

City Council Chamber, City Hall, Tuesday, January 11, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 11, 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. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Martha Stein, Agenda Director, Ms. Linda Layton, Agenda Office present.

At 1:45 p.m. Council Member Boney called the Council meeting to order and stated that Council Member Robinson would be making some presentations. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Robinson invited Ms. Anderson and Mr. Quannel X to come forward and address the Council, and thanked Mayor Pro Tem Boney and Mayor Brown for providing the forum, and Mayor Pro Tem Boney asked that they indicate the action that was taken by the DPS in their remarks. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Ms. Mary Anderson appeared and thanked Council for allowing her to take the time to express her gratitude for the City of Houston standing by her in her time of torment concerning DPS against her son, but most of all she would like to say from the start that on behalf of her son was Ambassador A Quannel X, Mr. Richard Johnson, Representative Ron Wilson and to everyone else who had played a part or would play a part against discrimination in the work place and she thanked them from the bottom of her heart, that she wanted to get to the point, that in the workplace when they saw that racism existed do not take a backseat, go forward and get help for people that they knew were stressed out, that the things that were happening now in the corporations and law enforcement, people going in and slaughtering the supervisors and coworkers, they just did not jump up and do that, those people had been stressed out, and if they were stressed out psychologically it would manifest physically, so what would they do, they would go and get something so they could get peoples attention, that she wanted to stress with them that her son was hurting psychologically and no one in that little town was there for support for him, but she kept writing so DPS could never say they never knew about the pictures, they never knew anything, because she wrote and sent things by Federal Express and they got it, but she had help now for her son and she thanked GOD for it and wanted to be very straight forward and tell people, stop being afraid, they had to step forward, that it was time to speak up and she told people at DPS when she was writing to them that she was not afraid, that she was thinking about the condition of her son's mental state, because he had given them twelve good years of duty and she could sit back now and say that she thanked the Lord for powerful people, black people that were not afraid to come up to an establishment like DPS Organization because some person made a verbal statement to her, that she could not go up against DPS, that they thought they were God, and she said she knew a supreme God. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Quannel X appeared and thanked Council for the invitation extended to them and particularly to him in the new Black Muslim Movement to speak before them, that it was never his aim, goal or ambition to ever come before Council and say anything, but he was honored to be in their presence, that they must call a state wide summit on the status of race relations in the State and in the City to be held in Houston, the biggest city in the State, that race relations now were not getting better, and in making circles they believed that they were getting worse, when they had the press conference last Wednesday at the Department of Public Safety a dispatcher who worked at the regional headquarters of DPS, on the very day they had the press conference, the woman, Janie Braune, a Caucasian woman, made racial statements about them after the press conference and then she took some scissors and started cutting out a Klan hood after their press conference, and they just had a press conference exposing ongoing Klan activity and Klan shenanigans within the Department of Public Safety, so now she was on suspension, that what he was saying was that they must call a city wide summit on the status of race in the city, but if they did not all they were going to do was allow racism to fester, and as it festered it was like bacteria, it would grow and affect the entire parts of the body, that they still had a prescription, and that prescription was found in the Bible and Holy Koran, that they good take a medication as an entire people to eradicate sickness and white supremacy and any racism that any of them might have within them, but this could not be a summit just including Black people and Black leadership, that it must be a summit including everybody on classism, racism and sexism, not only in the workplace but in politics and in everyday life, that when they saw DPS Officers who thought they could hold a Klan style party and nothing was wrong with it, and then they tried to justify it and they even have one of the brothers so confused, Trooper Robert Johnson, another African American who they gave a Klan party to, it was amazing how some of them could suffer psychological warfare and be mentally in a state of confusion, and they did not even realize, that they almost ruined Sister Anderson's son, that this man attempted to bring the pictures out and the information out within the department for years but they suppressed it and swept it under the rug, that his mother wrote the governor and went to the FBI, that she went to everybody, that it was not that the brother just kept the pictures and came out once he was charged with a crime, way before he was ever charged with a crime he was attempting to get help within the department because he wanted to be accepted, he loved the department and felt that those among his own ranks would cover down for him once the facts came out within their own department during an internal investigation and justice would come for him and his family, that never happened, so now that they had come forward and exposed it to the light of day, now people wanted to listen and talk about it, but just talking about it would not be enough, they had to call a city wide summit on the status of race and in particular could the dream be a reality, because as Dr. King said, they were going to come together as a whole or they were going to die apart, and right now he believed because of the racial climate in the City and State they were moving further apart from one another, that yesterday they were now saying that there was racism and racial allegation in the Sheriffs Department so it seemed that law enforcement was just having a big day based on race, that he did not know how much proof there was to what was happening downtown, but he was sure that all of those men were not living under some illusion, that some of what they said would be backed up by facts and truth, that they were the elected leaders in the City so he asked them in the deepest of humility, to please take the leadership role and do something in the organized way to address the racial climate in the City and in the State if they thought that it was a worthy issue and a worthy cause, that even he may have said some things that may be offensive to some members of Council or their constituency, but

if he said some things that had been offensive to some of them, he would hope and pray that they would not be afraid to call him, that he was a 29 year old young man and did not know everything, that he could be guided, but as a young youth who was going into the new millenium they as young people needed guidance and direction, so if he said anything that offended anybody his blood was on their hands and his rhetoric was on their hands if they refused to try to correct him and show him a better way, because even he could be corrected. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he wanted to thank both Ms. Anderson and Mr. Quannel for coming down, and that DPS did act on Ms. Anderson's concerns, and Mayor Pro Tem Boney asked if the officers were terminated, and Mr. Quannel stated that four of the officers involved in the Klan party were suspended, that they were seeking out another four who were involved, that they suspended another one in Woodville, Texas, a sergeant who made racial comments recently, and they suspended Ms. Janie Braune at the regional headquarters in Houston for her comments at the time of the press conference, that the suspensions were pending an internal investigation. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Robinson introduced a group of young people who were part of the Mickey Leeland Texas Legislative Internship Program who were going to be participating in public service in the coming months. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he had a chance to meet the young people and was very impressed in the expansion of the program by Senator Ellis, that it had been very gratifying to integrate the program to have a diversity of students to have the opportunity to work in government. Mayor Brown, Council Members Tatro, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

At 2:02 p.m. Mayor Brown called the Council Meeting to order, and Council Member Keller led everyone in prayer and pledge of allegiance. Council Member Tatro absent.

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

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

At 2:05 Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Allan Tiller, 611 E. 9th, Houston, Texas 77007, (713-658-2504) appeared and stated that he was president of the Houston Heights Association and was present on an issue that was brought to his attention just that morning, Item 10 on Wednesday's Agenda, proposed abandonment or encroachment on a Heights alleyway, that they had spent the last two years dealing with the legal status of the Heights alleys and both the City Legal Department and the local court determined that the Houston Heights alleys were dedicated public rights of way and could not be adversely possessed and so forth, that in fact the City Council passed an ordinance in that respect, that now they saw what appeared to be an attempt to do an end around all of those results by the proposal of a

private bill which had been presented to Council to allow an encroachment of eight feet upon one of the Houston Heights alleys, that he did not know all the facts about it because he had just found out about it, but it was his understanding that it involved a garage that had been there a couple of years, that it was their position that the owners may have a malpractice action against their surveyors but there was absolutely no reason in the world why anyone should build into a Heights alley, that the deeds were very clear, and the plats were very clear and so there was no reason for anything of that sort, but it presented a very bad precedent if someone could ignore clear property lines then later say oops its built and then come to City Council very quietly to get them off the hook, it was just not right and very bad public policy, that just as importantly was to consider what was the role of City Council in those kind of issues, that in the first place they had what he considered was a serious legal issue as to whether City Council even had the authority to abandon the alleys, that they were dedicated public rights of way, but that did not necessarily mean that they were something that the City of Houston could abandon and strongly recommended that it be given to the City Legal Department to see what the rights and responsibilities of the City were with respect to the alleys, but what was important was the question of policy, were they going to establish a policy here, that it had been well established and then were they going to be in a situation where they would have to keep an eye on the agenda to make sure that some private bill would not come in to try to do an end run around it and start piece meal destruction of the Heights alleys, that if someone had ability to come before the Council and get someone on the Council to put one of the private bills and they happened to miss it suddenly an alley might be closed off regardless of the property rights of the other adjacent property owners on the alley and regardless of the concerns of the Heights Community as a whole, so he very vigorously protested any attempt, whether it be this in particular or any other attempt, to try to piecemeal abandon parts of the alleys. Council Member Robinson absent.

Council Member Parker stated she agreed with Mr. Tiller to an extent and that he was evidently aware that the person who built the garage had a permit to construct that garage and there was a surveying error and to the best of Council's knowledge the property owner acted in good faith as was the City when it granted the permit, and he was right that the owner may have a cause of action against the surveyor and did not know if they were establishing some sort of precedent, and did that encroachment impede access to the alley, that she was not aware of the exact location. Council Member Robinson absent.

Mr. Tiller stated that all he knew was what he had read in the agenda, that it was a 38 foot wide alley right of way, which he believed was wider than most alleyways and probably could be accommodated without obstructing the alley, but nevertheless what he was very concerned about was the precedence that someone could come with a private bill and start piecemeal destruction of the alley, and Council Member Parker agreed and stated that she hoped that they would not be piecemealed to death on it, but there might be some unusual facts and circumstances in this case, and Mr. Tiller stated he would like to see that the item not be voted on tomorrow, but there were some very serious legal issues involved. Council Members Robinson.

Mayor Brown asked Mr. Bibler if Legal had looked at the issue, and Mr. Bibler stated that they had and could see that there was a great deal of confusion, but they were not abandoning the alley, that it was something that happened everyday, and usually it happened when someone was selling property and a surveyor came out and stated oops

there had been a mistake and a building was over the property line, that they a lot of major buildings downtown that had similar encroachment agreements, that they would not abandon the street, they would allow the people for a period of time to have their building there, but City Council could cancel that at any time they would want to, they were not giving up the alley, and each one of those was reviewed by the joint referral committee to determine that the City had no present need to have the building removed from its location, and Council Member Parker asked Mr. Bibler if that would answer her question as to whether that would in anyway impede access to the alleyway, and Mr. Bibler stated that everyone had been reviewed by joint referral expressly for that purpose and others. Council Member Robinson absent.

Council Member Quan stated that he was aware of Mr. Tiller's concern for the alleys in the Heights and asked if he was of the position that there should never be any exception whatsoever, that they had been presented a little map of the area and it appeared that the 8 foot encroachment would not impede the alley, and the alley would still stay there, that it was an error that was apparently made, and Mr. Tiller stated that what concerned him was not so much that particular situation, because it may be that it was an honest mistake and would not impede the alley, but it was still a very dangerous precedent that someone could come before the City Council and in essence by the political process affect very important property rights of the other adjacent property owners and the Heights in general, and Council Member Quan asked Mr. Tiller what he wanted the City Legal Department to do, what opinion was he seeking, and Mr. Tiller stated that he would like to see some kind of guidance and would like to check it himself because the City Legal Department had been incorrect on other aspects of the Heights alleys, that they corrected themselves and he very much appreciated that, and commended them for it, but he would like guidance to the City Council as well as to them as to whether or not it was going to be part of the political process to allow someone in essence to come in and request and be granted a variance from these very important property rights, that they had established what the legal status of the Heights alleys were and now they had introduced the element that they could come before the City Council and get those rights revised without any input from the Heights Community in general and also from the other adjacent property owners on that particular alley, and Council Member Quan asked if Mr. Tiller thought that the process should include input from other residents of that area prior to the City taking action, and Mr. Tiller stated that he thought there was a good argument to be made that the alleys in the Heights were owned by all of the property owners in the Heights in general and their protected status did not necessarily come from an action taken by the City Council, except for the annexation concept, but rather by the common law and the State statutory law as to what a dedicated public right of way was, and it may not even be proper for the City Council to be taking actions in order to deprive people of what was really established property rights. Council Members Boney and Bell absent.

Council Member Tatro stated it was a long time getting through the Heights alley issue last year, and asked Mr. Tiller if he had received a copy of the specific backup on the particular issue and Mr. Tiller stated that all he had seen was what the agenda item stated, and Council Member Tatro stated he wanted to address something that Mr. Bibler had said that often time there were differences, sometimes it was just an encroachment on to the public right of way and right of way could be a 40 foot piece of property and they were simply encroaching on it and they had to grant them, rather than tear their structure down, an easement or actually abandon that property, because it was City property and

owned by the public, but on another side they did abandon and sell streets from time to time, and they had a couple in the last couple of years, that they would have another in his district off of Shepherd, that they were in the process of abandoning the street where the church would put a parking lot and use it for additional parking and the community seemed to be fine with that and the church would benefit from it and that street could be accessed and the Fire Department had not deemed it a significant problem in delivering emergency service so they did incorporate that and did have public input, but if it was just encroachment as Mr. Bibler stated, there was a true line of distinction in the fact that if they were 8 foot onto a 40 foot right of way they still had 32 feet, but he would agree with Mr. Tiller in the aspect of trying to protect the Heights alleys, but also there was from time to time real incidences where they did have real needs out there and that one may be one, and Mr. Tiller stated that there may possibly be a distinction between abandonment of a city street, because they belonged in fee simple to the City, whereas the Heights alleys, he thought was very arguable, that those belonged fee simple to the property owners in the Heights and that they were dedicated public rights of way and that was the status that protected them, not that they belonged to the City, but that they were fee simple owned by the Heights residents and that they were dedicated public rights of ways and that was what provided them their special protection, but that was a legal issue that would have to be addressed, but second as far as a policy matter he knew that this was only an encroachment but what if it were only a 15 foot wide alley and they had accidentally build it into the alley, and Council Member Tatro stated those were hypotheticals that had to be determined in each instance and not what they would probably be addressing on the alley. Council Members Boney and Bell absent.

Ms. Gennella Gray, 3124 Tuam, Houston, Texas 77004 (713-659-3286) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Jack Terence, 2808 Morrison, Houston, Texas 77009 (713-861-1991) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Mr. Earl Littman, 210 Pine Hollow Ln., Houston, Texas 77056 (713-621-7678) appeared and stated that he was Executive Director of the Drugs Kill Prevention Education Campaign which he founded three years ago, that nationally and locally drugs were the root cause of crime, crowded prisons, reduced productivity, homelessness, poverty, prostitution, early teen pregnancies, crack babies, child and spousal abuse and increased welfare costs which we all must pay higher taxes for, that local law enforcement agencies would tell them that Houston was the number one drug traffic area in the nation, which was nothing to be proud of, that as the new administration in a new century he challenged them to demonstrate the leadership that the citizens had bestowed upon each of them, and he asked them to make Houston a shining example of the City, State and Nation by exhibiting their will and purpose to make Houston the most drug free city in the whole world, and believed and convinced that it could be done, not with dollars or guns but with leadership, that it took a commitment by all the citizens and a plan of action, that three minutes did not allow him enough time to detail the specifics on how together they could make Houston drug free, but working together they could inspire every student in public, private or religious schools to reach for the stars, to be the best they could be, to make Houston a safer, cleaner and healthier City, that it all began with their youth, that Houston2000 Reach for the Stars was designed to be more fun than the

Chicago Cows on Parade, that it included every business, every institution and every individual no matter their race, religion or age, that the Drugs Kill Prevention Education Campaign was working effectively but they could not do it alone. Council Members Boney, Parker and Bell absent.

Council Member Robinson thanked Mr. Littman for coming down and stated he made the suggestion in light of all the things that they were doing in terms of young people and all the programs that the Mayor had implemented and that it would be an opportunity for Council to hear about the program because they had talked about, when they did the Public Art Ordinance, the Cows on Parade and to at least bring it to the forefront so the appropriate individuals in the public arts community would know that the effort was out there and would hopefully take a look at it and see if it was something that they could incorporate into their efforts along the line of that tourist attraction kind of model and he appreciated Mr. Littman taking the time to try to offer the idea in the context of a bigger and worthier cause, and how they would work with the young people especially when it came to the issue of drug use and trying to help eliminate and prevent that kind of behavior and hopefully not only that effort but the things they were trying to do through the Mayor's After School Program, and Mayor Brown also thanked Mr. Littman for coming and stated he would have Mr. Donald Hollingsworth, Director for Public Safety and Drug Policy and Youth Programs meet with him and see how they could work with him, and appreciated Mr. Littman interest, that it was a noble cause and one that was worthy of all their attention, and Council Member Quan stated he would like for Mr. Tillman to meet with him to see what ways they could work with him to see everything they could do as a City to work on that project. Council Members Boney and Bell absent.

Mr. Emeka Odunze, 10101 Fondren No. 500, Houston, Texas 77096 (713-334-8080) appeared and stated that he was an attorney, certified public accountant and possessed an MBA in finance and represented DEMA Services, a cleaning and janitorial services company based in Houston, that the reason he was present today was in respect to bid invitation LCR073403912500, a cleaning and janitorial services for special events for the Convention and Entertainment Facilities Department, that his client responded to the bid invitation in October 1999 and after the bid was closed was selected as the lowest bidder, that they were contacted and asked to supply references, subsequent to that his client sent a letter to the City Purchasing Department indicating they were willing and able to perform the contract and initiating discussion on the bid they made themselves available, that after that time his client had not heard anymore from the City, they had not had any discussions or been contacted, that through the Freedom of Information Act they were able to find out that there had been some conversations and discussions between City Officials outside the bidding process to the exclusion of his client, and they found out that one of the bidding competitors had written to the City, two days after his client had written the City Purchasing Department, complaining about his clients bid, complaining about the cost structure of his clients bid, and more importantly indicating that they had been having conversations and discussions with some officials at the Convention Center, specifically Mr. Tollett, that they were somewhat concerned that his client was not involved in those discussion, that they had made attempts to reach out to the City since his client was the lowest bidder and they had not received any direct contact from the City indicating that they were involved in any conversations, that they were also concerned about the letter to the Purchasing Department indicating that his clients cost structure did not include the minimum wage, that as a CPA he reviewed the bid before it went out and was not aware that the bid did not include minimum wage, and

was not aware of any problems with the bid, that they had done due diligence and expected everyone else to do the same, that the bidding process was set up so that everyone would have a level playing field, and they believed that as the lowest bidder his client should have been invited to provide the necessary information that the City required, such as the performance bond, but they had not had that yet, that he communicated their concerns to the Legal Department. Council Members Boney and Bell absent.

Mayor Brown stated that Mr. Calvin Wells was present who could respond to the concerns and asked for a motion to that effect.

Council Member Robinson moved to suspend the rules to hear from Mr. Calvin Wells, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Boney, Todd and Bell absent. MOTION 2000-0030 ADOPTED.

Mr. Calvin Wells, Acting City Purchasing Agent, appeared and stated that it was a fact that they solicited bids for cleaning and janitorial services at the Convention and Entertainment Center, that they received 12 bids on October 21, 1999 and at the bid opening, like many times, it was indicated that DEMA was the lowest bidder, that all bids went through a tabulation proof after they left the City Secretary's Office to verify the exact amount of the bid, and he wanted to state that the charge that they had today was not even relative to the low bid, because the low bidder was neither one that had been spoken off, that the low bidder turned out to be LJ Maintenance, that when the bid was read there were some errors in the calculation, but according to the bid instruction on the bid documents the unit price was to control, and would give the following layman example, 5 apples times 10 cents equals 50 cents, that was bid A, and if bidder B put \$2.50 for 5 apples times 5 cents which is 25 cents then bidder B was still the lowest bidder, but in this case LJ Maintenance was the lowest bidder, that he had documentation and had personally reviewed the bid documents and would be more than happy to meet with anyone concerned. Council Members Boney, Todd, Bell and Robinson absent.

Council Member Quan asked Mr. Wells if he was saying that there was a mathematical error in the calculation and that was why LJ Maintenance was the lowest, but initially was not declared the lowest, and Mr. Wells stated that it was an extension error, that the quotation was \$50,000 per year plus 15%, that was the unit price, LJ Maintenance showed \$375,000 as the extension, which was incorrect, but the unit price controlled when you had a dispute between two bidders, so \$50,000 plus the 15% indeed equals the \$57,500, and Council Member Quan asked if the unit price that LJ Maintenance had was \$50,000 plus 15%, whereas DEMA came out at \$57,000 and certain percentage, and Mr. Wells stated that DEMA came out with the prices to be exact to the penny for what they bid, but to extend it out the lowest bottom line figure wound out being LJ Maintenance when they put the computation to it, but it was read off there as DEMA being the successful bidder because there was miscalculation in LJ Maintenance extension, and the unit price was the control when they had a dispute, that he had also referred to the Legal Department for guidance and that was the way it was, and Council Member Quan asked Mr. Wells to provide him with the documentation. Council Members Boney, Todd, Castillo, Bell and Robinson absent.

Mr. Bruce Jones, 5847 Petty, Houston, Texas 77007 (713-733-2600) had reserved time to speak, but was not present when his name was called. . Council Members Boney, Todd, Castillo, Bell and Robinson absent.

Ms. Debbie Richards, 2230 Chapel Ln., Missouri City, Texas (713-271-6556) appeared and stated that she was president of DEMA Services, that what she wanted to talk about had been thrown off because of Mr. Wells comments, that she wished she had brought the documents as far as the bid went because they provided them to Mr. Wells and also to other members of the Legal Department to show that DEMA Services was indeed the low bidder, that one of the instructions that were given to the bidders was that no bids should be changed, that no price in the bid should be changed after it had been opened, and to make LJ Maintenance the low bidder the price would have had to be changed at least in eleven places and they thought that was not the way City business should be done, especially when it was stated on the instructions to bidders that no price should be changed after it was opened; that basically today she wanted to tell Council a little bit about DEMA Services and who she was and the company experience, that she went to school at the University of Houston and had both a Masters and a Bachelors, was an officer in the Caribbean Chamber of Commerce, a member of the NAACP, a member of Windsor United Methodist Church and listed in the Who's Who of America's Women; that DEMA was founded 12 years ago and currently had 88 employees, 12 supervisors and were listed in the Better Business Bureau and never had a complaint, were members of the Building Maintenance Association and were insured and bonded, that they were certified by the City of Houston and the Houston Minority Council as a minority business, that they had worked with the City before and had several contracts with the City and were currently cleaning four facilities with the City of Houston, that they were experienced, that she wanted the City to know that they were experienced and thought that it was just unfair that they were the lowest bidder, certified, and someone could come back and say, well we made a mistake in our calculations and were actually the lowest bidder and that would be adhered to, that the bidding process should be like the election process, that someone should not be able to come back and say that there was some mistake and they didn't do it properly. Council Members Boney, Todd, Castillo, Bell and Robinson absent.

Ms. Stephanie Bension, 2610 Elgin, Houston, Texas 77004 (713-942-1933) appeared and stated that she was a 7th grade student at Ryan Middle School and also a member of the Future Problem Solving Program, that she and members of the Future Problem Solving Program were present to seek Council's assistance to remove a dangerous, unsafe, unsanitary and unsightly condition adjacent to their school, that on October 13, 1999 a fire of unknown origin destroyed a dwelling at 3110 Nagle Street, that this dangerous building stood across from their school and they were concerned, that open flames sparked from a fire near the house and caught on to a pile of trash nearby and the fire continued to burn throughout the house until it was completely burned, that the Fire Department on Elgin and Scott Street responded to the fire but it was not their responsibility to demolish it, but it was the owners, that they could not find the owners so they urged City Council to either find the owner or demolish it, and presented a poster chart with pictures of the house and comments from the students. Council Members Todd, Bell and Robinson absent.

Ms. Skye Griffin, 2610 Elgin, Houston, Texas 77004 (713-942-1933) appeared and stated that the third part of the poster board showed a petition signed by a 109

students and faculty members of James D. Ryan Middle School. Council Members Todd, Bell and Robinson absent.

Mayor Brown stated that he agreed with them, that they did have in City Government a unit that was called Neighborhood Protection Unit, and they were the ones responsible for handling building such as that and they agreed also and recommended an emergency demolition of the building, however the Court of Appeals had ruled that the City had to go and receive a Seizure Warrant before they could tear down the building, that the Legal Department was now working on getting that warrant and once it was obtained their demand would be taken care of. Council Members Boney, Todd, Bell and Robinson absent.

Council Member Castillo commended the students for their problem solving ability, that Neighborhood Protection was working on the problem, and Council Member Galloway commended the students and stated that Houston Independent School District was really on the ball and thanked them for bring the problem to Council's attention. Council Members Boney, Todd, Bell and Robinson absent.

Ms. Rosemary Monk, no address, no phone, had reserved time to speak, but was not present when her name was called. Council Members Boney, Todd, Bell and Robinson absent.

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that on Mayor Brown's acceptance speech for his second term he said a lot of good things, that Mayor Brown talked about the kids which was great, but he did not hear anything on the elders, that in general he said the people of Houston, but the elders were people too and a part of Houston and thought that Mayor Brown really needed to start looking at some of their needs as well as the kids, that he would hope that in the next two years something would happen, and asked Council Member Boney what he did with the \$47,000. Council Members Todd, Castillo and Bell absent.

Council Member Boney stated that first of all there was no \$47,000 and secondly all elected officials elected to City Council were required to submit a financial disclosure statement once a year and anything with regard to his finances that were required or lawfully, legally or ethically required would be included in that statement and Mr. Winters could pull it from the City Secretary's Office, and Mr. Winters stated that in other words he had to wait, and Council Member Boney stated that \$47,000 was not true. Council Members Todd, Castillo and Bell absent.

Mayor Brown stated that even though it was not mentioned in his inaugural address they did have ongoing programs working with the elderly, that the health director was the one responsible for that and there was a number of things were going on, that they would not forget the elderly. Council Members Boney, Todd, Castillo and Bell absent.

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) appeared and stated that he had a complaint concerning Grandville and Booker Street, that every day they had about six or seven youngsters, who looked school age, selling crack at the bus stop, and asked that they put a zero tolerance there, which would help some because some of them were hanging around on North Wayside and Booker Street

by the store, and appreciated if they could help them, that he was present last year to complain about Fields Street and finally there was a little work on Fields Street but they never completed what they were supposed to, that he lived in District B and was a volunteer citizen. Council Members Todd, Castillo and Bell absent.

Mayor Brown stated that Chief Bradford was aware of the concerns there and had asked Captain Cutler over that division to contact Mr. Alexander, and that they had Assistant Chief Montalvo who would meet with him and get all the detailed information and something would be done to address his concerns. Council Members Todd, Castillo and Bell absent.

Council Member Galloway stated she appreciated Mr. Alexander bringing this to their attention and would like to sit down with him since he was a volunteer and worked in the community because they needed more active participants in their community. Council Members Todd, Castillo and Bell absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Bell absent.

Mr. L. D. Pitts, P.O. Box 52592, Houston, Texas 77052 (no phone) had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Bell absent.

Ms. Lois Stromberg, 9205 Campbell Rd., Houston, Texas 77080 (713-466-4414) appeared and stated that TNRCC sent letters to a few residents about a notice of a public meeting regarding the Grease Spot LLC at 1657 Oak Tree, which was in Spring Branch, that had applied to TNRCC for proposed registration for a Type B Municipal Solid Waste Grid and Grease Processing Facility, that the proposed site was one block west of Blalock, between Long Point and Neuens, that the public meeting was held Tuesday, December 7, 1999 at the Holiday Inn on the Katy Freeway, that concerned citizens rallied another meeting on December 20, 1999 at Spring Branch Community Church, that they arrived on the corner of that very street Oak Street and Long Point, that even though it was Christmas time, 150 people came out, that last Thursday, January 6, 2000, another meeting took place at the Polish Catholic Church which planned to build their new church right there directly across the street from where the facility was to go in, there were too many people so they went across the street to an Episcopalian Church where there were 400 plus there, it was a great meeting and one of the commissioners was there and was going to bring it up at his meeting, that she was asking for Council's help, that even though it was State not City, she thought they could help TNRCC sort of make up their mind in a good way, that some of the objections voiced were that it was primarily a residential area, with about 500 to 600 single family residences, a number of apartment buildings, three schools, three church's and a few small business all within approximately half a mile from that place, that there would be an odor problem, that it was raw sewage they were talking about, that they did not have septic tanks out, but it would be septic brought in from septic tanks hauled in along with the grease and grid, that it was a facility for recycling, that the roads would not hold up the trucks, that there would be seven tanker trucks hauling in the stuff from way out into the City, that they were going to use enzymes to eat up the orders, that there was another place on Lockwood that used the enzymes and one of their engineer drove out there on a clear day and it was so bad that

he had to leave immediately, that he was close by the plant, that it did not work. Council Members Tatro, Boney, Castillo, Sanchez, Bell and Robinson absent.

Council Member Parker stated that she was familiar with the issue and her office was working on a letter to the TNRCC and understood that Commissioner Radick had written a letter in opposition to the proposed site, that it was actually an expansion of an existing facility and they were proposing bringing in new things to the facility, and would suggest if she were asking people to write to TNRCC that she would ask for specific things, and that she might put it in writing to Council Members because she ran through the issue rather quickly, that what they needed to request to the TNRCC was first that they not grant the expansion permit, but if they did to require best available technology and not let them slide by, and also that they do a traffic survey of the neighborhood to show the impact of increased truck traffic coming to the facility and that they have very strict monitoring for smells, that her office had also requested from the Health Department a list of violations from similar recycling locations around the City and would be glad to provide that, and Ms. Stromberg stated that there were none, that this was a pilot program and there were none in a residential area, and Council Member Parker stated that there were some similar facilities around the City and understood there were three other facilities that did similar type processing and they were trying to get a record of whether there had been citizen complaints or odors or leaks. Council Members Tatro, Boney, Castillo, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that he had information going to the Mayor and Council Members with some backup about the facility, that this was a Registration 5 to a solid waste facility, that it was the TNRCC Permit that they had to qualify under, that out on Blalock it was a mixed use area, that they had checked with Legal and the wastewater facility to try to incorporate any City jurisdiction and any City permitting requirements that they would have and they had exhausted those because it was a TNRCC issue, but would recommend and advocate his fellow Council Members to voice their concerns because it was a mixed use area and very close to a couple of schools and church's, and were ready to expand there, that the TNRCC not overlook the specific requirements with regard to distance, that he had been in touch with Ms. Beverly Wooley and she was checking daily with the TNRCC and they believed within the next 45 days the TNRCC would deliver a letter and its final review, that it was their responsibility at the City level to handle the permits, and would advocate that Council Members write the TNRCC and express their concern that although the facility may fit within permitted guidelines it was just not a proper location, that it would be better located in a mixed use area. Council Members Todd, Castillo, Sanchez and Bell absent.

Mr. Donald Buzbee, 14503 Eagle Pass, Houston, Texas 77015 (713-455-7577) appeared and stated that he was present in regards to the Houston Police Departments use of unmarked vehicles toward traffic, that he had contacted Senator Whitmire about it before Council Member Sanchez brought it to the forefront, that he felt no obligation to stop for an unmarked vehicle, that it was dangerous enough to stop for a marked vehicle, that they had some good police officers in Houston, but they had some bad eggs in there to, so he did not feel any obligation due to the safety for him and his family, and it was really deceit, that the Police Department used some things that were deceitful and not straight, that the bible talked a lot about deceit. Mr. Buzbee read two bible scriptures about what God said about deceit and stated that the ends did not always justify the means and he thought that was kind of what the Police Department put through that

because they figured that the ends justify the means and that was not always true. Council Members Boney, Todd, Castillo, Sanchez, Bell and Robinson absent.

Mr. Arbrey Vaughan, 5025 Telephone Rd., Houston, Texas 77087 (713-644-4882) appeared and stated that he was pastor of Grace Baptist Church, that he was present on the unmarked police cars using and working traffic, that when he was a young lad growing up on the streets of Houston on the Northside he survived and believed that it was said illegally then that they could not do that, that police vehicles could not pull people over in the traffic if it was unmarked, that it seemed to him that it was, and supposed that the legal folks would check it all out and let them know, that he was not talking about the legal aspect, that he was against the unmarked police vehicles mainly because of the safety, that as a young lad an unmarked car pulled him over, flashed a badge and kidnapped him, that his friend followed the car and eventually they let him out, but as kids they did not know, somebody flashing the lights and saying to pull over, that it happened to him personally years ago in Houston and it was worse now than it was then, that people now could even buy uniforms at the costume, steal cars and paint them, steal police cars, that they could get an unmarked vehicle put a red light on the top and maybe even have a uniform and flash a badge, that his wife stated that she would not pull over for an unmarked police car, that this did not seem to be safe for the people, that he heard in his congregation and around a lot of people saying the same thing, that now they had a problem because they would be getting tickets, going to court and somebody being sued and there was going to be a problem, that it did not seem right, that they did not set up more radar traps, or try to entrap people into criminal activity, that it did not seem sensible or smart for the City to pushing that.

Mayor Brown stated that he did not see it as entrapment, that no one was breaking the law and there was no problem associated with it, that on behalf of the Council he had asked Chief Bradford to respond to that, that it was a program that was not only operated in Houston but in other parts of Texas as well, that it was designed to address the aggressive driving that took place all too frequently on the freeways, that part of the program involved some operational guidelines that were utilized by the police officers and that those guidelines were as follows, (1) the unmarked vehicles were to be used to target aggressive drivers, (2) that the program would be operational only during daylight hours between 9:00 a.m. and 2:00 p.m. so it was not at nighttime, (3) that the program would only be operated on freeways, not in the side streets or neighborhoods, (4) that any officer participating in the program would wear full uniform, (5) that citizens who were unsure of a police officer's identity could therefore drive to a more highly visible location to stop would not be charged with failure to stop, and those were the guidelines of the police chief, that officers in unmarked vehicles who did not receive compliance from a violator had been directed to summon a marked unit to complete the traffic stop, that the police chief had taken precautions so that impersonators were not out there getting away with doing it, that with those guidelines in mind it was a good program, that during the course of the program from April 2, 1999 through December 31, 1999 they had made over 13,000 arrests, drunk drivers had been arrested, that there had been over 469 criminal arrest made, speeding citations, hazardous moving citations and others, that the streets were safer now to drive because of the program, that getting those aggressive traffic violators off the streets was a good program, that unfortunately when the question was asked they did not have the information to share with the public but he would want the public to clearly understand that there were appropriate guidelines in place so that what they were concerned about had been addressed.

Council Member Quan stated that he had received a number of comments subsequent to Council Member Sanchez's statement last week, that in looking at other jurisdictions he was impressed by the fact that the State of New York had stopped using such a program, that Philadelphia had stopped using it and various cities in Florida had also discontinued unmarked police cars, that he did not think this was an issue that was going to go away easily and they were definitely look into it, that many people had shared the same concern with him and they wanted to make sure that while he appreciated the statistics of how many people had been arrested and the deterrents there was obviously a role of a visible car being more of a deterrent than unmarked cars but he would wait to get the report from the police chief on that, and Council Member Parker stated she agreed with Mr. Arbrey that it was a concern, and looked forward to hearing from the chief but was rather skeptical of the program. Council Members Boney, Todd, Castillo, Sanchez and Bell absent.

Mr. James Brunswick, 14508 Eagle Pass, Houston, Texas 77015 (713-451-4728) appeared and stated that he had three daughters 36, 31 and 16 and had told all three of them never under any circumstances to pull over for an unmarked car, because if they got hurt he would whip them severely and then he would go find the person and take care of the problem, but he did not want to be put in a position to take care of a problem, that he thought unmarked cars were unsafe to the police officer and very unsafe to women and young girls, that he believed that the program should be stopped, that he had seen them working past the hours. Council Members Todd, Castillo, Sanchez and Bell absent.

Ms. Annette Story, 1409 Ramada, Houston, Texas 77062 (281-488-3212) appeared and stated that she was present regarding sewer problems, specifically in Southeast Houston, that she grew up there and it was between Gulfgate Mall and Brookline Elementary School which was on the 610 Loop, that the problems were physical problems with sewer pipes and there were procedural problems within Public Works in addressing those problems, and there were health dangers, that she was talking specifically about a call that was made on December 28, 1999, that she did get a call before she left to come to the Council meeting that said that they were finally working on it there, that on the calls that she was familiar with everyone that worked for the City of Houston had been pleasant and were doing the best they could however the fact was that in that area there were a lot of problems, that some of the people she knew there had not had operating sewers for two weeks.

Mayor Brown stated that Mr. Wes Johnson, Public Works, was present and would speak with her, that the utility maintenance division did clear the line and subsequently learned that the line was blocked again and after further investigation it showed that the line was broken and as a result of that and during the process of installing a bypass pump Reliant Energy was doing some work there and the bypass pump would be used until that work was completed and then the current repairs could be made to the broken line, and they were aware of it and would do what was necessary to take care of the problem. Council Members Todd, Castillo, Sanchez and Bell absent.

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. Council Members Todd, Castillo, Sanchez and Bell absent.

Mr. Elwyn Dillard, 1615 Patterson, Houston, Texas 77007 (713-862-2407) appeared and stated that he pastor of St. Marks Methodist Church in the Heights and wanted to bring to their attention to an incident that happened to one of their young men who had joined the church and turned his life around, that he and his wife and family were going out off of I-10 and were pulled over by a Sheriff Department officer, that as he tried to give the officer his identification he kept saying that he was not that person and he was pulled out of the car in front of his wife and family and was physically abused, that he had to stay in the hospital for about 3 days, that as a Christian minister he was not there nor was he bringing before City Council some type of accusation, but he did hope that someone could begin an investigation and follow-up and find out exactly what happened and let them know at St. Marks what they could do to be cooperative, that his only opinion was that they ought to be law abiding citizens, but also they had to feel protected by the law in order to be law abiding citizens. Council Member Sanchez absent.

Mayor Brown asked if it was correct that the young man was stopped by a Harris County Sheriff Department deputy, and that the City of Houston had no jurisdiction over the Sheriffs Department and recommended that they take it to the Sheriff himself because they had a process of investigating complaints of alleged misconduct on the part of the officer just as the Houston Police Department would have a similar process, and suggested that they take it to the Sheriffs Department so they could conduct the investigation. Council Members Tatro, Boney, Keller and Sanchez absent.

Ms. Belinda Taylor, 12238A Wild Pine Dr., Houston, Texas 77039 (281-260-7106) appeared and stated that she was a member of Grace Cathedral Church and extended their availability and pledge to Mayor Brown, City Council Members and to the Mayors vision to become more active in working areas of the City Council and become a visible church body within the community concerning community development for the year 2000 and decades to come, that they to were excited about Census 2000 and after attending a conference on Saturday, January 8, 2000, they would support and back Congresswoman Sheila Jackson Lee's visions and goals of 100% participation through their efforts in becoming a testing site and other developments, that they would also like to extend an open invitation for their groundbreaking ceremony for their new sanctuary on Sunday, January 23, 2000 at 3:30 p.m. Grace Cathedral Church, 9410 Mesa Drive. Council Members Tatro, Boney and Sanchez absent.

Mr. Bernard Amadi, 2230 Chappel Lane, Houston, Texas 77459 (713-271-7038) appeared and congratulated Council Members Galloway, Goldberg, Ellis, Keller and Quan, and stated that he was vice president of DEMA Services, that what they had was not about apples and oranges, it was about grapefruit, plums, bananas and strawberries making six items, including apples and oranges, that the City's invitation for bid requested six separate items that each competitor was to give separate prices, that these prices they were told became the net price that each competitor was to produce. Council Members Tatro and Sanchez absent.

Council Member Boney stated that Mr. Amadi had been a previous speaker before and that was why his time was limited. Council Members Tatro, Sanchez and Bell absent.

Mr. Amadi further stated that they had six items that they were requested for prices and those prices were presented and were satisfied by the City Secretary in the open bid, so the prices that each competitor produced were satisfied by the City Secretary and were not open to interpretation. Council Members Tatro, Sanchez and Bell absent.

Council Member Boney asked Mr. Amadi if he had been through the Affirmative Action Series of Workshops on how to do business with the City, how to construct bids, and Mr. Amadi stated with all due respect that while he appreciated the purpose and intent of Affirmative Action he did not believe he had to go there, that they bid every job that they had going with the City, and Council Member Boney stated that there were a number of people who found that the City's bid processes to be complex and challenging and that it was a free program that the City offered to any small business that wanted to do business with the City and everyone who had been through it had found it beneficial, not to say that Mr. Amadi did not understand the procedures, that he was not saying that, but he did think that Mr. Amadi would find it beneficial to avail himself of that program and it would make things a little bit less complex, that sometimes even City officials had difficulty fathoming what their processes and procedures were, and asked if he had reviewed the matter with Mr. Wells the Purchasing Director, and Mr. Amadi stated yes, and that Mr. Wells had spoken but it was in respect to another vendor, that they were not in specific terms, that he had just made a statement that afternoon where he stated that it was apples and oranges which Mr. Amadi had tried to dispute, that it was not really about apples and oranges, that there were six different items, and Council Member Boney stated he understood and asked Mr. Amadi to talk with Mr. Wells a little bit more detailed and try to understand what the City's procedures and policies were, because they certainly wanted Mr. Amadi to have the full benefit of the opportunity to compete on level playing ground, that a lot of times some of what they did in their procedures did not necessarily make sense to the layman but they made sense to them. Council Members Tatro, Sanchez and Bell absent.

Council Member Quan stated that he was one of the people who believed in the competitive bidding process, and he had asked Mr. Wells to meet with him and would be glad to meet with DEMA Services to share with them what he finds out, that he wanted to make sure, just as Council Member Boney had stated, that they have a fair playing field, that this was the lowest bid, what happened, that he deserved an answer. Council Members Tatro, Sanchez and Bell absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and thanked Council Member Sanchez, Todd and Quan for their assistance in his case, that Officer Jordan was working on his case and they would meet that week, that he set them to a higher standard, Council Member Todd, Quan and Sanchez, because he believed that they were the best City Council Members on the Council and really cared, that the other ones did not care at all and showed it last week because they could have extended his time, especially the at large Council Members Robinson, Parker and Bell, so it just showed that they did not care, but he did not expect them to care because he did not vote for them and would not vote for them again, that he wanted to thank once again Council Members Todd, Quan and Sanchez; that he was running for State Representative 147 this year, www.galvan.org. Council Members Tatro, Sanchez and Bell absent.

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 of 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 received knowledge that he was within the greater City of Houston, Texas, that he seemed to be in violation at this time, that his case address was city government crucifixion by assassination and total violation of his crime victim bill of rights that he presented before them at the Texas State Crime Victim Office, that did guarantee the Constitution of the Texas State. Council Members Tatro, Sanchez and Bell absent.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Council Members Tatro, Sanchez and Bell absent.

At 3:24 p.m. upon motion by Council Member Boney and seconded by Council Member Castillo, City Council recessed until 9:00 a.m. Wednesday, January 12, 2000.

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Wednesday, January 12, 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 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the monthly report for November 1999; that the general fund projections had increased from last month due to adjustments in the sales tax area and the FY2000 projections of \$350,000,000 was based on an increase of 3.2% sales tax collections for the balance of the fiscal year; that Municipal Courts collections had not improved and projections remained the same as last month; that for the first five months Municipal Courts revenues remained about 23% below what they were at this time last fiscal year and for this reason they had left their projections unchanged at \$40,000,000 which was about \$16,000,000 below budget; that overall they projected general fund revenues at \$26,000,000 below budget; that other revenues were near or at budget and departmental expenditure projections had been adjusted to reflect spending patterns developed in each department. Council Members Galloway, Todd and Bell absent.

Ms. Sarah Culbreth, Acting Director Finance and Administration, stated that they projected revenues at \$1.2 billion which represented a \$2.6 million net decrease in what was projected last month and sales tax continued to hold their projection at \$319.4 million; that the check received last month was \$4.6 million over which they believed would continue to sustaining the level of sales tax; that in Municipal Courts they lowered the revenue projections by \$3,000,000 and although lowered they believed the revenues in the area was stabilized, the traffic ticket issuance had been up and if it remained they should realize revenue projected; relative to industrial assessments they had lowered the revenue projection by \$1.2 million and that was based on recent appraised values on industrial properties received from the Appraisal Board; that they had lowered interest also based on the lower revised balances for cash for this fiscal year, however, they had increased electric franchise by \$2.9 million over last months projection and that was primarily as a result of going back and looking at the historical trends on electrical franchise; that the original projection was just under what was actually realized and received for fiscal year 1999 so they had adjusted it to include a 3% growth over last year; that expenditures for the general fund were lowered by the lack amount of \$2.6 million and that was basically as a result of realizing additional savings of \$1.2 million in departments and \$1.4 million in general government; that additional savings in general government resulted primarily as a result of savings identified due to the timing of the civilian pay increase; and in summary the general fund ending balance was projected to be \$80.4 million representing about \$3.1 million over the required amount set aside as identified in the budget. Council Members Todd and Bell absent.

Council Member Robinson stated that he wanted it clarified that the pay increase was coming from surplus funds from FY'99 and additionally he wanted to be clear that he understood the non-classified workforce would receive their 2% pay increase at the end of January; and Ms. Culbreth stated that the pay increase was effective with the pay period beginning January 15, 2000, and would be realized on the first paycheck in February. Council Member Robinson stated that he wanted it clear because he did not want any expected reason to deny the non-classified workforce their pay increase in a timely basis; that he had said to the F & A Director he would have made different choices for cash flow purposes other than the employees raise, they deserved in as timely manner as possible their pay increase; and thanked the Administration for the commitment and Ms. Culbreth for the meeting and he looked forward to working with her as they went forward on the FY'01 budget. Council Member Todd absent.

Council Member Parker stated that she would echo Council Member Robinson's comments; that she appreciated the Administration working toward resolving the issue with the budget but did not appreciate them trying to balance the budget on the backs of the lowest paid city employees; that while she might have agreed with the decision had she been involved in the discussion having no input it had serious policy implications and she would have liked to be in the loop. Council Member Todd absent.

Council Member Bell moved to accept the reports, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0031 ADOPTED.

MAYOR'S REPORT

Mayor Brown stated that today he wanted to use his report today for reporting on Council Member Sanchez's concern regarding the Police Department's Aggressive Driving Program and Chief Bradford was present. Council Member Todd absent.

Council Member Boney moved to suspend the rules to hear from Chief Bradford, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0032 ADOPTED.

Chief Bradford appeared and stated that two issues surfaced in recent weeks regarding the unmarked vehicle component of the High Visibility and Aggressive Driving Program, one was police officer identity versus police impersonators and secondly, was citizens being charged with fleeing or attempting to elude police officers; that with any police strategy there was some risk, but they employed guidelines to eliminate risk to the extent possible; that he took the program from the Dallas Police Department as it was a successful program and regarding identity, the cars were white as were the police cars with the only difference not having markings on the side and no light bar on the top and instead having the lights in the grill and on the dash and still having the siren so looking in your rearview mirror you would not see the side of the car for markings anyway and you would see the lights flashing; that the program was only being operated during daylight hours between 9:00 a. m to 2:00 p.m. and only on freeways and officers were in full uniform; that if a citizen was still not sure of an officers identity it was okay for them to drive onto a location where there was more visibility, it was highly unlikely and no cases had been reported to him where a police impersonator had deployed his or her strategy on the freeway system during daylight areas, it was usually on a side street in a residential area and under the cover of darkness; that part two regarding citizens being charged with attempting to elude officers could not happen because state law did not allow it to occur, Section 545 421 of the State Law Transportation Code regarding fleeing or attempting to elude a police officer stated that an officer must be in uniform and the officer's vehicle must be appropriately marked as an official police vehicle to charge and their vehicles were not marked so they could not cite them for attempting to elude an officer; that guidelines were reissued to officers stating that officers in unmarked vehicles who did not receive compliance from a violator should summon a marked unit to complete the traffic stop; that they were doing a good job now with the trucking industry on freeways and the other component of the freeway system was dealing with the aggressive drivers and this program involved 10 marked police units and 10 unmarked police units; that METRO participated in the program and they used marked units, but again the objective was to deal with the aggressive drivers on the freeway system, aggressive drivers would not do what they did tend to do when seeing a marked unit and there were not enough marked units to cover the entire freeway system so it was a good idea to have citizens think they had to drive safely because police could be there and not seen.

Council Members discussed at length concerns regarding the Aggressive Driving Program with Chief Bradford.

Consent Agenda (Items 1 through 44) were considered as follows:

Council Member Robinson moved to suspend the rules to take Items 52 and 53 out of order, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Todd absent. MOTION 2000-0033 ADOPTED.

Council Member Ellis stated that on Item 52 he would withdraw his motion because of the expense that would be incurred by separating the Series A and Series B Commercial Notes. Council Member Galloway absent.

52. Motion by Council Member Ellis/Seconded by Council Member Keller that prior to further consideration of ordinance authorizing issuance of City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax Commercial Paper Notes, Series A and Series B, the ordinance be amended to omit Commercial Paper Notes Series B – **(This was Item 38 on Agenda of January 5, 2000, TAGGED BY COUNCIL MEMBERS TODD and BELL)** – was withdrawn by Council Member Ellis. Council Member Galloway absent.
53. 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 38 on Agenda of January 5, 2000, POSTPONED BY MOTION 2000-0029)** – was presented. Council Member Sanchez voting no. Balance voting aye. Council Member Galloway absent. ORDINANCE 2000-17 ADOPTED.

Council Member Parker stated that she had questions on the Commercial Paper; that they were authorizing the issuance of it and were there any expenditures committed from that issuance; and Mr. Lewis stated that there were none committed; that Council was setting up an authorization level in a program approved by the Attorney General's Office; that Council had adopted a reimbursement resolution which was a requirement of the Internal Revenue Code if you were going to issue debt subsequent and entering an obligation so there was the option to reimburse for the consultants but it would have to come back and be appropriated by Council; that they were establishing a line of credit to draw against if Council approved the appropriations later down the line. Council Members Galloway and Castillo absent.

Upon questions by Council Member Quan, Mr. Lewis stated that the program was sized based on factors, first what they thought would be the most competitive pricing to the financial institutions realizing the credit of the C & E Enterprise was not as strong as the Water & Sewer or Aviation credits which had previously established Commercial Paper Programs and regarding how the funds would be utilized first the design of the Brown expansion would come being roughly a \$10,000,000 obligation; the second and third pieces to go forward would be to fund the City's obligation for a developer fee as well as the design for the hotel and those would probably be in the \$15,000,000 to \$20,000,000 range. Council Member Quan stated that his concern was making the

commitment without knowing where the money was going; and Mr. Lewis stated that the \$75,000,000 gave better flexibility than \$50,000,000. Council Members Galloway and Sanchez absent.

Council Member Keller stated that he had no problem with creating the credit facility, the vehicle to move the item forward, but still wanted on record saying they were putting the cart before the horse and he felt they should have the nonprofit entity with those people appointed to the seat on the board and a development plan in place, it was awkward they were financing without a financing plan; and he would like Mr. Tollett's assurance that the credit facility was established but he would not expect Council to approve an expenditure until they had a preliminary development analysis, similar to a loan package, and that the non-profit corporation with Council's input be established. Mr. Tollett stated that they were trying to keep the two projects separate, if they were talking about the convention center expansion he could tell them the capital cost because they would probably come to Council and ask that the architectural contract already engaged in for preliminary design be amended, but on the B side he had asked that work start on an outline for capital cost and draw down, but they worried about putting that in print because once it was seen people said that was exactly what was to be used for each item and they were so early the financial visibility and developer was not selected, but they were looking at similar projects to get a price range. Council Member Keller stated that he would like the developer to have a say in the architect; and Mr. Tollett stated that they agreed; and he would like to convey that it had been a wonderful experience talking to Council Members about the project because they were familiar and it had been helpful and he thanked Council Member Ellis for his assistance in the nonprofit, this had been a team spirit in getting this done and he appreciated it. Council Member Galloway absent.

Council Member Bell stated that his understanding when this was voted on last year was that doors would remain open for anyone from the private sector to come and make a proposal and take the city out of the hotel business, but what they had seen over the last two weeks was folks from Landmark present trying to make a proposal and they were not welcomed with open arms; the private sector should have a fair shake and he would like to know where they were in the RFP process and would proposers be invited; and Mr. Lewis stated that a comparison report was handed out and it was a side by side comparison; that a site analysis and recommendation had been approved by Council and a \$1.2 million contract with Gilbane, the hotel expert on the team; development of a marketing plan had been incorporated in the feasibility study with PKF and the selection of investment bankers was done by the financing working group representatives of the Administration and Controller's Office from a pre-approved list by Council; evaluating the alternative financial structure addressed the issue of going with a nonprofit in terms of maximizing the project based financing which was pending on Council's Agenda today; that they did have key non-property tax rebate agreements which needed to be negotiated and was pending; that they did accelerate an RFQ process for architects to expedite the process and have statements of qualifications in hand; that the select bond council was done by the City Attorney and the contract for outside council was approved by Council; that the resolution did not specifically address the solicitation process that would be used by developers and hotel operators, however, the Mayor's Advisory Group did address it and suggested that an RFP process be used, a competitive process with careful attention and potential advisor participation by the advisory group; that the Landmark discussions were unsolicited and there was not a competitive process

ongoing and they had expressed a concern about that, but irrespective of that the Mayor made a commitment to meet with them which he did along with the Advisory group and apparently the Group and Mr. Jeff Sax, the hotel expert, looked at alternative structures for soliciting proposals for both hotel operators and developers and they expected a recommendation back from the group within a week or two and at that point the Mayor would consider it and then they would go to the appropriate Council Committee with a briefing on the solicitation structure; that the solicitation structure they hoped could be briefed and to a committee and then in a matter of days on the street. Council Member Galloway absent.

Council Member Todd stated that when Council decided to fast-track the hotel there were a number of Council Members who voted no and now that the decision was made to enter into it they had tried to find ways to limit the city's exposure; that one thing done was the discussion on forming the non-profit corporation to limit liability for the city, but if that was delayed was Mr. Tollett open to Council tinkering with it; and Mr. Tollett stated that he thought those suggestions would take place with the Administration, but he wanted to reiterate discussions had been very fruitful so far with the formation of the non-profit corporation and he hoped the open discussion would continue; that this had been the most open process of any capital project he was familiar with that the city had undertaken. Upon further questions by Council Member Todd, Mr. Tollett stated that the Mayor supported the non-profit corporation; that he thought the strategy should be discussed and not put as a part of any official document in that they were advised by their financial advisors it would send a negative message to the bond market that they were not really intending to build the hotel; that maybe they could pass a resolution saying what they wanted future Administration's to look at in order to exit this project and if so that would have to be kicked back to Legal, but the financial advisors stated they should stay away from defining what date to be out of the deal. Council Member Todd stated that the language was clearly written by a third party and he thought some of the words should be changed; and Mr. Tollett stated that if he would write on it he would take it back to the advisors. Council Member Todd thanked Mayor Brown for responding to Council Member Ellis on the non-profit corporation proposal.

Council Member Tatro stated that he had two issues, he supported the \$75,000,000, that would be secured by the George R. Brown four cents of the HOT tax; and upon questions, Mr. Tollett stated that Council passed a reimbursement resolution which said if they used any existing funds in their bank account, in the Convention and Entertainment Department, he could be reimbursed by the temporary or permanent financing and IRS regulations required that to happen. Council Member Tatro stated that the second issue was the non-profit corporation, did they view the corporation as a business entity that would go out and create the best deal for the city or be a figurehead; that as they started to allocate dollars whose plan were they going by, the city plan with a figurehead non-profit corporation or were they utilizing the non-profit corporation and letting them become the organization responsible for the project, the formation of that organization was extremely important. Council Members Goldberg and Sanchez absent.

Council Member Robinson stated that he was very glad with the tone of the conversation and what was interesting was that he was hearing a cross current on how involved should the city be and how hands off they should be and give it to the non-profit corporation; that if they really wanted elimination of any city exposure Landmark or any other developer should do the deal on the terms Crescent had, no one said they wanted

to do the deal on Crescent terms, not until the city said they were going to create a non-profit to allow for taxes and financing did they hear from Landmark and he wanted to hear from everyone; that they now had tension at the table saying let's create the non-profit and give it to them, but make sure the solicitation agreement was real flexible and everyone could get in on the deal and Council wanted oversight in it; that you could not want say over the solicitation agreement and at the same time say you wanted it all at the non-profit and have hands off, you could not have it both ways; that if every time some developer came and the process was changed that was not fair to those who had not yet come to the door knocking and his question was if other developers came were they going to meet with the Mayor and the Advisory Committee; that he had no problem with Landmark, but he wanted Council to try and figure out what the philosophy was on what they were doing, whether they were going to give it all to the non-profit or did they want say; that he was like Council Member Bell and wanted the process fair and all to have an opportunity; that he wanted the solicitation agreement to say if they wanted to do a turnkey operation they had the opportunity and wanted the evaluation to be what would the deal be worth if someone came to the table with no non-profit financing, could they do the deal, and if they could he did not want to put up the non-profit financing; that then the question would be did Council have the confidence that someone would come to the table and say they had a good enough proposal to do it without the non-profit financing would they actually deliver on the hotel or would they be in the same position as with Crescent where they took \$1,000,000 in liquidated damage and they were sitting with contractual incentives and still the city had no foundation, no steel rods and no hotel and that was the issue for him; that with the city driving it they at least had a realistic opportunity of getting a hotel. Council Members Todd and Sanchez absent.

Council Member Parker stated that she had wanted to follow-up on a question Council Member Bell asked which was the range of possibilities when the city actually went out for solicitation for proposals; that she did not care if they did design, build, operate in three separate stages or design, build with one and operate with another or a complete turnkey but did think to get the best deal for the city they should have the range of options presented to them and their experts evaluate all and then come up with the best deal and she did not hear that; and upon questions, Mr. Tollett stated that what Mr. Lewis was trying not to say was exactly which way was the way to go because their consultant was looking at it; that they were suggesting maybe going separate to get the most money, however, he believed all conceded they could submit packages and they were going to have to hire an expert to dissect it and make sure the city left nothing on the table and he believed the expertise was out there. Council Member Parker stated that she wanted to make sure they were not cutting off the range of possibilities before they got there and if a decision was made on narrowing the scope of solicitation for proposals Council was aware of it before it happened; and Mr. Haines stated that as she articulated the principal at this point was for more important than the technicality of the process, the principal was what would yield the greatest benefit to the city and there were a couple of alternatives worth pursuing; that under no circumstance would they suggest that they at this point in time, whether or not their consultants told them which they had not, that this was the right way to go; that in keeping with the Mayor's Advisory Group's recommendations and what had been going on all along was that they manage this one step at a time and evaluate it against the principal of achieving the best quality and best return to the city and they intended to keep that in focus; that the Advisory Group was very solid and Council would have a briefing before they went out for bids.

Council Member Castillo stated that he was glad they would look at other options and he felt what they were looking for was the one which gave them something in exchange for the tax exempt financing they were offering; that if they were only going to get a layer of profit because someone could do it that was not good enough.

Council Member Boney stated that sometimes things were said around the table that just were not true; that having been asked to meet with Landmark representatives when they first began questions on their ability to present proposals he met with them and following that he went to the Mayor and asked that he meet with them and that they be given the opportunity to meet before the committee and they did; that sometimes people only agreed the process was accurate when they got their way and the fact that the Administration said this must be a competitive process with everyone with a legitimate proposal being considered; that the objective ought to be to come up with a project that had the best potential for the city and taxpayers with the city in as little risk as possible and which would produce an excellent Convention Center Hotel. Mayor Brown, Council Members Vasquez, Castillo, Quan and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that it was important to understand if the technical side underestimated the marketing side and he looked at the Convention Center Hotel expedited comparison report and everyone agreed that selecting the developer could be more important in the process than the architect; and upon questions, Mr. Lewis stated that the hotel expert referred to this morning was a consultant which had served developers in the process; that he would call him a hotel management consultant; that he could get him a list of the eight members on the advisory team, but one of the developers on it was Mr. Ed Wolff; that the two hoteliers on it were Mr. Greg Armstrong with the Wedge Group and Mr. Terry Shake with Rushlake which was the Hyatt. Mr. Tollett stated that Rushlake was the developer and they owned 200 plus hotels and convention center hotels with over 1,000 rooms. Council Member Keller stated that where it said development of marketing plan he would hope they were in agreement that it would be development of development plan; and Mr. Lewis stated that the request for qualifications for the architect was simply done to allow for qualification statements to be submitted to expedite the process, they would hold the documents pending the structuring of the development team and with regard to the marketing plan one would have to be prepared in order to market the hotel and the Brown expansion so they incorporated that activity into the financial feasibility study; and regarding the development plan, the solicitation for the development would largely be addressed as a part of the report that came back to the Mayor from the hotel expert and the advisory group and hopefully they would have it within the next two weeks. Council Members Tatro, Vasquez and Robinson absent.

Council Member Bell stated that he wanted to correct a couple of things that Council Member Boney pointed out, at the time he was told a private developer was interested it was right before the meeting on Wednesday and he was not told of who it was, but he did check with the Administration before tagging the item and was told by Mr. Lewis if there was a developer interested they were welcome to send a letter and it would be looked at; that it was his feeling sometimes a face to face meeting was better and that a letter may find its way to a trashcan so he did tag and it proved to be a good move because meetings did arise out of that and he appreciated the Administration meeting with anyone who had a proposal; that he was not suggesting they had been

shutout and not given a chance to express their views, but he had heard representatives of Landmark met with the Council Member and then with members of the Administration who would go in and seek to undo everything Council Members had been told and that was not an effective process; that he felt all that came should be worked with to see if it was a better deal and he did not think it should be handled in a fashion where it was competition between representatives of the city and a private developer, but that it be common ground. Council Members Keller, Vasquez and Robinson absent.

Council Member Bell yielded to Council Member Boney who stated that he agreed, but his point was that he thought the tag was unnecessary since the commitment had been made for the meetings even before he made the tag, furthermore what had happened with Landmark and the intense lobbying was just proof that they needed to set up the process so the various competing proposals could get in some objective evaluation mode and out of the lobbying mode. Council Members Keller and Vasquez absent.

Council Member Todd stated that Council had discussed this item for some time now and urged to move on with the Agenda. Council Members Keller and Vasquez absent.

Mayor Brown acknowledged former Council Member Fraga in the Chamber and stated that it was good to see him. Council Members Keller and Vasquez absent.

MISCELLANEOUS - NUMBERS 1 through 5

1. RECOMMENDATION from Chief of Police for approval of Extension of Injured on Duty Status for Police Officer **E. L. CHANCE**, Employee Number 84100 – was presented, moved by Council Member Boney, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. MOTION 2000-0034 ADOPTED.

3. RECOMMENDATION from Finance & Administration Department for renewal of annual membership in the **TEXAS MUNICIPAL LEAGUE** - \$56,720.00 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. MOTION 2000-0035 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Coastal Water Authority Project for construction of Floodwall to protect the Lynchburg Pump Station from flooding due to tidal surges associated with hurricanes – was presented, moved by Council Member Boney, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. MOTION 2000-0036 ADOPTED.

PROPERTY - NUMBERS 10 through 16

13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-312, located at 7230 Ley Road, owned by Lizzie May Arceneaux, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 \$1,802.00 - Street & Bridge

Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0037 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-330, located at 7443 Ley Road, owned by Duong T. Pho and wife Giang T. Pho, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$1,341.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0038 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel D95-151, located on the southwest corner of West Sam Houston Parkway at State Highway 249, owned by Motherwell Properties, Inc., a Delaware corporation, Benjamin H. Graham, President, for the **MUD 254 SANITARY SEWER EASEMENT PROJECT**, CIP R-0018-00-1 - \$10,335.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0039 ADOPTED.
16. **AMEND MOTION #98-1520, 9/30/98**, which declared that a 0.9677-acre (42,156 square foot) tract of land, being a portion of Lots 17 and 18, Block 2, Acre Home Addition is not needed for road purposes, **TO DELETE** the easement dedication and the construction requirement **DISTRICT E – TODD** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0040 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 27

LOW BIDS

17. **STM EQUIPMENT, INC** to Furnish and Install One Spreader Hopper for Houston Airport System New - \$41,772.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0041 ADOPTED.
18. **R. J. HARRIS CONSTRUCTION, INC** for Restroom Renovation for the Convention and Entertainment Facilities Department - \$72,200.00 and contingencies for a total amount not to exceed \$75,810.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0042 ADOPTED.
20. **CPR SERVICES & SUPPLIES, d/b/a MDN ENTERPRISES** for Valve Box Risers Contract for Department of Public Works & Engineering - \$80,384.10 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0043 ADOPTED.

OTHER

22. **QUALITY MANUFACTURING, INC** for Purchase of Pumper Truck Repair Service for Fire Department - \$39,823.64 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0044 ADOPTED.
23. **MASS SPECTROMETER RESOURCES, INTERNATIONAL** for Purchase of Three-Year Maintenance Service for a Gas Chromatograph/Mass Spectrometer System for the Health and Human Services Department - \$44,400.00 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0045 ADOPTED.
26. **AMEND MOTION #98-194, 2/10/98, TO EXTEND** expiration date by four months from February 4, 2000 to June 4, 2000, for Auto Tire and Tube Contract for Various Departments, awarded to **REMINGTON TIRE DISTRIBUTORS, INC. dba GRAY'S WHOLESALE TIRE DISTRIBUTORS, INC (Bid #4), JMB TIRE AND APPLIANCE COMPANY, GOODYEAR COMMERCIAL TIRE AND SERVICE COMPANY, A TO Z TIRE AND BATTERY** and **S/W HOUSTON TIRE SALES, INC** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0046 ADOPTED.
27. **AMEND MOTION #98-1170, 7/15/98, TO EXTEND** expiration date for 12 months from July 15, 2000 to July 15, 2001, for Prescription Safety Glasses Contract for Various Departments, awarded to **ALLEN BAKER, INC dba KORRECT OPTICAL** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0047 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 28 through 44

28. RESOLUTION approving the creation of a Local Government Corporation for purposes related to the construction and operation of a Convention Center Hotel; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a waterline easement containing 3,386 square feet of land and a fire hydrant easement containing 75 square feet of land, both easements being located in the Thomas A. Hoskins Survey, A-342, Houston, Harris County, Texas; vacating and abandoning said tracts of land to **WITTE ROAD CORPORATION**, the abutting owner, in consideration of owner's payment of \$1,821.00 and other consideration to the City - Revenue - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2000-18 ADOPTED.

30. ORDINANCE issuing a permit to **RELIANT ENERGY INCORPORATED** for maintaining, using, occupying, operating and repairing a subsurface pedestrian walkway within portions of Louisiana Street, Lamar Avenue and Dallas Avenue, adjacent to the northeastern portion of Block 268 S.S.B.B., the western portion of Block 258 S.S.B.B., and the southwestern portion of Block 143 S.S.B.B.; such areas being within the public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – CASTILLO** – was. All voting aye. Nays none. ORDINANCE 2000-19 ADOPTED.
33. Omitted
39. ORDINANCE appropriating \$344,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC D/B/A PBS&J** for design of water line grid extensions, CIP S-0700-51-2 (WA10598); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - GALLOWAY; E - TODD; F - ELLIS and G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-20 ADOPTED.
40. ORDINANCE appropriating \$571,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a professional services contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for the design of waterline replacement in the Paul Quinn and Noble Subdivisions; CIP S-0035-61-2 (WA10588); 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 2000-21 ADOPTED.
41. ORDINANCE appropriating \$25,498.20 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a contract between the City of Houston and **T.C.H. LAND, Limited Partnership** for construction of Water and Sanitary Sewer Lines along Bellaire Gardens Drive; CIP R-0800-13-03 - **DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2000-0037 ADOPTED.
42. ORDINANCE appropriating \$2,250,586.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998 (AMT); CIP A-0131, A-0141, awarding construction contract to **CONSTRUCTION LTD** for interim relocation package at William P. Hobby Airport (HOU), Project No. 417H - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-23 ADOPTED.
43. ORDINANCE appropriating \$621,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **PTI, INC** for Design of Neighborhood Street Reconstruction Project 439, CIP N-0372-01-2 (SB9000); providing funding for contingencies relating to construction of facilities financed by the Street &

Bridge Consolidated Construction Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-24 ADOPTED.

44. ORDINANCE appropriating \$2,100,336.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ADVANTAGE CONTRACT SERVICES, INC** on low bid of \$1,800,168.00, approve indemnification agreement with **WARDEN TECHNICAL, INC** and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$15,000.00 for Rehabilitation of four Elevated Tanks and Replacement of one Elevated Tank with Hydroneumatic Tanks, GFS S-0600-21-3 (10521-21); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - BONEY; E - TODD and G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-25 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

2. RECOMMENDATION from City Attorney for additional funding for legal services agreement with **MAYOR, DAY, CALDWELL and KEETON** in connection with the lawsuit styled Maguire Oil Company v. City of Houston - \$275,000.00 - Property and Casualty Fund – was presented, moved by Council Member Galloway, seconded by Council Member Sanchez, and tagged by Council Member Quan who stated that he needed for information.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2000 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$179,955.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Keller.

ACCEPT WORK

6. RECOMMENDATION from Building Services Department for approval of final contract amount of \$1,191,942.10 and acceptance of work on contract with **D. H. GRIFFIN OF TEXAS, INC** for Demolition and Environmental Remediation of the Sam Houston Coliseum/Music Hall, GFS B-0016-01-3 - 13.67% under the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0048 ADOPTED.
7. RECOMMENDATION from Building Services Department for approval of final contract amount of \$1,758,031.27 and acceptance of work on contract with **JALCO, INC** for Tranquillity Park Fountains Renovation, GFS B-0024-06-3 - 01.73% under the original contract amount Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by

Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0049 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$815,073.07 and acceptance of work on contract with **RAGO, INC** for Lamar Terrace Paving and Drainage Repairs, GFS N-1033-01-3 (N-1033) - 04.67% over the original contract amount - Street & Bridge Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.

Council Member Goldberg commended Rago for doing the repair work and encouraged Legal to continue the lawsuit originally filed against HUBCO.

Upon questions by Council Member Sanchez, Mr. Hall stated that his understanding was that HUBCO was not prohibited from bidding on city projects but they had not been the low or responsive bidder on projects; that pursuant to the request of Council they had researched the issue of declaring someone a non-responsible bidder and had two opportunities to do that they thought, one, was related to the consequence of this project and the other was that at the time they would be the low responsive or apparent low responsive bidder they present to Council a declaration that because of the circumstances they should not be awarded and then Council would take action to award to the next responsive bidder.

Council Member Castillo stated that they did have a policy that allowed them to debar contractors from doing business with the city; and Mr. Hall stated that they believed the law did allow them, with sufficient evidence, to present to Council a declaration that did happen.

Council Member Robinson stated that he would like to see what the policy was because Council had this discussion a couple of times, how many incidents did it have to be and also another repetitive request was what did the case law say in terms of a definition relative to responsible and low and responsible and if there were no cases that ever litigated the issue fine, but if there were he would like to see and see the actual policy in the city in terms of language and prior application because while he had been on Council they had never had the policy applied where they came forward saying under this policy this contractor was not responsible .

Upon questions by Mayor Brown, Mr. Hall stated that there was not a policy, but there were several state laws and his request would be to visit with the Council Member and brief him because it may be better to not have an articulated policy.

A vote was called on Item 8. All voting aye. Nays none. MOTION 2000-0050 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$78,188.00 and acceptance of work on contract with **DIVERSIFIED PLASTERING, INC** for Construction of 306 McGowen Facade Rehabilitation, GFS R-0268-35-3 (4288-6) - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and seconded

by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0051 ADOPTED.

PROPERTY

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Alan Laferriere, for encroachment agreement for a ±8-foot garage encroachment into a ±38-foot wide alley between Ashland Street and Nicholson Street, adjacent to Lots 35 and 36, Block 55, Houston Heights Addition, Parcel ENY0-02 - **DISTRICT A – TATRO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Members Robinson, Vasquez and Parker.
11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel C99-4, located in the 12900 block of McNair Street at Lear Drive, owned by Beverly Ann Green, Individually and as Independent Executrix of the Estate of Doretta Bartuska, Deceased; Linda Margaret Brannen; and Laura Susan Bennett, for the **LEAR DRIVE LIFT STATION PROJECT**, CIP R-0267-00-1 - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0052 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel G94-3, located in the 3600 block of Scott Street, owned by Dagnew Amdemichael, for the **SMITH BRANCH LIBRARY EXPANSION PROJECT** (Federally funded), CIP E-0078-00-1, CDBG Grant Fund - **DISTRICT D – BONEY** – was presented, moved by Council Member Boney, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0053 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 27

LOW BIDS

19. **N. A. H., INC** to Refinish Gymnasium Floors for Parks & Recreation Department - \$20,340.00 General Fund – was presented, moved by Council Member Boney, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0054 ADOPTED.
21. **ALLIED SUPPLY COMPANY, INC** - \$193,035.00; **JOHNSON INTERNATIONAL MATERIALS, INC** - \$129,618.00 and **EXPRESS IMAGE PAPER COMPANY** - \$94,971.75 for Rags and Cleaning Towels for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Boney, and was seconded by Council Member Sanchez.

Council Member Robinson stated that he had been raising the questions over the weeks and wanted to know how necessary the items were that they were drawing from the general fund; that if possible he would like items put off as he was trying to be as

stingy as possible with the general fund monies. Mayor Brown stated that issue was addressed and it was necessary to proceed on the item at this time.

A vote was called on Item 21. Council Member Robinson voting no. Balance voting aye. MOTION 2000-0055 ADOPTED.

OTHER

24. **QUANTUM FITNESS CORPORATION** - \$65,068.00, **DIVERSIFIED MED. SERVICES, INT'L** \$32,251.50 and **PROMAXIMA MFG., INC** - \$105,880.00 for Fitness Equipment for Parks & Recreation Department - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro, and was tagged by Council Member Ellis.
25. ORDINANCE appropriating \$2,525,718.72 out of Water & Sewer Consolidated Construction Fund (755) and awarding contract to **ARMORCAST PRODUCTS COMPANY** for Polymer Concrete Meter Boxes and Covers for Public Works & Engineering Department; providing a maximum contract amount – was presented. All voting aye. Nays none. ORDINANCE 2000-27 ADOPTED.
- 25a. **ARMORCAST PRODUCTS COMPANY** for Polymer Concrete Meter Boxes and Covers for Department of Public Works & Engineering - \$2,525,718.72 – was presented, moved by Council Member Boney, seconded by Council Member Galloway, and was tagged by Council Member Quan.

RESOLUTIONS AND ORDINANCES

31. ORDINANCE approving and authorizing a sublease agreement between **HOUSTON JOB TRAINING PARTNERSHIP COUNCIL, A Texas Nonprofit Corporation, d/b/a HOUSTON WORKS**, as sublessee, and the City of Houston, Texas, as sublessor, for a facility at 1906 Cochran, Houston, Texas (the former site of Casa de Amigos Health Clinic) - **DISTRICT H - VASQUEZ** was presented. All voting aye. Nays none. ORDINANCE 2000-27 ADOPTED.
32. ORDINANCE approving and authorizing third contract amendment between the City of Houston and the **NATIONAL ASSOCIATION OF MINORITY CONTRACTORS - HOUSTON CHAPTER** to extend the contract term and to provide an additional \$825,400.00 of Federal Community Development Block Grant Funds for the continuation of an emergency home repair program - was presented.

Council Member Sanchez stated that they had experienced through some constituents difficulties with the program and his question was would the Mayor entertain something short of an audit to review the operations and the rapidity of which the organization responded to requests by citizens; and Mayor Brown stated that someone would visit with him to get specific concerns and they would take a look at it.

A vote was called on Item 32. All voting aye. Nays none. ORDINANCE 2000-28 ADOPTED.

34. ORDINANCE approving and authorizing seventeenth contract amendment between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide \$580,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - Grant Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-29 ADOPTED.
35. ORDINANCE approving and authorizing eighth amendment to contract between the City of Houston, the **NORTH FOREST INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide \$60,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - Grant Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-30 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City of Houston, the **ALDINE INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide \$60,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - Grant Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-31 ADOPTED.
37. ORDINANCE awarding contract to **J. E. SPECIALTIES, INC dba J & E ASSOCIATES** for Cleaning and Janitorial Services for Health & Human Services Department; providing a maximum contract amount - 1 Year with 4 one year options - \$4,816,371.15 - General Fund – was presented, and was tagged by Council Member Quan.

Council Member Castillo stated that the item was tagged and delayed when it was originally on the Agenda because of questions he had raised; that he met with Mr. Wells and other representatives of Purchasing and it appeared the item was right for action, but he was still disturbed about the way it came about, when the item was bid out specifications called for a 100% performance bond on janitorial and in his mind it was very onerous to minority companies though the company on the Agenda was minority; that circumstances leading up to this was what concerned him, they were proposing a 100% performance bond on the first year and it had the affect of acting as a gateway, but if that bond were to continue through the whole contract you would be paying about \$10,000 a month for the cost of the bond and that would add substantial cost to the contract as a whole; that the other thing which concerned him was that the reason for the large performance bond was they would be dealing with hazardous waste and that could be addressed by the contractor's insurance and not performance bond; that in essence the contractor considered the lowest in his mind was able to get a bond from the company they were a sub to in the first place, the company that came in number one in his mind was able to do the work because they had done it as a sub to the company that had it now, but the huge bond kept them from being able to compete; and he was glad it was tagged and hoped all new Council Members would look at the process which led them to where they were so they would know how not to do things.

Upon questions by Council Member Sanchez, Council Member Castillo stated that he thought having the 100% bond had been done but not on a janitorial contract or for the reason it was done. Council Member Sanchez stated that within the next week he would like to know the city's position, if this was not a consistent policy then they should explain why such a bond was placed on the contractor Council Member Tatro absent.

Council Member Boney moved to suspend the rules to hear from Ms. Sarah Culbreth, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Tatro absent. MOTION 2000-0056 ADOPTED.

Ms. Culbreth stated that there were instances where a 100% performance bond had been requested, it varied on the type of contract and in this particular case they were concerned because of the type of facilities, Health facilities, and the type of materials the individuals would be required to pick up, but she would be glad to visit with each Council Member who had concerns. Council Member Boney stated that he would like someone to review this policy and see if there was another way to provide coverage besides the 100% bond coverage; and Ms. Culbreth stated that she would be glad to do so.

Council Member Castillo stated that other things that concerned him was that he was told they were arranging for all workers under the contract to be contract employees and thereby evading paying FICA, social security, etc., and if that was the case it was a totally illegal arrangement because if you required supervision of them you were an employee and not a contract employee; that in the process of the bid there was a situation where the contractor, the low bidder, met with the Administration and although he made his position clear it was never quite explained to the satisfaction to those involved; and urged new Council Members to have a fresh look at it. Council Member Galloway absent.

Upon questions by Council Member Robinson, Ms. Culbreth stated that there were seven responses to the bid and all but one met specifications. Council Member Robinson stated that he did not want to punish a business person who responded to a request from the city and then for them be tied up and not allowed to perform under their contract; and he wanted the public to know this was not a situation where the bonding requirement eliminated the city from having a number of people to select from Council Member Galloway absent.

38. ORDINANCE approving and authorizing contract between the City and **HUTCHISON INTERESTS DBA ANTHONY HUTCHISON EXTERIOR DESIGN** for Tree Planting & Maintenance Services, Part I - \$250,008.75 - Street & Bridge Consolidated Construction Fund **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - BONEY and F - ELLIS** was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2000-32 ADOPTED.

The Non Consent Agenda (Items 45 and 46) were considered as follows:

PROPERTY

45. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest

Roth, Terra Surveying Company, Inc., on behalf of the University of St. Thomas (Father J. Michael Miller, C.S.B., president) for abandonment and sale of the north 20 feet of a 60-foot wide utility easement, from Graustark Street to Mt. Vernon Street located between Blocks 61 and 62, Montrose Addition, Parcel S99-084 - **APPRAISERS - DISTRICT D – BONEY** – was before Council. Council Member Boney named Samuel Jarrett, Jr., and Charles G. Rencher as the appraisers, and moved approval of the recommendation, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent. MOTION 2000-0057 ADOPTED.

46. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest Roth, Terra Surveying Company, Inc., on behalf of the University of St. Thomas (Father J. Michael Miller, C.S.B., president) for abandonment and sale of a portion of Mt. Vernon Street, from W. Alabama Street to ±224 feet south of W. Alabama Street, and a 20 foot by 20-foot turnaround easement in exchange for the conveyance to the City of a 60-foot wide utility easement, located between Blocks 54 and 63, Montrose Addition, Parcels SY0-013A, SY0-013B and VY0-021 **APPRAISERS - DISTRICT D – BONEY** – was before Council. Council Member Boney named Samuel Jarrett, Jr., and Charles G. Rencher as the appraisers, and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2000-0058 ADOPTED.

MATTERS HELD - NUMBERS 47 through 53

47. Motion by Council Member Sanchez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration to award to **LANSLOWNE-MOODY CO., INC** for Tractors, Mowers and Attachments for Houston Airport System - \$288,030.00 - Enterprise Fund - **(This was Item 10 on Agenda of January 5, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON and GALLOWAY)** – was presented. Council Member Robinson voting no. Balance voting aye. Council Member Galloway absent. MOTION 2000-0059 ADOPTED.
48. 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 – **(This was Item 18 on Agenda of January 5, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON and CASTILLO)** – was presented.

Council Member Castillo stated that he received correspondence from the department about being open to suggestions and review of the various ordinances by members of the unions of the construction industry and he would not think that their review and possible input would have as much effectiveness if Council approved this at the present time; that he thought a 60 to 90 day delay would give them the opportunity to review and converse and have interchange with the department. Mayor Brown stated that they had a chance to meet with the people in the industry and they agreed to be supportive of this and they would have input in the future when it came up; and his

proposal at this time was when it came up again it would be referred to a council committee and they would have input at that time. Council Member Castillo stated that next time it came up it would probably be after their terms and he wondered how it could be institutionalized so that there would be the opportunity for construction trade unions to be participants in the deliberations; and Mayor Brown stated that they did not appoint anyone who served on that Council so they had no control of them, but they could insure that when it came to Council they run it by committee. Council Members Galloway and Sanchez absent.

Council Member Robinson stated that he visited with members from the union who said they were fine with this and he had discussion with the Mayor's staff that they have an electrical board and other organizations and committees in the city where they could broaden the representation and that was being looked at to ensure that as this developed next time more input would be in it the next time it came out of the CIC and he hoped it could be voted on today. Council Members Galloway and Sanchez absent.

Council Member Boney moved to suspend the rules to hear from Mr. Melvin Embry, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway and Sanchez absent. MOTION 2000-0060 ADOPTED.

Mr. Embry appeared and stated that they had met with organizations which had a concern and not only would they involve them but as the Mayor stated they had no control over CIC but would work with them to make sure all in the organization who needed to be represented would be; and they would continue working with everyone to make sure they had a good strong code for the City of Houston. Upon questions by Council Member Boney, Mr. Embry stated that CIC elected a president and vice president and it was organized by the industry.

A vote was called on Item 48. All voting aye. Nays none. ORDINANCE 2000-33 ADOPTED.

49. 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 - **(This was Item 20 on Agenda of January 5, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that the issue was the city's participation in the Joint City-County Commission on Children and in following up on Council Member Robinson's statements of being stingy with general revenue and the appropriateness of this item during budget priorities; that the money was going out of the general fund and it was the first year that they submitted cash or appropriations as opposed to in-kind services which was what had been supplied; that the county utilized CDBG money and Child safety money and he would support the Administration utilizing appropriate use of those moneys; that Housing and Community Development had a 20% Administration cap so 20% of their \$35,000,000 could be used for administrative services and he felt that was a totally appropriate use of the CDBG money in providing the service and they had not met the cap yet; that there were competing projects for city dollars and he would ask the

Administration and Council Members in their future budget priorities to contemplate literally which pots of money they would provide services from and ask the Administration if they would entertain a motion to have this resubmitted for funding in the CDBG Administration cap.

Upon questions by Council Member Boney, Council Member Tatro stated that this was the first year the city provided general fund moneys for salaries, they usually provided in-kind services and his desire was the appropriate funding source would be the CDBG Administration money or Child Safety moneys and he would ask the Administration to use those funds; that he only wanted to change the funding source.

Mayor Brown stated that they had always for years funded out of the general fund; and Council Member Tatro stated only in-kind services, this was a new undertaking and he would like it refunded. Council Member Robinson absent.

Council Member Bell stated that he was puzzled when there were so many and much greater expenditures out of the general fund not questioned why this particular item which was to restructure and provide a new method of financing for the Joint Commission on Children was; that it was the only organization which did seek to bring representatives to child advocacy organizations with the county and city together to discuss issues and move programs for the benefit of children; that he wondered why this would gain special attention and he hoped Council Member Tatro was sincere that it was not an effort to advocate against the program and that he did support the program, but he was concerned; and that Ms. Culbreth and Mr. Haines were present to give an explanation as to why the decision was made to finance through the general fund. Mr. Haines stated that he was familiar enough with it to only point out that the child safety fund itself did not have the capacity it had in the past; that when the budget was done this year it was with the intent that this program would be funded from the general fund. Council Member Bell stated that the structure was approved by the county and this Administration and he would encourage Council Members to support the item.

A vote was called on Item 49. Council Member Tatro voting no. Balance voting aye. ORDINANCE 2000-34 ADOPTED.

50. 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 – (This was Item 22 on Agenda of January 5, 2000< TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented. All voting aye. Nays none. ORDINANCE 2000-35 ADOPTED.
51. 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 - (This was Item 33 on Agenda of January 5, 2000, TAGGED BY COUNCIL MEMBERS TATRO and PARKER)** – was presented.

Council Member Keller stated that after reviewing the item he thought there were other options they could pursue in the district, they had very serious drainage problems and he believed the funds could be greater spent on other projects; and moved to refer the item back to the Department of Public Works, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0061 ADOPTED.

Item received during the meeting was considered as follows:

28. RESOLUTION approving the creation of a Local Government Corporation for purposes related to the construction and operation of a Convention Center Hotel; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors - was presented, and was tagged by Council Members Todd, Robinson, Quan, Tatro, Vasquez, Keller, Parker, Bell, Ellis and Goldberg.

Council Member Tatro stated that he received a copy of the draft of bylaws and articles of incorporation and had some recommendations and discussed it with Mr. Tollett and it was possibly going under revision and he would like to make sure he received a copy to see if any of the changes would be implemented; and Mayor Brown stated that he would make sure he received a copy.

Council Member Keller stated that he hoped it would be everyone's intent that Council would have a say so in the conformation of those appointed to the board and in the language and bylaws and articles. Council Member Castillo absent.

Council Member Robinson stated that he would like someone to visit with him on changes and there were technical conflicts in the body of the various components and he wanted to make sure someone took notice of them; that there were three directors names in the document and he assumed there may be additional folks posted for appointment; and Mayor Brown stated that it would go to Council for confirmation. Council Member Castillo absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Ellis stated that they had a concern in District F, a reoccurring problem, of water and sewer complaints; that primarily the biggest was with sewage backup backing into people's houses and backyards and it was causing individuals to move out and stay with someone or in a hotel; that the Public Works Department was acting as though this was not a big deal; that a number of constituents called and said they acted indignant to them; that he would urge Mayor Brown sending someone to his office from Public Works to speak with him about the matter and also urge expediting the 311 program which would be a solution to the problem; and Mayor Brown stated that someone would visit with him and if he had names of people who were indignant let Public Works know so it could be taken care of. Council Member Castillo absent.

Council Member Goldberg stated that he wanted to bring attention to the US59 East project; that he presented Mayor Brown with a letter from Chief Tyra and Mr. King and it was brought to his attention from those in University Place; that it was a TxDOT project repairing four streets crossing at Hazard, Woodhead, Dunlavy and Mandell, originally two were to be closed but now all four were to be closed at the same time; and

his concern was the transportation problems getting children to school on the opposite side of the street and the emergency response times; that they were having a town hall meeting in a joint effort with Sen. Rodney Ellis to be held January 20, 7:00 p.m. at Rice University and he would like Mayor Brown to contact Mr. Gary Traytec at TxDOT and also voice concerns; and Mayor Brown stated that his concerns were shared and Chief Britt was present if he would like to hear from him. Council Members Boney and Castillo absent.

Council Member Goldberg moved to suspend the rules to hear from Chief Britt at this time, and was seconded by Council Member Quan. All voting aye. Nays none. Council Members Boney and Castillo absent. MOTION 2000-0062 ADOPTED.

Chief Britt stated that he was extremely concerned about the issue; that in the past there were a number of problems where projects were okayed without his knowledge, such as speed humps from the previous Administration, that these projects now came directly to him; that he heard they were only going to close two streets and now TxDOT was saying it would be too costly to change what they were doing and they were closing four streets; that the Fire Department was going to modify their emergency response to facilitate both areas at the same time and there would not be a response problem, but he could assure Council that the problem would not come up again as a staff person no lower than an Assistant Fire Chief would be making the decisions; that Stations 16 and 3 were both on the north side, but they would modify the response so that the south side would have service from the south side first; that it would probably be Station 37 responding, but Station 33 and Station 7 also came across the area so they were covered very well. Council Member Boney absent.

Council Member Todd stated that he had an opportunity to meet with the Consul General of Venezuela and discuss the continuing toll the country was taking on regarding the recent flood; that the death total was expected to rise to about 100,000 and the estimate was there were 6,000 to 8,000 orphaned children now; that efforts were being made in Miami and New York to show they were behind the Venezuelans, they were opening their checkbooks and the city was getting involved; that Venezuela was a major trading partner of Texas and of Houston and he believed they were the second largest in terms of total tonnage going through the port and he hoped the Council and administration would find a way to work closely and be the city in the United States that Venezuelans thought of as opening their hearts the most; and in helping them public relations would take care of itself; and Mayor Brown stated that it probably was the largest disaster of nature in the world and he had been working with the Council General of Venezuela and many companies had responded; that his point was right on target and they would continue to encourage Houstonians to recognize the disaster and help. Council Member Boney absent.

Council Member Galloway stated that she wondered if there was a process or procedure to maintain vacant lots overgrown with weeds; that several had been brought to her attention; and Mayor Brown stated that someone from Neighborhood Protection would visit with her and brief her on how to take action. Council Member Boney absent.

Council Members Quan stated that he wanted to thank the Mayor for the orientation session and thank all directors and staff who participated on helping Council Members catch up on matters of the city; that he knew the Mayor and others were on time for the meeting and he would give his pledge that he would try and be on time and

hoped other Council Members would do the same; and Mayor Brown stated that Council Members could be fined for showing late and Council Member Sanchez had been advocating it for a long time. Council Member Boney absent.

Council Member Castillo stated that he wanted to pick up on comments made by Council Member Todd; that he was in a meeting with Council Member Sanchez and the Consul General and the damages were pointed out and there were many close ties to Houston, with many visiting the medical center and some of the largest companies in their country headquartered in Houston.

Council Member Castillo stated that a point brushed on by Council Member Galloway was the Neighborhood Protection work regarding abandoned buildings and weed cutting, etc., and the problem was that in a case arising out of Dallas they had been enjoying tearing down buildings and towing cars but had to first obtain a search and seizure warrant and he thought Ms. Link would be handicapped if she had to and would like to know if the city was appealing on its own or in conjunction with Dallas. Mr. Hall stated that they had been in contact with Dallas on a number of meetings and it was not a reasonable circumstance; that obviously the Fifth Circuit holding would apply to Houston and it involved issues of trespass; that they would be trying to develop a strategy with Dallas by either joining them in tactical considerations or by filing a grievance to see how they could best assist in getting some reconsideration of the holding by the Fifth Circuit; that the issue of trespass and lack of due process seemed to prevail over practical considerations of health and welfare. Council Members Boney, Todd and Vasquez absent.

Mayor Brown asked if there was a mechanism of expediting the hearing; and Mr. Hall stated that the issue was a question of appeal and that was what was being explored by Dallas and this was of interest to all cities in the Fifth Circuit. Council Members Boney, Todd and Vasquez absent.

There being no further business before Council, the City Council adjourned at 11:32 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Galloway. 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