA10590); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-11 ADOPTED.
33. ORDINANCE appropriating \$22,000.00 out of Storm Sewer Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **LIN ENGINEERING, INC** for Modification of the Drainage System along Memorial Drive from Broken Bough to Boheme, CIP M-0126-HL; providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund **DISTRICT G – KELLER** – was presented, and was tagged by Council Members Tatro and Parker.
34. ORDINANCE appropriating \$319,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design Improvements to the Southwest Wastewater Treatment Plant, CIP R-0097-02-2 (WW4758); 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. ORDINANCE 2000-12 ADOPTED.
35. ORDINANCE appropriating \$848,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Design of Remote Monitoring and Renewal/Replacement of Various Components of Wastewater Treatment Facilities, CIP R-0512-07-2 (WW4768); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - BONEY; E - TODD and G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-13 ADOPTED.

MATTERS HELD - NUMBERS 37 through 39

37. ORDINANCE amending the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to fees for Training Courses offered by the Public Works & Engineering Department; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 24 on Agenda of December 21, 1999, TAGGED BY COUNCIL MEMBER WONG)** – was presented. All voting aye. Nays none. ORDINANCE 2000-14 ADOPTED.

38. ORDINANCE authorizing issuance of City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax Commercial Paper Notes, Series A and Series B, in an aggregate principal amount not to exceed \$75,000,000.00; prescribing the terms and conditions thereof; providing for payment thereof; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Commercial Paper Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such Commercial Paper Notes, including the approval of an Issuing and Paying Agency Agreement, Credit Agreement and Dealer Agreement; approving the use of an Offering Memorandum in connection with said sale; making other provisions regarding such Commercial Paper Notes and matters incident thereto; authorizing a Co-Bond Counsel Agreement – **(This was Item 30 on Agenda of December 21, 1999, TAGGED BY COUNCIL MEMBER TATRO)** – was presented, and Council Member Eillis stated that he would tag the item and Mr. Hall stated that the item was not taggable.

Council Member Castillo stated that this was an item on the Agenda before though it may have been prior to the new Council Members and his point was Council had adopted a schedule of activities pretty tight in order to accomplish construction of the Convention Center Hotel and expansion of the Convention Center facilities and a delay would inordinately affect that; and moved to hear from Mr. Jim Gilley with Coastal Securities, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0028 ADOPTED.

Council Member Castillo stated that he would like Mr. Gilley to brief Council on the relative position of interest rates between Commercial Paper and 30 year bonds; and Mr. Gilley stated that Commercial Paper was running between 3 1/2% and 4% and long-term bonds were probably 5 3/4% to 6%; that the general consensus was that the rates were trending up and there was concern the Federal reserve would raise rates in the middle of February; that this was for interim financing for the Convention Center and the hotel project and it was anticipated that permanent financing for the projects would be completed within that time period and if at that time Council wanted to re-extend the credit facility the bank had said they would favorably consider that, he did feel this time was the best to do the Commercial Paper; that one of the important things about the Commercial Paper Program was it was for appropriation; that it was for \$75,000,000 but he would be very surprised if anywhere near that much would actually be issued.

Council Member Todd stated that the effect of a tag if it had been observed would be to delay the item only a week and in the course of a week's time it would also be possible that interest rates could go down so in reality it might be good to delay it a week; and Mr. Gilley stated that interest rates when they occurred on the paper, the time the paper was issued, authorized the issuance of the paper and that may not occur for awhile, until the City actually needed to draw down cash; that the project was on an aggressive timetable and he felt he could speak for those working on the project including the Convention and Entertainment Department and they wanted Council to fully understand what was happening and have the opportunity to review the project because it was important; that he was told by the experts that had been reviewing the project that this would further the momentum established in the downtown redevelopment.

Council Member Todd moved to postpone Item 38 one week, and was seconded by Council Member Bell.

Council Member Bell stated that he wanted to speak in favor of the delay as some new Council Members did want time to review the item and in speaking to Mr. Tollett he said he could live with a delay.

Council Member Boney stated that staff had said a one week delay would not hurt the project, but he would urge moving forth aggressively with the timetable on the projects; that it seemed it was just seven days, but then often it was another seven days, month and now it was two years and they still had no Convention Center Hotel and Council Members should call staff and schedule meetings and have questions answered.

Council Member Ellis stated that he had questions for Mr. Lewis, in breaking down the item there were Series A and Series B Notes and upon questions, Mr. Lewis stated that the allocation between them had not yet been allocated; that the A and B designation were for purposes of tracking the actual issuance of the Commercial Paper between the expansion and the hotel project; that the items were grouped because they both had the potential need for interim construction and design, predevelopment cost type financing and it was most efficient to do it as one overall Commercial Paper Program; that when they had discussed the matter yesterday he had pointed out that the general obligation debt structure of the city, the water sewer enterprise debt structure, the aviation debt structure, all had Commercial Paper programs similar to the one before Council today. Council Member Ellis stated that they had also discussed there was a nonprofit local corporation they were trying to set up so they could sell tax exempt bonds and the city would not be liable in the event that the hotel project failed or that the management of the hotel project failed; and Mr. Lewis stated that he had pointed out they had discussed with the Mayor a three point go forward plan with the first point involving the creation of the nonprofit corporation, but they held off on the go forward plan pending meetings with Landmark which was the subject of discussion with Council in late December so it was a little premature, but he did believe it would be their intention to come forward with creation of a nonprofit primarily for financing purposes as well as negotiating a guarantee. Upon further questions by Council Member Ellis, Mr. Lewis stated that the expansion of the Convention Center would not be included in the nonprofit corporation; that the Administration's position all along had been that the Brown Convention Center should not be expanded without a Convention Center Hotel and the efficiency and flexibility they had in setting up one program to accommodate both activities was the reason the item was structured before the Council as it was today; that this was consistent with the expediting resolution Council passed in late summer/early fall and they were trying to move as rapidly as they could; that they had potentially architectural contracts ready to come forward for the Brown expansion where they would need to encumber a significant sum of funds and if they were successful in a go forward strategy they would also have a development agreement and architectural agreement for the hotel which would need funds encumbered; that they were looking at articles of incorporation, bylaws and would be discussing the board composition with the Mayor over the next 10 days.

Council Member Parker stated that Council Member Boney made her point which was that she did want new Council Members to be familiar and comfortable with this but would like to know what their concerns were; and yielded to Council Member Castillo.

Council Member Castillo stated that he would like Mr. Lewis to explain the interim nature of the Commercial Paper Program that would eventually be taken out by the bond issue, etc.; and Mr. Lewis stated that the Commercial Paper Program for the Convention and Entertainment enterprise was similar to the other three programs they had, it took advantage of variable rate debt that over the last 15 years had been 300 bases cheaper than fixed rate debt and it was very common by private developers to use interim construction financing on development projects and to fix that debt out at the completion of the project; that when they instituted the program in 1994 they virtually eliminated the city's arbitrage liabilities that had been accruing prior to that time, it was a very good program but the Convention and Entertainment had not had the capital requirements that would justify creation of a program until this year with the two large projects. Council Member Castillo stated that once the local development corporation was set up to conduct business for the hotel they would issue bonds that would then take out the Commercial Paper issued on behalf of construction of the hotel; that in fact Council passed a resolution that it was their intent to reimburse the Convention Center Department for any cost they would bear on behalf of the hotel from the bonds that would eventually be issued; and Mr. Lewis stated that was correct; that if they went forward with the corporation they would issue the debt and also correct that to comply with the Internal Revenue Service Code and the Council had passed a reimbursement resolution which stated the intent to do that; and agreed that the bottom line of what this did was issue a credit facility that would allow maximum flexibility for the Convention Center Department to deal with the issue of the expansion of the Convention Center and development of the Convention Center Hotel and all substantive decisions relative to the two would come back to Council for approval, this only established how they received the money.

Council Member Sanchez stated that for the new Council Members there was always a deadline and he sort of quit listening to it a longtime ago, they had to discern for themselves if it indeed was a deadline that if not met the entire item would fall apart and most could stand a week delay; that Council Member Ellis brought up an interesting point which was why would you want to have one bond issue with commingled funds and financing of a nonprofit corporation and enterprise fund, why could they not be separated; that it seemed wise to him for someone to introduce a motion to separate those and have the financing tools done separately; that Mr. Lewis made the statement that Council passed a resolution and he would remind Council they were not bound by any Council action, they did not have to vote any certain way just because their predecessor did and would encourage them to exercise independence; and the speaker spoke on revitalization of downtown and there was a piece done by a television station recently which said they were nearing the completion of Enron Field and there was not one commercial development that had gone up around it so they should not let the argument that government project brought the private sector in abundantly. Council Member Todd absent.

Council Member Quan stated that as a new Council Member he appreciated Council Member Boney's remarks that they did need to utilize their time and he knew that Mr. Lewis and Mr. Tollett had been most generous in meeting with him about the

issue and his understanding was that a packet was being prepared for new Council Members so they could make an informed choice; that he wanted to expedite the project as well but felt they did have an obligation to review the information before voting on the issue. Council Members Todd and Robinson absent.

Upon questions by Council Member Tatro, Mr. Lewis stated that they had been considering the possibility of creating a nonprofit, both under Texas and Federal laws, for some time and after Council approved the contract with Gilbane Services out of Atlanta they were able to brainstorm the alternatives and come up with what they thought to be a good concept and discussed it with the Mayor; that it involved creation of a 63/20 Corporation which was used in the development of the Sacramento Convention Center Hotel and they believed at this point in time it would be best to create such an entity; that there were two specific objectives to be accomplished with the creation of such a nonprofit with first intending to maximize the project based financing using revenue from the hotel to service the debt and the second objective had to do with a state statute which allowed them greater flexibility in negotiating a guaranteed price and delivery date with a developer and that was also very important for Wall Street and the bond holders so there was financial risk by the developer for failing to accomplish that. Council Members Todd, Bell and Robinson absent.

Council Member Keller stated that he did appreciate their eagerness and energy to move the project forward and believed they were the right people to do it; that he also liked separation of the financing instruments, in development an ounce of prevention was worth a pound of cure; that the asset would probably be returning income to the city for 50 years or more and a week or one year was miniscule to that affect; that he would do the best he could in getting up to speed and catching up with his other colleagues and he apologized for that; that one thing he was going to strive to learn quickly, with all the people involved he wanted someone accountable and Gerald D. Hines when he built something he was accountable and he felt if they could hone in on one person or the entity of people accountable because the intent and design of the plan should be to maximize return to taxpayers. Council Members Todd, Bell and Robinson absent.

Council Member Ellis stated that he did want to limit the liability of the taxpayers in Houston; and moved to omit the Series B Notes and move forward with the passage of the Series A Notes.

Mayor Brown stated that currently Council had a motion on the floor and his was not in order at this time. Council Member Bell absent.

Council Member Boney stated that Council Member Sanchez mentioned helpful tips to new Council Members and he would like to add that when in doubt vote with the Mayor and Administration and they could not go wrong; that point two would be to take everything Council Member Sanchez said with a grain of salt; that he would suggest a couple of things, often Council Members were called upon to share their expertise in construction, law, architecture, etc., however, many had not gone to school for formal training in that regard; that city employees with its \$2.2 billion budget were some of the best talent in the areas and he would suggest that before offering their great wisdom which had been derived over several weeks or years that they consult with that highly paid talent and when talking about a policy matter on financial structure he would suggest asking the financial advisors who were hired to advise and then let their policy

opinions be put forward with the decision to be made; that he had met with representatives from Landmark and others and he would suggest Council Members avail themselves of expertise as they moved to the decision making on policy matters; and to Council Member Sanchez when most people thought of investing dollars in development projects downtown would probably want Enron Field to be up and going before opening so that may be why construction was not seen in the area; and suggested supporting the one week delay and then taking advantage of the time for information. Council Members Parker and Bell absent.

Council Member Castillo stated that he would like Mr. Lewis to explain the differential in issuance cost in having two different series separated; and Mr. Lewis stated that they had the outside law firms and investment bankers working on the transactions, there would be additional fees associated with separating the two and he was correct that the item before Council already separated Commercial Paper expenditures for the Brown expansion in Series A and Commercial Paper expenditures for the Convention center Hotel in Series B and the only thing not done was they had not allocated the \$75,000,000 and as he explained to Council Member Ellis that was for purposes of trying to retain as much flexibility as they could in the matter and based on the motion of Council Member Ellis the Convention Center Hotel would not go forward without some alternative source of funding for any contractual obligations Council needed to enter into to move the project along. Council Member Castillo stated that he had wanted to underline the impact of separating the two, it may look neat on paper but made the financing more complicated and before undertaking the split he would suggest that any Council Members with questions consult with the city's financial advisor and get a professional opinion. Council Member Parker absent.

Council Member Robinson stated that the issue relative to Council Member Ellis' question was that he assumed someone could tell them what the cost of issuance of Commercial Paper was every time they decided to go out and issue a series and if they did not know the cost then that was a bigger problem, but he knew Mr. Haines was taking care of it. Council Member Parker absent.

Council Member Todd stated that he had a procedural question, if Council Member Ellis made his motion to split next week it would be taggable, but for it to not be taggable it probably needed to be on the table today; and Mr. Hall stated that if he was saying a Council Member would not be absent today who was not present when it was first presented obviously with that provision observed it would be true. Council Member Todd yielded to Council Member Sanchez who stated that in the past when that came up there had been an agreement of everyone in attendance that Council would consider the motion and give it full consideration and not tag and with everyone present they could pledge to do so on Council Member Ellis' motion. Mr. Hall stated that could not be binding; and Council Member Todd stated that they could be bound by honor. Council Member Todd stated that he would withdraw his motion on postponement of the item and yield to Council Member Ellis and then have him yield back.

Council Member Ellis moved to amend Item 38 to omit the Series B Notes and move forward on passing the Series A Notes, and was seconded by Council Member Keller.

Council Member Boney stated that he would again urge voting the motion down as it made no sense to expand the Convention Center without building the Convention Hotel. Council Member Robinson absent.

Council Member Todd stated that his intention in wanting his time yielded back was to tag the motion so there would be a week to consider it; and then tagged Council Member Ellis' motion. Council Member Bell added his tag. Council Member Robinson absent.

Council Member Todd stated that he would move to postpone item 38 for one week, and was seconded by Council Member Tatro.

Mayor Brown stated that the motion to amend Item 38 had been tagged and there was a motion to postpone Item 38 for one week.

Council Member Tatro stated that getting from point a, that they had no hotel and point b, the city was moving forward to build the hotel Mr. Lewis mentioned if Council did not utilize Series B then funding for the hotel would basically fall through; and upon questions, Mr. Lewis stated that if he understood the motion properly which Council Member Ellis made the Commercial Paper Program would not be available for the Convention Center Hotel. Council Member Tatro stated that the back fall was that the George R. Brown four cents of the Hotel Occupancy tax was basically the collateral for the debt issuance; and Mr. Lewis stated that he would not agree with that; that the program had been structured so the Brown would be financed using the HOT Tax as the pledge and the attention of this Administration was to finance the hotel with hotel related revenues with the maximum extent possible.

Upon questions by Council Member Tatro, Mr. Tollett stated that his unencumbered fund balance was probably around \$20,000,000, but that did not mean it was not for projects in the pipeline down the road; that they were borrowing money at 3% and their money now was being invested at 5% so the financial advisors along with the Controller's Office had recommended this mechanism to initiate the program; that they were not doing this on their own, the financial advisors and Controller's Office said if they wanted to start the program they would recommend the Commercial Paper Program and the department was actually making money by keeping their money. Council Members Todd and Robinson absent.

Council Member Castillo stated that the current discussion started so that Council Members would have an opportunity to study the item on the table and that item was Commercial Paper Notes and it had quickly evolved to an apparent action to separate Series A and B; that it seemed separating did not accomplish what Council Member Ellis originally said and came close to doubling cost; that they had been over this for four years and prior to that four years; that somehow they had to have the work of prior Administrations and prior Councils account for something and he hoped when the vote came next week it did not boil down to whether they still wanted a Convention Center Hotel or not.

After further discussion a vote was called on postponement of Item 38 for one week. All voting aye. Nays none. MOTION 2000-0029 ADOPTED.

Mayor Brown stated that the item was postponed one week and he would ask that those working on the item make sure all questions raised be answered during that week's time.

39. ORDINANCE appropriating \$2,351,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BINKLEY & BARFIELD, INC** for Design of Wastewater Treatment & Sludge Plant Renewal/Replacement, CIP R-0265-11-2 (4760); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - GALLOWAY; E - TODD; G - KELLER; H - VASQUEZ and I - CASTILLO** – **(This was Item 52 on Agenda of December 21, 1999, TAGGED BY COUNCIL MEMBER WONG)** – was presented. All voting aye. Nays none. ORDINANCE 2000-15 ADOPTED.

Council Member Robinson stated that he would remove his tag of Item 26.

26. ORDINANCE approving and authorizing agreement between the City of Houston and **PATE ENGINEERS, INC** for the Review and Update of the City's Water and Wastewater Impact Fee Program - \$155,300.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-16 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bell stated that he would like to request never having excess of 40 items on an Agenda because he did not think Council would get through it.

Council Member Bell stated that about this time last year he spoke of his displeasure that the city had not made financing available for the Houston Marathon by way of providing police services free, roughly that was \$150,000, it was a showcase event for the City of Houston with participation from people all over the world; that the event helped put Houston on the map and he felt the city should help support the effort; that during last year's budget process he proposed an item for funding through the Police Department to get protection needed and was told at the time the Parks Director was looking at an overall festival ordinance as to when the city would participate in various events and it was requested that he removed his amendment and let the process go forward and his funding would probably be provided for through that process; that he never heard anything else about the process and a couple of weeks ago he received a call from Chief Bradford saying as a result of the budget workshops and questions asked he had gone out of his way to locate money within his budget to pay for officers, for protection along the route, and then was told it could not be done because the city was not a sponsor of the event; that somewhere once again it had broke down and once again no money was being provided to the event; that perhaps someone present knew what happened and if not he would request a meeting so he could be briefed.

Mayor Brown stated that Mr. Haines could respond to that; and Mr. Haines stated that he did remember the conversation and commitment made on behalf of the process and he would like to get Mr. Spellman and himself together with him within the next hour if he was available and walk through it and see what could be done.

Council Member Goldberg stated that one of his priorities this year was to get the Chimney Rock project funded; that he understood design was already there and would like it accomplished as soon as possible.

Council Member Todd wished John Stroehlein, a staff member, happy birthday and stated that he worked very hard for his office and district.

Council Member Todd stated that on the marathon issue he agreed with Council Member Bell and felt with HOT tax the expenditure of it should be tied to a formula with the type of event that attracted the hotel patron in the first place; that they probably already had a percentage of people who came for arts, business, etc., and it would make sense to have an objective basis for dividing the revenue; and encouraged Mr. Tollett to explore it and see if in the future they could convert over the HOT tax revenue to the event which attracted the hotel patron.

Council Member Galloway stated that she was encouraged by Mr. Julio Fajardo, his family and the members of the Port of Houston Civic Club coming to speak to Council yesterday; that from what she understood Mr. Fajardo had been assured by the Mayor's staff that his concerns would be addressed and that her office would be sent a copy of the response he received and she appreciated the work the Administration was doing to assist citizens who took their time to come and share their concerns.

Council Member Galloway stated that the Tuttle Library had served constituents of Districts B and H and she hoped they could assure the repairs were completed on time and that it was the best library that could be built for those residents; that she was very interested and committed to the education and wellbeing of young people and the libraries should be of superior quality both structurally and educationally and she hoped that would be the case with the Clifford Tuttle Library. Council Member Boney absent.

Council Member Galloway thanked the Mayor and his staff for their assistance in helping her transition as a new Council Member and introduced her staff. Council Member Boney absent.

Council Member Gallwoay asked for a moment of silent prayer for the untimely passing of Ms. Vinny Jordan Criswell, the sister of the late Barbara Jordan. Council Member Boney absent.

Council Member Vasquez stated that he would like a meeting with the Administration on the trash collection in the Second Ward and Denver Harbor areas; and thank Council Member Galloway for her support on the Cliff Tuttle Library; and would like to visit with someone about the appropriate budgetary processes to make sure the Tuttle Library was properly resourced; and Mayor Brown stated that someone would visit with him on those issues. Council Member Boney absent.

Council Member Keller thanked Mayor Brown for his leadership on issues discussed today and on the transition, helping him with his office budget, and for getting department heads so enthused about getting with Council Members.

Council Member Boney stated that he would like to commend the Administration for the success on Y2K; that when all was said and done the Administration's plan to make sure it was not problematic worked; and he commended the staff and planners.

Mayor Brown stated that he would like to commend everyone for all the work done on Y2K, all the time and energy that went into it and thank Council for their support in making resources available to get it done.

Council Member Sanchez stated that he wanted to thank all the officers and firefighters, many who had to cancel plans, to make sure they were available to ensure all systems worked.

Council Member Sanchez stated that several years ago a white car pulled behind him and flashed lights and he pulled over thinking it was an officer and it had been a colleague; that he had now noticed a number of unmarked white cars on highways and on 288 and called Constable Chambers and he said he thought that it was HPD, but they were going to launch a similar program; that he found the program was called Aggressive Driver Program and he supported citing citizens and arresting traffic violators, however, he did not believe citizens should be placed into a guessing game of whether it was an officer or not pulling them over; that he made an appointment with an Assistant Chief to go over the policy and there appeared to be great confusion and it appeared there was no written policy; that several months had gone by since he asked for the meeting to no avail and he asked for a copy of the policy to no avail and a couple of months ago the City of Houston settled a claim with a handicapped woman where the plaintiff had prevailed because essentially there was no policy and that was problematic to him as he thought it exposed the city and if the Police Department deemed it worthy to set up a meeting with him he would appreciate it; and Mayor Brown stated that he would make sure that happened and he was sure there was a policy.

Council Member Parker stated that she was on a public access television show and one of the callers was talking about all the construction downtown; that she said most was METRO and their web page had the information; that the City of Houston's web page had been updated and there was a link to the METRO page, but she was not aware of anything showing which other streets were closed for building for example and would like to know if that could be added; and Mayor Brown asked that Mr. Haines handle that; and METRO should be coming some time soon to give Council a briefing of their construction activities and completion dates.

Council Member Parker stated that Council essentially started yesterday's Council Meeting on time and almost started today's on time and she really hoped that Council Members would start off being prompt and hoped a trend had been started.

Council Member Boney stated that the Mayor Pro Tem's Office was sending out a survey and he would like Council Members to consider their schedules and calendars so they could get input on when the best time would be for committee meetings.

Council Member Castillo stated that he would agree with Council Member Parker's observation of construction downtown; that in a previous Council Meeting he brought up the fact that in addition to construction there were festivals and he suggested they give consideration to not allowing festivals to block streets.

Council Member Castillo stated that he wanted to bring attention to the change in the nature of Spotts Park which was on the corner of Waugh and Memorial; that it as in District H but impacted many living in the surrounding area and it as the only park with a basketball pavilion, bike trails and baseball field; that the park had been allowed to be annexed into the Memorial Heights housing project and the land was terraced from the housing development so it was easy to access the park, but in effect the neighborhoods were deprived by an illegal taking of the area by the developer and it was outrageous; and Mayor Brown stated that had been or should be corrected. Council Member Castillo yielded to Council Member Parker who stated that he had been given some misinformation; that the TIRZ was paying for the park improvements but it was still a City of Houston park and it was not being fenced or taken away and would have a City of Houston park sign as soon as it was completed; that the basketball pavilion was removed but a new one would be built and lighted; that the baseball field was removed because it was hard to keep up with the flooding of the bayou but was replaced by a volleyball area; and most neighborhood concerns had been addressed. Council Member Castillo stated that there was a terraced area leading from the housing development and very beautiful and he wished it would be near the YMCA also; that there were three gates on the housing side and only one by the YWCA and for all intensive purposes it looked like and felt like it was a park for the housing development; and Mayor Brown stated that he would have Mr. Spellman continue to look into it; that residents had come to Council some time ago and Mr. Spellman met with them and he would ask him to continue doing so.

There being no further business before Council, the City Council adjourned at 10:53 a.m. upon MOTION by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary