

City Council Chamber, City Hall, Tuesday, January 25, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 25, 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 and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Deborah McAbee, Senior Assistant City Attorney, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office, Ms. Martha Stein, Agenda Director present. Council Member Bell absent on personal business.

At 1:55 p.m. Mayor Pro Tem Boney called the Council meeting to order and Council Member Sanchez stated that Mr. George Marquette, former Council Member District E passed away of heart failure on January 24, 2000, that Mr. Marquette served on City Council for two terms and was recognized at Houston's Birthday Party in August 1999 as the oldest living former City Council Member at age 86, Council Member Sanchez asked for a moment of silence in his memory and then led everyone in the pledge of allegiance. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Boney presiding.

At 1:58 p.m. Mayor Pro Tem Boney requested the City Secretary to call the roll. Council Member Bell absent on personal business. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Boney presiding.

Council Members Sanchez and Robinson moved that the minutes of the preceding meeting be adopted. Council Member Bell absent on personal business. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Boney presiding.

Council Member Keller moved to suspend the rules to hear from Mr. Steve Williams, Mr. Rick Pattison, Mr. Robert Kent, Mr. Gabe Cortez and Mr. Donald Haynes after Mr. Ed Artun, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Bell absent on personal business. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Boney presiding. MOTION 2000-0098 ADOPTED.

At 2:05 Mayor Pro Tem Boney requested the City Secretary to call the list of speakers.

Mr. Steve Williams 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was present to talk about Item 48 and the impact that it would have on the department, that the bigger issue was a public safety issue and that was arson, that arson was a felony crime and one of the leading crimes across the Country, that a year ago he was present and talked about the abolishment of three arson investigator jobs and Council was creative by saying that they needed to maintain those numbers and recreate those jobs, that they were still dealing with the problem of arson, that in 1999 the FBI identified arson as the leading crime across the Country, that Houston Independent School District a year ago identified their violent crimes reduced in all areas except for one and that was arson, that they needed to maintain the job based on span of control and public safety, that they had a total of 63 members within the

Houston Arson Division and as it existed to this day they only had 47 men out there being able to investigate the violent and felony crime of arson, that they had 15 members that were working outside the division in OIA, IAD, Juvenile and Bureau of Alcohol, Tobacco and Firearm, that this number 47 was basically in line with what the McKenzie Report identified back in 1986 as reducing the division by almost 50% down to 43, that he believed that in 14 years they had outlived the usefulness of that McKenzie Report and felt that this division needed to move forward, that it was nationally recognized in being a lead in solving arson cases and they had been averaging for the last 10 years over 2,200 cases of arson each year and they were only clearing anywhere from 25% to 30% of those, that they had staffing that did not allow for supervision on the weekends, that they needed to maintain an assistant arson investigator, that as it existed right now it was being stated that the job was created for Mr. Lalo Torres when he demoted from Assistant Chief position, that was governed under local government code, that the fact remained that the deputy chief of that division had identified that the division needed to move forward on that and not only maintain that position but also increase three more based on span of control, what was important to the citizens, to citizens it was public safety, that they had violent crimes on the rise and arson was one of them, that they were averaging over 1,000 vehicle fires, and about 800 of them were probably going unsolved. Council Member Todd absent.

Council Member Castillo asked Mr. Williams what was the clearance rate of arson crimes as it stood now and how did it compare to other cities, and Mr. Williams stated that in the City of Houston their case clearing ratio was anywhere from 25% to 30% and had been that way for the last 5 to 6 years, that on a national level done by a comparative study of municipalities this was on a very poor level, that they should be doing much better than that, and Council Member Castillo asked how was it that arson crimes could be cleared, was there more than one way, was there a way to clear them on paper and not really solve the crime and Mr. Williams stated that it was actually going out and investigating the scenes, that Chief Roy Paul of the Arson Division had identified that it took approximately 30 man hours to do an investigation, that was 10 hours for 3 men to go out, and this was not only on structure fires where there had been a loss of life, but a number of reasons, that vehicle fires were only one of them, that accidental fires a lot of times were ruled by arson investigators, that a call for 1024 was for an arson investigator to come out because of the scene, and they checked more thoroughly into what was the actual cause, and Council Member Castillo stated that Mr. Williams mentioned that there were some 2,000 plus or minus crimes committed annually, and what was the impact to the society not only now but in the future if they did not take care of clearing the arson crimes and Mr. Williams stated that the biggest concern was the people that were causing the crimes, that those arsonists were still out on the street, that secondly regarding vehicle fires they had insurance premiums that were being passed on to the citizens because they were not determining those causes and they were being passed on to the insurance companies, and the insurance companies were accruing expenses that went back onto the insurance premiums. Council Members Boney, Todd and Parker absent.

Council Member Robinson stated that he understood that the administration was willing to look at the issue for a couple of reasons, that the Mayor had made funding of police and fire a priority and that the reason they were talking about eliminating that position was to try to help find funding to help establish a new district, and Mr. Williams stated that was correct, that as they were approached by the administration on this prior

to the end of last year, they were asked to support the abolishment of not only this job but six other jobs so they could create additional district chiefs for a district out in the Northwest quadrant, and also four senior captains for a safety vehicle, and also four engineer operators for Station 90 on the Westside, that all of those areas they could support of doing because yes they were needed, they were a public safety concern also, that there were response times that they were concerned about on the extreme Westside, that the safety officers for the third unit within the City was needed, that they had two officers each day that responded to over 700 square miles to evaluate safety on the fire ground, that they needed those jobs, and Council Member Robinson asked how much was the position they were talking about in terms of salary, and Mr. Williams stated that the Assistant Arson Investigator job the yearly cost factor was \$8,000 as far as the full time equivalent for the two district chiefs it would be \$16,000 to supplement from what they wanted to obtain, and Council Member Robinson asked Mr. Williams if he remembered several months ago that they eliminated a number of positions at the request of the chief because they would be susceptible to paying 6 months worth of back pay and they made a commitment that they would recreate the positions and the exam would be administered in such a manner that they would not have any obligation for back pay, and it was his understanding that in fact, after Council eliminated the position, they were recreated timely but the exam was not administered in a timely manner and they ended paying 6 months worth of back salary which could have covered the cost of the money they were talking about now, and Mr. Williams stated that was correct, that the position was taken that the test at that time would cost \$50,000 and there was a time restriction that would not allow it to be done in a timely fashion and the back pay would have to be accrued, that Council Member Driscoll recommended that the jobs be abolished and then automatically be recreated July 1, that it was his understanding that they were, that the test was not administered until December 1999 and those members were just recently promoted, that they would not see the affects of their promotions in the job force in arson probably for another 8 to 12 months, and Council Member Robinson stated that Council approved a \$300,000 study by TriData, who in 1992 or 1996 had a study that said that the department in the arson area was doing what it was supposed to do and they had a level of staff insignificantly above where they were today, but the TriData folks had said they thought that the City should at least look at whether or not the position was available and should be kept, and his concern was that he did not think that they ought to eliminate it and have TriData come back and say they needed to recreate it and then they would have to come back and recreate it, because if they left the position in place whenever there was a vacancy that was unnecessary they could always eliminate it, because they had grown in terms of geography and number of buildings at a minimum since 1986. Council Members Boney, Todd and Parker absent.

Council Member Goldberg asked what type of time period was there for the test to be given, and Mr. Williams stated that as it existed right now it was probably limited as far as how long the job had been open already, since Chief Torres retired, that according to Local Government Code they would have to give the test just shortly after 90 days, and they were probably at their time limit now, and Council Member Goldberg asked what percentage of the Assistant Chief Investigator's position was spent actually investigating arson cases, and Mr. Williams stated that percentage wise he asked that that question be deferred to some of their senior investigators that would be talking later, but that was a supervisory responsibility and could strongly say that in essence he was responsible for all, because he had the direct supervision as it existed now, and Council Member Goldberg asked as to what type of affect it would have on the ISO Rating if the position

was abolished, and Mr. Williams stated he was not in the position to speculate on what impact it would have on ISO. Council Members Todd, Keller and Castillo absent.

Council Member Quan stated it was his understanding that Chief Tyra and his staff had come to them with a proposal to yes eliminate the position, but in fact to actually add more positions to the Fire Department and had not received response from the union at this time, and Mr. Williams stated that was not basically correct, that on January 10, 2000 they met with the Fire Chief and a number of his administration and brought the item up for discussion and proposed different ways that they could go back to their membership to try to support abolishment's in that area, that they asked for a different shift, they asked for attention to be given to additional equipment such as vehicles that were needed, and they also asked for equipment allowance, that there were other areas that could have softened the impact that was generated by both a loss of staff and a loss of promotional opportunities, that when they did away with that one promotional opportunity of three position they were reducing that opportunity by 33% and there were 8 men in that division that had waited for the opportunity for well over 6 years to promote up into that division and he would like to afford them that opportunity, secondly, he could be supportive on behalf of all of the members in specifically in suppression of the need for the other jobs, but should it be at the expense of a loss of staffing, promotions and most of all a loss of public safety, he did not think that any of them could afford to do that, that those jobs were needed in suppression and he supported the Fire Chief 100% in that respect, that the district, those safety officers and that station out on the Westside was needed, but they were present to address the abolishment of the Assistant Arson Investigator, that in November he heard a number of Council Members say they did not want to see another RCA come before the Council where they were asked to abolish positions and to create, that they were not here to address the creation of other jobs. Council Member Keller absent.

Council Member Boney asked Mr. Williams why did he think the Fire Chief was making the recommendations and Mr. Williams stated that the Fire Chief was very progressive and proactive, that the past year they had been before Council on a number of abolishment's and they way they saw it was he was wanting to take the department to a higher level of standard, that he wanted to make it the number one department in the nation, and wanted to do that through being the number one ISO rated department with full accreditation, that he had spoken to Chief Tyra in recent weeks, the Union Local 341, its members could support trying to make it the number one department throughout the Country and would hope that the administration and Council would also support the fire fighters and make them the number one paid department in the Country, and Council Member Boney asked if that was what his objectives were then why did they disagree with his decisions to try and get there, and Mr. Williams stated that the decisions were based on his recommendations as fire chief, that their fire chiefs and many of the administration had not worked in support areas and were not viewing the recommendation from the division head, the deputy chief of that division, as a recommendation to maintaining the job, that there was data that supported maintaining that job in Arson Division. Council Member Keller absent.

Council Member Boney moved to suspend the rules to hear from Chief Britt, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Bell absent on personal business. Council Member Keller absent. MOTION 2000-0099 ADOPTED.

Council Member Boney stated that he wanted to separate those out and specifically talk about the Arson Chief job, and what would happen if that position were abolished and the funds that remained, and Chief Britt stated that the savings that they would recoup from the position along with savings that they had recouped in the department itself through the year was the reason that he wanted to create those two extra district chief positions beyond the Assistant Arson Investigator position, and Council Member Bell asked what was the responsibility and role of the arson chief position what particular work did they usually do, and Chief Britt answered supervisory, and Council Member Boney asked if they did any investigations at all, and Chief Britt stated that occasionally they would respond to the scene and oversee a scene, somewhat, and Council Member Boney asked if it would help clear out any backlog by having an arson chief, and Chief Britt stated no, and Council Member Boney asked Chief Britt to respond to some of the other issues that were raised by Officer Williams, the reorganization of why the chief's recommendations made more logistical sense than the position advocated by the union, and Chief Britt stated that the chief's position had been all along was to make it the number one department, that the problem was getting to that point and what they had attempted to do in the past was to move positions out of the department that were no longer wanted anymore so they could do the consolidation, but at the same time the job was created strictly as per Local Government Code when Chief Torres, who was Fire Marshall at the time, and there were only two assistant arson investigators at that time, was removed from his position and sent back to arson, that it had been a year and a half, it was in 1998 that they created that position and he went back to, and now he had vacated that position and the 95th day was February 1 and they had to take action between now and February 1 or as per Local Government Code they had to give a competitive exam, Council Member Boney asked how many people were in arson now, and Chief Britt stated that there were 53 investigators, 8 seniors, and 3 positions for Assistant Arson Investigator, and 1 Arson Investigator which was a deputy position.

Council Member Robinson asked how much did they pay in back pay for the positions that were recreated in July and not filled until December, and what was the ratio of supervisors to frontline firefighters in other divisions in the department, and Chief Britt stated that he would go back and check on it, and Council Member Robinson stated that before the position was recreated they had 2 Assistant Arson Investigators and they were supervising approximately 53 people and in fact one of them now was on assignment to the OIG so they had one supervisor for 50 something frontline arson investigators, and if he was telling him that in other areas of the department that supervisor to frontline firefighter he did not have a problem, but he would have a difficulty unless he was telling him that there was substantively different in terms of the need for leadership or span, and all he was looking for before Wednesday, and in writing, was the rate of supervisors to frontline, how much they had to pay in back pay when they recreated the positions and did not fill them until December, what was the exact dollar amount of savings from elimination of the position, what the exact cost of creating the new position for the new district and was also interested in finding out if the new district was in the budget at the beginning of the fiscal year and if it was not why were they in the middle of a fiscal year talking about creating a new district and if there was a significant rational basis in terms of an emergency need. Council Members Boney and Vasquez absent.

Council Member Goldberg stated that Houston ranked the lowest in the Cities in terms of number of arson cases solved and percentage and asked what needed to be

done for the Fire Department to solve more of the arson cases, and Chief Britt stated that he had never heard that Houston ranked the lowest, and Council Member Goldberg stated that in the number of cases solved and highest in the number of per capita of arson cases not cleared and Chief Britt stated that he was not aware of that. Council Member Vasquez absent.

Mr. Rick Pattison 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was a captain at Station 59 and was present to speak on the abolishment of the Assistant Arson Investigator position, that the FBI in 1999 stated arson was the fastest growing crime in the United States, that Houston arson cases this year could number 2,265 and last year it was 1,970, that every month in the years 1998 to 1999 there were a 177 new arson cases and the Deputy Chief of Arson projected this year of 195 new cases every month, that all building fires in Houston of those 23.6% were arson, that in Houston only 9.6% of those cases were cleared by arrest, that Dallas cleared 20.7% and that was from the International City Managers Association, that Houston had a total clearance rate of 27%, not just by arrest, but also those that were determined to be accidental, acts of God or maybe mechanical causes, that from April 1999 to November 1999 there were 967 new arson cases with \$11 million dollars in property loss, that the TriData Study was coming up and they were going to be studied by them, so why not wait on their recommendation to do that. Council Members Galloway and Boney absent.

Mr. Robert Kent 688 FM 2187, Sealy, Texas 77474 (713-247-2270) appeared and stated that he was a Senior Investigator for the Fire Department Arson Division and was present to ask that Council not abolish the Assistant Arson Investigator position, that he had been a member of the Fire Department for 25 years and the last 14 years had been in the Arson Division, that the crime of arson was a serious felony and was one of the crimes that continued to show an increase while others were dropping, that the Arson Division investigated over 2,000 fires each year and they did that job with approximately 47 members, which included the chief of the division and all of the supervisors, that their numbers were so low because they had 14 investigators working in areas outside the Arson Division, and due to that shortage of personnel they were unable to adequately investigate the crime of arson, that the number of investigators was down from a high of 83 members in 1985 and in 1986 the City commissioned the McKenzie Group to do a study of the Fire Department and that study recommended that the Arson Division be cut almost in half, that while the City had increased in size and population and the number of fire stations and the number of suppression and EMS personnel had increased, the Arson Division had fought to get back to where it was 14 years ago when it was recognized as one of the top arson units in the Country. Council Members Galloway and Boney absent.

Council Member Sanchez stated that Mr. Kent said that there was a shortage of personnel and asked if there was shortage of any other equipment that would facilitate them conducting their investigations, and Mr. Kent stated that they had decreases in overtime and decreases in money that they had to take training sessions or seminars and there were a lot of other areas that they could get into to help do the job, and Council Member Sanchez asked if they had the necessary vehicles to get to the site of a potential crime to investigate, and Mr. Kent stated that right now they did but they went through a period of time when they had 20 investigators who did not have vehicles over a year and a half and that situation was remedied probably a year ago, that they had vehicles in a pool where they could check them out to do their job, and Council Member Sanchez

asked everything else aside would that decision affect public safety, and Mr. Kent stated he believed it would. Council Member Keller absent.

Mayor Brown asked if vehicles were available now, and Mr. Kent stated yes, that they had them for over a year, but they were looking for a problem with that because they were told that there were no new vehicles being requested in the next budget year and they were getting to a point where they were going to get back to where they were because a large number of their fleet was well over 100,000 miles.

Council Member Quan asked what would Mr. Kent think would be the best allocation of their funds to address the concerns with arson, was it retaining an assistant chief or hiring more arson investigators or more cars, what did he think they should use their money best for, and Mr. Kent stated that they had a study that was done by the Chief Arson Investigator of the Houston Fire Department, that he would like to see them follow his recommendations which would be to request a large increase in staff, and Council Member Quan stated that when they looked at limited resources that they get the most effective use of those resources, and Council Member Quan stated that Chief Torres was on the job for a year and a half, did they notice a substantial increase in efficiency and support by having three in that position as opposed to two, and Mr. Kent stated that he could not say, but since he was gone and as a senior investigator and supervisor over the investigators, he found more and more that things should be done by one of the Assistant Chief Investigators was being passed down to the seniors, so not only did they have to take care of their responsibilities of working with the investigators, working out in the field and keeping up with the office and statistics, they were taking more of the administrative part of the job that they were being forced to do because they did not have that, that they had only one Assistant Arson Investigator at this time, even though the numbers say there is three, because there was one open position, they still had another one that worked at OIG that had not been there for over a year, so they were still down to one Assistant Arson Investigator position in the Arson Division. Council Members Goldberg, Boney and Keller absent.

Council Member Parker stated that she was rather sensitive to the idea that a vote for or against the item was a vote for or against public safety and wanted to be clear that they had gotten conflicting or contradictory professional advice, and she did not think that voting one way or another meant that they were being cavalier about public safety and obviously they had to rely on the best advice available and asked if he would agree that in the last two years Council had replaced over half of the apparatus in the Fire Department, and Council also added a significant amount of dollars to beef up the Fire Departments wish list, particularly in the dispatch area, and they were trying to address as many public safety issues as possible, and asked if Mr. Torres was out on a long term leave of absence over the last 6 to 8 months and Mr. Kent stated that Senior Investigators filled that position while he was gone and took care of that responsibility, and Council Member Parker stated that the department had been operating without that position filled for quite some time, and Mr. Kent stated that they were a police agency working within the Fire Department and their leadership in the Fire Department was Fire Department oriented, that was where they came up and that was what they did, that the leadership of the Fire Department was very knowledgeable and had a long time of working in the suppression field, that the interesting thing was that they had a chief in the Arson Division that had been there for years that had presented studies, internal studies, that were very conservative studies, and a lot of Council Members had been presented

that information from the union and it definitely showed a need for increase in manpower, but the problem was that because they were a law enforcement agency and were not part of the suppression effort they knew where they stood, they knew that when it came time when they had to make a decision they came out on the short end of it on a regular basis. Council Members Goldberg and Keller absent.

Council Member Robinson asked that while Chief Torres was out was there somebody acting in his position, and Mr. Kent stated yes, that there was a Senior Investigator acting in the position the whole time he was out on extended leave and since he had left service, and Council Member Robinson stated that he wanted to make sure that they did not confuse the person or personality with the position, and when the position was there for some time there was somebody filling the responsibilities and obligation, that if they described themselves as a law enforcement agency what was the comparison between them and HPD, and also had the generic concern that he would be worried if they were still at the same level in other areas from 1986 to 2000, fourteen years and they were in essentially the same position. Council Members Goldberg, Boney, Keller and Castillo absent.

Mr. Gabe Cortez 1406 Corral Dr., Houston, Texas 77090 (713-304-8969) appeared and stated that he was the midnight shift supervisor at arson and supervised investigators that actually went out to the fire scene and conduct an investigation, that their case load on his shift was approximately twice the case load of the other supervisors, that at that particular period of time it was very difficult to get their Chief Arson Investigator if he needed some help, so basically he looked at his job as the buck stopped there, that he had to make the decisions to make sure that the work was done, that on public safety the more the crime of arson went undetected, under reported and under investigated the more that was going to be an attractive crime for someone to commit, and did they need supervision, yes, increased supervision meant increased officer safety to him, because that supervisor could take a load of his back and make sure that they got the basic safety equipment that they needed, that a lot of their officers did not have vests, that many of them did not have hand held radios, that those were the type of issues that he ran into all of the time, that he went out with his men because he wanted to make sure that they were safe, that they did not have the luxury of having many patrol units out in a district like HPD did, that if their guys got into a problem they basically had to use their head, hands, fists, whatever it took to survive until they got the problem under control. Council Members Boney, Keller, Castillo and Sanchez absent.

Mr. Donald Haynes, 5303 Newkirk Ln., Houston, Texas 77021 (713-247-3779) appeared and stated that he was a Senior Investigator with the Houston Arson Bureau and was present against the abolishment of the Assistant Arson Investigator's position, that he had been a member of the Houston Fire Department for approximately 25 years and 15 of those years had been in the Arson Bureau, that he was promoted to Senior Investigator in 1995, that the Arson Bureau was a law enforcement agency working within the Fire Department, that he commended the leadership of the Fire Department because they were very knowledgeable when it came to the fire service, but their knowledge in the area of law enforcement was limited, that the Arson Bureau had always suffered when fire chiefs needed to cut monies from one area to another area, that the fire chief referred to the 1986 McKenzie Study to justify the abolishment of the position, that it should be noted that the 14 year old study was questionable and that the Houston Arson Bureau was compared to the Los Angeles Arson Division and that division did not investigate 7

days a week on a 24 hour basis, nor did they investigate vehicle fires and they did not investigate all suspicious fires, in fact they did not investigate structure fires when the value was under \$25,000, that in comparing the New York City Arson Division, which operated like Houston, it was noted that they needed to increase their arson staff instead of decreasing it, that there had been several internal studies conducted by their Chief Investigator Roy Paul that showed the need for more staff and those numbers were based upon up to date statistics, that in order to adequately process arson cases, maintain and improve professional training and staying abreast of the latest technical methods of investigation they felt that the position was imperative to the Arson Bureau and to the public safety of the City of Houston and he recommended that all open position be filled and that no positions be created until the TriData Management Study was completed, that the Assistant Arson Investigator position was needed for the following reasons, (1) the Arson Bureau worked on a 7 day work week, 24 hours a day and there was limited supervision by chief officers, that the evening, night and weekend shifts were not properly supervised, that quality assurance and training development were not a priority because of the lack of a chief training officer in the Arson Bureau, that the control of fire scene investigations, reports and follow-up investigations were delegated to senior investigators who were themselves subject to a heavy workload, that crime analysis and officer administration and management suffered with the lack of proper supervision, that the most recent work demand analysis recommended an increase in the number of assistant arson investigator positions and it should be noted that the Arson Bureau had not been operating effectively in the past with two assistant arson investigators and there was a definite need for more. Council Members Todd, Keller, Quan and Sanchez absent.

Mr. Ed Artun, 5518 Valerie, Houston, Texas 77081 (713-247-2270) had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller, Quan and Sanchez absent.

Ms. Lauren Serper, 1726 Augusta, #112, Houston, Texas 77057 (713-278-9398) had reserved time to speak, but was not present when her name was called. Council Members Todd, Keller, Quan and Sanchez absent.

Mr. Bill Curtis, 1112 Millford, Houston, Texas 77006 (713-942-7251) appeared and stated that he was the owner and resident of 1112 Millford Street and was present in support of Council's acceptance of special building line requirement area along Millford Street, that his observations of his street was that of the five block fronts that were in question today there were 16 buildings that occupied those block fronts, that of those 14 were basically in a consistent sort of alignment off the street, that two were in contrast to that by way of their encroachment towards the street, that his understandings and observations of his street were that the prevailing visual characteristics of that neighborhood as they were intended when the buildings and sites were originally laid out were still in evidence with those two exceptions of two developer projects that had happened, that an adjacent neighborhood which were 1940's and 1950's ranch houses which had gone largely through a developmental phase or redevelopment phase that had setbacks in the forms of deed restrictions had very successfully made a transition from one type of residence to another type of residence while maintaining the characteristic of the front yards, trees and the building setbacks, that he was in favor of development in the City of Houston and even of development along their street and he thought they had a street that was ironically sort of largely in tact and he would very much to ask for

Council's support in preserving their building setbacks through the ordinance and believed that the requirement of the setback if it was consistent would preserve the characteristics of the existing neighborhood street line and allow for development. Council Members Boney, Todd, Keller, Sanchez and Robinson present.

Mr. Kurt Gumberger, 1118 Millford, Houston, Texas 77006 (713-529-3730) appeared and stated that he was present to ask that Council approve the special building line requirement on Millford Street, that basically what they were probably going to hear and what they had heard was going to be a major concern was money, that the people who oppose the building setback were afraid that they would not be able to develop their property in the manner they seem fit and therefore they were going to lose a lot of money, but they failed to tell Council that if they were able to develop the property in the way they seem fit, which was virtually from the front of the street to the back of the lot, with three and four story townhouses with no green area, the remaining and majority of the people were going to lose money on their property values, because if they thought about it and if they had a single family dwelling on a six thousand square foot lot and someone next to them erected four to six townhomes two or three stories tall from the front of the street to the back of the lot they could not sell their home for the home, they would be reduced to selling their home for lot value or dirt value, that currently in that neighborhood prices for homes ran approximately \$150 per foot for the intact home, and as homes were typically 2,500 square feet, that would give them a value of \$375,000 per home, but if those buildings were built without a building setback the rest of the neighborhood would be forced to sell their property at merely lot value that had recently been about \$30 per square foot for the lots and the lots were about 6,000 square feet and would be reduced from a value of over \$300,000 to a value of \$180,000, more over the questions was who did they protect, did they protect the economic interest of a select few people or did they protect the economic interest of the entire community, that the challenge was to determine what was more favorable to the community as a whole, did they defer the interest of the few or that of the community, that the majority of the people in the neighborhood had requested that Council approve the proposal and only a very few that did not, and they were asking that Council follow the Planning Commission's advice and approve the special building line requirement on Millford Street. Council Members Boney, Todd, Keller, Sanchez and Robinson.

Mr. Joe Naron, 1109 Millford, Houston, Texas 77006 (409-552-7826) appeared and stated that he owned his home since 1976 and bought it when it was in a very run down condition and over the years had repaired it and done his best to make it as pretty as any house in the area, that in a romantic sense perhaps he should be among those who were supporting the adoption of setback restrictions in that neighborhood, but he was not, that he would say that the neighborhood that he lived in was anything but homogenous and it was difficult for him to understand what was being preserved, that they had all styles of architecture, that they had condominiums that had been developed that went all the way to the street line, that what had happened was the value of the land proportionately had increased far beyond the value of the structures, that he would like to see as much beauty in the City protected as was possible, but this was not the way to do it, that there was nothing wrong aesthetically with the beauty of all the townhouses that had been built in the neighborhood. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Ms. Hallie Radcliffe, 1107 Millford, Houston, Texas 77006 (713-524-9296) appeared and stated that she owned and lived in the townhome next door to Mr. Naron, that she was neither for nor against the setback as her front door was at the sidewalk, so she was right up on the street, however if the setbacks did go through that would leave her in a very precarious position, that not only would she not be able to rebuild her home, but did not have the peace of mind to live in her home with what was going on and would not be able to transfer her home unencumbered nor would she be able to get proper insurance, so she would like to be grandfathered in perpetuity regardless of what decision Council would come to regarding the setback. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Council Member Parker stated she thought Ms. Radcliffe had her facts wrong, that the building setbacks would have nothing to do with her ability to transfer title to her property, that it might have an impact if her property were to burn down and if it were more than 75% damaged, but from a practical standpoint she did not believe that there was a Planning Commission that the City would ever constitute that would not allow someone to rebuild their home, but in terms of an encumbrance on her title or none of that was accurate, and asked where she got her information, and Ms. Radcliffe stated that as to her title, she felt that no one would want to purchase her home knowing that if something should happen to it they would have no recourse, that it would be a total loss of value, and Council Member Parker stated that there was not a total loss of value unless her home were to be totally destroyed, and there was always the option of going to the Planning Commission and asking for a variance under the ordinance and they would allow her to do so, that she did not want her to have the impression that there were no options available under the ordinance. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Council Member Goldberg stated the Ms. Radcliffe had mentioned problems getting insurance and asked what kind of insurance, and had she received anything in writing from her insurance company, and Ms. Radcliffe stated no, that her attorney had addressed it, and actually the insurance companies did not know what they would do in a case like this, and Council Member Goldberg asked if her insurance company had so far refused to give her a policy and Ms. Radcliffe stated no, that her insurance company knew nothing of this, and stated that this was on speculation but her attorney could answer this better than she could. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Council Member Parker moved to suspend the rules to hear from Mr. Robert Litke, Director, Planning and Development and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Bell absent on personal business. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent. MOTION 2000-0100 ADOPTED.

Mr. Litke appeared and stated that the ordinance if adopted would reflect the conditions that existed and the property would remain and if there was a total catastrophic loss then the new setback line would be there and they would ask the Planning Commission for a variance to go back to the existing line and since in that particular instance the prevailing line would effectively wipe out that lot he did not think there was any issue but that any Planning Commission would grant such a variance, it was just inconceivable that it would not, as to the insurance issue he had not heard that

raised before and saw no reason why because they had grandfathered properties all over the City that in effect were there before any particular ordinance and they had insurance and got title when they sold and it should not be an issue. Council Members Tatro, Boney, Todd, Ellis, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that an issue came up that was raised by an individual property owner who felt that she would be unable to fully develop her particular property under the prevailing setback ordinance that was proposed and saw that Mr. Litke had determined that she could in fact do a maximum townhome development on that lot even with the prevailing setback, and Mr. Litke stated yes, that as he understood, the particular property owner was looking at another property tract behind her and indicated that her concern was the possible inability to develop it and get the same kind of density of development out of that lot, and they looked at the property and concluded that they could get as many as eight very attractive townhomes built in that property and still meet the setback. Council Members Galloway, Boney, Todd, Ellis, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that the memo Council had received from him stipulated that the townhome development adjacent to her site could be built with that configuration, but did the owner of the property concur, and Mr. Litke stated he did not know if she concurred, that they had concluded that analysis but had not discussed it with her and knew what could be done, but whether she liked it or not was a different issue, and Council Member Tatro stated that was an important issue because they had a private property owner who was trying to design something and then the City coming in and saying no we figured through a certain configuration she could do it this way and that was not really the private property owners option at that point, and Mr. Litke stated that was true and they were certainly not saying that was what she would do they were simply saying that the lot could be developed at the density and still meet the rules, and Council Member Tatro stated that their last sentence said that the determination and support for the special building line had not been made, and Mr. Litke stated that they did not know how many people in the neighborhood, since they processed the application, were for it or against it and that was what that meant, that they had not gotten any input from the people on the block faces as to how many were lined up on one side or another, that he did not have a true count, and Council Member Goldberg stated that the configuration that Mr. Litke was talking about would be 8 units on 2 lots, and Mr. Litke stated 8 units on the 125 by 125 foot lot that the woman owned. Council Members Galloway, Ellis, Sanchez and Robinson.

Council Member Keller stated that he wanted to make sure that all the private citizens were all playing on an even playing field, that in an industry where people knew how to play around the rules and usually the smartest guy with the most money wins, and asked if six blocks were submitted to the planning commission and one of them, block 22, caused the numbers not to work under the 25% rule, therefore it was taken out so that it would fit under the 25% rule, and did he think that it was fair for block 22 to just go on down the road without ever being affected and then the other five who would not have been affected had block 22 stayed in live with and looked forward in the upcoming months to put the screws to that and wanted to meet with Mike later about it also and wanted to know if he was right in his assertion of the events, and Mr. Litke stated that he wanted to clarify and that Council Member Keller was close to being accurate, that neighborhood folks representing the six blocks had come in and talked to staff and the

staff reviewed what they had and said to them that with the six blocks they could not meet the requirements and it would not get approved, and they concluded that with five blocks, dropping block 22, they could meet the rules, so they went back and packaged the application for the five blocks and then proceeded accordingly, and that kind of staff dialog was open and taken advantage of throughout the industry, that people came in and asked how it worked and they explained it to them, and Council Member Keller stated that he was well aware of the industry and that was his point and asked if Mr. Litke thought it was fair to someone who did not know how to go about being the one who was smart enough to have their block left out, did he think it was fair, and Mr. Litke stated he was not sure that they wanted to be left out, but they stated they could not do six blocks, it would not work, so they went back and reduced it to five that would work, but that was their call, if they had come into the department and filed an application covering the six blocks they would have sent it to the Planning Commission with a recommendation to disapprove because it could not meet the criteria, and that would have been the end of it, and they could have started all over again with the five, that all they did was save a lot of staff effort by getting it packaged in a way that it could move through the system, which was what they did all the time with people who asked how it worked, they explained it. Council Members Galloway, Ellis, Sanchez and Robinson.

After further discussion Council Member Parker asked Mr. Litke if with that application was there not a petition of support presented, and Mr. Litke stated he believed they had a petition with some signatures on it, and it was 76% which allowed him to forward it to the commission. Council Members Galloway, Ellis, Sanchez and Robinson.

Mr. Mike O'Brien, 12800 Briar Forest, #154, Houston, Texas 77077 (281-496-0752) appeared and stated that he was president of the Houston Homeowners Association and was present to strongly urge Council to vote in support of Item 46, which was the Millford Street special building line requirement area, that the most important tools that urban neighborhoods had to protect and enhance their quality of life and to maintain the character and fabric of their neighborhood were deed restrictions, that in the urban area less than a third of the neighborhoods were adequately deed restricted to protect against the development pressures that neighborhoods faced in 2000, therefore it was critically important that special building line requirement areas existed; that he understood that the people from Millford Street had gone about the business as set out in the ordinance and had done everything that was required of them, that the Planning Commission voted unanimously to pass the special building line requirement up to Council for a vote, that the special building line requirement was very important to those urban neighborhoods that wanted to protect the character and fabric of their neighborhoods. Council Members Galloway, Ellis, Sanchez and Robinson absent.

Mr. William Stern, 1202 Millford, Houston, Texas 77006 (713-527-0186) appeared and stated that along with Virginia and William Camfield he helped to initiate the prevailing building line application for the five block faces along Millford Street, that in March 1999 City Council passed a number of revisions to Chapter 42, the Development Ordinance, that those revisions were agreed upon after months of work and a process of consensus building that involved neighborhood organizations, individual property owners, developers, the Department of Planning Development and members of City Council, that among the revisions passed was a revision that would allow neighborhoods without deed restrictions to petition Council for a special building line where a prevailing building line existed, that shortly thereafter his neighborhood joined together to apply for special

building line along five block faces, submitting their application in July 1999, that with the help of the Planning Department they spent time in forming and educating their neighbors about what a special building line would mean to the future of the neighborhood, that the Department of Planning and Development reviewed their application and determined that it met all the requirements of the ordinance and submitted the application to the Planning Commission who unanimously voted in favor of the special building line on September 30, 1999 and that petition was now before Council, that nothing in their petition or in the section of the ordinance defined what could or could not be built on any given property nor did the section of the ordinance limit density. Council Members Galloway, Ellis, Keller, Sanchez and Robinson absent.

Council Member Parker moved to suspend the rules to hear Ms. Grayson Cecil, Ms. Jane Curtis, Mr. William Camfield and Mr. Alfred Gutierrez out of order and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Bell absent on personal business. Council Members Galloway, Ellis, Keller, Sanchez and Robinson absent. MOTION 2000-0101 ADOPTED.

Ms. Lauren Serper, 1726 Augusta, #112, Houston, Texas 77057 (713-278-9398) appeared and stated that she was the attorney that represented Ms. Radcliffe who lived at 1107 Millford, that she and Ms. Cecil had provided a packet to all Council Members that outlined some of the positions that they heard today, that hopefully they had gotten the memoranda, that basically Ms. Radcliffe's position was that the proposed setback application was going to render her property useless for the purpose of rebuilding, and while Council Member Parker's point was correct in that it would not affect her title per se it may very well affect her ability to get insurance on the home, that she had spoken with the Legal Division of the State Department of Insurance and indicated that there was a possibility that in the event of a catastrophe what would the insurance commission's position be, did they have to inform the insurance company of the new setback and what were her ramifications, and they did not know, that this was a significant concern to them and would get back to her but she did not have an answer yet, but that was a concern, that there was the concern that the economic value of her property had been virtually destroyed since she could not rebuild in the same configuration, that she understood that Mr. Litke had stated that under those circumstances the Planning Commission would virtually always grant a variance, but why not do it now and give her some assurances; that her client was not suggesting that it was not admirable to want to have building setbacks, but the point that was made earlier that there was an exclusion of block 22 suggested that there was an arbitrariness and a capriciousness about the way the ordinance was being applied, that on her clients block there were four residences, two were in favor and two were against, that was 50% evenly down the middle and it was the same thing on block 30, Ms. Cecil's block, that on blocks 29 and 24 there was a 100% approval, that everyone wanted the setbacks and they had more than the prevailing setback requirement as needed in the statute so why not un-bundle the proposal, go ahead and pass the proposal and the application as written for blocks 29 and 24. Council Members Boney, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Todd, Ms. Serper stated that she had not done the Lexis Research, but that was the next thing that she would do because she believed it did go directly to the issue of arbitrariness and a capriciousness, and thought that as one of the Council Members suggested that the idea that they could pick and

choose to draw their lines in a curve to preserve the houses they wanted and leave out the one that screw up the requirements suggested that the ordinance as written was in fact arbitrary as applied and as written right now because it did not set forth a specific percentage it stated sufficient support and it did not address the gerrymandering that they saw happening there, and while the Council may not want to pass an ordinance that required 100% approval there ought to be something a little more specific and concrete to work with, and Council Member Todd requested that she prepare a supplemental brief and submit it to him, that he would like for her to develop the argument a little bit more, and Council Member Quan also requested a copy of her brief for his review. Council Members Galloway, Boney, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)'

Council Member Goldberg asked Ms. Serper as to what kind of effect unbundling would have to the other blocks if those houses were allowed to ignore a 25 foot setback, and Ms. Serper stated that she did not think it would have any affect on the other blocks, and Council Member Goldberg asked if she did not think that building 5 foot from the curb line on one block would affect the other blocks, and Ms. Serper stated that they already had it, that her client's house was 5 foot from the curb and the townhouse at 1220 Millford was 3 feet from the curb, that she could not tell them exactly what kind of affect it was going to have, but she could tell them that property values had continued to go up since the townhome developments had gone in, and she realized that Council had heard from the neighborhood saying that it would destroy their neighborhood and cause them all kind of property devaluation, but she did not think that had happened so far, that she did not see a prevailing setback in that neighborhood and did not see something to preserve, that she saw a neighborhood in transition, and Council Member Goldberg asked if she did not see the 25 foot setback that was there on 90% of the homes, and Ms. Serper stated that she saw it on a percentage of the homes, but she also saw a home that had a porch that came out and did not meet the 25 foot setback, that she saw other home owners who did not feel that requiring and imposing upon them a prevailing setback was warranted with the configuration of that neighborhood. Council Members Galloway, Boney, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)'

Council Member Parker moved to suspend the rules to continue discussion on Item 46 and was seconded by Council Member Todd and after further discussion withdrew her motion. Council Members Galloway, Sanchez and Robinson absent.

Ms. Grayson Cecil, 4814 Yoakum Blvd., Houston, Texas 77006 (713-524-9894) appeared and stated that she had distributed a memorandum to the Council offices and guessed that it had been received, that she had really searched for a way that they could compromise on the issue and what she had come up with was what she thought was a reasonable way to do this, that it seemed that in eliminating block 22 from their original application that the petitioners in effect did begin an unbundling process of taking out a block in order to make it comply with the rules of Ordinance 42, that she was proposing that they continue that unbundling and take apart the petition and consider it block face by block face, and she believed in doing that they would have an equitable way of to handle a really difficult issue of people who felt very strongly one way or the other about the issue, that if the blocks were unbundled and considered one by one they felt that blocks 24 and 29 would clearly be approved, that they had historic homes and were the sort of blocks she felt the ordinance was written for, that blocks 23 and 30 should not be approved, that they did not have overwhelming support, and did not have a prevailing

setback on block 23, and in the case of block 30 only had 50% approval, that block 31 should be granted because it had one townhouse development that represented 25% of the homeowners and she believed under those circumstances it should be granted. Council Members Sanchez and Robinson absent.

Council Member Keller stated that Ms. Cecil had presented a unique situation and asked if she knew who the majority of the owners of block 22 were, and whether they would want to be in this or out, and Ms. Cecil stated that they would have to ask one of the gentlemen who put the petition together, that she knew that some of them did sign the petition, that the original application had those signatures and then when it was determined in conversation with the Planning Department that the petition would not be approved it was recommended that they eliminate block 22, but when they experienced a neighborhood they experienced it as three blocks of the neighborhood, they could not see block 22 and it had a very substantial townhouse development, so when she purchased the property there were three substantial townhouse developments up and down those three blocks of the street, and Council Member Keller stated that what they had done was make it four against four and then everybody else would get what they wanted as far as the home owners on block 30 and 23 and asked if they had gotten any feedback from the opposition or the neighborhood association, he knew that she had submitted this to Council and Ms. Cecil stated that she had not submitted it to the other people, she did not think that there was much chance that they would say they would take out blocks 23 and 30, but maybe they would think that it was a good compromise. Council Members Tatro, Boney, Todd, Parker, Sanchez and Robinson absent.

Ms. Jane Curtis, 1112 Milford, Houston, Texas 77006 (713-528-2969) appeared and stated that the neighbors who had signed the petition in support of the prevailing setback still remained at a count of 15 property owners, of the 15 property owners 12 were still exhibiting their support, that Council had heard from the 3 property owners that did not support the petition, that she wanted to counter Mr. Naron's point about property values of an old house, that she lived in one of the old homes on Millford Street and was the second owner of a home built in 1926, that when they purchased it in 1995 it was appraised at about \$285,000, and they were able to purchase it for \$300,000, and when they refinanced their home last summer, four years after they purchased it, it was appraised at \$575,000, that the property values for the old homes were retaining their values. Council Members Tatro, Boney, Todd, Parker, Sanchez and Robinson absent.

Council Member Goldberg asked Ms. Curtis what type of affect if block 30 and 23 were allowed to be unbundled and allowed to have setbacks of 5 feet would that have on her block of 29 and for that matter of 24, and Ms. Curtis stated that she would like to say that she thought that the 12 of the 15 property owners who still stood in support were hoping to preserve the character of the neighborhood and whole street, and the way that their street ran was between Montrose and down to the end of that three block stretch, that to take the middle two block faces and allow them to be developed to the 5 feet she thought ripped a hole in the attention of their petition. Council Members Tatro, Boney, Todd, Parker, Sanchez and Robinson absent.

Council Member Keller stated that was the same thing that happened with block 22, and was she aware that the people right across the street from her could build within 5 feet, and Ms. Curtis stated that she lived at the other end of Millford at 1112 and

believed that there was another speaker from block 22. Council Members Tatro, Boney, Todd, Parker, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. William Camfield, 1117 Milford, Houston, Texas 77006 (713-526-5509) appeared and stated that from the beginning the petition had enjoyed overwhelming support from the property owners involved, that initially the count was 13 for and 1 opposed, no response, that at the hearing on January 4, that owner claimed, without any justification whatsoever, that a fair majority of the owners favored the petition line to 7, that despite her subsequent efforts to change property owners votes the present count was 12 for and 3 opposed, that they had 10 supporters in writing and 2 verbally, that the petition was not gerrymandered, and had not been unbundled or bundled, that they had worked responsibly to include and inform every owner, and also worked carefully with City Planning and they assured them that their street was an excellent candidate for what the ordinance was meant to do and they did everything to the letter and the spirit of the law to do that, that all Council had to do was drive down that street to see that there was a prevailing building line and to unbundle it would be to undo the entire proposal, that there was insinuation that they gerrymandered or unbundled it but he would like to let everyone know that they wanted to have all six block faces, and were actively contacting in a responsible and formative manner all of the owners, including those on block 22, and they were getting their signatures, but it was only as Mr. Litke stated that when it became clear that even with the support of the people on block 22 they would have too many nonconforming properties that they reluctantly excluded that block, that gerrymandering implied some willful desire to exclude, they did not want to exclude they wanted to include. Council Members Tatro, Boney, Todd, Quan, Sanchez and Robinson absent.

Mr. Alfred Gutierrez, 3623 Cetti, Houston, Texas 77009 (713-223-3372) appeared and stated that he was a member of the North Central Civic Association and resident of the Northside, that his community was made up of blue collar workers, laborers and business people alike, that in the recent years the community had made strides towards cleaning their neighborhood up and were once again looking like a place that other people may want to move to and business such as Dominos, Eckerd's and Blockbuster Video were moving back instead of moving out of their neighborhoods, that residents were now getting involved with the civic club and PTO's were getting more involved than ever before, but they had one problem they did not have deed restrictions, that recently he and his neighbors learned that a vacant lot located on the corner of Collingsworth and Cetti had been bought by the owner of Chavez Bus Tours who planned to open a bus terminal at that location, that the lot measured approximately 200 feet by 75 feet and the main street that it bordered was Collingsworth to the front which measured 22 feet wide with ditches on both sides, and the street on the side was Cetti Street which measured 17 feet wide with one sidewalk on the same side as the property in question and it had ditches on the other side also, and they had a proposed gate that was either going to access or exit the property and that was going to cross a sidewalk that the kids would be walking across, that their main concern, first and foremost, was the children of their community, that the bus terminal would be located between two elementary schools, Clemente Martinez Elementary, located one block south of the property, the other was Looscan Elementary that was located two blocks north of the same property, that both of the schools had student populations in excess of 300 kids and they could imagine how many kids would be coming to and from that area, that this was also going to pose some type of hazard towards their kids so they really had to watch out about that, that their second concern was the lack of parking, that the current location that Chavez Bus Tours

had on Dell Street and Vincent Street did not have available parking for its customers or a place for their customers to come in out of the weather, that they currently parked on the street and wait for the buses to come in and out to go, that the new location was a larger property but still would not have enough room for parking, that another concern would also be that they already had too many vagrants, homeless people and mentally ill people that were walking around their streets and they feared that the proposed terminal would only add more transients to their community, that he had a list of 100 signatures of his neighbors who could not be present but they also shared the same concerns that he had, that they had pictures of the bus terminal that he currently operated out of the other location and that did not have enough parking so there should be some type of ordinance as far as curb parking. Council Members Boney, Todd, Quan, Sanchez and Robinson absent.

Upon questions by Council Member Castillo, Mr. Gutierrez stated that the proposed location was on the corner of the 900 block of Collingsworth and the 3600 block of Cetti Street, and Council Member Castillo suggested that Mr. Gutierrez talk to Mr. Litke, from the Planning Department, because if that was a commercial operation they would need an occupancy permit and with the occupancy permit came the requirements for off street parking, and by the same token if it was a bus company they would have to have a way to dispose of the oil and the wash runoff, and Mayor Brown suggested that he meet with Mr. Jesse Cantu also. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Council Member Goldberg moved to suspend the rules to add Mr. Stephen Fox and Ms. Jane Lato to the speakers list and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Bell absent on personal business. Council Members Boney, Todd, Quan, Sanchez and Robinson absent. MOTION 2000-0102 ADOPTED.

Mr. Stephen Fox appeared and stated that he was present to ask Council to adopt the special line on Millford Street, that as an architectural historian he was aware of what their adoption of the measure would mean for preserving the historically significant landscape of the Turner Addition, that as a 29 year resident of that neighborhood he was painfully aware of how over development, which sought to take advantage of that landscape, destroys it, and asked that they insured that new development enhanced Millford Street, and preserve their neighborhood by adopting the special building line ordinance. Council Members Boney, Todd, Ellis, Quan, Sanchez and Robinson absent.

Ms. Jane Lato appeared and stated that she and her husband lived at 1205 Millford in block 22 that was not included on the petition for the prevailing building line, that they were very disappointed because they were in favor of it, and the reason that they were not included was very simple, they did not conform, in black and white, 25% of the buildings must conform to the prevailing setback in order for the block to qualify, that she objected to the terminology unbundling and gerrymandering because it gave the connotation or massaging or manipulating, which was actually very far from the truth, that she was present not only to support the petition as a neighbor and to support her fellow neighbors but to share with them her impression that Mr. Camfield and Mr. Stern were very diligent in adhering to the regulations of the petition and had made every effort to be honest with their neighbors, that none of them ever felt pressured to sign or come down on one side of the petition or the other, and wanted to add that by amending Chapter 42

last year they gave the homeowners of Millford an opportunity to express their views and feelings and they had overwhelmingly supported the setback, that it was not a setback against development, it was a setback that supported development but development that saved their green spaces and their trees which were irreplaceable, and she urged that they support and pass the petition. Council Members Boney, Todd, Ellis, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Keller, Ms. Lato stated that the gentleman who spearheaded the effort shared the information with the entire neighborhood and they were very honest and forthright and she did not think that any pressure was put by either side, that the point they were trying to make was had they been able to conform on their block, they certainly would have wanted to be included in the setback, that it was not a matter of playing odds, it was just the simple truth of the ordinance which was drawn up and approved by Council and that was that 25% of the homes could not conform and their particular block 50% of the structures did not conform to the prevailing setbacks so they were ineligible. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Quan, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Ms. Helen Payne-Bibbs, 8800 Broadway #5126, Houston, Texas 77061 (713-837-9451) appeared and stated it was interesting to her that Mayor Brown, the person she came to see, had conveniently left, however because there were new Council Members and as a courtesy she wanted to brief them because she intended to keep coming back until she got some results, that she had filed four grievances beginning with August 16, 1997 through October 31st, February 18th, January 29th and she could not seem to get them heard so she had submitted to each Council Member her legal documentation which began with Exhibit A, which was a letter from the commission where the hearing examiner had clearly outlined the agreement between the City of Houston and her and her attorney prior to her first and only hearing with the City of Houston, that on the first page, number four, clearly it stated that Granville Collins, which the City of Houston's representative, would determine the status of a requested job audit for the grievant, it did not say that she was going to have a hearing on her working out of classification grievance, that Exhibit B was the proceedings that were established when they were before the Civil Service Commission, which outline exactly what was going to be heard that day and what information would be allowed and permitted as evidence, that clearly at the bottom on paragraph five the Commission stated that given that the purpose of the hearing was to resolve the grievance, not grievances, as in more than one, which Ms. Payne had filed on August 14, 1997 which clearly she had not filed her second grievance on October 31, 1997, that the parties were to confine their questions and testimony to that grievance and he would hear all relative testimony to that grievance, that this was as a result of the hearing that was heard on March 9, 1998, that clearly the other two grievances that she had filed by that time were not a part of that hearing, that Exhibit C was the letter from the Civil Service Commission ruling on the second page in her favor, that it said that Ms. Payne had the burden of proof in that matter, that it was the opinion of the examiner that the grievant had met her burden of proof as to the issue of needing to clear her name regarding unfair and untrue statements being made by her, Ms. Payne had met her burden of proof, that clearly it did not establish that any other grievance other than her original grievance to clear her name of false weapon allegations occurred that day, that Exhibit D was as a result of a letter that she had written formally to

the Commission outlining that she had not been given the opportunity to have her other two grievances heard at that time, and she stated that she would be back. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Tatro moved to suspend the rules to hear from Mr. Lonnie Vara, Director, Human Resources and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Bell absent on personal business. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-0103 ADOPTED.

Mr. Vara appeared and stated that with regard to Ms. Payne's grievances if she would give him a copy of what she presented to Council he would reply point by point on all of those, that he had returned receipts that were signed Helen Payne, that two of her grievances when she last came to Council was with regard to allegedly working out of classification and also reclassification transfer to classified testing, that both of those grievances were put together and the hearing examiner made a decision that was against her and displayed a copy of the hearing examiners decision that was sent to her along with a receipt that was signed by Helen Payne that settled that issue, that she did appeal that issue to the Civil Service Commission and they also sent her a letter that after reviewing her request they made a decision to sustain the hearing examiners findings for her grievance, which found against her, and she also received it and it was signed by her, that one of the last matters that Ms. Payne talked about was her first grievance that she filed on March 12, 1999 where she read the excerpt and that was filed alleging untrue and unfair statements and the hearing examiner did make some comments with regards to those statements but her final conclusion on it was that there was nothing there to indicate that she had met her burden of proof with regard to a demotion that was in that, that a number of the grievances were put together by the examiner to hear, so the process had worked in terms of meeting Ms. Payne's grievances, that she did currently have one grievance that was outstanding, that was an EPE (Employee Performance Evaluation) grievance, and that one was outstanding because it was part of the old grievance process and they still had a lot that they were trying to churn out of that process and that would be heard probably within 30 or 90 days, that he chose not to tell them to take that out of order and hear it so that it could be settled before he appeared before Council because he did not involve himself in that process other than to let it run its own course, but that grievance would be heard in due time as well. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Parker, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Quan stated that Mr. Vara had offered to respond to Ms. Payne and would appreciate if he would respond to the materials that Ms. Payne had and he would like to have a copy and Mr. Vara stated that yes, if she would provide a copy he would respond to it and then send it to Council Member Quan. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez,

Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. William Burban, 23062 Shady Oaks Lane, Porter, Texas 77365 (281-354-3009) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Ms. Dorothy Olmos, 420 Broadway, Houston, Texas 77012 (713-928-3538) appeared and stated that she was present to address an immediate emergency and it was a letter pertaining to an after school program that had been existing for the past year and unfortunately they had not been paid with respect to some problems that had arisen, but she would like to address the letter to Council, that it was a letter of request to explain to the Mayor of the circumstances that the Cultural Arts and Recreation Grant of the Enhanced Enterprise Community had been facing, that there had been several problems (1) with the structure of guidelines that was expected from the Finance and Administration Department that was never explained to the contractor, Avance, and the communication between the City, Avance and the subcontractors had been scarce, that it had been several months since full payment of monthly invoices paid due to the lack of communication, and in the meantime she, as a subcontractor, Theatre on Broadway, had been faced with the monthly liability payments that were needed to be paid, therefore she as a collaborator, established a relationship with her bank to help in the effort of force payment of monthly liability, such as rent, light, water and insurance for transportation, that meanwhile she worked on other special projects to pay for existing bills to supplement the cost of the facility and program that she began under the Cultural Arts and Recreation Grant, that she had not been paid for at least 6 months of 1999 and would not continue the effort unless she received payment of reimbursement of services already provided, and she asked Mayor Brown and Council to consider a refund for the interest and forced payments of regular liability monthly payments that were paid by her bank and additional charges applied to help in this effort, that those circumstances were due to the lack of communication and expedience of the contractor, subcontractors and City of Houston, that there had to be additional workshops and educational training to facilitate the guidelines required by the State and Federal Government, that the Finance and Administration Department should address changes that were sent from the State and Federal Government and immediately let the contractors know, to let the subcontractors know, of the change in order to comply with regulations and updates, and she urged that they address that thought so that in the future the contractors and subcontractors would not be in that deficit position. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Todd asked if anyone was present from the administration to address it and Vice Mayor Pro Tem Castillo stated that Ms. Judy Butler was available to work with Ms. Olmos, and Ms. Olmos stated that she did get a call from the City Finance

and Administration that morning and met with Mr. Les Manning shortly before she came before Council and there had been some invoices that were submitted with discrepancies and in six weeks time they had made the corrections and they were admitted today, and with that note she wanted to let them know that there was progress that was going to take place but the only setback was all the liability and late charges she had been charged regarding that effort, and Vice Mayor Pro Tem Castillo stated that the problem had been with the proper documentation as per the regulations in order for the invoices to be processed and as Ms. Olmos stated they had resolved some of them today, and Council Member Todd stated that it sounded as if they were making process and to keep him posted on it because he wanted to make sure that all of the contractors were treated fairly. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he had the opportunity to visit Ms. Olmos theater and was impressed with her work with the community and asked where the holdup was exactly, and Ms. Olmos stated that the holdup was all of the explanation and guidelines that were never implemented to them as subcontractors so that they could be aware of what was the structure and format that they needed to utilize in order to submit the invoices and she thought that was important for them to know first hand in order for them to expedite what they needed and there was a communication gap that they needed to clarify, that now that she had spoken to Ms. Culbreth and Mr. Manning there had been some clarification and they were going to see to it that it got expedited immediately, and Council Member Quan asked how much was the amount of money that was being held up, and Ms. Olmos stated that it was close to \$14,000 that was owed, and Council Member Quan asked if she was asking Council to consider the fact that she had to take out a loan for the \$14,000 and she had interest charges on that, and Ms. Olmos stated that she had some forced pay charges from her bank. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Richard Healy, 3131 Timmons Ln., Houston, Texas 77027 (713-629-4661) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Orvil Peake, 3739 Penwood Way, Houston, Texas 77023 (713-649-4811) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Karl Ferenczy, 720 W. Alabama, Houston, Texas 77006 (713-526-4554) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

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

Mr. Dwight Burton, 3721 Seabrook, Houston, Texas 77021 (713-709-6773) appeared and quoted from the bible and voiced his personal opinion until his time had expired. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (713-697-4253) appeared and stated that he lived on the Northside and had been present before in regards to the cars parked on the sidewalks, that one of his neighbors had been present earlier talking about Chavez Transportation that planned to move into their neighborhood, that he would like for Council to visit where he was presently located at 606 Vincent, that Mr. Chavez business had thrived on people using the City streets and sidewalks to park their cars and destroy the property around it, that Mr. Chavez had not supported the neighborhood, that 606 Vincent was really an eyesore, that they had a lot more in their neighborhood on Irvington, Airline, Shepherd, Harrisburg and Wayside, that it was not just every once in a while, these were permanent business that did this day in and day out, and his concern was what could be done to replace the sidewalks and curbs that had been busted in his neighborhood. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Castillo stated that the particular transportation company was a bus company that when customers came in they parked on the street and parked on the sidewalk in order to unload their customers, that those customers left by buses but the people who brought them by cars waited on the outside, that he did not have on premise parking for his customers, that the buses were not built to be driven on three lane streets, and that was the problem with Vincent Street and Collingsworth Street, which was just a two lane street, that people walked on the side of the street, that there was not a place for the bus to make a u-turn, that there was not parking for thirty to forty cars around the whole neighborhood, that curbs and streets were all run down, that they also had the buses being parked in individual lots throughout the neighborhoods in residential areas, they did not go to bus barns or truck lots, they went wherever the drive took them and they parked there overnight, and Vice Mayor Pro Tem Castillo stated that this was the same problem that he earlier speaker, Mr. Gutierrez had mentioned and this was a company that was probably without a proper occupancy permit, that they were supposed to have one and stated that Mr. Cantu was present to direct him to where he could get some assistance. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Keith Jamar, 4207 Chartes, Houston, Texas 77004 (no phone) appeared and stated that he was a disabled citizen and proceeded to voice his personal experiences and needs until his time expired, Vice Mayor Pro Tem Castillo suggested that he talk to Mr. Cantu. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

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 was present to remind them and to forward a direct order regarding emergency protection provision and to stated that the City government crucifixion by assassination of him and the criminal violation of his Texas State Crime Victim Bill of Rights and the greater City of Houston, Texas, that he was present to state that he was the actual official president of the United States of America and his government was being threatened by the Global Mafia Organization that they all had knowledge of. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he had a proposal before Council dealing with the elderly and what was going on, that when Council Member Keller mentioned the Metro Lift what he may not know was that many times the elderly people were sitting at their doctor's office for two and three hours for Metro, that they had many programs for the elderly that were good, but they needed improvement and that was one of the things that he was trying to get people to realize that needed improvement on. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Ms. Brenda Flores, 2041 Marnel, Houston, Texas 77055 (713-464-8396) appeared and stated that Ms. Russell had some papers to pass out to the Council Members, that of the 37 employees that Mr. Vacar stated all had low EPE's she had given them some information, enough to raise questions and she was present to ask the Mayor to please, until they resolved all of the issues concerning the layoff of the 37 people, could he please guarantee that everybody still had a job, until all of the matters had been investigated. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Parker stated that it was her understanding that the terminations had been extended until mid February and they were still looking at the issue and believed that some of the people had pending cases before OIG, and Ms. Flores stated that was her main concern, that the people that were writing the so called bad EPE's were the ones who had charges against them pending in the office of the OIG, and the bad EPE's did not come until after the charges were filed, and Council Member Parker stated that was a much larger issue than displacement from the Central Parking Contract and was a very serious management issue, and was hoping that there would be someone present to answer the question of layoffs. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Tatro stated that he asked the Mayor to hold all terminations and thought it should come before what they had been informed would be in the new transportation and technology infrastructure committee, that the committee should review this, and would point out the Council Members that they had the ability as a City just to not lay those people off, and it rested directly with the administration that committed to the employees and committed to privatization and did not think that they should be moving so quickly with privatization, that they would just throw employees to the wayside,

that the administration could step forward and find positions for those people and that was the commitment that they should have to those employees and the commitment that they should have in any undertaking of privatization efforts. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Ms. Flores stated she did not think that all of the 37 were targets of anybody, but there were too many things going on, and even from some of the inter-office memo's that she sent to the Mayor, coming out of Aviation itself, and with the inundation of complaints to the OIG, which she understood they could not discuss in Council, that there were too many things going on. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Castillo stated they were handed out some material from the Airport and no one had a chance to read it, and Council Member Parker had just read it and pointed out that in the memo, in the second to the last paragraph, Mr. Vacar stated to allow those employees additional time to interview with Central Parking or other City departments, they had extended the layoff date to February 25, 2000. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he saw that Ms. Flores had given them a transcript and was that just to show the sense of harassment, and Ms. Flores stated that as the workers came to the supervisor to complain it was never passed on or recorded until they finally went to one supervisor who did document and report it; that she had seen the OIG complaints but under the OIG Laws she could not copy or disseminate that information to Council, that the OIG had eight different complaints in that one department, that it was concerning many people. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Todd, Ms. Flores stated that someone from the Mayor's Office had already pulled her outside and told her that she was not to talk about the OIG complaints, that some of the complainants were even male and did not appreciate that kind of talk, that they finally found a supervisor that would actually document and report their complaints. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Keller, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he was here, he was queer and needed another beer and found it every year at the Westheimer Street Festival, that he supported the continuation of the historical Westheimer Street Festival, Estero Latino KLTN 102.9 FM, 713-390-5586, to put the issue of the independence of Texas on the ballot and allow a vote for Texas independence, James Partsch-Galvan, Galvan, Libertarian candidate for Texas Representative 147, www.galvan.org and displayed an art piece called the Winning Wheel. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Ellis, Keller, Vasquez, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

At 4:55 p.m. upon motion by Council Member Quan and seconded by Council Member Tatro, City Council recessed until 9:00 a.m. Wednesday, January 26, 2000. Council Member Bell absent on personal business. Mayor Brown, Council Members Galloway, Boney, Ellis, Keller, Vasquez, Sanchez and Robinson absent. Vice Pro Tem Mayor Castillo presiding. (NO QUORUM PRESENT)

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 26, 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. 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.

MAYOR'S REPORTS

Metropolitan Transit Authority (METRO) Briefing on Downtown Midtown Transit Streets
Shirley A. DeLiberio, President and CEO
Roy Trevino, Manager of Construction Management Services – was called.

Ms. Shirley DeLiberio, president and CEO, appeared and stated that it was nice to be present and thought with the confusion of what was going on with the downtown streets construction she would have Dan Panelosa and Roy Trevino give a quick briefing. Mr. Panelosa gave the Mayor and Council Members a brief project overview on the downtown street program which was a part of the Regional Bus Plan and a full funding grant agreement with the FDA, a on billion dollar program where they provided 50% and the federal government provided 50%; that it was designed by METRO and in conjunction with the City of Houston with many engineering firms and local artists involved; that it involved construction of 13 streets and involved providing new utilities, traffic signals, street lights, bus shelters, etc., that the project was being divided into 60 construction projects and was a five year program developed in four tiers so there would still be access to streets; and introduced Mr. Roy Trevino, manager of Construction Management Services. Mr. Trevino appeared and during a video presentation stated that he would go over the various street projects and discussed Louisiana (Spur 527 to West Gray); Louisiana (Lamar to Congress); McKinney (Bagby to La Branch); St. Joseph (Jackson to Louisiana); San Jacinto (Pierce to Commerce); Smith (Spur 527 to West Gray); Fannin (South Braeswood to N. MacGregor); and traffic signal improvements on La Branch, Crawford and Almeda); that they also had small jobs in the Midtown portion of work with seven intersections being provided new signals and in addition to the downtown work they were doing work in the Medical Center area and new projects were upcoming.

Mayor Brown stated that he and Council were often asked when would it all be completed; and Ms. DeLiberio stated that it was a five year program for total completion and hopefully disruption would go down and projects were completed. Council Member Sanchez absent.

The Mayor and Council Members thanked METRO for their presentation and discussed various projects and suggested that all construction projects be on one web site page.

Council Member Robinson moved to suspend the rules to take Item 48 out of order, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0104 ADOPTED.

48. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 99-1385 by deleting one (1) Assistant Arson Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – **(This was Item 20 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON, VASQUEZ, SANCHEZ, BELL and ELLIS)** – was presented.

Council Member Robinson moved to postpone Item 48 one week, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0105 ADOPTED.

Council Member Parker moved to take Items 46 and 2 out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0106 ADOPTED.

46. ORDINANCE establishing the north and south sides of the 1100 block and the north side of the 1200 block of Milford Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT C - GOLDBERG - (This was Item 19 on Agenda of January 5, 2000, POSTPONED BY MOTION #2000-26)** – was presented.

Council Member Tatro stated the item was regarding setback provisions for undeveloped restricted areas and in the issue for his account revolved around private property rights and contracts and deed restrictions; that if you wanted to form deed restrictions you went about the process of drawing up the agreement, etc., but every property owner had the right to opt out of participation and if you had deed restrictions that lapsed and you wanted them re-instituted get 75% of the people to put back the restrictions, but again an individual could opt out; that the good thing about the ordinance was it allowed the setbacks to be placed, but in this case there was not total agreement and he could not support it and asked each Council Member to think back on private property issues and consider that this was not with unanimous participation and not support the item. Council Member Robinson absent.

A vote was called on Item 46. Council Members Tatro and Todd voting no. Balance voting aye. Council Member Robinson absent. ORDINANCE 2000-50 ADOPTED.

2. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for airport leasing (concession) contracts through September 30, 2000, in compliance with DBE Ordinance Nos. 89-226 and

99-893 and DOT/FAA requirements – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Bell. Council Member Robinson absent.

Council Member Boney stated that there were serious issues with regard to federal guidelines and when they were to report the guidelines were established, and moved to hear from Legal or Affirmative Action, and was seconded by Council Member Vasquez.

Council Member Boney stated that Mr. Bibler and Mr. de Leon were saying the item could withstand another week so he had no problem. Council Member Robinson absent.

Mayor Brown stated that Item 2 was tagged. Council Member Robinson absent.

Consent Agenda (Items 1 through 45) were considered as follows:

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **BOARD OF PUBLIC TRUSTS (HOUSTON FOUNDATION)**:
 - Position 1 - **MS. MARY ALMENDAREZ**, for a term to expire March 22, 2002
 - Position 3 - **MR. JAMES HUMPHREY**, for a term to expire March 22, 2002
 - Position 4 - **MS. TAMMY TRAN**, completing a term to expire March 22, 2001
 - Position 5 - **MR. BILL HILL**, completing a term to expire March 22, 2002
 - Position 7 - **MR. ABDEL FUSTOK**, for a term to expire March 22, 2002- was presented, moved by Council Member Quan, and seconded by Council Member Galloway. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-00107 ADOPTED.

MOTION NUMBER 2000-0108 was omitted in error.

4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between Harris County Constable Precinct 1 and **SHEPHERD PARK PLAZA CIVIC CLUB** for a period of ten months and four days - **DISTRICT A – TATRO** - was presented, moved by Council Member Quan, and seconded by Council Member Galloway. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-00109 ADOPTED.

DAMAGES - NUMBERS 5 through 7

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **GARY EAKIN v. City of Houston**; in the 11th Judicial District Court of Harris County, Texas; Cause No. 98-25898 \$32,000.00 - Property and Casualty Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0110 ADOPTED.
6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DAVID EMERSON v. Veterans Administration Medical Center Houston, The City of**

Houston, Northside Clinic, S.K.Parks, M.D., R.K Donelson, M.D. and Charles L. Wolf, M.D.; in the 61st District Court of Harris County, Texas; Cause No. 97-36752 - \$47,500.00 - Property and Casualty Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0111 ADOPTED.

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **REBECCA and KENNETH MORRIS** v. City of Houston, in the 127th Judicial District Court of Harris County, Texas; Cause No. 96-18611 - \$27,637.15 - Property and Casualty Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0112 ADOPTED.

ACCEPT WORK - NUMBERS 8 through 15

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$174,848.63 and acceptance of work on contract with **CUMBERLAND CASUALTY & SURETY COMPANY** for Glengyle Lift Station and Relief Sewer, GFS R-1229-04-3 (4624-2) - 04.78% under the original contract amount - Enterprise Fund - **DISTRICT E – TODD** Fund - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0113 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 24

LOW BIDS

16. **LAWRENCE MARSHALL CHEVROLET, L.P.** for One Cab & Chassis with Fifth Wheel Assembly for the Solid Waste Management Department - New - \$56,845.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0114 ADOPTED.

OTHER

21. **HOUSTON-GALVESTON AREA COUNCIL** for Three Automated Sidelading Garbage Trucks through the Interlocal Agreement for Cooperative Purchasing for the Solid Waste Management Department - Replacement - \$403,920.24 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0115 ADOPTED.
23. **GISCO, INC** - \$21,454.50, **RIGGSBEE HARDWARE CO., INC** - \$118,133.80 and **UNISOURCE WORLDWIDE** - \$32,875.00 for Janitorial Supplies Part II for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0116 ADOPTED.

24. **HI-WAY EQUIPMENT COMPANY, INC** for Equipment, Fiat-Allis Road Machinery Contract for Various Departments - \$85,676.00 - General and Fleet Management Funds - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0117 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 25 through 45

25. RESOLUTION designating a certain property in the City of Houston as a Historic Landmark **DISTRICT I - CASTILLO** - (Post - Dispatch Building at 609 Fannin) – was presented. All voting aye. Nays none. Council Member Robinson absent. RESOLUTION 2000-1 ADOPTED.
26. ORDINANCE issuing permit to the **HOUSTON COMMUNITY COLLEGE SYSTEM**, a body politic and political subdivision of the State of Texas, for constructing, maintaining, using, occupying, operating, and repairing an aerial pedestrian walkway within the 900 block of Elgin Avenue, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - Revenue - **DISTRICT D – BONEY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-51 ADOPTED.
27. ORDINANCE issuing a permit to **HUMBLE HOTEL PARTNERS, L.P.** for maintaining, using, occupying, operating and repairing certain basement space, subsurface vaults and building and canopy encroachments adjacent to Block 271, S.S.B.B., and under, over and within portions of Main Street, Polk Avenue, Travis Street and Dallas Avenue, being public street rights-of-way of the City of Houston, Texas; approving the subsequent transfer of such permit to Humble Oil Condominium Association, Inc.; containing findings and prescribing the conditions and provisions under which said permit is issued - Revenue - **DISTRICT I – CASTILLO** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-52 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,080,000.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration of a short-term rent, mortgage and utility assistance project, which sum includes a limitation of additional funding in the amount of \$540,000.00 - **DISTRICT D – BONEY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-53 ADOPTED.
33. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **CITY OF BAYTOWN** relating to the Harris County Organized Crime and Narcotics Task Force \$256,239.75 CJD Funds - \$72,913.25 Cash Match - \$329,153.00 Total - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-54 ADOPTED.

34. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **BALDWIN SQUARE HOMEOWNERS ASSOCIATION, INC** for Garbage collection service for the respective subdivisions - 6 Months - \$432.00 - General Fund - **DISTRICT D – BONEY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-55 ADOPTED.
36. ORDINANCE appropriating \$44,405.35 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **NU HOMES DESIGNS, L.L.C.**, for construction of Water and Sanitary Sewer Lines along Golden Brook Drive and Burdine Court, CIP S-0800-12-2 - **DISTRICT D – BONEY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-56 ADOPTED.
37. ORDINANCE appropriating \$111,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to professional services contract between the City of Houston and **CLEAR SPAN ENGINEERING, INC** for Design of North Wayside Drive from Ley Road to Tidwell, CIP N-0538-01-2 (N-0538); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B – GALLOWAY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-57 ADOPTED.
38. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SYLVA ENGINEERING CORPORATION** for Rehabilitation of Small Diameter Sewers in the Northeast and Northwest Service Areas, CIP R-0266-90-2 (WW 4761); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; H - VASQUEZ and I – CASTILLO** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-58 ADOPTED.
41. Omitted
44. ORDINANCE appropriating \$1,160,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRC SERVICES, INC** on low bid of \$1,000,000.00 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** in the amount of \$25,000.00 for Water Main and Sanitary Sewer Extensions at Various locations in Houston (Work Order Contract); GFS S-0700-OC-3 (10561); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-59 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

3. RECOMMENDATION from City Attorney for supplemental allocation of \$60,000.00 for legal services contract with **ROGER NEVOLA** relating to the purchase of certain water rights held by the American Rice Growers Cooperative Association - Dayton Division - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and was tagged by Council Member Sanchez. Council Member Robinson absent.

ACCEPT WORK

8. RECOMMENDATION from Building Services Department for approval of final contract amount of \$234,397.64 and acceptance of work on contract with the Surety, **AMWEST SURETY INSURANCE COMPANY** for Renovation of Parks to Standard Program, Memorial Park Tennis Center and Playground, GFS F-0351-08-3 - 02.13% below the original contract amount - Park Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Tatro, and was tagged by Council Member Ellis. Council Member Robinson absent.
9. RECOMMENDATION from Building Services Department for approval of final contract amount of \$139,601.00 and acceptance of work on contract with the Surety, **GULF INSURANCE COMPANY** for Construction of Parks to Standard Program, Alameda Plaza Park, GFS F-0351-10-3 - 03.72% below the original contract amount - Parks Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and was tagged by Council Member Ellis. Council Member Robinson absent.
10. RECOMMENDATION from Building Services Department for approval of final contract amount of \$232,035.86 and acceptance of work on contract with the Surety, **GULF INSURANCE COMPANY** for Renovation of Parks to Standard Program, Briar Meadow Park, Phase I and II, GFS F-0351-26-3 - 00.99% over the original contract amount - Parks Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Boney, seconded by Council Member Tatro, and was tagged by Council Member Ellis. Council Member Robinson absent.

Council Member Sanchez stated that while on Items 8 through 11 in all instances the surety or bond agency had to come in and finished the project and questions came to mind; that they seemed to be related to Parks to Standard; and upon questions, Mr. Lewis stated he believed most were not awarded under this Administration; that as to how many were awarded and how many were in default he would have to get the number. Council Member Sanchez stated that his office was given the number of 20 out of about 70 and that had a financial impact on the city and aside from that was the big issue which was the inconvenience citizens experienced when they were expecting their parks; and upon questions, Mr. Lewis stated that Building Services was pushing the projects to get them closed out on a more timely manner, but most of the projects in the Neighborhoods to Standard, Parks to Standard Program involved rehabbing

infrastructure in a \$300,000 to \$600,000 range; that he thought you occasionally ran into problems with a small company being able to perform and he believed the solution was initiating a declaration of non-responsible which they did on four and the Legal Department's preliminary analysis indicated that the entity had ceased to exist so there was no one to declare non-responsible, but he would pursue that further, he felt the key was to develop a capacity within the departments that administer capital projects and make a good judgment on when to proceed with such a declaration.

12. RECOMMENDATION from Building Services Department for approval of final contract amount of \$5,213,055.14 and acceptance of work on contract with **JERDON CONSTRUCTION COMPANY, INC/JERDON ENTERPRISE, INC, A Joint Venture**, for Renovation of Civic Center Tunnels and related Waterproofing, GFS B-0017-01-3 - 06.61% over the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Galloway, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0119 ADOPTED.

Council Member Sanchez stated that the tunnel between the Annex parking lot and the Convention Center parking lot leaked; and upon questions, Mr. Lewis stated that Bovay Engineers was to look at the Council Offices and the water proofing issues at City Hall as well as the Lanier Building and where the tunnel connected to the exterior wall there were still issues. Council Member Sanchez stated that the area between the City Hall Annex parking and Convention parking it leaked every time it rained; and Mr. Lewis said he would check. Mayor Brown stated that the issue was raised before and he wanted it checked and then he and Council informed on whether it was corrected. Council Members Boney and Robinson absent.

13. RECOMMENDATION from Building Services Department for approval of final contract amount of \$1,176,767.89 and acceptance of work on contract with **FALCON GROUP CONSTRUCTION** for Renovation of 3300 Main Street, GFS D-0074-02-3 - 08.16% over the original contract amount General Improvements Consolidated Construction Fund - **DISTRICT D – BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Tatro, and was tagged by Council Member Quan. Council Members Todd, Vasquez and Robinson absent..
14. RECOMMENDATION from Building Services Department for approval of final contract amount of \$269,768.28 and acceptance of work on contract with the Surety, **GULF INSURANCE COMPANY** for Construction of Parks to Standard Program, DeZavala Park, Phase I, GFS F-0351-27-3 05.34% below the original contract amount - Parks Consolidated Construction Fund - **DISTRICT I – CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Tatro, and was tagged by Council Member Castillo. Council Members Todd, Vasquez and Robinson absent..

Council Member Castillo stated that he was tagging the item because a member of his staff reviewed the work at De Zavala Park and many things were not properly installed, one was the paint peeling, a leak and the sealer on the basketball pavilion was he believed a bad design and he had huge complaints that children's clothes were

ruined because of the paint not drying and dripping onto other surfaces. Council Members Todd, Vasquez and Robinson absent.

Upon questions by Mayor Brown, Mr. Lewis stated that this also involved the default of the contractor and he needed to look at the scope of the work; that it may be it was not within the scope of the contract, but there were deducts made for the settlement and they eliminated some of the punch list work to get a settlement and they did receive a credit for the adjustments, but he would get him a specific response to his question. Council Members Todd, Vasquez and Robinson absent.

Council Member Sanchez stated that he had been in office four years and two months and the quality of construction work for the City of Houston was deplorable and he did not know if they had a record of being lacking in their inspection and contractors realized they were easy, but as a matter of public policy they should set about tightening up their inspection and oversight of projects; that he knew Mr. Lewis had a new department and hoped he did a good job but he would continue to squeeze them, he was really frustrated with the shoddy work and incomplete jobs; that he knew his department was new and he would try to do such things....Mr. Lewis stated that Monique McGilbra started full-time and she was the director of Building Services; that comments were made on several occasions and seemed to ignore the fact that in 1999 there was a massive study of building management practices and part of it was driven by what was found in the 611 Walker project and in April of 1999 Council approved creation of the Building Services department and its primary purpose was to improve the management of over 11,000,000 square feet of space the city owned and all problems would not be corrected over night. Council Member Sanchez stated that he was advocating for the taxpayers and he was sorry if that made him upset but he only had so much time and he knew that was his mission and he would continue to squeeze him and his department; that they had shoddy work; the 611 Walker building, this building, the fire department building, libraries not completed, and driving down Woodway they installed a fiber optic and the street was caving in; that they had nice cement pavement and now had tar that had sunk about half a foot. Council Members Todd, Vasquez and Robinson absent.

Council Member Boney stated that he would mention the Johnson Branch Library again; and he would like Mr. Lewis to fix the missing ceiling tile in the Council Chamber, the light bulbs out and adjust the time on the clock and have Ms. McGilbra visit with him regarding the Council offices. Council Members Todd, Vasquez and Robinson absent.

15. RECOMMENDATION from Building Services Department for approval of final contract amount of \$502,964.39 and acceptance of work contract with **FROST CONSTRUCTORS, INC** for Construction of Kingwood Police Station and Municipal Service Center, GFS G-0089-01-3 13.54% over the original contract amount - Police Consolidated Construction Fund - **DISTRICT E – TODD** – was presented, moved by Council Member Boney, seconded by Council Member Ellis, and was tagged by Council Member Sanchez. Council Members Todd, Vasquez and Robinson absent.

PURCHASING AND TABULATION OF BIDS

OTHER

17. **SOFTWARE HOUSE INTERNATIONAL** for Novell Software License Maintenance Agreement from the State of Texas General Services Commission's contract through the State of Texas Cooperative Purchasing Program for Police Department - \$70,748.00 - General Fund – was moved by Council Member Boney, seconded by Council Member Tatro, and was tagged by Council Member Keller. Council Members Todd, Vasquez and Robinson absent.
18. **HOUSTON-GALVESTON AREA COUNCIL** for Four Cabs and Chassis with Fifth Wheel Assemblies through the Interlocal Agreement for Cooperative Purchasing for the Department of Public Works & Engineering - New and Replacement - \$423,874.15 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Todd, Vasquez and Robinson absent. MOTION 2000-0120 ADOPTED.
19. **FLUID CONSERVATION SYSTEMS, INC** for One Leak Detection Correlator for Department of Public Works & Engineering - Replacement - \$54,900.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd, Vasquez and Robinson absent. MOTION 2000-0121 ADOPTED.
20. **CARRUTH-DOGGETT INDUSTRIES, INC** for Six Light-Duty Excavators for Department of Public Works & Engineering - Replacement - \$158,978.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Quan. Council Members Todd, Vasquez and Robinson absent. **(Note: Council Member Quan released his tag later in the meeting.)**
22. **AMEND MOTION #99-709, 4/28/99**, in part, to increase award to **ACME CLEANING EQUIPMENT, INC** by \$9,200.00 from \$74,482.58 to \$83,682.58 to add award for labor component for Cleaner, Floor, Shop and Parts for Various Departments - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0122 ADOPTED.

RESOLUTIONS AND ORDINANCES

28. ORDINANCE approving and authorizing an interlocal agreement for the sale of seized and tax foreclosed property between the City of Houston, **HARRIS COUNTY** and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** - \$10,000.00 General Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-60 ADOPTED.
30. ORDINANCE approving and authorizing third contract amendment between the City of Houston and **HOUSTON AREA URBAN LEAGUE, INC** to extend the contract term and to provide an additional \$1,482,300.00 of Federal Community Development Block Grant Funds for the continuation of an Emergency Home

Repair Program – was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-61 ADOPTED.

31. ORDINANCE approving and authorizing third contract amendment between the City of Houston and **SHELTERING ARMS, HOUSTON, TEXAS** to extend the contract term and to provide an additional \$1,720,200.00 of Federal Community Development Block Grant Funds for the continuation of an Emergency Home Repair Program – was presented, and was tagged by Council Members Sanchez and Todd. Council Member Keller absent.
32. ORDINANCE approving and authorizing the City of Houston to enter into first contract amendment with **WRITERS IN SCHOOLS** to administer an After School Achievement Program at an additional location - **DISTRICT I – CASTILLO** – was presented, and was tagged by Council Member Todd.
35. ORDINANCE amending Ordinance No. 94-1269 to increase the maximum contract amount for Solid Waste Disposal Services under contract with **WASTE MANAGEMENT, INC (formerly Sanifill of Texas, Inc.)**, approved by Ordinance No. 94-1269 - \$2,000,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-62 ADOPTED.
39. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Lift Station Repair and Replacement, CIP R-0267-60-2 (4765); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H – VASQUEZ** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-63 ADOPTED.

Council Member Keller stated that he was going to tag the item, but out of respect and it being of dire need to District H he would not, but he would like to discuss it with someone from Public Works. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro moved to suspend the rules to hear from Mr. Herb Lum at this time, and was seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-0123 ADOPTED.

Mr. Lum appeared and stated that he had no particulars on this project but understood that Mr. King was supposed to be meeting on it this afternoon. Council Member Keller stated that there was a 10% management fee on top of the \$550,000 number so they were getting a project management fee on the gross amount with additional services being added to it and he thought it was irregular for there to be a management fee on top of additional services; that he also wanted to know where a number for preliminary design came from, with no competitive bidding how was it derived; and Mr. Lum stated they had the information and would get with him, but normally the fees were negotiated and if he would like he could meet with him this

afternoon. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that not only did Council Member Keller want those figures on the project but also wanted to understand the fee structures as to where and why they were appropriate and he would like that information also provided to all Council Members.

40. ORDINANCE appropriating \$330,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LANDTECH CONSULTANTS, INC** for Design of Water Lines Replacement in South Heights Area, CIP S-0035-72-2 (WA10582); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2000-64 ADOPTED. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.
42. ORDINANCE appropriating \$289,500.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Design of the Wastewater Operation Testing Laboratory, Wastewater Operating Testing Laboratory Parking Lot and Improvements to the Beltway Wastewater Treatment Plant, CIP R-0526-01-2 (4287), under professional engineering services contract with **RATNALA & BAHL, INC** (Approved by Ordinance No. 96-0551); providing funding for contingencies relating to design of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F – ELLIS** – was presented, and was tagged by Council Member Tatro. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.
43. ORDINANCE appropriating \$2,158,580.00 out of Parks Consolidated Construction Fund, awarding construction contract to **PRIME CONTRACTORS, INC** on low bid of \$1,994,000.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for Parks to Standard Program Bid Package No. 9 - Cherryhurst, Forum, Nieto, West Little York, and Hartman Parks, GFS F-0363-09-3 (10561); providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS A - TATRO; D - BONEY; F - ELLIS; H - VASQUEZ and I – CASTILLO** – was presented.

Council Member Castillo stated that the item related to construction of several parks in various districts and in his district there were two; that Hartman Park was in the area of Manchester and the item called for construction of playground equipment, but until yesterday he did not believe the Parks department was aware that the Penney's For Playground Project had installed a playscape in Hartman Park; that he received a letter from Parks stating the Parks to Standard would add drainage around the play area and add a walkway so out of \$2.2 million project they were getting a ditch and a little piece of sidewalk and two pull-up bars removed and he did not believe that would constitute a Parks to Standard project; that the community had waited a long time to have something installed at the park by the city and he was not satisfied that was what they were having to accept and he would like to delay it and see what could be done; and moved to

postpone the item for two weeks, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Bell absent.

45. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund 441; \$32,000.00 from PIB Petroleum Storage Tank Reimbursement Fund 4AO; and \$40,000.00 from Fire Consolidated Construction Fund 413; as additional appropriations for those five (5) Asbestos and Lead Professional Consultant Contracts, GFS D-0033-53-2, I-0050-AS-2, I-0051-AS-2, I-0053-AS-2, I-0054-AS-2 – was presented, and was tagged by Council Member Quan. Council Members Goldberg and Bell absent.

MATTERS HELD - NUMBERS 46 through 52

47. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from City Attorney for settlement of lawsuit styled **MARIA GUADALUPE CASTRO VILCHIS, et al** v. City of Houston and Arnetta Washington in the 165th Judicial District Court of Harris County, Texas; Cause No. 97-46018 - \$217,500.00 - Property & Casualty Fund – **(This was Item 6 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0125 ADOPTED.
49. ORDINANCE approving and authorizing contracts between the City and **THP-ARBOR COURT, L.P.** for a Reimbursement Agreement of certain overtime expenses incurred by the Houston Police Department - **DISTRICT B – GALLOWAY – (This was Item 26 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** - was presented. All voting aye. Nays none. Council Member Bell absent. ORDINANCE 2000-65 ADOPTED.
50. ORDINANCE approving and authorizing contract between the City and **EHRENKRANTZ, EKSTUT & KUHN ARCHITECTS, INC** for the Development of a Main Street Corridor Master Plan for the Planning and Development Department - \$260,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG, D - BONEY, H - VASQUEZ and I - CASTILLO - (This was Item 27 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBERS TODD, TATRO, KELLER, ROBINSON, ELLIS and VASQUEZ)** – was presented.

Council Member Todd stated that he believed there was a component Council needed more input on and he would like it sent to the Transportation Committee or to be delayed a week; and upon questions, Council Member Robinson stated that he would rather it be delayed a week as they would have to organize the committee and that would take more time.

Council Member Todd moved to postpone Item 50 one week, and was seconded by Council Member Robinson.

Upon questions by Council Member Boney, Council Member Todd stated that he thought there were a number of questions, one was if Council, by Charter, was required to approve rail lines was it appropriate to approve the line before they were asked to do

design work and should they follow a similar procedure to what they did 15 years ago where they decided rail lines downtown should be above ground; that this was a huge issue and a new one so he thought they should make certain it was a wise decision. Council Member Boney stated that he would support the delay, but he saw nothing in the RCA that indicated any of the funds would be used for rail and most funds were to be used for beautification of the Main Street corridor. Council Member Todd stated that the backup indicated a substantial amount was for rail, if it was simply for beautification of Main Street he would be all in favor of it. Mayor Brown stated that it was not his understanding any of it went for rail; that METRO was building the rail; and perhaps Mr. Litke could answer questions.

Council Member Robinson moved to suspend the rules to hear Mr. Litke at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Bell absent. MOTION 2000-0126 ADOPTED.

Mr. Litke appeared and stated that the vast bulk of the money was to further develop the design of the land use program and guidelines and cost estimates for the Main Street beautification, but there was a relatively small component focussing on stationary design guidelines so they would have design standards to put before METRO that would help shape how stations were designed with architectural input rather than straight engineering design, it would be in with the beautification; that he could figure the money but did not have it at this time.

Upon questions by Council Member Sanchez, Mr. Litke stated that they were developing a master design plan for the entire corridor and they would be using that as the standard to seek additional funding over time for pilot projects, but this did not jeopardize any grants.

A vote was called on the motion to postpone Item 50 one week. All voting aye. Nays none. MOTION 2000-0127 ADOPTED.

51. ORDINANCE approving and authorizing Amendment No. 1 to an Airport Baggage Cart Concession and Service Agreement at George Bush Intercontinental Airport/Houston and William P. Hobby Airport between the City of Houston and **SMARTE CARTE, INC** - Through July 30, 2002 \$449,661.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD – (This was Item 28 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBERS TATRO, KELLER and BELL)** – was presented.

Council Member Tatro stated that this was the Smarte Carte contract renewal at Intercontinental and Hobby Airports; that he met with Aviation trying to explore what the renewal was and found it was for both airports and being extended to meet the locker contract for two and a half years, but there was no mention of the current DBE participants and he assumed they would be going along with the extension but after calling the three DBEs who had been doing business he found two were local and one was in Austin and their contract ended last June so since then they had no DBEs and they were to report monthly to Aviation; that the current goal was 25% and until June they had met it but since it was "0" participation so he was concerned with the record keeping and policing of the program; that also he received a letter from John de Leon stating Smarte Carte would be utilizing CLS Management Services to fulfill its DBE

requirement and CLS was in Mt. Vernon, Virginia, and he would like that looked into as he would like local firms used to require local goals of the DBE participation.

Mayor Brown stated that he had raised two issues he would respond to, he had a letter to Mr. Vacar from the Smarte Carte people indicating they were aware they had not met their DBE participation dollars and were prepared to make that up, the dollars not paid would be made up; that secondly, on the DBE not being local he would remind him they could not tell companies who to choose for DBE partners and it would be illegal to do so; that he agreed it was his preference they be local, but to pick was in violation.

Council Member Castillo stated that he would speak to the same area; that all he could add was in the case of local firms it was a good policy to recommend and push for local participation who contributed to the city tax base, but in the case of contractors who won bids on a competitive basis and those who won for professional services it was a practice to make available a list of firms who could help the companies meet their MBE requirements and even though they could not tell them they had to by giving the list they would get the message; and he would encourage department heads to work with the contractors and bidders and offer services of local firms.

Mayor Brown stated that he would like Mr. Hall to enlighten Council on the matter. Mr. Hall stated that he would remind Council they were actually talking about two different programs and discussions were marring the lines between them; that if they were talking about programs under the locally adopted MWBE Program that to be certified a company did have to be local, but this contract was under the FAA Disadvantaged Business Program and it required the certification be national and that was why they had two different results.

Council Member Boney moved to suspend the rules to hear from a representative of Aviation, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0128 ADOPTED.

Mr. Richard Barones stated that they had a responsibility to monitor the contracts within each division and in this case it was the property area, but it was not done on a monthly basis; that they had never had a situation like this where the contractor had not sent in the report, it was monitored annually and then at times looked at it during the year, but they were not required to say if they lost their minority component.

Upon questions by Council Member Boney, Mr. Hall stated that he agreed it was at least implied to the extent they had requirements for a percentage participation and if the participation was not there then obviously they were not complying but he would need to look into it. Council Members Goldberg, Ellis and Castillo absent.

Mayor Brown stated that he would like a system put together to insure it would not happen again. Council Members Goldberg, Ellis and Castillo absent.

Council Member Sanchez stated that he did not think they should be too harsh on the oversight of this particular contract as this week 43% were going to MWBE firms and last week it was 54.57% and the previous week it was 63.64%, but it did bring up an interesting issue which was he believed there were two basic duties the MWBE Department had and that was certification and compliance and one of the biggest

complaints from contractors was the multiplicity of agencies with whom they had to register with to do work and he thought they should look at a reciprocal recognition of a certification. Mr. Hall stated that Council Member Sanchez had pointed out the great need for continuing education because that process was in place and Mr. de Leon could speak to them specifically about the agencies they had reciprocal agreements with. Council Member Castillo absent.

Council Member Sanchez moved to suspend the rules to hear Mr. John de Leon at this time, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Castillo absent. MOTION 2000-0129 ADOPTED.

Upon questions by Council Member Sanchez, Mr. de Leon stated that they were in the process of trying to work with all state and other agencies to see if they could have reciprocal certification, the problem was that their certification was the most stringent throughout the state of Texas and that was one reason their program had passed the test of time. Council Members Tatro, Boney, Keller, Vasquez, Castillo and Robinson absent.

Council Member Bell stated that he thanked former Council Member Calloway for withdrawing his name from the contract, he did not think he wanted his reputation jeopardized as a result of being involved in this and should be applauded for that step, but as of Monday he was still involved and he received the letter today saying he had withdrawn and there was a new firm and he was curious as to where the firm came from; and Mr. de Leon stated the prime contractor selected the firm, the city had nothing to do with picking them but they were certified throughout the country as a DBE and this was a federal contract. Council Members Todd, Keller, Vasquez and Robinson absent.

Council Member Quan stated that he applauded Council Member Tatro in investigating the matter and it disturbed him, he knew he was limited on what could be said to people but it did not seem they needed to go to Virginia to get someone and he would echo other Council Members that it seemed they should push local involvement. Council Members Todd, Keller, Vasquez and Robinson absent.

Mr. Hall stated that they did not evaluate the capacity on an individual contract to perform the department did that. Council Members Keller, Vasquez and Robinson absent.

Council Member Sanchez stated that when evaluating, such as in Beaumont, Texas, they would add a certain percentage for a local firm but the other side of the coin was some Houston contractors may be shut out of other places if that was implemented so they were not real crazy about it. Council Members Boney, Keller, Vasquez and Robinson absent.

A vote was called on Item 51. Council Members Quan and Robinson voting no. Balance voting aye. Council Members Boney and Vasquez absent. ORDINANCE 2000-66 ADOPTED.

52. ORDINANCE approving and authorizing contract for professional services in connection with Workplace Training for the Houston Airport System by and between the City of Houston and **NORTH HARRIS MONTGOMERY COMMUNITY**

COLLEGE - 3 Years - \$450,000.00 Total Contract Amount - Enterprise Fund - DISTRICTS B - GALLOWAY and E – TODD – (This was Item 31 on Agenda of January 19, 2000, TAGGED BY COUNCIL MEMBER TATRO) – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-67 ADOPTED.

Council Member Quan stated that his questions were answered on Item 20 and he would remove his tag. Council Member Boney absent.

20. **CARRUTH-DOGGETT INDUSTRIES, INC** for Six Light-Duty Excavators for Department of Public Works & Engineering - Replacement - \$158,978.00 - Enterprise Fund – had been moved by Council Member Boney, and seconded by Council Member Sanchez, and was again before Council All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0130 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Todd stated that he would request a response from HPD on a couple of things; that he had a phone call from someone waived over by an officer, the officer was on the feeder road at Studemont and I-10 with radar and walking out into the street in the dark to stop cars; that he understood there was an accident there later and he wondered if that could have been the reason; that secondly, as mentioned yesterday a former Council Member passed away and one of his family members mentioned to him that they were pulled over on the way to the hospital and given a speeding ticket and he would appreciate both of those being checked on; that he thought there was a policy and that if someone was having an emergency and going to the hospital they would be escorted; and Mayor Brown stated that they would get answers for him. Council Member Boney absent.

Council Member Todd yielded to Council Member Castillo who stated that he did speak to Mr. Marquette's family and it was true they were given a ticket and he had the ticket numbers and was going to see if something could be done; and Mayor Brown stated that he would have it checked into. Council Member Boney absent.

Council Member Todd stated that if there was a written policy he would like a copy so he would know what it was and if the policy was not followed in this case he would like something done.

Council Member Galloway stated that they were approaching time for their Capital Improvement meetings and hers was to be held on February 8, 2000, at Francis Scott Key Middle School on the corner of Kelley and Hirsch from 7:00 p.m. to 9:00 p.m. and she wondered if there were any public service announcements; and Mayor Brown stated that it was held by the Planning Department and they were in the newspaper; that he would get a better answer to let her know what specifically was done on the whole.

Council Member Robinson stated that he wanted to thank the Mayor and Chief Bradford for the memo sent out regarding questions raised in Tuesday's Meeting regarding Ms. Arlene Kelley, Ms. Susan Hartnett and Ms. Marilyn Head and hopefully the steps outlined would deal with the family's concerns.

Council Member Robinson stated that he was reading an article in the Houston Chronicle about the football stadium and it made reference that through a valued engineering process they were able to reduce \$15,000,000 on the project; that he understood they may be doing something similar in Public Works and would like to take a look at it to see what could be done in driving down cost in their Capital Improvement Projects.

Mayor Brown stated that while everyone was present, Mr. Hall had mentioned to him an item voted on for delay was moot; and he would like him to explain. Mr. Hall stated that inadvertently in their response they may have mislead Council to say the Administration had no objection to delaying Item 48 for one week; that under state law when there was a vacancy in a classified position within the Fire Department they had to give an exam within 95 days of the occurrence of the vacancy unless the position was eliminated and once the exam was given you could not eliminate the position so now they would have to abandon the program they were advocating to Council for more than a year in their trying to restructure because they would have to give the exam Tuesday, so postponement of a week would make the matter moot.

Upon questions by Council Member Boney, Mr. Hall stated that because the motion was a procedural motion to postpone something and because Council had not recessed in the same meeting a person voting on the prevailing side could make a motion to reconsider the motion by which the item was postponed for consideration.

The City Secretary stated that it would be to suspend the rules for the purpose of reconsidering; and then the matter would be brought back for reconsideration.

Council Member Sanchez stated that he was confused as to how it was moot; and Mr. Hall stated that the item was to eliminate a position and he was advising Council that to do it next Wednesday, if the test was given Tuesday, would be moot; that under the law it could not be done.

Council Member Boney stated that he would like Council to reconsider the item because he did not think it was their understanding that they were making a decision by delaying it, they were attempting to gain more information, but he did not believe it was Council's position to decide against the proposal by the Fire Chief to eliminate the position and moved to reconsider Item 46, and was seconded by Council Member Bell.

Mr. Hall stated that this was a procedural motion so you did not need to suspend the rules, it was procedural to postpone the item, it did not pass or fail, it was not considered so eight votes were required to reconsider.

Council Member Robinson stated that the motion to delay the item on the Agenda; that he was not taking any disagreement but the Chief could still move forward on whatever his plans were if he could identify a separate source of money; so you could leave the item on the table, the position could be filled and the Fire Department could still advance their program through other revenue sources because he would be opposed to overruling the delay and if it got to the issue he was opposed to eliminating the position. Mr. Hall stated that the issue was a little different than the one he cast; that it had to do with whether or not there was a position created; that the issue he was speaking to now was their desire not to fill the vacant position; that if in fact Council did

nothing they would have to have the examination Tuesday and once that was done the position could not be eliminated. Council Member Robinson stated that they could eliminate the position in the future at any time it became vacant and he would like a roll call on the item.

Council Member Tatro stated that he wanted to know why this procedure was not a suspension of the rules requiring ten votes as opposed to eight; and Mr. Hall stated that on reconsideration the rules said a matter could not be reconsidered until 90 days thereafter, obviously the contemplation was that you passed it or failed it, but Council specifically said they would consider this one week later so it was a procedural motion. Council Member Tatro stated that to him this was a suspension of the rules because they were now in Pop-Off; and Mr. Hall stated that had nothing to do with the ruling; that the issue as properly engaged by Council Member Robinson was whether or not this was procedural or substantive; that the prohibition in the rules for reconsideration of an item earlier than 90 days had to do with a substantive determination of the issue and not a procedural vote on the issue; that he could visit with him after Council, but they did not need to suspend the rules because if they did suspend the rules they would be suspending the provision that said you could not reconsider an item for 90 days after it was acted on. Council Member Tatro stated that he was still confused.

Council Member Boney stated that Chief Tyra was not present and so not able to speak to the matter and he did not know if Council was inclined to stay in session but he was inclined to withdraw his motion at this time. Mayor Brown stated that Council Member Boney withdrew his motion and they would move on with Council Members presentations.

Council Member Quan stated that Mr. Ferjardo had come to Council several times complaining about various items; that he went to the Port of Houston Civic Club meeting last week and Council Members Castillo and Parker had done a lot with the civic club, but they were still working with them and the Police Department was present and requesting a possible sting operation on prostitution and they were talking with the Port Commission regarding putting up a fence to keep children out of the Port of Houston area itself and he wanted to keep the Mayor apprised.

Council Member Quan stated that Ms. Guerrero and Ms. Saenz were present and he knew their issue was hotly discussed last week and his understanding was they were moving toward some resolution and he would like an update; and Mayor Brown stated that the update was he was waiting for a recommendation from Aviation; that they were kicking back and forth certain possibilities that had not reached him yet, but a decision should be made soon. Council Member Galloway absent.

Council Member Quan yielded to Council Member Todd who stated that on the subject of motions to reconsider Rule 18 simply said when a question had once been determined and it said nothing about procedural or substantive and he would like to know if there was any precedent for his position; and Mr. Hall stated that it had probably been established since the beginning of time that a procedural motion was not the determination of a question, a question presented was a proposition from a parliamentary standpoint; that there were two kinds of general distinction one was procedural and one was substantive questions the body decided and this rule contemplated a substantive question being put before the body and it intended that it not

be reconsidered for 90 days under the rules as it was intended to keep people from bringing up the same thing over and over again. Council Member Galloway absent.

Council Member Tatro stated that last week a speaker came to Council talking about a facility opening in the area for a Type 5 solid waste permit, it was called the Grease Spot, and they had been in contact with Public Works and Legal and Planning and Development about the permitting process and understood it was a TNRCC permit, but many neighbors raised questions and he had been investigating about the city's ability to police the issue and on January 10 he wrote the Mayor's Office in assisting them and as yet he had not received a response; that in the next week he would like an update from Planning and Development and Public Works Department and Health Department on jurisdiction the city had and what the Mayor's position was and he would appreciate the Mayor looking into it; and Mayor Brown stated that they would get back to him on it next week. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Keller stated that he wanted to applaud Mayor Brown for taking such a leadership role in the low-cost housing; that it seemed to be back on track and the community would be well served. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Keller stated that he wanted to urge Council Members to consider whether they would be riding a horse or not in the Rodeo parade; that he heard it was a woman only thing and he wanted some of the male members to consider riding a horse; and Mayor Brown stated that he would be riding in a buggy. Council Members Galloway and Todd absent.

Council Member Sanchez stated that he had submitted a request for an opinion in July 1999 after the budget process because Council Member Roach brought up a valid point which was that Council had voted on funding for Houston International Initiatives, a non-profit organization, of which he served as president and he had been signing checks and he wanted an opinion if at all possible so he would be advocating increased funding for Legal so that they could expedite opinions faster. Council Members Galloway and Todd absent.

Council Member Sanchez stated that KTRH said firefighters had made a grizzly discovery after Sunday's blaze at a business on the northeast side of Harris County along Wallisville Road, a man's badly burned body was found by an insurance adjuster days after the event and that was in the county and the Houston firefighters had nothing to do with it; that it said arson was suspected and that underscored the need for experience in the Fire Department. Council Members Galloway, Todd and Vasquez absent.

Council Member Parker stated that considering ongoing problems with fiber optic companies she wanted to compliment the Administration for actions taken to at least get point people to call and on the appointment of Bubba Thompson as the go to person with complaints; that was a good step. Council Members Galloway, Todd and Vasquez absent.

Council Member Parker stated that near the end of yesterday's session the issue of layoffs at Aviation came up again and it brought up concern on what the actual layoff

date was; that a memo from Mr. Vacar stated that it had been postponed until late February and she wanted a conformation from Mr. Vacar and perhaps a visit; that it was apparent some of the EPEs (Employee Performance Evaluations) in question were also involved in sexual harassment complaints and OIG charges and she would hate to think people were being laid off without clear evidence and she would like someone to visit with her; and Mayor Brown stated that someone would visit with her. Council Members Galloway, Todd and Vasquez absent.

Council Member Boney stated that although the matter was moot Chief Tyra would like a minute to make brief remarks to Council; and moved to suspend the rules to hear Chief Tyra at this time, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Boney absent. MOTION 2000-131 ADOPTED.

Chief Tyra appeared and stated that he watched comments yesterday and he wanted to make it clear that on the week of January 4, the proposal was given to the union and on January 10 he met with them and asked for a written input into the reorganization of the department and to date they had failed to call or write him; that the Arson Division was in great shape and their clearance rate was higher than most major metropolitan areas; that in Council's handout it showed the supervision ratio was in excess of the norm throughout the department with the Suppression Division having the most supervised people under a chief; that he wanted to make it clear they did not deliberately bring this to the Mayor and Council with a deadline and tried to bring it in a timely manner working with the union but they failed to respond; that he found this an issue and an example of why the Houston Fire Department struggled to advance their position of prominence in the fire service, personal agendas continued to stand in the way of progress until they, as administrators, were allowed to succeed or fail on their decisions they made the department would continue to be bogged down on the personal agendas; that today they had suffered their eighth fire death; that EMS responses had increased by 20% in FY 2000 and reducing unnecessary positions in the support area and using the available funding to expand emergency services in EMS and fire only made good sense in a fiscal and responsible actions under a tight budget with exceptional demands for expanded service, did they want to tell citizens that they could not provide additional fire and EMS service but they were able to maintain a non necessary staff position to supervise other supervisors; that he felt it was important for Council to know that if they wanted the number one fire department they had to make sacrifices and the expansion of fire and EMS for delivery of emergency services was extremely important and they could not do it under the current budget requirements; that they put new ambulances in service with the attrition of dispatcher jobs and this position would have expanded the district chief, commander and safety officer positions which were vital to fire ground efficiency and he felt it important that Council know that; that the test would be give, it had to be unless they voted on it today and they would move forward; and if their relationship was such that they could not allow him to manage the Fire Department he would ask that they explain why he was appointed Fire Chief and allowed to make administrative decisions and yet he was micromanaged at every turn; that he wanted to know when he would be allowed to manage the Fire Department and allowed to either succeed or fail on those decisions. Council Member Vasquez absent.

Council Member Robinson thanked Chief Tyra for his compassionate remarks and stated that he did not think anyone at the Council table had disagreement with him; that

he asked if the department had enough money and he (Chief Tyra) said if they gave him everything he wanted he could not spend it and turned money down so he was offended to a degree that when they volunteered him money it was turned down and then he comes to Council today whipping them with a wet noodle; that he did not think anyone wanted to micromanage him, but he certainly did not want was for him to say they would not fix something and then bring it to them piecemeal and blame them; that he did not hire him and had disagreements with him, but he would never put public safety at risk and in going through the budget process this year he volunteered him money and he turned it down he did not want him to come back and tell him he was putting the public safety at risk and micromanaging and not letting him do his job because if he thought that was the problem he would stand on the position he stood on yesterday, maybe the first supervisor position they should eliminate was the Fire Chief and if he had a problem with him he would be more than happy to visit, but he should not put him in the position of being a bad policy maker. Chief Tyra stated that the administration opened meet and confer with the union over 8 months ago and the union broke off negotiations and had failed to re-institute negotiations; that the Administration was still ready to negotiate in meet and confer and as for the abolishment and creation of the position of arson investigators last year in January Council abolished thee positions and mandated they be budgeted in FY2000, he wrote to Human Resources requesting the test be given and then it was out of his hands; that he did meet the goals of Council and he had not lost the trust of anyone; that he believed he had been given erroneous information and he would be happy to provide him with the facts. Council Members Galloway and Vasquez absent.

Council Member Bell stated that Chief Tyra talked about personal agendas and he was confused at what present day union leaders were doing and what he and Chief Britt did when they were leaders of the union in fighting for what they wanted; and Chief Tyra stated that as union president he would have mandated votes on the issues; that this particular restructuring with deletion of jobs and creation of new jobs was never voted on by members, it was a decision by an individual or individuals to oppose it, members were never able to vote whether they wanted to accept his proposal; that his agenda was the members agenda; that he was not abolishing the job he was postponing the job; that their rate of Arson Division had exceeded the national standards. Council Member Bell stated that when a union leader came and cited specifics and made a case on something they should be concerned about they had to listen; and Chief Tyra stated that Arson was a reactive support area, proactive was EMS and fire and those were things they needed immediate relief on. Council Members Tatro and Vasquez absent.

Council Member Sanchez stated that in looking at the overall issue he felt there was a communication issue between the Chief and the union and he would suggest trying to improve communication between the Chief, Council and the union; that things needed to be resolved and he hoped they would go back tomorrow and discuss the issues. Council Members Tatro and Vasquez absent.

Council Member Quan stated that he applauded Chief Tyra's efforts and did not think Council was here to micromanage his department but would agree with Council Member Sanchez that it seemed there was a breakdown in communication and his feeling was that the Chief and union had the best interest of the citizens and change did cause anxiety but even though his plan made sense in talking with the union there was

not time for a meaningful dialogue; that he knew the Chief was not happy, but Council was not happy with the issue either. Council Member Galloway absent.

Council Member Keller stated that if one or both teams in the issue spent as much time on it as they did on their floor it would have been resolved and he would encourage them to meet in good faith; that he represented District G and they were put on the back burner in many issues and he wanted to clarify that they could get a pumper at station 90 in this plan; and upon questions, Chief Tyra stated that the elimination of the assistant arson investigator, the four junior dispatchers and two senior dispatchers combination would allow an engine company 90 in Station 78; that it did not give money for facilities but it did give the engine company personnel to put that in service at Station 78; it had always been a priority to have a permanent fire station built in the Park Ten/I-10 area.

Council Member Todd stated that he would like better communication between the Fire Department and the union also, it was apparent there was friction; that when such matters such as their personnel came before Council there seemed to always be a linkage between their decision and a capital project in the district and he did not like that coercion going on and decisions should be made independently; that he was going to vote no on the item as he had a concern of the backlog in cases; and he congratulated Council Member Keller on taking his position, it took courage for a District Council Member to face down an implication that if they did not vote a certain way they would not get something; and he wanted Chief Tyra's assurance that if he voted no on the item he would still be in the exact order for his truck. Chief Tyra stated that did not change all they were trying to do was to expedite the item.

Council Member Robinson stated that if the issue was personnel he would ask the Administration the next time they swept unfilled FTEs across all departments to just transfer the money to the Fire Department because he was with the Chief; that they could move the truck there now and at the end of February sweep unfilled FTEs across the board and put the firefighters out there at Fire Station 90.

Mayor Brown stated that he wanted to point out to everyone that he felt Chief Tyra had done a good job for the Fire Department, it was a troubled department and with Council's help the equipment was much better and the Chief and members of the Fire Department had gone through a strategic planning process and all this was designed to achieve his goal in making the Houston Fire Department number one in the country and in getting a better rating from the insurance raters which in turn would reduce premiums of insurance so he wanted to recognize the totality of what he was doing.

Mayor Brown called on Council Member Castillo to continue with Matters to be presented by Council Members.

Council Member Castillo stated that he appreciated the committee assignments that he got this week although he did not expect to have as many and he wanted to say he accepted them as a challenge; that he also wanted to thank Council Member Bell for the service he had rendered on many of the committees including his chairmanship of the Fiscal Affairs Committee, he had a great respect for not just the amount of commitment he gave to the task but also for the integrity he brought to the process; that

some debates were heated and acrimonious and they were taken care of at a lower level and the process went smoothly.

Council Member Castillo stated that he also wanted to bring up the item at Hartman Park and he hoped Mr. Spellman had the opportunity to meet with him so they could go over items discussed earlier.

Council Member Castillo stated that the Mayor mentioned the Administration and Aviation was still working on something relating to the contract at the airport with Lolita's and he was expecting something soon; that he believed it would have to do with the level the rent would be set and he hoped it would not exceed the time they were given to resolve it by their lending institutions so he did hope they would move expeditiously; and Mayor Brown stated that they would expedite reaching a decision, they were trying to justify what was going to be brought to Council as any modification had to be justified. Council Members Boney, Keller and Vasquez absent.

Council Member Goldberg stated that he was asking the Mayor to create a committee to address issues raised by the street closures over 59 and he would like a member of the Police Department, Fire Department and Public Works and Engineering Department; that Police Department needed to look into signage along the detour and new stop signs, etc., and the Fire Department needed to look at information regarding a change in response times. Council Members Boney, Keller and Vasquez absent.

Council Member Goldberg stated that this was time sensitive and emotionally and personally sensitive to him, but a good friend of his was killed in a robbery and the article was in the Houston Chronicle, Ms. Ruth Starks worked in the Municipal Courts in the information booth, but there was a holdup and she was murdered; that the newspaper stated that she had a buoyant personality and was well known and well liked in the community with friends and relatives, but sometimes what you read was an understatement and she was absolutely one of the nicest people you could imagine, she was always friendly and courteous and did not have one single enemy; that personally she was a volunteer in his campaign and came to everything; that his district was an hour and a half from where she lived but she would come out and volunteer and work on his campaign; that this was a tragic loss and he was not going to ask for a moment of silence because he thought people sometimes took it too serious but he did want to announce her funeral was to be Friday, January 28, 2000, at the Sacred Heart Catholic Church in Conroe and there was a Rosary Thursday, January 27, 2000, at 7:00 p.m. at Forest Park in the Woodlands and donations were being accepted at the Ruth Starks Memorial at the Houston Police Officers Credit Union at 1600 Memorial Dr.; that her husband was a ten year veteran of the Houston Police Department; and to say this was a tragic loss was absolutely an understatement and he was very emotional and saddened by this. Mayor Brown stated that they all shared in the loss; and he thanked Council Member Goldberg for bringing it up. Mayor Brown stated that on his first issue he would ask Mr. Haines to put together a task force with all relevant departments to address the bridge issue and to work with the Council Member on it. Council Members Boney and Vasquez absent.

There being no further business before Council, the City Council adjourned at 11:53 a.m. upon MOTION by Council Member Galloway, seconded by Council

Member Robinson. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary