

City Council Chamber, City Hall, Tuesday, March 7, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, March 7, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, 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, Mr. Jim Cameron-Stuart, Division Chief for Compliance, City Attorney's Office, Ms. Debra Dillard, Citizens Assistance Office, and Ms. Martha Stein, Agenda Director present. Council Member Jew Don Boney, Jr. absent due to being ill. Council Member Bert Keller out of city on vacation.

At 2:02 p.m. Mayor Brown recognized Council Member Parker. Council Members Goldberg, Vasquez and Sanchez absent.

Council Member Parker invited guests from the USS Houston to join her at the podium and stated that annually they had a memorial service at the City of Houston Park next door to City Hall celebrating the men who went down with the USS Houston CA30 in World War II, that some of the current crew members of the USS Houston were in town for the annual memorial service and had been enjoying some of the sights of Houston, that the current USS Houston was the fourth in line of US navy ships known as USS Houston, that the first one was a German freighter that was captured in World War II and re-commissioned as the USS Houston and served through 1922, and the second USS Houston the sinking of which was commemorated at the memorial service was commissioned in 1930 and went down 58 years ago, and the third USS Houston was a CL81 and was launched in 1943 and was decommissioned in 1947, and the current USS Houston was a submarine based in San Diego, that they had crew members present, Commander Dan Mack, Lt. Tom Shugart, COB Mike Johnston and ET1 Marvin Keen, Sailor of the Year. Council Member Vasquez and Sanchez absent.

Commander Mack thanked the Mayor and Council for inviting them to Houston, and stated that they had been able to take in some of the sights and tourist attractions, and personally invited everyone to come out to San Diego and take a visit on the submarine USS Houston, that they felt strongly about the heritage of the USS Houston and was why they had come to the memorial service. Mayor Brown thanked them for being present and stated that he appreciated their continuing to come to Houston, that it meant a lot to Houston. Council Member Parker stated that they had pictures of the USS Houston for Council Members. Council Member Vasquez and Sanchez absent.

Council Member Robinson recognized a group of students from Briargate Elementary School, Ft. Bend Independent School District, along with Ms. Tonia Miller who wanted to take a picture with Mayor Brown. Council Member Vasquez and Sanchez absent.

At 2:11 p.m. Mayor Brown called the Council Meeting to order and Council Member Todd led everyone in prayer and pledge of allegiance. Council Member Vasquez absent.

At 2:12 Mayor Brown requested the City Secretary to call the roll. Council Member Boney absent due to being ill. Council Member Keller out of the city on vacation. Council Member Vasquez absent.

Council Members Robinson and Quan moved that the minutes of the preceding meeting be adopted. Council Member Vasquez absent.

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

Ms. Patricia Moore, 10330 Ivy Ridge Dr., Houston, Texas 77043 (no phone) appeared and stated that she had handouts for Council, that she was a producer of a community television show called Maya Perspectives which she filmed on location in Guatemala, that she was present to praise the work of Pat Garlinghouse, the Executive Director of Houston Media Source, the community television station in Houston, that it was through her help and encouragement that they were in the process of finalizing the final construction on the first public access television station in Guatemala and all of Latin America, that so much was going on and expanding in the Houston Media Source Community Television Station in Houston, that it was expanding and growing and as she had mentioned the last time she was present, was the need that there was for newer resources in Houston, that so much was being done for the community and it was a tremendous resource in a thriving democracy to have community television and radio. Council Members Vasquez and Castillo present.

Council Member Robinson stated that Wide Open West was in the newspaper as a company looking to do a cable franchise, telephone and a bunch of things through the City and one of the way they had been able to help with Access was through those franchise agreements, that he had an opportunity to visit with some folks from the administration and they were looking to enhance what the City did in that arena as they went forward in crafting that franchise agreement and thought that the administration and Council realized that it was an important vehicle for the community and were going to try to do everything they could. Council Member Vasquez absent.

Council Member Parker moved to suspend the rules to hear Mr. Mark Thompson out of order, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney absent due to being ill. Council Member Keller out of city on vacation. Council Members Castillo absent. MOTION 2000-0353 ADOPTED.

Dr. Angela Rowe, 16118 Brimfield, Houston, Texas 77082 appeared and stated that she was present seeking advise and direction, that she was a victim of identity fraud, that she had ordered checks through the bank and 400 of her checks were stolen from the premises of the bank or Federal Express which delivered to the bank, that they had been written in the City right now, that she had been to the District Attorney's office and the General Attorney's office and had spoken to detectives, police officers and the bottom line was that she had been told that there was nothing that they could do until the merchants reported that forgery had occurred, that right now she had been walking around and could be picked up and arrested and should not be soliciting lawyers when she had been trying to knock on doors for people to listen to her, that her checks were out there and being written, that she had been on the Debra Duncan Show and tried to bring awareness to people, but no one was listening and was asking for advice, that she did not want to be arrested and would sue the bank if arrested. Council Member Castillo absent.

Mayor Brown stated that Assistant Police Chief Stewart was present and would meet with her and provide whatever assistance she could to address her concern. Council Member Castillo absent.

Mr. Mark Thompson, 713 Usener, Houston, Texas 77009 (713-863-7446) appeared and stated that he needed help in getting a matter resolved, that he had a giant sink hole under his house, a broken City sewer, that he could not live in his house anymore because the smell of sewage was so bad, that he first reported it to the Public Works Department on January 18th and had probably made 40 to 50 calls to the City to try to get the sewer line repaired or at least get the line downstream from him unblocked so he could have a plumber repair it, that he had a plumber try to repair it on two occasions and in both instances they were unable to do so because the City sewer line downstream from him was blocked, that it was only after he had written a letter to the Mayor and mentioned the name Marvin Zindler that suddenly Public Works had a crew out there that was going to lay a new line down the City street, but even now they were not giving them the equipment that they needed to do the work, that for example today the crew did not have a dump truck so they could haul the dirt off, that he could not live in his house because the smell of sewage was so bad, that they tried last week to locate the break in the line downstream from him and they could not find so the supervisor basically told them not to worry about it; that he needed their help in trying to get this resolved, that he was having to stay in a hotel or with friends. Council Members Tatro, Castillo and Sanchez absent.

Mayor Brown stated that Wes Johnson was present in order to get with Mr. Thompson and do something to take care of the problem immediately, that he would ask Mr. Johnson to report back to him tomorrow as to what had taken place. Council Member Tatro, Castillo and Sanchez absent.

Council Member Parker stated that her office had been working with Mr. Thompson for several weeks and they were as frustrated with Utility Maintenance as he was, that it took a couple of weeks for the City to decide that it was actually a public sewer line and needed to be repaired, then it took more time for them to decide what they wanted to do about the repair, and meanwhile they had since decided that they wanted to lay a new sewer line for Mr. Thompson and some of his neighbors that were connected to the same line and meanwhile the old line kept bubbling raw sewage and was open to the elements and they decided that they were not going to repair that because they were going to put in a new line and this had chased Mr. Thompson out of his home, that she had gotten reports back that they just did not have enough crews to take care of the sewer line back ups and could not staff the equipment that they had and she hoped that Mr. Johnson could take care of Mr. Thompson's problem but thought that there was a larger problem in a backlog in sewer repairs that they really needed to deal with. Council Members Tatro, Castillo and Sanchez absent.

Ms. Deborah Allen, 7809 Bellfort No. 227, Houston, Texas 77001 (no phone) had reserved time to speak but was not present when her name was called. Council Members Tatro, Castillo and Sanchez absent.

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

Mr. Woodrow Johnson, 2409 Sam Wilson, Houston, Texas 77020 (713-674-0836) had reserved time to speak but was not present when his name was called. Council Members Tatro, Castillo and Sanchez absent.

Mr. Scott Hancock, 3435 Walnut Bend, No. 2809, Houston, Texas 77042 (713-785-8537) appeared and stated that Mr. Johnson had assured him that he had taken care of things, but it was only after he had called the Mayor's office, that he went to Northwest Police Academy by Greenspoint and he was coming off of Beltway 8 onto I-10 and incurred a City Public Works truck that had no cover on the back of it and dirt was coming out, that people were trying to get over and he ended up behind it and it pitted his windshield, that the guys would not pull over, that when he finally slowed them down enough to pull over the guy in the passenger's seat only laughed and flipped him off, that Mr. Thompson called the passengers boss, Mr. Martin, and never got a call back so he thought he would come before Council, but he called the Mayor's office and the City Secretary's office and they were real nice and got right back to him, that he just wanted to let the Mayor know that people were doing this. Council Member Castillo and Sanchez absent.

Mayor Brown stated that he appreciated his interest and stated not to let this prevent him from calling again if he saw a problem. Council Member Castillo and Sanchez absent.

Council Member Todd asked Mr. Thompson if he had gotten an estimate on his windshield and had he turned it in, and Mr. Thompson stated no that the City Attorney or someone was supposed to send him some papers to fill out but he never received them, or never received a call back, and Mayor Brown stated that the procedure was to file a letter with the City Secretary, there were not forms to be filled out and had to be done within 90 days, and Council Member Quan stated that they needed to investigate that conduct, that it was totally inappropriate for their employees. Council Member Castillo and Sanchez absent.

Ms. Eliose Little, 810 E. Tidwell, Houston, Texas 77022 (713-699-0498) had reserved time to speak but was not present when her name was called. Council Members Tatro, Castillo and Sanchez absent.

Mr. Mark C. Schwartz, 1800 St. James Place No. 450, Houston, Texas 77056 (713-739-0600) appeared and stated that he was the president of the Board of Trustees of the Houston Police Activities League, that they supported the PAL Unit of the Houston Police Department and were mostly known by the nickname PAL and the Mayor was one of the founders of their organization in 1983, that he was present on behalf of Houston Media Source, that it was a valuable asset to the City as well as to the PAL kids, that they had 2,400 kids in their supervised activities, children who wanted to learn and prosper and make contributions to the community now and when they become adults, that Houston Media Source was a key part of their development in PAL, that those who wanted received training from Houston Media on video camera operation and editing, that they filmed PAL basketball games, volleyball games, soccer games as well as other activities, that thanks to Houston Media they learned technology and communication skills that would benefit them for as long as they lived, that the next phase of instruction planned for them was going to teach them to edit video and produce and direct their own

complete videos, enabling them to create videos of all of their activities for documentation for future generations, that each one of their fledging reporters, producers and directors would be able to create their own programs with the opportunity to put them on the air through public access television, that another aspect of that work was that they learned to set goals and learned to reach those goals, that they were not playing with cameras, that they had a purpose and ambition to communicate with the rest of the world and the community, that the importance of Houston Media Source was that it was the only mass media tool available to those PAL kids, that Houston Media Source had become a very positive force in the City and urged continued support. Council Member Todd absent.

Mayor Brown thanked Mr. Schwartz for being active with the PAL Program, that as he had mentioned it started when he was police chief and he had the pleasure of watching it grow and it was rewarding when they could see police officers who were once PAL kids, that they had really gone a long way in providing some constructive activities for young people who were not served by other organizations. Council Member Todd absent.

Ms. Lynn Clark, 15052 Kimberley Ln., Houston, Texas 77079 (281-493-1915) appeared and stated that she had been a resident for over 25 years of the Woods on Memorial Townhouse Community in the 15,000 block of Kimberly Lane, that this was a one block dead end street entirely within the townhouse community, that at the entrance to the complex was a small medium strip measuring approximately 10 by 54 feet and landscaping in the strip had always been paid for and maintained by the homeowners association, that within the strip was a sign that introduced the community, that last year the elected board of directors approved replacing the existing sign which had fallen into disrepair and this sign had a City permit, that appropriate procedures followed, open committee meetings, bid solicitation, review and awarding of the contract by the board and payment upon satisfactory completion, that now a small vocal group of homeowners were objecting to the sign, specifically its appearance, cost and quality of construction, that the dispute had resulted in formation of two polarized groups, those opposing the sign against former and current board members, that now it appeared that the City of Houston had been drawn into it, that as a result of an unknown persons complaint to the City's Planning and Development Department the homeowners association received an order to remove the sign, citing that it had been built on City property without a permit and was in violation Section 40-7 of the Code of Ordinances, that seven days after that order a second letter rescinded the original order and four days later a third letter again reinstated it with a second order, that the street had never been shown on a Houston key map, that as a homeowner in that community who did not side with either of the rival factions she did not want her money or that of her association wasted and asked that they grant an exception to the code and allow the sign to remain, that it was not a new sign but a smaller replacement of a permitted sign that had stood in that same place for over 25 years, that it obstructed no traffic or vision. Council Member Todd absent.

Mayor Brown stated that Mr. Robert Norris of Sign Administration present and asked him to work with her, that it was his understanding that signs on private property could be worked out. Council Member Todd absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Council Member Todd absent.

Ms. Evelyn White, 8509 Glenview Dr., Houston, Texas 77017 (713-641-2506) appeared and stated that she was president of the Meadowbrook Civic Club, that the Board of Directors and those standing at the podium with her were representative of the community of Meadowbrook, that unfortunately they were present once again to address the issue of deed restrictions enforcement in Meadowbrook by the City's Deed Restriction Enforcement Team, that she would rather be present asking Council and Mayor Brown to address other issues, that one of those would be why a street overlay project in the community of Meadowbrook that was scheduled to be completed in three months was now entering into its sixth month and there was no end in sight, that for six months they had been subjected to constant dust, streets being torn up, traffic congestion, closed and blocked streets, vehicles becoming damaged because of disrepair to streets, that would be one of the issues that she would really rather be present asking them to address, that another one that she would ask them to address was the park, Glenbrook Park, that they had no activities for their young people in Meadowbrook because they had no facilities, that their neighboring communities Park Place and Meadowcreek have had civic centers torn down and replaced, but they had never had an activity center in Meadowbrook and they would like to have one, that their seniors went to the City of South Houston for access to an activity center and they did not think that should be necessary, that their young people played basketball in the street and they did not think that should be necessary, that those were just some of the issues that she would rather discuss with Mayor Brown and Council but they were present to try and find out why the City Attorney's Office was continuing to pursue litigation against business owners on Howard Drive in Meadowbrook, that deed restrictions were a contract between the property owner and the community, that at their February membership meeting the Meadowbrook Civic Club voted to approve variances against the residential use only clause in the applicable deed restrictions that affected the business owners on Howard Drive, that the variances were signed by the business owner, the president of the civic club and the secretary and they were all notarized. Council Member Todd absent.

Mayor Brown stated that it was his understanding that a previous board of officers from the same civic club had requested the City to enforce deed restrictions, and Ms. White stated that it had been three years ago, and Mayor Brown asked Mr. Bibler to give them a briefing on it, and Mr. Bibler asked Mr. Cameron-Stuart to give them a briefing. Council Member Todd, Vasquez and Robinson absent.

Mr. Cameron-Stuart stated that the Legal Department had been addressing deed restriction problems within the Howard Drive and Meadowbrook area since approximately 1998, that initially they received approximately 40 complaints from members of the subdivision regarding the violations that occurred in that particular area, that they also received requests from Council Member Wong that they proceed enforcing restrictions in that particular area and at that time they had been working with the various business owners and the people violating and they gave them every opportunity to change whatever the problem seemed to be with the recorded covenants, that some of them had done so and some of them had not, that the matters were still pending before the court system right now and the judges would take care of the matter ultimately. Council Member Todd, Vasquez and Robinson absent.

Council Member Castillo stated that he was very cognizant of the history that Mr. Cameron-Stuart had related, however he had not related that the same businesses had

existed prior to the complaints having been lodged and had existed for some thirty or forty years and asked if that was not correct, and Mr. Cameron-Stuart stated that there was one that had been out there prior to 1965 and the rest of them were since 1965, and Council Member Castillo said that since 1965 was quite a long time and believed and could be convinced that many of the complaints were lodged because the color of the faces of the people who owned those businesses had changed, that they had gone to look like the group people present at the podium today, that if they looked at the faces of the people who were complaining they could draw their own conclusion, that he thought that what had happened was the people who did not want the community to change had used the power of the City government to enforce their personal agendas, and because the City was not limited by the expiration of time in pursuing lawsuits it could do so forever and thought that it was a waste of the taxpayers money and an abuse of power for the City to allow the Legal Department to go after those people using the color of law to do so. Council Member Todd, Vasquez and Robinson absent.

Council Member Castillo asked Ms. White how long to her knowledge had the oldest business been there on Howard Drive and Ms. White stated that she had lived in Meadowbrook for twenty years and most of them had been there as long as she had, that she moved there in 1982 and some of them had been there prior to her moving there, that she had lived in the area for over 50 years, and Council Member Castillo asked Ms. White what kind of businesses existed at the time she moved in on Howard Drive, and Ms. White stated there were realty offices, tire repair shops, used car and automobile lots, hair salons, and basically the same businesses that were there now, and Council Member Castillo asked Ms. White what was different, and she stated that probably as he had stated that when the deed restrictions were written in 1942 everybody in Meadowbrook looked like her and that had changed, that probably the ethnicity of the business owners had changed and thought maybe that had triggered a lot of those complaints. Council Member Todd, Vasquez and Robinson absent.

Council Member Castillo stated that he had sat in the last meeting of the Neighborhood Protection Committee and Mr. Cameron-Stuart made comments about the Legal Departments Deed Restriction Section and talked about how they would never do what indeed they were doing right now and that was to use the power of the government to change the character of neighborhoods and thought that Mr. Litke offered an explanation of why it was that they had not been able to do a lot of deed restriction assistance to other neighborhoods and he would dare say because the City had used all of its resources to persecute those people that they did not have time to do anything else, so he would commend to the Mayor that they look into whether as a policy the City Council wanted to go back and try to turn around what had been going on for over thirty years for sure in the neighborhood of Meadowbrook. Council Member Todd, Vasquez and Robinson absent.

Council Member Tatro asked Ms. White if the board of the civic club had looked at the issue of the business being there and the board had basically stated that the provision of the deed restrictions they did not want to have that enforced on those businesses and Ms. White stated that the membership of the civic club as a body made the decision, and Council Member Tatro stated that they had the same issue last year come up before them and like other resources, say if it was a street overlay or a street improvements, he believed, and he looked at the City's Legal Department as a resource that they could draw on to help protect their neighborhoods and clearly what he heard

from the civic club and a well informed board was that the resource was not desired for that enforcement of that particular provision, and Council Member Tatro stated to Mr. Cameron-Stewart that they had over in Garden Oaks, one of his subdivisions, an issue of a setback, that they had carport issues come up in the past and was not there a particular provision that when an organization stopped enforcement and if that organization were to come in and say twenty or ten years later, say it was a carport, if the person were to construct a new carport or open up a new business, that if they went after that new opening, the civic club or the homeowners association who had legal standing, that if they went after that new business or new carport that they effectively would not have legal grounds because they effectively waived the right for that enforcement, was that not the case.

Mr. Cameron-Stuart stated that there was a concept called wavering as a defense in deed restriction cases however it required in the neighborhood of 20 to 25% of the property of the subdivision where the violations had been allowed to continue for a long period of time, that in the Howard Drive situation they were talking about a set of subdivisions that were approximately 800 units and here they were talking about violations and the number of 25 so clearly the defense of wavering was not applicable, and Council Member Tatro asked if an organization opted say for that next carport or business to go after them and say they could not open when they had other business, that in their discussions with some of their own civic clubs he was led to believe that if they went right down to the courts that they would say that they refused to enforce that deed restriction for the last 10 to 15 years so they could not necessarily allow them to enforce it on the next one, was that not the case, and Mr. Cameron-Stuart stated that there was a limitation for civic clubs and they were subject to the four year statute of limitation, and Council Member Tatro stated that part of his point was that they would effectively have the right if they had not exercised it for seven or eight years they would waive that right, but he had pointed out that the City did not have the statute of limitation, but again he referred to the fact that they were a resource for the community and the services that they all provided, even as Council Members, that they drew on them as a resource to help them in their neighborhood, and he would echo Council Members Castillo's statements that they really ought to be looking when a community had stepped forward and considered the City's actions and use of its own tax dollars to be detrimental to the community, whether that was an activity that they ought to be funding really against the will of the very community they were supposed to be helping, and thought they ought to seriously consider the allocations of that resource and time. Council Member Goldberg, Todd, Vasquez and Robinson absent.

Council Member Parker stated that while not wanting to characterize motives in this case, she had been a civic club president and knew that administrations come and go and someone would get exorcised over an issue and sweep out the old regime and in with the new regime, and also did not want to take a backseat to anybody in wanting to see the City do aggressive deed restriction enforcement, but at some point they had to acknowledge that the horse had already escaped the barn and shutting the gate was not going to do any good anymore and thought they may be getting into the point of diminishing returns in that issue, that in a true neighborhood oriented government fashion the City Legal needed to sit down with the neighborhood and determine whether this was a good use of City funds to keep pursuing the issue. Council Member Goldberg, Todd, Vasquez and Robinson absent.

Council Member Quan asked if in order for them to modify their deed restrictions they would have to get a quarter of the people to vote otherwise and asked what was the proper procedure that would modify restrictions from 1942. Council Member Goldberg, Todd, Vasquez and Robinson absent.

Mr. Cameron-Stuart stated that there were several mechanisms for modifying the deed restrictions and they were carried in the property code, that they point out that there were situations whereby they had an established association or where they attempted to amend existing ones, that there were various procedures where the statutory law set out that they must follow, that the smallest amount in any case would be 50% to amend the deed restrictions, however they had to look at each individual set of deed restrictions as to whether or not or when they could be amended, that all deed restrictions could not be amended at any particular time and that was one of the problems in Meadowbrook, that the time had passed when they could amend those and they had to wait another 10 year period so even if they went through the statutory procedure and amended it allow businesses to stay on Howard Drive it would not take effect until nearly the year 2012, that was the difficulty there, and Council Member Quan asked as far as the departments discretion as to which sections they would enforce the deed restrictions against and which ones they would not, did they have any discretion on that or who made those calls. Council Member Goldberg, Todd and Vasquez absent.

Mr. Bibler stated that he wanted to jump in on it because he was getting a little nervous about it, that they enforced the law and followed the guidelines that had been issued by City Council, that if City Council wanted them to stop enforcing deed restrictions after a certain period of time they would be glad to do that, however, one thing that made him very nervous was the concept that they take a vote around the neighborhood as to whether or not to enforce deed restrictions or not, that he saw all sorts of equal protection problems in that, that if they wanted to give them some objective guidelines that were different from what they did now and relax the procedures under which they enforced deed restrictions they would be glad to do that on objective criteria. Council Member Goldberg and Todd absent.

Council Member Castillo stated that not before maybe back seven years ago did the City ever initiate lawsuits in court against deed restriction violations, that was always a contract that was enforced by the civic clubs, that was why they had civic clubs, deed restrictions and deed restriction committees, and they were using the unbounded treasury of the City to have these folks like those folks and did not think that was what the law intended, that he could go into the South Park area of Council Member Boney's district and decide that he wanted to file complaints or find someone to file complaints against every deed restriction of which there were many in South Park and would the City Legal Department then take all those people to court, which was exactly what was being done here, and thought that at some point they had to draw a boundary between where they were protecting the interests of the neighborhood, who had these same businesses for years and years, and asked Ms. White if there was a provision in their deed restrictions that allowed for the deed restriction committee of their civic club to grant variances, and Ms. White stated it was her understanding that it was within her discretion to grant the variances, that it was within the discretion of most civic club presidents to grant a variance to a existing deed restriction, that the precedent in Meadowbrook had been set long before she took office in January and it was her choice to take the vote for variances

to the membership and felt like the community should have the final say in it and they did. Council Member Goldberg and Todd absent.

Council Member Castillo asked if they filed suit against Jack In The Box and Mr. Cameron-Stuart stated they had been working with Jack In The Box for probably the last six months, that they were attempting to purchase a piece of property from the City and to exchange the parking lot area for use for that, that anyone who wanted to come forward in the area of deed restrictions and make any effort about resolving the problem and how to end the problem as it existed they were willing to work with them, and Council Member Castillo stated that he thought that as a policy of the City Council that they ought to attempt to stop what he called incipient deed restriction violations, that the next violations not the ones that had been around for forty years. Council Member Goldberg and Todd absent.

Council Member Sanchez asked Mr. Cameron-Stuart what was the size of his department and how many attorneys did they have working on deed restrictions violations in the City, and Mr. Cameron-Stuart stated three attorneys were assigned to deed restrictions, Council Member Sanchez asked what their budget was and Mr. Cameron-Stuart stated they did not have an individual budget, and Council Member Sanchez asked if he could tell Council Members how much money they expended every year in prosecuting and pursuing deed restriction violations and filing cases and causes of actions in civil court, and Mr. Cameron-Stuart stated he presumed they could determine that figure, he did not know off hand, that they were part of the Legal Department Budget and did not handle the budget, and Council Member Sanchez asked Mr. Cameron-Stuart if in his opinion three attorneys were enough to assist the citizens of Houston who believed that the City, because maybe not the district Council Members but certainly the at large Council Members, it was quite fanciful in certain areas of town to get the City to pursue deed restriction violations with all vigor, and asked if he believed that three attorneys were enough to cover the entire 700 and something square miles, and Mr. Cameron-Stuart stated that they had to do the best they could with what they had, that obviously it depended to what degree they wanted to enforce, that if they wanted every violation back to the year 1965 of the entire City, then yes, it would take more than that if they did every one of them, and Council Member Sanchez asked what was the compelling public interest in pursuing violations of deed restrictions, and Mr. Cameron-Stuart stated that it protected the property values of the people that were residing in the neighborhood and gave them a quality of life that they had reason to expect and provided a use of land use control in a city that did not have zoning, and Council Member Sanchez asked if it provided a benefit to the City of Houston, and Mr. Cameron-Stuart stated that of course the City benefited when the neighborhoods were better, that the purpose of the existence of the City was for the City, and Council Member Sanchez asked if he had received any complaints, in other words was his department complaint driven or did they go and inspect sections of town, review deed restrictions and then pursue cases, and Mr. Cameron-Stuart stated they did primarily complaint driven, but once they received a complaint within a subdivision they then had investigators drive the neighborhood and they then include all people who were violating the same deed restriction and request that they all cease and desist at the same time, and Council Member Sanchez asked if they had received in prior years complaints about that particular activity in that particular neighborhood, and Mr. Cameron-Stuart stated yes they had, and Council Member Sanchez asked if those complaints had been acted upon, and Mr. Cameron-Stuart stated that his connection with that particular operation was only the last several years, but he

first became acquainted with the complaint in that area in 1998 and there may have been some earlier than that but he did not have knowledge of it, and Council Member Sanchez asked if there was no institutional knowledge whether back in 1970 or 1975 a resident filed a complaint about the businesses operating on Howard Drive, and Mr. Cameron-Stuart stated they could probably determine that for him but he just did not happen to know it off the top of his head, and Council Member Sanchez stated that he would be curious because that would be an interesting point, that some people had said that they had never done anything so if he could research the records maybe there was a complaint sometime and maybe there was an occurrence, and Mr. Cameron-Stuart stated there had been deed restriction complaints and filings on those in various subdivisions back for the entire time he had been with the City, 29 years and they had been doing it that long, but as to this specific subdivision he did not know off hand. Council Member Goldberg and Todd absent. Council Member Goldberg and Todd absent.

Mayor Brown stated that he was going to meet with the City Attorney and take a look at the issues that they had brought to their attention and see how they would resolve it, that there obviously was enough concern there, with the Council Members and their concerns, to find a way to bring closure to it. Council Member Goldberg and Todd absent.

Mr. Gentle Edwards, 8146 Howard Dr., Houston, Texas 77017 (713-643-2551) appeared and stated that he was in the same civic club, and wanted to ask a few questions about what was going on, that they had stated that if they got rid of the businesses it would raise the property value more, but that was impossible, that everybody who had bought those properties had bought them for business, that they paid twice for those properties, and what they were saying did not make sense to him, that everything they paid was for commercial property. Council Members Todd, Castillo and Sanchez absent.

Mr. Baxter Wilson, 8150 Howard Dr., Houston, Texas 77017 (713-641-3282) appeared and stated that he had moved in that area in 1974 and was not a business, he just happened to be there, that when he moved there in 1974 he thought that Howard Drive was commercial, that he moved two streets over, that as Ms. White had stated, those business were already there, not necessarily the ones represented, but the fact that there were car lots, saloons and things like that, it never occurred to him that it was not commercial, that at that time none of the people were treated any differently, that the tax authority had it listed as commercial and if they tried to borrow money on some places on that street you could not borrow because everybody but the Legal Department looked at it like commercial property, that Howard Drive was a semi major thoroughfare and it was not a super big thoroughfare and it was not like they were talking about a little street sitting off to the side, that the older civic club was represented by a group of about 15 people who showed up and 6 or 7 had been in Meadowbrook all their life, that they had about 80 or 90% Caucasian and now the whole area was about 80 or 90% Hispanic and the values had just simply changed, that under the new civic club they averaged about 30 members every meeting, that things had changed and had become more dynamic, that the people were caught up in it and interested in the community, that the local church which was on Howard Drive also supported the current civic club, because it was essentially the right thing to do. Council Members Todd, Castillo and Sanchez absent.

Ms. Mary Vargo, 8353 Glenview, Houston, Texas 77017 (713-609-5941) appeared and stated that it was time that they heard the truth, that it had been going on for a year and a half to two years in Meadowbrook and many of the people who were opposed to what was going on in Howard Drive worked and could not get down to Council but she knew that they had written letters, e-mails, telephone calls and so forth and generally they were not returned, that the problem was that Meadowbrook was a trashy mess, that there was no one in Meadowbrook that liked the way that it looked, that it was embarrassing and disgusting, that she had photographs of the properties in a package for Mayor Brown and she would provide photographs for anyone else who wanted them, that when they started the effort they wanted to clean up the street, that it really was not about trying to get rid of business owners, that there were many Hispanic people that were supportive of the effort to clean up the neighborhood and were called turncoats by the people on Howard Drive, that they made it a racial issue, but the only discrimination that was going on was against the people who wanted a clean and safe community, that they did want a clean and safe community, that they had a new high school opening at the end of Howard Drive in the fall of 2000, Ceasar Chavez High School, that she asked people how they would feel if their teenagers walked down Howard Drive and they laughed and stated they would not even walk down Howard Drive with a gun, that was how bad it looked, that Mr. DeLaGarza who was the civic club first vice president and Ms. White and several others did a hostile takeover of the civic club and that was why the good people of Meadowbrook no longer went to the meetings, that they were terrorized, humiliated and slandered every time they opened their mouths, that they did not represent the community in any way and represented only their own interests, that when they tried to clean up their own businesses just to make them appealing, and she did not mean fancy, just paint and clean, Mr. DeLaGarza told her no, no way that they did not have to do that and were not going to do that, that almost everyone of them were in violation of numerous City ordinances and they could not get those enforced either, that the problem was a bigger problem than just deed restrictions, that Mr. DeLaGarza knew that the tires in front of his business and the tires that he had dumped on his properties were illegal, and they took HPD out there and they ignored it, that she looked up the City ordinance and there were Health Department ordinances very clearly against it, that if they could not get the people to clean up their businesses up to City code then they only had deed restrictions left, that she got phone calls from people every time she left a meeting saying please don't stop and they followed it by saying they did not know how she stood the crucifixion, the torment, humiliation and aggression, that she talked to HPD and told them that Mr. DeLaGarza tried to run her off the road. Council Members Castillo and Sanchez absent.

Council Member Bell asked Ms. Vargo what she meant by the good people of Meadowbrook, and Ms. Vargo stated the people who wanted a clean and safe community, that not every business owner was a problem and this was not a racial issue, that very few of the businesses were decent looking, that there was a veterinarian and a beauty salon that looked nice, and they made an effort to keep their businesses nice, that the beauty salon was owned by a Hispanic lady and thought that she would be appropriate to the neighborhood, although she was in another section at one time and was told that before she moved down there that there were deed restrictions against it and she said she did not care and went anyway, that Mr. DeLaGarza told people that they were trying to buy up Meadowbrook and run them off, that Mr. DeLaGarza owned 13 properties in the immediate area worth almost \$400,000 and supported his family selling used tires and snow cones and owned 6 pieces of property on Howard Drive alone and

two of the properties he owned he purchased after the City issued their cease and desist orders, that he went down and opened a second snow cone stand on the same street one block away having the knowledge that there were deed restriction violations and he would be in violation of them and went down to the City Health Department and got permits for Food and Health where they had to sign an affidavit that there were no deed restrictions being violated, that everyone of the business owners had to sign affidavits sworn under oath every time they got a permit that there were no deed restrictions. Council Member Castillo and Sanchez absent.

Upon questions by Council Member Bell, Ms. Vargo stated that the hostile takeover of the civic club was by the Howard Drive business owners, that some of them did live in the area, that the way the constitution and bylaws were written was that they had to be a resident but actually should say homeowner, that there was clearly a very illegal and immoral election and that was why many people stayed away, that they were afraid of those people, that she believed that folks who were not residents of the area were able to vote in the civic association election. Council Member Castillo and Sanchez absent.

Council Member Parker asked if Ms. Vargo had stated that Neighborhood Protection Division had refused to enforce code violations and Ms. Vargo stated yes, and Council Member Parker asked if she could tell her times and dates, and Ms. Vargo stated that she had hundreds of pages of notes at home and Mr. Mott who would speak next had even more, that he was the deed restriction enforcement coordinator, and Council Member Parker stated that no, she was not talking about deed restrictions, that she was talking about code violations, Health and Safety violations, and Ms. Vargo stated that yes, but she did not have the dates with her, but had worked especially with their DRT trained police officers and one of the officers told her that the captain told him not to enforce on Howard Drive, and Council Member Parker stated she had received correspondence about deed restrictions but not about code enforcement which was a separate issue, and deed restriction enforcement was not a substitute for code enforcement problems, and if Ms. Vargo could site specific code enforcement problems she would like for her to forward them to her office and if she could site instances where either the DRT officer or either Bea Link's office refused to respond to a complaint of trash in the front yard or high weeds or tires she would be happy to receive it. Council Member Castillo and Sanchez absent.

Council Member Tatro stated that Council Member Parker brought up a good issue about the trashy businesses and tires being stored on the properties and code violations, that those were significant problems and they went through a lot of those in his area, whether they were deed restricted areas or non deed restricted areas or if the place was zoned commercial that some neighborhoods had and those were continuous problems that they needed to address and he was concerned that they may not be following up on those, but what he heard from her was that she believed that the solution was to get rid of the business and enforce that provision of the deed restrictions that said if they got rid of the businesses they would not have a trashy place, and Ms. Vargo said she would not state it exactly that way, that initially they made every effort to work with the businesses, but it got to the point where they were setting the law and the rules and Howard Drive looked worse than when the City initially filed the lawsuits, so it got to the point that she felt that if they wanted to be good neighbors and wanted to be members of the community they would have cleaned up, that these people had never been to a civic

club meeting before they took over the civic club, and Council Member Tatro stated that even in deed restricted areas they did a substantial amount of work with Neighborhood Protection and their to do list was significant and part of their responsibility was to help them focus on problem areas and what he heard was that there was probably some significant Neighborhood Protection issues that needed to be addressed and did not know if the solution was getting rid of businesses. Council Member Castillo, Sanchez and Bell absent.

Mr. Charles Mott, P.O. Box 266761, Houston, Texas 77207 (713-649-3090) appeared and stated that there were a lot of issues that they had heard about Meadowbrook that he welcomed that the Legal Department had been the only entity in the City that had looked at the real issues of Meadowbrooks problems, that they heard a lot of deceptive information and people that they had seen earlier did not represent the residents of the community of Meadowbrook, that he commended Council Member Todd for his past involvement in the subdivision, that Council Member Castillo had brought up several issues that were not real factual, that the issue was not racial, that it was a clean versus dirty issue period, that it was in violation of State ordinances and laws, environmental laws, City ordinances that were not enforced by Neighborhood Protection and there were some issues out there, the Legal Department had been the only one to have communication with dumping of tires, dumping of oil in storm sewers, chop shops with paint and body repair paint booths without permits, that if it was a business versus residential issue if that was the definition that they required to resolve the environmental problems, the illegal operations, then call it as they may, but that was the real issue there. Council Member Sanchez and Bell absent.

Upon questions by Council Member Castillo, Mr. Mott stated he was present at the meeting where the last slate of civic club officers were elected and was aware of the environment and saw what was taking place, but did not participate and did not recall if Ms. Vargo was present, that he lived in Meadowbrook and did not have a declared homestead, and had seen documentation going back to 1968 concerning deed restriction violations and City ordinance violations that had been communicated to the Neighborhood Protection Department, that yes he had filed complaints against those business, that he had been in the southeast section of town all of his life and about four years in Meadowbrook, and that was when the trash was at his door and he started filing complaints, that what really initiated his interest was that he purchased a piece of property in Meadowbrook and that piece of property had been vacant for 8 1/2 years and when he went to the City to receive a permit Bea Link of neighborhood said he could not have a permit because that building did not exist, but he insisted on a rehab permit to rehab the house and the money was received by the City and she in turn told him that here was not house there because she had a receipt from a contractor that Neighborhood Protection had authorized payment for two years prior to tear down the house, that told him two things, that the piece of property was straight across the street from a municipal facility, a golf course, and someone in Neighborhood Protection was not doing his job, and Council Member Castillo asked if four years back they began to file the complaints as part of the civic club, and did there exist a provision in the civic club bylaws and charter that allowed for variances to be granted by the civic club and Mr. Mott stated that he had never seen one, that he had read the copy of the bylaws that was first provided to him when he first came to the subdivision, that he believed that there was more than one version of the bylaws, and it depended on who they asked as to which one was the valid

one, that he had never made an offer to buy property in writing, that he had a jest conversation with Mr. DeLaGarza at one point when he was standing in front of his business and he had a vacant piece of property with a warehouse on it at the time and in jest he asked him what he was going to do with it and Mr. DeLaGarza said he had received an offer on it and he said that when ever he decided what he was going to do he might be interested in purchasing it and that was as far as that conversation went and as far as real earnest interest, no he was not interested in any piece of property in Meadowbrook or Howard, that he owned one piece of property in Meadowbrook which consisted of two lots where he resided, that he owned two pieces of property in Park Place. Council Members Todd, Sanchez, Bell and Robinson absent.

Mr. John Fleming, 2012 White Oak Dr., Houston, Texas 77009 (713-446-3652) had reserved time to speak, but was not present when his name was called. Council Members Todd, Sanchez, Bell and Robinson absent.

Mr. Robert Smith, 343 Greensward, Houston, Texas 77080 (713-984-1352) appeared and stated that he was present on some ambulance delays and wanted to make the statement that he thought they had one of the finest Houston Police Departments, Fire Departments and medics in the City, that on September 15th he had sent a letter to Mayor Brown and the police chief about a problem that he encountered on September 7th, and he had encountered the problem a number of times, that he was inbound on the I-10 feeder by Memorial Hospital when there was an ambulance beside him blocked in traffic, siren going, trying to get through and traffic was stopped, that he did like he had many times, he jumped out of his vehicle ran about 300 feet underneath the turnaround spot at Gessner and there were HPD officers writing tickets, that they had them pulled over to the right and the ambulance could not get by and it was obvious from that point that they could hear that the ambulance was not moving. Council Members Todd, Quan, Sanchez, Bell and Robinson absent.

Mayor Brown asked if his issued was resolved with the police department, and Mr. Smith stated no, that he ran home and got his camera to take photographs, but by that time the police officers had pulled the cars more in the circular area where traffic could get through, but the ambulance was delayed in excess of about four minutes, that he had also taken the unit numbers down of the patrol cars, because those were two things that he thought were out of line, and Mayor Brown stated that they had Assistant Chief Stewart present who would meet with him and get all the detailed information from him. Council Members Todd, Quan, Sanchez, Bell and Robinson absent.

Mrs. Christine Carnline, 2530 Stevens, Houston, Texas 77026 (713-225-6163) had reserved time to speak, but was not present when her name was called. Council Members Todd, Quan, Sanchez, Bell and Robinson absent.

Ms. Nathalie Paravicini, 818 W. 31st., Houston, Texas 77018 (713-880-9929) appeared and stated that she was present to speak about public access to the airways through community cable television, that the airways were public like the air and belonged to everyone and not to television and radio stations, that airways were leased to those companies and were public goods, that they all had guaranteed rights of free speech and she meant not paying and not censored, that the citizens also had a guaranteed right to equal protection under the law and not contingent on economic status, race, beliefs, et cetera, that all of that was a premise that she wanted to reinforce

the duty of City Council to preserve the community free access to the public airways through the community channel, that the Houston Media Source and the Community Channel was one of the most integrated facilities that she had ever seen in the United States, that it was incredible the exchange and cross exchange and cross education between different communities, that it was rare in the City and in the Country to see such an integrated facility and they should cherish, develop and take example from it, that they had a race problem in the United States as they well knew, that it was also the only unadulterated source of public opinion which was not filtered by monetary interests, that as they knew it was crucial for the health of the democracy to have an open outlet for opinions, that they needed to preserve and nurture community public access, that it was extremely important, that as to Houston Media Source as a contractor for the community channel she had been a producer for one year and understood that there was a management change at Houston Community Source and she was also an independent business person and had been an international entrepreneur for over 15 years. Council Members Sanchez, Bell and Robinson

Mayor Brown asked Ms. Paravinci if she had something coming up before City Council on Houston Media Source and she stated that it could be that over the next 6 months a certain contract or funding or something like that, but she was not completely familiar with it, but as a member of the community she worked with Houston Media Source and thought it was very important and preferred to come and act early and mention it and bring the issue early than late. Council Members Sanchez, Bell and Robinson absent.

Ms. Maria Jiminez, 6926 Navigation, Houston, Texas 77011 (713-932-2799) appeared and stated that she was present with families of the so called Late Amnesty cases that were still pending in Federal Court, that the reason she was present, and this was the fourth time she was present, that they had requested that each Council Member and the Mayor send a letter to the Attorney General of the United States recommending a settlement of the cases because it impacted 20,000 residents in Houston who had lived here more than 20 years and who now found themselves in a very serious situation of being undocumented because of the 1996 immigration law, that last time she had brought all sorts of letters and gave them to Council as models and then they distributed particular packets to each of the offices and even with all that effort they only saw one letter from Council Member Felix Fraga stated that he supported the resolution of that issue, that it was amazing to her that those same residents in Houston in two years had gotten a bill in Congress sponsored by Representative Shiela Jackson Lee to resolve their problem, one in the Senate, had a special bipartisan hearing in Congress on the issue, that Bill Bradley mentioned it as an important issue to resolve in the debate between he and Al Gore in California and it amazed her that they still had not response, not a single letter sent by Council that the issue was important to the residents of Houston that those residents were productive home owners, business owners, had children in the public schools, many of them beginning college, that they were interested in a fair solution to their problem, that again they would be willing to bring those letters and would be willing to bring all the material that they would need, that City Council Member Quan could help with the technical aspects of the very complex legal issues involved in the particular case but they were present for that reason, to request again for the fourth time asking the Attorney General to resolve the issue. Council Members Sanchez, Bell and Robinson absent.

Upon questions by Council Member Quan, Ms. Jimenez stated that the 1986 Immigration Law permitted for the legalization for people who had been undocumented in the United States since 1981, that the Immigration and Naturalization Service issued regulations to implement the program and issued a regulation that said that people could not travel outside of the United States during the application period, that people went to apply and they were denied the right to apply during the legalization program so the regulation was challenged in a series of class action suits nationwide and went all the way to the Supreme Court who said that yes it was an illegal activity of the INS prohibited by law, because it was part of the law that they could not take it into account, that there had been different appeals by the Attorney General during almost 10 years and so in 1996 the Immigration Law included a section depriving the federal courts jurisdiction of those cases, so with one swoop in one of the cases, Catholic Social Services versus Reno, the Court said they had no jurisdiction and over 350,000 people nationwide who had lived legally in the United States suddenly woke up one morning and they were undocumented again, that with all the problems that it meant in terms of losing work permits, being deported, could not move to see families, and again these were residents that had been here since 1981.

Council Member Quan stated that Mayor Brown had been sensitive on some of those issues and they had a chance to work with consideration of a task force and office with the Mayor's office on some of those Immigration issues and appreciated Ms. Jimenez coming before Council to present it and would certainly want to work with her and make sure that they support the people who had been in limbo for so long, and Ms. Jimenez stated that they would be happy to bring material to all Council Members again.

Council Member Vasquez welcomed Ms. Jimenez and the families and asked to have information sent to his office, and also to remind the families to fill out the Census, and Ms. Jimenez stated that they had already had someone from the Census and it was something that they did everyday, but it was a difficult situation when they wanted people to comply with the government but the government does not treat them fairly and as the attorney of the particular case said if they could pinpoint to one entity that was the largest coyote it was the INS who left 350,000 illegal all of a sudden. Council Members Sanchez, Bell and Robinson absent.

Mr. Raul Herrera, 3306 Lake Street No. 1, Houston, Texas 77098 (713-807-9901) had reserved time to speak, but was not present when his name was called. Council Members Sanchez, Bell and Robinson absent.

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

Mr. Clayton Lee, 317 W. 20th, Houston, Texas 77008 (713-862-4368) appeared and stated that he was president of the Heights World War II Memorial, that he wanted to thank the Mayor for the beautifully worded proclamation, that Council Member Vasquez found it and delivered it to him in the chamber meeting, that he did not know how many of

them had taken the time to go by and see the World War II Memorial at 11th and the Heights, that all of them would enjoy it when they stopped to see it, that less than 6 weeks after it was dedicated someone ran a car off the road and hit a corner of it, but it had all been repaired, that they were going to protect it by putting 20 to 25 decorative bollards by the north and south end of it that would face the sidewalk going around it and they would call it the freedom walk, that they would slice the bollards off on an angle with bronze plaques depicting each major battle in World War II, that it would be very educational and the schools were having them come and talk about it, that they wanted them to prepare pamphlets to pass out to different ages, elementary, junior and senior high schools and to also print a book that they could teach about it, that they had been to several schools already talking about World War II. Council Member Galloway, Sanchez, Bell and Robinson absent.

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) had reserved time to speak, but was not present when his name was called. Council Member Galloway, Sanchez, Bell and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Member Galloway, Sanchez, Bell and Robinson absent.

At 3:14 p.m. upon motion by Council Member Parker and seconded by Council Member Tatro, City Council recessed until 9:00 a.m. Wednesday, March 8, 2000. Council Member Boney absent due to being ill. Council Member Keller out of the city on vacation. Council Member Galloway, Sanchez, Bell and Robinson absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 8, 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, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office, present. Council Member Bert Keller out of the city on vacation.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 a.m. Mayor Brown called the meeting to order. Council Member Keller out of the city on vacation. Council Members Galloway, Goldberg, Todd, Ellis, Parker and Robinson absent.

MAYOR'S REPORT

Briefing on Enhanced 911 Technology - Don Kovalevich, President, Houston Cellular Telephone Company – was postponed at the request of Houston Cellular.

Council Member Ellis moved to suspend the rules to take Item 8 out of order at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. Council

Member Keller out of the city on vacation. Council Members Galloway, Todd, Parker and Robinson absent. MOTION 2000-0354 ADOPTED.

Council Member Bell moved to suspend the rules to take Item 46 out of order after Item 8, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller out of the city on vacation. Council Members Galloway, Todd, Parker and Robinson absent. MOTION 2000-0355 ADOPTED.

8. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON CONVENTION CENTER HOTEL CORPORATION BOARD OF DIRECTORS**, for terms to expire December 31, 2003:

Position One – **MR. JOE TING**, replacing Mr. Don Wang who has resigned

Position Nine – **MR. PETER G. DOYLE**

- was presented, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller out of the city on vacation. Council Members Galloway, Todd, Parker and Robinson absent. MOTION 2000-0356 ADOPTED.

Council Member Castillo stated that Mr. Peter Doyle was present and asked that he stand to be recognized. Mayor Brown thanked Mr. Doyle for his willingness to serve. Council Members Galloway, Todd, Parker and Robinson absent.

46. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 - (This was Item 9 on Agenda of March 1, 2000, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. Council Member Ellis voting no. Balance voting aye. Council Member Keller out of the city on vacation. Council Members Galloway, Todd and Parker absent. MOTION 2000-0357 ADOPTED.

Council Member Ellis stated that he thought the intent of the ordinance was to assist with the festival when it was needed and urged the Administration to audit the corporation and take a look at amending the ordinance.

Council Member Robinson moved to suspend the rules to take Item 50 out of order at this time, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller out of the city on vacation. Council Members Galloway, Todd and Parker absent. MOTION 2000-0358 ADOPTED.

50. 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 52 on Agenda of March 1, 2000, POSTPONED BY MOTION #2000-307)** – was presented.

Council Member Tatro stated that Item 50 was on amending Chapter 47; that it regarded developer reimbursement for extension of water and sewer lines in Houston; which were currently at a 30%, 50% and 70% reimbursement, with developers 30% and

70% being if the developer built lines to the specifications of the city and there was a 50% participation option where the city participated in 50% of construction cost but the city would bid and control construction cost and the only legal reason he found they were at the 30% control was that the state bid laws must be adhered to though it would be possible to go to a 50/50 participation or greater by requesting that the developer follow state bid law and it was already being done in the city with entities such as a TIRZ and in MUDs; that in meetings with the private sector they said they would be happy to get more contribution in development of the water lines and then they would follow state bid law; that historically where this ordinance took them today was what concerned him, currently the change would look to fund the developer more by adding an extra charge to the next person who hooked up to a line developed by a developer; that Mr. Litke stated they were working on getting more participation, more of a 50/50 split and he would ask that the Administration expedite that and when it was completed come back and remove the surcharge that this ordinance looked to put on the next developer; that he would not support this particular amendment and would ask that the Administration move forward with Planning and Development to increase developer participation and present that as the alternative to what was to be passed and then remove the added surcharge.

Council Member Robinson stated that he wanted to thank the Administration for already moving toward a 50/50 participation; that he agreed with Council Member Tatro that the issue should be looked at, but his priorities were the unfunded projects identified through the CIP process and he would like those focussed on and then move to the 50% participation level; and urged all to pass the item today.

Council Member Parker stated that Council Member Robinson summed it up and she hoped that the item would be passed today.

Council Member Castillo stated that if there were no other speakers he would call the question.

A vote was called on Item 50. Council Member Tatro voting no. Balance voting aye. Council Member Keller out of the city on vacation. ORDINANCE 2000-171 ADOPTED.

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

MISCELLANEOUS - NUMBERS 1 through 11

2. CONFIRMATION of the appointment of the following to **REINVESTMENT ZONE NUMBER ONE:**
Position 5 – **MR. PHILLIP FRANSHAW**, for a term to expire December 31, 2000
Position 6 – **MR. STUART KENSINGER**, for a term to expire December 31, 2001
Position 8 – **MR. ANDREW CHOY**, for a term to expire December 31, 2001
- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0359 ADOPTED.
3. 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 B – **MS. MARY LOUISE HAWTHORNE**

Position C – **DR. LEO FORD**

Position E – **MS. LESLIE HUFF**

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0360 ADOPTED.

4. CONFIRMATION of the appointment of **MR. MICHAEL EASELY** to Position 10 of the **SMALL BUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, term to expire three years from date of appointment - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0361 ADOPTED.
5. CONFIRMATION of the appointment of **MR. MICHAEL RHODES** to Position D of the **HOUSTON CLEAN CITY COMMISSION**, the one year term to expire February 1, 2001 - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0362 ADOPTED.
6. REQUEST from Mayor for confirmation of the reappointment of the following to the **BUILDING AND STANDARDS COMMISSION**, for terms to expire December 31, 2001:

PANEL 1

Position Two – **MR. WARD ARENDT**

Alternate Position Two - **MR. ADOLOPHO VASQUEZ**

Alternate Position Four - **MS. RUTH HURST**

PANEL 2

Position Two - **MS. JESSICA HULSEY**

Position Four - **MR. KEN OKORIE**

Alternate Position Two - **MR. JUAN PADILLA**

Alternate Position Four - **MS. TERRY SALUMUNEK**

PANEL 3

Position Two - **MS. RUBY MOSLEY**

Position Four - **MR. BAL SHARMA**

Alternate Position Four - **MS. EVA P. BECERRA**

PANEL 4

Position Two - **MS. SHIRLEY COLGROVE**

Alternate Position Four - **MS. CANDY PEREZ**

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0363 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the extension of the western boundary for the Lower Westheimer Banner District from Yoakum to Commonwealth - **DISTRICT D – BONEY** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0364 ADOPTED.

10. RECOMMENDATION from Director Parks & Recreation Department that City Council approve the publishing and printing of 450,000 copies of the Parks Power Pack, a 24-page magazine style summer program supplement for distribution to Houston children and parents by direct mail and through the Houston Chronicle - \$54,717.25 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0365 ADOPTED.

ACCEPT WORK - NUMBERS 12 and 13

12. RECOMMENDATION from Director Department of Aviation to accept work on contract with **R. H. TONETTI CONSTRUCTION COMPANY** for Terminal Improvements - Level 1/Baggage Claim Renovations at William P. Hobby Airport (HOU), Project No. 417 "U", CIP A-0141 - 04.84% under the original contract amount - Enterprise Fund - **DISTRICT E – TODD** - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0366 ADOPTED.
13. RECOMMENDATION from Director Department of Aviation to accept work on contract with **CHAMPAGNE WEBBER TEXAS, INC** for Economy Lot Expansion at George Bush Intercontinental Airport/Houston, Project No. 553, CIP A-0358 - 01.10% over the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0367 ADOPTED.

PROPERTY - NUMBERS 14 through 16

14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels A95-59 and A95-62, located at 1221 Conrad Sauer, owned by Georgia Sauer Eschberger (formerly known as Georgia Sauer) and husband Werner Eschberger, for the **WESTVIEW DRIVE PAVING PROJECT from Gessner Road to West Belt**, N-0549-00-1 - \$3,519.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO** - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0368 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kristopher H. Latham of Walter P. Moore Engineers, Inc., on behalf of DePelchin Children's Center (Kurtis Mooney, chief executive officer), the property owner, for abandonment and sale of a portion of a 10-foot-wide storm sewer easement, located in the DePelchin Children's Center, John Austin Two League Grant, Abstract 1, Parcel SYO-022 - **STAFF APPRAISERS - DISTRICT G – KELLER** - was presented, moved by Council Member Boney, and seconded by Council

Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0369 ADOPTED.

16. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James H. Mercer of Mercer-Hardin Engineers, Inc., on behalf of Liberty Baptist Church, Inc., (Samuel C. Ammons, Pastor), for abandonment and sale of a 10-foot-wide waterline easement with a 10-foot by 20-foot water meter easement, located within Fondren Falls Subdivision, Demas Elliot Survey, Abstract 1071, Parcel SYO-045 - **STAFF APPRAISERS - DISTRICT C – GOLDBERG** - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0370 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 31

LOW BIDS

17. **ALL-TEX ROOFING, INC** for Exterior Cleaning at Jones Hall and Fannin Garage for Convention and Entertainment Facilities Department - \$28,000.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0371 ADOPTED.

OTHER

18. **OFFICE DEPOT BUSINESS SERVICES DIVISION** for Office Furniture for Department of Aviation New and Replacement - \$15,017.55 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0372 ADOPTED.
19. **AMEND MOTION #97-550, 3/26/97, TO EXTEND** the term through December 31, 2000, for Firefighter Bunker Gear and Proximity Suits for Aviation and Fire Departments awarded to **MORNING PRIDE MANUFACTURING, INC** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0373 ADOPTED.
- 20-1 **DEPARTMENT OF INFORMATION RESOURCES (DIR)** for Hardware and Software Upgrade and License from the State of Texas General Services Commission's contract through the State of Texas Cooperative Purchasing Program for the Finance & Administration Department \$43,000.00 - Equipment Acquisition Consolidated Fund – had been pulled from the Agenda by the Administration, and was not considered. Council Member Keller out of the city on vacation.
21. **SAN ANTONIO EQUIPMENT REPAIR, Bid #1** for Steel Ambulance Stretchers, Stretcher Replacement Parts and Labor Contract for Fire Department -

\$230,660.00 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0374 ADOPTED.

22. **AMEND MOTION #97-1458, 8/20/97, TO EXTEND** expiration date for 12 months from August 27, 2000 through August 26, 2001 for Scot Air Paks Replacement Parts for Fire and Public Works & Engineering Departments awarded to **ORR SAFETY CORPORATION** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0375 ADOPTED.
29. **A.M.C. INDUSTRIES** - \$23,618.00, **BROOKSIDE EQUIPMENT SALES, INC** - \$332,383.00, **LANSDOWNE MOODY CO., INC** - \$17,758.00 and **ROACH KUBOTA AND EQUIPMENT, INC** \$34,185.00 for Grounds Keeping Equipment for Various Departments - New and Replacement Enterprise, Equipment Acquisition Consolidated, Street & Drainage Maintenance and Park Special Revenue Funds - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0376 ADOPTED.
30. **TRANSTAR INDUSTRIES, INC** - \$175,533.15, **LINDALE AUTO SUPPLY** - \$160,965.00 and **RANKIN AUTOMOTIVE GROUP** - \$80,000.00 for Automobile and Light Truck Automatic Transmission Parts, Rebuilt and Exchange for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0377 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 32 through 42

41. ORDINANCE amending Ordinance No. 99-1317, to appropriate an additional sum of \$143,743.67 out of the Water & Sewer System Consolidated Construction Fund No. 755 and approving and authorizing an amendment to an Advance Funding Agreement with **TEXAS DEPARTMENT OF TRANSPORTATION** for the City's participation for the Relocation and Replacement of Water Mains and Sanitary Sewer Line, U. S. 59 from South Shepherd to Mandell Street, GFS S-0521-E8-8 - **DISTRICTS C - GOLDBERG and D – BONEY** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
43. ORDINANCE appropriating \$4,433,920.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRH-GARVER, INC** on low bid of \$3,972,000.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for Sanitary Sewer Rehabilitation by Cured-in-Place Pipe (CIPP) Method, GFS R-0266-90-3 (4258-6); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All

voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-172 ADOPTED.

44. ORDINANCE appropriating \$154,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to construction contract with **CHAMPAGNE-WEBBER, INC** at William P. Hobby Airport; Project 485; CIP A-0042, A-0300, A-0312, A-0346 and A-0379 **DISTRICT E – TODD** - was presented. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-173 ADOPTED.

Items removed from the Consent agenda were considered as follows:

MISCELLANEOUS

1. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL**, for terms to expire December 31, 2000
Position 1 – Council Member Robinson
Position 2 – Council Member Keller
Alternate Position 1 – Council Member Castillo
Alternate Position 2 – Council Member Vasquez
- was presented, moved by Council Member Todd, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0378 ADOPTED.
7. REQUEST from Mayor for confirmation of the reappointment or appointment of the following to the **BOARD OF DIRECTORS of the MEMORIAL HEIGHTS REDEVELOPMENT AUTHORITY**:
Position One – **MR. KENNETH KATZ**, for a term to expire December 31, 2000
Position Two – **MR. JAMES ERWIN**, for a term to expire December 31, 2001
Position Three – **MR. CHARLES LEYENDECKER**, and as Chair, for a term to expire
December 31, 2000
Position Four – **MR. JOSE S. HERNANDEZ**, appointment, for a term to expire
December 31, 2001
Position Six – **MS. KELLY THOMPSON-FRATER**, for a term to expire
December 31, 2001
Position Seven – **MR. TOM KVINTA**, for a term to expire December 31, 2000
- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0379 ADOPTED.
- 8-1 RECOMMENDATION from City Attorney to **AMEND MOTION 99-0669, 4/21/99**, to increase settlements by approximately \$91,000.00, including pension contributions and prejudgment interest for overtime claims of certain Plaintiffs and Plaintiff-Intervenors in connection with a lawsuit styled Juan Vela, et al., v. City of Houston, in cause No. H-97-3741 in the United States District Court of the Southern District of Texas - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0380 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$82,619.38 Enterprise Water & Sewer Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0381 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

20. **DEPARTMENT OF INFORMATION RESOURCES (DIR)** for Microtechnology Hardware and Software from the State of Texas General Services Commission's contract through the State of Texas Cooperative Purchasing Program for the Building Services Department - \$83,623.00 Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0382 ADOPTED.
23. **ANSELL HEALTHCARE PRODUCTS, INC** - \$15,000.00, **APOTHECUS PHARMACEUTICAL CORP.** - \$459,000.00, **THE FEMALE HEALTH COMPANY** - \$33,816.00, **LONDON INTERNATIONAL GROUP, INC** - \$124,200.00, **ORTHO-MCNEIL PHARMACEUTICAL, INC** \$628,905.00 and **UNITED MEDICAL SUPPLY, INC** - \$92,044.80 for Medical, Family Planning Supplies Contract Part I for Health & Human Services Department - General and Grant Funds - was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and was tagged by Council Member Todd. Council Member Keller out of the city on vacation.
24. **PERINATAL HEALTH, INC** for Prenatal Forms for the Health & Human Services Department \$96,600.00 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0383 ADOPTED.
25. **PE BIOSYSTEMS, a Division of Perkin Elmer Corporation** for DNA Testing Kits and Supplies for Police Department - \$48,848.00 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0384 ADOPTED.
26. **AMEND MOTION #98-1988, 12/15/98, TO INCREASE** spending authority on award to **CSB ASPHALT, INC** by \$22,145.00 from \$88,580.25 to \$110,725.25 for Sand and Washed Gravel for Various Departments - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez; and was tagged by Council Members Todd and Tatro. Council Member Keller out of the city on vacation.

27. **AMEND MOTION #99-1180, 6/30/99, TO INCREASE** spending authority on award to **D/A MID-SOUTH, INC** by \$50,464.38 for Communications Security Equipment and Components for Various Departments - was presented, moved by Council Member Boney, seconded by Council Member Robinson; and was tagged by Council Member Sanchez. Council Member Keller out of the city on vacation.
28. **ACTION HANDLING SYSTEMS, LLC** - \$41,481.00 and **MUSTANG INDUSTRIAL EQUIPMENT COMPANY** - \$52,191.00 for Four Forklifts for Various Departments - New - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez; and was tagged by Council Member Todd. Council Member Keller out of the city on vacation.

Council Member Robinson stated that hopefully as they bought more equipment they would do all they could to buy cleaner equipment and continue to test new technology for cleaner air.

Council Member Parker stated that she had received a memo from Mr. Wells and there were LPG engines for forklifts which burned 90% cleaner and the costs were comparable and she could not understand why they continued to make such purchases as they did without taking that into consideration.

31. **WESTVACO ENVELOPE DIVISION** - \$183,004.39 and **MAIL-WELL ENVELOPE** - \$172,827.32 for Miscellaneous Envelopes for Various Departments - General and Enterprise Funds- was presented, moved by Council Member Vasquez, and seconded by Council Member Sanchez. Council Member Robinson voting no. Balance voting aye. Council Member Keller out of the city on vacation. MOTION 2000-0385 ADOPTED.

RESOLUTIONS AND ORDINANCES

32. RESOLUTION approving the creation of the **CITY PARK REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT A – TATRO** - was presented; and was tagged by Council Members Sanchez and Parker. Council Member Keller out of the city on vacation.
33. ORDINANCE approving and authorizing Public Improvement Development Agreement between the City of Houston; **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)** and **KINGWOOD PARTNERS, L.P.** for the Design, Construction and acquisition of certain public improvements and for certain other project costs in the Lake Houston Zone; providing for the reimbursement of previously expended or committed project costs \$5,008,875.00 - Lake Houston TIRZ Fund - **DISTRICT E – TODD** - was presented, and was tagged by Council Member Sanchez. Council Member Keller out of the city on vacation. **(Note: Council Member Sanchez released his tag later in the meeting.)**
34. ORDINANCE approving and authorizing lease agreement between **HOUSTON INDUSTRIAL PARTNERS, LTD, A Texas Limited Partnership**, as landlord, and

the City of Houston, Texas, as tenant, for Office/Warehouse Space at 8272 El Rio, Houston, Texas, for use by the Department of Health & Human Services - \$42,100.00 - General Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-174 ADOPTED.

35. ORDINANCE approving and authorizing an amended loan agreement between the City of Houston, as lender, and **INDEPENDENCE HALL MUTUAL HOUSING ASSOCIATION**, as borrower, which will replace the prior loan agreement passed and adopted by City Council on March 24, 1999 pursuant to Ordinance No. 99-268, to provide a \$1,900,000.00 second lien loan of Community Development Block Grant Funds to acquire an rehabilitate the Independence Hall Apartments located at 6 Burress, Houston, Texas, restricted for Rental to low-income and very low-income elderly, disabled and/or Handicapped Residents - **DISTRICT H – VASQUEZ** - was presented, and was tagged by Council Member Sanchez. Council Member Keller out of the city on vacation.
36. ORDINANCE approving and authorizing agreement between the City of Houston and the **HARRIS COUNTY - HOUSTON SPORTS AUTHORITY** for the Improvement of Street Lighting in the area surrounding Enron Field - **DISTRICT I – CASTILLO** - was presented, and was tagged by Council Member Sanchez. Council Member Keller out of the city on vacation.
37. ORDINANCE approving and authorizing Fine Art Restoration Services contract between the City of Houston and **S.A.T., INC** authorizing acceptance and deposit of \$18,000.00 from Zoo Friends of Houston, Inc., into Fund 491, and appropriation of \$37,000.00 from Fund 491 for Restoration of the Artwork “The African Elephant” located at the Houston Zoological Gardens - **DISTRICT D – BONEY** – was presented.

Council Member Todd stated that he wanted to acknowledge all the hard work the Zoo Friends had done in raising the money for the item; and he was excited about their plans.

A vote was called on Item 37. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-175 ADOPTED.

38. ORDINANCE approving and authorizing contract between the City and **STARCREST CONSULTING GROUP, LLC** for Air Quality Consulting Services in support of City Clean Air Team Activities; providing a maximum contract amount - \$75,000.00 - General Fund - was presented, and was tagged by Council Members Tatro and Bell. Council Member Keller out of the city on vacation.

Council Member Bell stated that he would like someone to meet with him on the item, but his question was how the money being spent was different from the thousands previously spent, he was curious as to why more consulting dollars were needed since there seemed to be quite a bit of consulting already.

Council Member Robinson moved to suspend the rules to hear from Mr. Dwayne Huckabay, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0385-1 ADOPTED.

Mr. Huckabay stated that the difference in this consulting study and previous studies done was that none of the previous focused on city operations and city emissions and here they were trying to get an accurate assessment of how many emissions city operation vehicles submitted to the air and then solutions; that they already had some ideas on solution but the consultants had worked with the Port and the Construction Industry Council so their expertise would help in getting accurate information; that previously the city had a \$375,000 study where the city funded \$325,000 and the EPA funded \$50,000, but that study attempted to find the health benefits as a whole in achieving air quality standards and that was produced and the best estimate they could come up with was that it was about \$3 billion a year in terms of health benefits in achieving standards but that was entirely different, they focused on the health effects of pollution, but to this point in time they had not quantified what the city's specific contribution was and this would identify the level of the city's problem and by how much they needed to reduce their emissions and whether they needed to focus on reducing in vehicles, equipment, contracts, etc., and that would be very helpful; that the consultant was also to help the city in field testing demonstration projects, technology that was proposed to be helpful; and the law did require them to quantify their reductions.

Upon questions by Council Member Sanchez, Mr. Huckabay stated that they were working on an inventory of point sources such as facilities, boilers and vehicles; that departments had very actively been working in the clean air team to validate information they had; that nothing would preclude them from taking action sooner than the mandatory date set by the EPA and the Administration had taken a leadership in attempting to identify what needed to be done and to get it done sooner rather than later and urged all departments to do what could be done. Council Member Sanchez stated that a couple of Council Members pointed out that the city was still buying vehicles that were still emitting what they knew in a couple of months if not weeks would be a no no; that departments were out there every morning setting an example for thousands of commuters on Memorial Park spewing out smoke so when would the City take the initiative to take the leadership. Mr. Lewis stated that he had been involved in the issue with Mr. Huckabay for the last two months and Mayor Brown had directed every department to inventory all their emissions by the end of the month; that he set the date of May 30 to have a plan in place to reduce the city's emissions and take the leadership role just described; that the consultants were necessary to quantify the emissions as it was needed to hit the deadline set; that the city changed their policy on parking and that had a dramatic change on METRO ridership and that was one example. Upon further questions by Council Member Sanchez, Mr. Huckabay stated that part of the plan was to identify what additional public information and education needed to be done and who needed to do it and that would be part of what they brought to Council by the end of May and similarly with respect to enforcement which was a part of the proposal whether it involved Police or Health Departments, etc.

Council Member Robinson stated that one primary problem was that everyone in the region thought all pollution came only from Houston and it was imperative to identify their actual contribution to the process; that in about 2004 they could update the model

and the more information they had on their contributions in terms of tonnage the more likely they were to get a new model; that they knew how much was out there and now everyone was trying to be more specific as to who and what were contributing sources to the region so they could provide the EPA folks better information and he hoped next week Council would vote on it and he hoped that Mr. Lewis and Mr. Huckabay were hearing Council when they said they needed a change in equipment purchases and still wanted them to come forward with more recommendations; and thanked Mayor Brown and Mr. Lewis and Mr. Huckabay for their efforts.

Council Member Todd stated that he wanted to echo comments made around the table, particularly that this was a regional issue; that it was publicly characterized that it was a City of Houston issue; and upon questions, Mr. Huckabay stated that the plans being developed were being developed at a regional level through among other things the TNRCC; that there had been advisory committees through the Houston Galveston Area Council involving other counties and cities and the city as well as the county had led efforts to try and insure other municipalities, counties and elected officials as well as business groups were getting involved in understanding the problem and their contribution to the problem and their part of the solution to the problem. Council Member Todd stated that one solution discussed was a four day workweek and that would benefit air pollution and traffic congestion and it could be set in a novel way; and upon questions, Mr. Huckabay stated that a number of studies were done and some departments made an effort, but they were tapered off; that it was essential to still provide service and it needed to be expanded to a broader audience; that the numbers the state gave them with respect to the potential air quality impact of telecommuting were very large numbers and small air quality benefits. Council Member Todd stated that he would encourage him to explore it and if it was needed that they take a day off to implement and see what the effect was he would be interested.

Council Member Parker stated that she was pleased to see support on Council and in defense of the item the Administration did ask to bring it to the Neighborhood Protection Quality of Life Committee as an environmental issue, but it came up Friday and this week's meeting had been cancelled; that it would be on the Agenda for their next meeting, but the NPP meeting would be after the Monday after next and there would be an opportunity to go over the contract and a full presentation on what the city had done to date in the air quality issue; that there had been regular updates to the Health and Environment Committee over the last two years and a lot of progress had been made at the city level.

39. ORDINANCE amending Ordinance No. 96-506 to increase the maximum contract amount for purchase of the Liquid Polymer Flocculent Services under contract with **STOCKHAUSEN, INC** (Approved by Ordinance No. 96-506) - \$2,500,000.00 - Enterprise Fund - was presented, and was tagged by Council Member Ellis. Council Member Keller out of the city on vacation. Council Member Robinson absent.

Council Member Castillo stated that he was glad Council Member Ellis tagged the item as he was going to, he had read the letter in the backup from Ms. Battenfield and it concerned the chemical flocculent but with a 25% increase in the use of the chemical and \$2,500,000 additional money; that the explanation was that the chemical was also being used in water production since they changed from using ferric chloride; that the

bottom line was if this was a cost saving measure why was it costing \$2,500,000 and he would like that information; and Mayor Brown stated that someone would visit with him.

40. ORDINANCE amending Ordinance No. 98-248 to increase the maximum contract amount for Used Tire Sales and Disposal Services under contract with **PREFERRED TIRE SERVICE, INC D/B/A PRO TIRE SERVICE** for Various Departments (Approved by Ordinance No. 98-248) \$79,364.06 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-176 ADOPTED.
42. ORDINANCE appropriating \$104,500.00 out of General Improvements Consolidated Construction Fund and approving and authorizing first amendment professional services contract between the City of Houston and **BOVAY ENGINEERS, INC** for services relating to the Upgrade of Four Elevators in City Hall and Renovation of Office Space in the 611 Walker Annex and Tower, CIP D-9999-03-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I – CASTILLO** - was presented, and was tagged by Council Members Boney and Goldberg. Council Member Keller out of the city on vacation.

The Non Consent Agenda (Item 45) was considered as follows:

MISCELLANEOUS

45. 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 before Council.

Council Member Castillo nominated Mr. Al Luna, III to Position 7 of the Municipal Employees Pension System Board of Directors, and Council Member Boney moved to close nominations, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0386 ADOPTED.

Council Member Boney nominated Mr. Walter D. Davis, III to Position 8 of the Municipal Employees Pension System Board of Directors, and Council Member Robinson moved to close nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0387 ADOPTED.

Council Member Quan nominated Mr. Robert C. Hu to Position 9 of the Municipal Employees Pension System Board of Directors, and Council Member Boney moved to close nominations, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0388 ADOPTED.

MATTERS HELD - NUMBERS 46 through 52

47. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt 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 - (This was Item 12 on Agenda of March 1, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0389 ADOPTED.

48. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt 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 - (This was Item 15 on Agenda of March 1, 2000, TAGGED BY COUNCIL MEMBERS QUAN and PARKER)** – was presented.

Council Member Quan stated that he had the opportunity to research the issue and believed Cajun should be paid but he would like to go into procedure use to determine the overruns and would like closer monitoring of them; that he would remove his opposition at this time, but did want it investigated more carefully.

A vote was called on Item 48. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0390 ADOPTED.

49. MOTION by Council Member Vasquez/Seconded by Council Member Castillo to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel A98-54, located at 2400 Almeda-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 Almeda Road to State Highway 288**, CIP N-0493-01-1 **DISTRICT D - BONEY - (This was Item 51 on Agenda of March 1, 2000, POSTPONED BY MOTION #2000-343)** – was presented.

Council Member Goldberg stated that he had talked to Real Estate and the only way to come to a compromise and settlement was to pass the item.

A vote was called on Item 49. Council Members Robinson and Todd voting no. Balance Voting aye. Council Member Keller out of the city on vacation. MOTION 2000-0391 ADOPTED.

51. RECEIVE nominations for Position 9 to **REINVESTMENT ZONE NUMBER ONE**, for term to expire December 31, 2001 - **DISTRICT C – GOLDBERG – (This was Item 44 on Agenda of March 1, 2000, POSTPONED BY MOTION #2000-334)** – was before Council.

Council Member Goldberg nominated Mr. Steve Rochelle for Position 9 to Reinvestment Zone Number One, and Council Member Boney moved to close nominations, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0392 ADOPTED.

52. RECEIVE nominations for Position D to the Community Educational Outreach Panel of the **ANIMAL SHELTER ADVISORY COMMITTEE**, for a term to expire December 31, 2001 - **(This was Item 55 on Agenda of March 1, 2000, POSTPONED BY MOTION 2000-346)** – was before Council.

Council Member Boney nominated Mr. Lloyd Jarmon for Position D to the Community Educational Outreach Panel of the Animal Shelter Advisory Committee, and Council Member Ellis moved to close nominations, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller out of the city on vacation. MOTION 2000-0393 ADOPTED.

Council Member Sanchez stated that he would remove his tag on Item 33.

33. ORDINANCE approving and authorizing Public Improvement Development Agreement between the City of Houston; **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)** and **KINGWOOD PARTNERS, L.P.** for the Design, Construction and acquisition of certain public improvements and for certain other project costs in the Lake Houston Zone; providing for the reimbursement of previously expended or committed project costs \$5,008,875.00 - Lake Houston TIRZ Fund - **DISTRICT E – TODD** – was again before Council. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-177 ADOPTED.

Item received during the meeting was considered as follows:

41. ORDINANCE amending Ordinance No. 99-1317, to appropriate an additional sum of \$143,743.67 out of the Water & Sewer System Consolidated Construction Fund No. 755 and approving and authorizing an amendment to an Advance Funding Agreement with **TEXAS DEPARTMENT OF TRANSPORTATION** for the City's participation for the Relocation and Replacement of Water Mains and Sanitary Sewer Line, U. S. 59 from South Shepherd to Mandell Street, GFS S-0521-E8-8 - **DISTRICTS C - GOLDBERG and D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller out of the city on vacation. ORDINANCE 2000-178 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Boney stated that he wanted to commend Mayor Brown for his good work in bringing a seven day cooling off period to Time Warner and the folks in the cable industry; that it was another example of leadership; that it never failed to impress him how he moved quietly behind the scenes to get things done and it was an example the city was well served by. Council Member Sanchez absent.

Council Member Boney stated that many citizens should have received a letter from the Census Bureau explaining that they should get their Census form within a week; that he and Council Members Castillo and Quan were working to get 100% participation and he would urge everyone to look for their letter and once receiving the form they needed to fill it out and send it in so that Houston would not lose out on any of the money due to them. Council Member Sanchez absent.

Council Member Castillo stated that an item which came to his attention was the soon to be Houston Summer Job Program recruitment which this year was under total control of The Houston Galveston Area Council and he would like the members aware that in the past Houston Works had done a tremendous job of recruiting young people conveniently, near where they lived, and there was great success reflecting the makeup of Houston, but unfortunately under The Houston Galveston Area Council there would be five agencies recruiting for the program and he believed it would cause great fragmentation where young people would have to go to get services; that he had a great concern because in the east end there was only one recruitment center and he wanted his colleagues on alert to see how they could help in getting young people to know where they needed to go, but he felt this was a great disservice; that the city had a right to run their own program and they subsumed their interests and this was the first bad result that he could see; and Mayor Brown stated that it would be looked at to see what needed to be done. Council Members Vasquez and Sanchez absent.

Council Member Bell stated that he wanted to talk on traffic as someone brought it to his attention that everyone slowed down to look when an officer had someone pulled over because of the flashing lights and flashers on the car should be safe enough; that he didn't know why the flashers would have to be left on, whether there was a law or not, but he would like to look into it; that obviously traffic was a quality of life issue in Houston and he thought that the Police Department should be taking consideration and if legally they could get around drawing everyone's attention to a traffic stop it made a lot of sense not to and it did not cost money and he would ask that someone from the department send him a memo on what was in place and what officers were encouraged to do; that it would be greatly appreciated; and Mayor Brown stated that Chief Storemski was in the audience and he would have him meet with him. Council Members Tatro and Vasquez absent.

Council Member Todd stated that he read an article about a man who integrated to Houston from China and was missing; that he had received a memo from Council Member Quan and this was not the first disappearance of an Asian immigrant in the Houston area; that he did not know if they were connected or if because they were immigrants they did not know how to operate in a big town, but he would like to request that the issue be given another step and perhaps assign an Asian officer; that maybe there needed to be an outreach program to let them know what to avoid; and Mayor Brown stated that Chief Storemski would follow-up on it and get back with him.

Council Member Todd stated that he was having trouble getting ditches regrated in his area and one man had been waiting for three years and had a series of letters but no action; and Mayor Brown stated that he would assign someone. Council Member Todd stated that he had others with the same problem and the urgency was that hurricane season was coming and with the draught the way it way if a hurricane hit the ground would not soak it up and it was a big concern to those living closer to the gulf; that he

assumed it was easier to do the job when the ground was dry and would urge striking while the iron was hot; and Mayor Brown stated that someone from Public Works would get with him on the specifics as well as the overall problem.

Council Member Robinson stated that he would echo Council Member Boney's commendations and he was hopeful, relative to the Time Warner/ABC issue, that they would have a settlement by Thursday when the seven day extension expired; that to him the extension was just a matter of fairness, one with Houston being treated to a March 31 extension like other cities and two, the issue of nondiscrimination access to content by non-platform providers; that content providers had a serious concern of fairness on how their content would be treated and if AOL and Time Warner did get federal approval to merge they would have to go back to the city for a transfer of their franchise agreement and he hoped that the F & A Department would make sure the city had fair and equal access to content providers even if they were not affiliated with the platform provider; and in light of Council Member Todd's comments last week he had called the FCC and they made it clear the issue was not advocating for the inclusion of an ABC on Time Warner but to speak to the substantive content of a given program and to say a program out to be on television or on a platform provider did not violate any federal regulations.

Council Member Robinson stated that he had sent a memo out on February 8 relative to the Human Resources Department emotional decision making process and still had received no answer and still also received concerns from individual employees across the city and he hoped something could be done because more people were becoming more demoralized by what they viewed as unfair treatment out of that department.

Council Member Robinson stated that he had also requested a list of various city lobbyist and was still interested in receiving that information.

Council Member Robinson stated that he had been working with Mr. Lewis on a number of issues and he hoped he would provide an analysis of how many additional parking meters could be distributed across the city and what amount of new revenue that would generate; that he was interested for two reasons, the additional parking and if there was sufficient revenue it should be dedicated to Parks and Library bonds so they could start the Parks and Library Program and have a bond issue in November; that he knew the Administration was looking at it and he would like to add it to the mix as an option to move the issue forward for a potential November ballot; and Mayor Brown stated that Mr. Hall would make sure he received an answer to his request on the lobbyists and he would make sure he received his answer from Human Resources.

Council Member Quan stated that he applauded the Mayor's efforts in working on an Office of Immigration and Refugee Affairs; that regarding the situation Council Member Todd spoke of he believed every effort had been made to the family to reassure them that the city was seeking to locate the individual or to determine his demise.

Council Member Quan stated that he noticed the Article in [the Houston Chronicle](#) over the weekend regarding the First Worker Program and it was something he had talked to Mr. De Leon about and felt the City of Houston should be looking at it as well.

Council Member Quan stated that he was continually disturbed about the number of convenience store operators who had been killed recently in the city and he appreciated the Mayor's support in trying to work with the Ministers Against Crime and the Police Department and community in seeing what could be done as a city to address the concern.

Council Member Quan stated that on the Agenda there was to be a presentation by the president of Houston Cellular and there were a number of concerns...; and Mayor Brown stated that he was to be out of town and it would be rescheduled. Council Member Quan stated that there were still a number of questions the Council had and he wanted to be sure the issue was addressed.

Council Member Tatro stated that at the last Fiscal Affairs Meeting they had requested, and he thought it was tentatively set, a briefing from the Administration on the status of health care benefits, negotiation of contract, a timetable needing to be in place in about a year from now and it was a significant issue with the complete rebidding of the city's health care benefits and he was not sure what the reason was for removing it from the Agenda, but he would ask the Administration and Council Member Castillo, who chaired the Fiscal Affairs Committee, to move to have it on the next Agenda.

Council Member Castillo stated that he agreed with Council Member Tatro that the item was scheduled to be heard and they received a call from Human Resources that they were not quite prepared to set it so he would join the Council Member in urging that they receive it as soon possible and the more time given for public scrutiny the better off they would be; and Mayor Brown stated that they should be prepared now and he would make sure that it took place.

Council Member Vasquez stated that last Monday the reception was held for the Super Neighborhood Council's and the Washington Heights Council was very excited and happy and asked that he thank the Mayor for kicking it off and they were looking forward to working with him and his liaison to get things done; and Mayor Brown stated that he appreciated the comments.

There being no further business before Council, the City Council adjourned at 10:20 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller out of the city on vacation. 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

Anna Russell, City Secretary