

City Council Chamber, City Hall, Tuesday, February 1, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, February 1, 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, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office, Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez absent on personal business.

At 1:55 p.m. Mayor Pro Tem Boney called the Council meeting to order.

Council Member Quan stated that their Asian American Community was about to embark upon another Lunar New Year Season and will be celebrating the Year of the Golden Dragon and it occurred only once every 60 years and was very special time for the Asian Community and invited Mr. Wea Lee, Mr. Beng Ho and Ms. Sandy Pham, who were with the Lunar New Year Festival Celebration, to come forward and they invited the Mayor and Council to the two day celebration February 5 and 6, 2000. Council Member Quan invited Ms. Kathy Nguyen and Mr. Tom Hoang with the Tet Festival which was the Annual Lunar New Year Festival to come forward and they invited Mayor Brown and the Council to the festival. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Castillo, Sanchez and Bell absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that Houston was fortunate to have a diverse group of thirteen sister cities from around the world, that when the devastating earthquake hit Turkey last summer, Sister Cities of Houston decided to assist one of Houston's sister cities in need, Istanbul, that through combined fundraising efforts they collected \$2,500 to present to the American Red Cross Istanbul Relief Fund and invited Mr. Harry Gee, President of Sister Cities of Houston, Consul General Gokdenizer of the Turkish Consulate and Mr. John McDivitt, CEO of the Red Cross to come forward.

Mr. Gee stated that when they heard of the tragic calamity that befell their sister cities in Istanbul the Board of the Sister Cities of Houston decided to seek an effort to raise monies and funds to help the earthquake victims, that in response to the generosity of the members of the Sister Cities Association and the citizens of Houston he was privileged to present a check to the American Red Cross in the sum of \$2,500, and Mr. McDivitt thanked them and stated that it was wonderful that they were able to share and support to those who had such devastating experiences as they had in Turkey, that it would be put to very good use, and Consul General Gokdenizer also thanked everyone for their help. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez presented a Certificate of Appreciation to Sister Cities of Houston and invited members of the board who were present, that the volunteers had given their time and effort to assist Istanbul and this was an excellent example of the goodwill and people to people diplomacy of Sister Cities and Mr. Gee stated that on behalf of the membership of the Sister Cities Association he accepted the certificate and knew that the board would appreciate it. Mayor Brown, Council Members Tatro, Goldberg, Ellis and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that soon after the earthquake hit Turkey another of their sister cities was affected, Taipei, and invited Ms. Wiggins, President of the Taipei Society of Houston, Dr. Beng Ho, Taipei Society of Houston and Director General Eddie Feng, Taipei Economic and Cultural Office to come forward and acknowledged the Taipei Society of Houston for their outstanding fund raising efforts, that the Taipei Society raised \$2,700 for the Taipei's recovery effort and understood that the Taipei City Government had already received the money and had send a certificate of appreciation, and Council Member Sanchez presented the Certificate of Appreciation to the Taipei Society for the work they did to promote the goodwill between Houston and Taipei and for setting an example of what a sister city relationship was all about. Mayor Brown, Council Members Tatro, Goldberg and Ellis absent. Mayor Pro Tem Boney presiding.

Mr. Lionell Castillo, Education Liaison, Office of the Mayor, stated that he was delighted to present the winners of the MLK Oratorical Contest, that accompanying them were the sponsors of the event, Ms. Annette Cotton from Gardere Wynne Sewell & Riggs, L.L.P. and Ms. Katherine Butcher, Assistant Vice President, Wells Fargo Bank, that the two sponsors helped put together the contest, that they had with them the finalists of the contest, and the winner, Ms. Osselini Felder Virani who recited her winning entry.

At 2:09 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Parker invited Ms. Sheryl Love Hanks of the Bahai Community to offer the prayer, and Council Member Parker led everyone in the pledge of allegiance.

At 2:13 p.m. Mayor Brown requested the City Secretary to call the roll. Council Member Vasquez absent on personal business.

Council Members Boney and Sanchez moved that the minutes of the preceding meeting be adopted. Council Member Vasquez absent on personal business.

At 2:14 Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Dwayne Lark, 10954 Buffum, Houston, Texas 77051 (713-731-2230) had reserved time to speak, but was not present when his name was called.

Mr. Larry Lane, P.O. Box 1593, Kingwood, Texas 77347 (77347) had reserved time to speak, but was not present when his name was called.

Council Member Tatro moved to suspend the rules to add Ms. Gracie Saenz to the top of non agenda portion of the speakers list, and was seconded by Council Member Bell. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0132 ADOPTED.

Ms. Gracie Saenz appeared and stated that they were present about two weeks ago requesting the City's assistance and the assurance was given that the issue would be looked into and something would happen, and she thought that there was a discussion of a possibility of bringing something before the Mayor's office by Monday of last week and here it was another week and they had still not heard, that the urgency at this time and for those Council Members that would recall, at that time Lolita was faced with an eviction hearing the following day, that there had been a discussion of allowing

her to have 90 days in order to pay her back rent, which was the increase, but that was close to over \$100,000 at this point, that by February 4, 2000 there would be an additional \$20,000 added to the rent and it was an additional amount that unfortunately as the time continues it would become more of an ordeal for Ms. Guerrero as well as the other purveyors that were being affected by the negotiation of that rent, that she was present to ask Council and Mayor Brown for their assistance to try to bring it as soon as possible to a close, to afford them the relief necessary for them to be able to continue to do their business at the airport. Council Member Parker absent.

Mayor Brown stated that they would expedite getting a resolution, that the information had been brought to him as requested but it did not satisfy him in terms of making a decision and he requested more information, that as soon as that was given to him he would bring something to Council, and Ms. Saenz stated that she would like to know if at all possible if there was a possibility of putting a moratorium on the increase at this time until such time a negotiated amount was brought forth, and Mayor Brown stated that it was not between the City and her client, it was between the vendor Entertainment One and her client, that they could not do that, and Ms. Saenz stated that unfortunately now the City was the landlord in the situation and it was the City who decides what that rent would be, so there was an opportunity for the City and the Aviation Department to determine that amount, and Mayor Brown stated that what he would do would be to expedite resolving the issue, and Ms. Saenz asked if she could have a time, and Mayor Brown stated that as soon as they could get what he had asked for to him, and Ms. Saenz asked if there was anything they could do and Mayor Brown stated not that he could think of, that all of the wheels were in motion and it was just a matter of their going back and answering the questions that he had asked so they could have at least a basis of bringing something to the City Council.

Council Member Keller asked if there was a non-compete clause in their lease and Ms. Saenz stated that within the contract itself they did not allow for competition within the group of purveyors, and Council Member Keller asked if there had been any discussion between the two parties of maybe taking the delinquent amount and maybe amortizing it over the remaining portion of their lease, and Ms. Saenz stated that the situation was not so much the back increase that hopefully Ms. Guerrero could work out and pay off, that the reality was that how much longer before they offer some sort of relief because each time it was an additional \$20,000 per month that was increasing and was being increased and until such time as there was a relief on the actual rental rate, she would be hit with \$20,000 each additional time, so while she may be able to make the back payments for the back rent and bring herself up to the position of not being delinquent anymore she would still be having to pay the additional rent, which at this time she could not afford it and the City was the one who had to negotiate the rent and allow for that decrease. Council Member Todd absent.

Mr. Larry Lane, P.O. Box 1593, Kingwood, Texas 77347 (77347) appeared and stated that repercussions of the Blando incident which occurred back in May 1999 continued to surface with indictments of two Fire Department employees on charges of record tampering, that reviews of dispatch facilities, protocols and personnel authorized during the past year should have led to substantial improvements in delivery of life safety services in Houston, obviously no lessons had been learned, that the current administration was more concerned with stealth contracts involving friends and contributors, corporate welfare for sports entertainment franchises and junkets to exotic

destinations than attending to basic local government services, that since its contentious annexation Kingwood had more than its share of delayed emergency responses and it was their carefully considered opinion that the City of Houston's life safety services dispatch system was fatally flawed, that on January 23, 2000 a call for aid was made from the River Grove Deer Ridge Park area on Woodland Hills Drive in Kingwood, this was their largest park complex and should be easily referenced on any computer aided dispatch data base, and he asked that they consider the following time line determined to the best of his ability with the help of an HPD official but without access to actual tapes and call logs, that at 3:13 p.m. on the 23rd the first call for aid was received by a Houston Fire Department call taker at the dispatch center, that at 3:16 p.m. that call ended, at 3:20 p.m. units were dispatched to the scene of the call for aid, at 3:21 p.m. those units were in service on route, also at 3:21 p.m. a second call for aid was received and at 3:22 p.m. a third call for aid was received and at 3:24 p.m. first units finally reached the scene of the incident, that the three minute window from roll out to units on the scene was reasonable given the proximity of the incident, location in reference to HFD Fire Station #101 from which the equipment was dispatched, that the three minutes consumed in identifying the location was not acceptable, that he had been advised that the dispatcher could not reference the park with the computer aided system, that ultimately he referred to a key map, why three years post annexation are parks and similar public venues not listed on the database and what, assuming correct reporting of the times, caused a four minute lag from the end of the initial call for aid to the dispatch order from Station 101, they would note that he mentioned 3:16 p.m. the initial call ended at 3:20 the dispatch was made to Station 101, was it a wrong priority, inattention or high concurrent call load, that they were aware, he was sure, that irreversible brain damage began approximately four minutes after secession of blood flow, that after eleven minutes, ladies and gentlemen, which was the total time for assistance in this incident they were history, they now had a 41 year old gentleman who expired in front of his seventeen year old son.

Upon questions by Council Member Todd, Mr. Lane stated that he had not a request but a demand addressed to Mayor Lee Patrick Brown requesting specific information regarding that specific call in the Kingwood area on January 23, 2000 and asked Mr. Bibler to pass it to the Mayor. Council Members Boney and Galloway absent.

Council Member Todd asked Mr. Lane if he had done an open records request, and Mr. Lane stated that he considered his request to the Mayor an open records request directed to the Mayor, and Council Member Todd asked Mr. Bibler if it was enough to be an open records request, and Mr. Bibler stated that he had not seen it, but assuming that it requested some documents in the custody of the Mayor it would be, and Mr. Lane stated to Mr. Bibler, that if there were any objections to privacy regarding the patient he knew the name of the patient, and knew his identity, and not to let that trouble him, and get them the records and let them determine what the hell was going on here and why the administration seemed to have no regard to life safety services while making sure that the friends of the administration got plenty of contracts. Council Members Boney and Galloway absent.

Mayor Brown thanked Mr. Lane for coming and stated that Mr. Lane's time was up and he was not going to ask him anything, and Mr. Lane stated that he would wait for a response for his request or demand, and Mayor Brown stated that he would get a response, but he wanted to point out that Mr. Lane's accusations were totally out of order, unappreciated and Mr. Lane would be better served by making his request on this civil

manner, but making accusations that were untrue did not generate any sympathy, at least not from the Mayor, for his coming to Council and making his unwarranted accusations. Council Members Boney and Galloway absent.

Ms. Jana Dickerson, 4901 Milam, Ste.3, Houston, Texas 77006 (713-442-3326) had reserved time to speak, but was not present when her name was called. Council Members Boney and Galloway absent.

Mr. John Florez, Westheimer No. B, Houston, Texas 77006 (713-522-6548) appeared and stated that he had been involved with the Westheimer Street Festival for many years, that Mr. Steve Weiserman had made the following comment on Channel 2 "that as hard as it may be, the City must ignore the personalities and make this tuff decision on the facts", that he had provided Council with a binder and had brought something else yesterday and had just brought something else today in an effort to document what they were saying, that they did not question the fact that the festival had problems, but if anyone present dared to tell him that the International Festival did not have problems then they would have a difference of opinion, that this happened with the Children's Festival and happened everywhere, and yet the community had a right to a free festival, that there was no other entity that provided the City with an event like this, that everybody charged, that they did not because it was the spirit of Montrose, that if the festival was anything like what it was accused to be he would not have a video of Mayor Lanier and Mrs. Lanier walking down the street several times with Mr. DeYoung wearing tennis shoes, shorts and a tee shirt, that it would not happen, they would have had 50 police officers around them, that the festival had been called a violent crowd, but that was not true, that Mayor Brown was there in 1997 as a candidate and walked up and down the street and Mr. Florez did not believe anyone attacked him, insolent or rude, that they loved him and worked very hard to get him elected, and believed Mayor Brown was there because they provided him a booth, that they asked Mayor Brown's office to send Chief Bradford, that if the crowd was as people were describing it to be why would they want Mayor Brown or the head of the Police Department there, that they had hundreds of officers that would say that what had been said about the festival was not true, and he begged them to look at the video he presented, that they would not see a single person staggering, stumbling or being abusive and they certainly would not see out of every eleven individuals ten wearing snakes, that was not true and an outright lie. Council Members Galloway, Boney, Castillo and Robinson absent.

Mayor Brown asked if it was correct that he had appealed the decision and Mr. Florez stated yes, and Mayor Brown asked Mr. Bibler to give them a briefing on the procedure and the responsibility of the Council. Council Members Galloway, Boney, Castillo and Robinson absent.

Mr. Bibler stated that the proceeding was court reported at the expense of Mr. Florez as provided by the ordinance, and voluminous documents that were filed by Mr. Florez and various interveners were received into the record, that Mr. Florez had 10 days to appeal, and he appealed timely even though his letter was dated a day late he filed the letter a day before the date on the letter so it was on time, that he would be forwarding an RCA to Ms. Russell and the item could be placed on the agenda, he would however remind Mr. Florez and the Council Members that this was a matter that was required under Rule 12 to be decided under the record, and it had been brought to his attention that Mr. Florez had been transmitting a number of witness statements and other

documents that were not part of the record around to various City offices, and Mayor Brown asked what was the role of Council on this issue, and Mr. Bibler stated that the role of Council was to read the record, which unfortunately was very long, that the hearing went on for 9 hours and to make a decision based upon the record and that decision should be based upon the criteria that was set forth in the ordinance, that the hearing officer issued a rather lengthy opinion and if they read the opinion they would see that his concern was not about the conduct of the people on Westheimer Street itself as much as the secondary effects of the festival on the people residing in the areas nearby.

Council Member Todd asked Mr. Bibler if Council would need to look at whether or not the procedural safeguards built into the ordinance were observed, who was notified and that sort of thing, if that would be part of their review, and Mr. Bibler stated that yes, and the record should include or Public Works could provide, that notices were given by newspapers and big signs were posted in the neighborhood, and also notices were given to civic organizations in the area, that the hearing was heavily attended and went on for three different evenings, that a large number of people testified for Mr. Florez, that the interveners called witnesses and additionally people who were just there and wanted to say something were allowed to say whatever they had to say, and Council Member Todd thanked Mr. Florez for coming to speak to them, and stated that he had gotten a number of letters in on the issue and would encourage him and any one else who would like to correspond with his office on the issue and tell him exactly what procedural aspects of the ordinance they felt were not observed, that he thought that the standard was abusive discretion in the ordinance, and Mr. Bibler stated that the ordinance provided that the burden was on Mr. Florez to demonstrate by preponderance of credible evidence that the requirements of the ordinance had been met, that the hearing officer was most lenient, that there were some issues that were not really developed by Mr. Florez or by the interveners, that he on his motion called other witnesses to try to develop those issues, and Council Member Todd asked if when it stated preponderance that meant that meant that they did not have to be 100% sure that it just meant they had to be 50% sure, and Mr. Bibler stated that 51% certain that the evidence supported the issuance of the permit based on the criteria set forth on the ordinance, and Council Member Todd urged Mr. Florez to encourage his supporters to support his position, and it would be most helpful if they could show Council why there was reason to doubt that the decision was valid, and although it was not beyond a reasonable doubt it was still roughly, if Mr. Florez and his supporters could convince Council that the ordinance was not followed then that was the standard that Council was going to follow. Council Members Galloway, Boney and Castillo absent.

Upon further discussion Council Member Bell asked Mr. Bibler what was the basis that must exist for Council to overturn the decision by the hearing examiner and Mr. Bibler stated that the burden was on the applicant to demonstrate by preponderance of credible evidence that he had met the criteria set forth in the ordinance and if Council found that he had in fact met the criteria then they should grant the permit, and Council Member Bell asked Mr. Florez if he felt that he did not get a fair chance at the hearing to present his side and to refute what was being said by folks in the neighborhood and to point out the good aspects of the festival and all of that and Mr. Florez stated that the hearing was pretty much like the Council Chambers where it took a lot of ideas to put together an issue, that they all had an idea and eventually they arrived at a solution, but in this case he was the only person on the pro side and they had 14 people accusing him of all those terrible things, that his other supporters were in the room but because they



were pro festival, and according to Mr. Bibler definition, they did not qualify as interveners, but if they read the hearing rules it did not say they had to be for the event it said if they were affected, and Council Member Bell stated that the bottom line was that Mr. Florez was saying that the supporters were shut out at the hearing while those who opposed the festival got a clear shot to say all the bad things that they had been saying for a number of years, and Mr. Florez stated exactly. Council Members Galloway, Boney and Castillo absent.

Upon further discussion Council Member Sanchez asked Mr. Bibler if Mr. Florez description was accurate, that the proponents of the festival were excluded for some reason and the opponents were allowed to speak, and Mr. Bibler stated that was not true and very unfortunate, that this was a quasi-judicial proceeding in which Mr. Florez chose to represent himself with the benefit of Counsel and never understood the concept of the interveners and never understood the ordinance, that it was a very frustrating experience for all of the people involved, that Mr. Florez was allowed to call any number of witnesses that he wanted and interrogate them for any length of time that he wanted to as long as he was asking them relevant questions and anyone that he did not call who had a position or anyone that the interveners did not call who had a position was allowed to come up for three minutes, but he could call any of the people, and that was explained to him, that the purpose of an intervener under the ordinance had the right to appeal the granting of a permit and it was explained to him that there was no real need for anyone who was in favor of the festival to become an intervener, that he could call them as witnesses and introduce any evidence that he wanted from them, and he chose to call many people as witnesses. Council Members Galloway, Boney and Castillo absent.

Upon questions by Council Member Parker, Mr. Bibler stated that Mr. Florez appeal just said he was appealing and was about two lines long, and if Mr. Florez wanted to make substantial changes to the festival he could apply for a new street closing permit but he would caution that the event was scheduled for early May and there was a 120 day advance filing period for a major event, but if it was something that did not meet the definition of a major event it could be filed for an event in May.

Upon questions by Council Member Quan, Mr. Bibler stated that Council would act as a court of review on the record and that there would be no new witnesses or evidence presented before Council, that there was 9 hours of testimony that had been given on this matter, a court reports record, that he had drafted an RCA that morning and his legal assistant was working on it.

Council Member Boney stated that the festivals size extremely impacted the neighbors of the festival and the majority were imposed to the festival so the options were to reconstruct and reconfigure the festival so that it would have less impact on the neighbors and neighborhood or to move it or consider other options, and Council Member Bell asked Mr. Florez if he had an opportunity to state his case and present support for the festival at the hearing and Mr. Florez stated that his supporters were able to come up and speak for 3 minutes and that he could have asked questions. Council Members Castillo and Sanchez absent.

Mr. Cliff Jacob, 12850 Wittington, No. 1012, Houston, Texas 77077 (281-293-7911) appeared and stated that he did not live in the neighborhood but was one of the absolute average, typical people that went to the festival, that he had lived in Houston for about

15 years, and before that he lived in Beaumont, and had heard about the festival and started going to the festival since he lived in Beaumont which was about 20 years, that he had pretty much not missed any of the festivals, because it was so much fun to go to, that he did not drink, do drugs or any of those things, but it was kind of fun to go and look at it, that it was kind of like going to the zoo and seeing the wild animals, that a lot of people referred to the festival as the freak fest, that it was unusual and something to do, that he was involved with the Houston Blue Society and the Zydeco Society, that he had traveled to California for a national dancing contest and met people from all around the Country and several people from New York, Las Vegas and San Francisco whenever they heard that he was from Houston asked if he went to the Westheimer Street Festival, and he wanted to give his support to the festival. Council Members Goldberg, Castillo and Sanchez absent.

Mr. Raul Lemesoff, 411 Westheimer, Houston, Texas 77006 (713-291-9733) appeared and stated that he and his sister owned 3 lots on the southwest corner of Westheimer and Taft and also operated the Musoleum Coffee Shop and guaranteed that the Westheimer Street Festival was safe and secure, that it was a celebration of tradition, that for more than 25 years they have had the Westheimer Street Festival, that it was a big City and a big gathering, that it was only four days a year that they took over, that Mr. Florez cleaned the street all year long and kept it clean, that the festival was under control, that the hearing that they had was not fair, that Mr. Florez could not ask any questions, that the hearing was unfair from the moment that Mr. Bravenec introduced himself as the hearing officer, that the thousands of Houstonians that had heard or read in the media were very mad as to how the hearing was handled, and he thought that they did not need to move the Westheimer Street Festival, and he asked Council not to forget that the people were the city and that tolerance was the key for everyone's happiness. Council Members Goldberg, Castillo and Sanchez absent.

Upon questions by Council Members Quan and Todd, Mr. Lemesoff stated he had attended three meetings that they had, that he had an opportunity to talk for three minutes but was not allowed to ask any questions, that Mr. Florez had told him about the hearing, that his complaint was that there were 14 people against the festival and they probably did not live there, that he lived on Westheimer and did not have any problems when the Westheimer Street Festival was on, that an intervener was any person who resides, works, or operates any place of business in the area and he lived there and knew that people who were at the hearing as interveners did not even work there, they lied to get that position, and Council Member Todd asked Mr. Lemesoff to send him a note and put his thoughts on paper and specify what procedures he thought were not done. Council Members Goldberg, Ellis, Castillo, Quan, Sanchez and Bell.

Mr. Lee Harrington, 707 1/2 Avondale, Houston, Texas 77006 (713-523-9000) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Ellis, Castillo, Quan, Sanchez and Bell.

Mr. Bob Bagot, 1120 West Drew, Houston, Texas 77006 (713-523-4127) appeared and stated that he was on the festival board and was an officer of the Hyde Park Civic Association, member and past board member of the Neartown Civic Association and was present as a 30 year resident and business owner in Montrose, that he thought that the problem regarding the permit to close the street for the Westheimer Festival was the commendable desire of the City to be responsive to the request of its citizens, that it was



good when those requests really represented the will of the people, that how could they be sure that when a person said they represented an entire area really represent more than their own personal agenda, that some of them realize that the very same people had been dedicated to stopping the festival for years, that no comprise or no accommodation would satisfy that small group and thought that Council now had to be concerned with the hearing and whether the rules were followed, that it was in the record that the interveners were supposed to be people who were affected by the festival, that as Mr. Bibler had just said, it was considered that those who were in favor of the festival did not need to be interveners therefore those people who were in favor of the festival were denied the right to be interveners, that the second thing that they would notice was that the decision that Council would make would be based on the record except for that kind of mistake in conducting the hearing question of fact, that if they read the hearing officers decision and he based a lot of it on the opinion of Sergeant Ballard that the crowd was characterized as being as obnoxious as possible, intoxicated and several other things, that it contradicted the superior police officers who also testified and yet if they followed Sergeant Ballard's testimony there would have been 180,000 snakes at that festival which was self evidently not correct. Council Members Goldberg, Boney, Ellis, Castillo, Quan, Sanchez and Bell absent. (NO QUORUM PRESENT)

Mr. Oscar Vela, 2605 Crocker, Houston, Texas (713-526-1999) appeared and stated that he had not attended the hearing but lived in the neighborhood, that he lived just 50 feet away from where people were claiming defecation and urination, that he had not seen any of that in the neighborhood, that he loved the festival and thought that it should be allowed to continue. Council Members Goldberg, Boney, Ellis, Castillo, Quan, Sanchez and Bell absent. (NO QUORUM PRESENT)

Mr. Michael Martin, 4310 Childress, Houston, Texas 77005 (713-664-7537) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Boney, Ellis, Castillo, Quan, Sanchez and Bell absent. (NO QUORUM PRESENT)

Mr. Orvil J. Peak, 3739 Penwood Way, Houston, Texas 77023 (713-649-4811) appeared and stated that he was present regarding the final judgement that was issued by the judge, that attorney Bonnie Fitch had mailed to the City Attorney's Office in June 2, 1999 a copy of the final judgement for which a mandate was issued June 2, 1999, that the City of Houston appeal to the 14th Court of Appeals was dismissed on June 2, 1999 and the City of Houston did not appeal it to the Texas Supreme Court before the appeal time ran out, that the judges that signed the final judgement knew that the appeal time ran out and they could not appeal it now because they did not do it on time, that instead of going into great detail he would get with Council Member Castillo who was his District Council Member and have him talk it over with the Mayor. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Council Member Todd moved to suspend the rules to add Mr. William Burban to the speakers list, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent. MOTION 2000-0133 ADOPTED.

Mr. Tom Sprague, 3030 N. Freeway, Houston, Texas 77009 (713-697-7444) appeared and stated that he was present to inform them of an incident that happened to

him at Sam Houston Race Park on January 22, 2000, that he brought it to their attention because Sam Houston Race Park was an entertainment venue within the City of Houston, that he had represented the International Alliance of Theatrical Stage Employees for many years in Houston, that he had made available to Council a copy of a letter that he wrote to Mr. Richard Shaw, Secretary-Treasurer of the Harris County AFL-CIO explaining what happened to him at Sam Houston Race Park, that he had not distributed any material from the United Steelworkers of America, that he was carrying about 25 pamphlets back to his union hall when questioned by the management of Sam Houston Race Park, that he was discriminated against for wearing union clothing, that he was held against his will and put on public display, and was told that he would be arrested if he ever set foot at Sam Houston Race Park again, that Sam Houston Race Park, which was an entertainment venue in this City seemed to be putting out the message that they did not desire to have working men and women patronizing their venue. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Council Member Parker stated she believed Council did not have any direct authority over the race park, and Mayor Brown stated that it was a private enterprise, and Council Member Parker asked if there was any entity to which they could direct Mr. Sprague's concerns, and asked Mr. Sprague if the steelworkers were attempting to unionize at the race track and Mr. Sprague stated they were out there in protest because there was a race named for the Maxim Corporation and Charles Horowitz and Kyser Aluminum, who had replaced workers, that he had brought it to Council's attention because it was the entertainment in the City that only made them great. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Upon questions by Council Member Keller, Mr. Sprague stated he was made to wait in the Winners Circle while the management team waited outside, that he knew he had another avenue to direct his protest to, the Racing Commission, that he did not notify the Houston Police Department, and Mayor Brown stated that it was not in the City it was in the County and stated that Mr. Sprague could call the County and District Attorney's office and file a complaint. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Ms. Rosilyn Young, 220 North Point, Houston, Texas 77060 (281-260-7106) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Ms. Russell stated that the next two scheduled speakers Mr. Lee and Ms. Nguyen were heard during the presentation session. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

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

Ms. Evelyn Lockett-Rhodes 6525 Hillcroft No., Houston, Texas (713-772-1108) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Mr. William Burban, 23062 Shady Oaks Lane, Porter, Texas 77365 (281-354-3009) appeared and stated that he was founder of Involvement in Pro Life Ministries and was making the call for prayer for Dr. Alan Keyes, that he would be a great moral leader that America needed in their next president of the United States of America, that Ambassador Keyes had been a strong pro life warrior in which he had been a guest speaker in many crisis pregnancy center fund raisers, that on his radio talk shows he had been a moral leader crusading against abortion, racism and other evils that were present in our cultural today, and he would like for Mayor Brown to invite Dr. Keyes to Houston in the near future and declare a call for prayer for Dr. Alan Keyes Day and invite all the media and people in the greater Houston area to hear Ambassador Keyes speak, that the effective prayer of a righteous man could accomplish much, James 5:16. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he would like to ask Council Member Robinson what the \$5,000 payment that he made to someone in New Jersey was for, and Council Member Robinson stated that he would be happy to answer and that it was a repayment of a loan to his parents who helped finance his first race for City Council, and Mr. Winters stated that he was glad he got that answer; that he would like to talk about Mr. Odel Barnes, a death row inmate, that he would be put to death March 1, 2000, that there were several witnesses that had given affidavits that stated that someone else had committed the murders, that he was present before Council to ask that they do something, that he would like them to contact people that they knew. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his name was Mr. Partsch-Galvan, ex-spouse of Richard William Partsch, his web side address was [www.galvan.org](http://www.galvan.org), that he was the Libertarian candidate for Texas Representative 147, that it was his sixth campaign, that he supported the Westheimer Street Festival and was not offended by Radio Station 93.7's comments regarding Council Member Parker, that Council Member Parker was being hypocritical because she had made similar insulting remarks to him, that they in the gay community called themselves dykes, faggots, queers, queens, et cetera, that Council Member Parker was just trying to create controversy because Ms. Sylvia Ayers received about 40% of the vote and that thousands of voters did not vote for either Ayers or Parker, that Parker did not receive the majority of the votes. Council Members Goldberg, Boney, Castillo, Sanchez and Bell absent.

At 3:24 p.m. upon motion by Council Member Ellis and seconded by Council Member Tatro, City Council recessed until 9:00 a.m. Wednesday, February 2, 2000.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 2, 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. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office and Ms. Martha Stein, Agenda Director, present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

## **MAYOR'S REPORTS**

### **9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING**

**THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was called.

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the December 1999 Monthly Financial Report, the sixth month of the current fiscal year, that revenues continued to improve in the General Fund although overall projections were \$24.6 million less than budgeted; that the best news was sales tax had experienced good jumps with 22% in December and 14.6% in January; that if the trend continued they should expect a nice Christmas check coming in February; that property taxes were projected to remain the same at about \$545,000,000 and Municipal Courts continued to lag at 27.5% less than at the same time last year and there was no indication there would be any significant improvement; that overall projections were left at 24.6% below budget; that on Page 3 of the report they had added a column which would give the difference between their projections and the projections of the Administration and on page 37 it reflected the Child Safety Fund and they projected a fund balance of zero at the end of this fiscal year and current projections were about one-third of the projected \$3.3 million; that the fund balance was projected at \$71.3 million and that was slightly more than 5% which they must have in reserve, but less than the 7 1/2%. Council Members Galloway and Robinson absent.

Ms. Garcia stated that she would carry on with the Quarterly Investment Report which was that the balance of the general pool as of December 31, 1999, was approximately \$1.1 billion and that was at the typical low just before property tax payments came in; that also in the general pool investment maturates matched up against liabilities for one year and remaining investments laterad out beyond one year; that the Airport Construction Fund balance as of December 31, 1999, was at \$425,000,000 and was decreasing at the rate of \$10,000,000 to \$12,000,000 per month which was due to funds being expended; that overall investments were allocated as follows: Agency 64%, Treasury 15%, Municipal 7%, Commercial Paper 7%, Money Market Funds 4%, and Mortgage Backs 3% and there was a detailed list in the back of the report. Council Members Galloway and Robinson absent.

Ms. Sarah Culbreth, Acting Director Finance and Administration, stated that their report was also for the month ending December 1999, that they had left their projections as they were last month with no change in either their revenue or expenditure projections; that as the Controller projected there was a column added indicating differences between their projections and overall due to changes in the Controller's Office the fund balance changed compared to previous months and the change resulted in about a \$6.7 million increase, as she also indicated they were confident in their sales tax projections and activity continued to support and sustain the projected levels at

\$319,000,000; that they were still presenting a balanced budget and believed they were managing expenditures against spending controls as they previously indicated to Council; that all other funds were projected at budget and the Controller's Office did make reference to the Child Safety Fund and they left their projection at budget, however, there was the potential that revenues from Municipal Courts being down could affect the fund, however, they were continuing to watch trends as they developed. Council Members Galloway, Keller and Robinson absent.

Upon questions by Council Member Boney, Ms. Culbreth stated that December collections received for sales tax was over the same amount received for last year, about 22% higher than the year before; that she did not have the daily average ticketing amount, but there were trends of it going up as they saw trends of improvement; that they were still projecting revenues to be under the original budget, originally \$56,000,000 was budgeted and now the projection was at \$45.8, but she believed that they had identified the problems and were reacting to them. Mr. Al Haines stated that they had been monitoring daily the volume of activity relative to writing and dismissal of tickets and dismissals were down and the volume was up and that was why they were holding Municipal Court revenue projections at their number; and a significant amount of the problems as far as scheduling, etc., had been resolved and that was why they were seeing the change. Council Members Vasquez, Parker, Bell and Robinson absent.

Council Member Tatro stated that Mr. Haines statement that revenues from ticket issuances were up he took exception with because though it was an increase it was an increase to the decrease and they were still below; that he believed it was a misstatement to project that they were still on line and in line for the revenue projections; that he would caution Council that the Child Safety Fund would be significantly down in revenues available as they approached the next budget cycle and they would have to go to a current revenue stream and that was why he thought it important to point out the current revenue stream and what projections for that stream was. Council Members Vasquez, Bell and Robinson absent.

Council Member Todd stated that at the committee meeting yesterday they had a conversation regarding the Child Safety Fund and indications were that they were \$300,000 to \$400,000 short for funding the After School Program and the Crossing Guard Program and he would like to know if the Administration intended to hold After School Program expenditures solely to revenue out of the Child Safety Fund and for this year how did the Administration intend to make up for the shortfall; and Mr. Haines reviewed the purposes of the Child Safety and what was done years ago in constructing the fund and how applied. Council Member Todd stated that his question was how were they making up for the shortfall; and Mr. Haines stated that they were not projecting a shortfall, based on the Controller's numbers the shortfall could be as high as \$300,000 or about 10% of the program and then they would revisit with the school districts and the After School Program and then come back to Council with a recommendation. Council Member Todd stated that if every school age child was enrolled in an After School Program what would the cost be; and Mr. Haines stated that he would not even venture to guess. Council Member Todd stated that he would like that provided to him in writing, what the actual dollar figure would be and then recommendation on what street projects should be cut to pay for it. Mr. Haines stated that he was not sure he could answer that as there were several dozen agencies which provided after school programs and to suggest that the city have a responsibility to provide such a program for every school age child he would prefer to defer to the Council and Mayor before he proceeded to

identify what the cost would be. Council Member Todd stated that the UH study released this month indicated a significant number of children in the After School Program had previously been watched by family members or YMCA programs and were now on the city ticket so he wanted to know the projected cost and also what programs he would recommend cutting to pay for it. Council Members Vasquez and Bell absent.

Upon questions by Council Member Sanchez, Mr. Haines stated that as a policy City Council erected through the budget ordinance that they proceed to expend surplus year to year carryovers for an After School Program and if that was to change it was a policy matter. Council Member Sanchez stated that he was not one of those who voted for that policy and he hoped that Council would keep in mind that it may not be prudent and responsible when the primary purpose of the legislation was to ensure money for safety of children at intersections; and Mr. Haines stated that he respected that but also understood that the Administration responded to the majority of Council and they set that policy and it was important to review the intent of the funding which was for school districts to make determinations where and at what duration school crossing guards should be working and not the city's decision. Council Members Boney and Vasquez absent.

Council Member Tatro stated that Mr. Haines stated it was the school districts crossing guards, but the city was stewards of their money for this and if next year the city did not have enough money because they funded other school programs they would then say they were tapped out and the district would have to pay for their own guards; that it was probable next year the district would come to the city again asking for "x" amount of guards to be funded but the money would not be there and that was why it was incumbent upon them as stewards of those funds for the crossing guard program to be prudent with it; that Council Member Todd had asked what was the plan and he believed it was not if, but when the fund fell short and that he (Mr. Haines) had said they would visit it when they came to it and that was not a prudent policy and it showed right now there was no plan; and Mr. Haines stated that regarding stewardship the responsibility was clearly defined by Council Ordinance and by state law, it was to receive revenues one year to the next and to disperse those against invoices received from the school districts for school crossing guards first for elementary schools and then for high schools and middle schools and that was being done; that it was a policy matter so there was a plan in place, it was a budget ordinance and it said that surpluses carried over from year to year would be used for after school programs and if it was Council's desire to modify the policy then it was the logical source for Council to direct them to change it, but at this point their position was they were staying the course, distributing funds based on draws received from the school districts and that was based on current revenues being received; and he would caution Council about using carryover or surplus moneys or fund balances, however described, for ongoing purposes. Council Members Quan, Keller, Ellis and Bell absent.

Council Member Castillo moved to accept the Financial Report and the Quarterly Investment Report, and was seconded by Council Member Boney. All voting aye. Nays none. Council Members Quan, Keller, Ellis and Bell absent. MOTION 2000-0134 ADOPTED.



Council Member Boney moved to suspend the rules to take Items 46, 32 and 47 out of order, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Members Keller and Bell absent. MOTION 2000-0135 ADOPTED.

46. 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 50 on Agenda of January 26, 2000, POSTPONED BY MOTION #2000-127)** – was presented.

A roll call vote was called on Item 46.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting aye.
Council Member Todd voting no.	Council Member Bell absent.
Council Member Ellis voting no.	Council Member Robinson voting aye.
Council Member Keller voting no.	ORDINANCE 2000-68 ADOPTED.

Council Member Castillo stated that he spoke with some involved in the design on the matter and asked them to consider the possibility of adding a new segment north of the Downtown University of Houston in terms of defining Main Street; and they were going to. Mayor Brown stated that he had heard the same thing, everyone was in agreement and it would be extended. Council Member Bell absent.

Council Member Robinson stated that on the February Agenda of the Transportation Committee there would be a full update briefing on the Main Street issue and State Rep. Jessica Farrar was invited to discuss the extension; that he had visited with the planning director and members of the Main Street Coalition and in light of Council Member Castillo's comments he believed everyone was on the same page and working together to make it happen; and Mayor Brown stated that it was the right thing to do. Council Member Bell absent.

Council Member Vasquez stated that he thought this was a great project and he thanked the Mayor for having the foresight to include this as one of his projects for economic development; that he though the project would shape and define Houston as a 21st Century City in the near future and felt the extension was a great idea and he was in support of it and ready to work with all to make it happen. Council Members Goldberg, Bell and Robinson absent.

Council Member Todd stated that while he supported having a scenic Main Street he recorded a no vote on the item because of the rail component; that since by Charter Council was required to approve any rail project on streets he thought that should be considered before dollars were approved for design work on a non-approved project. Council Members Goldberg, Bell and Robinson absent.

32. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 – **(This was Item 2 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER BELL)** – was presented. All voting aye. Nays none. Council Members Goldberg, Bell and Robinson absent. MOTION 2000-0136 ADOPTED.

**HOTEL MATTERS** - NUMBERS 47 through 47C

47. Proposed amendments recommended by the Economic and Community Development Committee (NOTE: This is not a Matter Held but relative to Item 47C) – was presented.

Council Member Castillo moved to postpone Items 47 through 47c for one week, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0137 ADOPTED.

- 47a. Council Member Robinson presented the following proposed written amendments to Item 47C:  
Appointment and Removal of Directors: regarding articles and bylaws and providing for removal and appointment of director.  
Term of Office for Directors: regarding time the director would serve.  
No Services by Board Members: regarding no board of director providing services to corporation.  
Meetings of Board of Directors: regarding with complying with both open meetings and open records acts in the State of Texas.  
Board Composition: regarding calculating the number of board of members of the board.  
Governance Matters: regarding instruments requiring City consent before the corporation may undertake them.  
- was postponed one week by MOTION 2000-0137.
- 47b. Council Member Tatro presented the following proposed written amendments to Item 47C:  
Article II, Section 2.01 General Powers: Number, Appointment: Qualifications (complete replacement for the section) regarding its board of directors and being recommended by the Mayor with approval of City Council  
Section 2.02. Tenure (complete replacement for the section) regarding term set, removal from office with approval of City Council and replacement with approval of City Council  
Section 4.06. Audits changing the word Comptroller to Controller.  
Article IV Paragraph 5 (partial replacement) regarding entering into agreement pursuant to which developer, architect or operator is granted their right to do so  
Article VI (complete replacement for the section) regarding its board of directors and being recommended by the Mayor with approval of City Council, term set, removal from office with approval of City Council and replacement with approval of City Council

Article VIII regarding deleting reference to ex-officio members of the board  
Article X regarding deleting the last sentence  
Article XI regarding deleting the last paragraph.  
- was postponed one week by MOTION 2000-0137.

- 47c. RESOLUTION approving the creation of a Local Government Corporation for purposes related to the construction and operation of a Convention Center Hotel; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors – **(This was Item 46 on Agenda of January 19, 2000, POSTPONED BY MOTION #2000-91)** - was postponed one week by MOTION 2000-0137.

Council Member Todd moved to suspend the rules to take Item 45 out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0138 ADOPTED.

45. 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 48 on Agenda of January 26, 2000, POSTPONED BY MOTION #2000-105)** – was presented.

Council Member Castillo moved to refer Item 45 back to the Administration, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0139 ADOPTED.

**Consent Agenda (Items 1 through 29) were considered as follows:**

**MISCELLANEOUS** - NUMBERS 1 through 5

2. RECOMMENDATION from Finance & Administration Department for approval of Individual Fidelity Bond Form for **SARA S. CULBRETH, ACTING DIRECTOR OF FINANCE AND ADMINISTRATION** in the amount of \$25,000.00 as required by the City Charter and the Code of Ordinances - \$100.00 - Insurance Management Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0140 ADOPTED.
4. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **SAMUEL ACEVEDO**, Employee Number 93791 – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0141 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$54,564.26 Enterprise Water & Sewer Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0142 ADOPTED.

**ACCEPT WORK** - NUMBERS 6 through 9

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,787,741.53 and acceptance of work on contract with **ALSAY, INC** for Rehabilitation of Existing Water Wells; GFS S-0200-04-3 (10223-2) - 00.13% under the original contract amount - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney and Bell absent. MOTION 2000-0143 ADOPTED.
  
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,372,071.48 and acceptance of work on contract with **RAMEX CONSTRUCTION COMPANY, INC** for Improvements to Sagemont WWTP, GFS R-1200-07-3 (4634-1) - 05.83% over the original contract amount - Enterprise Fund - **DISTRICT E – TODD** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Bell absent. MOTION 2000-0144 ADOPTED.

**PROPERTY** - NUMBERS 10 through 11A

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Marcel Meijer of Interplan Architects, Inc., on behalf of Galaxy Resource, Inc, (Nelson Iro, president) for abandonment and sale of a 5-foot wide utility easement and a 5-foot wide aerial easement in exchange for the conveyance to the City of a 5-foot wide utility easement, located in the W. P. Harris and Robert Wilson Survey, A-32, Parcels SYO-025A, SYO-025B and VYO-029 - **STAFF APPRAISERS - DISTRICT B – GALLOWAY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0145 ADOPTED.
  
11. ORDINANCE appropriating \$27,380.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Agreed Final Judgment in connection with the eminent domain proceeding styled City of Houston v. George V. Yancy, et al., to acquire Parcel D96-34, for the WCID Number 47 Clarifier (Buffer), Project File Number 4637-1; GFS/CIP R-0018-06-1- **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-69 ADOPTED.
  
- 11a. RECOMMENDATION from City Attorney to settle a lawsuit styled City of Houston v. George V. Yancy, et al, Cause No. 676,297, in connection with eminent domain proceeding for acquisition of Parcel D96-34 for **WCID NUMBER 47 CLARIFIER (BUFFER)**, Project File Number 4637-1; GFS/CIP R-0018-06-1- **DISTRICT E – TODD** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council

Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0146 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 16

**LOW BIDS**

12. **LAWMAN'S UNIFORM AND EQUIPMENT CO.** for Belts, Holders and Handcuff Cases for Police and Health & Human Services Departments - New and Replacement - \$116,325.00 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0147 ADOPTED.
13. **CI ACTUATION** for Actuators with Adapter Kits for Department of Public Works & Engineering New - \$15,348.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0148 ADOPTED.
14. **APPLE GLASS AND TRIM** for Automotive, Seat Covers and Upholstery for Various Departments Replacement - \$95,305.00 - General, Enterprise and Special Revenue Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0149 ADOPTED.

**OTHER**

**ORDINANCES** - NUMBERS 17 through 29

21. ORDINANCE appropriating \$104,500.00 out of General Improvements Consolidated Construction Fund and approving and authorizing first amendment professional services contract between the City of Houston and **BOVAY ENGINEERS, INC** for services relating to the Upgrade of Four Elevators in City Hall, CIP D-9999-03-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund **DISTRICTS H - VASQUEZ and I – CASTILLO** – had been pulled from the Agenda by the Administration, and was not considered.
26. ORDINANCE appropriating \$1,329,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **WHEATON CONSTRUCTION CO., INC** on low bid of \$1,183,593.50 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$15,000.00 for Water Main and Sanitary Sewer Extensions at various locations in Houston; GFS R-0801-CO-3 (10561-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG;**

**G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-70 ADOPTED.

27. ORDINANCE appropriating \$1,437,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **LAYNE-TEXAS, A Division of Layne Christensen Company** on low bid of \$1,288,740.00 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$15,000.00 for Construction of District 71 Water Well No. 4; GFS S-0100-04-3 (10494); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-71 ADOPTED.
28. ORDINANCE appropriating \$2,348,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **J&N INTERNATIONAL COATING, INC** on low bid of \$1,975,695.00 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$15,000.00 for Rehabilitation of Four Ground Storage tanks at Four Pumping Stations; GFS S-0600-22-3 (10521-22); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS E - TODD; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-72 ADOPTED.
29. ORDINANCE appropriating \$2,750,000.00 out of Airport Renewal and Replacement Fund, CIP A-0131 and A-0356, awarding construction contract to **ROOFTOP SERVICE COMPANY, INC** for Terminal C Reroofing at George Bush Intercontinental Airport/Houston (IAH), Project No. 490G **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-73 ADOPTED.

**Items removed from the Consent Agenda were considered as follows:**

### **MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN:**  
Position 2-**MS. ROGENE GEE CALVERT**, for a term to expire December 31, 2001  
Position 3-**DR. BOBBIE A. HENDERSON**, for a term to expire December 31, 2000  
Position 4-**DR. LINDA MCSPADDEN MCNEIL**, for a term to expire December 31, 2001  
Position 5-**MS. BLANCA O' LEARY**, for a term to expire December 31, 2000  
Position 6-**MR. FELIX FRAGA**, for a term to expire December 31, 2001  
Position 7-**DR. IRA COLBY**, for a term to expire December 31, 2000



Position 8-**MR. WORLEY A. BARKER**, for a term to expire December 31, 2001 - was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0150 ADOPTED.

3. RECOMMENDATION from Director Human Resources Department to settle Administrative Penalties Assessed by Texas Workers' Compensation Commission under Audit No. 99-312 \$40,151.00 - Workers' Compensation Administration Revolving Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo.

Council Member Robinson stated that he would like to know if the same company was involved that was handling the city compensation plan; and would like someone to visit with him; and Mayor Brown stated that someone would visit with him.

A vote was called on Item 3. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0151 ADOPTED.

### ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,096,260.49 and acceptance of work on contract with **RELIANCE CONSTRUCTION, INC** for Construction of Southampton Place Extension Water Main Replacement, GFS S-0474-01-3 (10421) - 09.94% under the original contract amount Enterprise Fund - **DISTRICT C – GOLDBERG** - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0152 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$117,498.05 and acceptance of work on contract with **JALCO, INC** for Construction of Water Backflow Prevention Program, GFS S-0700-BF-3 (10452) - 14.12% under the original contract amount - Enterprise Fund - **DISTRICTS A - TATRO; B - GALLOWAY and G – KELLER** - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0153 ADOPTED.

### PURCHASING AND TABULATION OF BIDS

#### OTHER

15. **OLYMPIC INTERNATIONAL TRUCKS, INC** for Allison Transmission Rebuilt and Repair Parts for Various Departments - \$285,833.73 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0154 ADOPTED.

16. **SAFETY SHOE DISTRIBUTORS, INC** for Footwear, Safety for Various Departments \$1,345,000.00 - General, Enterprise, Fleet Management, METRO and Street & Drainage Funds - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and was tagged by Council Members Robinson and Quan. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Robinson requested someone visit with him on the item; and Mayor Brown stated that someone would visit with each of them. Council Members Goldberg, Boney, Todd and Bell absent.

### **ORDINANCES**

17. ORDINANCE issuing a permit to **UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation**, for constructing, maintaining, operating and repairing a single track railroad crossing at Kellogg Street, Manchester Street and San Marcos Street, being public street rights-of-way of and within the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – CASTILLO** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-74 ADOPTED.
18. ORDINANCE amending Ordinance 1998-455 issuing a permit to **UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation**, for constructing, maintaining, operating and repairing two (2) single track railroad crossings at Liberty Road, being public street right-of-way of and within the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT B – GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. ORDINANCE 2000-75 ADOPTED.

Council Member Keller stated that he hoped that this year the worst they would do was a 50/50 with the railroad when allowing them to construct new lines; that he felt new and repaired lines should be at their cost. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Robinson stated that he would ask that Public Works and the various railroad entities that they work with come visit with the Transportation Committee so they could get an update on where they had been, where they were and where they were going; and Mayor Brown stated that would happen. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Castillo stated that while that committee met with the railroads maybe they could get some commitment from them to be more responsive to complaints received such as maintaining rights of way and eliminating trash and other nuisances in areas railroads went through. Council Members Goldberg, Boney, Todd and Bell absent.

19. ORDINANCE approving and authorizing submission of the budget for sexually transmitted disease prevention and control to the Texas Department of Health;

(TDH Contract No. 7460011640-00-02); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any; creating 3 new staff positions \$966,714.00 - Grant Fund – was presented, and was tagged by Council Member Sanchez. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Sanchez stated that for several weeks they had talked about Hepatitis C and he noticed there was no funding; that he was told by his staff when the grant was written it did not include Hepatitis C and Hepatitis C awareness and it was projected to be one of the biggest killers in the United States; that he as yet had not met with the medical director of this city to talk about any plans or future potential plans to educate citizenry on the issue; that he did not know if she didn't think it important enough or what, but he did receive a two page memo which was essentially the same information one could download from the Centers for Disease Control out of Atlanta but nothing in the memo addressed future policies on addressing the issue; and Mayor Brown stated that he would have her visit with him to share her plan.

20. ORDINANCE amending Ordinance No. 93-851, passed July 7, 1993, which approved and authorized submission of the 1993 Final Statement of Community Development Objectives and Projected Use of Funds (for the 19th Community Development Block Grant Year) to the United States Department of Housing and Urban Development under the authority of Title I of the Housing and Community Development Act of 1974, as amended, such ordinance having been previously amended by Ordinances Numbered 93-1203, 94-684, 95-262, 95-1023 and 96-1244 \$285,372.00 - was presented, and was tagged by Council Member Ellis. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Ellis stated that he would like someone from Parks and Housing to visit with him; and Mayor Brown stated someone from each department would visit with him. Council Members Goldberg, Boney, Todd and Bell absent.

Council Member Castillo moved to suspend the rules to hear from Mr. Oliver Spellman, and was seconded by Council Member Parker, All voting aye. Nays none. Council Members Goldberg, Boney, Todd and Bell absent. MOTION 2000-0155 ADOPTED.

Council Member Castillo stated that he and Mr. Spellman had visited on the phone and he had misunderstood the original intent of the item; and asked Mr. Spellman to explain to Council the intent and whether there was any time urgency. Mr. Spellman stated that between 1993 and 1997 the Parks Department and Public Works Department had a very aggressive schedule in their Parks to Standard Program, about \$52,000,000 was set aside for park development and of that there was a combination of CDBG dollars and bond dollars; that there was a surplus of \$1.2 million from those years and they had been encouraged by Housing and Community Development to spend it between now and April; that separate from that they were approached by the Gragg family who had donated property on Wayside near the Parks headquarters, there were about 12 acres adjacent to the headquarters and it was a public park they were

proposing to sell and they believed there were long-range possibilities for the city and it fit in with the timeframe of reprogramming the \$1.2 million into two projects and then they would be able to move forward and be eligible for future CDBG funds; that he recommended to the department that he needed a commitment no later than the end of February and Mr. Cheatham, of the Legal Department, advised that they recommended closing by February 15; and he agreed keeping the property in the city's jurisdiction opened possibilities. Council Members Goldberg, Boney, Sanchez and Bell absent.

Upon questions by Council Member Ellis, Mr. Spellman stated that the \$1.2 million was with the Parks Department and the surplus applied to Neighborhood Protection. Council Member Ellis stated that his main concern was they were taking it out of all other districts and putting it into District I; that the money had sat idly since 1993 in some cases and 1996 in others; and Mr. Spellman stated that it was appropriated in 1993 in some cases but it had been available between fiscal year 1994 and 1997 and it had not drawn down. Council Members Goldberg, Boney, Sanchez and Bell absent.

Upon questions by Council Member Vasquez, Mr. Spellman stated that regarding the Parks Standard Program they were currently involved in Phase II with a balance of about \$19,000,000, again those dollars were pretty much committed to projects even prior to his arrival and they were proposing looking at significant funding in future years so they were working with Finance and Administration and reviewing a preliminary Parks Massive Plan and funding options and how it would affect the overall city capital budget; that they were looking for funding for Phase III. Council Members Boney and Bell absent.

Upon questions by Council Member Quan, Mr. Spellman stated that he would defer to Mr. Loftin with Housing and Community Development; and Mr. Loftin stated that funds would not be lost, but the Federal government required the city to continue spending its grant funds at a significant rate and they were measured on their basis of performance every April so they used that date as a measurement mark for the city to keep a continuing awareness of city departments as to how important it was to keep projects moving and the particular amount of money was in no danger of being lost but it was important to keep it programmed for active projects; that there were no funds in a reserve fund per se; that they were constantly evaluating projects to see when they were finished and if funds needed to be reallocated to an existing project for a different purpose or made available for a different program, it was an ongoing process; that the uncommitted balance was relatively small, but he would have to get the number for him. Council Members Boney, Vasquez, Bell and Robinson absent.

Upon questions by Council Member Ellis, Mr. Spellman stated that they would like to acquire the park prior to February 15, and the one week tag would not circumvent them from that. Council Members Boney, Vasquez, Bell and Robinson absent.

Council Member Castillo stated that he thought the issues which needed to be heard had and he would like to add that in Community Development it was a program funded with Housing and Urban development grant funds and you did not draw down all the money at the beginning of the program year, but on a quarterly basis and as needed, but at the same time as the projects were completed and surplus funds were left over they were accumulated and then had to go somewhere and the worst thing to do would be to split them 14 ways, it was most important to put them in projects that were feasible

and that would have an impact on the original intent which was to help communities in distress and he would encourage his colleagues to look favorably on the project when it came up. Council Members Boney, Vasquez, Bell and Robinson absent.

Council Member Todd stated that he had wanted to speak on Item 19, he supported the item and had a good conversation with the Health Department yesterday on Hepatitis C and their plan was to wait until the federal government or state had a plan, Houston was not taking a lead on it and he disagreed with the approach which he indicated to the Health Department; that one of the things Houston was known for was the quality of the medical center, the quality of health care, and this was a perfect issue to take a lead on; that he asked her to explore the city and county teaming up with the hospitals to get money to develop a plan and not only would they be doing good for those in the area but it would further advertise the fact they were a quality healthcare city; that they spent a lot of money each year trying to get stories in newspapers and if Houston was the first city to come up with a serious plan they would be guaranteed free publicity all over the country and possibly around the world and he would encourage the Administration to support that. Council Members Boney, Keller, Vasquez, Bell and Robinson absent.

Council Member Todd yielded to Council Member Parker who stated that she was currently putting together future agendas for Neighborhood Protection and the Quality of Life Committee which had the Health Committee rolled into it and she would assure him that they would be examining the Hepatitis C issue and what the city's plans were and she did share his and Council Member Sanchez's interest in it and they would continue to work with the Health Department to make sure they had a comprehensive plan and she would let him know when it was going to be on their Agenda. Council Members Boney, Keller, Vasquez, Castillo and Bell absent.

Council Member Galloway stated that she was very interested in the Hepatitis C issue as well and she also wanted preventative measures in place and she applauded all those who wanted to see this go. Council Members Boney, Vasquez, Castillo and Bell absent.

20a. ORDINANCE amending Ordinance No. 94-675, passed July 6, 1994, which approved and authorized submission of the 1994 Final Statement of Community Development Objectives and Projected Use of Funds (for the 20th Community Development Block Grant Year) to the United States Department of Housing and Urban Development under the authority of Title I of the Housing and Community Development Act of 1974, as amended, such ordinance having been previously amended by Ordinances Numbered 95-1024 and 96-1245 - \$218,396.00 – was presented, and was tagged by Council Member Ellis. Council Members Boney, Vasquez and Bell absent.

20b. ORDINANCE amending Ordinance No. 95-743, passed June 28, 1995, as subsequently amended, which approved and authorized submission of the 1995 Consolidated Plan and the grant application for the 21st Community Development Block Grant (“CDBG”), among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title I of the Housing and Community Development Act of 1974, as amended - \$1,112,294.00 – was

presented, and was tagged by Council Member Ellis. Council Members Boney, Vasquez and Bell absent.

- 20c. ORDINANCE amending Ordinance No. 96-665, passed June 26, 1996, as subsequently amended, which approved and authorized submission of the 1996 Consolidated Plan and the grant application for the 22nd Community Development Block Grant (“CDBG”), among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title I of the Housing and Community Development Act of 1974, as amended - \$593,370.00 – was presented, and was tagged by Council Member Ellis. Council Members Boney, Vasquez and Bell absent.
- 20d. **NOTE: CONSIDERATION OF THIS ITEM IS CONTINGENT UPON THE PASSAGE OF ITEM NOS. 20, A, B AND C**  
ORDINANCE approving the purchase of approximately 11.96 acres of land (Parcel No. B92-3), out of the Luke Moore Survey, Harris County, Texas, for Park and Recreational uses by the Parks and Recreation Department; authorizing the Mayor to execute a purchase and sale agreement with the Billy H. Gragg, et al., to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed \$834,000.00 out of Community Development Block Grant Funds - **DISTRICT I – CASTILLO** – was presented, and was tagged by Council Member Ellis. Council Members Boney, Vasquez and Bell absent.
22. ORDINANCE approving and authorizing first amendment between the City and **BLACK & VEATCH CORPORATION** for Design of Water Line Replacement in the North Noble Area **DISTRICTS B - GALLOWAY and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Members Boney, Vasquez and Bell absent. ORDINANCE 2000-76 ADOPTED.
23. ORDINANCE appropriating \$220,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC D/B/A SCIENTECH** for Design of City-wide Bridge Improvements under negotiated work orders of CIP N-0445n-20-2 (SB9005); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Boney, Vasquez and Bell absent. ORDINANCE 2000-77 ADOPTED.
24. 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 **ROY F. WESTON, INC** for Design of Neighborhood Sewer Rehabilitation at various locations, CIP R-0266-96-2 (WW4764); 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 Members Boney, Vasquez and Bell absent. ORDINANCE 2000-78 ADOPTED.
25. ORDINANCE appropriating \$1,124,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional



services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Northeast Water Plant Well Collection Line and Flow Meters for various facilities, CIP S-0936-04-2 (WA10605); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - BONEY; E - TODD; G - KELLER and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Boney, Vasquez and Bell absent. ORDINANCE 2000-79 ADOPTED.

**The Non Consent Agenda (Items 30 and 31) were considered as follows:**

**MISCELLANEOUS**

30. **SET A PUBLIC HEARING DATE** regarding the request to extend the western boundary of the **LOWER WESTHEIMER BANNER DISTRICT - DISTRICT D - BONEY** **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - FEBRUARY 9, 2000** – was presented, Council Member Sanchez moved to accept the hearing date as suggested, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney, Vasquez and Bell absent. MOTION 2000-0156 ADOPTED.
  
31. **SET A PUBLIC HEARING DATE** on recommendation from Director Planning & Development Department to consider creation of a Reinvestment Zone for the **SONANGOL USA - DISTRICT G - KELLER** **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE** – was presented, Council Member Parker moved to accept the hearing date as suggested, and seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0157 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 46

33. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 3 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0158 ADOPTED.
  
34. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt 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 – (This was Item 8 on Agenda of January 26, 2000,**

**TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0159 ADOPTED.

35. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt 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 - (This was Item 9 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0160 ADOPTED.
36. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt 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 - (This was Item 10 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0161 ADOPTED.
37. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt 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 – (This was Item 13 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0162 ADOPTED.
38. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt 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 – (This was Item 14 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER CASTILLO)** – was presented.

Council Member Castillo stated that last week he had tagged the item because in their walkthrough of the project the roof leaked and there was peeling paint on the ceiling and a problem with the basketball court, but he had talked with Mr. Spellman and some inspectors and the problem with the basketball surface not being done correctly was out of warranty and there was no way to recover; that there was still the question of the leaking roof but in speaking with Mr. Spellman he assured him it would be taken care of so rather than holdout the payment of the insurance company he would not tag it, but

he wanted it on record he expected Mr. Spellman to get the roof fixed; and Mayor Brown stated that was so noted. Council Members Boney and Bell absent.

A vote was called on Item 38. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0163 ADOPTED.

39. MOTION by Council Member Boney/Seconded by Council Member Goldberg to adopt 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 - (This was Item 15 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0164 ADOPTED.

39. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 - **This was Item 17 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller moved to postpone Item 40 one week, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-0165 ADOPTED.

41. 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 – **(This was Item 31 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ and TODD)** – was presented. All voting aye. Nays none. Council Members Boney and Bell absent. ORDINANCE 2000-80 ADOPTED.

42. 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 - (This was Item 32 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented. Council Member Todd voting no. Balance voting aye. Council Members Boney and Bell absent. ORDINANCE 2000-81 ADOPTED.

43. 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 – (This was Item 42 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Members Boney and Bell absent. ORDINANCE 2000-82 ADOPTED.

44. 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 - **(This was Item 45 on Agenda of January 26, 2000, TAGGED BY COUNCIL MEMBER QUAN)** - was presented. All voting aye. Nays none. Council Members Boney and Bell absent. ORDINANCE 2000-83 ADOPTED.

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

Council Member Galloway stated that she wanted to encourage citizens of District B to attend their Capital Improvement meeting 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.; that last night a member of her staff visited Council Member Boney's CIP meeting and reported it was exciting, informative and well arranged and that it had been well attended and again encouraged all to attend. Council Members Boney and Bell absent.

Council Member Galloway thanked Mayor Brown for the notice of his "Mayor's Night In" meeting to be held Thursday, February 10, 2000, from 7:00 p.m. to 9:00 p.m. at City Hall, 901 Bagby. Council Members Boney and Bell absent. Mayor Brown stated that he would mention he had invited all Council Members to attend his Night In Meeting and he hoped they would take advantage of the invitation. Council Members Boney and Bell absent.

Council Member Quan stated that the next two weeks would mark an important period for the Asian community in Houston as they celebrated the Lunar New Year, Year of the Golden Dragon, which only occurred once every 60 years; that it was a year of extreme prosperity and good luck; that he wanted to extend to all an invitation to attend celebrations which were Saturday, Sharpstown Center; Sunday at the Astro Arena; and following Saturday and Sunday in Downtown China Town; and he hoped they would all take advantage of that opportunity. Council Members Boney and Bell absent.

Council Member Vasquez stated that he wanted to share what a great job Mr. Bass was doing in Solid Waste; that he had worked closely with his office on a number of issues and he wanted to applaud him. Council Members Boney and Bell absent.

Council Member Vasquez stated that he was very pleased they were having discussions of extending the Main Street Project; that he did not think it should be limited to the artificial boundaries of the Art District or its link to downtown; that he thought the

benefits would be doubled by growing north and south and he looked forward to the discussions. Council Members Boney and Bell absent.

Council Member Keller stated that in the wake of the budget priorities he enjoyed all the work put forth, but he wanted to point out some things that maybe they could consider; that Houston had received a C plus in the newspaper on its rating and he felt some things would be improved on greatly, but he would like them to take head in that in two of the past three years Houston had been one of the few cities to have revenue come in under rather than over projections. Council Members Boney and Bell absent.

Council Member Keller stated that it was obvious with any municipality there would be numerous approval levels required within departments, but it was noted one of the largest departments actually required 67 steps with 19 approval levels before a purchase could be made.

Council Member Castillo stated that he wanted to invite residents of District I to their townhall meeting for budgeting purposes on February 17, 2000, at the E. B. Cape Center located at 4501 Leeland from 6:30 p.m. to 8:30 p.m.. Council Members Boney and Bell absent.

Council Member Castillo stated that they were having a Job Fair at Austin High School on February 19, 2000, to test for jobs with the US Census and it would also be offered in Spanish for bilingual workers; and if anyone needed more information they could call the City's Census Hotline at 713-COUNTUS. Council Members Boney and Bell absent.

Mr. Hall stated that he wanted to introduce a young student as a part of Colin Powell's national program, Mr. Victor Anaha, a ninth grade student at Westbury High School; and Mayor Brown welcomed him to City Hall and to the Council Meeting. Council Members Boney and Bell absent.

There being no further business before Council, the City Council adjourned at 10:24 a.m. upon MOTION by Council Member Galloway, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary