

City Council Chamber, City Hall, Tuesday, February 15, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, February 15, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Martha Stein, Agenda Director; Ms. Linda Layton, Agenda Office present. Council Member Carol M. Galloway absent on city business. Council Member Carroll G. Robinson absent on personal business.

At 2:01 p.m. Mayor Brown called the meeting of the City Council to order, and Council Member Bell led everyone in prayer and pledge of allegiance.

At 2:02 p.m. Mayor Brown requested the City Secretary to call the roll. Council Member Galloway absent on city business. Council Member Robinson absent on personal business. Council Members Boney, Todd and Keller absent.

Council Members Castillo and Quan moved that the minutes of the preceding meeting be adopted. Council Member Galloway absent on city business. Council Member Robinson absent on personal business. Council Members Boney, Todd and Keller absent.

At 2:03 p.m. Mayor Brown requested the City Secretary to call the list of speakers. Council Members Boney, Todd and Keller absent.

Council Member Quan moved to suspend the rules to hear all speakers on the Westheimer Street Festival together, and was seconded by Council Member Tatro.

Council Member Vasquez stated that the last time Council did this they engaged in a lengthy discussion with each and every individual and he would hope that would not happen in this instance; that they listen to their comments, but not engage in lengthy discussions. Council Members Boney and Todd absent.

A vote was called on the motion to hear all speakers on the street festival at the same time. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Robinson absent on personal business. Council Members Boney, and Todd absent. MOTION 2000-0202 ADOPTED.

Ms. Natalia Gormley, 66 Saddlebrook, Houston, Texas 77024 (713-290-0882) appeared and stated that she was secretary of the Saddlebrook Property Owners Association and representing the group; that they received a letter from Public Works acknowledging their flooding problem and she wanted to appear in support of Council voting for their issue, Item 23, to show their concern; and thanked Council Member Keller's office for their help. Council Members Boney and Todd absent.

Mayor Brown stated that they certainly understood the importance and nature of the problem and intended to do something about it. Council Members Boney and Todd absent.

Council Member Keller stated that he appreciated them showing up and the sweat equity they put in to get the project put forth. Council Members Boney and Todd absent.

Ms. Mariana Lemesoff, 411 Westheimer, Houston, Texas 77006 (713-478-3567) appeared and spoke in favor of the Westheimer Street Festival, stating that she was a resident and property owner on Westheimer and during the hearing for the festival she intended to be an intervener and was denied the right; that the Ordinance and hearing rules stated that anyone who resided or worked in the area was qualified to be one and she believed it was in writing so people could not place their own interpretation; that she believed Mr. Bibler's decision was unfair considering there was not enough proof. Council Members Boney and Todd absent.

Upon questions by Council Member Bell, Ms. Lemesoff stated that she was able to speak for three minutes but when she asked a question she was told she was not allowed to ask it so it was not fair, she had no chance to defend issues as she was given the right to be an intervenor; and before the hearing Mr. Florez had asked Mr. Bibler how many could he bring to be intervenors and was told none. Council Members Boney and Todd absent.

Council Member Bell moved to suspend the rules to hear from Mr. Bibler, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Robinson absent on personal business. Council Members Boney and Todd absent. MOTION 2000-0203 ADOPTED

Council Member Bell asked that Mr. Bibler explain the procedure followed at the hearing. Mr. Bibler stated that the concept of an intervener in an Administrative proceeding like the one being discussed was typically someone who was opposed to the issuance or permit and giving them intervener status allowed them to participate in the hearing and more importantly it allowed them to appeal the decision in case the permit was granted; that what he explained to Mr. Florez was that those in favor or support of him did not have to be intervenors he could call them as witnesses and they could testify to whatever he wanted and he was allowed to question them; that even those on either side were allowed to speak on the matter for three minutes; and for those who were not called by either party the hearing officer imposed a time limit. Council Members Boney, Todd and Keller absent.

Mr. Jack Rose, 805 Harold, Houston, Texas 77006 (713-460-0264) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd and Keller absent.

Mr. Ed Gonzales, 239 Westheimer, Houston, Texas 77006 (713-526-2759) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd and Keller absent.

Mr. Jeffrey Cole, 2609 Crocket Street, Houston, Texas 77006 (713-528-7578) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd and Keller absent.

Mr. Scott Harbers, 300 Drew, Houston, Texas 77006 (713-526-7708) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd and Keller absent.

Mr. Joseph Ramuni, 1111 Westheimer, Houston, Texas 77006 (713-522-9888) appeared and spoke in opposition to the festival stating that he was co-owner of Crossroads Market and involved in the hearings and wanted to speak to the business issues surrounding the festival; that the festival was primarily characterized by drinking and if you had a business in the area it had a severe impact unless you were a drinking establishment; that the ordinance spoke to issues such as did it affect a business and his had closed on several occasions because of it and the weekends were a great deal of their business so it did affect it; that if there was a fire the nature of the spectacle would be such the engines would not be able to get through; and urged Council Members to uphold the decision. Council Members Boney, Todd and Keller absent.

Ms. Elisabeth Barrett, 405 Stratford, Houston, Texas 77006 (713-522-3361) appeared and stated that she and her husband Lived in Avondale and enjoyed the area and the festival; that they were not opposed to the festival, but did not enjoy what it did to the neighborhood or their property; that during that weekend people could not visit them and they could not leave and urged Council Members to uphold the decision on denial of the permit. Council Members Boney, Todd and Keller absent.

Mr. Carlo Cagna, 403 Westheimer, Houston, Texas 77006 (713-874-1100) appeared and spoke in favor of the festival stating that he was a business owner at 403 Westheimer and without the income of the festival he would not be able to pursue being a business owner; that the festival was well maintained and if there was an emergency there were enough officers to take care of it; that it was only four days a year; and was for the festival. Council Members Boney, Todd and Keller absent.

Mr. Alex Lozano, 22819 Postgate, Spring, Texas, 77373 (281-443-1825) appeared and spoke in favor of the festival stating that the festival brought cultures together and promoted harmony and friendship; that he spoke to people in different parts of the country and they said nothing but good about it; that his mother took him and now takes her grandchildren; that thousands of people per weekend could not be wrong; and he was very much Houston proud and thanked Council for their time. Council Members Boney, Todd and Keller absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd and Keller absent.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6542) appeared in favor of the festival stating that Mr. Bibler was not sure what the situation was on Ms. Lemesoff, but from the record, page 156 she was trying to ask him a simple question and the hearing officer said she could speak but not ask questions and that was what happened to the pro-festival business owners and property owners; that the ordinance said anyone affected by the festival should be an intervener and the hearing rules repeated that. Council Members Boney, Todd and Keller absent.

Upon questions by Council Member Bell, Mr. Florez stated Mr. Bibler said no one could intervene on his side and unless the city had a definition of intervener not made public which changed the ordinance then he would beg the city to be more fair; that no where in the ordinance did it say an intervener had to be against the festival and he was upset it was being twisted to mean something else. Council Members Boney, Todd and Keller absent.

Upon questions by Council Member Quan, Mr. Florez stated that he identified 41,000 parking spaces within the shuttle area which was east of the festival, but if someone saw a closer spot and it was legal to park they would; that they were required by the city to provide a certain amount of officers and had provided 140 over the weekend; and if the urinals were full they would be emptied. Council Members Boney and Todd absent.

Upon questions by Council Member Goldberg, Mr. Florez stated that he had a video which showed an ambulance coming through the middle of the festival; that Moses was not there but the people parted. Council Members Boney and Todd absent.

The City Secretary stated that two of the prior speakers called were now in the audience and recalled Mr. Ed Gonzales and stated to follow him would be Mr. Jeffrey Cole. . Council Members Boney and Todd absent.

Mr. Ed Gonzales, 239 Westheimer, Houston, Texas 77006 (713-526-2759) appeared and spoke in opposition to the festival stating that he was treasurer for the Neartown Association and chairman of the Street Festival Taskforce; that he felt the decision of the hearing was appropriate and he had a list of businesses against the festival which dated back to 1996 so it was not a new circumstance; that in June 1999 Council amended the street closure permit application process and provided for community input and now for the first time they had a voice; that he had a list of citations issued by the Texas Alcohol and Beverage Commission during the two events last year and they totaled 104; that the calls for service in April 1996 they had 57 calls and on the event they had 179 calls and the weekend after 70 calls; that the list for 1999 calls would be available next week; and he urged all to support the hearing results. Council Members Boney and Todd absent.

Council Member Sanchez moved to hear speakers from Kingwood after the street festival speakers, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Robinson absent on personal business. Council Members Boney and Todd absent. MOTION 2000-0204 ADOPTED.

Mr. Jeffrey Cole, 2609 Crocket Street, Houston, Texas 77006 (713-528-7578) appeared and spoke in opposition to the festival stating that he was with the Avondale Association and on the Neartown Board; that his opposition did not stem from a battle with Mr. Florez but that the function unreasonably interfered with the flow of traffic and enjoyment of his property; that Mr. Florez stated Avondale was a trashy neighborhood and he was told in no uncertain terms the festival should not go on without a permit, but in blatant defiance he stated time and time it would go on as it was a spontaneous event; and closed by reading a crude cartoon from a publication of Houston's Other entitled "Life In The Big City". Council Member Todd absent.

Council Member Boney stated that he was involved in city business during most of the discussion, but had met with Mr. Florez and neighborhood constituents to try and mediate; that he understood they were now faced with the appeal and if it was not granted it was his strong feeling that the laws of the city should be enforced, they did have the right to put the festival on without the permit but not the right to block streets, etc. and he believed there were too many people for it to not be regulated and planned; and upon questions, Mr. Bibler stated that if there was no permit for the festival they would not be allowed to obstruct the street and they should not wander around with cans of beer and probably there were all sorts of laws that could be violated but he hoped it would not come to that and hoped some threats made were not real; that if there were unfortunate incidents there may possibly be liability issues regarding the organizer though he did not know if the organizer had any wherewithal for it to make any difference. Council Member Boney stated that he would urge Mr. Florez that if a permit was not granted there be no effort to convene the festival without a permit and would appeal both festival organizers and Administration to work together and find an alternative location. Council Member Todd absent.

The City Secretary stated that was all of the street festival speakers and now Council would move to the Kingwood speakers. Council Member Todd absent.

Ms. Tracey Carlton, 2115 Lawson Creek, Kingwood, Texas 77339 had reserved time to speak, but was not present when her name was called. Council Member Todd absent.

Mr. Bill Wiener, 2306 Willow Point Dr., Kingwood, Texas 77345 (281-358-4142) appeared and stated that he was asked to speak on behalf of a group of concerned Kingwood residents who scheduled themselves to speak today on the subject of a great concern, but in light of the tragic loss of two of their firefighters they would like to postpone their remarks until next week; that he was canceling the scheduled time of the others who were to appear today and asked that they all be enrolled on the speakers list for next Tuesday, February 22, 2000, and instead of speaking today would like to offer their sincere condolences to the family of Mr. Lewis Mayo and Ms. Kimberly Smith as they understood and shared the sorrow. Council Member Todd absent.

The City Secretary stated that she would now begin calling speakers in their regular order. Council Member Todd absent.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA34511) had reserved time to speak, but was not present when his name was called. Council Member Todd absent.

Mr. Douglas Caddy, 7941 Katy Freeway, Houston, Texas 77024 (713-867-3476) appeared and stated that he was an attorney in Houston and a year ago became active in a group called Corporate Justice whose general aim was to monitor misconduct by law enforcement and help bring about an independent civilian review board; that last April he and the group went to Chief Bradford's office and asked if he wanted to file a complaint could he get the form at any station and was told he could so three hours later he went to the Beechnut Station and asked for a form and was denied; that he reported it to the Mayor and Council in April 1999 and the Mayor said he should meet with the

Chief and straighten it out; that he received a letter from the Chief last June saying he had instructed that the English and Spanish versions of the IAD Police Brochures be visibly displayed at all stations and storefronts and be readily available in the Internal Affairs Division; that last Sunday he went back to the Beechnut Station and asked again and no one knew what he was talking about and it was not visible, the officer behind the counter said she was not familiar with how a citizen filed a complaint and another officer took him to the sergeant who did not know of the brochure and had never seen it and that raised a larger question; that they had met with Council about a civilian review board and many members of Council were sympathetic to it but the Mayor set the Agenda and was against it, therefore they were taking the position now to resort to petitioning the U. S. Department of Justice to impose a Civilian Review Board upon the Police Department as done in the last few months in other cities; that they were petitioning the Justice Department to negotiate with HPD about the matter if they failed to do so to file a law suit; that they were secondly distributing brochures so people who had complaints about police could contact them and they would provide them a list of attorneys so they could file lawsuits such as the one filed last July; and thirdly they were going to erect a monument to the victims of HPD brutality, misconduct and abuse, there was a monument to the police and they thought there should be a monument to the victims which would be an internal flame placed on property in Houston. Council Member Todd absent.

Upon questions by Mayor Brown, Mr. Caddy stated that Corporate Justice had not filed a lawsuit against the City of Houston, their petition was just sent in yesterday to the Justice Department. Council Member Todd absent.

Council Member Parker stated that she was concerned about Mr. Caddy's statement that the brochures were not available at the storefronts and substations and she hoped that the Mayor would follow-up on it; that she also hoped the representative of HPD present today in the Chamber would follow-up and see why they were not available. Council Member Todd absent.

Council Member Sanchez stated that what the speaker pointed out was something he had experienced in his office and from one ethnic group of the city, the Hispanic community, he was concerned and if there were not forms placed at the locations there should be; and he would like answered the question of what was the policy of the Houston Police Department in terms of assisting a citizen with a complaint form and he brought it up because he was contacted by a citizen who had tried to file a complaint and thought he received the runaround at the central location, but there should be ways a citizen could walk in any station and see a form and explanation on how to fill it out and he would like to see the policy and form if there were any; and Mayor Brown stated that he would follow-up, there should be policies and he would make sure all received copies and if there were no policies he would make sure some were developed and he agreed it should be easy to file allegations of alleged misconduct by officers.

Council Member Boney stated that he had considerable experience in filing complaints against the police department and against police officers and there were clearly policies and procedures followed and written and available and there was also a timeline to where the investigation must start and end; that he often recommended to citizens that they write it out and then take it in and they would be asked to swear to it and it worked two ways because officers were also concerned about a fair process.

Council Member Boney yielded to Council Member Sanchez who stated that he would agree but it was intimidating to try and air a complaint and have to go to the department to swear it was true, they should know that they could also go to a notary and swear and a pamphlet could explain all that.

Mr. Caddy stated that he suggested last April that a citizen should be able to download the form on his computer, fill it out and print it and then have it notarized and sent in and the Chief said he would consider it, but that was months ago also.

Mayor Brown stated that when citizens came before the Council body alleging misconduct on behalf of police officers it was the policy of Council to swear them in prior to their statements; that a number of years ago the Houston Police Department went through a process of accreditation and it was a national process and they received the accreditation and he would make sure the policies discussed today were made available to those who wished to have them.

Ms. Rita Daniels, 5818 Juniper Knoll Ln., Kingwood, Texas 77345 (713-241-4242) had reserved time to speak, but was not present when her name was called as she was rescheduling for next week as stated earlier by Mr. Bill Wiener.

Mr. Andy Holland, 13114 Aurrywood, Sugarland, Texas 77478 (281-240-0659) had reserved time to speak, but was not present when his name was called.

Ms. Tracey Carlton, 2115 Lawson Creek, Kingwood, Texas 77339 had reserved time to speak, but was not present when her name was called as she was rescheduling for next week as stated earlier by Mr. Bill Wiener.

Ms. Elizabeth Gruhn, 2203 Willow Point, Kingwood, Texas 77339 (281-358-2791) had reserved time to speak, but was not present when her name was called as she was rescheduling for next week as stated earlier by Mr. Bill Wiener.

Ms. Susan Thobe, 3614 Valley Haven, Houston, Texas 77339 (281-358-8306) had reserved time to speak, but was not present when his name was called.

Ms. Patricia Prather, P. O. Box 23320 (713-633-1125) appeared, presented information to Council Members and stated that she was the executive director and founder of the Texas Trailblazer Preservation Association which was now in their tenth year with support from the city for eight of those years; that she was present to thank them for the support and to share their latest copy in their ongoing Texas Trailblazer series; that the purpose of their organization was to educate all on contributions by African American leaders with this addition being on Mr. Richard Brock who was one of the first African American law makers for Houston.

Council Member Boney thanked Ms. Prather for her good work and asked that she send a complete set to his office; and Ms. Prather stated this was the fifty first in the series and she would be glad to send them.

Council Member Parker stated that Ms. Prather also operated a museum and invited her to give information on that; and Ms. Prather stated that she took her parents

home in the Fifth Ward and turned it into a community history center and about once a week students go through, it's about an hour tour and by appointment and if anyone was interested they could call 713-673-3311 and they welcomed any groups.

Mr. Steven Williams (no address or phone number) had reserved time to speak, but was not present when his name was called.

Ms. Leticia Garcia, 8506 Glenbrae, Houston, Texas 77061 (713-641-1709) had reserved time to speak, but was not present when her name was called.

Mr. Glenn Miller, 9814 Buffum, Houston, Texas 77015 (713-520-8016) appeared and stated that he was present to support Item 14 which would give authorization to the Parks Department to make application to the Texas Parks and Wildlife Department for funds to be used throughout the city at park centers and he hoped Council would also support the item as the Parks Department had a master plan and it would be greatly beneficial.

Mr. Kenneth Horn, 7202 Colton, Houston, Texas 77016 (713-633-1667) had reserved time to speak, but was not present when his name was called.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 had reserved time to speak, but was not present when her name was called.

Mr. Richard Healy, 3131 Timmons Ln., Houston, Texas 77027 (713-629-4661) had reserved time to speak, but was not present when his name was called.

Mr. Jim Waters, 2039 Pine River Dr., Kingwood, Texas (281-351-3174) had reserved time to speak, but was not present when his name was called as he was rescheduling for next week as stated earlier by Mr. Bill Wiener.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called.

President Joseph Charles, P. O. Box 53831, Houston, Texas 77052 (713-699-8968) appeared, presented information to Council and stated that he was the forty third President of the United States and seeking reelection; that he was also asking for emergency protection to be provided

At 2:58 p.m. upon motion by Council Member Castillo, and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m. Wednesday, February 16, 2000. Council Member Galloway absent on city business. Council Member Robinson absent on personal business.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 16, 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; Ms. Martha Stein, Agenda Director; and Ms. Linda Layton Agenda Office, present.

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

MAYOR'S REPORT

HEARINGS

1. **HEARING** to consider creation of a Reinvestment Zone for the **SONANGOL USA - DISTRICT G - KELLER - 9:00 A.M.** – was called.

The City Secretary stated that no speakers had signed up to speak on the matter and Mr. Bill Calderon of Planning and Development would make opening remarks. Council Members Goldberg, Boney, Todd, Keller, Vasquez, Parker and Robinson absent.

Mr. Bill Calderon, Assistant Director Planning and Development, stated that the hearing was on a tax abatement application filed with the city by Sonangol USA on January 10, 2000, and amended by letter and on January 21, 2000, considered complete; that they were a subsidiary of Sociedad Nacional de Combustiveis de Angola, a state-owned national oil company of the Republic of Angola in West Africa; that they operated a crude oil marketing and trading operation in the United States, Brazil, Germany, France and the United Kingdom; that the Houston office was the second of two located outside of West Africa with the other being in London; that they were exploring expansion of their U. S. Operation and the proposed location was a 4.3 acre tract on Enclave Parkway just north of the Sandbridge intersection located in District G; that they were proposing construction of a 40,000 square feet office building with total development cost on the project being \$8.3 million with debatable improvements of \$5.8 million; that Sonangol currently employed nine employees and the proposed project would add an additional 20 full-time jobs during the first three years; that if this was approved the city's average annual income during the abatement period would go up by a little more than \$27,000 a year and after the abatement period the annual revenue would go up by an additional \$49,000 over current revenues; that Sonangol had requested a variance to delay the start of the abatement period to January 1, 2002, they were a Greater Houston Partnership client and that concluded his comments, but Mr. Baptiste Sumbe, President of Sonangol USA was present and available to answer questions and representatives of the Greater Houston Partnership were also available.

Council Member Castillo moved to suspend the rules to hear from Mr. Sumbe, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Gallwoay, Goldberg, Boney and Vasquez absent. MOTION 2000-0205 ADOPTED.

Mr. Sumbe appeared at the podium; and Council Member Castillo stated that he wanted to give him an opportunity to speak. Mr. Sumbe stated that most of the information was included in Mr. Calderon's briefing; that they opened in 1997 and since then were successful in their activities; that they very much expected to get the incentive from Houston to convince their parent company that Houston was the place to stay, the

oil industry was concentrated here and he would very much like to be a part of it. Council Member Boney absent.

Council Member Todd stated that he had no questions for Mr. Sumbe and thanked him for coming, but had questions for the Administration; that in the backup it mentioned a possibility of direct air service between the US and Angola; and upon questions, Mr. Calderon stated that they were interested in a direct air service route, at this point there were only two flights available on a weekly basis which had to be booked months in advance, but that was not factored into the abatement and the fact that the FAA had not issued any security as yet had no affect on the decision for the abatement. Upon further questions, Mr. Calderon stated that Sonangol had an office in Houston and it was different to the Paul Corporation in that in this case the application provided a copy of a purchase agreement they would buy from the Sysco Corporation for the project so they were not committed to the tract of land at this time; that the shares of the corporation were owned by the government in Angola, but if there was a change in government he did not think it had an affect on the contract though he would check for him. Council Members Boney, Vasquez and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Calderon stated that he was familiar with a Houston oil company who recently sent employees to a dangerous area and had a judgment against them for not providing for their safety; that there was an outstanding warning from the State Department to Consular offices on conditions in Angola, but when evaluating applications they do it on the basis of the criteria and abatement ordinance, etc., and that was not factored. Council Member Sanchez read the warnings issued by the State Department against U. S. Citizens traveling to Angola because of the military conflict and violent crime, etc., and stated that he felt the warnings should be evaluated and taken into consideration. Council Member Vasquez absent.

Upon questions by Council Member Tatro, Mr. Calderon stated that the parent company had been in existence over 24 years and Sonangol had existed since November 1997 when they first came to Houston at their Post Oak location. Council Member Vasquez absent.

Council Member Boney stated that the city had been looking at Angola for some time and with many nations there were various state department warnings and this issue was clear; that the relations with the city were primarily economically driven and the primary question with Sonangol was did they qualify for the abatement and they did; that the Greater Houston Partnership strongly urged support in the efforts; that they also had a large oil reserve and to get the greatest benefit they needed to get there first; and he strongly urged Council Members to vote for the item.

Upon questions by Council Member Quan, Mr. Calderon stated that the abatement would start in 2002 and it would be monitored, pursuant to the agreement they received annual reports from the company and then audit them to see that they made the investment set forth in the agreement and created the jobs set forth; that their pattern of practice when finding companies who had defaulted was to either move for termination and or negotiate a recapture of a portion and share of their abated revenues.

Council Member Castillo moved to suspend the rules to hear from a representative of the Greater Houston Partnership, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0206 ADOPTED.

A representative of the Greater Houston Partnership appeared and stated that he wanted to respond and offer a couple of observations on the project; that the partnership's responsibility was to market Houston domestically and internationally and they had been working with Sonangol and their representatives since June of last year and they felt it very important for the City of Houston to encourage international investment; that with Sonangol's presence and their purchasing power they were ideal to situate in the community; that U. S. companies had been doing business in the area of Angola for over 20 years and there were major Houston companies, members of the Greater Houston Partnership, who were very active there in the exploration and production activity and other energy related projects; there was a travel advisory out on Angola but also on 27 other countries including Columbia; that having them in Houston could be very significant and mean a great deal of business activity to local companies. Council Member Boney absent.

Upon questions by Council Member Bell, the representative stated that they had an international business directory and he would be glad to document countries where advisories were out. Council Member Bell stated that he would like that, if they were encouraging business in such areas it would be good information because he felt it rose more in advise than to say just be safe and he felt that was Council Member Sanchez's point. Council Member Boney absent.

Upon questions by Mayor Brown, Mr. Haines stated that he had correspondence dating back to as early as last fall from the State Department relative to Angola and travel and other activities associated with Angola and they had a letter from last September where the State Department saw no reason to not proceed with any kind of relationships between the City of Houston or corporations in Houston and the country of Angola though they did advise of the advisories on their web site and he would be glad to share the letter with Council Members. Council Members Goldberg, Boney and Keller absent.

Upon questions by Council Member Todd, Mr. Calderon stated that when an application was evaluated they looked at all facets and elements of the application and they were aware of the advisory and of the favorable comment from the State Department as for as establishing economic ties, their encouragement of economic development initiatives, however, in evaluating the eligibility for abatement they looked at the criteria in the ordinance and with this application they recognized the tremendous potential for collateral development that might occur, many companies were interested in establishing business ties with Sonangol and it far out weighed the negatives. Council Members Goldberg and Keller absent.

Upon questions by Council Member Todd, Mr. Haines stated that they were only aware of one situation where the city was encouraged as a matter of policy by Council ordinance to not participate in economic development ties and that was during the Apartheid; that it was important to note that simply concerning themselves with a travel advisory between this and another country would probably sorely affect the economic development activities of many, many Houston based companies; and given that the

largest petroleum reserves recently discovered were in the boundaries of Angola suggested their enormous value. Council Member Todd stated that the backup the State Department gave was bad events which occurred there and he was not sure they were being done by government employees and he would like Mr. Haines to check into that and see if they had; and Mr. Haines stated that he would be glad to Council Member Goldberg absent.

Council Member Castillo moved to close the hearing, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0207 ADOPTED.

Council Member Galloway introduced a class of 65 students with Atherton Elementary and asked them to stand to be recognized. Mayor Brown stated that he had been to their school many times and was very proud of them; and welcomed them to the meeting.

Council Member Vasquez introduced a group of students from the Mayor's After School Program with Jeff Davis High School and invited them to stand to be recognized. Mayor Brown stated that he had been to their school many times and they were doing a great job, he was proud of them; and welcomed them to the meeting.

Council Member Castillo moved to suspend the rules to take Items 11, 43, 44 and 45 at this time, and was seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2000-0208 ADOPTED.

11. RESOLUTION amending Resolution Number 2000-0002 for the purpose of correcting an error by designating Donald J. Henderson in lieu of Albert E. Haines as one of the Incorporators of the Houston Convention Center Hotel Corporation – was presented. All voting aye. Nays none. RESOLUTION 2000-5 ADOPTED.
43. ORDINANCE awarding contract to **L. J. MAINTENANCE** for Cleaning and Janitorial Services for Convention & Entertainment Facilities Department; providing a maximum contract amount 3 Years with 2 one-year options - \$8,126,382.50 - Enterprise Fund - **DISTRICT I – CASTILLO – (This was Item 37 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBERS BELL, GOLDBERG, PARKER, ROBINSON, QUAN and VASQUEZ)** – was presented. Council Members Goldberg and Quan voting no. Balance voting aye. ORDINANCE 2000-107 ADOPTED.
44. ORDINANCE approving and authorizing contract between the City and **REPUBLIC PARKING SYSTEM, INC** for Parking Operations and a management concession agreement for the Convention and Entertainment Facilities Department - Revenue - **(This was Item 39 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBERS QUAN and VASQUEZ)** – was presented. All voting aye. Nays none. ORDINANCE 2000-108 ADOPTED.
45. ORDINANCE approving and authorizing first amendment to contract between the City and the **WACKENHUT CORPORATION** for Security Guard Services for the Convention and Entertainment Facilities Department; amending Ordinance No. 99-223 to increase the maximum contract amount - 4 Years - \$4,468,287.72 -

Enterprise Fund – **(This was Item 40 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBERS QUAN and VASQUEZ)** – was presented. All voting aye. Nays none. ORDINANCE 2000-109 ADOPTED.

Council Member Boney moved to suspend the rules to take Item 12 at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0209 ADOPTED.

12. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 99-1385 by deleting Four (4) Junior Fire Alarm Dispatcher positions and Two (2) Fire Alarm Dispatcher positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance providing for severability – was presented, and was tagged by Council Members Todd, Sanchez, Castillo, Bell, Vasquez, Kelelr and Galloway.

Council Member Sanchez moved to suspend the rules to take Item 34 at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0209a ADOPTED.

34. REVIEW on the record of the appeal of **WESTHEIMER STREET FESTIVAL CORPORATION** of its application for a street festival - **DISTRICT D – BONEY** – was presented.

Council Member Boney moved to sustain the decision, and was seconded by Council Member Sanchez.

Council Member Castillo stated that he would like the City Attorney to explain the affect of the votes. Mr. Hall stated that they had a hearing examiner process with an appeal to Council so the Council was to review the record provided from the appeal and Council could sustain the decision of the hearing examiner or could reverse the decision by granting the appeal; that he was having trouble with the motion as it should probably be to grant or deny the appeal.

Council Member Boney stated that he would rephrase his motion. Council Member Boney moved to deny the appeal, and was seconded by Council Member Sanchez.

Council Member Bell stated that for those Council Members not on Council when the ordinance was originally passed he wanted to give history, for years there had been complaints regarding the festival and a number very much in support of it; that they decided there were problems unique to this festival as it was on a major thoroughfare and their approach was to examine which problems may be inherent to festivals conducted on major thoroughfares so the ordinance was drafted and supporters and opponents were able to weight in and it was his feeling when it went before the Regulatory Affairs Committee that they had drafted a fair ordinance giving people for the first time a voice; that the hearing process went forward and the examiner made the decision and for the most part the process worked; that he was sure if the process had gone the other way the opponents would be in Council, but he had seen nothing unfair and would be voting in favor of Council Member Boney's motion. Council Member Robinson absent.

Council Member Todd stated that he chaired the committee which passed the ordinance and it was clear it was a citywide issue and the same ordinance applied to any festival within the city limits; that the standard of appeal was preponderance of the evidence and Council Members were being asked to determine if by preponderance of the evidence they found the decision correct; that he thought if they did not treat this first appeal in the right way they were setting a precedent where every denial would have to be tried and reviewed and would have a free for all bringing back memories of the old taxicab permit issues and encouraged all Council Members to look at the matter as objectively as possible and make decisions on procedural aspects and decisions in the record; and he would be voting in favor of Council Member Boney's motion; that he did feel Houston was big enough to hold the festival elsewhere and urged the Administration to work with them on another location. Council Member Robinson absent.

Council Member Boney stated that his proposal of the motion did not indicate any lack of support for the festival as he did support it and thought Mr. Florez was one of the most responsible organizers and operators, but he believed it had outgrown the neighborhood and placed an undue burden on the neighborhood twice a year; and he agreed with Council Member Todd and hoped the Administration would work with them to try and find another site and also wanted to say that he thought it was fatally flawed and a mistake to try and hold the festival without a permit; and urged organizers to work with the city and move to another location.

Council Member Parker stated that her home was in the area and she had friends, neighbors and supporters on both sides; that it was difficult for her to look strictly at the record as she had been a Neartown president and had argued, fought and worked with festival organizers for many years; that it was not as bad as opponents claimed nor as trouble free as proponents claimed; that she was reluctantly saying she was voting for Council Member Boney's motion as she believed it was time to find a new location and she would echo her colleagues in saying if there was anyway to assist festival organizers in having a save, fun Westheimer Festival in exile on the dates selected she would do anything she could to make it happen.

Council Member Sanchez stated that he agreed with most of what was said and this was a venue many enjoyed, it was an asset and he believed they should work with organizers to find an appropriate place and he pledged his support.

A vote was called on Item 34. Council Members Goldberg, Keller and Quan voting no. Balance voting aye. MOTION 2000-0210 ADOPTED.

Council Member Boney stated that he would like a moment of personal privilege, he was going to have to leave the meeting as he was representing Houston and the State of Texas as a delegate at the National Summit on Africa and would be in Washington, D. C., with thousands of others developing recommendations for trade and state policies between the United States and Africa for the President of the United States Congress and he would miss the memorial service for the two firefighters who died and he wanted all to know that his heart and his family's hearts went out to those two firefighters who lost their lives and he deeply regretted he would not be able to be present at their memorial service.

Consent Agenda (Items 2 through 25) were considered as follows:

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the nomination by the Harris County Medical Society of **DR. MARY W. GEDA** for reappointment to Position Three of the **ETHICS COMMITTEE**, for a term to expire December 31, 2001 – was presented, moved by Council Member Sanchez, and seconded by Council Member Keller. All voting aye. Nays none. Council Member Boney absent MOTION 2000-0211 ADOPTED.

PROPERTY - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Metro National Corporation (William L. Peel, Jr., chief administrative officer), for abandonment and sale of a 5-foot wide portion of a 30-foot wide sanitary sewer easement, located within Unrestricted Reserve A, A. C. Reynolds Survey, A-61, Parcel SYO-026 **STAFF APPRAISERS - DISTRICT C – GOLDBERG** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0212 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 10

LOW BIDS

5. **BERGER MICROGRAPHICS** to Furnish and Install Microfilm Readers for Library Department Replacement - \$25,875.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0213 ADOPTED.

OTHER

7. **SAFETY LAMP OF HOUSTON, INC** for Lamp, Wolfite Handlamp for Fire Department Replacement - \$174,941.20 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0214 ADOPTED.
10. **HI-WAY EQUIPMENT COMPANY, INC** - \$173,793.00 and **BROOKSIDE EQUIPMENT SALES, INC** - \$46,912.00 for Earth Moving Equipment for Public Works & Engineering and Parks & Recreation Departments - Replacement - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0215 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 25

16. ORDINANCE releasing certain territory in the vicinity of the **CITY OF NASSAU BAY, TEXAS**, from the Extraterritorial Jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-110 ADOPTED.
17. ORDINANCE approving and authorizing sponsorship agreement between the City and **BRIAR HOLLOW TOWNHOUSE ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 24 Months - \$1,728.00 - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-111 ADOPTED.
23. ORDINANCE appropriating \$23,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for the Evaluation of Localized Flooding in the Saddlebrook Subdivision, CIP M-0126-42-2 (SM5009); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-112 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

PROPERTY

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David L. Brown of Lott & Brown, Consulting Engineers, on behalf of Joseph S. Coselli, for abandonment and sale of a 10-foot wide utility easement in exchange for the conveyance to the City of a 10-foot wide utility easement, located in Lot 8, Block 90, Tall Timbers Section, River Oaks Subdivision, Parcels SYO-042 and VYO-031 - **STAFF APPRAISERS - DISTRICT G – KELLER** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0216 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

6. **SAM BASSETT LUMBER COMPANY** for Building Material Part II for Department of Aviation \$109,597.90 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0217 ADOPTED.
8. **SOUTHLINE EQUIPMENT COMPANY** for One Riding Sweeper for Parks & Recreation Department - Replacement - \$30,980.00 - Equipment Acquisition

Consolidated Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0218 ADOPTED.

9. ORDINANCE appropriating \$168,357.00 out of Water & Sewer Consolidated Construction Fund (Fund 755) for Landscaping Services for the Public Works & Engineering Department was presented.

The City Secretary stated that she wanted to announce the districts on Item 9 had been corrected to Districts A, C, H and F.

A vote was called on Item 9. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-113 ADOPTED.

- 9a. **BROOKWAY HORTICULTURAL SERVICES** for Landscaping Services for Department of Public Works & Engineering - \$160,340.00 and contingencies for a total amount not to exceed \$168,357.00 – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0219 ADOPTED.

RESOLUTIONS AND ORDINANCES

13. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Tax and Revenue Certificates of Obligation, Series 2000A for the purpose of the payment of contractual obligations to be incurred in the construction of Public Improvements in Reinvestment Zone No. 1, City of Houston, Texas; including authorizing publication of notice of intent to issue such certificates, authorizing the Finance Working Group to proceed with the issuance of such certificates, approving matters incidental to the issuance - **DISTRICT C – GOLDBERG** – was presented and was tagged by Council Members Ellis and Bell. Council Member Boney absent.
14. ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT**, Texas Recreation and Parks Account Program, for the Community Outdoor Outreach Program, providing Environmental Education Opportunities at Parks & Recreation Community Centers throughout Houston; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks & Recreation Department to accept such grant funds; if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-114 ADOPTED.
15. ORDINANCE authorizing the Director of the Planning & Development Department to accept an Economic Adjustment Strategy Grant from the United States Department of Commerce, Economic Development Administration; declaring the City's eligibility for such grant; authorizing the Director of the Planning and Development Department to act as the City's representative and to accept such grant funds and all subsequent awards, if any, pertaining to the project – was

presented. All voting aye. Nays none. Council Member Boney absent.
ORDINANCE 2000-115 ADOPTED.

18. ORDINANCE approving and authorizing a legal services contract between the City of Houston and **MAYOR DAY CALDWELL & KEETON, L.L.P.** for representation of the City before the State of Texas Public Utilities Commission; setting a maximum contract - \$70,000.00 - General Fund – was presented and was tagged by Council Member Tatro. Council Member Boney absent.

Council Member Tatro stated that he would like someone from F & A or Legal to give him a briefing on the item. Mr. Hall stated that he would plead with the Council Member to allow them to brief him before the end of the meeting, they could not argue it was moot but the rule went into effect in 20 days and the contract was designed to get effective representation before it was actually published, so to the extent it would reduce their likelihood of prevailing he would ask that they be allowed to present this between now and the end of the Agenda rather than tagging it for a week. Council Member Tatro stated that this dealt with the PUC's ruling on the telecom agreement and part of his concern was their ruling and whether Houston was pursuing anything with the other cities involved rather than taking it all upon themselves to bring something back. Mr. Hall stated that the city retained them on a \$7,000 or \$8,000 contract last week, this was an unusual circumstance in that this proposed rule was published on Monday evening to be acted on by the Commission on Thursday morning and they waived the seven day notice provision and they were scrambling to get representation in Austin for the PUC which was why they were retained on that contract to represent Houston with their F & A representatives at the hearing; that this was acted on Thursday which was why they needed the contract to reverse the rule made by the PUC itself. Council Member Boney absent.

Upon questions by Mayor Brown, Mr. Hall stated that at stake was about two years and \$17,000,000, it was a huge deal. Council Member Tatro stated that this went to a bigger issue which was what the city's ordinance was and the city's telecom agreement was obviously the PUC saw substantial problems with it and he would like time to become more educated; and Mr. Hall stated that they had not ruled in any way on the city's ordinance, their ruling was based on their interpretation of a state statute, what this Council did was allowed to stand. Mayor Brown stated that the Legal Department was trying to move rapidly to protect resources for this city and there was a need to retain Counsel and that was what they were trying to do; and if he had questions then Mr. Hall's suggestion would be appropriate to let someone come brief him now. Mr. Hall stated that time was of the essence and Ms. Mosley was present also. Council Member Tatro stated that he felt it was more involved than that they needed to simply move quickly to have representation, it went through the significant policy issue of what they had passed as an ordinance and obviously the PUC had ruled against the direction the city took or in a manner to make the city's direction incorrect. Council Members Boney, Todd, Keller and Robinson absent.

Mayor Brown asked Ms. Mosley to explain. Ms. Mosley stated that she would add the PUC's action in no way ruled on the city's ordinance and not only that but the legislature's action earlier last year was in no way ruling on the city's ordinance and in fact the provision in question was specifically put in to allow Houston's ordinance to stay in place along the lines of the wish of the Council that adopted the ordinance; that she

was there at the table and negotiating on behalf of the city. Mr. Hall stated that was what they were challenging and that was why they would urge him to give them an opportunity to prepare the case. Council Members Boney, Todd, Keller and Robinson absent.

Council Member Castillo moved to override the tag on Item 18, and was seconded by Council Member Parker. Council Members Ellis and Tatro voting no. Balance voting aye. Council Members Boney, Todd, Keller and Robinson absent. Mayor Brown stated that the motion carried.

A vote was called on Item 18. All voting aye. Nays none. Council Member Tatro voting no. Balance voting aye. Council Members Boney, Todd, Keller and Robinson absent. Mayor Brown stated that the motion carried.

NOTE: Item 18 was not carried as adopted inasmuch as questions were raised on the vote to override the tag.

Council Member Sanchez stated that he had a procedural question, how many votes did it require to override a tag; and Mayor Brown stated that it took 10 votes and there were two no votes. Council Member Sanchez stated Council Members were absent and he wanted to know how many voted. Council Members Boney, Todd and Keller absent.

Mayor Brown called for a roll call vote; and Council Member Sanchez stated that was calling the question back up, he wanted to know what the total was as he thought the vote only reached nine. Council Members Boney, Todd and Keller absent.

Council Member Castillo stated that it was a procedural motion and if the vote was being questioned it was basically a recount of the vote. Mayor Brown asked what was being asked for; and Council Member Castillo stated that he was asking for a roll call vote. Council Members Boney, Todd and Keller absent.

Mayor Brown stated that the motion being voted on was to override the tag of Item 18.

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 absent.	Council Member Sanchez voting no.
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION FAILED TO RECEIVE A TWO-THIRDS VOTE OF THE CITY COUNCIL.
	MOTION 2000-0220 FAILED.

Mayor Brown stated that the item had been tagged and he would like to point out to Council Member Tatro that this was impeding the Legal Department's ability to try and save the city money; that obviously he had the right to tag but there were some things they needed to work together on and in this instance he felt it was a detriment to what they were trying to do for the city; that they had a substantial amount of money at risk and it was important to move rapidly on this and what he did was impede their ability to do so and he wanted to make that understood. Council Member Boney absent.

19. ORDINANCE awarding contract to **NETCO ELECTRICAL SERVICES, INC** for Maintenance of Emergency Power Supply Units for the Health & Human Services Department; providing a maximum contract amount - 5 Years - \$99,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-116 ADOPTED.
20. ORDINANCE appropriating \$47,544.59 out of Water & Sewer System Consolidated Construction Fund No. 755; \$4,000.00 out of Storm Sewer Consolidated Construction Fund No. 436 to reimburse the Metropolitan Transit Authority (METRO) for the City's Cost Participation in the construction of the City's water, sanitary and storm sewer lines in METRO Transportation Improvement Agreements approved by City Council under Ordinance Nos. 92-1571 and 93-169 Holmes Road, Bingle Road and Canal Street; CIP S-0521-9F-3, R-0018-70-3 and M-0671-05-3 **DISTRICTS A - TATRO; D - BONEY and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-117 ADOPTED.
21. ORDINANCE appropriating \$550,000.00 out of Street & Bridge Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **SYLVA ENGINEERING CORPORATION** for Design of Ten Neighborhoods to Standard Projects in various areas, CIP Q-1300-01-2 (OL2001); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - BONEY; G - KELLER and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-118 ADOPTED.
22. 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 **INFRASTRUCTURE ASSOCIATES, INC** for Design of Neighborhood Sewer Rehabilitation at various places; CIP R-0266-94-2 (WW4763); providing funding for contingencies relating to

construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY and G – KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-119 ADOPTED.

24. ORDINANCE appropriating \$49,630.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to professional engineering services contract between the City of Houston and **S&B INFRASTRUCTURE, LTD** for Light Aircraft Hangars and A/G Building Expansion at Ellington Field; Project No. 515; CIP A-0347 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-120 ADOPTED.
25. ORDINANCE appropriating \$973,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRC SERVICES, INC** on low bid of \$839,242.75 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$25,000.00 for construction of Well Collection Lines for Well No. 2 and 4 in District 71, GFS S-0100-05-3 (10495); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-121 ADOPTED.

The Non Consent Agenda (Items 26 through 37) were considered as follows:

MISCELLANEOUS

26. RECEIVE nominations for Positions 12 and 14 of the **CITY HALL PRESERVATION COMMITTEE**, for terms to expire December 31, 2001 – was before Council. Council Member Parker nominated Ms. Anita Garten for Position 12.

Hearing no nomination for Position 14, Council Member Sanchez moved to postpone receipt of nominations for Position 14 for one week, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0221 ADOPTED.

Council Member Sanchez moved to close nominations for Position 12 of the City Hall Preservation Committee, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0222 ADOPTED.

27. RECEIVE nominations for Positions 5 and 7 of the **ETHICS COMMITTEE**, for terms to expire December 31, 2001 – was before Council. Council Member Bell nominated Mr. Alexander Chae for Position 5. Council Member Sanchez moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0223 ADOPTED.

Council Member Bell nominated Mr. Lias J. Steen for Position 7. Council Member Tatro moved to close nominations, and was seconded by Council

Member Robinson. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0224 ADOPTED.

28. RECEIVE nominations for Positions A through I of the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2001 – was before Council. Council Member Tatro nominated Ms. Shirley Bludau for Position A. Council Member Sanchez moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0225 ADOPTED.

Council Member Goldberg nominated Ms. Charlene O'Shea for Position C of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0226 ADOPTED.

Council Member Todd nominated Mr. Glen Grantom for Position E of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0227 ADOPTED.

Council Member Ellis nominated Mr. Pat Powers for Position F of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0228 ADOPTED.

Council Member Keller nominated Ms. Pam Holm for Position G of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0229 ADOPTED.

Council Member Vasquez nominated Ms. Shanna Barnstone for Position H of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0230 ADOPTED.

Council Member Castillo nominated Mr. Gregory Rincon for Position I of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0231 ADOPTED.

Council Member Sanchez moved to postpone nominations for Positions B and D of the Houston Clean City Commission for one week, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0232 ADOPTED.

28. RECEIVE nominations for Positions 19 and 22 of the **HOUSTON READ COMMISSION**, the three year terms to expire January 1, 2003 – was before Council. Council Member Quan nominated Ms. Dorothy Chow for Position 19. Council Member Sanchez moved to close nominations, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0233 ADOPTED.

Council Member Bell nominated Ms. Sallie A. Loorn for Position 22 of the Houston Read Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Bell. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0234 ADOPTED.

30. MOTION to set a date not less than seven (7) days from February 16, 2000 to receive nominations for Positions One, Two and Three of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, the two year terms to expire August 31, 2001 – had been pulled from the Agenda by the Administration, and was not considered.
31. MOTION to set a date not less than seven (7) days from February 9, 2000 to receive nominations for Positions A through I to the Community Educational Outreach Panel of the **ANIMAL SHELTER ADVISORY COMMITTEE**, for terms to expire December 31, 2001 – was presented and Council Member Sanchez moved to set next Wednesday to receive nominations, and was seconded by Council Member Keller. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0235 ADOPTED.
32. MOTION to set a date not less than seven (7) days from February 9, 2000 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 of the **SMALL BUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, terms to expire three years from date of appointment – was presented and Council Member Vasquez moved to set next Wednesday to receive nominations, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0236 ADOPTED
33. Council Member Robinson moved to suspend the rules for the purpose of reconsidering Motion #99-1900, 11/3/99, which appointed Mr. Michael K. Brown to Position 15 of the City Hall Preservation Committee, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0237 ADOPTED.
33. Council Member Robinson moved that Motion #99-1900, 11/3/99, which appointed Mr. Michael K. Brown to Position 15 of the City Hall Preservation Committee, be brought back to Council for reconsideration, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0238 ADOPTED.
33. Council Member Robinson moved that the **MOTION #99-1900, 11/3/99** be amended to reflect the correct expiration date for the term of appointment of, **MR. MICHAEL K. BROWN** to Position 15 as December 31, 2000, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0239 ADOPTED.

PROPERTY

35. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, **TO AMEND MOTION**

#99-1295, 7/21/99, to include the abandonment and sale of all the 10-foot wide water line easement plus two additional 5-foot wide water line easements located within Gulfgate Mall Shopping Center, Jacob Thomas Survey, A-762 and **APPOINT** two independent real estate appraisers - **APPRAISERS - DISTRICT I – CASTILLO** – was presented.

Council Member Castillo named Mr. Thomas A. Bazan and Mr. Frank D. Flores as appraisers and moved approval of the recommendation, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0240 ADOPTED.

36. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ron Nielsen of R. G. Miller Engineers, Inc., on behalf of Memorial Hermann Healthcare Systems, Inc. (Dan Wilford, president), for abandonment and sale of a portion of West 27th Street, from ±375 feet west of Ella Boulevard to its dead-end, in exchange for the conveyance to the City of a 51-foot wide utility easement, located in the Resubdivision of Lots No. 89 to 101, Shady Acres Second Section, Henry Reinerman Survey, Parcels SYO-018 and VYO-027 - **APPRAISERS - DISTRICT A – TATRO** - was presented.

Council Member Tatro named Mr. Patrick O'Connor and Mr. William Kvinta as appraisers and moved approval of the recommendation, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0241 ADOPTED.

PURCHASING AND TABULATION OF BIDS

37. RECOMMENDATION from Finance & Administration Department to make the following awards for Padlocks, Door Locks and Associated Hardware for Various Departments General, Enterprise and METRO Funds:
BEST ACCESS SYSTEMS (Bid No. 2) - \$1,092,000.00
FAIRWAY SUPPLY, INC - \$73,200.00
HERBERT FLAKE CO. - \$232,200.00
IDN ACME - \$444,060.00
KING SAFE & LOCK CO., INC - \$369,000.00
COUNCIL DRAW LOTS
GROUP XXIX due to receiving identical bids from **IDN ACME** and **KING SAFE & LOCK COMPANY** in the amount of \$36,600.00 – was before Council and Council Member Keller drew IDN ACME as the successful bidder.

Council Member Parker moved that the recommendation be adopted and awarded as drawn and was seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2000-0242 ADOPTED.

MATTERS HELD - NUMBERS 38 through 50

38. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Planning & Development Department to

accept the January 2000 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – **(This was Item 5 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2000-0243 ADOPTED.

- 38a. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,958,615.39 to Revenue Bond Debt Service as recommended in the January 2000 Semi-annual Report of the Capital Improvements Advisory Committee (CIAC) - **(This was Item 5A on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2000-0244 ADOPTED
39. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **AVES AUDIO VISUAL SYSTEMS, INC** for One Betacam System for Houston Airport System - New - \$35,625.00 Enterprise Fund – **(This was Item 13 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER PARKER)** - was presented. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2000-0245 ADOPTED.
40. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **UNDERGROUND, INC** \$410,094.00 and **SEWER EQUIPMENT COMPANY OF AMERICA** \$79,865.00 for Seven Cabs & Chassis with Sewer Wash Bodies for Department of Public Works & Engineering - New and Replacement - Enterprise and Equipment Acquisition Funds – **(This was Item 16 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER TODD)** - was presented. All voting aye. Nays none. Council Members Tatro, Boney and Sanchez absent. MOTION 2000-0246 ADOPTED
41. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation to reject all bids received November 18, 1999 and return bidders bond in connection with Light Aircraft Hangars & A/G Building Expansion At Ellington Field; Project 515; CIP A-0347, A-0386 and A-0424 - **DISTRICT E – TODD – (This was Item 18 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Tatro, Boney and Sanchez absent. MOTION 2000-0247 ADOPTED
42. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **DEPARTMENT OF INFORMATION RESOURCES (DIR)** for Hardware, Software, License and Maintenance from the State of Texas General Services Commission's contract for the Legal Department - \$141,519.09 Enterprise and Equipment

Acquisition Consolidated Fund – **(This was Item 21 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2000-0248 ADOPTED

46. ORDINANCE approving and authorizing first amendment to contract between the City and **CLAY POPE** (approved by Ordinance No. 98-1257) for assistance on Water and Wastewater Issues in the Texas Legislature and various State Agencies - \$316,000.00 - Enterprise Fund – **(This was Item 43 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented.

Council Member Todd moved to refer Item 46 to the Legislative Affairs Committee, and was seconded by Council Member Keller. Council Member Boney absent.

Upon questions by Mayor Brown, Mr. Haines stated that this particular issue was significant as they moved forward on the strategy related to Houston's water issues, those issues related to raw water to the point of determining the city's position in protecting their raw water/surplus water sources and Mr. Pope had a long standing relationship with the city and had been very effective in managing such types of issues with the Legislature; that Mr. Chuck Settle with the Utilities Group was present and had worked closely on both the regulatory and legislative issues and obviously they were very concerned as they moved forward in beginning the process of negotiating the agreements and considering raw water to areas outside the city. Council Members Goldberg and Boney absent.

Mr. Hall stated that as Mr. Settle came forward this was a contract that in reality was joined and managed by Public Works and Legal which was why Mr. Settle was present; that he believed the contract with Mr. Pope had been in place for about six or seven years; that one problem they had was expertise before specific agencies on a year round basis, they worked with the TNRCC on all water issues because generally legislation passed was only a policy document so someone working in Austin had to represent the city when the rules which implemented the policy was actually put in place and that was what Mr. Pope had been doing; that he had also been assisting in the permit process for water activities; that he wanted to offer that explanation before Mr. Settle came, they used him to help get all permits processed, etc.

Council Member Vasquez moved to suspend the rules to hear Mr. Chuck Settle, and was seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Boney absent. MOTION 2000-0249 ADOPTED.

Mr. Settle stated that he was Assistant Director of Public Works and Engineering and had done water and wastewater planning for the City of Houston approximately 20 years and this was a very important contract at this time; that within the last legislative session special legislature was passed related to the Allen's Creek Reservoir Project and now they were working with the staff of the TNRCC, Texas Water Development Board, and the Parks and Wildlife and were having a detailed meeting with the staff of those agencies on February 28 and Mr. Pope was very instrumental working with the State Senate Committee on the legislature and was an invaluable resource in getting the legislation passed and until his contract expired at the end of January working with the state agency in getting the permit amendment going; that the pressing

issue was the permit needed to be amended before the end of this year and it was on a fast track and state agencies were working with them; that Mr. Pope had been working with the agencies since the early 1990s and had access to lots of staff of the legislators and well as the legislators and state agencies and they were very anxious in getting Mr. Pope's contract extended and particularly with the urgency of the Allen's Creek Reservoir issue. Council Members Goldberg and Boney absent.

Council Member Todd stated that he felt it was important for the Legislative Affairs Committee to have the chance to review the item and Council Member Sanchez had indicated it was possible to hold a committee meeting on the issue within a weeks time; that it had been eight years since Mr. Pope was initially used and today Council was being asked to do an amendment instead of going out for a selection process and he believed Council needed to be sure they were protecting the selection process so he wanted the committee to look at it and decide why they had not gone out for that and at most they were looking at a two week delay; that if their meeting was February 28 then his one week postponement would not upset that and he had still roughly \$25,000 left from his last contract why could not that be used; and Mr. Settle stated that his contract had expired and he was not able to work without a contract. Upon further questions by Council Member Todd, Mr. Settle stated that there was much work done in preparation for any meeting with a state agency; that it would be difficult to find any other lobbyist with his kind of relationship with the utilities. Council Member Todd stated that every time an issue came before Council the first argument was an urgent reason as to why and he would encourage them to send it to committee. Council Members Goldberg and Boney absent.

Council Member Todd yielded to Council Member Sanchez who stated that he could hold a committee meeting within a weeks time, but he wanted to share that the Administration had hundreds of people working and researching and Council's staff was limited; that it seemed there was a lack of communication and one concern being raised around the table was the fact the contract had been around since 1992 and no RFP was done and there was a 30% increase; that he felt in the interest of time they could still have a committee hearing and go ahead and liberate on this item today and incorporate this issue in the committee hearing. Council Members Goldberg and Boney absent.

Council Member Todd stated he would like to know if it was possible to approve the item today so that he was authorized to use the remainder money in his retainer; and Mr. Hall stated that the problem was that was not the issue posted, it was for extension of a contract for a specified period of time; that he could cut the time short and the retainer short, but the problem was the way they chose to deal with those that they dealt with, they did not have the power to say that someone was going to unilaterally work for them for a month, etc., without consulting that person and he had actually signed the other agreement. Council Member Todd stated that he signed it but Council had not approved it and he would be fine approving it for a month, but this was not the first time the argument was made by the Administration and if they approved a twelve month contract and then looked at it in committee what good would that do, but he would be okay with a one month authorization, but how much would that be. Council Members Goldberg and Boney absent.

Council Member Sanchez stated that the amount of money being paid in the year 2000 was the same amount paid in previous years and he would argue that they pass

the year 2000 appropriation and then go back to discuss the 30% increase and subsequent years if that would be acceptable to Council Member Todd. Council Member Todd stated he would like to know what that amount would be; and Council Member Sanchez stated \$120,000. Council Members Goldberg and Boney absent.

Council Member Todd stated that he would withdraw his previous motion and moved to reduce the money to \$120,000; and Council Member Sanchez stated that it was actually \$100,000. Council Members Goldberg and Boney absent.

Council Member Todd moved to reduce the money to \$100,000; and was seconded by Council Member Keller.

Council Member Bell stated that he did not think the administration tried to hide the ball on this issue; that there was a briefing for the Fiscal Affairs Committee at the end of last year where the water issue was explored; and upon questions, Mr. Settle stated that this was really two things, he worked with the last legislative session and they planned on using him again for the next session, then in between sessions state agencies take a lot of actions based on what had passed with committee meetings, state agency hearings and in this particular case they had the Allen's Creek Reservoir permit which was a real burning issue to try and get it finished in a one year time. Upon further questions, Mr. Hall stated that they wanted this passed because Mr. Pope would be responsible for working with the TNRCC on the Allen's Creek Reservoir and the hearing was February 28; that it was approved next week there would be time assuming there was no work to be done until he walked into the hearing. Council Members Goldberg and Boney absent.

Council Member Robinson stated that he was in Austin and visited with folks who regularly engage in the legislature process and his concern was that one, the city lobby team did not have the highest reputation last year and two, he asked how an issue that would cost the city \$17,000,000 come down the pike and no one say anything to Council and give them a heads up warning, he did not think that was good business; that one issue with him was when would someone else have the opportunity to represent the city in Austin if they continuously extended contracts; that one thing being said at the table that was bothering him was there was no one in the city that could drive to Austin and represent them; and Mr. Settle stated that he had worked on the planning of water and wastewater facilities for Houston for 20 years and he knew some on the issue but he did not have the state contacts Mr. Pope had. Upon questions by Council Member Robinson, Mr. Settle stated that he traveled to Austin from time to time as required. Council Member Robinson stated that maybe they should start sending Mr. Settle and someone else from Public Works and Engineering just in case Dallas, Austin, etc., decided to offer Mr. Pope money and it bothered him that Mr. Settle could not or did not want to travel to Austin and he had 20 years experience and that someone with eight years experience had more contacts and knew more about the city water than someone being paid and working for the city for 20 years and that if this contract was not renewed Mr. Settle could not go and represent the city at a public hearing on something that was the biggest revenue stream in the city; that he would like provided to him a list of all contracts with anyone dealing with water issues, lawyers, lobbyist, engineer or consultant so he could see who the city was paying and how much they were being paid and he wanted to know who, if anyone, was on contract for representation as a lobbyist or for public utilities, anything like that so he could get an idea on how much money was

being spent; and he was going to vote against the contract as he was tired of extending; and he hoped department directors who dealt with Austin would make it their business to at least try and send some of their folks to Austin for the meetings so they would know something in case the lobbyist quit. Council Member Boney absent.

Council Member Castillo called the question. Mayor Brown stated that the question was called for and that was on the motion before Council which was... Council Member Todd stated that it was a motion to approve \$100,000 for the FY2000 contract. Mayor Brown stated that the motion was amending the ordinance to approve \$100,000. Council Member Todd stated and to strike the out years. Council Member Robinson voting no. Balance voting aye. Council Member Boney absent. MOTION 2000-0250 ADOPTED.

Mayor Brown stated that he would like to know what Mr. Pope brought to the table; and Council Member Bell stated that the question was called and that ended discussion. Mayor Brown stated that he had the floor and he was running the meeting and would ask what he wanted; that it had been voted on and he wanted his question asked whether he liked it or not; and Council Member Bell stated that calling the question ended debate and he had been on the list to speak so put him on the list to ask his questions. Mayor Brown stated that the issue was already voted on; and Council Member Bell stated that they had voted on calling the question. Council Member Sanchez stated that there was some confusion. Mayor Brown stated okay, but he wanted to let him know that if he wanted to ask a question he was going to ask the question as long as he sat as Mayor of the city. Council Member Boney absent.

Mayor Brown stated that now they would vote on the issue itself Council Member Robinson voting no. Balance voting aye. Council Member Boney absent.

NOTE: A vote was called later in the meeting on Item 46 as amended, inasmuch as Mr. Bibler advised the City Secretary that there were questions as to a vote being called on the item.

Mayor Brown stated that now he wanted to know what Mr. Pope brought to the table, what was his area of expertise for them to want him; and Mr. Hall stated that Mr. Pope had developed an exclusive practice in water and wastewater issues and almost always city staff members went to the hearings for issues from various departments and that was almost without exception, but in Austin those folks developed staff relationships most effective in helping represent the cases and that was what they were hired to do and that was what this was about; that obviously the city's people developed the policies for the city and trying to get the process negotiated was sometimes a difficult and complex one and it often helped to have people there on a daily basis working with the staff and understanding the change and that was what happened here; that in December there was published some general provisions by the PUC on the issue spoken on earlier and the specific rule they (Legal) objected to was that they thought agreements made in the legislature amendments passed in the bill solved all the problems and it was only Monday evening when the rule was published that they were aware it was the intent of the staff to recommend an abrogation of those agreements that had been made and it was at that time they tried to get their people in Austin and the TML and anyone else who would help engage on those issues; and Mr. Pope brought a very special expertise as that was all he did was water and wastewater representation in the legislature. Council Member Boney absent.

47. ORDINANCE appropriating \$485,700.00 out of Street & Bridge Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Design Services associated with seven (7) Neighborhood to Standard Projects; Sunnyland, Meyerland, East Lawndale, Gulf Palm/Genoa Area, Gulf Meadows, Parkwood and Alief/Bellaire, CIP Q-1200-01-2 (OL-2000); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY; E - TODD; F - ELLIS and I - CASTILLO - (This was Item 49 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-122 ADOPTED.
48. ORDINANCE appropriating \$4,328,500.00 out of Water & Sewer System Consolidated Construction Fund as additional appropriation for Hydraulic Modeling and Infiltration/Inflow Correction Services; CIP R-0543-01-03 under engineering services contract with **RATNALA & BAHL, INC** (approved by Ordinance No. 99-0011); providing funding for contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – **(This was Item 51 on Agenda of February 9, 2000, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-123 ADOPTED.
49. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **SAFETY SHOE DISTRIBUTORS, INC** for Footwear, Safety for Various Departments \$1,345,000.00 - General, Enterprise, Fleet Management, METRO and Street & Drainage Funds – **(This was Item 58 on Agenda of February 9, 2000, POSTPONED BY MOTION 2000-196)** – was presented. All voting aye. Nays none. Council Member Boney absent. MOTION 2000-0251 ADOPTED.
50. 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 – **(This was Item 59 on Agenda of February 9, 2000, POSTPONED BY MOTION #2000-198)** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-124 ADOPTED.

RESOLUTION 2000-6, a resolution welcoming the Buena Vista Social club and extending best wishes for a successful and rewarding visit, was signed by the Mayor and Council Members.

RESOLUTION 2000-7, a resolution showing support for the Green Carpet Memorial route project, the highway from Houston to Oklahoma.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS:

Council Member Quan stated that Item 48, the safety shoes issue, was approved and his staff had done much research on the issue and he would like the city to look at adopting more policy than industry had; that the shoes were bought for employees and there was little control over it, he felt it would be better to provide an allowance and let them buy the shoes themselves with the provision that if it was not done in a certain time the allocation be given back to the city. Council Member Boney absent.

Council Member Keller stated that he wanted to commend Mayor Brown and the Deputy Public Works Director Tom Rolan and his crews for refurbishing and beautifying Memorial Drive so quickly; that the guardrail and safety fence was repaired and probably within a week and looked very good. Council Member Boney absent.

Council Member Parker stated that she would like to know what was happening with the Sign Administration Department, she understood maybe some personnel had been moved and she would like someone to visit with her and brief her on the status; that one of her staff members tried to report an illegal sign and was dealing with someone on the other end of the phone that had no idea what the sign rules were and she kept having to reaffirm that she worked for her office as if a citizen could not call in and report an illegal sign, she had to have an exact address instead of a block number and she knew Sign Administration had not been a high priority but there was an ordinance that should be enforced and she expected those answering the phone to at least know what that ordinance was and she would like it followed up on; and Mayor Brown stated it would be done. Council Members Boney and Vasquez absent.

Council Member Parker stated that there was an article in last week's paper about unmarked police cars in Rosenberg and that was an issue debated in Council several times with many still unhappy unmarked cars were being used for traffic enforcement; that the incident occurred at 1:45 p.m. when it would have been within the time limits if it had occurred in Houston, but it was a fake police officer who molested a woman he pulled over and they had the advise of Rosenberg police that people should not stop for unmarked cars and she hoped that Houston would keep evaluating whether they should be engaged in such. Council Member Boney absent.

Mayor Brown stated that they would now go back to Item 46 as there seemed to be some question; that a vote was taken to call the question and a vote was taken on the amendment and now a vote was needed on the main item as amended.

A vote was called on Item 46 as amended. Council Member Robinson voting no. Balance voting aye. Council Member Boney absent. ORDINANCE 2000-125 ADOPTED.

Council Member Parker stated that she had one last item which was that last week Mr. Hall mentioned the city had lost one of their City Attorney's, Mr. Michael Moss, and she believed that they were so stunned no one made a response and she wanted to say it was a great loss for the city; that it did not apply to Mr. Hall, but a number of City

Attorney's seemed to have a rather low key laconic presentation and Mr. Moss was one of those, similar to Mr. Bibler, Mr. Moss had worked on a number of neighborhood issues and gave good advise and was very responsive and she wanted to say that she would certainly miss his activities and the city did have a great loss with his passing. Council Member Boney absent.

Council Member Bell stated that on the water issue there was a briefing at the end of last year as to where the city was going and what some of their plans were for the Northeast Treatment Plant; that obviously many were talking to the Council Members and Administration on a regular basis and he was curious as to where the Administration stood at this point as far as bringing a proposal forward and when they could expect to hear something, as it was pointed out routinely time was very much of the essence and it was a strong belief that the city needed to move forward in a rather quick fashion to protect its position; and Mayor Brown stated that he would have a briefing put together for Council as rapidly as possible to update them. Council Member Robinson stated that scheduled for February 22 the Administration would be going to the Transportation Technology Infrastructure Committee with a briefing. Council Member Boney absent.

Council Member Ellis stated that yesterday's Council Meeting was opened with a prayer from Council Member Bell about the two fallen firefighters and both had worked in District F protecting citizens in that area; and encouraged all to attend the memorial service being held at Rice Stadium at 10:00 a.m., Friday. Council Member Ellis stated that he wanted to let the families of both Mayo and Smith know that his heart went out to them. Council Member Boney absent.

Council Member Goldberg stated that he wanted to thank Mayor Brown for helping him form the taskforce committee for the Highway 59 bridge closures as he had given him an incredible blue-ribbon panel with Al Haines, Richard Lewis, Jerry King, Annette Guajardo and the Fire Department represented by Capt. Kopfensteiner, Public Works by Bill Hlavacek, and Police by Capt. Aguirre; that they accomplished much and he wanted to let him know of his appreciation and thanks. Council Member Boney absent.

Council Member Todd stated that last night he had attended the District E southern CIP Meeting and he wanted to thank Council Member Parker for attending his meeting; that he thought she attended his meeting every year she had been in office and that he also wanted to thank Council Member Quan for sending a representative from his office, to him it was a way for the At-Large Council Members to hear the feelings in the various areas; that one issue brought up was the neighborhood question of through truck traffic and they did their best to explain that it was a complicated legal question, but the question was raised that rather than banning trucks was it possible to place load limits and he would ask that Mr. Hall see if that was possible. Council Member Boney absent.

Council Member Galloway stated that she wanted to commend Ms. Bea Link for calling her and letting her know that the cameras caught an illegal dumper and she hoped shirts could be made so that person could put it on and clean up other hot spots that were illegal; that she also wanted to commend Mr. Charles Ross who contacted her immediately after last weeks meeting and then she was able to go on a tour of the hotspots for illegal dumping in her district and she wanted to suggest more money for more cameras and also had another plan she wanted to see about implementing in the

area, but would like to speak with the Mayor outside the meeting. Council Member Boney absent.

Council Member Robinson stated that when they went back to Austin in 2001 he hoped they would look at trying to convince the legislature and TNRCC to take additional actions on the issue of junk tires; that he also hoped the city would look at broadening the pool of people who would have an opportunity to compete for the city contract; that he had no disagreement with Clay Pope or the City Attorney's Office, but he was sure there was more than one person in Austin who dedicated their practice to the issue water and wastewater and all should be given an opportunity to represent the city; that he did not know if someone represented the city in the context of the Public Utility Commission, but clearly if someone represented them as a Member of Council he would want to hold someone accountable for an agency issuing a rule and the city lobbyist not knowing it was coming down the pipeline and then not giving them the necessary assistance to give the administration and Council heads up on an issue that could have a \$17,000,000 impact on their budget. Council Members Boney and Todd absent.

Council Member Robinson stated that he believed all Council Members had received a copy of the Agenda for the February 22 meeting of the Transportation Technology Infrastructure Committee scheduled for 10:00 a.m. to 12:00 p.m. in the Council Chamber and the items would be the issue of repairing and replacement of city right-of-way as the result of utility work street construction coordination among the various agencies and entities that did work in city streets; and they would also be discussing a contract to disbarment program amendments to Chapter 47; the developer participation agreement; the regional water update on the Northeast Water Plant; and the clean air update; and if anyone wanted a copy of the Agenda or to be placed on the list for future information they could call his office at 713-247-1140. Council Members Boney and Todd absent.

Council Member Robinson stated that he saw news stories in the paper regarding the downtown arena and it sounded a little like the NBA was trying to give a heads up that they would slap Council's hand if they did not start jumping through hoops and there seemed to be concern on the part of the Rockets that maybe they were being taken for granted and he saw that after they had the chance to visit with the chairman of the Sports Authority progress was being made and he hoped that essentially everyone would get out in the newspaper and make sure an image was not given to the public of being selfish or self-centered to alienate them when they had to go back out and ask for their vote to construct a downtown arena as he was a big proponent of that and his hope was that the Rockets and Comets would be primary tenants; that he appreciated all that had been done on those issues and in moving the city forward. Council Members Boney and Todd absent.

There being no further business before Council, the City Council adjourned at 11:05 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Castillo absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary