

City Council Chamber, City Hall, Tuesday, April 4, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, April 4, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance, Ms. Debra Dillard, Citizens Assistance; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present.

At 1:58 Council Member Todd stated there were several folks from Family Outreach in the Clear Lake and Bay area and also present was Ms. Lisa Williams, that it was the second year that the City of Houston had presented a proclamation for that cause, for the month and for the organization, that as part of a nationwide effort to prevent child abuse the month of April 2000 had been designated as National Child Abuse Prevention Month, that prevention programs strived to prevent physical and mental disabling conditioning of children, thereby reducing juvenile delinquency, teen runaways and adolescent drug and alcohol problems, that locally organizations, including Family Outreach Clear Lake Area Inc., would observe National Child Abuse Prevention Month by hosting area activities designed to enhance public awareness of child abuse and promote prevention efforts intended to break the cycle of child abuse, that the City of Houston saluted Family Outreach Clear Lake Area Inc. for its commitment and dedicated efforts on behalf of its youngest residents and extended best wishes for a successful and rewarding National Child Abuse Prevention Month, therefore Lee P. Brown, Mayor of the City of Houston proclaimed this month as National Child Abuse Prevention Month. Mayor Brown, Council Members Tatro, Galloway, Keller, Castillo, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Lisa Williams stated that April was National Child Abuse Prevention Month and Family Outreach was a volunteer organization dedication to the prevention of child abuse and the strengthening of family life, that the volunteers offered free services in Clear Lake and the surrounding area to help parents meet the needs of their children and to be the best parents that they could be, that during April Family Outreach Volunteers would conduct a blue ribbon campaign to raise awareness that children were hurting and that the community could get involved in the prevention of child abuse, and they asked that citizens please wear a blue ribbon during April in support of children and she had brought a few ribbons for the Council Members to be worn in support, that on behalf of the Board of Directors of Family Outreach she thanked Mayor Brown and Council for recognizing Child Abuse Prevention Month and the efforts of Family Outreach to prevent child abuse in their community. Mayor Brown, Council Members Tatro, Galloway, Keller, Castillo, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that he wanted to introduce an important individual in the field of law, Mr. Richard Alderman, who was better known as the People's Lawyer, that Mr. Alderman had dedicated his professional career to educating the public about the legal system, that they may have read the People's Lawyer column in newspapers or seen him on television giving his helpful and informative advise, that he currently served as the director of the Consumer Law Project, a community outreach arm of the University of Houston Law Center, that twice Mr. Alderman had received the

highest award given by the State Bar Association for his work in educating the public about the law, that each year Mr. Alderman sponsored the People's Law School to inform the public about their rights within the legal system, that in conjunction with the next session of the People's Law School on April 15, 2000, Professor Richard Alderman would be honored in recognition and appreciation of his many distinguished contributions, that Lee P. Brown Mayor of the City of Houston proclaimed April 15, 2000 as Professor Richard Alderman Day. Mayor Brown, Council Members Tatro, Galloway, Todd, Keller, Castillo, Parker, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mr. Richard Alderman thanked all of the people who really helped him to what he did, the Houston Bar Association, the many students and lawyers that help volunteer, that he really appreciated the honor, that for a law professor or a lawyer most of the recognition they receive was from their peers and other law groups, and most of the work he did was not for his peers or other law groups it was for the public and this was the ultimate recognition to him, to see that what he did was really appreciated and really made it all worthwhile, and hoped to see some of them at the next session of the People's Law School, that if they wanted to register it was [www.peopleslawyer.net](http://www.peopleslawyer.net). Mayor Brown, Council Members Tatro, Galloway, Todd, Keller, Castillo, Parker, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney stated that he had the privilege and honor of presenting another proclamation, that they were pleased to have three former Council Members in Chambers, Council Member Fraga and the Council Member Kelley family, that they had long had and treasured the friendship of Mary Lou Retton and what she had done for the community, and asked Ms. Retton to come forward with her husband and stated that they were declaring this day Mary Lou Retton Day in Houston, Texas and treasured as a fundamental part of civilization, writing and other arts had been recognized as unique to human capabilities and creativity as a means of self discovery and self expression, that Houston had been home to many writers who had achieved national and international acclaim, and through those talented authors the City had made a lasting and significant contribution to all genders of writing, that acclaimed as America's most popular athlete, renowned Olympic Gold Medallist, Mary Lou Retton continued to touch the lives of millions of people, and honored as the recipient of countless awards for her accomplishments in gymnastics she now shared her talent as an effective and popular motivation speaker and corporate spokesperson, that on this day, April 4, 2000, the multi-talented Mary Lou Retton would add author to her credentials as her new book, Mary Lou Retton's Gateways to Happiness, seven ways to a more peaceful, more process, more satisfying life would be published and released to the public, that in the book Mary Lou revealed the secret behind her happiness and the lesson she had learned through her athletic, professional and personal appearances, therefore Lee P. Brown, Mayor of the City of Houston proclaimed, Tuesday, April 4, 2000 as Mary Lou Retton Day in Houston, Texas. Mayor Brown, Council Members Todd, Vasquez, Castillo and Bell absent. Mayor Pro Tem Boney presiding.

Mary Lou Retton stated happy Mary Lou Retton Day, that she married into a Kelley family and they celebrated St. Patrick's Day and they had to wear green, but on Mary Lou Retton Day they had to wear a smile, that it was an honor and thanked them for naming a day after her, that she came to Houston many years ago from a very small

town in West Virginia and Houston really opened up their hearts and arms to her at a very important time in her life and was very proud to call Houston home, and for those people who said they could not find a small town feel in a big city had never been to Houston. Council Member Bell absent.

At 2:08 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Quan invited Mr. Ransit Singh and Mr. Jaskaran Singh of the Sikh Center of the Gulf Coast to offer the prayer and Council Member Quan led everyone in the pledge of allegiance. Council Member Bell absent.

At 2:11 p.m. Mayor Brown requested the City Secretary to call the roll. Council Member Bell absent.

Council Members Boney and Sanchez moved that the minutes of the preceding meeting be adopted. Council Member Bell absent.

At 2:13 p.m. Mayor Brown requested the City Secretary to call the list of speakers.

Council Member Parker moved to suspend the rules to add Mr. Billy Burge to the speakers list after Mr. Richard Schechter, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Bell absent. MOTION 2000-483 ADOPTED.

Mr. Darrell Scott, 8601 Broadway, Houston, Texas 77061 (713-649-5294) had reserved time to speak, but was not present when his name was called. Council Member Bell absent.

Mrs. Deborah Elaine Allen, 7809 W. Bellfort No. 227, Houston, Texas 77071 had reserved time to speak, but was not present when her name was called. Council Member Bell absent.

Ms. Herma Morris Barnes, 4306 Elysian, Houston, Texas 77009 (713-692-5572) had reserved time to speak, but was not present when her name was called. Council Member Bell absent.

Mr. John Duwaji, P.O. Box 420035, Houston, Texas 77252 (281-759-2800) appeared and stated that he was present regarding the complaint of the Fox Diner at 905 Taft, that he owned the properties at 907 and 903 Taft and for the last four years he had been complaining to the City of Houston about traffic, encroachment and a lot of legal descriptions about the encroachment to the sidewalk, that they had children over there who could not walk on the sidewalk because they had built a patio and it encroached on his property and encroached on the City's property as well, that he had property that he could not lease and could not get any rent out of due to the Fox Diner, that it made the area look real bad, that he was present to complain to them and see what could be done about the situation, that he had contacted the City of Houston many times at the Planning Department about doing something about the matter, that they had come out and red tagged the job and done nothing to resolve the problem, that what he understood from some of the people at the Planning Department the guy who owned the Fox Diner got some backup from some Council Member or from the City and that was why they could not do anything to resolve the problem and he would like for them to look at the matter and see what they could do.

Council Member Parker stated that he had called her office on the matter and that he had generated a number of complaints against the Fox Diner, that it had been visited by her count some two dozens times after complaints that he had made about the diner and asked to what did he attribute the fact that there had only been one violation recorded in all of those visits by City Departments, and Mr. Duwaji stated that he had called many times about a lot of violations and nothing had been done about it, and Council Member Parker asked if it could be that there were no existing violations, and Mr. Duwaji said there were existing violations and Council Member Parker stated there was an encroachment that was being considered by the Joint Referral Committee, but he had made Health Department, Fire Department and Neighborhood Protection complaints and the City had been out numerous times in response to his complaints and they had not found any violations in any of those areas. Council Member Bell absent.

Mr. Duwaji stated that he had records and pictures of the violations and had trash all around the outside of the restaurant, and Council Member Parker asked if he thought it was cleaned up before the City Inspectors arrived, and Mr. Duwaji stated maybe, but that he had pictures to prove everything that had been going on in the area, that he had always tried to be a good neighbor and to like the owner but it seemed that they could not get anywhere. Council Member Bell absent.

Council Member Parker stated that the owner of the Fox Diner would not characterize their relationship as a particularly positive one with him, and that Mr. Duwaji had indicated that maybe the owner had some protection because he knew Council Members and she was just trying to find out, but in her opinion the City had more than done its job, that they had gone out every time he called and they had not found any health problems or trash problems or fire code violations that he had called in, that if he could tell her something that the City had failed to respond to she would be glad to address it, and Mr. Duwaji stated that the owner had no permit for the patio, that it had been built on a weekend when the City was not out there and Council Member Parker stated that she had acknowledged that the item was before the Joint Referral Committee, that the patio existed before the current occupant of the Fox Diner, that it was a different restaurant before that, that the patio had been there for about 10 years. Council Member Bell absent.

Mayor Brown stated that Mr. Jesse Cantu, Citizens Assistance, would meet with him and if he had evidence that they could follow-up on then to give it to Mr. Cantu. Council Member Bell absent.

Mr. W. R. Morris, 6535 Linden, Houston, Texas 77087 (713-247-1888) appeared and stated that he wanted to explain why he was present, that he had hoped that it could have been dealt with so that he did not have to be present, that he was concerned about something that one of the Mayor's executive assistants was doing and that it would affect the database in the Citizens Assistance Office, which in turn affected all of the information that they had for the Mayor that concerned the town hall meetings, all the complaints they received on a daily basis, the Mayors Night In and everything they did, that it was in Access, that it was being proposed to be changed by one of the Mayors executive assistants, that he had tried to meet with her in that regard because there was nothing wrong with the system, that the system had served the administration of Mayor Lanier very well and he had since improved on it under Mayor Browns administration and

it had served him well and he was very concerned that if something was done with the system, if it was changed in any way then they could not get the information to the Mayor at a moments notice, that when he needed the information they gave it to him in graphs, charts or anything he wanted, that he had tried to deal with it by going to Carol Alvarado, that he had tried to call her and ask for a meeting but she would not return his calls, that he had left three messages with the Mayors Chief of Staff and she never returned his calls, and the next thing he found out was that Ms. Alvarado had her secretary call him and tell him that the Mayor had directed Ms. Alvarado to meet with him, he did not meet with her because she was the one who had caused the problem and that was why he wanted to meet with the Mayor and discuss it with him one on one behind closed doors because he thought that there was a lot of information there that had to be protected and discussed behind closed doors and they did not have to air it out in Council Chambers, that was why he had still asked for a meeting, and he had a handout for Council that accused him of refusing to follow a directive twice, and that Mayor Brown had never directed him to meet with Ms. Alvarado and at this point he did not know if the Mayor knew what issues were involved and asked for a few minutes of his time, that it would not take long to explain every thing that was going on.

Mayor Brown asked if the issue was related to his duties and responsibilities for the work he did now, and Mr. Morris stated that what he had done in that department was to develop a system that served the Mayor and the citizens of the City, that they could document the calls and retrieve the information and get it to the departments as fast as they could get it, that there was nothing that said he was working out of his classification, that he was more then glad to do everything he could to improve the efficiency of that department and had dedicated his time to do that and now they were at that point, and Mayor Brown asked if Mr. Morris had spoken to his immediate supervisor about it and Mr. Morris stated that Mr. Okeke was not very computer literate at all and he understood that they had a problem, that he had not spoken to Ms. Parr, that he had spoken to the director, Mr. Cantu and he agreed that there was nothing wrong with the system and did not know why it had to be changed, and Mayor Brown stated that it was his understanding that it was a matter of Mr. Morris working in the field rather than in the office and Mr. Morris stated that he could do more than one thing at one time and Mayor Brown stated that he could not be at two places at one time, and Mr. Morris stated that the majority of the work was for the Mayors office and they had old outdated equipment and if something happened he always tried to help the people get back in to the system so that they could do the work, that it was nothing keeping him from going to Moody Park or drive the community and knew that it was being made to look that he did nothing but sit in the office, but that was not true, and Mayor Brown stated that he was going to ask the director to take care of the problem because it was his responsibility and he had to make the decision, that he was not going to try to tell Mr. Cantu how he was to assign his people.

Council Member Castillo stated that if they could get somebody to look at what the controversy was who understood what the elements were then maybe they could just move beyond it, that he did not know who in the Mayors office other than the parties involved could look at it, and Mayor Brown stated that he would look to Mr. Cantu to look at it, that it was his understanding that there were two levels of supervision before it got to Mr. Cantu and it was his understanding that Mr. Morris had not gone to either one of those, and Mr. Morris stated that those people knew even less about it than even Carol Alvarado, and Council Member Castillo stated that it should be someone who would

understand what they were looking at, somebody from Finance and Administration who understood that stuff, and Mayor Brown stated that they would take care of it, and Mr. Morris asked if he could still have a one on one with Mayor Brown, and Mayor Brown stated that he did not have the capacity every time that one of the 23,000 employees did not like what their supervisors did, and Mr. Morris stated that it had nothing to do with it, that he did his job and followed orders, but if he did not question and something happened down there and all of a sudden they could not give the Mayor the same level of service that they did before then he would look at them, and Mayor Brown stated that Mr. Morris would not be held accountable. Council Member Bell absent.

Mr. Aaron Potier, 2920 Shadowbriar #214, Houston, Texas 77082 (281-630-1875) appeared and stated that he was present to speak about a problem that had been growing in the downtown area for quite a while and that was the problem with parking, that he worked in and around the courthouse system and was in the courthouse system filing papers everyday as his capacity as a private investigator and process server and over the last several months they had noticed a decrease in the parking situation that had been going on in and around the area, that it was becoming more and more difficult to find a parking place within even a three to four block area of the Harris County Courthouse system, which was a major system with several buildings and many activities going on all day long, that they had a problem with meters that were bagged for emergency use only when there was nothing going on at that particular time, that on Caroline Street which dead ended right into the Harris County Jail all those meter were bagged right now and there was no activity going on, that they had to park several blocks away which pushed them closer to Enron Field which became a problem when certain activities went on, that he thought that a big part of the problem was that there were a lot of people with fraudulent handicap stickers on their vehicles and noticed people getting out of their vehicles, time and time again, and hooking a blue tag up to their rear view mirror, that the problem was sort of a pet peeve for him because he was in charge of parking for his rodeo committee and they had a certain amount of spots at the Astrodome for handicap parking and most of them were taken up by people who were able bodied citizens and were able to walk out of their vehicles into the Astrodome area, but his main concern was for parking in the downtown area, that there was a lot of construction going, that fiber optics and Metro transit system was being put in, that they were accommodating parking for Enron Field and a lot of people were forgetting that there was a courthouse system that went on with people who needed to get to where they needed to, that a lot of the meters were still metered for one hour usage, that they were having to park further away so that when they got into the courthouse system and they got back the meters were either expired or pretty close to being expired, and he asked City Council and Mayor Brown to look into the situation and try to find a way to discourage some people from parking in certain areas that could be utilized for the benefit of the City because they were losing funding when people parked there with handicap stickers that should not have them, that there were a lot of vehicles that were official use vehicles, police vehicles that were being parked at meters and those vehicles were not going to be towed or ticketed, that there were no parking areas where they could park their vehicles just as easily, that there were also personal official vehicles with either the jacket of a police officer draped over the seat or there was a sign that was stuck on the window to prevent them from getting ticketed or towed, that he only ask that there be some accommodation to help the people who did business downtown and had been doing business downtown for quite a while. Council Member Bell absent.



Council Member Todd stated that when he had been down to the courthouse he had seen the same problem down there recently with a lot of the meters seeming to have the red bags over them indicating that they could not park there, that he did not know exactly what went in to designating them and did not know if there was an official action that had to be taken at the departmental level, but he had seen the same sort of thing where the bags had been out there for weeks at a time and could not imagine what the emergency was that caused the bags to be there, that it would be a good thing to check into it, that he had also seen the situation where there was a uniform being thrown up there or even a patch being thrown up on the dashboard like it was some sort of parking pass and understood that if officers were down there testifying on cases that it was a situation where they may need to be there, but he doubted that all of the officers that were doing that were on a case, that a lot of them were bailiffs from the courthouse that were parked there or something of that nature, that what Mr. Potier said was correct, that there were a lot of problems, that perhaps one of the solutions could be that when the Cotswold Project was expanded perhaps they could do some eight in one parking around the courthouse to help increase the amount of spaces, that he knew that in some of the rural courthouses they still saw ample parking around the courthouse and it certainly increases the number of spaces, and as they saw with Cotswold it had been very effective, that he did not know what the solution was to the uniformed officers doing that, that was not the entire cause but it certainly contributed to it. Council Member Bell absent.

Council Member Boney stated they had been reviewing parking matters in the Regional Planning and Charter Ordinance Committee and would have another meeting on that matter and some other matters on April 12th at 1:30 p.m. and hoped that Mr. Potier would attend, that in regard to that Mr. Richard Lewis had indicated that he was going to present a recommended plan for parking related to the land usage, in other words the amount of time that would be on the meter would relate to the adjacent property and its usage, so if it was a restaurant it may be an hour, a theater it may be two hours, correlating the time and the cost on the meter to what was the adjacent land usage, that hopefully he would have that and be ready to present it at the next meeting, that additionally he had seen and experienced the new meters that were in the Cotswold area where they had one meter that controlled five spaces, but when they looked at the little box and the angle and parking, and it had a little p on it and he did not know what the box was, and when he went and parked he did not know that it was actually a parking meter so he thought they needed to put some signage on those meters that explained not only how it operated but that it was a parking meter, he thought that it was free parking and fortunately he did not get a ticket, but he thought they needed to review the whole situation and see if they could not present some sort of plan that was coherent and responsive to all of the issues and others that had been raised. Council Member Bell absent.

Mayor Brown stated that he would ask the person in charge of parking to look at it immediately and would ask him to meet with Mr. Potier so he could share in detail some of the issues that he had observed that brought him to Council to bring it to their attention, that they would have someone immediately to start and look at it and come up with some resolution to the issue, and Council Member Todd suggested other locations for filing documents and would be happy to write a letter to Charles Bacarisse and Beverly Kaufman and ask them to explore that idea and encouraged that Mr. Potier go to the

Commissioners Court, that the County Courthouse was operated by the County. Council Members Galloway and Bell absent.

Ms. Jacqueline Bostic, 4410 Roseneath, Houston, Texas 77021 (713-652-0738) appeared and stated that she had concerns regarding the parking situation downtown, that she had lived in the near downtown and having worked for the U.S. Government for thirty some years in the downtown area and now with the Antioch Missionary Baptist Church in the downtown area they did encounter parking concerns from time to time, that previously they were concerned about the limited parking, the ticketing of cars, the high fines when people came into the downtown area which then made it an unfriendly place to visit, that a few years ago a few of them sat on committees, those of them who worked in the downtown area, and they brought some solutions forth which made access to parking for a 24 hour period when they were outside the normal business hours on areas that were not used or zoned for parking at that time for trucks or for parking meters, that there were no fines then being given for persons who parked after those hours and for people who came into the downtown area on the weekend, who shied away from downtown because of the high fines and the parking problem, that downtown became a user friendly place to be, and she asked if they still wanted the downtown area to be user friendly and did they want the downtown area to continue to grow and flourish, did they want their neighbors from surrounding communities to continue to come into the downtown area and take advantage of the recreation, theaters, restaurants and the other activities that were available for them at all times, and especially on the weekends and after business hours, that they were always as a city need revenue, they would always have revenue opportunities, but did they always look at the easiest way to gain the new revenue by considering placing fines and challenges for those people who wanted to come in when there was no business being conducted but who wanted to come in and use the area and be a part of it, that she used to work out in the County and when she would say that she was from Houston everybody in the County areas would say that they had not been to the City in years, that they did not come into the downtown area because there was no place to park. Council Member Galloway absent.

Council Member Boney stated that they had not changed anything with regard to the municipal parking strategy at that point, that they had a demonstration project with new meters going on in the Cotswold area which was just a small block area, that they were reviewing what changes if any should be made to the downtown parking area and that was happening through the same committee that he chaired that was meeting on April 12th, that the primary reason that they began the review was because of the influx of valet parking services that were using City of Houston meter space and the request and concern raised by some businesses in the downtown area that asked them to review the policies to make sure that they were facilitating parking usage for the benefit of those business, that they did not as a policy operate the parking meter system to generate revenue, that was not the driving emphasis for what they did or did not do with regard to parking, that it may become a little more attractive to them as they did look for other ways to generate revenue, but as a citizen he would much more prefer paying to park at a meter than paying a parking ticket, so it seemed to him that if they could facilitate the right amount of time for a fair price and not get into the position where they were likely to get a ticket if they parked at the meter, that all of those things were being looked at and Mr. Lewis was going to make a presentation to the department that Council Member Boney had asked to be complaint and problem driven, in other words they ought to look at what they wanted to do to solve a problem and not just kind of creatively experiment with the



public about parking and he hoped that Ms. Bostic would bring her concerns to the committee, and prior to the change there would be a public hearing in which they would invite the valet services, the business community and the citizens to offer their input to them so that they could have the benefit of that as they considered if they should make any changes and what those changes should be. Council Member Galloway absent.

Council Member Boney asked Ms. Bostic how was the Community Development Corporation (CDC) that project REACH had been involved with doing with the Fourth Ward and Affordable Housing and Ms. Bostic stated that there were a number of challenges and obstacles that they all needed to be able to move through in order to make it happen, and Council Member Boney asked that she and the ministers contact his office because they were very anxious to see some sticks coming out of the ground there and wanted to make sure that it was being facilitated, that Secretary Cuomo was coming to town soon and they would like to be able to show how well they were doing. Council Member Galloway absent.

Council Member Keller stated that Ms. Bostic would enjoy the committee meeting, that she would not believe how focused everybody on the Council was towards that issue that in addition HPD, Metro, the Astros and the Houston Sports Association basically had their own task force that was trying to help, that it was a short term growing pain and then it was going to be a problem and would always be tight but it would only be as bad as it was now hopefully for a year, that one point that had caught his attention and he would be focusing on was that 850% more revenue was achieved through parking tickets than coins in change, so he thought the system had been a little lopsided in getting money from tickets instead of coins. Council Member Galloway absent.

Mr. Richard Schechter, 1 Greeway Plaza, No. 2010, Houston, Texas 77046 (713-623-8919) appeared and stated that twelve days ago, Diana Ruhtenberg, a member of the Houston Sports Authority publicly uttered an anti-Semitic phrase used for centuries to demonize and denigrate members of the Jewish Faith and later she confessed to the Houston Chronicle that it was a term she had heard used frequently, that today Mrs. Ruhtenberg remained in her position of power on one of the most important appointed bodies in the County, not having suffered any consequence whatsoever for speaking the language of prejudice, that he was present to ask Mayor Brown and members of Council to ask for and obtain the lady's resignation and removal from the Sports Authority and to establish an investigation to insure that her exposure to the anti-Semitic language did not occur at the Sports Authority, that it should be very clear that he was present about prejudice and not politics, that prejudice that simply could not be, had not been, and should not be tolerated from those who held positions of public trust, that recently public officials who had used prejudicial language regardless of their intent or their qualifications had been removed or had the decency to resign from office, and that included one City Council person and one judge in this very area, that the public had been very clear in its view on such individuals, they did not want them as their representatives, that removing those who used the language of prejudice from positions of public trust was the proper approach, that it let folks know that there was a price to pay for expressions of intolerance and prejudice, it created a community norm that said the language was unacceptable and set a standard over time that encourage diversity and the tolerance of others by making it clear in society that prejudice would not be countenanced, that by leaving Mrs. Ruhtenberg on the Authority unscathed with no consequences they set back decades of work in Texas that it took to make prejudicial language from public officials untenable,

and as disconcerting to him personally was that had Mrs. Ruhtenberg used a racial epitaph such as the N word or the S word she would have been gone within two days and rightfully so, that by leaving Mrs. Ruhtenberg on the Sports Authority they send the apparent message to some that public expressions of prejudice against Jews would not have any consequence, that in the end they had to recognize that prejudice was prejudice, every time publicly engages in such expressions it damaged the community and diminished them all, that a public representative who did so and then walked away without suffering any consequences stains the institutions of government and continued to serve at an unacceptable long term cost to the community, that Mrs. Ruhtenberg crossed the line with her public expressions and her continued service only operated to enlarge the boundaries of acceptable expressions of prejudice and cast a shadow of bias on a public institution, the Sports Authority, without any benefit to the community, that no one person was worth that; that his wife was fairly active in politics and he contacted a couple of people and one who wanted to be present but could not was Mr. Gary Polland, that he had sent a one page submission and he had circulated a copy to Council Members. Council Member Galloway absent.

Council Member Goldberg stated that Mr. Schechter had called for Mrs. Ruhtenberg's resignation and asked if there was any kind of other result that was acceptable to him or that he would like to see, and Mr. Schechter stated that yes, he did think that they ought to look into where she learned that phrase, where she encountered it, that she grew up in the Philippines which did not have a Jewish population and he would be very surprised that it would be a term that she encountered in the Philippines, that he would like to see an investigation to determine as to who had used the phrase where she had heard it so frequently, where they had used it, and then they ought to check with those people to insure that was in fact where she heard the phrase used, that he was very suspicious because she used the phrase in conjunction with Sports Authority negotiations and usually people who had heard that kind of phrase, or any type of phrase, used it in conjunction in the same way that they heard it, and that was what caused him concern about that particular instance, and yes he would like to see that, and he thought that it would also help and he knew that there were eight appointments opening up in three or four months and it would help to include someone from the Jewish community as a member. Council Member Galloway absent.

Council Member Boney stated that he had not been aware of it and was sensitized by the concerns that Mr. Schechter had raised, but he had some slightly different perspectives, that one he had been told what the phrase was that was attributed as a religious slur, but he wanted that whoever had to make a decision about it and the community at large to look at it with some degree of balance, that he believed in progressive discipline, that he did not believe every time someone stole they ought to cut off their hand so that they could not steal again, that they also had to realize that the slurs were in society, that was where they learned it from they learned it from their culture, that while he was concerned about what people said he was also very concerned about what people did, that Gary Polland, who he knew from college, had not been heard to say some things that were hurtful to the constituency which Council Member Boney was born into, but he sure had done a lot of things that he thought were devastating to their community, that it was his understanding the Mrs. Ruhtenberg publicly apologized and they needed to distinguish between a mistake of the mind versus a mistake of the heart, that again he did not know Mrs. Ruhtenberg and did not have a personal sense of where she was, but they needed to distinguish between insensitive speech, hate speech and

hate crimes, and so he was saying that as they tried to sort out what Mr. Schechter had brought to their attention he hoped that they measure the response to what was the intent, that sometimes they could all benefit from Martin Luther King, that he in his work seemed to believe that it was important for them to be able to forgive in order to reconcile, that he did not know at what level of response this incident was and he was open to be educated and advised by the larger community, but he would tell them that it was important for them to know how to forgive other people and to forgive ourselves if they were ever going to come together as a community as a whole, so he was always trying to reach out and reestablish because if they were like some of the Pharisees were and they really exacted compensation for all the wrongs, evils and injustices that they all bared they would be blind, toothless and scarred as human beings and as a society for the rest of human civilization, and so as others had countered to him that he ought to forgive, that they were not involved in slavery or segregation or had done a racist act, but they benefited from it, that they should keep trying to reach to each other and talk through it and really determine whether Mrs. Ruhtenberg ought to be removed from office or whether there was some other way to address the issue and he was open to be in dialog with others about it. Council Members Galloway and Castillo absent.

Council Member Bell asked Mr. Schechter if he would like to respond to anything Council Member Boney said, especially mistakes of the mind versus mistakes of the heart and did he have reason to believe that it was a mistake of the heart, and Mr. Schechter stated that he had not met Mrs. Ruhtenberg and did not know where she was coming from, but one thing Council Member Boney said was correct, that they learned those phrases because they were around them in society and every time they allowed them to happen without a consequence from a public official they countenanced that phrase, they said that was okay, there was no consequence for having done that and that in the minds of some people would promote the phrase, that public officials had a different level of responsibility than those ordinary citizens, yes when an ordinary citizen says it, it is bad, and yes he was a big believer in forgiveness, and was also a believer in acceptance of responsibility for what you do and some type of punishment when they crossed the line and after that, that was when they would get forgiveness and rehabilitation, that he did not know what Mr. Polland had done in the past, but what he did know was if Mrs. Ruhtenberg skates unscathed without any consequences the message they sent was that it was okay. Council Members Galloway and Castillo absent.

Council Member Bell asked if Mr. Schechter had the opportunity to investigate the incident or find out anything other than what had been printed in the paper about what occurred, and Mr. Schechter stated that he had talked to a couple of people and had heard varying conflicting stories, so he was not really sure what went on in her mind or whether her story was one of those that was evolving over time, that he was not sure where Mrs. Ruhtenberg was, that he had not had a chance to talk to her, and Council Member Bell asked what about other leaders in the Jewish Community, representatives of the ADL or the Jewish Federation and had he had an opportunity to speak to any of them and where were they on that officially, and Mr. Schechter stated yes, that the ADL had spoken with Mrs. Ruhtenberg and was satisfied with her apology, that they made a trade with her and were going to have a diversity day at Enron Field and they felt that by keeping on the Sports Authority they gained some benefit from that, but he personally felt that the long term cost from that kind of trade off was far worse than any short term benefit that they got, that there were other members of the Jewish Community who were not so please with her comments and some had called to express dissatisfaction, that he

ran into the past chairman of the American Jewish Committee who stated that if nothing came out of this he would also call and express his views on it. Council Members Galloway and Castillo absent.

Council Member Keller stated that he would hope that in sensitive issues as these that the head would overrule the heart and thought that intent did matter in instances like these, he thought the intent was degrading, but in this he was not sure, but would hope that if it was investigated and determined that intent was in that nature that the remedy would be removal, and he did think intent was important, but what was more important, what if the head overruled the heart, was it that they were consistent, that it was like Gary Polland, to some people he had contributed to the area, and to some people he had damaged, that it was like being a Cowboy fan or a Titans fan, but what they must do was to stay consistent, especially in sensitive areas like these, therefore if it was warranted and the intent was there then he would hope that they were consistent as they had acted in the past. Council Members Galloway, Castillo and Sanchez absent.

Council Member Parker stated that she did not want to minimize at all the affect of Mrs. Ruhtenberg's comments and it should have swift and harsh condemnation, however he might be aware that she had actually encountered what she considered to be similar comments recently, not from a public official but from a member of the media, and she raised issues about those comments, that they were the use of slurs referring to the Lesbian Community, and chose to use her response to those comments as a learning experience, that the person who made those remarks was using them deliberately and she thought that Mrs. Ruhtenberg was using hers without thought, but the fact that she had apologized and the fact that there was new public awareness that the expression that she used was an ethnic or religious slur and the fact that there was an opportunity for further dialog with the Sports Authority and the opportunity to raise the issue of diversity and sensitivity with Mrs. Ruhtenberg and the members Sports Authority and the larger community, could turn the negative experience into a positive experience, that extracting a further pound of flesh might not have any greater benefit for the community and would hope that he would consider that. Council Members Galloway, Castillo and Sanchez absent.

Council Member Todd stated that he did notice it in the newspaper when it came up and it was one in a series of comments that they had seen over the past several years, that two months ago they had John Rucker in Sports Illustrated saying all sorts of things, that they had Marge Schott a couple of years ago, that it was not on the Anglo side Al Sharpen had been quoted as saying plenty of things that were disturbing to him and the list went on and on, that there needed to be a consistent response and he did not like seeing responses from society or government that depended on the ethnicity of the person making the comments, that society response needed to be across the board, that the position of Mr. Schechter and Mr. Polland had was that it was a zero tolerance position, and Mr. Schechter stated that it was a bright line test, if they cross the line their gone, that way they did not have to do any great delving into or hear the back paddling, they just had a very clear test if they crossed the line, that everybody knew the deal, and Council Member Todd stated that was what disturbed him about it was that he understood that Mrs. Ruhtenberg had apologized, but in the case of people like Rucker and Schott, they also apologized as some point for what they said, but that apology alone was not enough and there was a decision made that they needed to be penalized and official action taken, and Council Member Todd asked if Mrs. Ruhtenberg if she was a

County or City appointee, and Mr. Schechter stated City, and Council Member Todd asked if those were up in the next four months, and Mr. Schechter stated he understood it was August, and Council Member Todd stated he understood that for anyone whose ethnicity or national origin had been maligned by a public figure, and it would certainly irk him and he encouraged Mayor Brown to look at it seriously and if the next available date for taking action was August he thought that they ought to move sooner than that, that it was four months away and that was four months of regular meetings where people of the Jewish Faith were going to have to see this person who had maligned them publicly and making decisions on their behalf, and he thought that it was a serious issue and thought that Council's response needed to be consistent and across the board, regardless of who made it and regardless of what excuses they made at a later time for their actions. Council Members Galloway, Castillo and Sanchez absent.

Council Member Vasquez stated he thought it was a very difficult issue, but he also thought that it was not an issue of Mr. Pollard or Mr. Schechter and did believe that there should be one standard for public behavior and not different gradations of that standard, and did think it was important to have a consistent response in that regard with one standard and they should not allow for incremental intolerance to creep into that standard, and as difficult as it was he believed that the City of Houston had made a commitment to diversity, and in that diversity must be guarded and protected and again not allow for incremental intolerance to occur, however he also thought that it was imperative for the Sports Authority to act in some manner so as to set a standard for public behavior and to accept that standard that they all had accepted and to set a standard for their own behavior and he asked Mayor Brown to look into it and look into it with the hope that there was one standard for public behavior and one standard that they expect from all of their appointees as well. Council Members Galloway, Castillo and Sanchez absent.

Council Member Boney stated he thought it was an issue that had some merit in terms of public attention, that he did not know Mrs. Ruhtenberg, so he did not have as they say politically a dog in this hunt and he hoped that it was not a slur against animal or dog lovers, but sometimes they had to know where the line was, and sometimes, not all times, people were unaware because society had not had really frank discussions with itself about the feelings of various constituent groups, that he remembered a comment that was made related to Council Member Roach and Council Member Roach advised them that the proper term for someone of his height was Dwarf not Midget, and that Midget was actually considered a slur, and Council Member Boney said that he would not have known that, that no one had ever taught him that and he had not seen that on PBS, that he had the greatest of respect for Council Member Roach, not only for what he had overcome, but for what he was and had achieved, that public embarrassment and humiliation quite frankly was a consequence and it was particularly a consequence for any of those who held an appointed or elected position, that it might not be enough of a consequence for some people but he did think that when those things happened a couple of things ought to happen, that number one, there ought to be a proper process by which the person who had made the mistake in judgement, ignorance, of the heart or the mind and there ought not be a knee jerk reaction that required a pound of flesh. Council Members Galloway, Castillo and Sanchez absent.

Council Member Boney further stated he did not suggest that there be incremental intolerance, but would suggest that somebody at some point, Mr. Schechter himself if he

had come to the feeling and belief that Mrs. Ruhtenberg ought to be removed or resign, ought to at least try to meet with the person and give them a chance to tell their part of the story, he thought that was just fair, secondly, and he did agree again with Council Member Vasquez, he thought a clear standard ought to be set, that there ought to be a sense from the Sports Authority that those were the parameters and guidelines, ethical and otherwise and behavior wise that they wanted to say that this is where they stood and this was where they were with regard to the language, that maybe a reprimand by that body or that someone, and maybe they ought to be removed from the Sports Authority, they ought to consider that option to, but there ought to be some relative fair process as well as standards and try to grow from the incident as opposed to making somebody an example, that he had been made an example of by a number of various constituents and was sensitized to that, that he had tried to respond not in anger or rage but with a degree of sensitivity that they were all children of God, and had found that it was better every time he faced it to try to reconcile and bring things together as a whole, that when they had a scorched earth policy sooner or later their house would get burned up because whenever they looked at it all of them had failed and sinned and come short of perfection. Council Members Galloway and Sanchez absent.

Mr. Schechter stated he would not disagree with him at all, he would just say that other than being the first name of one Council Member that he knew of, the term Jew was not a verb it was a noun and most people knew that, and it was not a business technique it was a faith.

Council Member Quan stated that he and Mr. Schechter had several discussions on the matter and thanked him for coming and raising his voice to an issue that was important to him, that he would like to facilitate Mr. Schechter meeting with Mrs. Ruhtenberg, that he had known Mrs. Ruhtenberg for many years and known her as a woman who had been a leader within the Asian Community, as a former chairman of the Asian Chamber of Commerce, on the board of Initiatives for Children, Houston Works and a number of other charitable organizations and would echo the sentiments of Council Member Boney that none of them were without sin, and would look toward tolerance, understanding and true contrition from persons, that he had met with other leaders of the Jewish Community to determine their feelings as well and would just like for Mr. Schechter to meet with Mrs. Ruhtenberg and determine for himself, that he believed in standards to and was a person who had also spent his life fighting against prejudice, but thought they could look for understanding and what good could come out of such situations and adopt standards applicable to that. Council Members Galloway and Sanchez absent.

Mayor Brown thanked Mr. Schechter for coming and wanted to hear from the next speaker because they worked very closely with Mrs. Ruhtenberg, that everyone would condemn what was stated, that it was unacceptable under any circumstances and when he heard it he was very disappointed that the statement was made, that he had not attempted to address it in isolation, that he had spoken with Mrs. Ruhtenberg and reached out to other leaders in the Jewish Community, and as was pointed out earlier, in reaching out to the ADL they indicated they were very disappointed, did not accept it, but did accept Mrs. Ruhtenberg apology so there were different aspects of looking at the same thing. Council Members Galloway and Sanchez absent.



Mr. Billy Burge appeared and stated that Diana Ruhtenberg was no John Rocker and they all needed to know that and there were some lines to be drawn on this, that they all felt sorry for her statement, that when he first heard about it he was out of town and she called him, crying, within an hour after it happened, that when she made the statement she apologized on the spot, she did not run to a lawyer or her best friend, when she realized what she had done she stood up and stood tall and apologized, that here was a lady that came to this Country with a dollar in her purse, first generation and was what America was all about, that yes she made a mistake, that the other night at the ball game she tried to talk about people scalping tickets and she called them scalpels, that she had a language problem and that was no excuse and he was not pleading ignorance, but he could tell them that she was not in a little group huddling over there that someone heard her trying to say something cute, she spoke before a ladies group and was proud to be there and was sincere, that her heart was all 100%, that she was not there to be cute, she was really sincere about it, that she called him in tears, that when it went that deep in a person he would really think about it, that her apology was accepted by the Anti Defamation League, Mr. Les Alexander stated that he accepted it and thought that she had done a great job for the Sports Authority and to get it behind them, and he was present as the chairman to tell them that he had worked with Mrs. Ruhtenberg, that she was co-chair of the Public Relations Committee with Reverend C. L. Jackson, that Mrs. Ruhtenberg had taken the community relations to heart, was organized and worked hard and was what made America, the City and the Sports Authority great, that if it had been a situation where she had responded differently he would not be present emotionally pleading it, but he could tell them that he understood Mr. Schechter feelings and would like to take Council Member Quan's recommendation and meet for lunch with Mrs. Ruhtenberg, Mr. Schechter and whoever he would like to hear her side of the story and was real open to go even further if he thought that there was something within the Sports Authority members or board, that Mrs. Ruhtenberg was not on the construction committee, she was 100% on the community relations.

Council Member Boney moved to suspend the rules to hear from Reverend C. L. Jackson at this time, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway and Sanchez absent. MOTION 2000-484 ADOPTED.

Reverend C. L. Jackson appeared and stated this was his third visit within three to four years, that his first visit was under Mayor Bob Lanier when he was highly insulted by a public patrolman and came to Council and explained it and quickly forgave, he was just like Council Member Boney, that when Mrs. Ruhtenberg made the statement and it was called to her attention, she apologized as Chairman Billy Burge stated, that when Mr. Burge started being the chairman of the Sports Authority it was the second time he stood before Council to plead with them about their Code of Ethics, about the teeth that was in it and that everyone one of them was under complete scrutiny when it came to things they said, things they did and money they took, that Billy Burge came in and strengthened that Code of Ethics, but he wanted to tell him today that he did not teach them about the sins of common phrases they all of them used from day to day, that he was just like Council Member Boney, he just did not know, and when Mrs. Ruhtenberg called him crying and deeply hurt it put him on the side of the aisle she was, that she had given a phrase commonly used by some people, did not know it was highly offensive to many people, and then when their colleague Mr. Schechter stood before Council and told all of them that it was offensive to him and his culture, he stepped on the other side of the

aisle because he had been offended just like Council Member Boney and many others right here in the town and City, so that made him come to stand in the gap and just like a man named Simon who took the cross of another man to bring him to a point where he was to forgive all people, he came to bear that cross, and if they allowed that common phrase to sit down Mrs. Ruhtenberg they would do the City and State an injustice, that they should not use her as a scapegoat, it was not right, that she came to Houston with a dollar in her pocketbook, married a man close to the same family nation that they were talking about, that did not know, that God had blessed her, that he came to say that he represented 5,900 families in Houston, that she was deeply hurt and crying, that she apologized and there was nothing else she could do, but it taught him a lesson and he was going to teach his people, the people that God put him over, to be careful of what they said because they may be under severe scrutiny, that Billy Burge had to come back to the Sports Authority and add all of those phrases in it so they would not make the same mistake, that they could not let this happen to Mrs. Ruhtenberg, that she just did not know what she was saying, that if they noticed her name Ruhtenberg, it ought to tell them something, that he came today to please not let the phrase make a big dent in their city, let them carry on, let her work with him side by side, and let them go in peace. Council Members Galloway and Sanchez absent.

Council Member Bell stated that he was a little bit concerned by what Reverend Jackson had said, and that was a commonly used phrase, a phrase commonly used by whom, that he did not want to sound naïve or holier than thou, but perhaps because of their position, most people did not use that phrase in their company and he was concerned when he said that it was commonly used, was it commonly used by other members of the Sports Authority, and Reverend Jackson stated that no, that it was commonly used by him, that he had sometimes said that he was going to Jew down something, that he did not know that it was offensive, that he had used it regularly until he made it in the presence of a person that asked him never to use it again, that it was commonly used by many people, but she did not know, that he had never heard her say it and he had not come to Council to say that she had said it, that he was talking as he as a pastor and was just like Council Member Boney who said that he did not know that it was an offense to someone, and now that he was schooled on it he thought that they ought to put it in the Code of Ethics and be careful of what they said, that he hoped he had not offended anyone by saying that it was a common phrase, and Council Member Bell stated that what concerned him was something that Mr. Schechter pointed out and that was that Mrs. Ruhtenberg had to have learned that phrase after she came to this Country, that more than likely it was not a commonly used phrase in the Philippines, if that was indeed where she was from, that he had only had the occasion to meet her once and had no way of knowing one way or the other, that it also reminded him of something that Mayor Lanier spent a great deal of time with in the last few months of office, that he always talked about the needed for diversity in the City, but the last few months he added something to his speech regardless of where he spoke and what the makeup of the group was, he would talk about the need to watch themselves in private conversation, not just when they spoke publicly but when they spoke to their friends and neighbors and loved ones, because that would often times dictate what people's public behavior was like and public conduct was like, that it was an excellent point and lesson that they were learning in Council today, and Reverend Jackson stated that Mrs. Ruhtenberg was trying to express again what the Sports Authority was dealing with, that there was a big hike from \$310 million dollars to \$367 million dollars and the question to her was, what were they doing about the great big amount of money over the original quote, and she made that

statement not as an intent to insult, but to express herself that she would try hard along with Chairman Billy Burge and all the rest of them to keep the \$367 million dollar stadium at the original quote, that was the way it came out, that it was not intended as an insult, and Council Member Bell stated that they had to look at a persons intent, but some excellent points had been made and it was a phrase that was unacceptable, and that was the point that needed to be driven home and perhaps if Mr. Schechter had an opportunity to meet with Mrs. Ruhtenberg he could reach the same conclusion, but should not be faulted for the position he had taken. Council Members Galloway, Todd, Castillo and Sanchez absent.

Council Member Goldberg stated that he admired Mr. Burge's loyalty, that if he was in his position he would try to protect people who worked under him too, that his concern was the level of maybe intelligence, that the Sports Authority was an original type of authority created in Houston or Texas alone, maybe in the whole United States and hopefully it was a shining example of what a governmental agency could do in building sports stadiums, arenas and baseball fields, that in that respect and the fact that they control and issue millions of dollars he thought it was important to have the best and brightest people on the authority and that was his concern, did they have the best and the brightest, what were the intelligence levels, that was something he had a concern about, going beyond just the slur, and Mr. Burge stated that in the case of Diana it was not one of intelligence or IQ, she was in the investment banking business and used to be with Paine Webber, she was very well educated and had been very helpful in a lot of financial issues in terms of that, that where she really was out of her league was in construction, that she was excellent in community relations in that she really tried to make all of the events and really took an interest in it, that she had been with them a little over two years and had performed excellently and was a team player, and Council Member Goldberg stated he found it interesting that she was on the community relations committee and at the same time other people had told him that she did not have a good grasp for the English language and had given examples, that he had her resume in front of him and he found one or two grammatical errors in it and it did concern him, and Mr. Burge stated that since she came onto the board she had made every ground breaking and wanted to come out with ideas for families and communities and had that part of her heart in it, that she had the ability to function in the community and in other groups that she was part of had been well received and was sure before she was put to be on the board there was critiquing done on her resume and her history, and would be happy to check further on it if there seemed to be a crack in something, that it was a valid point, that they wanted people that the City and the County could be proud and would make intelligent decisions as they got in situations, especially in public speaking. Council Members Galloway, Todd, Keller, Castillo and Sanchez absent.

Reverend Jackson stated that he was talking about 12 or 13 people and he promised that it would not happen again because Billy Burge was going to teach them not to go that way again, that if the Mayor and Council Members would help them to get through it they would not have it again, that if Council helped them this time they would help Council the next time, and Council Member Goldberg stated that was kind of the point that he made, that he did not think it should be Billy Burge's responsibility to educate people, he would hope they would be educated before they took the position, that was what he was talking about, that they needed the best and the brightest and did not have room for training on the job, and Reverend Jackson stated that the reason he said Billy Burge was because he had made the code so each one of them would not be

offensive to the City and County. Council Members Galloway, Todd, Keller and Sanchez absent.

Council Member Vasquez stated he had heard several comments about dialogs, having lunch, visiting and discussing and thought it was highly encouraged, but did not think it was the answer, that they also heard talk about forgiveness and it was also highly encouraged, but did not think that was the answer as well, that he went back to Mr. Schechter fundamental question that if the N or S word was used in that situation would they as a body and elected public officials be as quick with their forgiveness language and be as quick with their tolerance, that he did not want to see the phrase "I did not know" become the politically correct excuse for making those type of comments and that was what they were opening the door to, that earlier they had some references to former Council Member Roach and that it being an example of not knowing, that if they were going to use that as the example of not knowing they should also use it as the example and precedent for what action was taken, that if he remembered correctly that person was removed from the office and reassigned to a different other office, so he hoped that the standards were equal and the same, and if not, if they as a body socially allowed for an incremental change in what the standard was, then he hoped that they all defend that change with as much vigor as they were now when their own cultural group is attacked and when their own racial slurs are used as well, because they were allowing that in society and that was what they were arguing for and he could not accept that for one. Council Members Galloway, Todd, Keller and Sanchez absent.

Reverend Jackson stated that he did not want to see that happen, that he would not like to see the Council take that kind of thing and put all of them on a scale of perfection, that he had just heard Council Member Boney say that none of them were perfect and especially, as Council Member Vasquez said, when they did not even know they were ignorant of it. Council Members Galloway, Todd, Keller and Sanchez absent.

Council Member Boney stated he felt sad for Mrs. Ruhtenberg and understood that a community had been offended and a constituency was asserting its pain, but he was saddened for Mrs. Ruhtenberg because he felt her sincerity and he did not even know her, that they were not going to find anybody who was perfect to serve in any public, appointed or elected office, that were not going to find them, that they questioned her intelligence because of grammatical error, that he knew a lot of PHD's with double degrees who were not as bright as he was, that they did background and credit checks to determine whether someone could compete for a job to do work, they look at their resume and think they are summing up a whole human being, let them learn some tolerance as well, if they really wanted to begin to address the problem, they had to continually be part of a process of self education and communal education, that they had to talk through a whole lot of those issues with various diverse and different voices, that they did not do that work, so every now and then there was a bump in the road and they had that misunderstanding and suddenly they become sensitized to it, that it just happened several weeks ago with the Asian Community and some people from his community who had not responded with fairness and equity to Asian shop owners in their community and Asian shop owners who came into their community and opened up business which did not integrate into the community and were seen as people just coming into the community, make money and taking it out, but then they had some people who did something proactively, the Reverend in Sunnyside who worked with the African American and Asian task force, that was how they got it taken care of, if they

thought it was done by just punishing somebody over and over again, publicly castigating them, they were on a slippery slope and although some may not understand the depth of his feeling on the matter and that he meant no disrespect or disregard to any constituents in the community they would be asking for mercy someday, that some of them would be going to the Grand Jury soon because somebody mistakenly left a gift not a bribe, and because someone wanted to set an example, hold up a high standard, they had to go through a process, and some of them were going to be trying to hope that everybody understood that it was an error and a mistake and not an attempt to corrupt the process of City government for business, and he would just tell them to step back a minute, give some grace, and go through a process and after they go through the process and all the facts are know, have a measured response, that was the best way, to not let them tear their City apart, let them try to make their City come closer together. Council Members Galloway, Todd, Keller and Sanchez absent.

Mayor Brown suggested that all of them give continued thought to it, that it was something that was very important not just for one incident, but for an entire City, that they were a City that celebrated their diversity and to the extent they wanted to make it work for them, they had to work to make it work and it was an indication of a test of where they were as a community and urged for all of them to give continuous thought to the issue and let them make their City a better City. Council Members Galloway, Todd, Keller and Sanchez absent.

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

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.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that there was so much hypocrisy here today, that one thing that City Council sure was consistent on was corruption, that now the Grand Jury was investigating Council Members Bell, Parker and Robinson, that they all knew that they were all crooks, and everyone of them sitting there about all the comments that were made, it was all about politics and money, because Mr. Schechter said that he was not present for politics and then he said that he wanted Mrs. Ruhtenberg to resign and he wanted a Jew appointed, that maybe that Jew should be a Jewish Latino transsexual who was a midget communist, then maybe he would be happy, and that thing about Jew down, what was wrong with that word, and then they talked about going to dinner, who was going to pay for that dinner, were the taxpayers going to be Jew downed and then they talked about the N word and the S word, well he wanted to know the S word, that he knew that the N word was Nigger, but he wanted to know was the S word was, that he was not one for censorship, that it was very dangerous when they started censorship.

At 3:41 p.m. Mayor Brown announced that City Council was in recess until 9:00 a.m. Wednesday, April 5, 2000. Council Members Galloway, Todd, Keller and Sanchez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 5, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office, present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:06 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Boney, Todd, Keller, Vasquez and Robinson absent.

### **MAYOR'S REPORT**

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

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the Monthly Financial Operations Report for February 2000, the eighth month of the current fiscal year, the general fund projections were increased by \$3.1 million from last month and primarily attributable to general property tax collections increasing to a projected \$548.5 million, up \$4. million from previous estimates; that they continued to forecast a 4% sales tax increase over last year with total sales tax receipts reaching \$319,000,000 and no significant changes were recorded in any other revenue categories; that Municipal Courts collections had not significantly improved and their projection remained unchanged from last month; that Municipal Court revenues for the first eight months were 23.5% below the same period in the last fiscal year and they had retained the Municipal Court projections at \$40,000,000 which was \$16,000,000 below budget; that overall they projected the general fund revenues at a minimum of \$21,000,000 below budget; that departmental expenditure projections reflected spending patterns with each department and with 90 days left in the current fiscal year they had yet had operating funds under the continued appropriations adopted June of last year and were still waiting for presentation and discussions with F & A. Council Members Galloway, Boney, Keller and Vasquez absent.

Ms. Sarah Culbreth, Director Finance and Administration, stated that the Monthly Financial Report was prepared and revenues for fiscal year 2000 were decreased by \$1.8 million with an increase of \$3.5 in property tax which they increased by \$2,000,000



based on historical information and year to date collections with a collection rate of 97.5%; that they had increased other franchise revenue and intergovernmental revenues by a total of \$1.5 and the increase was offset by reductions in the telephone franchise revenue category license and permits and charges for services for the total decrease of \$1.8 million in the general fund; that they had offset expenditures by the same \$1.8 million to project a balanced budget for fiscal year 2000; that the reductions in expenditures resulted primarily from additional savings identified in personal cost through year to date as well as projected through the end of the fiscal year; that regarding sales tax, activities still indicated and supported the projected growth of 4.56% over last year for a total sales tax revenue of \$319.4 million; that regarding other funds the only other significant change was in the Water and Sewer Enterprise Fund where they had increased revenue projections by \$9,000,000 resulting from higher than anticipated consumption of water primarily as a result of the unseasonably dry weather. Council Member Vasquez absent.

Upon questions by Council Member Sanchez, Ms. Garcia stated that it was difficult to say whether the savings in personnel cost would bring the budget in balance as she had not seen the exact proposed cuts, but if the spending controls remained in departments there was a likelihood it would happen; that she had not seen final numbers and it would be difficult to respond. Ms. Culbreth stated that if the Council Member would look at page three, projections comparative report, there was only a difference of \$640,000 between F & A and Controller Council Members Vasquez and Parker absent.

Upon questions by Council Member Tatro, Ms. Culbreth stated that in their projection they included between \$2,000,000 and \$2,500,000 for revenues on the amnesty program; that previously there had been two amnesty programs and she did not have the specific amount received but she could get them for him, but this time in terms of collection methods they would also accept payment through mail and by credit card; that one reason for this timeframe was the result of the PUC, determining what impact it would have on the general fund. Council Member Tatro stated that about three weeks ago he had requested the PUC numbers and how they would affect the current year and it was a significant issue and he had not received it. Council Member Vasquez absent.

Council Member Castillo moved to accept the report; and was seconded by Council Member Boney. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0485 ADOPTED.

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

**MISCELLANEOUS** - NUMBER 1

1. RECOMMENDATION from Director Solid Waste Management Department for additional funding for Solid Waste Disposal on contract with **WASTE MANAGEMENT, INC** - \$635,000.00 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0486 ADOPTED.

**PROPERTY** - NUMBERS 4 through 6

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brian P. Dundon of Sumner Schein, a division of Carter and Burgess, Inc., on behalf of Northline Joint Venture Group [Theodore W. Berenson, Maxwell Cummings, and William D. Lane, joint venturers (Stephen Cummings, managing general partner)], for abandonment and sale of a portion of a 5-foot wide water line easement in exchange for the conveyance to the City of a 10-foot wide waterline easement, located within Tract 1L, O. P. Kelton Survey, Abstract 493, Parcels SYO-043 and KYO-057 **DISTRICT H – VASQUEZ** – had been pulled from the Agenda by the Administration, and was not considered.
5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels A97-315 and A97-322, located at 7310 and 7300 Ley Road, owned by Louise B. Walters, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$4,760.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** - was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0487 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-328, located at 7422 Ley Road, owned by Corita S. Williams, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$3,292.00 Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** - was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0488 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 13B

**LOW BIDS**

7. **CHANNEL-TRACK AND TUBE-WAY IND., INC** - \$359,352.00, **UNISTRUT GULF** - \$240,670.00 and **NORTHWEST PIPE COMPANY** - \$377,372.50 for Sign Posts and Associated Hardware for Department of Public Works & Engineering - METRO Fund - was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0489 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 45

18. ORDINANCE approving a special warranty deed conveying to **BFI WASTE SYSTEMS OF NORTH AMERICA, INC**, a parcel of land containing 843,481 square feet, more or less, being Parcel S99-064, and being out of the Joseph Kopman Survey, Abstract 185, Harris County, Texas, in consideration of the payment of \$77,485.00 by BFI Waste Systems of North America, Inc, and other good and valuable consideration to the City - Revenue - **DISTRICT D – BONEY** -

was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-228 ADOPTED.

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of the Cluster Drive, Debbie Lane, and Claret Lane Street rights-of-way containing a total of 66,002 square feet of land, more or less, and a 5-foot wide utility easement containing 500 square feet of land, more or less, such abandonment parcels located in the Thomas A. Hoskins Survey, A-342, Harris County, Texas; vacating and abandoning said tracts of land to Centre at Bunker Hill, Ltd., the abutting owner, in consideration of owner's payment of \$182,880.50, and other consideration to the City - Revenue - **DISTRICT A – TATRO** - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-229 ADOPTED.
25. ORDINANCE approving an amendment and extension agreement with the **STELLA LINK REDEVELOPMENT ASSOCIATION, INC.**, in connection with the Development and Exchange Agreement pertaining to the Stella Link Campus Parker - **DISTRICT C – GOLDBERG** - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-230 ADOPTED.
27. ORDINANCE approving and authorizing an interlocal agreement with **HOUSTON INDEPENDENT SCHOOL DISTRICT (“HISD”)** providing for the conveyance to the City of the former Gregory School Site at 1300 Victor Street and establishing an account for the benefit of HISD in the amount of \$900,000.00, to be used exclusively to offset the cost of future street and easement abandonment's and real property acquisitions requested by HISD - **DISTRICT I – CASTILLO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
32. ORDINANCE approving and authorizing master agreements for the acquisition of Microtechnology Hardware and Software Products and Associated Services between the City of Houston and (1) **TEXAS DEPARTMENT OF INFORMATION RESOURCES** and (2) **TEXAS PROCUREMENT CENTER, L.L.C.**; providing a maximum contract amount - \$30,000,000.00 General and Enterprise Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
33. ORDINANCE approving and authorizing contract between the City and **PRINCIPAL DECISION SYSTEMS INTERNATIONAL** for an Extraboard and Overtime Scheduling System for the Fire Department - 3 Years with two option years - \$402,560.00 - General and Equipment Acquisition Consolidated Funds - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
34. ORDINANCE appropriating \$14,000,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **BRAZOS RIVER AUTHORITY** for acquisition and operation of the Allens Creek Reservoir Project, CIP/GFS S-0896-01-1 – had not

been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

35. ORDINANCE approving and authorizing amendment to water supply contract between the City of Houston and **PHILLIPS PETROLEUM COMPANY** - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-231 ADOPTED.
44. ORDINANCE appropriating \$1,795,836.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **C AND C SERVICES** on low bid of \$1,590,843.08 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR** in the amount of \$30,000.00 for Waterline Replacement in Bayou Oaks Subdivision, GFS S-0035-BA-3 (10490); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – CASTILLO** - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-232 ADOPTED.

Council Member Castillo moved to suspend the rules to bring Item 26 out of order, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0490 ADOPTED.

26. ORDINANCE approving and authorizing an interlocal agreement with **HOUSTON COMMUNITY COLLEGE SYSTEM (“HCCS”)** providing for the conveyance to the City of the Houston Light Guard Armory Building located at 3816 Caroline Street to be used for public purposes at a price not to exceed \$448,700.00 including closing and due diligence costs - CDBG Grant Fund **DISTRICT D – BONEY** – was presented.

Council Member Castillo stated that the item was with the Houston Community College System to purchase a building for a use that may be community purposes though they had several options once it was on the city’s inventory; that for purposes of today they should focus on whether it was a fair price and then focus later on bringing it back to Council for a disposition of the property and he would urge Council Members to support the item.

Council Member Parker stated that she agreed with Council Member Castillo that they should move ahead and close on the property; that in the request for council action it stated that they would purchase the historical property and then link it to a future use and she wondered if they were establishing legislative intent when passing it today; and Mr. Stephen Lewis, Legal Department, stated that the interlocal agreement being approved had nothing in there about a proposed future use and was merely to buy the property; that the RCA was not a binding legal document and they were considering a proposal from the Houston Hispanic Forum but any agreement with them would have to go back to Council for approval; and essentially the property was out for sealed bid sale and scheduled to open bids two days after next week’s Council session and if this passed today they had a special session called tomorrow with the recommendation to approve the interlocal agreement and pull it from the bid sell, but if it was not approved by Council today their recommendation would be to not approve the interlocal and go

ahead with the sealed bid sell. Council Member Parker stated that it was a beautiful property and a landmark; and she would urge Council Members to approve it. Council Member Keller absent.

Council Member Tatro stated that he was concerned he was being told they were not able to delay the item, he was concerned as to how long this sat around on other people's desk; that this was a significant issue when taken with Item 27, purchase of two properties for exclusive use of non-profit organizations; that the city was becoming landlords to non-profits; that it also concerned him they had not done an environmental study and he wondered if the city would have to handle the removal of asbestos if it was found; that it was a historic landmark and they should look to preserve it, but he did have those concerns and he would not tag because he know they would override the tag but he could not support the item.

Council Member Robinson stated that he wondered if they were buying as is or would they have to spend additional money if they found significant environmental hazards; that he had asked on several occasions for an inventory of what the city owned, buildings or empty land, and what they were doing with it and when would they clear their own roll of property not being used; and Mayor Brown stated that someone would get the information for him. Council Members Tatro and Castillo absent.

Upon questions by Council Member Goldberg, Mr. Lewis, Legal Department, stated that although this was an interlocal agreement it was essentially an earnest money contract between two governmental entities and it followed the same procedure followed in private industry and in other deals the city did; that first the contract was entered into and it provided a period of time to do environmental studies and title review and if they found either not satisfactory they could object or withdraw from the contract; that they never spent money to do environmental work before Council approved the contract as they would be spending money for nothing. Council Members Castillo, Quan an Robinson absent.

Council Member Boney stated that he would urge Council Members to support the item; that it was an opportunity to preserve a historical site and they could opt out if they found issues. Council Members Todd, Castillo, Quan, Sanchez and Robinson absent.

Council Member Parker stated that she wanted to clarify a statement made earlier on why were they spending money during a budget shortfall; that this was CDBG money and not available to cover any general fund shortfall. Council Member Boney stated that if the money was not used then it went back to the federal government and it was lost. Council Members Todd, Quan, Sanchez and Robinson absent.

A vote was called on Item 26. Council Member Tatro voting no. Balance voting aye. Council Members Todd, Quan, Sanchez and Robinson absent. ORDINANCE 2000-233 ADOPTED.

Council Member Parker moved to suspend the rules to take Item 21 out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2000-0491 ADOPTED.

21. ORDINANCE authorizing the issuance of City of Houston, Texas, Tax and Revenue Certificates of Obligation, Series 2000A; prescribing the terms and

conditions thereof; providing for the payment of principal and interest thereon; authorizing execution of a Certificate of Purchase Agreement and a Paying Agent/Registrar Agreement; approving a Limited Offering Memorandum relating to the certificates; approving a Bond Counsel Agreement; making other provisions and findings related to such certificates; and declaring an emergency – was resented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2000-234 ADOPTED.

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

**ACCEPT WORK**

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$762,936.69 and acceptance of work on contract with **T. G. THOMAS, INC** for Renovation of Parks to Standard Program - Jane Long Middle School Park, GFS F-0351-46-3 03.10% over the original contract amount - Park Special and CDBG Grant Funds - **DISTRICT F – ELLIS** – was presented, and was tagged by Council Member Todd. Council Member Robinson absent.

Council Member Parker stated that she was struck on the item by the fact there was a 55% MWBE participation which was wonderful in one sense and surprising in another; that then after researching she discovered Parks to Standard contracts allowed 85% of the work to be subcontracted and in essence when a contract was signed Council really did not know who was out in the field; and Mr. Bibler stated that the Attorney General had issued an opinion stating under the bid laws they could not restrict subcontracting so they did not even enforce the 85% goal, however, he would point out that the engineer or architect in charge of the job was authorized to require some evidence that people performing the work were qualified and capable and that they did not have to accept a firm that was not qualified. Council Members Goldberg and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Bibler stated that the issue of the Attorney General was whether under the bid laws a city could restrict subcontracting and the answer was no; that the definition of restrict was placing a percentage on it; that it had nothing to do with ethnicity or race or gender, but a question of subcontracting in general; that the city had a clause restricting subcontracting to 85% and now they did not enforce that clause and had another clause that would override and theoretically you could subcontract the majority. Council Members Goldberg and Robinson absent.

Council Member Ellis stated that he was glad Council Member Todd had tagged the item as they had complaints from the principal of Jane Lone Middle School that the work was not completed and he would like someone to look into it. Council Members Goldberg and Robinson absent.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,251,072.74 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Reconstruction of Dowling, McGowen, and Collingsworth, GFS N-0611A-01-3 (N-0611A-01) - 18.52% under the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICTS B - GALLOWAY; E - TODD;**



**H - VASQUEZ and I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and was tagged by Council Member Bell. Council Members Goldberg and Robinson absent.

## **PURCHASING AND TABULATION OF BIDS**

### **LOW BIDS**

8. **SNAP-ON TOOLS COMPANY** for Tools, Automotive and Equipment for Various Departments \$977,500.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0492 ADOPTED.
9. **PEARLAND ALTERNATOR CO., INC** - \$51,875.00 and **WESTSIDE AUTOMOTIVE DISTRIBUTORS** - \$245,418.75 for Automotive, Alternators, Generators and Starters, Part II for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Vasquez, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0493 ADOPTED.
10. **RANKIN AUTOMOTIVE GROUP dba U. S. PARTS** for Automotive, Radiator Parts and Repair, Part III for Various Departments - \$269,250.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Vasquez, and seconded by Council Member Boney. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0494 ADOPTED.

### **OTHER**

11. **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 Finance & Administration Department - \$43,000.00 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member vasquez, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0495 ADOPTED.
12. **ASSOCIATED REPROGRAPHIC PRODUCTS, INC** for OCE Paper Replacement Parts Contract for Department of Public Works & Engineering - \$137,705.90 - Enterprise Fund – was presented, moved by Council Member Vasquez, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0496 ADOPTED.
13. ORDINANCE appropriating \$512,475.29 out of Water & Sewer System Consolidated Construction Fund, \$482,975.29 payable to **EPOXY DESIGN SYSTEM, INC** for construction services and \$29,500.00 payable to **TURNER COLLIE & BRADEN, INC** for construction management services related to the

repair of two Water Sedimentation Basins at the East Water Purification Plant – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2000-235 ADOPTED.

13a. **EPOXY DESIGN SYSTEM, INC** for Emergency Repair of two Water Sedimentation Basins for the Department of Public Works & Engineering - \$482,975.29 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0497 ADOPTED.

13b. **TURNER COLLIE & BRADEN, INC** for Emergency Purchase of Construction Management Services for Emergency Repair of two Water Sedimentation Basins for the Department of Public Works & Engineering - \$29,500.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0498 ADOPTED.

### RESOLUTIONS AND ORDINANCES

14. RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was presented.

Council Member Tatro stated that he spoke with Mr. Oradat earlier in the week and another application had come across his desk for assistance from the Texas Water Development Board for regional water planning and he had contacted others who were interested in this about partnering to solicit for application of grant funds from the Texas Water Development Board for that purpose as Houston was carrying the burden right now; and he hoped it would be pursued. Council Members Goldberg and Robinson absent.

A vote was called on Item 14. All voting aye. Nays none. Council Members Goldberg and Robinson absent. RESOLUTION 2000-14 ADOPTED.

15. ORDINANCE amending **CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Municipal Courts; containing other provisions relating to the foregoing subject; providing for severability – was presented, and was tagged by Council Members Sanchez, Bell and Tatro. Council Members Goldberg and Robinson absent.

Council Member Bell stated that his question had to do with the increase in fees for appointed attorneys; that he would like to be supplied the number of indigent defendants; that he was aware the payment system was handled different in those cases and sometimes the attorney took payment of what the fine would have been instead of a person paying the fine and having an offense on their record; that as soon a fees were raised more and more attorneys were interested in the work; and Mayor Brown stated that Judge Mejia would meet with him on the item. Council Members Parker and Robinson absent.

Council Member Castillo moved to suspend the rules to hear Judge Mejia and Mr. Ron Mangus, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Parker and Robinson absent. MOTION 2000-0499 ADOPTED.

Council Member Castillo stated that Judge Mejia had done a great synopsis to him and he would like her to give highlights at this time; and Judge Mejia stated that basically this was to bring the city's ordinance into compliance with state law which changed last September; that the changes were for creation of a Municipal Courts Administration Department and they also had new residency requirements for Municipal Court judges which in the past a judge had to be a lawyer and now it was that the judge had to be an attorney two years prior to appointment and that the judge live within the Houston city limits; that it created a technology fee which was a tool for all courts; that what Council Member Bell referred to was not in state law and she had asked that it be included, the last two years she had been presiding judge she had set aside about \$20,000 for court appointed lawyers and in past years \$11,000 to \$17,000 had been spent; that sometimes she had difficulty appointing lawyers as their system was not like the county's and attorneys did not ask to be appointed as they did with the county and she took into consideration budgetary concerns before asking that this be included in Chapter 16. Council Member Vasquez absent.

Council Member Ellis stated that he had concerns with the residency requirement as he did not think it fair to require municipal judges to live within the city; and upon questions, Judge Mejia stated that judges were appointed to serve two year terms and every time they came up for reappointment their address would be looked at. Council Member Ellis moved to amend Item 15 to exclude the residency requirement, and was seconded by Council Member Todd.

Council Member Todd stated that he wanted to echo Council Member Ellis; that the policy the city had generally encouraged employees to live within the city and he believed you had to look carefully at which category of employee or appointee you were applying it too, when it came to judges he thought it was safe to say justice should not be jingoistic and when you limited the position to those living within the city you limited the number to choose from and you would be dispensing justice and applying constitutional laws to traffic cases and there were significant issues with due process, etc., and it was shortsighted to draw the line there; that there were also department heads living outside the City of Houston and he disagreed with others and did not think they should have to live within the city.

Mayor Brown stated that the item had been tagged and the motion would be inappropriate at this time.

Council Member Sanchez stated that he would remove his tag and if the other Council Members would remove theirs then it could be amended now instead of next week. Council Member Boney stated that he would then tag the item. Council Member Sanchez stated that the issue was with the technology fee; that he saw it flawed as they were essentially going to the bank and asking for money for home improvement and had no list or budget so he asked the courts to figure how much money they would spend and they did not do it and now they were wanting to assess a \$4.00 fee; that he thought it should be incumbent on a department to say what they thought improvements would cost. Council Members Castillo and Robinson absent.

Upon questions by Mayor Brown, Judge Mejia stated that she did send information to all Council Members and did brief the Technology Committee and she would make sure that another copy was sent to Council Member Sanchez; and she would love to visit with him. Council Members Vasquez, Castillo and Robinson absent.

Council Member Boney stated that he had an excellent briefing with Judge Mejia and Mr. Mangus about the technology status of Municipal Courts and it was impressive and it would be more than foolish to not take advantage of this window of opportunity granted to them by the state to enhance the technology in the Municipal Courts and the window would close to collect that money by 2005; and he was stunned at Council Member Todd's suggestion of not requiring municipal judges to live within the City of Houston and he wondered if he thought Council Members should not live within the city also. Council Member Todd stated that he thought Council Member Boney's fatal assumption was that judges represented people and they represented the law and justice. Council Member Boney stated that generally people who served on the city's boards and commissions were required to live within the city. Council Members Goldberg, Castillo and Robinson absent.

Council Member Robinson stated that Council Member Boney raised an interesting point; that he had served on a task force to look at the issue of whether judges represented the law or people because judges were elected in Texas and there had been a number of lawsuits on whether they represented the law or people and Council Member Todd should be aware that this was a question of what the structure was for seating of judges in the State of Texas; that as it related to Municipal Court Judges he assumed Council Member Todd was saying if you lived within the city and was a member of the State Bar of Texas you were incompetent to understand and interpret the law or to be able to know how the United State Supreme Court and State Constitution of Texas read and that be the case he was worried because Houston had more lawyers than any city in the State of Texas; that he was sure folks would not be unqualified and he was a proponent that every city appointee and employee should be a resident of the City of Houston that if it was not good enough for them to live in then it ought not be good enough for them to represent though that was just his view across the board; and he was opposed to removing the residency requirement. Council Members Goldberg and Vasquez absent.

Council Member Parker stated that she would echo Council Member Robinson's comments, out of 1.8 million people she believed they could find 50 plus residents qualified to serve in the Municipal Courts and since this would be tagged within the next week she would contact the city of Bellaire and see how many Houston residents rather than their residents who worked for them; that she also thought department heads should live within the city, she would not say every employee but felt the higher paid employees should live within the city and she would grandfather those who did not, but she would assure everyone that she would not vote to affirm a department head or judge who did not live within the City of Houston. Council Members Goldberg and Vasquez absent.

Council Member Galloway stated that she would also concur with colleagues Parker and Robinson as she felt judges should live within the city and she did not see why the ordinance should not go through with that stipulation; that Council Members had

to live within the city and she concurred that top administrators should have to live within the city and contribute to the tax base and be proud of who they were. Council Members Vasquez and Robinson absent.

Council Member Bell stated that he was happy with the technology strides that they were making in the Municipal Courts and he had some concerns about the \$4.00 fee initially because of who would have to be paying it and one of his major complaints had been the technology at the Municipal Courts and he appreciated Judge Mejia and Mr. Mangus doing something about it and he was glad to hear that she had only budgeted \$20,000 for court appointed fees, but if it could be avoided he did not want to put them in the position as the county where attorneys were asking to be appointed; that on the residency he would have to agree there should be a requirement; that Houston was very high in attorneys and he was struck by the fact that all had to make choices and one of the biggest was where to live and those driven to public service would take that into consideration and they knew if they lived elsewhere they could not run for Houston office and Council Member Parker made a very legitimate point that attorneys from Bellaire, etc., came from there and it was asking little to ask someone to live in Houston for such positions; that many appointed positions required residency and they had not been uniform with it but perhaps they should look at being more uniform in the future. Council Members Vasquez and Robinson absent.

Council Member Ellis stated that he completely disagreed with what Council Member Bell just said and he also wanted to address what Council Member Robinson said regarding all employees who worked for the City of Houston being required to live within the city; that he believed in a limited government and he did not want to oppose such requirements on city officials or police officers; that some probably lived within the City of Houston who worked outside the city and Council should not decide where people should live and he felt being an elected official was a big distinction from not being elected; and upon questions, Mr. Bibler stated that the judicial canon of ethics applied to all judges.

Council Member Robinson stated that he and Council Member Ellis just disagree; that he was not telling anyone where to live, what he was saying was if you wanted to work for the City of Houston then you should live within the City of Houston; that his proposal would grandfather anyone already on the payroll and would apply to all future employees; that the legislature did not necessarily agree with him but it was not a unique concept and was a requirement in a number of cities across the country because you were not talking about private sector employment you were talking about paying people with tax dollars; that you had to live within the city to pay property taxes primarily and with the way the legislature and congress was going they may not have any sales tax in the future and they may be a primarily property tax base city and if they were trying to make a distinction between appointed and elected then maybe they should give serious consideration that all Municipal Court Judges be elected and then there would be no problem with the requirement that they be bound to the jurisdiction of what they were elected.

Council Member Vasquez stated that the item had been tagged and moved to end discussion, and was seconded by Council Member Keller. Council Member Sanchez voting no. Balance voting aye. MOTION 2000-0500 ADOPTED.

Item 15 had been tagged. All Council Members in.

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of the Old Main Street Loop Road Street Right of way containing 56,717 square feet of land, more or less, Parcel S96-083, and 9,307 square feet of land, more or less, Parcel S96-084, both located in the James Hamilton Survey, A-887, Houston, Harris County, Texas; vacating and abandoning (i) Parcel S96-083 to Intercapital Park Lakes I Limited Partnership, the abutting owner, and (ii) Parcel S96-084 to Alcon Laboratories, Inc., the abutting owner, in consideration of (i) Intercapital's dedication back of a 40-foot wide easement for waterline purposes containing 35,860 square feet of land, more or less, and an 11-foot wide easement for sanitary sewer purposes containing 1,306 square feet of land, more or less, and payment of \$200,192.00 and other consideration to the City and (ii) Alcon's dedication back of an easement for waterline purposes containing 9,307 square feet of land, more or less, and payment of \$24,431.00 and other consideration to the City - Revenue - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2000-236 ADOPTED.
17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three portions of the Old Main Street Loop Road Street Right of way containing, respectively, 15,762 square feet of land, more or less, for Parcel S96-080, 17,296 square feet of land, more or less, for Parcel S96-081, and 2,468 square feet of land, more or less, for Parcel S96-082; all three parcels located in the James Hamilton Survey, A-887, Houston, Harris County, Texas; vacating and abandoning (i) Parcel S96-080 to Baker-Jackson Real Estate Investments, Ltd., the abutting owner, (ii) Parcel S96-081 to Lakes/610 Ltd., the abutting owner, and (iii) Parcel S96-082 to Genesis Crude Oil, L.P., the abutting owner; in consideration of (i) Baker-Jackson's dedication back of an easement for waterline purposes containing 5,423 square feet of land, more or less, and payment of \$68,516.00 and other consideration to the City (ii) Lakes/610 Ltd.'s dedication back of an easement for waterline purposes containing 17,296 square feet of land, more or less, and payment of \$45,402.00 and other consideration to the City, and (iii) Genesis's dedication back of an easement for waterline purposes containing 1,645 square feet of land, more or less, and payment of \$8,639.00 and other consideration to the City - Revenue - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2000-237 ADOPTED.
20. ORDINANCE authorizing issuance of City of Houston, Texas, Water and Sewer System Junior Lien Revenue Refunding Bonds, Series 2000A, prescribing the terms and conditions thereof; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment and discharge of certain outstanding Commercial Paper Notes; authorizing the purchase of and subscription for certain escrowed securities; authorizing Bond Insurance, a Reserve Fund Surety Bond, Escrow Verification and Engagement of an Escrow Agent, and a Co-Bond Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2000-238 ADOPTED.



22. ORDINANCE approving and authorizing lease agreement between **NEIGHBORHOOD CENTERS, INC**, as tenant, and the City of Houston, Texas, as landlord, for the land and building located at 1818 Crockett Street, Houston, Texas - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-239 ADOPTED.
23. ORDINANCE approving and authorizing amendment No. 2 to lease agreement for certain premises at William P. Hobby Airport between the City of Houston and **FLETCHER AVIATION, INC** - Revenue - **DISTRICT E – TODD** – was presented, and was tagged by Council Members Sanchez and Todd.
24. ORDINANCE approving and authorizing agreement between the City of Houston, the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (Market Square Zone)** in connection with the City's Reinvestment Zone Number Three over the Main Street Market Square Area - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-240 ADOPTED.
28. ORDINANCE approving and authorizing first contract amendment between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION** to extend the contract term and provide an additional \$1,738,100.00 for the continuation of the Emergency Home Repair Program CDBG Grant Fund– was presented. All voting aye. Nays none. ORDINANCE 2000-241 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$258,000.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for the Administration of a long term residential Housing and Supportive Services Program and operation of a Community Residence, which sum includes a limitation of additional funding in the amount of \$129,000.00 - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Member Goldberg.
30. ORDINANCE amending Ordinance No. 97-1631 that approved and authorized contract between the City and **INCREMENTAL MARKETING, INC** for the provision of HIV Prevention Services to increase the maximum contract amount – was presented, and was tagged by Council Members Quan and Keller.
31. ORDINANCE approving and authorizing first amendment to contract between the City and **PATTON BOGGS, L.L.P** for Federal Representation for the City in Washington, D.C.; providing a maximum contract amount - \$369,000.00 - General Fund – was presented, and was tagged by Council Members Todd, Tatro, Keller and Ellis.
36. ORDINANCE approving and authorizing treated water supply contract between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16** - Revenue – was presented, and was tagged by Council Member Tatro.
37. ORDINANCE appropriating \$7,558,143.00 out of Convention & Entertainment Commercial Paper Series A, \$1,948,750.00 from 95 Series Construction Fund

Convention Center and \$200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing second amendment to professional architectural services contract between the City of Houston and **HARRY GOLEMON, FAIA/MARIO BOLULLO, AIA**, a Partnership, for Phase II Expansion of the George R. Brown Convention Center, CIP B-0010-01 - **DISTRICT I - CASTILLO** – was presented, and was tagged by Council Member Keller.

Council Member Keller stated that he had concerns, the additional services came out to about 23% in the requested item and some items that comprised that were \$200,000 for an archeological study, \$200,000 for an infrastructure survey, \$400,000 for a full-time representative and \$90,000 for a site survey and he would like to find out and make sure the tax payers or department was not paying double for some that may have already been done; and Mayor Brown asked that someone get with the Council Member and provide answers to his questions.

38. ORDINANCE approving and authorizing first amendment to professional engineering services contract between the City and **BLACK & VEATCH, LLP** for Design of Buffalo Bayou and Sims Bayou Siphons, CIP R-0270-01-2 (4717) - Enterprise Fund - **DISTRICTS H - VASQUEZ and I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-242 ADOPTED.

39. ORDINANCE appropriating \$275,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing second amendment to professional services contract between the City of Houston and **GILBANE BUILDING COMPANY** for Facilities Construction Management Services, CIP D-0099-01 – was presented.

Council Member Keller stated that it would be nonproductive to tag the item and he appreciated that Building Services had adjusted the system to resolve many problems they had, but he would be remiss to not mention a few problems he had noticed and he hoped when the contract was renewed some incentive would be injected and check points would be injected so that it could be monitored better.

A vote was called on Item 39. All voting aye. Nays none. Council Members Todd and Robinson absent. ORDINANCE 2000-243 ADOPTED.

40. ORDINANCE appropriating \$424,000.00 out of Storm Sewer Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Modifications to Conrad Sauer Detention Basin and Pump Station, CIP M-0221-04-2 (SM5010); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT A – TATRO** - was presented, and was tagged by Council Members Quan, Tatro and Keller. Council Members Todd and Robinson absent.

41. ORDINANCE appropriating \$1,572,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional construction management services contract between the City of Houston and **UNITED ENGINEERS, INC** for Surface Water Transmission Program, CIP S-0517-

08-3 (WA10650); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and was tagged by Council Member Tatro. Council Members Todd and Robinson absent.

42. ORDINANCE appropriating \$293,000.00 out of Street & Bridge Construction Fund, awarding construction contract to **SILVA, INC** on low bid of \$224,553.40 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$20,000.00 for construction of the Neighborhoods to Standard - Overlay Projects in Westbury; GFS Q-1155-01-3 (255-99); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICT C – GOLDBERG** – was presented and a vote was called with. All voting aye. Nays none, and Council Member Goldberg stated that he really needed to tag the item and he had spoken with Mr. George Bravenec and it was not a problem. Mayor Brown stated that he would be allowed to tag the item and these were no objections. Item 42 was tagged by Council Member Goldberg Council Members Todd and Robinson absent.
43. ORDINANCE appropriating \$76,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$64,208.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$3,000.00 for construction of the Water Main Replacement on Hollister Road; GFS S-0521-BG-3 (10228); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Members Todd and Robinson absent. ORDINANCE 2000-244 ADOPTED.
45. ORDINANCE replacing City of Houston, Texas Ordinance No. 68-1373 and 78-1423; granting a franchise to **TEXAS MEDICAL CENTER CENTRAL HEATING AND COOLING SERVICES COOPERATIVE ASSOCIATION**, A Texas non-profit Cooperative Association, doing business as **THERMAL ENERGY COOPERATIVE**, engaged in the District Cooling Business for constructing, maintaining, operating and repairing a pipeline system for the transportation and distribution of Chilled Water Underneath the streets or other City property of the City of Houston, Texas; making findings and containing other provisions related thereto and prescribing the conditions and provisions under which said franchise is issued - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2000-245 ADOPTED FIRST READING. Council Member Todd absent.

**MATTERS HELD** - NUMBERS 46 through 56

46. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt recommendation from Director Department of Health & Human Services for approval of 2nd year funding for an Interlocal Agreement with **HARRIS COUNTY**

for the Houston/Harris County Child Fatality Review Team - \$42,200.00 - General Fund – **(This was Item 3 on Agenda of March 29, 2000 TAGGED BY COUNCIL MEMBERS SANCHEZ, TODD, BELL, TATRO and VASQUEZ)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0501 ADOPTED.

47. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,377,029.52 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Sanitary Sewer Rehabilitation in East Haven and Southeast, GFS R-1042-01-3 (4260-19) - 09.27% under the original contract amount - Enterprise Fund - **DISTRICT E - TODD** - (This was Item 8 on Agenda of March 29, 2000, **TAGGED BY COUNCIL MEMBER TODD**) – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0502 ADOPTED.

48. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$8,000,908.41 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for FWSD No. 23 Wastewater Treatment Plant Expansion, GFS R-1210-08-3 (4429-1) 10.50% over the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY – (This was Item 9 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he wanted to compliment Anthony Criscy, he appreciated the promptness of the backup and thoroughness to his questions. Council Member Todd absent.

A vote was called on Item 48. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0503 ADOPTED.

49. ORDINANCE appropriating \$23,000.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the Landowners' "Reasonable Costs" in connection with the dismissal of an eminent domain proceedings styled City of Houston v. Newton Wilds and Robert Canion, Trustees for Wilds Canon & Mitchell Design, Inc., et al., in connection with the Westheimer Pump Station No. 1 Relocation Project, Project No. 4236-6; GFS/CIP R-0015-97-1 - **DISTRICT G - KELLER – (This was Item 10 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBERS QUAN and KELLER)** – was presented. Council Member Todd absent.

Council Member Quan stated that he spoke on the item last week and he appreciated Legal giving him a briefing and now was satisfied that in this case they were doing the right thing.

A vote was called on Item 49. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-246 ADOPTED.

- 49a. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from City Attorney to pay the landowners' "reasonable costs" relative to eminent domain proceeding styled City of Houston v. Newton Wilds and Robert Canion, Trustee for Wilds Canion & Mitchell Design, Inc., et al., Cause No. 608,601; in connection with the acquisition of Parcel C91-7, for the Westheimer Pump Station No. 1 Relocation Project, Project 4236-6, GFS/CIP R-0015-97-1 - **DISTRICT G – KELLER – (This was Item 10A on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBERS QUAN and KELLER)** – was presented. All voting aye. Nays none. MOTION 2000-0504 ADOPTED.
50. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcels DYO-29 and DYO-29A, located in the 13000 block of West Bellfort, owned by Donald Bartlett Moore, for the Sanitary Sewer in connection with the **WEST BELLFORT PAVING PROJECT from Huntington Village to West Bellfort**, CIP N-0466-01-2 - **DISTRICT F – ELLIS – (This was Item 12 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. Council Member Robinson voting no. Balance voting aye. Council Member Todd absent. MOTION 2000-0505 ADOPTED.
51. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **COMP USA** for Computer Printer Toner Cartridges from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Library Department \$21,192.10 - General Fund - **(This was Item 22 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0506 ADOPTED.
52. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **ABBOTT LABORATORIES DIAGNOSTIC DIVISION (Bid No. 1) - \$556.50, ABBOTT LABORATORIES DIAGNOSTIC DIVISION (Bid No. 2) - \$15,188.50, ALLEGIANCE HEALTHCARE - \$15,174.00, BECTON DICKINSON BIOSCIENCES - \$15,083.19, CHEMICON INTERNATIONAL, INC \$44,608.50, DIVERSIFIED MEDICAL SERVICES INTERNATIONAL, INC - \$35,351.83, EVER READY FIRST AID & MEDICAL SUPPLY - \$833,505.34, FERGUSON TEST KITS, INC \$50,824.00, GEN-PROBE - \$77,600.00, RADIAN INTERNATIONAL L.L.C. \$40,000.00, SUPERIOR PHARMACEUTICAL COMPANY - \$137,897.07, SUPREMUS MEDICAL \$65,595.45, TEXAS IMEX - \$64,506.00 and UNITED MEDICAL SUPPLY - \$98,974.80** for Medical, Diagnostic, Biological Test Kits and Supplies Contract for Various Departments General and Asset Forfeiture Funds - **(This was Item 27 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-0507 ADOPTED.
53. ORDINANCE approving and authorizing Amendment No. 1 to contract for Marketing and Advertising Support Services for the Houston Airport System by and between the City of Houston and **BQR ADVERTISING AND PUBLIC**

**RELATIONS, INC d/b/a BQR - \$1,200,000.00 Enterprise Fund - DISTRICTS B - GALLOWAY and E – TODD – (This was Item 40 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBERS BELL, SANCHEZ and TODD)** - was presented. Council Member Sanchez voting no. Balance voting aye. Council Member Todd absent. ORDINANCE 2000-247 ADOPTED.

54. ORDINANCE appropriating \$16,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 0.47 acre of land out of the John Skorupski Survey, Abstract 720, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving purchase and sale agreement with **E N E, INCORPORATED** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY – (This was Item 41 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER TODD)** - was presented. All voting aye. Nays none. ORDINANCE 2000-248 ADOPTED.
55. ORDINANCE providing for a Performance Incentive Program allowing Performance Based Compensation payments to be paid to certain Houston Airport System Employees; containing findings and other provisions relating to the foregoing subject; providing for severability \$360,000.00 - Enterprise Fund – **(This was Item 45 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ, TODD and KELLER)** - was presented

Council Member Keller moved to postpone Item 55 one week, and was seconded by Council Member Quan.

Council Member Keller stated that he had a couple of questions and in a nutshell he would hope they could be consistent with the City of Houston employees and employees compensated in this program; and he also wanted to speak on the competitiveness of the contract they had doing the random drawings, he wanted to clarify how much they were getting and the sooner they could tweak the program the better.

A vote was called on Council Member Keller's motion to postpone Item 55. All voting aye. Nays none. MOTION 2000-0508 ADOPTED.

56. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **MUNICIPAL COLLECTIONS, INC, a Texas Corporation**, to settle a lawsuit \$210,000.00 - Property and Casualty Fund - **(This was Item 46 on Agenda of March 29, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented.

Council Member Todd moved to postpone Item 56 one week, and was seconded by Council Member Keller.

Upon questions by Council Member Boney, Mr. Pourteau stated that the item had been approved for the bankruptcy court and they were waiting on a Council vote and if there were any questions he was more than available; that it would probably not kill the deal, but he would rather it not be delayed a second time.



A vote was called on Council Member Todd's motion to postpone Item 56. All voting aye. Nays none. MOTION 2000-0509 ADOPTED.

**Items received during the meeting were considered as follows:**

27. ORDINANCE approving and authorizing an interlocal agreement with **HOUSTON INDEPENDENT SCHOOL DISTRICT ("HISD")** providing for the conveyance to the City of the former Gregory School Site at 1300 Victor Street and establishing an account for the benefit of HISD in the amount of \$900,000.00, to be used exclusively to offset the cost of future street and easement abandonment's and real property acquisitions requested by HISD - **DISTRICT I - CASTILLO** - was presented, and was tagged by Council Members Todd, Tatro and Goldberg.
32. ORDINANCE approving and authorizing master agreements for the acquisition of Microtechnology Hardware and Software Products and Associated Services between the City of Houston and (1) **TEXAS DEPARTMENT OF INFORMATION RESOURCES** and (2) **TEXAS PROCUREMENT CENTER, L.L.C.**; providing a maximum contract amount - \$30,000,000.00 General and Enterprise Funds - was presented, and was tagged by Council Members Keller and Boney.

Council Member Boney stated that he understood there were some services the departments needed but he would ask them to consider waiting three months before purchasing high priced hardware; that the new budget would come in on July 1 and it seemed there was a chance to get more protection of the budget by waiting on the new fiscal year.

34. ORDINANCE appropriating \$14,000,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **BRAZOS RIVER AUTHORITY** for acquisition and operation of the Allens Creek Reservoir Project, CIP/GFS S-0896-01-1 - was presented. All voting aye. Nays none. ORDINANCE 2000-249 ADOPTED.

RESOLUTION 2000-15, a resolution recognizing SMWDBE development and their vital contributions to the ongoing development of the community and wishing all a successful government procurement connections 2000, was signed by the Mayor and Council Members.

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

Council Member Castillo stated that he wanted to again urge all who had not returned their Census forms to do so; that it seemed it would be ironic for a city growing as well as Houston to not get a good snapshot the first year of the millenium. Council Member Boney absent.

Council Member Castillo stated that he wanted to advise his office had received calls from senior citizens who had trees trimmed and placed cuttings out before heavy trash day and were being ticketed, but they had to place it out when there was someone there to do it for them and he would like to see if they could place an exemption for

seniors who were homesteaders so they could place trimmings out at anytime and not be cited. Council Member Boney absent.

Council Member Castillo stated that the post office was changing the appellations to the street names and he would like a listing of what the street names actually were; that people were saying the post office was sending to such and such street when it should be drive; and Mayor Brown stated that Planning should have it and they would get in touch with him.

Council Member Bell stated that in the paper last Sunday they may have read that 30,000 gathered along Allen Parkway to celebrate Earth Day, but Earth Day was actually April 22 and it was the 30th anniversary and expected to be the largest environmental event in the history of the nation; that this year the United States and 500,000,000 on all continents and in more than 160 nations were expected to participate; that Houston had become known as the smoggiest city in America and it seemed Earth Day would give a chance for Houston to put its best foot forward and cash in on public relations to show folks they were serious about cleaning the air; that he was surprised after calling Parks to be told the city was sponsoring nothing; that a representative of the Mayor's Clean Air Team said there was a series of serious projects to be rolled out in the near future, but his regret was that they were not already out there and he would like them to get out with projects and send a message both locally and across the nation that they were serious about cleaning up air and he would look forward to announcements from the Administration as for as what they were planning in conjunction with Earth Day. Council Members Tatro and Parker absent.

Council Member Ellis stated that in the past six months thee seemed to be an increasing amount of 18-wheelers parking; that messages were sent to HPD to help but there seemed to be inconsistency with the Police Department, he understood there were a number of ordinances which conflicted with one another and he would like a response from the Police Department as to which ordinance they would work with. Council Members Tatro and Parker absent.

Mayor Brown stated that someone from the Police Department would get with him; and upon questions, Mr. Bibler stated that there were several ordinances but he would say they complimented each other and were not conflicting and there were probably two or three violations if an 18-wheeler was being parked in a neighborhood overnight. Council Member Parker absent.

Council Member Goldberg stated that he had a district satellite office and the Census department used it for testing and training and now people were coming and saying they had tested and scored high and they were getting no call; that one of his part-time people took the test and scored high and she had not received a call either; and Council Member Castillo stated that the Census Bureau tested and then ranked and then took from the highest down; that they should call and let people know if they would use them or not. Council Member Goldberg stated that his staff member received a 95 and she had not received a call. Council Member Parker absent.

Council Member Quan stated that he had represented Mayor Brown in the opening of the Japan Festival last weekend and he had received a letter from one of the Mayor's

of Japan to present to him. Council Member Quan presented the letter to Mayor Brown. Council Member Parker absent.

Council Member Vasquez stated that he wanted to invite everyone to Moody Park as a part of the Census effort this weekend; that they would be having a block walk and he was told the number had reached 200. Council Members Todd and Parker absent.

Council Member Keller stated that last week he spoke about the attack on city streets by 35 or more companies and he was very impressed to see the Mayor's well written article in the Houston Chronicle Sunday and believed it informed the public well; that he also believed the ordinance he referred to was being sped up and he hoped when it was received they would have a serious plan to defend their turf. Council Members Todd and Parker absent.

There being no further business before Council, the City Council adjourned at 10:40 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Parker absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary