

City Council Chamber, City Hall, Tuesday, February 29, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, February 29, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Debra Dillard, Citizens Assistance Office, and Ms. Martha Stein, Agenda Director present.

At 2:03 p.m. Mayor Pro Tem Boney called to order the meeting of the City Council, and Council Member Goldberg invited Rabbi Jack Segal of Congregation Beth Yeshurun to offer the prayer and Council Member Goldberg led everyone in the pledge of allegiance. Mayor Brown, Council Members Keller and Robinson absent. Mayor Pro Tem Boney presiding.

At 2:05 p.m. Mayor Pro Tem Boney requested the City Secretary to call the roll. Mayor Brown, Council Members Keller and Robinson absent.

Council Members Vasquez and Castillo moved that the minutes of the preceding meeting be adopted. Mayor Brown, Council Members Keller and Robinson absent.

Mayor Pro Tem Boney stated that there were some presentations to made and Council Member Bell had the first presentation. Mayor Brown, Council Members Keller and Robinson absent.

Council Member Bell stated that today they recognized Read Across America Day and recognized Ms. Barbara Gubbin from the Houston Library, Ms. Susan Gunawig Houston Independent School District, Ms. Margaret Dowdy from the Read Commission as well as Council Member Tatro who was a member of the Read to Lead Committee of the Houston Read Commission and was going to help him with the presentation, that if he were still alive March 2 would be Dr. Suess 95th birthday and that was why Council Members had copies of the "Cat in the Hat" book in front of them, that again this year the National Education Association and locally the Houston Read Commission, the Houston Public Library and Houston Independent School District were marking the occasion by sponsoring Read Across America Day, that last year the Suess Birthday Bash was the largest celebration of reading that the Country had ever seen and was hoped that this year would be even bigger. Mayor Brown and Council Member Robinson absent.

Council Member Tatro presented a proclamation that stated that Lee P. Brown, Mayor of the City of Houston proclaimed Thursday, March 2, 2000 as Read Across America Day. Mayor Brown Council Member Robinson absent.

Ms. Barbara Gubbin, Director of Houston Public Library, thanked Council Members Bell and Tatro, Mayor Brown and all of the Council for joining them to celebrate Read Across America Day, that on Thursday, March 2, 2000 Houston Public Library librarians would be visiting more than 40 schools in the Houston Independent School District to celebrate with young people Read Across America Day, that they were particularly proud of the collaboration with the school district and Read Commission in their celebration of reading, that they wanted every child to have a library card and wanted to make Houston a city of readers and this was one very special way to show the library's commitment in

their involvement with young people to encourage them to be readers, that there would be many other opportunities to get their Power Card and to become a reader, that they would be celebrating National Library Week in April and they expected more than 42,000 children to join the library in the summer for the Summer Reading Program and would be celebrating Teen Read Week in the fall so there would be many opportunities for young people to read. Mayor Brown and Council Member Robinson absent.

Dr. Hilda Gentry, Reading Manager for Houston Independent School District, stated that it was her honor to thank each Council Member for honoring them with the very special proclamation and thanked all the Council Members for the outstanding commemoration of Read Across America Day, that she was excited about the new partnership that would be continuing with the City of Houston and the Power Card, Houston Public Library and the Houston Read Commission among others. Mayor Brown, Council Members Castillo and Robinson absent.

Mr. Mike Goldberg, Deputy Director of Houston Read Commission, stated that on behalf of the Read Commission, its staff, volunteers and the 135 literacy partners he thanked all of the members of the Council and Mayor Brown for their support of literacy programs in Houston during the last year during which the Houston Read Commission and all of their partners served nearly 100,000 students and had 12,000 children participate in summer reading programs last summer, they were proud to support Read Across America Day and wanted to encourage the Council and all City agencies and departments to make reading and literacy issues in 2000, that they must do this to insure the future prosperity of the city. Mayor Brown, Council Members Castillo and Robinson.

Ms. Jane Robertson, Library Media Specialist at Whittier Elementary School, introduced her students who presented a Power Card Banner, and also introduced students and the librarian from Hartsfield Elementary School. Mayor Brown, Council Members Castillo and Robinson absent.

Council Member Castillo stated that he would like to recognize the World Largest Taco's organizers and sponsors, Ms. Laura Pena with Laura and Associates, La Tapatia, Commercial America, La Ranchera Tortilla Factory, Hispanic Broadcast Corporation, Channel 45, El Dia and the Mexican Consulate for all of their hard work and effort they put into coordinating the annual Taco Festival, that for the past couple of years as part of the Cinco de Mayor festivities those organizations had come together to successfully construct a colossal taco, that this past year it was officially recognized as the world's largest by the Guinness World Records, that it measured 15 feet by 29 inches wide and weighed 747 pounds, that he wanted to commend the sponsors and organizers of the event for using it as a way of bringing residents together and combing entertainment with tradition to participate in the Cinco de Mayor Celebration and recognized and invited to the podium Ms. Laura Pena, President of Laura and Associates. Council Member Goldberg absent.

Ms. Laura Pena stated that she was very proud to hold the Guinness World Record and was very proud of the City because they were very happy with the City and the City always supported them in the event, that the event was part of their traditions, that the taco was part of their Hispanic culture and they were very proud to do the event every year, and that event was possible by all of the sponsors and they were very proud to

present the certificate from Guinness World Records to the City of Houston. Council Members Goldberg and Sanchez absent.

Council Member Castillo stated that the City had recognized the accomplishment by extending best wishes and congratulations to all who were involved for constructing the Worlds Largest Taco. Council Members Goldberg and Sanchez absent.

Ms. Grace Olivares Hernandez, Director of Public Affairs for Channel 45 Univision, stated she would like to thank Mayor Brown and all the Council Members for the recognition, that Channel 45 was very proud to be a part of the event that celebrated their culture and heritage. Council Members Goldberg, Sanchez and Bell absent.

At 2:24 p.m. Mayor Brown requested the City Secretary to call the list of speakers.

Ms. Lorraine Cherry, 6049 Woodbrook Ln., Houston, Texas 77008 (713-869-4445) appeared and stated that she was present as a representative of a group called Friends of the Inner City Forest, that they last came before Council on April 6, 1999 to ask for their help in preserving a magnificent 21 acre forest located inside the Loop in Timbergrove Manor just west of the Heights, that the property was owned by Houston Independent School District who had planned to build a new campus for the Visual and Performing Arts on that site, that in part because of the enthusiastic support and encouragement that they received from Council and the Parks and Recreation Department they had come a long way since last April, that they now had a web page devoted largely to the natural history of the site, that they had distributed bi-monthly newsletters to 1,250 people in their community and had received continuous support from the media including television spots, radio interviews and newspaper articles, including a front page Outlook article that was in last Sunday's Houston Chronicle, that they had produced a 30 minute nature video that featured three top naturalist from the Houston area, that her colleague Nancy Greig would be telling them more about it, that they also circulated a petition which now contained nearly 1,100 signatures which represented an amazing 90% of the homes contacted, that a copy of those signatures would be given to the Mayor, that all 1,100 signers on the petition were dedicated to preserving the forest and inner city site as a park or urban nature center, that as they all knew at the last school board meeting the 11th Street property was permanently taken off the table for consideration of construction of HSPVA, so why were they present, that it was because as gratifying as it was and as relieved as the neighborhood had been they were not finished, that although HSPVA would not be built on the site Houston Independent School District currently planned to keep the land for future development, even though they admitted that there was not foreseeable need for another school in the area and in addition to which the property now lay well within the revised 100 year flood plain, that having the property go back into the limbo of unused assets owned by Houston Independent School District was clearly not a long term solution for her neighborhood, that as they knew the City of Houston needed community parks and the parks master plan had specifically recommended the acquisition of property from other public entities, that at 21 acres the inner city site was admirably suited for development as a community park so they were present to ask for their continued support in encouraging Houston Independent School District to trade or sell the property to the City of Houston for use as a park. Council Member Goldberg absent.

Council Member Tatro asked for the web page address and Ms. Cherry stated it was users.netropolis.net/lcherry, that they had brought videos for the Council which they filmed in the park and there was a little card enclosed that also had the website address on it, and Council Member Tatro stated that he had an opportunity to speak to both Mr. Spellman and Ms. Candice Rylander of the Parks Board, that as she had mentioned HSPVA had withdrawn from the site and it had added revitalized efforts on behalf of the Parks Department, that as she had mentioned the parks master plan was being put together about this time last year but had not come back before Council and as she had correctly stated the area was a prime site for a park in District A which was park poor, and that was one of the things that the parks master plan had identified, that the build out or any improvements would be small, that the good thing was that the Parks Board was involved, that they were energized which was a big bonus to the City in its ability to pull resources together to make a transaction with Houston Independent School District.

After further discussion Council Member Parker stated that they were going to do it just one way or another so for Ms. Cherry not to give up on them, and Council Member Robinson stated that a number of Council Members talked about how they could do the park and library master plan and one of the things that he asked the administration to take a look at was more parking meters around the City and using the revenues to help support bonds for parks and libraries and asked Ms. Cherry how she and the members of her community would be supported of that idea, and Ms. Cherry stated that the park was right in the middle of a residential community and while she did not want a parking meter in front of her house, that had certainly been done everywhere she lived on the west coast to great effect so it was something that she would not be against, and Council Member Boney asked Ms. Cherry where Houston Independent School District was on the matter and Ms. Cherry stated that their last contact with Houston Independent School District was at their last board meeting where they made presentations and that was the board meeting where they decided in closed session and then later in open vote to officially take the property off the table, that they had expected them to say that other sites were being considered and had not expected that they would go so far as officially remove the site from consideration so they were very gratified about that, that their only subsequent contact had been with the local board member Mr. Jeff Shadwick, who was the trustee from their district and he had been very supportive of them the whole year and had been the one suggesting that a swap with the City would be their best option, that she knew that Mr. Spellman and the Parks Property Department had been working very diligently on it and Council Members Parker and Tatro had worked on their behalf and planned to go forward until they got final closure on it, and Council Member Boney stated that the administration had been supportive and it was generally felt from outside of the table that it was a good idea and appropriate to move forward and thought the decision at this point was on Houston Independent School District to come up with a proposal that they could consider and try to bring to closure and suggested that they secure a meeting with the chairman of the board to try to get to the bottom line of what Houston Independent School District required and needed so they could bring it to resolution.

Ms. Nancy Greig, 6122 Ahington, Houston, Texas 77008 (713-802-2430) appeared and stated that she was Director of the Cockerell Butterfly Center at the Houston Museum of Natural Science, a botanist by training and coincidentally a resident of the Timbergrove Manor neighborhood and was present to whip up enthusiasm for the park and to tell them why they were so excited about it, that as Ms. Cherry mentioned late last fall made a video to show what was at stake and they brought copies for all Council

Members and urged them to take the video home and watch the video, that it could say a lot better than she could about what was out there, that as Ms. Cherry said a couple of local naturalists walked through the park to sort of see what was there and show it on film and what they saw was so amazing, that they saw a great horned owl and a little biddy place being mobbed by bluejays and saw a red breasted nuthatch to birders might be exciting, that it was a small bird that was rare for their area and got them on the Texas Birding Trail, that they saw five of the six species of woodpeckers that were known to occur there and one of those was the red headed woodpecker which was actually in decline in the area, so all that spoke really well to the amazing diversity that was in the little piece of property, and of course plants, that she was a botanist and was most enthusiastic about the plants and was what they would find in an East Texas forest; that one of her goals at the museum was to turn people on to natural history and to the importance of conserving natural habitats, that as an educator and Council as public servants she thought they could do a great deal by just paying more than just lip service and making it a park into perpetuity so that Houstonians could have a sense of what their natural habitat really was like.

Council Member Galloway stated that having served on the school board for the past eight years that issue did come up prior to her departure from Houston Independent School District and this property could be used for educational purposes and of course what she had just explained to Council was educational and suggested that they talk to Deputy Superintendent Leonard Sturm who could be reached at 713-892-6000, that he would be the person that they could get with on the property and get some information to see where they would go from there, and Ms. Greig stated that they had spoken with him after the Houston Independent School District Board meeting the other day and he was very aware of it.

Ms. Linda Skiles, 2618 Ahington, Houston, Texas 77008 (713-430-6193) appeared and stated that last year they were present to discuss the potential destruction of the unique natural resource on west 11th Street, that they were met with overwhelming support and in fact Council Member Parker summarized those feelings by telling them that they were preaching to the choir, that today the members of the choir had changed somewhat but they hoped that they would all sing the same song, that they as a small group of concerned citizens who called themselves the Friends of the Inner Forest joined forces to tell the tale of the valuable resource and in fact found themselves in the surprising position of educating the educators, that they continually drew upon the fact that teaching students did not always come within the confines of four walls, but many times came from setting the utmost of examples, going above and beyond, doing what was unselfish and acting with integrity and setting aside usual and customary monetary preclusions and boundaries, that they asked for their assistance last year to help them make a permanent park for Houston and they immediately responded providing ideas, giving contact names and leads all in the hopes of finding an appropriate swap possibility with Houston Independent School District, that Council Member Todd suggested that they meet with Harris County and they did, and Council Member Robinson suggested that they meet with Freedmen's Town representatives and they did, and Council Member Parker joined them when they met with Houston Independent School District property officials and Mr. Spellman had engaged in endless conversations trying to persuade and come up with ideas that would eventually be the carrot that Houston Independent School District seemed to require, that they had overcome the first hurdle with the direction of the new HSPVA move to a more appropriate venue and thanks to the efforts of other City

visionaries the benefits of HSPVA would be enhanced as a part of the overall downtown and Main Street renovations, that was a perfect example of public entities of public entities working together to bring out the best that each had to offer, that they now must duplicate that effort by bringing those public entities together again and this time resulting in a permanently protected park for all of Houston, that they now needed their help in persuading Houston Independent School District that the property they now held in public trust should more appropriately be in the hands of another public entity and trusting the Parks Department to bring out the best that the land had to offer, that two of the newest Council Members brought a unique insight to their dilemma and they hoped that they would offer the much needed assistance as to how to proceed with Houston Independent School District, that Council Members Galloway and Vasquez had now had the benefit of their pleas from both sides of the field and they respectfully asked them to join the Mayor in his state of desire to make the land an official park for the City of Houston, that a school did not have to be built in that park but the park could not be built anywhere else.

Council Member Boney stated that the question was really at Houston Independent School District and that the question was coming up with some balance on the cost of that property that was reasonable and fair and reasonable for the City to try to put forward to acquire the property and transform it into a park and would think that the majority of energy needed to be spent with those officials there to come to a reasonable balance and then Council could try to see if they could come up with something that made sense, and Ms. Skiles stated that they did visit them almost as frequently as they visited Council, that unfortunately they would like it to be as simple as they putting together a list of easements and byways and land swamps, but she did not know why that simple solution could not come to the table. Council Members Keller and Sanchez absent.

Mr. Griff Griffin, 808 W. Main, Ste. 3, Houston, Texas 77006 (713-528-2553) appeared and stated that he was present to make a personal invitation and did leave them all an application to be in the 41st Saint Patrick's Day Parade and hoped that the weather would be a lot better, that he knew that for Council Members Bell and Parker the weather was a little cool last year and Council Member Quan stated that it was a little rough, but they sure hoped that Mayor Brown could because they had not had a Mayor in their parade since Mayor Kathy Whitmire, that as they were joining together with the Black Heritage and all the other parades if he could they needed to have him in there, that another thing that he came up with was if they could come up with a special night for the poor kids in the town who could not afford to go to the ball game, if they could come up with a \$5 ticket by corporate people where they could take the young children, that each Council Member would be allowed 3,000 to 4,000 tickets for young children who would probably never get a chance to go to Enron Field, that it was a shame to have a nice new stadium that a lot of the children in the City would never get a chance to see unless someone would give them a ticket, that he had talked to the Houston Sports Authority and they said it was something that they would consider.

Upon questions by Council Member Bell, Mr. Griffin stated that the parade was the 18th of March at 11:00 a.m., that they would start at Texas and Travis and this was the first time ever in history that they were bringing the parade into Market Square, that the Shriners liked the idea of coming back downtown and were putting in their entire units which was over a thousand people.



Council Member Goldberg stated that there was not a lot of time before the opener with the Yankees, but he had taken it into consideration and made some inroads and as far as a tour for the kids, that it would be real nice for the kids to be able to come out and see what the field looked like, that they were looking at the possibility of some time in the week between the Yankees game and the Astro's next game, that there was an open week there and maybe it could be done, that the biggest questions was who would be in control of the field at that time, but they were looking into it and Mr. Griffin's idea of letting the kids see the inside of the stadium and getting a chance to do something that they may not be able to afford was a good idea and would continue to work on it.

Council Member Keller commended all that Mr. Griffin did in the community, that there was nothing more admirable and certainly respected it, and Mr. Griffin stated that they were dedicating the parade to the Houston Fire Fighters.

Council Member Parker stated that just to save him from coming back she noticed in the brochure of the Houston Festival that children under 10 years of age were free at the Houston International Festival, and Mr. Griffin stated that there was just one festival left, the Children's Festival was still 3 years of age and over.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 (no phone) had reserved time to speak, but was not present when her name was called.

Ms. Carmen Nadolney, 315 White Cedar, Houston, Texas 77015 (713-455-1405) appeared and stated that she was a member of the school board of Incarnate Word Academy, a high school for young girls located at Jackson Street and Capital Street, just down Jackson Street from Enron Field, that they were the oldest continuing operating school in the City of Houston and had been on that same site for 126 years, that she was opposed to a beer garden ice house that was going to be opened on the corner of Jackson Street and Texas Street, directly across the street from the backside of Annunciation Catholic Church, that church nor the school was notified that the facility was going to be put in to that location, that they did not give them any notice of an inappropriate facility being at that place, and she asked Council to give serious consideration to a building permit for that type of facility so close to a school and church, but most of all she wanted Council to consider the safety of the girls, and could they imagine what would happen to them and to the school when they would enter and exit the girls on Jackson Street during the time that the beer garden was open, that it had no parking and did not have parking facilities, and she asked if a facility that opened for business did they not have to have parking for their patrons and if so could a building permit be denied based on the fact that they did not have parking for that facility, that most of all her main concern was the safety of the children and the safety of their girls and the inappropriate use of the land behind their school.

Mr. Bibler stated that the parking requirements were a part of the building permit process, however his recollection was that there were exemptions for buildings that were downtown on the parking rules, that he was not sure if that was going to be a factor on this.

Council Member Ellis thanked Ms. Nadolney for calling his office that his staff did some research and background work on it, that they called Judge Eckles office because that was where they would receive the permit or liquor license from the TABC, that they

had filed to receive one but did not meet the distance requirements which he believed was 300 feet and he had some telephone numbers for Ms. Nadolney to call Ms. Brenda Hicks at the County Clerk's Office, that there would be an administrative hearing at which time they could go and protest to Commissioners Court and thought that would probably be the first step for them to take in trying to keep from having the ice house across the street from the school, and Ms. Nadolney stated they were told yesterday that the permit was issued January 24, 2000 and that was the reason for their being present in Council, and Council Member Ellis stated that they just confirmed that it had not been issued, that it had been filed and they would have a chance to protest it and hoped they would.

Council Member Keller asked if the distance did not satisfy the distance requirement of 300 feet away, and Council Member Ellis stated that it was less than 300 feet, that the Administrative Hearing Judge was Doug Atkinson and he did take a look at the property and stated he thought it was within the 300 feet, and Council Member Keller asked if notice was required, and Mr. Bibler stated that notice was given to various people but did not think that it was given to residences, but it was given to political subdivisions and so forth, that if and when an application was filed it would be furnished to the City Secretary who in turn would send it to the Finance and Administration Department and they would go out and make a measurement to determine whether the 300 foot distance requirement had been met and they would certify that it was or was not back to the Texas Alcoholic Beverage Commission, but that was part of the permit process, and Council Member Keller asked Ms. Nadolney if this was a private school and she stated yes, and Council Member Keller stated that he had been doing a little bit of the same with some elementary schools in his district and found out that it was either 1,000 or 700 feet requirement that a place that sold alcoholic beverages could not be within 1,000 or 700 feet of a public school, and Mr. Bibler stated that was correct, that it was a law that had been in place, that it was a State Law and not a City ordinance and optional whether they enforced it or not but they could not modify its requirements, that since prohibition ended and the law was first put into effect in the 1930's it had always applied only to public school, public hospitals and to churches, that private hospitals and schools were not covered.

Council Member Bell asked who was the prospective owner of the ice house and Ms. Nadolney stated that the sign that went up on Wednesday was Woody's and that was their first notice that it was going to be there, and Council Member Bell asked if they had attempted to meet with them at all, and Ms. Nadolney stated that they had attempted to find out from the bureau if a license had been issued, and Council Member Vasquez encouraged Ms. Nadolney to follow Council Member Ellis's advice about going to the County and State, but that also the law had recently changed and it was property line to property line not door to door, and Mr. Bibler stated that the measurement distance procedure was changed for schools but for churches it remained a front door to front door test, that it was measured in a very strange way that was set forth in the statute and there were a number of cases about it, that they had thoroughly investigated the site and previously in connection with the ballpark being across the street and they had to develop their architecture in a way that they could comply, and Council Member Sanchez asked if that was the economic development they had hoped the ballpark would generate and Ms. Nadolney stated that they had remained at that site, they did not ever leave the City of Houston, the City abandoned them, that they stayed there through thick and thin.



Mr. Al Clements, 5627 Bankside Dr., Houston, Texas 77096 (713-729-8718) appeared and stated that his daughter was a senior at Incarnate Word Academy and also a member of Annunciation Church which was on the corner, that the problem with the proposed beer joint was that was the entrance where the girls were picked up and left off, on the backside, because of all the problems on Crawford Street on the front, that they could not use the old front entrance anymore and had been using the back entrance for a long time and in essence had become like the front entrance, that it was directly across diagonally from the beer joint which said that it was Woodrow's and stated "Muchos Cervezas Babies" so this was not the kind of environment that they would like their daughters to be in and understood that they had to treat all the private enterprises the same, that they could not discriminate, but they were responsible for the safety of their citizens and their children, that they needed to look at it harder and see if there was something they could do, that he wanted to point out that one of the City inspectors was out there doing some measurements and they discussed it with him and when he measured he found that it was 263 feet from the back entrance of the church which was one of the entrances of the church which was unlocked every morning and did fall within the 300 feet, and the other important point was that it was an open patio type bar and the City inspector stated that it would probably not apply from door to door since it was opened all the way around. Council Member Quan absent.

Council Member Sanchez asked if there was a document that stated that the back door to the church was not in use at the time when Enron Field made application to either County or Texas Alcoholic Beverage Commission that he was aware of and Mr. Clements stated not to his knowledge, and Council Member Sanchez asked Mr. Bibler that assuming that there was a document that said that the back door was not used as an entrance to the church at the time an application was made by Enron Field could the church change its entrance and exits and then subsequently be seen as an entrance, and Mr. Bibler stated sure, and Council Member Castillo asked Mr. Bibler that if Mr. Clements was correct that the beer joint was a patio arrangement where did they define the front door as being, and Mr. Bibler stated that he had seen situations where the law was not clear on something like that and they had certified to the Texas Alcoholic Beverage Commission that it was within 300 feet if they measured it to one place and not to another and they had to refer it to the Attorney General's Office or someone for a determination, that the issue of the door, State law says front door to front door, that there were cases that said that a church could have more than one front door and it was his recollection and he may be wrong, but Robert Miller who was also known as the Metro Board Chairman who represented the ball field had checked it out very thoroughly at least a year or two ago when they were designing the ball field and had determined with the cooperation with the people from the church that the only real front door that they had appeared to have at that time was the one on Crawford Street, but it might be that they changed the doors that they used to get the people in and out of the church, and Mr. Clements stated that the pastor or bishop did write a letter stated that the rectory door, which was the mailing address, was not the church entrance so that the ballpark could put the restaurant on the first floor, but that did not mean that other entrances were not used by the church, and Mr. Bibler stated that at that time they were looking at some entrances on the Texas Street side and tried to determine whether or not they were used to get people in and out of church services in a big way and if it was something on the other side of the church they would not have cared about it. Council Member Quan absent.

Mr. Frank Nadolney, 315 White Cedar, Houston, Texas 77015 (713-455-1405) appeared and stated that he was a member of Annunciation Catholic Church and also a graduate of Annunciation School and was opposed to the permit of the facility, Woody's, at Jackson Street and Texas Avenue.

Council Member Keller asked if the building permit was issued because that was where the City would come into most, that the commission administrator could give consideration for recommendation made in writing by the Commissioners Court of the County in which that applicant proposed to conduct his business or by a representative of the commission and in further reading it stated from front door to front door and from property line to property line so he thought they were both correct as far as the State, and Mr. Bibler stated that the State law had been amended so that for schools it was measured property line to property line but the amendment did not apply to churches unfortunately, that churches it was still front door to front door and it was still measured the same way it had been since the 1930's, and Council Member Keller stated that the phone number of the TABC closest to them was Houston Region 6, 427 West 20th Street, Suite 600, Houston, Texas 77008-2497, 713-880-3003, Fax 713-880-5526. Council Member Quan and Sanchez absent.

Council Member Todd also suggested that they contact the owner's of Woody's and see if they could work something out, that they call the TABC or County Judge or possibly the Secretary State Office in Austin and see who the contacts were, that he would guess that with that club going up over there that they would want to have a good relationship with the people around them because it was not the first time that there had been a club open up close to a church in town and most of the club owners understood that when they did that they were going to be opening themselves up for years of friction and years of problems if they did not resolve their differences, so he encouraged Mr. Nadolney to try to contact them and if they did not have any luck to call him. Council Members Quan and Sanchez.

Sister Mary Brendan, 609 Crawford St., Houston, Texas 77002 (713-227-3937) appeared and stated that she added her plea to everybody else, that the Sisters of the Incarnate Word and Blessed Sacrament came to Houston when reconstruction was in full vogue, when most of the Council Members were not even born, that went back to 1873, that they had stayed on that block for 126 years and had been there a long time and they had done a lot in education and had educated girls that had gone out and made a difference in the community and all over, that most of their graduates were as far away as California, Colorado and New York so they were stretched all over the place, that for that many years they had made a difference, that it was bad enough that they were hemmed in by Enron Field, but to think that they had a beer joint just across the street from them, right beside their parking lot, that it was kind of bad, that they had mentioned that public schools were protected but what was wrong with Catholic Schools or any private schools was it not children that they were interested in, and not to forget that like all private schools and Catholic Schools they educated everybody, they had Buddhists, Catholics, Presbyterians, et cetera. Council Member Quan and Sanchez absent.

Council Member Ellis stated that she had some sympathetic Council Members around the table and they would do everything that they possibly could, that as a good Catholic boy having her present reminded him of his grade school days and he looked

forward to any assistance that he could give her. Council Members Quan and Sanchez absent.

Council Member Keller stated that the owners of the establishment he felt were good people and he shared her concern on the issue and he too would do what he could to help her, and Council Member Bell stated that when they went to meet with the owner of Woody's that they should tell him that there were seven followers of the Catholic Faith on City Council and that she came heavily loaded. Council Members Quan and Sanchez absent.

Mr. Edward Simmons, 5242 Bungalow Ln., Houston, Texas 77048 (713-731-1645) had reserved time to speak, but was not present when his name was called. Council Members Quan and Sanchez absent.

Mr. Rick Jordan, 113111 Sage Hill, Houston, Texas 77089 (281-381-0971) had reserved time to speak, but was not present when his name was called. Council Members Quan and Sanchez absent.

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) appeared and stated that he President Joseph Charles of Royalty and also a certified volunteer deputy registrar of Harris County and one of the only official presidential candidates for the upcoming presidential election, that he needed more time to address his crime victim case that he had been coming before them for some time, that his case address was World Leader and President Joseph Charles defends US Government with and our Country of the United States versus the syndicated Global Mafia Organization, that his crime victim case did consist of and was pending at this time, that he did have an official office emergency order of protection to be provided. Council Members Galloway, Castillo, Quan and Sanchez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated [www.galvan.org](http://www.galvan.org), that Happy Leap Year and Leap Day 2000, that was why was he present today, that he was present as a citizen politician to galvanize for his campaign for Texas Representative 147, that Red Dog birthday card to Leslie, and he drank to everyone of those and supported Woody's downtown, that as a candidate he would change those laws to make sure that Houston did not have zoning again, that a postage paid envelope to GLSEN in Washington, DC, two gama panteen pills, two Rod Stewart tickets, a condom and one of his campaign cards that read vote James Partsch-Galvan for Texas Representative 147 and his platform was to put the issue of the State of Independence on the ballot and let the citizens of Texas decide if they wanted to secede from the Union just like in Quebec. Council Members Galloway, Castillo, Quan and Sanchez absent.

Ms. Susan Poole, P.O. Box 1035, Missouri City, Texas 77000 (281-438-5427) appeared and stated that she was the President of the Houston Professional Towing Association and was present to offer them an invitation to a meeting that night that was a citywide rally of all the permit holders, paint and body shops, storage lots and dealerships, that what they wanted to do in that meeting was address things that had been put before City Council as problems in their industry and find solutions for them within the industry, that they want to self govern themselves and take as many problems as they could away from Council, that it was really a historical event because the old P

Tag and E Tag Association were joining together to fight those problems and they would really appreciate it if they could come, that it was at 7:30 p.m. at the old Sam White Dealership which was now Budget Paint and Body at 8181 Beechnut, one block west of 59 South and Beechnut Street, that she had spoken before Council last week and gave them a map of the downtown area in relation to Enron Field and did not know if they all got them or not, that it showed that there were three towing facilities downtown, storage lots, and that Zone One was not the closest or the safest area for that to happen, but those were the things that they were trying to address and would meet with Council Member Parker and would like to meet with each Council Member, that one of the things that the meeting would do would be to establish a political forum to go between them and City Council. Council Members Galloway, Castillo, Quan and Sanchez absent.

At 3:20 p.m. upon motion by Council Member Parker and seconded by Council Member Tatro, City Council recessed until 9:00 a.m. Wednesday, March 1, 2000. Council Members Galloway, Castillo, Quan and Sanchez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 1, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office, Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office, present.

At 8:35 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Boney and Robinson absent.

## **MAYOR'S REPORT**

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

Ms. Sylvia Garcia, City Controller, stated that this was the report for January 2000, the seventh month of the current fiscal year, and there was little change in the General Fund with projections of \$24.1 million less than budgeted; sales tax leveled off and they were continuing with projections that this would maintain at about 4% growth rate for the fiscal year; Court collections continued to lag and they remained with the projection from last month that Courts would come in at around \$40,000,000, \$16,000,000 less than budget; that overall total revenues were projected to be at \$1,213,023,000.00 about \$24.1 million less than budget; that expenditures were projected as last month and they had annualized them and included pay raises to municipal employees; that the Child Safety Fund had no changes and the fund balance would remain at "0"; that projections

for revenues were at about \$2.9 million, \$400,000 less than budget; that the Fund Balance increased slightly and they were projecting \$73.5 million, \$19.8 million more than the required 5%, however, about \$7,000,000 less than the 7-1/2%.

Ms. Sara Culbreth, Finance and Administration, stated that this was the monthly report for January and General Fund projections had no significant changes from last month; Sales tax for December received in February continued to support their projection of \$319,000,000; that the allocation for December was \$41.3 million, about 3.4% higher than the same period last year; that on the expenditure side there were no changes from last month and they continued to project a balanced budget; that current revenues were projected at \$1,222.7 billion with the same amount for expenditures; that the Child Safety Fund had lowered projections by \$300,000; that in Water and Sewer projections were changed and revenues were expected to be over budget by \$15,000,000 and they had adjusted their projection accordingly; that in Aviation and Convention there was very little change. Council Members Galloway, Boney, Vasquez, Parker and Robinson absent.

Council Member Tatro stated that there was a difference in Controller and F & A's projections for Courts and he understood that in F & A projections there was an amnesty program considered; and upon questions, Ms. Culbreth stated that F & A projections did include an amnesty program, the exact date had not been released but their revenue did include some revenue from that; that the last such program produced about \$4.2 million in revenues and projections this year did not include that much but there would be a program later in the Spring; that the program would be earlier enough in the fiscal year to realize and book all revenues in this fiscal year. Council Member Tatro stated that from what he understood last year there were special accounts set up to set aside excess reserve funds into the special non-reoccurring projects fund and part of it was \$2,000,000 for Municipal Courts Administration and none of that was spent; that he would like to know if it would be an expenditure this year; and Ms. Culbreth stated that they did expect some activity going on, this was one item they had considered on an overall picture of what technology issues were for the city coming up and she did not have a firm date; that this would not be a revenue source, but the availability of appropriation should they bring it back to Council to de-appropriate could possibly be should the Council or Administration choose to bring it forward.

Council Member Robinson stated that there would be a full briefing on technology in the March meeting of the Transportation and Technology Infrastructure Committee and folks in Municipal had been visiting with Council Members relative to the money set aside previously and they would be bringing a comprehensive plan forward to that meeting and also a request for an ordinance to do what was called a technology fee which was allowed by state law so they could generate significant revenues to replace the computer system at the Municipal Courts and they should have that comprehensive answer before March.

Council Member Castillo moved to accept the Monthly Financial and Operations Report, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0300 ADOPTED.

Council Member Robinson moved to suspend the rules to take Items 33, 33a and 43 out of order, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0301 ADOPTED.

33. ORDINANCE approving and authorizing amendment No. 3 to Managing Agent Agreement for Food and Beverage Services at George Bush Intercontinental Airport/Houston between the City and **ENTERTAINMENT ONE, INC** including acceleration of scheduled 2002 reduction - **DISTRICT B – GALLOWAY** – was presented.

Council Member Robinson stated that he had presented a written amendment on Item 33 and presented a WRITTEN MOTION as follows: "Amend Item 33 to limit the 5% reduction in gross rent payment to sales of food and non-alcohol beverages and expressly exclude sales of alcoholic beverages."

Upon questions by Council Member Boney, Council Member Robinson stated that the primary E-One alcohol beverage vender was the daughter of the holder of the E-One prime contract.

A vote was called on Council Member Robinson's amendment; and was tagged by Council Member Bell. **(Note: Council Member Bell released his tag later in the meeting.)**

Council Member Bell stated that he would also tag Item 33. **(Note: Council Member Bell released his tag later in the meeting.)**

Upon questions by Council Member Boney, Council Member Bell stated that this was on the Agenda for the first time and was supposed to be on last week; that what he was hearing at the table today was different than what he heard last week and he would like another week to have the other side weigh in.

Upon questions by Council Member Castillo, Council Member Robinson stated that his amendment would operate as an amendment to the amendment because Item 33 brought forward the third amendment to the agreement and he was modifying the language in the third amendment to the original contract; that without his amendment the 5% reduction on the gross rental payment would apply to sales of food and beverages and the purveyors who had the problem were primarily food and nonalcoholic beverage sellers.

Council Member Robinson stated that to respond to Council Member Bell's issues he initially intended to offer an amendment to reduce the overall gross rent payment by 6.5% and there was a number of discussions and concern that there was not enough basis to support the 6.5%; that a number of issues had come up and the Administration made a commitment to look at them to see if they could get other relief and one commitment was a full audit and accounting of E-One with a particular focus on the renovation fund and the vendors payment of common area maintenance fees; that he understood both would be headed by his Chief of Staff; that there was also a commitment to visit with Continental Airlines to seek an agreement to limit access to their cafeteria to Continental employees only as the vendors had a concern that they were undercutting their business, etc., and in light of such the majority of the purveyors



felt comfortable with the 5% and waiting for the result of the audit. Council Member Tatro absent.

Upon questions by Council Member Boney, Council Member Robinson stated that the rent reduction would be from the point of passage. Council Member Boney stated that he hoped relief could get to the purveyors as soon as possible. Council Members Tatro, Keller and Bell absent.

Upon questions by Council Member Castillo, Mr. Hall stated that he had not seen the document Council Member Robinson talked about so his comments would be limited to Items 33 and 33a; that Item 33 was and represented the committee report that represented the action of the committee and recommendations made by the Administration to the committee and in effect they represented a 3-1/2% reduction in concession fee to Entertainment-One with a mandate that it be passed on to their subcontractors and it was primarily based on the claim from the subcontractors with Entertainment-One that they have through their approval through the Aviation Director allowed for competition at the airport for customers that would otherwise be theirs, additionally, it was represented to Legal that at the time the build-out was made and being completed at Intercontinental they required vendors to relocate the USO and chapel and it should have been a city expense and that was the reason they thought it as reasonable to resolve the dispute by advancing the date for the 1-1/2% additional reduction scheduled in the present contract to take place in December 2002 to the present time.

Mayor Brown stated that was all that could be justified; and Mr. Hall stated that was all the Aviation Department had presented based on their analysis that could legally be justified to avoid offending the provision in the Constitution which he had outlined in a memo against gifts of public property. Mayor Brown stated that secondly if they approved something above what they could justify it would be a gift and illegal; and Mr. Hall stated that was correct.

Council Member Todd stated that what they were being asked to do had presidential value for other contracts and laying a precedent for how other contracts would be treated; that he would ask Council Members to bear in mind that anything done, any rational used for the reduction, would need to be applied to other decisions being made and he would urge that they be clear on the record for what their reasoning was because they would be asked to apply the same logic to other groups; that he would like to have on the amendment side and Administration side the rational for the 5% reduction, he understood the cafeteria and such other factors had something to do with it but he would like those factors laid out on the table next week when they were asked to vote.

Mayor Brown stated that the matter had been tagged.

33a. ORDINANCE approving and authorizing amendment No. 3 to Managing Agent Agreement for Food and Beverage Services at George Bush Intercontinental Airport/Houston between the City and **ENTERTAINMENT ONE, INC** - (Council Committee Report - 3.5% Reduction) - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Member Bell.

43. RECEIVE nominations for Positions 1 and 2 and Alternate Positions 1 and 2 of the **HOUSTON-GALVESTON AREA COUNCIL**, for terms to expire December 31, 2000 – was before Council.

Council Member Galloway nominated Council Member Carroll Robinson to Position 1, and was seconded by Council Member Boney. Council Member Boney moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0302 ADOPTED.

Council Member Vasquez nominated Council Member John Castillo to Alternate Position 1, and was seconded by Council Member Quan. Council Member Parker moved to close nominations, and was seconded by Council Member Castillo. All voting aye. Nays none. MOTION 2000-0303 ADOPTED.

Council Member Todd nominated Council Member Bert Keller to Position 2, and was seconded by Council Member Bell. Council Member Todd moved to close nominations, and was seconded by Council Member Keller. All voting aye. Nays none. MOTION 2000-0304 ADOPTED.

Council Member Todd nominated Council Member Gabriel Vasquez to Alternate Position 2, and was seconded by Council Member Keller. Council Member Keller moved to close nominations, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0305 ADOPTED.

Council Member Tatro moved to suspend the rules to take Item 52 out of order, and was seconded by Council Member Keller. All voting aye. Nays none. MOTION 2000-306 ADOPTED.

52. ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Utility System Extensions for Water and Wastewater Mains; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – (This was Item 34 on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBER TATRO) – was presented.

Council Member Tatro moved to postpone Item 52 for one week, and was seconded by Council Member Keller. All voting aye. Nays none. MOTION 2000-0307 ADOPTED.

**Consent Agenda (Items 1 through 42) were considered as follows:**

**MISCELLANEOUS** - NUMBERS 1 through 10

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AUTOMOTIVE BOARD**, for terms to expire January 2, 2001:  
Position One – **MR. WILLIAM SMITH**, appointment  
Position Two – **MR. BILLY H. JONES**, reappointment  
Position Three – **MR. ALAN B. HELFMAN**, reappointment  
Position Four – **MR. CHARLES OCHTERBECK**, reappointment  
Position Six – **MS. TRACIE PERDUE-CARTER**, appointment

- Position Seven – **MR. JAMES H. ANTHONY**, reappointment  
Position Nine – **MR. TIM STRANEY**, appointment  
- was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0308 ADOPTED.
2. CONFIRMATION of the appointment of the following to the Community Educational Outreach Panel of the **ANIMAL SHELTER ADVISORY COMMITTEE**, for terms to expire December 31, 2001:  
Position A – **MS. FRANCES GOODMAN**  
Position F – **MR. JOSEPH FEDUCCI**  
Position G – **MS. ELIZABETH MOORE ARNOLD**  
- was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0309 ADOPTED.
3. CONFIRMATION of the appointment of the following to the **SMALL BUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, for a term to expire three years from date of appointment:  
Position 2 – **MR. BRIAN SMITH**  
Position 4 – **MR. HOWARD JEFFERSON**  
Position 6 – **MS. GRACIE SAENZ**  
Position 8 – **MR. PETE PATTERSON**  
Position 12 – **MR. EDWARD M. GONZALES**  
- was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0310 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **CITY OF HOUSTON REINVESTMENT ZONE NUMBER FIVE, also known as MEMORIAL HEIGHTS REINVESTMENT ZONE**:  
Position One – **MR. KENNETH S. KATZ**, for a term to expire December 31, 2000  
Position Two – **MR. JAMES F. ERWIN**, for a term to expire December 31, 2001  
Position Three – **MR. CHARLES LEYENDECKER**, for a term to expire December 31, 2000, and as Chair for one year  
Position Four – **MR. JOSE HERNANDEZ**, appointment, for a term to expire December 31, 2001  
- was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0311 ADOPTED.
5. CONFIRMATION of the appointment of **MR. ERIC BOUTTE** to Position B of the **HOUSTON CLEAN CITY COMMISSION**, for a one year term to expire February 1, 2001 - was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0312 ADOPTED.
10. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for Police Officer **STEVEN K. SALLEY**, Employee Number 85243 - was presented, moved by Council Member Sanchez and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0313 ADOPTED.

Council Member Castillo stated that regarding Item 1 there were members of the Automotive Board present and invited those present to stand to be recognized; and Mayor Brown thanked them for their service. Council Member Robinson absent.

**PROPERTY** - NUMBER 16

16. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck W. Brown of Enterprise Rent-A-Car, for sale of 10-foot wide storm sewer easement in exchange for drainage improvements to the City's Memorial West Utility District Water treatment facility, located in the Middleton Survey, A-535, Parcel SYO-029 - **STAFF APPRAISERS - DISTRICT G – KELLER** - was presented, moved by Council Member Sanchez and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0314 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 17 through 23

**OTHER**

20. **PROVET** for Blood Analyzer Supplies Contract for Parks & Recreation Department - \$74,564.55 General Fund - was presented, moved by Council Member Boney and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0315 ADOPTED.
23. **NATIONAL SAFETY COUNCIL** for Purchase of Defensive Driving Course Training Materials for Police Department - \$40,828.00 - Police Special Services Fund - was presented, moved by Council Member Boney and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0316 ADOPTED.

**ORDINANCES** - NUMBERS 24 through 42

38. ORDINANCE appropriating \$35,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to professional engineering services contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Economy Lot Upgrades at George Bush Intercontinental Airport/Houston, Project No. 507, CIP Nos. A-0235 and A-0358 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-147 ADOPTED.
42. ORDINANCE appropriating \$878,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER, INC** on low bid of \$772,692.00 and approving and authorizing professional services contract for engineering testing services with **HVJ & ASSOCIATES, INC** in the amount of \$5,000.00 for Construction of West Bellfort Sanitary Sewer Improvements along Huntington Estates from West Bellfort to Huntington Venture Drive, GFS R-0018-WB-3 (N-0466-02); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund -

**DISTRICT F – ELLIS** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-148 ADOPTED.

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

**MISCELLANEOUS** - NUMBERS 1 through 10

6. REQUEST from Mayor for confirmation of the reappointment of **MR. CHRIS BELL** to Position 9 of the **CITY/COUNTY COMMISSION ON CHILDREN**, for a term to expire December 31, 2000 - was presented, moved by Council Member Sanchez and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0317 ADOPTED.
7. ORDINANCE appropriating \$6,038.00 out of Public Library Consolidated Construction Fund as an additional appropriation for Renovation of Clifford Tuttle Branch Library, under construction contract with **RESICOM, INC**, CIP E-0032-01-3, approved by Ordinance No. 99-314; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund 439 - **DISTRICT H – VASQUEZ** - was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-149 ADOPTED.
- 7a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 7 in the amount of \$6,038.00 on contract with **RESICOM, INC** for Renovation of Clifford Tuttle Branch Library, GFS E-0032-01-3 - **DISTRICT H – VASQUEZ** - was presented, moved by Council Member Sanchez and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0318 ADOPTED.
8. RECOMMENDATION from Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 2** - was presented, moved by Council Member Boney and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0319 ADOPTED.
9. RECOMMENDATION from Director Parks & Recreation Department that City Council approve the proposed schedule of events for the **2000 HOUSTON INTERNATIONAL FESTIVAL**, and approve April 7 through 16, 2000 as the dates for this year's Houston International Festival spotlighting Brazil - **DISTRICT I – CASTILLO** - was presented, moved by Council Member Boney and seconded by Council Member Sanchez

Council Member Ellis moved to hear from representative of Parks and Recreation, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0320 ADOPTED.

Upon questions by Council Member Ellis, Ms. Susan Christian, Parks and Recreation Department, stated that by ordinance the city waived all fees for the Houston

International Festival and produced all their services for free; that in 1994 they spent about \$313,491.00 in city services and last year about \$200,827.00 in city services; that the Houston International Foundation managed the festival and they did charge fees, but the city donated services in kind by an ordinance in place for twenty something years; that last year HPD spent a little less than \$73,500.00 and the Fire Department spent \$42,233.00 and per ordinance no city department was reimbursed. Council Member Robinson absent.

Council Member Ellis tagged Item 9. Council Member Robinson absent.

Upon questions by Council Member Sanchez, Ms. Christian stated that each department was responsible for providing cost for their department and then they tallied it; that at his request Mr. Spellman had compiled a special events committee to review ordinances and procedures of handling special events and to compare to other cities known for their events; that they had been meeting since late fall and had a preliminary report due to Mr. Spellman and the Mayor April 15; that the ordinance regarding the festival was very old and when it began there were no events happening in the City of Houston and she believed the ordinance came into effect because of that and events had a large play in bringing cities together; and for this festival fees were reasonable compared to other cities.

Upon questions by Council Member Boney, Ms. Christian stated she did not produce about three events and the Houston Grand Prix was one of them, but she understood there were significant city funds expended. Council Member Boney stated that the city re-paved a number of downtown streets to be able to accommodate the high performance cars; that they also needed to calculate what they thought was the tourist dollar impact and the positive economic impact generated; that anytime major special events were brought to the city the city's profile was raised and income was generated and if this was to be delayed to look at the cost then all such events should be looked at, the Power of Houston was another; and upon questions, Ms. Christian stated that this year it was probably over \$200,000; and he had mentioned tourist, a survey was done for the HIF festival and it was \$5,000,000 to \$6,000,000 economic impact on the city. Council Members Goldberg and Robinson absent.

Council Member Castillo stated that he was a booster for Houston and for festivals but perhaps they should look at another location, it began small and was downtown to capture the lunchtime crowds, but it had outgrown the square in front of City Hall and a more appropriate location should be looked for as it caused major congestion and also did damage to the grounds around City Hall; that maybe it should not be relocated totally out of downtown but from the City Hall doors; and he would like to see a copy of the Houston International Festival Foundation's report. Council Member Goldberg absent.

Mayor Brown stated that based on his suggestion, they were looking at alternative sites. Council Member Goldberg absent.

Upon questions by Council Member Bell, Ms. Christian stated that Mr. Spellman had formed a committee and they were looking at the entire process of how events were handled and the ordinance relating and would make recommendations for changes to each for enhancement and their first draft was due to the Mayor and



Mr. Spellman April 15, but she did not believe the ordinances would be addressed in the first draft. Council Member Bell stated that he did believe the city should be helping events that were positive to the city, but his problem was the criteria used was rather dated and stringent; that he believed the Marathon was very positive for the City of Houston bringing people from even outside the country but because of the criteria it did not qualify for any city aid; and upon questions, Ms. Christian stated that was something they would also be looking at. Council Members Goldberg and Vasquez absent.

Upon questions by Council Member Todd, Ms. Christian stated that the cost to admission to the Zoo was \$5.00 for adults, \$2.50 for senior citizens and .50 for children and if comparing to other zoos nationally it was comparatively low; that admission to the festival was set by them but they did not raise fees to what they wanted a couple of years ago because of Council's request. Council Member Todd stated that he would like the Houston Zoo to be the best in the country and if they were going to give the Houston International Festival latitude to set what they needed then the Zoological Society should be able to do the same. Council Members Goldberg, Boney, Vasquez and Robinson absent.

Council Member Ellis stated that when he started his line of questioning on the International Festival, it was because he had a problem with the city providing services; that it was a private organization who put it on and they were subsidizing the festival and to deplete the police budget for such when more was needed was the reason he wanted to take another look at it. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Parker, Ms. Christian stated that she understood they had already addressed Council Member Castillo's suggestion by trying to create a preferred venue in Eleanor Tinsley Park; and Ms. Christian stated that had gone before the committee for creating a festival park; that the God Father of cities was Chicago and they had a month long city street festival and they owned that festival; that she hoped the answer was not in getting rid of street festivals as they were interesting, fun and brought a certain spirit to the city. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Galloway, Ms. Christian stated that the money being spent on the festival was budgeted; that the item on the Agenda was brought to Council for approval of dates and logistical map as was required by ordinance. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Boney, Ms. Christian stated that a one week delay would be fine. Council Members Galloway, Vasquez and Robinson absent.

Council Member Bell stated that he had received the information he needed and was willing to release his tag on Item 33, the amendment and Item 33a; and moved to suspend the rules to take the items out of order at this time, and was seconded by Council Member Boney. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson absent. MOTION 2000-0320-1 ADOPTED.

Mayor Brown stated that Council Member Robinson's written amendment on Item 33 would now be voted on. WRITTEN MOTION as follows: "Amend Item 33 to limit the 5% reduction in gross rent payment to sales of food and non-alcohol beverages and

expressly exclude sales of alcoholic beverages.” – was again presented. All voting aye. Nays none. MOTION 2000-0321 ADOPTED.

33. ORDINANCE approving and authorizing amendment No. 3 to Managing Agent Agreement for Food and Beverage Services at George Bush Intercontinental Airport/Houston between the City and **ENTERTAINMENT ONE, INC** including acceleration of scheduled 2002 reduction - **DISTRICT B – GALLOWAY** – was again presented. All voting aye. Nays none. ORDINANCE 2000-150 ADOPTED AS AMENDED.

Council Member Robinson thanked all for their help and stated that he was glad this was now done; that he would now move to table Item 33a; and Mayor Brown stated that Item 33a was now moot.

Council Member Robinson moved to table Item 33a, and was seconded by Council Member Quan. All voting aye. Nays none. MOTION 2000-0322 ADOPTED.

- 33a. ORDINANCE approving and authorizing amendment No. 3 to Managing Agent Agreement for Food and Beverage Services at George Bush Intercontinental Airport/Houston between the City and **ENTERTAINMENT ONE, INC** - (Council Committee Report - 3.5% Reduction) - **DISTRICT B – GALLOWAY** – was tabled by previous motion.

**ACCEPT WORK** - NUMBERS 11 through 15

11. ORDINANCE appropriating \$66,800.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Construction of Filter Rehabilitation of Plant No. II at the East Water Purification Plant Complex, approved by Ordinance No. 96-570 – was presented. All voting aye. Nays none. ORDINANCE 2000-151 ADOPTED.

Council Member Keller stated that he wanted to commend Mr. Crisci on the good back up, but he would like one thing brought to his office relating to this matter, the amount with the change order added up to more than the high bidder in the original bid and he would like to be assured that the high bidder missed the quantities also and not that he missed getting the bid because he caught something the other bidder did not. Mayor Brown stated that a response in writing would be sent to him. Council Member Keller stated that he also wanted to know what services were needed with the \$100,000 consultants on the engineering testing; and Mayor Brown stated that answer would be provided also.

- 11a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 18 in the amount of \$80,000.00, final contract amount of \$4,674,288.65 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for construction of Filter Rehabilitation of Plant No. II at the East Water Purification Plant Complex, GFS S-0056-17-3 (10211-09) - 06.52% over the original contract amount – was presented, moved by Council Member Castillo, and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0323 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$737,813.30 and acceptance of work on contract with **BITUMINOUS CASUALTY CORPORATION** for Annunciation Lift Station Replacement, GFS R-0267-09-3 (4276-3R) - 03.21% under the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Member Quan.

Council Member Keller stated that he had a thorough briefing and he wanted to make sure that safe guards were implemented and possibly do credit checks now and then; that in this instance a company went out of business and he believed it was avoidable if safeguards were implemented.

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,065,651.30 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation in Northwest, GFS R-1034-04-3 (4260-8) - 05.85% under the original contract amount - Enterprise Fund - **DISTRICTS A - TATRO and B – GALLOWAY** – was presented, moved by Council Member Castillo, and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0324 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,410,939.27 and acceptance of work on contract with **CAJUN CONTRACTORS, INC** for Alameda Sims WWTP Lift Station Facility, GFS R-1222-06-3 (4442AS-1R) - 02.47% over the original contract amount - Enterprise Fund - **DISTRICT D – BONEY** – was presented, moved by Council Member Castillo, and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0325 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$12,410,137.09 and acceptance of work on contract with **CAJUN CONTRACTORS, INC** for Construction of Scott Street Wet Weather Facility, GFS R-1223-30-3 (4422-1) - 04.44% over the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Members Quan and Parker.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 17 through 23

##### **LOW BIDS**

17. **SMITH TANK & EQUIPMENT COMPANY** for One Storage Tank for Department of Public Works & Engineering - Replacement - \$15,900.00 - METRO Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0326 ADOPTED.

18. **TIRES-R-US** for Chemical, Caustic Soda Contract for Department of Public Works & Engineering \$164,386.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez.

Council Member Castillo stated that he wanted to reemphasize comments of several meetings ago where they had 36 month contracts; that he wanted to know what kind of mechanism was in place for them to know when and if the price went down; and Mr. Haines stated that based on his comments last week, it was underway and he would get him a report.

A vote was called on Item 18. All voting aye. Nays none. MOTION 2000-0327 ADOPTED.

### OTHER

19. **QUALITY MANUFACTURING, INC** for Pumper Truck Repair Service for Fire Department \$55,227.14 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0328 ADOPTED.
21. **POSTON EQUIPMENT SALES, INC** for Five Brush Chippers for Parks & Recreation Department New and Replacement - \$107,571.00 - Park Special Revenue and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. MOTION 2000-0329 ADOPTED.
22. **HOUSTON-GALVESTON AREA COUNCIL** for Purchase of Digital Aerial Imagery through the Interlocal Agreement for Cooperative Purchasing for Planning & Development Department \$28,121.44 - Building Inspection Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0330 ADOPTED.

### ORDINANCES - NUMBERS 24 through 42

24. ORDINANCE authorizing the defeasance, final payment and discharge of certain Water & Sewer System Prior Lien Revenue Bonds; prescribing the terms and conditions thereof; authorizing appropriation of an amount not to exceed \$152,000,000.00 from the Water & Sewer System Renewal and Replacement Fund to effect such defeasance, making other provisions regarding matters incident thereto; authorizing the execution and delivery of an Escrow Agreement to provide for the payment of such bonds; authorizing the purchase of and subscription for certain escrowed securities; authorizing Escrow Verification and engagement of an Escrow Agent and a Bond Counsel Agreement – was presented. All voting aye. Nays none. ORDINANCE 2000-152 ADOPTED.
25. ORDINANCE approving and authorizing consent to encroach, allowing certain improvements owned by Robert Mark Stauffer, Jr., the abutting owner, to encroach a total of 164.67 square feet, more or less, into the City's Street Right-of-way in the 2000 block of Hopkins Street adjacent to Lot 6, Block 5, Weston Addition, Harris County, Texas; subject to the terms and conditions of the consent to encroach -

**DISTRICT D – BONEY** – was presented. All voting aye. Nays none.  
ORDINANCE 2000-153 ADOPTED.

26. ORDINANCE approving the transfer to **AGBRI FANNIN, L.P., A Delaware Limited Partnership**, of a previously issued permit for Subsurface Vault Space adjacent to Block 294, S.S.B.B., and within portions of Fannin Street, Polk Avenue, San Jacinto Street and Clay Avenue, such space being within public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said transfer is issued - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-154 ADOPTED.
27. ORDINANCE issuing a permit to **MAIN/LAMAR DEVELOPMENT, L.P., A Texas Limited Partnership**, for constructing, maintaining, using, occupying, operating and repairing subsurface vault space adjacent to Block 139, S.S.B.B., and within portions of Main Street, McKinney Avenue, Travis Street, and Lamar Avenue, such space being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-155 ADOPTED.
28. ORDINANCE approving and authorizing first amendment to Lease Agreement between the **STATE OF TEXAS, by and through its Texas Department of Transportation**, as lessor, and the City of Houston, Texas, as lessee, for land located beneath a portion of the Pierce Elevated Highway for Automobile Parking purposes - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-156 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to Sublease Agreement between the City of Houston, Texas, as sublessor, and **CONTINENTAL AIRLINES, INC**, as sublessee, for land located beneath a portion of the Pierce Elevated Highway for Automobile Parking purposes **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-157 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC (S.E.A.R.C.H.)** for the administration and operation of the Mobile Outreach Program - \$250,000.00 - General Fund – was presented, and was tagged by Council Members Tatro and Ellis. **(Note: Council Members Tatro and Ellis released their tag later in the meeting.)**
31. ORDINANCE appropriating \$70,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 4.799 acres of land out of the Amos Barber Survey, A-125, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and authorizing the Mayor to execute a purchase and sale agreement with W. W. and Iris Thorne, and M. O. and Virginia Campbell, to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-158 ADOPTED.

32. ORDINANCE appropriating \$1,590,000.00 out of Airport System Commercial Paper Series A, C (AMT) and \$130,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 52.044 acres of land, out of the A. R. Bodman Survey, Abstracts 140 and 141, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0421, and authorizing the Mayor to execute a purchase and sale agreement with **AIRPORT INTERCON, INC**, to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-159 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and **U.S. FILTER/IONPURE** for Preventive Maintenance and Repair Services at the Laboratory of the Houston Department of Health and Human Services; providing a maximum contract amount - \$97,723.75 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-160 ADOPTED.
35. ORDINANCE awarding contract to **K.T.D. HOTSHOT** for Local Mail Delivery Services for Various Departments; providing a maximum contract amount - 5 Years - \$150,000.00 - Enterprise and Central Service Revolving Funds - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-161 ADOPTED.
36. ORDINANCE appropriating \$15,642.27 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **MORGAN KENDAL HOMES PROJECT, L.P.** for construction of Sanitary Sewer Lines along TC Jester Blvd, CIP R-0800-20-3 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-162 ADOPTED.
37. ORDINANCE appropriating \$8,505.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **PERRY HOMES** for construction of an 8-inch Sanitary Sewer Line on Park Street, CIP R-0800-19-3 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-163 ADOPTED.
39. ORDINANCE appropriating \$89,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional services contract between the City of Houston and **PTI, INCORPORATED**, associated with the Design of Waterline Replacement in Langwood Section 1 Subdivision, CIP S-0036-L1; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2000-164 ADOPTED.
40. ORDINANCE appropriating \$154,178.50 out of Parks Consolidated Construction Fund, awarding construction contract to **RAY FERGUSON INTERESTS, INC** on



low bid of \$137,550.00 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$7,000.00 for Parks to Standard Program - Judson Robinson Jr. Center Parking, F-0363-15-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-165 ADOPTED.

41. ORDINANCE appropriating \$3,559,790.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **KINSEL INDUSTRIES, INC** and **P.M. CONSTRUCTION & REHAB, L.P.**, a joint venture, on low bid of \$3,189,000.00 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC** in the amount of \$20,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-89-3 (4257-22); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund – was presented.

Council Member Keller stated that Item 41 was a great opportunity to implement a new system so what happened with Item 12 on last week's Agenda would not happen; that this was to the low bidder and he would like to make note that he did not want Law Engineering to let anyone hurry them so they could do good stats, good evaluations, good investigations, and good studies because those numbers would affect the project for a lifetime and he wanted the study part to be taken more seriously than Item 12 last week.

A vote was called on Item 41. All voting aye. Nays none. ORDINANCE 2000-166 ADOPTED.

**The Non Consent Agenda (Items 43 through 48) were considered as follows:**

**MISCELLANEOUS**

44. RECEIVE nominations for Position 5 for a term to expire December 31, 2000 and Positions 6, 8 and 9 to **REINVESTMENT ZONE #1**, for terms to expire December 31, 2001 - **DISTRICT C – GOLDBERG** – was before Council.

Council Member Goldberg nominated Mr. Philip Franchaw for Position 5, and was seconded by Council Member Vasquez. Council Member Keller moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0331 ADOPTED.

Council Member Goldberg nominated Mr. Stuart Kensinger for Position 6, and was seconded by Council Member Vasquez. Council Member Quan moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0332 ADOPTED.

Council Member Goldberg nominated Mr. Andrew Choy for Position 8, and was seconded by Council Member Vasquez. Council Member Vasquez moved to close

nominations, and was seconded by Council Member Quan. All voting aye. Nays none. MOTION 2000-0333 ADOPTED.

Council Member Goldberg moved to postpone Position 9 for one week, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0334 ADOPTED.

45. MOTION to set a date not less than seven (7) days from February 9, 2000 to receive nominations for Positions 7, 8 and 9 of the **MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS**, the two year terms to expire January 31, 2002 - was presented and Council Member Boney moved to set next Wednesday to receive nominations, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0335 ADOPTED.

Council Member Tatro stated that he would like to remove his tag on Item 30 and if Council Member Ellis would remove his...Council Member Ellis stated that he tagged this initially because in District F there was a growing population of homeless and they were not receiving any relief; that this was primarily for downtown and he would like it for all of the city and would like someone from Housing to visit with him on the issue, but he would remove his tag.

Council Member Tatro moved to suspend the rules to take Item 30 out of order, and was seconded by Council Member Quan. All voting aye. Nays none. MOTION 2000-0336 ADOPTED.

30. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC (S.E.A.R.C.H.)** for the administration and operation of the Mobile Outreach Program - \$250,000.00 - General Fund – was again presented.

Council Member Bell stated that the idea behind the whole program was because a number of years S.E.A.R.C.H. had a community outreach program and it had gone to the point where they could not fund it alone; that it was probably the most successful program in the city as far as identifying certain encampments of homeless people and sending people to visit with them and getting them into various service providers wherever they may receive help to get off the street and back into the workforce; that the idea was with more money and resources they could spread their effort even further and he believed there was misinformation on where the focus was because it was never intended to just focus on the downtown area; and if anyone needed more information Shelly Cypress, founder of S.E.A.R.C.H., was present today and he would very much appreciate support of the item. Council Members Tatro, Galloway and Robinson absent.

Council Member Todd stated that he wanted to relay that at the next scheduled Regulatory Affairs Meeting there would be an update from Gilbert Douglas concerning civility ordinances and as he understood after the meeting they would be ready for the public hearing to see what ordinance they could craft, if any. Council Members Tatro, Vasquez and Robinson absent.

A vote was called on Item 30. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2000-167 ADOPTED.

45-1. RECOMMENDATION from the City Attorney to **AMEND MOTION NO. 2000-125, 1/26/00**, to reallocate the \$217,500.00, originally allocated for the settlement of lawsuit styled Maria Guadalupe Castro Vilchis, et al. v. City of Houston and **ARNETTA WASHINGTON**, in the 165th Judicial District Court of Harris County, Texas, No. 97-46018 to accommodate the purchase of an annuity for the minor child plaintiff, and approving and authorizing a settlement agreement between the City of Houston and various plaintiffs – was presented, moved by Council Member Parker, and seconded by Council Member Tatro. Council Members Vasquez and Robinson absent. MOTION 2000-0337 ADOPTED.

## PROPERTY

46. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Victor Kohlmeir, on behalf of Alief English Congregation of Jehovah's Witnesses, a Texas tax exempt association (Michael Sawyer, presiding overseer), Shari and Alma Gayle Ajudani; and Tarsem Singh, the abutting property owners, for abandonment and sale of L Street, from 6th Street to 7th Street, between Blocks 61 and 62, Dairy Subdivision, Parcels SYO-034, SYO-040 and SYO-041 - **APPRAISERS DISTRICT F – ELLIS** – was presented.

Council Member Ellis named Mr. Robert L. Stanley and Mr. Michael D. Copland as the appraisers and moved approval of the recommendation, and seconded by Council Member Todd. All voting aye. Nays none. MOTION 2000-0338 ADOPTED.

## PURCHASING AND TABULATION OF BIDS

47. RECOMMENDATION from Finance & Administration Department to make the following awards for Drugs & IV Systems for Fire Department - General Fund:

**ABBOTT LABORATORIES DIAGNOSTIC DIVISION** - \$182,587.50

**ALLIANCE MEDICAL, INC** - \$74,360.50

**ARMSTRONG MEDICAL INDUSTRIES** - \$35,955.00

**BOUND TREE CORPORATION (Bid No. 2)** - \$124,940.00

**DIVERSIFIED MEDICAL SERVICES INTL., INC** - \$2,244,250.00

**DYNAREX CORPORATION (Bid No. 2)** - \$15,000.00

**EMERGENCY MEDICAL PRODUCTS, INC (Bid No. 1)** - \$73,685.00

**EMERGENCY MEDICAL PRODUCTS, INC (Bid No. 2)** - \$51,200.00

**EMERGENCY MEDICAL SUPPLY** - \$183,011.00

**EVER READY FIRST AID & MEDICAL SUPPLY** - \$49,175.00

**LAERDAL MEDICAL CORPORATION** - \$44,500.00

**SUN BELT MEDICAL (Bid No. 1)** - \$41,745.00

**SUN BELT MEDICAL (Bid No. 2)** - \$346,228.00

**UNITED MEDICAL SUPPLY (Bid No. 4)** - \$185,382.70

**WYETH-AYERST PHARMACEUTICALS** - \$69,438.10

### **COUNCIL DRAW LOTS**

**LINE ITEM NO. 21** due to receiving identical bids from **EMERGENCY MEDICAL PRODUCTS, INC (Bid No. 1)** and **SUN BELT MEDICAL (Bid No. 2)** in the amount of \$21,975.00 – was before Council, and Council Member Keller drew **SUN BELT MEDICAL** as the successful bidder.

Council Member Boney moved that the recommendation be adopted and awarded as drawn, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0339 ADOPTED.

48. RECOMMENDATION from Finance & Administration Department to make the following awards for Veterinary Pharmaceutical Supplies for Various Departments - General Fund:

**BURNS VETERINARY SUPPLY (Bid No. 2)** - \$99,426.59

**THE BUTLER COMPANY** - \$99,065.86

**MEDI-PETH MEDICAL LAB, INC** - \$15,054.58  
**PARA SCIENTIFIC COMPANY** - \$15,125.10  
**SUPREMUS MEDICAL, INC** - \$15,864.74  
**TRICOR BRAUN** - \$38,016.00  
**VALLEY VET SUPPLY (Bid No. 2)** - \$34,398.72

**COUNCIL DRAW LOTS**

**LINE ITEM NOS. 26, 87 and 205** due to receiving identical bids from **BURNS VETERINARY SUPPLY (Bid No. 2)** and **THE BUTLER COMPANY** in the amount of \$690.00 – was before Council, and Council Member Keller drew **THE BUTLER COMPANY** as the successful bidder.

Council Member Vasquez moved that the recommendation be adopted and awarded as drawn, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0340 ADOPTED.

**MATTERS HELD** - NUMBERS 49 through 58

49. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 10 in the amount of \$192,290.00 on contract with **WILLIAMS INDUSTRIES, INC** for construction of Southeast Service Center, GFS L-0029-01-3 - **DISTRICT I – CASTILLO - (This was Item 11A on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented.

Council Member Keller stated that this item had a lot of meetings and deliberation and to him it was a case of gross negligence; that he had asked for the amount of fee being paid to the entity who provided the documents, but he would like to note that the majority was done prior to this Administration; that he recommended to Building Services a new system to weed out architectural and engineering companies which provided some plans, to analyze which ones had the most change orders so each could be noted and the ones with less could be rewarded and that a check point be provided.

Council Member Sanchez stated that along the same lines, he was tired of talking about change orders and oversight and on the last page of backup Change Order No. 10 was to provide additional work to satisfy state and City of Houston Building Codes and he did not know how a designer could not know what the building code was; and upon questions, Mr. Lewis stated that the Building code was a complex document and from time to time there was a different interpretation; that Council Member Keller's suggestion was a good one and it was steps that both he and Ms. McGilbra were taking. Council Member Quan absent.

Council Member Castillo stated that on this item comments were well taken and concerns were legitimate and it pointed to the fact that haste did make waste and in this case projects were being hurried to meet a deadline in place; that it also pointed to the fact that they needed to insure the respective departments had enough adequately trained staff to do the reviews; and Mayor Brown stated the points were well taken and they would certainly work on it to see that suggestions were implemented to bring about positive changes.

Council Member Parker stated that Item 15 in which she and Council Member Quan tagged earlier was cost overrun and change orders on unforeseen regulations and among those unforeseen regulations were listed ADA, TNRCC and TxDOT and she did not know how ADA could be an unforeseen regulation and that was a continuing problem.

A vote was called on Item 49. Council Member Sanchez voting no. Balance voting aye. MOTION 2000-0341 ADOPTED.

50. ORDINANCE appropriating \$684,167.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **WM. H. GRAY CONSTRUCTION COMPANY, INC** for construction of proposed Sanitary Sewer Rehabilitation in Northside Phase II approved by Ordinance No. 98-174 **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - CASTILLO – (This was Item 12 on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBERS KELLER and SANCHEZ)** – was presented.

Council Member Keller stated that there were two kinds of change orders and this was one that taxpayers should know was fair and justified, it was a gross miscalculation of quantities of probably about an 8.5 to 1 ratio but it did not cause waste it was undershooting; that the company who shot the TV in this which was to provide a lot of the scales to draw from to the best of his knowledge was either no longer in business or not doing business with the city and he was assured they would not be a part of this in the future; that he checked every bid in this contract and every one missed it and what they missed caused them to miss two other items which were pretty big; and once again he was looking forward to everyone focussing on the inspections, studies, TV and design.

A vote was called on Item 50. All voting aye. Nays none. ORDINANCE 2000-168 ADOPTED.

- 50a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$877,971.33, final contract amount of \$5,331,782.07 and acceptance of work on contract with **WM. H. GRAY CONSTRUCTION COMPANY, INC** for proposed Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-20-3 (4260-21) 20.46% over the original contract amount - Enterprise Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - CASTILLO – (This was Item 12a on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. MOTION 2000-0342 ADOPTED.

51. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A98-54, located at 2400 Alameda-Genoa Road, owned by United Orthodox Synagogues of Houston, a Texas non-profit corporation, Ira Mitzner, President, for the **ALMEDA-GENOA ROAD WIDENING PROJECT from Alameda Road to State Highway 288**, CIP N-0493-01-1 **DISTRICT D – BONEY – (This was Item 14 on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBERS TODD AND ROBINSON)** – was presented.



Council Member Goldberg moved to postpone Item 51 for one week, and was seconded by Council Member Todd. All voting aye. Nays none. MOTION 2000-0343 ADOPTED.

Council Member Robinson stated that he tagged the item last week and asked that someone visit with him and no one had and was again asking someone to visit with him; that he would hate to be a no vote because no one did so; and Mayor Brown stated that someone would be by to visit with him.

53. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA URBAN LEAGUE, INC** to provide \$183,000.00 in Community Development Block Grant Funds for the Administration of the "Home of Your Own Homeownership Program" for qualified disabled, low and moderate income homebuyers - (This was Item 43 on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBER TODD) – was presented. Council Members Todd, Keller and Ellis voting no. Balance voting aye. ORDINANCE 2000-169 ADOPTED.
54. ORDINANCE amending Ordinance No. 95-756 to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **LANE EQUIPMENT COMPANY** (approved by Ordinance No. 95-756) for Ice Machine Rental Services for Various Departments - \$192,815.66 - General and Enterprise Funds – (This was Item 44 on Agenda of February 23, 2000, TAGGED BY COUNCIL MEMBER TODD) – was presented. Council Member Robinson voting no. Balance voting aye. ORDINANCE 2000-170 ADOPTED.
55. RECEIVE nominations for Positions B, C, D, E, H and I to the Community Educational Outreach Panel of the **ANIMAL SHELTER ADVISORY COMMITTEE**, for terms to expire December 31, 2001 - (This was Item 51 on Agenda of February 23, 2000, POSTPONED BY MOTION 2000-284) – was before Council.

Council Member Galloway nominated Ms. Mary Hawthorne for Position B of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee. Council Member Castillo moved to close nominations, and was seconded by Council Member Keller. All voting aye. Nays none. MOTION 2000-0344 ADOPTED.

Council Member Goldberg nominated Dr. Leo Ford for Position C of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee. Council Member Sanchez moved to close nominations, and was seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2000-0345 ADOPTED.

Council Member Boney moved to postpone appointment for Position D of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee for one week, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0346 ADOPTED.

Council Member Todd nominated Ms. Leslie Huff for Position E of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee. Council Member Sanchez moved to close nominations, and was seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2000-0347 ADOPTED.

Council Member Vasquez moved to postpone appointment for Position H of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee for three weeks, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0348 ADOPTED.

Council Member Castillo moved to postpone appointment for Position I of the Community Educational Outreach Panel of the Animal Shelter Advisory Committee for three weeks, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0349 ADOPTED.

56. RECEIVE nominations for Position 10 of the **SMALL BUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, terms to expire three years from date of appointment – (This was Item 53 on Agenda of February 23, 2000, POSTPONED BY MOTION 2000-290) – was before Council.

Council Member Robinson nominated Mr. Michael Easley for Position 10 of the Small Business Development Corporation Board of Directors. Council Member Sanchez moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0350 ADOPTED.

57. RECEIVE nominations for Position 14 of the **CITY HALL PRESERVATION COMMITTEE**, for term to expire December 31, 2001 – (This was Item 59 on Agenda of February 23, 2000, POSTPONED BY MOTION #2000-296) - was before Council.

Council Member Parker moved to postpone nomination for Position 14 of the City Hall Preservation Committee for three weeks, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0351 ADOPTED.

58. RECEIVE nominations for Position D of the **HOUSTON CLEAN CITY COMMISSION**, the one year term to expire February 1, 2001 – (This was Item 60 on Agenda of February 23, 2000, POSTPONED BY MOTION #2000-298) – was before Council.

Council Member Boney nominated Mr. Michael Rhodes for Position D of the Houston Clean City Commission. Council Member Sanchez moved to close nominations, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0352 ADOPTED.

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

Council Member Vasquez stated that he attended the kickoff yesterday for Operation Renaissance and it was a great example of neighborhood oriented government, the community coordinated a partnership with HPD, METRO, Solid Waste and HISD and resulted in a good project to eliminate dumping and he appreciated the support of District H in that.

Council Member Keller stated that his CIP meeting was eventful; that it went well and he wanted to thank Council Members Goldberg, Bell and Barbara Harvell from Council Member Parker's office for attending.

Council Member Keller stated that at Barbara Bush Elementary there would be a 5K event and he hoped anyone watching would like to participate; that the phone number for race information was Helen Rushing at 281-556-6531 and it was to be Saturday, March 4.

Council Member Sanchez stated that he drove by the exit on Fournace in Bellarie and a utility company had a front-end loader ripping up the street; that the curb was crumbled from the trucks and that went on in Houston also and he wondered if anything was being done, he saw no reason the city could not inspect and require it to be repaired back to its original condition. Council Member Vasquez absent.

Upon questions by Mayor Brown, Mr. Lewis stated that in the fall Public Works began looking at the question and in February they formed an interdepartmental working group with three departments and five organizations; that they had briefed the Council Committee on Transportation Technology on the overall approach and they would probably come forward with changes to Chapter 40 of the Code of Ordinances and beef up tools to enforce current code obligations. Council Member Vasquez absent.

Council Member Castillo stated that the problem with street cuts was increasing particularly in the downtown area and his concern was they were marking on Austin Street now adjacent to the Four Seasons Hotel which was a part of the race track for the Grand Prix and that paving was especially designed to carry the heavy high speed traffic of the race cars; that indicated to him they were about to do road cuts in that pavement and he wondered if it could be delayed until after the race because it would take sometime given the track record they had before with them whether they could even bring them back to the condition required for the race. Mr. Lewis stated that regarding the interim repair the Public Works Department was aggressively contacting the street cut company to do some repair or taking steps to do the repairs themselves and then bill the company for the repairs. Council Member Castillo stated that he would specifically commend to his attention Austin Street because any cuts would be new Council Members Vasquez and Sanchez absent.

Council Member Castillo stated that in relation to his previous subject they were fairly lean in Public Works with regard to inspectors and people who did basic public services and it took qualified personnel; and he would commend to the Mayor's attention whether they had the proper number of qualified personnel in low-key but essential positions; and Mayor Brown stated that it would be looked at to be sure. Council Members Todd, Vasquez and Sanchez absent.

Council Member Castillo stated that he wanted to commend Reliant Energy for mailing out in their current billing cycle a page of five reasons why the census form should be filled out; and Mayor Brown stated that should be helpful. Council Members Vasquez and Sanchez absent.

Council Member Bell stated that he wanted to talk of something they heard at the Council table, it was regarding 911; that he believed he and his colleagues were moved

at what they heard and was very disappointed in what he heard from Mr. Melcher who represented 911 regarding Houston Cellular and their reluctance to install proper technology for people to be located when calling from cellular phones, but he thought all Council Members had now received a letter from Houston Cellular and like often is the case the story painted by Houston Cellular was far different and it would appear they were one of the leaders in installing technology; that he knew they would like to appear before Council and he would ask the Administration to give them fair time to make their case. Council Members Vasquez and Sanchez absent.

Council Member Bell stated that he had received a letter from a constituent who believed she had a drug dealer operating across the street from her and the neighbors were threatened by the activity; that when she called the local branch of the Police Department she was directed to the main department to report and then she was referred to Narcotics and then it started all back over and it had gone on for months and with no action being taken against the perpetrator and that was inexcusable; that people who were calling in and trying to help police in fighting crime and the drug war should be aided and not distracted in their efforts; that a message needed to be conveyed to the Police Department that when citizens brought forth complaints they should not receive the runaround and every effort should be made to get the complaint to the proper area; that he was forwarding the letter to the Administration and he hoped that the Mayor would look at it and look into it and get her some assistance and on a broader scale send a message to the Police Department that people should be forwarded in a proper fashion and Mayor Brown stated that he certainly would; that Chief Thaler was in the Chamber and he would get on it right away. Council Members Keller, Vasquez and Sanchez absent.

Council Member Ellis stated that District F had their CIP Meeting Monday and it was a rather calm and productive meeting and he thanked all department heads and employees who came to answer questions and to thank all Council Members who came also; that the constituents greatly appreciated it. Council Members Keller, Vasquez and Sanchez absent.

Council Member Goldberg stated that his CIP Meeting went well and there were many department heads and employees present and he introduced those who were present in the Chamber and thanked the Council Members who attended also; that tonight he had another CIP at Rice School located at North Braeswood and Dr. Seuss Lane at 7:00 p.m. Council Members Vasquez, Castillo and Sanchez absent.

Council Member Todd stated that there was a lot of coverage this week with ABC and the cable companies and the Regulatory Affairs Committee had looked into the cable issues in the past and the issue of programming came up during hearings and the committee would be taking testimony from the city as to what their role was, whether they had a role or not in programming, and he would caution all at the table that it was a violation of federal law for them to get involved in programming issues and would encourage them if they were interested in the ongoing issues to attend their Tuesday, Regulatory Affairs Meeting. Council Members Vasquez, Castillo and Sanchez absent.

Council Member Todd stated that he had received documents from Houston Cellular and it was technical reading and basically a series of pleadings from the lawsuit from 911 and Houston Cellular and included federal documents, etc., and he was

sending a synopsis of the material and suggestions for responses they may want to take and would encourage Council Members to take a look and decide if they thought they were good suggestions; that this was a regional issue and it appeared the technology was already in place if 911 would call for it; and he would urge the Council Members to come up with a plan and urge the Fire Department to act on it. Council Members Vasquez and Castillo absent.

Council Member Galloway thanked Mayor Brown for being on the forefront of illegal dumping; that they needed to look again at penalties and fines and increase it and also allocate more money in the budget for cameras to catch those doing the illegal dumping. Council Members Vasquez and Castillo absent.

Council Member Galloway stated that Robin Frelow was a former aid to Mayor Bob Lanier and then spokesperson for the Aviation Department and he was funeralized yesterday; that she would like everyone today to take time to smile and be nice to someone else today; that she would like a moment of silent prayer for him at this time and also for the victim and accused in yesterday's shooting in Michigan and a collective prayer for the moral state of the nation. Council Members Vasquez and Castillo absent.

Council Member Robinson stated that he was glad the regulatory Affairs Committee would be looking at the situation Council Member Todd referred to; that he did not think the city should be in the business of inquiry as to programming, but clearly they had a responsibility of despair treatment, how the City of Houston was being treated as distinctive and separate from other jurisdictions across the country as there was a 30 day extension provided to them and Houston was not; that ABC/Disney periodically had to come forward for their license renewal and if the facts were not known as to why they were not given an extension it was a substantive question separate and distinct from what was being carried so he did not want to get into the programming issue, but into fairness for the citizens for Houston and they had a right as Council Members and as Houstonians to make it clear that their city should not be treated differently. Council Members Vasquez and Castillo absent.

Council Member Robinson thanked all who helped on the E-One issue. Council Members Vasquez and Castillo absent.

Council Member Robinson stated that he was in the process of trying to meet with folks from Houston Cellular and Harris County 911; that in reviewing the letter to Council Members one concern regarding Houston cellular was their position that since level one technology was not implemented they did not want to go to level 2 and secondly they had a concern as to whether the test done in the past was sufficient enough, but that they could turn on they system and run test on their own and that they were willing to pay for a consultant so if they were willing to pay for a consultant he hoped they would be willing to turn the system on and run their own test if they could not get information from 911; and he hoped people would quit pointing the finger and just step up and do something for the safety and health in the community. Council Members Vasquez and Parker absent.

Council Member Quan stated that he wanted to thank all who attended the memorial service for the convenience store operators; that he was continually concerned about the violence toward convenience store owners and he applauded the Mayor for

his taking immediate action but felt they needed a better cultural understanding and he would like to work with him on that. Council Members Vasquez and Parker absent.

Council Member Quan stated that he wanted to recognize at this time a mother to one of the Council Members and introduced Ms. Ruth Goldberg and asked that she stand to be recognized; and Mayor Brown welcomed her to Council. Council Members Vasquez and Parker absent.

There being no further business before Council, the City Council adjourned at 11:09 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez and Parker absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary