

City Council Chamber, City Hall, Tuesday, April 11, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, April 11, 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. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present.

At 1:43 p.m. Mayor Pro Tem Boney stated that Council Member Sanchez would begin the presentations.

Council Member Sanchez stated that Houston had an active Sister City Program with organized activities at the local level as well as internationally, that one of the annual local programs that was coordinated under the umbrella organization for the sister cities was the program for young artists and this year three sister cities associations, Grampian, Perth and Shenzhen participated in the program and they had a special presentation to recognize seven local middle and high school students that participated in and won the art contest and invited Ms. Angelika Schmidt-Lang , President of the Houston Life Seek Sister City Organization to the podium to talk about the program and help him recognize the winners. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Ms. Schmidt-Lang stated that they were tremendously excited about the art contest because it brought to their children an awareness of the world outside their own borders and of their Country, and that it could convey a message that the children could make a difference and that they could contribute to world peace, that the theme of this years competition was that peace began at home and they had three Sister Cities who participated in the contest, that the Grampian Association, Shenzhen and Perth submitted entries for the local contest, that the art work was judged by two independent volunteer judges, Ms. Rosanne Frazier, who had been judging the Houston Livestock Show and Rodeo School Art Program since 1980 and Ms. Dottie Irvin, a graduate of the Chicago Art Institute, who owned a graphic design company, that the first place winning entry would be sent to the international competition in Tyler, Texas where it would be judged along with other international winners and Houston's entry had won twice in past national contests and as they would see from the art work she thought they had a great chance to place again at the international competition, and she introduced the winners and their art work, Ms. Linh Nguyen, O'Donnel Middle School, Ms. Jackie Singleton, Memorial High School, Ms. Elizabeth St. John, Memorial High School, Ms. Kim Heatherington, Memorial High School, Ms. Laura Fisher, Memorial High School, Ms. Jennifer Pan, Chinese Cultural Center, the second place winner, and Mr. Linh Dan Do, Memorial High School, first place winner. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Council Member Sanchez thanked the Mayor's Protocol Office who worked so hard to put the presentation on every year. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney stated there were some outstanding students from the Third Ward present, that they were history fair winners who were going to the State Championship, Ms. Elaine Carroll and the Yates High School students. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Castillo, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Boney recognized the Westheimer Street Festival and invited Mr. John Florez to the podium. Mayor Brown, Council Members Goldberg, Ellis, Parker and Bell absent. Mayor Pro Tem Boney presiding.

Mr. Florez stated that the Board of the Westheimer Street Festival was present to inform and invite the Mayor and all Council Members to the May 6 and 7 festival on Allen Parkway, that they were working very hard to make the move a success and hoped that they Mayor's office and Council Member Boney would not abandon them as they got closer to the festival date, that they would be needing a little more help, that everything was moving pretty smoothly, that they would like the Mayor to proclaim the 1800 block to the 3600 block of Allen Parkway to be Westheimer Street for the date of May 6 and 7, that if all went well and the festival was a success they would keep the festival on the parkway, to please keep their promises and return their calls, that they needed to move forward, that they were bringing a spectacular sky diver on Saturday and Sunday a 2,000 square foot American flag would float into the festival grounds while Lee Greenwood's Proud to be an American would play in the background, that they did not want to be outdone by Enron in their first game opening, an extreme sports area would be a mixed bikes, skateboards, inline skate demonstrations and contests, music stages, artisans, food and craft vendors would be placed in two lines to create a street effect, duplicate street signs would be placed in the parkway in the same order as they were found on Westheimer, that in 1999 the Westheimer Street Festival was voted the best festival in Houston by the Readers Choice in the Houston Press and they would like to keep it that way, they would also like to thank Susan, John and Stella from the Parks Department for all the work they had done and they begged the City to attend their event, get to know their event because they might have to vote again on their event, and Council Member Keller asked if everything was okay with having the skydiving, and Mr. Florez stated they had checked and the FAA would be informed. Mayor Brown, Council Members Goldberg, Ellis, Parker and Bell absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated they had a presentation for the organization Justice for All and Andy Kahan, that they were an organization that had worked on behalf of Victim's Rights and with the Mayor's appointee, Andy Kahan, to assist victims of crime, and a representative of Justice for All presented a plaque to Mayor Brown. Council Member Vasquez and Bell absent.

Mayor Brown expressed his thanks and appreciation to them and thanked them for what they did, day in and day out, that he had a career in law enforcement and criminal justice and historically they focused most of their attention on the criminals and not the victims and it was about time that they paid attention to the victims and they could be assured of their continuous support in working with them. Council Members Vasquez and Bell absent.

Council Member Quan stated that as a city they were very pleased to have so many folks from all over the world coming to Houston, and was very pleased to introduce to them the Governor of one of the provinces of the Philippines, Ms. Remedios Matin L. Petilla, that they were in Houston for the International Festival to promote friendship and trade between Houston and Leyte in the Philippines and invited Governor Petilla to the podium. Council Members Tatro, Vasquez and Bell absent.

Governor Petilla stated that it was her honor and privilege to be present and be able to join them in the International Festival, and made a personal invitation to Mayor Brown to visit the Province of Leyte, that the Province of Leyte was well known for the MacArthur landing to end the war in the Pacific, and made a presentation to Mayor Brown from the Province and invited him to visit the Province, and Mayor Brown welcomed her and her entire delegation to the City and hoped to visit them sometime. Council Members Bell and Robinson absent.

Council Member Galloway stated she wanted to draw their attention to someone who was very special in the Houston Community, Mrs. Louis Bailey, that Mrs. Bailey had taught for over 50 years in a public school and would retire this year and presented Mrs. Bailey with a resolution that stated that Mrs. Louis Justine Bailey had devoted 51 years of her life to improving the life's of young people and had met the challenge of notable professionals and after a long and successful career spanning more than five decades she had chosen to begin her well earned retirement at the end of the school year and in recognition and appreciation of her many outstanding contributions as an educator the Mayor and City Council commended Ms. Louis Justine Bailey and extended best wishes for a long and happy retirement. Council Members Ellis and Bell absent.

Council Member Quan recognized the Corporate Community Relations Council who was present, that the council was composed of 40 corporations in Houston who provided volunteers to help the community in so many different ways and asked that they stand to be recognized. Council Members Galloway, Goldberg, Vasquez and Bell absent.

At 2:11 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Tatro led everyone in the prayer and pledge of allegiance. Council Members Galloway, Goldberg and Vasquez absent.

At 2:11 p.m. Mayor Brown requested the City Secretary to call the roll. Council Members Galloway and Vasquez absent.

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

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

Mrs. Deborah Elaine Allen, 7809 W. Bellfort No. 227, Houston, Texas 77071 appeared and voiced her personal opinions relative to abortion and criminal offenses until her time expired. Council Members Galloway and Sanchez absent.

Ms. Mary Goodie, P.O. Box 300059, Houston, Texas 77230 (713-721-8551) appeared and stated that she was concerned about the integrity of the Houston Police

Department, that she had filed several complaints with the Houston Police Department at the substation on Beechnut and also contacted the FBI about a group of individuals who were acting as a cohesive hold and had termed them as a hate mob, that she had not received any response, that she had received one letter from C. O. Bradford, that they had keys to her home and that her Brinks alarm was being circumvented, that she had provided names of individuals, that she was physically assaulted at a golf tournament, that when she had gone to vote on several occasions and when she went to vote on the Port of Houston Bond Referendum several individuals showed up and the media was also there, that she needed to know what she could do to protect herself as an individual. Council Members Galloway and Sanchez absent.

Mayor Brown stated that Assistant Police Chief Dennis Richards was present in chambers and he would meet with her and provide whatever guidance she needed to get the answers to her questions. Council Members Galloway and Sanchez absent.

Mr. Ross Asher, 5835 Cartagena, Houston, Texas 77035 (713-723-8163) appeared and stated that he was present to protest the recent announcement of the City of Houston that they would engage in a gun buy back program, that the Mayor and Police Chief were heard on newscasts to say that a city with fewer guns was a safer city, that Chief Bradford was right but he simply did not complete the statement, that a city with fewer guns in the hands of criminals was a safer city, that was anyone on the Council naïve enough to think that when Oshman's offered a \$100 gift certificate for each turned in that the criminals would line up to turn in their guns, that if the criminals wanted something that cost \$100 they would simply take their gun and go get it for themselves, that perhaps a little education was in order, that a study by a professor from the University of Florida, School of Criminology, published in the Northwestern University Journal of Criminology and Criminal Law said that 2.5 million times annually in this Country a law abiding citizen used a firearm to defend himself or herself against crime, that sometimes the weapon was not even fired it was just displayed in order to scare off an attacker, but those were the people being asked to turn in their guns, that furthermore gun control was the most sexist thing a government could do because records showed that 200,000 times every year in this Country a woman used a gun to defend herself against sexual abuse and attack, that what was even more startling was that a 1993 Newsweek article quoted the figures that police made mistakes 11% of the time when they were required to shoot and kill someone, that the wrong person was shot, but when private citizens used guns to defend themselves only 2%, but these were the people who they wanted to turn in their guns, that there was a day when constitutional rights were respected in the Country and there was a time when a man could standup and say what he wanted to say without fear of offending the politically correct, but today if they dared to standup and say what they believed they were hushed because it might offend someone's sensibilities, that there was a time when someone could standup and worship God publicly in this Country, but today if they dared to say the name of God outside their homes or churches they would be hauled into court, that there was a time when Countries did not fear law abiding citizens. Council Members Sanchez and Robinson absent.

Mayor Brown stated he appreciated Mr. Asher being present and voicing his viewpoint, but he totally disagreed with him, that he happened to have a few degrees in criminology himself and he disagreed with the findings that Mr. Asher gave, but beyond the academic and theoretical aspect of law enforcement, he had spent a whole career in

law enforcement and had seen where gun buy backs made a difference, that they had done it in Houston before successfully and when he was the Police Commissioner of New York City, the Nations largest police department, they did it there successfully, regularly not just one time, and the statistics he had told him that when people put a gun in their house to defend themselves against a potential intruder that they were six times more likely to shoot someone in the house with the gun, generally a child, and so he felt very strongly if they could remove one gun from the streets that saved the life of one person or one child or injury then it was well worth it, that the funds they were using were not City funds, that the funds were grant monies plus donations, so he was a very strong supporter of it even though he respected Mr. Asher's difference of opinion and thought that those who were listening should know that the program was designed to deal with a very serious problem in this Nation, State and City, and that being injury and deaths as a result of firearms.

Council Member Parker stated she was a little confused as to what was Mr. Asher's complaint, that he was criticizing a program for not doing things that it was not intended to do in the first place, that gun buy back programs were not targeted toward criminals they were targeted toward unneeded and unwanted firearms that may be in homes and the property or homeowner did not have a use for them or did not know what to do with them, that they were entirely voluntary and coupled with an education program and also a distribution program to distribute gun locks to make guns that people chose to keep in their homes safer, and how could that be anti-gun and anti-American, and Mr. Asher stated she answered her own question, that she said that the program was not targeted at criminals, that if they would target not the gun but the criminal then they would have a good program, and Council Member Parker stated that it was his contention that everyone ought to own a gun whether they wanted one or not, and Mr. Asher stated that if someone did not want a gun then it was a piece of private property which they could dispose of or sell or do whatever they wanted, and Council Member Parker stated that this was how they could dispose of them and they could safely dispose of them in turn and melt them down, and thought Mr. Asher was barking up the wrong tree. Council Members Sanchez and Robinson absent.

Council Member Todd stated that he appreciated the Mayor's point of view on this but he disagreed with him, and he tended to agree with most of what Mr. Asher said, that he was a gun owner and was not intending to sell his guns back, and in fact he intended to hang on to them and make sure that his sons had guns when they were old enough to have them and thought that it was an important part of being an American citizen, that of exercising their rights and he had chosen to exercise his under the Second Amendment, and he did not want Mr. Asher to think that by coming to Council and probably facing a fairly hostile audience on gun issues in City Council Chambers and this was not exactly the NRA headquarters, but when he was down here he wanted him to know that although the Council Members might not in general agree with him, he suspected that a lot of viewers did agree with him and fortunately it was being televised out across the Houston area, that he wanted him to know that he agreed with what he was saying, and Mr. Asher stated that a government which feared its citizens owning guns was a government which the citizens needed to fear, and they should target the criminals in society rather than targeting the guns themselves, that if they took the criminals off the streets then they had no need to fear law abiding citizens owning guns. Council Member Sanchez and Robinson.

Council Member Bell stated that this was an issue that they desperately needed to find some common ground on in the United States and was wondering if there was any room for agreement, and was Mr. Asher in agreement that too many guns were finding their way into the hands of small children in this day and age, and Mr. Asher stated that there were too many guns finding their way into the hands of small children and they were finding way into those hands because parents were training those children in the proper use of guns and there was nothing wrong with that, it was when criminals allowed the guns to lay around for a child to pick up, there was something wrong with that, and Council Member Bell stated he did not think the statistics would bare him out that only the children of criminals and their guns were finding their way into the hands of small children, and if Mr. Asher were to study it he would find that there were a number of innocent children who were the children of innocent parents and had been convicted of no crime whatsoever and horrible accidents happened to take place in a home or someone picked up a gun and decided to take it to school, and he was curious were there any programs that Mr. Asher would support along that line designed to try to keep the guns out of the hands of children who were not being trained in the fashion which he described and Mr. Asher that they should have laws that an adult who allowed a child to have access to a gun and if that gun was used in an illegal manner the adult should be responsible, and Council Member Bell stated that they had that law, and Mr. Asher said that they should enforce the laws on the books, and not make new laws or target the guns but target the criminals, and Council Member Bell asked if it was a question of enforcement and Mr. Asher said that there was already many thousands of laws across the Country designed to enforce gun control and if they would simply enforce the laws on the books they would need no more laws. Council Member Sanchez absent.

After further discussion Council Member Keller stated that if he had ten guns and only needed two then he was free to keep or go and sell eight of those, that no one was being forced to turn their guns in as far as he knew in the program and no local citizens or taxpayers were being taxed for the program and another point was that they did have the right to speak freely in public and Mr. Asher being present was exercising his right, and asked if Mr. Asher was under the impression that somebody was forced to go sell the guns and Mr. Asher stated that it was not a matter of being coerced or City money being used it was a matter of governmental attitude, and Council Member Boney asked Mr. Asher if he supported mandatory gun locks and Mr. Asher stated no, that if a criminal broke into his house in the middle of the night and he had to fumble around looking for a key to the gun lock he would be dead before he found it and so would Council Member Boney if he broke into his house, and Council Member Boney asked how Mr. Asher would propose to hold adults responsible in terms of preventing their children from getting a hold of their guns if they did not lock them and Mr. Asher stated there were different ways in every home, and Council Member Boney asked about teenagers, and Mr. Asher stated that in that case an adult has a child who was old enough to understand responsible use of guns, and from the time that child was old enough to have any sort of training that child must be raised responsibly to know what a gun can do, that they could not hold an adult responsible for making it impossible for a child to get to a gun without taking away that adults ability to use the gun and Council Member Boney asked if he would make a judgement if whether it was reckless conduct on the part of the adult and Mr. Asher stated that if the adult did not act responsibly in keeping the gun away from the child or training the child on how to use the gun, and Council Member Boney asked if Mr. Asher supported gun registration and licensing and Mr. Asher stated no. Council Member Castillo and Sanchez absent.

Ms. Elaine Carroll, 2711 Ferry Landing, Sugarland, Texas 77478 (713-728-5400-xtn 303) had reserved time to speak, but was not present when her name was called. Council Members Castillo and Sanchez absent.

Ms. Cynthia Marshall-Roberts, 2515 Oakdale, Houston, Texas 77004 (713-523-6227) had reserved time to speak, but was not present when her name was called. Council Members Castillo and Sanchez absent.

Mr. Don George, 880 Tully, Houston, Texas 77079 (281-531-8054) had reserved time to speak, but was not present when his name was called. Council Members Castillo and Sanchez absent.

Mr. Scott Scheinthal, 5735 Valkeith, Houston, Texas 77096 (713-728-0883) appeared and stated that he was present to discuss his opinions with respect to Mrs. Diana Ruhtenberg offensive remarks regarding the Harris County Sport Authority's dealings with Brown and Root, that as they knew she said "we had to Jew them down" that those words were as offensive as any other stereotypical remark made against any race or religious group, that could they imagine with him that Mrs. Ruhtenberg said they did not hire enough wetbacks to get the job done or that Brown and Root got Nigger rich off the deal, were those words any more or less offensive and could they continue to imagine with him that Mr. Burge in defending Mrs. Ruhtenberg went on to say that the words wetbacks and Nigger rich had been used by him all of his life and that they were common phrases, and that he did not know that they were offensive until recently when someone asked him to stop using it, and he assured them that there was no difference between his hypothetical and what was actually said by Mrs. Ruhtenberg, but had she said the latter it would have been met with outrage and anger by Mayor Brown, Mr. Burge and Reverend C. L. Jackson, that amazingly no apology had ever been issued, that yes, Mrs. Ruhtenberg said she was sorry and she, the Mayor, Mr. Burge and Reverend Jackson stated she did not know what she was saying, that ladies and gentlemen that was not an apology that was an excuse, that the Mayor, Mr. Burge and Reverend Jackson stated that she was doing a fine job and according to Reverend Jackson, Jew them down, was not offensive because he used the term all of life until someone told him to stop saying it, that hopefully they knew that it was wrong, and as he stated Mr. Burge and Reverend Jackson stated that she did not know what she was saying and he was curious as to her and Reverend Jackson's educational background so he went to the Internet and found the Mrs. Ruhtenberg was the Vice President of Investments of Lockwood Financial Services in Houston which was a company based out of Melburn, Pennsylvania, that specialized in tax efficient money management services for high net worth individuals and institutional investors, that she was involved in that type of work as early as 1987 when she was with EF Hutton and later on she was with Solomon, Smith, Barney, that she was educated in the prestigious University of the Philippines with a Bachelor of Science and Education, with a mathematics major and a physics minor, that Reverend Jackson had a Bachelor of Theology Degree in 1973 and studied at Moody College and earned a certificate of the Billy Graham Crusade following his studies in Evangelism in Lucern, Switzerland and an LLD Honorary Degree from the Union Baptist Bible College and Seminary, that clearly Mrs. Ruhtenberg and Reverend Jackson were not uneducated and were smart enough to know what was offensive, that Mayor Brown and the Harris County Sports Authority, especially Mr. Burge, Reverend Jackson and Mrs. Ruhtenberg owned the Jewish Community an apology, that they owed it to the

Jewish Community to publicly denounce the word she used at her insincere apology, that Mayor Brown should not be concerned that he would be setting a precedent because he assured him he was not, that he was not asking for Mrs. Ruhtenberg's resignation, since he did believe that Council Member Boney was correct in that she must live with her offensive statement for the rest of her life and he strongly believed that the Jewish Community was entitled to a public apology from the Mayor, Mr. Burge, Reverend C. L. Jackson and Mrs. Ruhtenberg, that if one was not forthcoming he could not imagine how those individuals could remain in public office, that lastly he hoped that City Council, especially Council Members Todd, Tatro, Parker and Goldberg would hold their feet to the fire as they did in the case of Mrs. Walker and he begged that Mayor Brown not do the same mistake that he did in Crown Heights. Council Members Galloway and Sanchez absent.

Upon further discussion and questions by Council Members Goldberg and Boney, Mr. Scheintahal stated he had not spoken to any other individuals or Jewish groups like ADL or Jewish Federation, that he had spoken with Rabbi Jack Segal and Rabbi David Rosen at Congregation Beth Yeshurun and had sent letters to the Mayor, Governor Bush, Mr. Alexander, Ken Lay and Drayton McLain, that he was outraged by this and why everyone else was not outraged by this was just beyond him, that he would like a public apology, whether it be in the paper, whether it be at the Jewish Community Center or the Synagogue, and Council Member Boney stated that he was willing to offer an apology on behalf of himself and the City and any public official and Mrs. Ruhtenberg and did not know whether it had much merit with Mr. Scheinthal but it was simply his heartfelt feeling of the hurt that obviously they felt that manifested itself in some degree of anger about the statement and thought that every member of Council expressed disapproval and disassociation from those remarks and would simply counsel that public denouncement and public humiliation may or may not be appropriate ways of responding to issues like those, it could sometimes move them into other areas where they did not have reconciliation and they would have hard feelings upon hard feelings which would leave everybody with an eye for an eye and a tooth for a tooth philosophy, that in the Bible, David who was the greatest king of ancient Israel was often known to have sinned, but what made David stand apart was that he had a broken and contrite heart, and although the words that were written in the Chronicle, which may or may not have reported the entire set of remarks that Mrs. Ruhtenberg said he did not know, he sensed a broken and contrite heart and to ask for a further written apology was not something that was beyond reason to ask for and would tell him as one who had sometimes been in position of public scrutiny perhaps embarrassment, it was a very heavy burden to bear and was not something that any public official carried lightly, and Mr. Scheintal stated he did not disagree with what Council Member Boney said, however he was concerned not only with Mrs. Ruhtenberg but he was concerned with the Mayor's inaction, was concerned with the statement that Reverend Jackson made, was concerned with the inaction by Mr. Burge, that those were positions that were appointed by City Council and the County. Council Member Sanchez absent.

Mayor Brown stated that any direction that he took on this was not done in isolation, that he reached out to some of his advisors who were leaders in the Jewish Community, including the Anti Defamation League and in the Saturday, March 25, 2000 edition of the Chronicle Mrs. Ruhtenberg did make an apology and stated she truly regretted using the phrase and sincerely apologized to all that were offended and similarly he issued a written statement after his consultation and indicated that he was

sorry that it happened and it was unacceptable under any circumstances and that what was said was not acceptable and was something that they all condemned and if it made a difference in terms of how any one felt he offered an apology again, that it was the wrong thing to do and should not have been done, that their City was based upon diversity and all of them trying to get together and work together and when one made a statement that offended one group that it had to be unacceptable to everyone in the City, that when the director of the Anti Defamation League said that her apology was rapid and accepted by that organization he followed the lead there plus conversations with other leaders in the Jewish Community.

Upon further discussion Council Member Parker stated that whether Mr. Scheinthal saw it or not Mrs. Ruhtenberg did formally apologize, that she apologized on the spot that night when she made the remark and apologized in the media the next day and apologized in writing, that the Mayor apologized and there was not a person around the Council table who did not condemn the remarks and if he did not want her necessarily to resign and yet she had done what they asked and that was to apologize what other step was there, and Mr. Scheinthal stated that an apology was not "I did not mean to say that" that was an excuse, and Council Member Parker stated that in relating the issue to the Lenora Walker incident, the difference was that Ms. Walker clearly knew what she was saying was inappropriate and she did it deliberately and apparently with some thought in advance because she did it for the humor effect, that this situation was completely different and offensive remarks were offensive remarks but how they dealt with them depended on the circumstances, and Council Member Todd stated he did not know if Mr. Scheinthal had a chance to catch the rebroadcast of last weeks Council session, that it was interesting sometimes to read in the newspaper or see it on television what the coverage was on a particular issue and then to have actually been there because a lot of the times there was a whole lot of things that were said and bantered back and forth that were meaningful that did not make it on to the sound bites on televisions or into the newspaper, that they had quite a bit of discussion last week and he brought up that there were numerous examples of people who had made offensive remarks, that the point was that they had people who were both liberals and conservatives on all sides of the political spectrum who made offensive remarks and what he called for last week was for the response of the City and government in general to have a good consistent response regardless of who was making the comment, and Council Member Vasquez stated he spoke with Mr. Schechter last week and he indicated that there were some individuals that were in the audience at that time that had a different take on the facts as they were being portrayed and he was seeking to speak with those individuals and get their version of what the facts actually were and so he did think that there may or may not be a confusion of facts in the near future, and asked Mr. Scheinthal if he thought Mrs. Ruhtenberg should be reappointed and he said no, and Council Member Vasquez stated that some of the other Council Members had made comments about it being a situational type of activity and they should look at the circumstances and he agreed that the circumstances were situational however the principals by which they assessed it were not situational and did not think that they should confuse situational circumstances with situational principals and did think that they needed to be consistent with their principals and hoped they continued to have a dialog over what that set of consistent set of principals should be, and Mayor Brown stated that Mr. Scheinthal could gather from the sense of the remarks that no one accepted those remarks that they condemned those remarks and they certainly would be sharing his concern. Council Members Keller, Sanchez and Robinson absent.

Mr. Arthur Moore, Jr., 8800 Broadway, No. 5328, Houston, Texas 77061 (713-645-3056) appeared and stated that April 1, 1983 they merged with the White union, that they stripped them of everything they had and owned and stated that that Council Member Robinson wanted to jump on it, that he had the names of corrupt politicians, Klu Klux Klan members, the whole thing and he wanted to put it in his hands today, that he wanted to jump on issues like those, that Shiela Jackson Lee sat on City Council and heard the same story he had been telling them and time after time she stated when she got to Washington she would do something about it, but all he ever saw Shiela Jackson Lee do when she got to Washington was to stay on camera and make eyes like Aunt Jemima at President Clinton, that Rodney Ellis sat there also and said he knew the whole story and would do something about it, but he did not do a thing, all he wanted to do was go to Austin, that on the \$32 million dollars worth of property that the White folks took from them on the waterfront he had the original deeds he got from a 90 year old man before he died, that they took the property, poisoned their union leaders and stripped him of his seniority and tried to run all the Blacks off the waterfront because they did not want their history to exist, that they had 90 years on that waterfront and they had built the city, that the old timers told them that there would be Negroes elected to public jobs like Council had, that they needed some justice, that if a dog got caught in a drain television camera's, police and fire department came out, that 3,000 Black men had suffered over the last 100 years making the town what it was and they could get no justice, so it had been 17 years the 1st day of April this year and it looked like a hate crime to him because it had been going on for 17 years and nobody was going to do nothing about it, just a bunch of ignorant Black Negroes down on the waterfront, so they took the property, that is what they did, but as time went on it was not going to work, he did not know how they lay down and sleep and say their prayers, who were they praying to. Council Members Boney, Todd, Vasquez, Sanchez and Robinson absent.

Mayor Brown stated they would make sure Council Member Robinson received the material that he presented to him. Council Members Boney, Todd, Vasquez, Sanchez and Robinson absent.

Mr. Willard Hunter, 3801 Scott, No. 3, Houston, Texas 77061 (713-526-9654) appeared and voiced his personal opinions of City Attorney Anthony Hall, former Mayor Kathy Whitmire and the Port of Houston and finished before his time expired, and Mayor Brown stated that Mr. Hunter had the right to speak, but Council had the right for him to be respectful to people as well and he had crossed beyond that line. Council Members Boney, Todd, Vasquez, Sanchez and Robinson absent.

Ms. Adrienne Lyons, 7807 Edgemoor, Houston, Texas 77036 (713-774-3522) appeared and stated that she was the acting director of the Hear Me Foundation that was started in Houston and was present to commend the City for the agreement that they reached Friday, March 31st with the Justice Department, that by reaching the agreement with the Justice Department the future had been open to serving the needs of Houston's deaf and hard of hearing citizens, that the City had taken it tremendously forward in recognizing those citizens needs, that by educating the police force, City jailers and the Municipal Court System employees they as a city had opened a door of recognition for the deaf and hard of hearing, that now she would like to ask Council to take a giant step forward by realizing the need of providing the CART Program across the board, that the CART Program was the Computer Assisted Real Time Transliteration that they had in

Council Chambers or captioning was what it was also known as, within their municipal system, that not all deaf people signed, that 75% of the deaf and hard of hearing were oral and relied on their visual and lip reading skills and due to that a large portion of deaf and hard of hearing were not benefited by sign interpreters, that if Council would help support efforts to instill a mandatory CART Program within all aspects of the Municipal Judicial System it would benefit the ever growing population of the deaf and hard of hearing, that CART was a type written form of communication that allowed the deaf and hard of hearing to understand everything that was being said and addressed and it was especially important to the juror service, that this form of communication allowed intelligent citizens to serve their civic duty without excuse, that unfortunately society believed that all deaf people sign, and as acting director of the Hear Me Foundation, which was an educational advocacy group for parents of primarily oral, deaf and hard of hearing children who would one day become participating adults in the community she felt a responsibility to instill the importance of the CART Program and their foundation would appreciate any assistance that Council could give them in the future making CART a mandatory accepted mode of communication. Council Members Galloway, Todd, Vasquez, Sanchez and Robinson absent.

Upon questions by Council Member Ellis, Ms. Lyons stated that CART was the screen that they had above the City Secretary, that it was known as CART and was Computer Assisted Real Time Transliteration, which meant that it was available for the hearing impaired and especially for the hearing impaired who did not sign, that her daughter who was hearing impaired was called for jury duty and called down to ask to have CART and they offered her a sign interpreter and she said she did not sign so they said she could be excused, but she really wanted to serve and learn about it and be a part of it, so she called back and let them know that she needed a CART reporter in the jury service area so that she would understand and know what was going on and if chosen could go on and contribute her part, so after a little confusion they finally found a CART personnel to come in and help her that day, that it was a wonderful program and she knew it was available, and Council Member Ellis stated that the Mayor always used CART when he had town hall meetings and maybe they could look into offering it in the municipal courts, and Council Member Keller asked Ms. Lyons to submit something in writing and he would make sure that the proper committee looked at it and studied it. Council Members Galloway, Todd, Sanchez and Robinson absent.

Ms. Carolyn Ponder, 9207 Theysen, Houston, Texas 77080 (713-462-7415) appeared and asked if they all would like to find people to serve as jurors, that she wanted to very much, that she was a native Houstonian, that she was president of SHH which was Self Help for the Hard of Hearing, and a member of Hear Me, that in a survey that SHH did several years back there were 24 million people with a hearing loss, that 22 million were hard of hearing and 2 million were deaf, that those 2 million that were deaf were mainly the ones that signed, that 60% of those people were between 21 and 65 years of age, the voting age and the age to serve on juries, that they were good law abiding citizens, they paid their taxes and abided the laws, supported the government and were educated and had great potential as jurors, that when CART passed she thought yes, now she could serve on a jury, that all her life she had gotten jury summons, that CART was wonderful and when she walked into Council Chambers and saw the CART screen she was glad because she was going to understand the meeting. Council Members Galloway, Todd Sanchez and Robinson absent.

Council Member Bell thanked Ms. Ponder for being present, that as a trial lawyer he had watched hundreds of people use every excuse they possibly could to get out of jury service and he really admired her being so committed to the system and working so hard to be a part of it, and Council Member Ellis encouraged Ms. Ponder to write a letter to the County Judge for the Harris County Courts so they could take care of all the courts in the community, and Council Member Parker stated that her office had been looking into the issue at the request of some of those in the deaf and hard of hearing community and was pleased to note that at Enron Field they had one of the CART devices, that to see they could not be sitting out in the outfield, but it was a wonderful step and encouraged folks to go out to Enron Field and know it was available. Council Members Galloway, Boney, Todd, Sanchez and Robinson absent.

Mr. Richard Healy, 3131 Timmons Ln., Houston, Texas 77027 (713-629-4661) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Sanchez and Robinson absent.

Ms. Suzanne Poole, P.O. Box 1035, Houston, Texas 77459 (281-438-5427) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Sanchez and Robinson 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 Galloway, Boney, Todd, Sanchez and Robinson absent.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 appeared and stated that he was from the private and public sector, that behavior, 3800 Southmore, 1979, taken with knife in the back an officer here in Houston, Texas and other officers had asked him about, who is Jackson and Anuahac, Texas, USA, using him and other children and other people, why did they kill Virginia Chambers, 3922 Eleanor Avenue, Washington, DC, behavior, Jesse Charles kills Williams family, friends, sister, Shirley Williams cousin, Nathaniel Johnson, Charles Ray, James Thompson, behavior in Texas unbelievable and continued expressing his concerns until his time expired Council Members Galloway, Todd, Sanchez and Robinson absent.

Ms. Suzanne Poole, P.O. Box 1035, Houston, Texas 77459 (281-438-5427) appeared and stated that she was present on behalf of the Houston towing industry to make a proposal on how they could address the concerns of the industry for safety and overpricing, that their proposal was simple and short and would allow everyone to participate and alleviate the concerns of the public on safety and overpricing, that it did not involve a contract or cost the City large sums of money to implement, that the changes would involve the police private storage lot agreement and the Houston Police Department, that what they were proposing was that any police scene become a non-consent tow regulated at \$75, that this would also help the public in the amendment that they wanted to make to the police towing contract, because as it stood right now when the people came down to pick up their private property or look at their vehicle for insurance they were asked to sign a release which then made it a consent tow and the storage went from \$11 when it came in as a police tow to \$20 a day as a consent tow, that this would also alleviate the problems with over charging on storage, that they were asking for the accident tow to be a four part ticket, the officer would retain one, the citizen, the towing company and the storage lot, they were also asking that the officer in charge of the scene be asked to overlook the tow ticket as part of his exchange of

information, they felt it would alleviate any of the problems with the high priced tickets and they would no longer have an advantage by speeding to the scene to get a signature, because they would be a regulated tow.

Mayor Brown stated that a Council Committee was looking at the issue as well as the administration, and Ms. Poole stated that the Houston Professional Towing Association sued in Federal Court to deregulate towing and part of their agreement in November of 1996 to withdraw their lawsuit was that the City would only adopt the current ordinance and only make small changes to that and anything that was being proposed as an additional contract from the public, they felt would violate that and they appreciated his consideration. Council Members Galloway, Goldberg, Todd, Castillo, Sanchez, Bell and Robinson absent.

Council Member Ellis stated that they were addressing the issue in the Regulatory Affairs Committee and would take a look at it and that Ms. Poole kept saying that there would be a problem if they did create a contract system, and Ms. Poole stated that if they retained a contract through the City it would violate the agreement of the lawsuit in 1996, and what they did at that point was that they withdrew the lawsuit with the understanding in writing that they City would not adopt a contract with any one individual or any industry and they were under the impression and also in their case briefs that it would only allow the City to adopt a current ordinance that was enforced or make small changes to it like the one they were discussing about the traffic violations. Council Members Galloway, Goldberg, Todd, Castillo, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Ellis, Mr. Bibler stated that he was totally unfamiliar with what Ms. Poole was talking about it and the only lawsuit he knew about went to judgement and they adopted the ordinance to conform to that judgement, that they were looking at all options, including the system that was used in New York City that had been upheld and the system used in Lubbock that had been upheld which would be considerably different than what they had now, that they were also looking at fine tuning the present system, that their anticipation was that a meeting between the Mayor's office, police chief and the Finance and Administration director would be held probably next week and then they hoped to get back with the groups that had approached the administration within a week or two after that at a time when they could get everyone together, that the first meeting was a meeting to discuss options in the administration and was not a public meeting and they would be advising the people who approached the administration sometime after that and have a meeting for the purpose of discussing the issues with them. Council Members Galloway, Goldberg, Todd, Castillo, Sanchez, Bell and Robinson absent.

After further discussion Council Member Quan stated he appreciated Ms. Poole's ideas on the issue and asked if the police took control of the situation did the individual still have a voice on where the car was to be towed and Ms. Poole stated that normally what would happen now if they deferred to the police officer at the scene, it would automatically go to a City approve storage lot, and Council Member Quan stated there had been some discussion of a wrecker court and asked Ms. Poole her view on that, and Ms. Poole stated that she had talked to Judge Mejia on that who referred her to the City prosecutor and he felt that they had two courts who could address that as far as wrecker code violations and thought that what they talked about at the Regulatory Affairs Committee was that they could not really detail who was making the moving violations as

far as they being wrecker drivers without changing the ticket system that they had in place, that the City prosecutor felt like he had a way to get the people into court and make them stay in court who had that many moving violations, because they addressed one individual in particular who had 400 – 600 tickets who kept getting the process postponed, that she did feel it was just a few bad apples that were causing the problems and that there were sufficient resources in the courts as they were today to handle most of the problems, because it would be very costly to the City to handle one special court. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Boney stated he had reviewed the issue with Jim Short and it was a fairly complex matter, but there had been a great deal of unity developed in the industry around the proposal and if they had questions he would strongly recommend that they discuss those options with Jim Short and Ms. Poole stated that Mr. Short did not speak for their industry he spoke for IMS. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Ellis stated that in the Regulatory Affairs Committee presently they were actually looking at the wrecker drivers who had multiple traffic violations and that was the issue that they would be addressing over the next couple of weeks and the issue in question would not surface again for another couple of months. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) stated that City Council Chambers the media and the press, that he saw they were not present again and he was being criminally denied emergency news coverage, that he was President Joseph Charles who would protect their greater City of Houston, Texas from the global Mafia, that he was President Joseph Charles of Royalty and also a certified volunteer deputy register of Harris County that they had knowledge of and one of the only official presidential candidates for the coming presidential election that they should receive and he forwarded one to each one of them, that his case address of action was that he was a HPPU booster member and of his crime victim case, crime victim conviction case versus HPD was of capital punishment, that he was being criminally denied emergency protection and had requested that action be taken against the police department and to get emergency protection provided. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that on Friday he received a call from Mr. Jeffrey Neal, who was the Libertarian Party of Texas Chairman informing him that he had ruled on his appeal and that he was the Libertarian Party Candidate for Texas Representative 147 so that was going to be interesting because he and his opponent both attended the University of Saint Thomas so now that he did not have to fight on that he could devote his time to the Million Marijuana March on May 6, 2000, that it was very disorganized right now and he volunteered to help organize it, but he was not an organizer he was a communicator, but he needed their help because he could not allow his faggot ex-spouse Richard Partsch in Zurich, Switzerland, and could not allow Zurich to beat Houston in the race and if Houston did not come out better than Zurich, Switzerland he was going to blame it on

them, especially Council Member Parker for canceling and those who voted against the Westheimer Street Festival because the Hemp Fest was always held at the Westheimer Street Festival, that it was three of them who voted to keep it there.

At 3:41 p.m. upon motion by Council Members Quan and Vasquez the City Council recessed until 9:00 a.m. Wednesday, April 12, 2000. Council Members Galloway, Goldberg, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 12, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office, present.

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

At 9:12 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Boney, Todd, Vasquez, Castillo, Parker and Robinson absent.

MAYOR'S REPORT

HEARINGS

- 1. PUBLIC HEARING** to consider the creation of a Reinvestment Zone for **EXTRUSION TECHNOLOGY CORPORATION - DISTRICT E - TODD - 9:00 A.M.**
– was called.

The City Secretary stated that no one had reserved time to speak and that Mr. Bill Calderon with City Planning would present his remarks. Council Members Galloway, Boney, Todd, Parker and Robinson absent.

Mr. Bill Calderon, Assistant Director Planning and Development, stated that this morning's hearing was on Extrusion Technology and the creation of a reinvestment zone for the company; that the city received application from them on January 24, 2000, and considered it complete at that time; that Extrusion Technology was a wholly owned subsidiary of RTI International Metals, Inc., a leading U. S. producer of metal products for the global market; that they were currently located in Ohio and were considering a relocation to Houston and proposing to lease 142,000 square of feet in the existing Continental AMSCO facility near Hobby Airport in Council District E; that if the relocation occurred it should generate a total investment estimated at \$9.5 million of which \$9.3 million would be abatable; that their current employment was 28 full-time jobs and the proposed project would transfer 13 to Houston and they proposed to add an additional 32 jobs which they anticipate within the first three years of the abatement; that if the abatement were approved the city's annual average income during the abatement

period would go up by \$53,403.00 and after that period it was anticipated the annual revenue would go up by an additional \$88,000 over current revenues; that the applicant was seeking no variances of the tax abatement ordinance and Extrusion Technology was a Greater Houston Partnership client; and Michael Wellhem, president of Extrusion Technology, and members of the Greater Houston Partnership were present to answer any questions.

There being no questions Council Member Sanchez moved to close the hearing, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0510 ADOPTED.

Consent Agenda (Items 2 through 52) were considered as follows:

ACCEPT WORK - NUMBERS 2 and 3

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$167,594.00 and acceptance of work on contract with **SUMCO, INC** for Parks to Standard Program, Dow Elementary Park, GFS F-0351-65-3 - 00.15% over the original contract amount - CDBG Grant and General Improvements Consolidated Construction Funds - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Vasquez, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0511 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 15

LOW BIDS

4. **NORTHSIDE SERVICES, INC** for Two HVAC Units at Fire Station No. 55 for Fire Department Replacement - \$30,922.50 - Fire Department Revolving Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0512 ADOPTED.
5. **MEDELA, INC** for Medical, Breast Feeding Apparatus for Health and Human Services Department \$49,524.00 - Grant Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0513 ADOPTED.
6. **TIMBERLINE FISHERIES CORP.** for Feed, Live Insects for Parks & Recreation Department \$155,313.60 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0514 ADOPTED.
7. Omitted
8. **LUIS AUTO COLORS** for Automotive Refinishing Products Contract for Various Departments \$164,549.00 - General, Enterprise and Fleet Management Funds –

was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0515 ADOPTED.

OTHER

15. **HOUSTON-GALVESTON AREA COUNCIL** for Four Pickup Trucks and Four Vans through the Interlocal Agreement for Cooperative Purchasing for Various Departments - Replacement \$162,258.44 - Enterprise, Street & Drainage Maintenance and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0516 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 52

16. RESOLUTION setting a Public Hearing date for amending Land Use Assumptions, Capital Improvements Plans and Impact Fees for Water and Wastewater Facilities HEARING DATE - WEDNESDAY - 9:00 A.M. - JUNE 7, 2000 – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
23. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 88** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-250 ADOPTED.
26. ORDINANCE approving and authorizing the City of Houston to enter into contract with **THREE PROPERTIES, LTD.**, to provide a \$3,107,500.00 second lien loan of Community Development Block Grant (“CDBG”) Funds to acquire and Rehabilitate Three (3) Apartment Complexes, consisting of 565 Multi Family Units, located at 5300, 5350, and 5454 W. Gulf Bank Road, Houston, Texas, restricted for rental to low and very low income persons - DISTRICT A – TATRO – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
29. ORDINANCE approving and authorizing the acceptance of a grant from the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE**, under the 1998 Bulletproof Vest Partnership Act; declaring the City’s eligibility for such grant; authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the program - \$388,000.00 - General and Grant Funds – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-251 ADOPTED.
30. ORDINANCE approving and authorizing an Interlocal Agreement between the City and **HARRIS COUNTY** for Criminal Prosecution of State Law Violators pursuant to Solid Waste Assistance Enforcement Grant from the Houston-Galveston Area Council - \$92,000.00 – had been pulled from the Agenda by the Administration, and was not considered.

31. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **KINGS POINT COMMUNITY ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 3 Months - \$198.00 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-252 ADOPTED.
38. ORDINANCE appropriating \$22,092.80 out of Street & Bridge Consolidated Construction Fund No. 437 and approving and authorizing agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for construction of Airport Blvd. from Hiram Clark Road to F. M. 521, GFS N-0611-09-3 (N-0611-09) - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-253 ADOPTED.
39. ORDINANCE approving and authorizing agreement between the City of Houston and the **STATE OF TEXAS** for Reconstruction of Shepherd Drive from U.S. 59 to Rice, GFS N-0611-02-2 (SB9018) and appropriating \$33,449.00 out of Street & Bridge Consolidated Construction Fund No. 437 - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-254 ADOPTED.
40. ORDINANCE appropriating \$173,513.00 out of Water & Sewer System Consolidated Construction Fund for Demolition of the Alief Central Wastewater Treatment Plant under various cost sharing contracts with the **GULF COAST DISPOSAL AUTHORITY**, CIP R-0527; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-255 ADOPTED.
45. ORDINANCE appropriating \$2,022,142.00 out of General Improvement Consolidated Construction Fund, awarding construction contract to **KCC GROUP, INC** on low bid of \$1,765,112.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for construction of Clear Lake Park; GFS F-0444-03-3; providing funding for construction management and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT E – TODD** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
49. ORDINANCE appropriating \$250, 000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **TOTAL CONTRACTING LIMITED** on low bid of \$205,704.67 and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** in the amount of \$12,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-R4-3, (N-0610A-73); providing funding for construction management and contingencies relating to construction of facilities

financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-256 ADOPTED.

50. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **MARGON, INC** for Design of 2000 Safe Sidewalk Program, CIP N-0610A-93-2 (SB9029); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-257 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

ACCEPT WORK

3. ORDINANCE appropriating \$170,000.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **KINGSLEY CONSTRUCTORS, INC** for Clark and Dipping Lane Relief, GFS R-1225-16-3, Contract No. 37234, (4473-2) approved by Ordinance No. 97-0018 - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-258 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$174,848.59, final contract amount of \$2,066,668.74 and acceptance of work on contract with **KINGSLEY CONSTRUCTORS, INC** for Clark and Dipping Lane Relief Sewer, GFS R-1225-16-3 (4473-2) - 14.41% over the original contract amount **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0517 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

9. **SOUTHLINE EQUIPMENT CO.** for Five Battery-Powered Walk-Behind Sweepers for Convention and Entertainment Facilities Department - Replacement - \$45,475.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0518 ADOPTED.
10. **HAMILTON UNIFORMS** for Apparel, T-Shirts for Fire Department - \$37,991.00 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0519 ADOPTED.
11. **AVENTIS PASTEUR, INC** for Yellow Fever Vaccine for Health & Human Services Department \$17,097.00 - General Fund – was presented, moved by Council

Member Sanchez, seconded by Council Member Vasquez, and was tagged by Council Member Keller. Council Members Boney and Todd absent.

12. **DEMCO, INC** - \$208,750.00 and **GAYLORD BROTHERS** - \$20,000.00 for Audiocassette and Videocassette Accessories for Library Department - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0520 ADOPTED.
13. **THE HOUSTON CHRONICLE** for 605,000 Copies of the Annual "Recycling and Neighborhood Cleanup Handbook" for Solid Waste Management Department - \$22,000.00 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Members Boney and Todd absent. MOTION 2000-0521 ADOPTED.
14. **GOOD NEWS TRADING COMPANY, INC dba RIBBON COMPANY** - \$95,000.00, **Aa: BADGE & TAGS COMPANY** - \$80,000.00, **ACADEMY ADVERTISING SPECIALTIES & AWARDS** \$175,000.00 for Awards, Trophies and Plaques for Various Departments - \$350,000.00 General, Grant and Enterprise Funds – was presented, moved by Council Member Robinson, and seconded by Council Member Vasquez. Council Members Boney and Todd absent.

A roll call vote was called on Item 14.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting aye.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting no.	Council Member Quan voting aye.
Council Member Boney absent.	Council Member Sanchez voting no.
Council Member Todd absent.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson voting aye.
Council Member Keller voting aye.	MOTION 2000-0522 ADOPTED.

RESOLUTIONS AND ORDINANCES

17. RESOLUTION authorizing the City of Houston, Texas, to intervene in proceedings relating to the application of **RELIANT ENERGY, INC** for approval of unbundled cost of service; authorizing the City Attorney to represent the City and to take appropriate actions relating to such proceedings; making certain findings related thereto – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. RESOLUTION 2000-15 ADOPTED.
18. RESOLUTION authorizing the City of Houston, Texas, to intervene in proceedings relating to the application of **ENTERGY GULF STATES, INC** for approval of unbundled cost of service; authorizing the City Attorney to represent the City and to take appropriate actions relating to such proceedings; making certain findings related thereto – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. RESOLUTION 2000-16 ADOPTED.

19. ORDINANCE approving and authorizing contract between the City of Houston and **WICKLIFF & HALL** for Legal Representation of the City in the Reliant Energy's Unbundled Cost Service Application and related matters before the Texas Public Utility Commission; providing a maximum contract amount - \$950,000.00 - General Fund – was presented, and was tagged by Council Member Keller. **(Note: Council Member Keller released his tag later in the meeting.)**
20. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 122** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-259 ADOPTED.
21. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-260 ADOPTED.
22. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 124** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-261 ADOPTED.
24. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 89** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-262 ADOPTED.
25. ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty, City of Houston, Texas (The Southwest Houston Zone); authorizing the City Secretary to distribute such plans; containing various provisions related to the foregoing subject - **DISTRICT F – ELLIS** – was presented, and was tagged by Council Members Ellis and Keller. Council Members Boney and Todd absent.
27. ORDINANCE appropriating \$220,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 5.312 acres of land out of the T. S. Roberts Survey, Abstract 659, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and authorizing the Mayor to execute a purchase and sale agreement with **RAMESH KAPUR** and **MANUJ KAPUR** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-263 ADOPTED.
28. ORDINANCE approving and authorizing Street Lighting Agreement between the City of Houston and **MIDTOWN REDEVELOPMENT AUTHORITY - DISTRICTS D - BONEY and I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-264 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.**, for Legal Representation of the City in its petition for Certiorari in the United States

Supreme Court relating to the lawsuit styled City of Houston v. Kolb; providing a maximum contract amount - \$90,000.00 General Fund – was presented, and was tagged by Council Member Tatro.

33. ORDINANCE approving and authorizing professional services contract for consulting services related to Strategic Purchasing between the City of Houston and **ARTHUR ANDERSEN LLP**; providing a maximum contract amount - \$255,607.00 - General Fund – was presented, and was tagged by Council Members Tatro, Robinson, Keller, Sanchez and Goldberg.

Council Member Robinson stated that his recollection was there had been a number of reviews and timelines and he would like them put together and sent to him so he could see what they would be getting that was different; and Mayor Brown stated that he would make sure it happened. Council Members Boney and Todd absent.

34. 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 – was presented, and was tagged by Council Member Sanchez. Council Members Boney and Todd absent.
35. ORDINANCE approving and authorizing professional architectural and engineering services contract between the City of Houston and **LAY-SU & ASSOCIATES, INC** for Renovation of Fire Stations and other Fire Department Facilities; providing a maximum contract amount - 3 Years with two renewal option years - \$625,000.00 - General and Fire Reconstruction Revolving Funds – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-265 ADOPTED.
36. ORDINANCE awarding the contract to **NWTW, INC dba NORTHWEST TRACTOR WORKS** for Weed Mowing and Debris Removal Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$9,800,895.00 General Fund – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-266 ADOPTED.
37. ORDINANCE authorizing a one year extension for the restated and amended contract between the City of Houston and **ST ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance of the Kingwood Water and Sewer Systems; amending City of Houston Ordinance No. 97-435 by increasing the maximum contract amount - \$2,500,000.00 - Enterprise Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2000-267 ADOPTED.
41. ORDINANCE appropriating \$933,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **THOMPSON PROFESSIONAL GROUP, INC** for Design of construction of South Shaver Street from Gulf Freeway (I.H.45) to Galveston Road (S.H.3), CIP N-0582-01-2 (SB9006); providing funding for contingencies relating to construction of facilities financed by the Street &

Bridge Consolidated Construction Fund - **DISTRICT E – TODD** – was presented, and was tagged by Council Member Keller. Council Members Boney and Todd absent.

Council Member Castillo stated that he noticed this was a piece of road about one and a half miles long with \$933,000 for professional engineering services and \$411,000 of which was for engineering and \$437,000 was for additional services; that normally the additional services was a fraction of the engineering estimates and he did not understand why this time it was inverted and secondly, he did not understand why it was such a large amount of dollars for a project no so extensive; that there were three ordinances following which were similar and he knew design fees were set using a curve of median compensation used by the Public Works Department and he would like a copy of the study or the policy setting those compensation curves and the backup for them; that he felt they were either over engineering or overpaying for engineering services for a lot of projects; that normally the engineering and design was about 7% of the construction and in this case it was 10%; and Mayor Brown stated that someone would visit with him and provide answers.

Council Member Keller stated that he would join Council Member Castillo and he would also note the additional services and he would like someone to get with him to explain the origination of the project and itemization of additional services; and Mayor Brown stated that would happen.

42. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BINKLEY & BARFIELD, INC** for Design of Neighborhood Sewer Rehabilitation at Various Places, CIP R-0266-92-2 (WW4762); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - BONEY; E - TODD and I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-268 ADOPTED.
43. ORDINANCE appropriating \$408,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PEPE ENGINEERING, LTD** for Design of Lyerly Sewer Tunnel from Airline Drive to Fulton Street, CIP R-2003-03-2 (WW4776); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2000-269 ADOPTED.

Council Member Castillo stated that this was one of the ordinances he referenced to and if you looked at the amounts in the last three ordinances compared to the amounts in the CIP, the CIP showed there was no money allocated for further engineering and design in the year 2000, in the out years, so his question was where would it come from; and Mayor Brown stated that he would make sure he received an answer to his question.

44. ORDINANCE approving and authorizing first amendment to professional engineering services contract between the City and **THOMPSON**

PROFESSIONAL GROUP, INC for the Design of Frostwood Drainage Improvements, CIP M-1001-01-2 (SM5008) - **DISTRICT G – KELLER** – was presented.

Council Member Keller stated that he wanted to compliment Robin Green for an extraordinary job in writing the backup for this item.

A vote was called on Item 44. All voting aye. Nays none. ORDINANCE 2000-270 ADOPTED.

46. ORDINANCE appropriating \$380,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **JFT CONSTRUCTION, INC** on low bid of \$314,587.00 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD., d/b/a GEOTECH ENGINEERING & TESTING** in the amount of \$20,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q4-3; File No. N-0610A-5; providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2000-271 ADOPTED.

47. ORDINANCE appropriating \$809,900.00 out of Street & Bridge Consolidated Construction Fund, Fund No. 437, awarding construction contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$649,051.10 and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$25,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-S4-3, File No. Group No. 1; providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY; E - TODD; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-272 ADOPTED.

48. ORDINANCE appropriating \$373,000.00 out of Street & Bridge Consolidated Construction Fund, Fund No. 437, awarding construction contract to **JFT CONSTRUCTION, INC** on low bid of \$284,700.70 and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING AND TESTING, INC** in the amount of \$18,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-S5-3, File No. Group No. 2; providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-273 ADOPTED.

51. ORDINANCE appropriating \$500,000.00 out of General Improvements Consolidated Construction Fund and \$7,500,000.00 out of the Solid Waste Consolidated Construction Fund for construction of the Southeast and Southwest Transfer Stations, CIP L-0047 and L-0048 - **DISTRICTS F - ELLIS and I –**

CASTILLO – was presented. All voting aye. Nays none. ORDINANCE 2000-274 ADOPTED.

52. ORDINANCE NO. 2000-245, passed first reading April 5, 2000
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 - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2000-245 PASSED SECOND READING IN FULL.

MATTERS HELD - NUMBERS 53 through 69

53. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **BERKSHIRE ADVISORS, INC** for Professional Consulting Services to conduct a staffing analysis of the Library's public service positions - \$132,180.00 - General Fund – **(This was Item 66 on Agenda of March 29, 2000, POSTPONED BY MOTION #2000-440)** – was presented. Council Member Castillo absent.

Council Member Keller stated that he wanted to thank Ms. Gubbin for the time she spent going over the item and for going over the Master Plan; that the Master Plan was completed in August of 1999 and the cost was \$475,000 and that was his problem with this item; that he did not think it was justified to spend another \$132,180 00 of taxpayers money for another study when one was done eight months ago; that he would have liked this to be done at that time and to justify the study the answers were already going to be determined that they would need to change their hiring policy and bring in more staff with background in technology and business and he would back her 100% to bring them in, but he did not think the study was needed only support for her in her decisions. Council Member Castillo absent.

Council Member Quan stated that as they embarked upon the expansion of the library it was necessary to understand how their staff compared to other staffs and \$132,000 as a small amount when considering the scope of the review that he felt they did a disservice to department heads when they micromanage every decision they made; and he felt they needed to go forward with it. Council Member Castillo absent.

Council Member Robinson stated that he was going to be a no vote as he felt a department director could identify if they needed changes in job classifications, what duties a person would hold, and he did not think a consultant could come in and know more about the department than the director; and if the Master Plan was going to get in the way of being able to handle this then it should be put off and everything in house should be set straight first.

Council Member Bell stated that when this was originally brought to the committee he raised questions as he had concerns with the amount of money they were being asked to spend to study the classification and thought it could and should be handled in-house, but the more difficult decision was the staffing analysis and he felt the director made an excellent point when saying it was difficult to make those decisions yourself as people became very turf oriented and did not like changes and without an independent source making the decisions they would never have the data needed for such decisions and in the long-run felt it may be money well spent and he felt it should be supported. Council Members Tatro and Boney absent.

Council Member Todd stated that for the same reasons echoed by Keller and Robinson he too intended to vote no on the item; that he firmly believed such decisions should be made by department directors and he intended to vote no and save the city money.

Council Member Keller stated that \$475,000 was spent to get the data and it was unfortunate a lot of this was not done, but he did not want this to be contagious among directors so that each time a tough decision was needed they would hire consultants.

Council Member Boney stated that he was in support of Ms. Gubbin, she was an excellent department head, and when the director of the Fire Department came in some Council Members disagreed even though they had no fire fighting experience so maybe Ms. Gubbin was looking at past experiences and believed a third voice would help Council on their decision; that the Library Department was one traditionally under funded; and he was in support of the item and urged all Council Members to vote for the item.

Council Member Parker stated that this item would fit into the Library Master Plan study which was done last year and a comment was made it would be nice if this element of the library was studied when they did the Master Plan and perhaps it would have been, but it was not an oversight; that the Library Master Plan was designed to see how the library fit into the context to the city, where it was going and how they could position it for the future; that this was an internal study to see how best to allocate staff and resources for the library; that she was most gratified to hear Council Members saying they trusted the director and that they knew they needed to pay staff better and she hoped as they got into the budget process they would remember those comments.

Council Member Castillo stated that he intended to support the item; that discussion was focussed on whether this provided cover for restructuring of library staffing, but he felt it was for an objective work analysis on demands and requirements of the library system and in the private sector they were called time and motion studies so you could find the most efficient way to get things done; that this was also to update job requirements set long ago before modern demands were placed on libraries; that in his area many times there was one librarian and it may be a simple matter of hiring leg people with minimal training in library science but who could assist with language and technical questions; and he believed the information gained from the study would be much more productive than the political aspect placed on it.

Council Member Tatro stated that tough decisions had to be made by Council Members each week and they had to stand on them and he also supported Ms. Gubbin

and her wanting to make the public library system one of the best it could be, but he was concerned with the precedent being set for other directors; that he believed such decisions needed to be made in-house and money could be used for more books, etc., and he would be voting no.

Council Member Vasquez stated that he agreed philosophically with some comments made around the table that the item seemed unnecessary and costly and why could the director not do it, but pragmatically the library had a lot of needs and there needed to be steps to move the library forward and if the staff took time to do this he believed it would take too much time and a consultant was more qualified to do it and he was in support of the item, however, he would encourage Council Members who were praising the strategic Master Plan to take time to read it as it had fundamental flaws and there were fundamental holes in the assumptions which drove the plan and there needed to be flexibility on the plan and he hoped there would be continued discussion on it publicly and among Council committees.

Council Member Galloway stated that she also felt the item should be supported; that they wanted the library to be the best and she felt what the director wanted was needed; that they needed the technology and know how to implement what was recommended from the Master Plan; and she would urge support.

Council Member Robinson stated that he had no idea how a consultant would develop a staffing model for what the City of Houston Library system should be unless they were going to establish what they thought the library system should be so he assumed they would take the Master Plan and impose their vision; that he felt they had time and competence, there was a Human Resources person on staff and an entire Human Resources department in the city so he wanted to know why no one the city had under the Human Resources Code knew anything about personnel or how to apply the city's preexisting Human Resources Codes to establish efficient positions or appropriate positions with appropriate job descriptions with an appropriate salary; and he felt it would be better if you were going to spend the money to put the expertise in the library and let them have the personnel to do it; and he wanted someone to tell him how much time the consultants were going to spend, how many people they would interview so he could get a comparison as to why they were needed and not someone in-house.

A roll call vote was called on Item 53.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney aye.	Council Member Sanchez voting aye.
Council Member Todd no.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-0523 ADOPTED.

54. MOTION by Council Member Vasquez/Seconded by Council Member Sanchez to adopt 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 – (This was Item 2 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER TODD)** - was presented.

Council Member Ellis stated that Council Member Todd had tagged the item last week and if he had not then he would have as there were concerns from people in the area that the contractor had not filled his agreement, but this was a joint partnership between HISD and the City of Houston where the city would build and HISD would maintain and the problems found were in the maintenance and not on the part of the contractor and he would urge approval.

A vote was called on Item 54. All voting aye. Nays none. MOTION 2000-0524 ADOPTED.

55. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt 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 - (This was Item 3 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER BELL)** - was presented. All voting aye. Nays none. MOTION 2000-0525 ADOPTED.

56. 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 – **(This was Item 15 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ, TATRO and BELL)** – was presented.

Council Member Ellis stated that he felt residency requirements for judges sent a terrible message and did not think it was needed; and moved to amend the item by removing the residency requirement, and was seconded by Council Member Todd.

Council Member Boney stated that he would urge Council Members to vote against the amendment; that the general procedures for boards and commissions had a residency requirement and so did the Planning Commission and he felt it was a fair standard; and again urged a vote against the motion.

Council Member Todd stated that he understood there would be a motion to delay, but if the concept was all public officials as defined in the Charter should be residents of the City of Houston then he would like all public officials in the City of Houston, which would include all assistant city attorneys; that in the Charter it was also defined that public officials were those who donated services and if they were going to have a consistent policy and be in line with the Charter then he would like conformation that the Charter was being followed and the policy was consistent; that he did most of his daily

affairs outside the City of Houston because he lived in the suburbs and in a lot of ways he had more in common with Galveston than Houston; that he thought it was a bit inner loop to state you had to live within the City of Houston to understand the issues facing Houston residents; and he would urge Council Members when considering residency requirements to consider first that they were judges who were supposed to be interpreting the law and not representing people and secondly with the way Houston was stretched out it may be better to have a more regional approach.

Council Member Castillo moved to call the question, and it was seconded by Council Member Parker.

A roll call vote was called on Council Member Castillo's motion to call the question.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney aye.	Council Member Sanchez voting no.
Council Member Todd no.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION FAILED TO RECEIVE A TWO-
THIRDS VOTE OF THE CITY COUNCIL.	MOTION 2000-0526 FAILED.

Council Member Robinson stated that he wanted on the record for public purposes, just in case Council Member Todd should run and win the Commissioner's seat that the Constitution for the State of Texas said District Court Judges had to be geographically bound to the county from which they were elected and he also wanted to remind him that when they came down for him to lift the jurisdiction requirement in terms of geography on Constables, Justice of the Peace and County Court Judges that he would be on board and on the record and he should be careful of what he said because consistency was a very dangerous thing.

Council Member Todd stated that he appreciated that, but he had read an editorial from [the Houston Chronicle](#) and he thought it was inappropriate to start lobbying the Commissioners already.

A roll call vote was called on Council Member Ellis' amendment to Item 56.

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting aye.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting no.
Council Member Boney no.	Council Member Sanchez voting aye.
Council Member Todd aye.	Council Member Bell voting no.
Council Member Ellis voting aye.	Council Member Robinson voting no.
Council Member Keller voting aye.	MOTION 2000-0527 FAILED.

Item 56 was again before Council.

Council Member Sanchez stated that his concern was the consulting fee of \$2.3 million; that he wanted time to get a response from the two municipalities they were checking with and the consultant they were talking to; and moved to postpone Item 56 two weeks, and was seconded by Council Member Tatro.

Council Member Boney moved to suspend the rules to hear from Judge Mejia and Mr. Ron Mangus, and was seconded by Council Member Bell. All voting aye. Nays none. Council Members Keller and Quan absent. MOTION 2000-0528 ADOPTED.

Upon questions by Council Member Boney, Mr. Mangus stated that Derick Consulting prepared the original road map for the Municipal Courts Strategic Information Plan and they also prepared the briefing passed out to Council Members several weeks ago which indicated a cost estimate of \$6.3 million and \$2.3 million was identified for contractor consultant services; that basically this was a very complex endeavor and probably the largest endeavor the Municipal Courts had ever undertaken; that the contractor consulting services involved from the ground up, reviewing the current system, development of further requirement analysis, development of game plans to develop the system and to separate parking management from Criminal Municipal Court functions and design and specifications for handheld technology for police and other law enforcement officers, and overseeing, developing, programming, designing and procurement for a document management and document imaging storage systems for the Municipal Courts, etc., that it would be spent over a course of three years and employee training was included; that they had delays because of the Y2K effort and the original strategic information study was prepared and presented to the Technology Steering Committee in October 1998, and they wanted to get started then; that he could not understand what they would learn from other municipalities with another two week delay; that other municipalities in the State of Texas were assessing the \$4.00 technology fee and they were improving technology; that they were the flagship of Municipal Courts in the State of Texas and they were significantly behind in technology. Upon further questions by Council Member Boney, Judge Mejia stated that everything would come back to Council, every step of the way. Mr. Mangus stated that every expenditure would require Council approval.

Upon questions by Council Member Tatro, Mr. Mangus stated that he could not guarantee the project would go at warp speed and Derick Consulting may not be the primary consultant; that another RFP was going to be developed. Council Member Tatro stated that he seemed unwilling to allow the Council Member his request of a two week delay when the process could literally take two years and he would ask Council Members to support the two week delay for information purposes.

Council Member Bell stated that some of his fears were put to rest on the court appointed attorneys and he felt that now they needed to watch the amount of money they were being paid, if it stayed at this level he did not see any chance of breaking the bank; and he thanked Judge Mejia for getting the information to him.

A roll call vote was called on Council Member Sanchez's motion to postpone Item 56 two weeks.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting aye.
Council Member Tatro voting aye.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney no.	Council Member Sanchez voting aye.
Council Member Todd aye.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson voting aye.
Council Member Keller voting aye.	MOTION 2000-0529 ADOPTED.

57. 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** – **(This was Item 23 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ and TODD)** – was presented. All voting aye. Nays none. ORDINANCE 2000-275 ADOPTED.
58. 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** - **(This was Item 27 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS TODD, TATRO and GOLDBERG)** – was presented.

Council Member Tatro stated that the item was to purchase property from HISD and he was told the city was giving credit, \$900,000, to HISD for future right of way agreements or land acquisitions they would grant to the city and it would be general fund money; that in earlier discussion they talked about the library was going up there and it was inside the Fourth Ward TIRZ and they were using general fund money to supplement the TIRZ; that he was also told the upstairs would be converted into 100 residences so there was being general fund money to supplement the TIRZ and to become landlord to 100 apartments to be turned over to a developer to develop; that he thought that was why the TIRZ was created and strongly disagreed with it and would urge a no vote.

Council Member Goldberg stated that he had concerns that once it was voted on they would lose control of it as the contingency regarding the environmental study was made by Housing and Community Development; that he also thought if a museum was to be developed it should be developed in the Museum District.

Council Member Boney moved to suspend the rules to speak with Ms. Bingham at this time, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0530 ADOPTED.

Council Member Boney stated that for Council Members who just joined Council, the issues regarding the redevelopment of the Freedmen’s Town neighborhood, Fourth Ward, had been ongoing; that Freedmen’s Town was a neighborhood that had been settled by freed slaves and the original settlement of African Americans in Houston; that

over time African Americans began losing control over the property and over the course of time Allen Parkway Village became a public housing project there and then allowed to dilapidate and so what you had was a very difficult economic and political problem in which an area with extraordinary historical importance and significance to the African American community was faced with gutting of the African American historical heritage commitment; that over the last two Administrations they had come up with a real strategy and the development of the TIRZ was to provide a tool so local African American property owners could participate in the redevelopment and they had done that and the churches who were the majority of African American property owners remaining were building affordable housing; that they were trying to make sure African Americans were not forced out as they were in Midtown and that there was affordable housing; that he would urge Council Members to not get to the end and then try and review because he would guarantee they would find themselves in more of a political and economic problem than they would ever imagine; and the museum did need to be in the Fourth Ward.

Upon questions by Council Member Boney, Ms. Bingham stated that with this transaction the city would become temporary owner of the facility and they would issue a Request For Proposal to do several things; that they would look for a local developer to do three things, remove the slum and blight from the neighborhood, create a museum and provide space for retail and housing; that this was no different from the Rice Hotel transaction, the goals were the same; that the developer chosen would be the one to remove the asbestos and if the city chose to not purchase any building with asbestos there would be thousands of buildings in Houston no one would ever touch; that the city put over \$5,000,000 into the Rice Hotel

Mayor Brown stated that regarding the location there was a group of people working with the Museum District and they were supportive of the museum being at the location because it preserved the historical aspect of the Fourth Ward; that the people at the museum were working with the Administration as well as those in the community and it was appropriate. Council Member Vasquez absent.

Council Member Castillo stated that whenever large cities in Texas did major redevelopment of their inner city they always took steps to preserve parts of the redeveloped areas of cultures previously there so people could go back and see what it was like and it was no different to try and preserve some part of the Fourth Ward; and he intended to support the item as it accomplished that purpose and encouraged other Council Members to also support the item. Council Members Boney and Vasquez absent.

Council Member Parker stated that she had some of the same questions she had last week when they voted to purchase the Light Guard Armory; and upon questions, Mr. Stephen Lewis stated that Council was not committing to future uses of the building if they made the agreement with HISD, the only restriction agreed to with HISD was that they would not sell the property for at least three years and there was also a 40 day inspection period where they would do environmental testing, title reviews, survey and the usual list of things done under an earnest money contract and if there were enough serious problems to deter them from buying then they could terminate with no further liability.

Upon further questions by Council Member Parker, Ms. Bingham stated that the market rate was \$16.00 a square foot for vacant land and they were paying \$900,000 for 90,000; and any plans such as museum, etc., would come back to Council at a future date.

Upon questions by Council Member Boney, Mr. Lewis stated that HISD had considered selling the property in a sealed bid process, but fortunately there was a provision in the local government code which provided one government entity to avoid the sealed bid process if they sold to another governmental entity with the power of condemnation which the city had; that HISD entertained the city's offer and were comfortable and would forego the sealed bid process; that TIRZ organizations could only acquire it through a risky process, the sealed bid sale; that it was not unprecedented for the city to establish a credit account and had been done by Public Works.

Council Member Quan stated that he appreciated the discussion and it seemed a lot of history had gone into it, but that there was also a lot of innovative financing and he would like to study it for more detailed; and moved to postpone Item 58 for two weeks, and was seconded by Council Member Keller. Mayor Brown, Council Members Boney, Parker, Castillo and Galloway voting no. Balance voting aye. MOTION 2000-0531 ADOPTED.

Council Member Boney stated that this was a very intricate and delicate balance as they tried to make sure all constituencies of the community and economics made sense and he hoped Council Members would take that into their counsel when they had questions and brought them forward.

59. 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 – (This was Item 29 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORINANCE 2000-276 ADOPTED.
60. 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 – **(This was Item 30 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS QUAN and KELLER)** – was presented. All voting aye. Nays none. ORINANCE 2000-277 ADOPTED.
61. 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 – **(This was Item 31 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS TODD, TATRO, KELLER and ELLIS)** – was presented.

Council Member Goldberg stated that he had visited with Pat Fox in Washington, D.,C. and last year for about \$180,000 funding they got the city \$2,000,000 in federal money and he was so pleased when told next year they planned to get Houston \$10,000,000. And he had just wanted to say how pleased he was on the record.

62. 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 – **(This was Item 32 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS KELLER and BONEY)** – was presented.

Council Member Bell stated that he supported the item but he did not serve on the Technology Committee; and moved to question Ms. Dotson or Ms. Culbreth, and was seconded by Council Member Keller. Council Members Tatro and Sanchez absent. MOTION 2000-0532 ADOPTED.

Upon questions by Council Member Bell, Ms. Cheryl Dotson, Chair of the Technology Committee, stated that they were in the process of developing and reviewing standards and once developed they would be saying which products could be bought that would allow a reduction of maintenance cost and make sure they were coming to an arrangement where everything in the city was the same; that they were developing standards and monitoring purchases in order to make certain the purchases made would meet standards being put in place; that this contract was necessary because they did not have standardized equipment at this point, they primarily used Compaq for computer oriented purchases, but many departments had other systems and would need to purchase equipment through this contract; that the DIR portion was all hardware and the Texas Procurement Center portion was primarily services. Mr. Coy Baskin stated that essentially DIR was both hardware and software and TPC was consulting services, networking, etc., Upon further questions by Council Member Bell, Ms. Dotson stated that she would not characterize this contact as the one that would allow the city to catch-up and move ahead, but they would piggyback on the contract and that would allow the city to do much of what was discussed before and hopefully without costing the city a dime. Council Members Castillo and Robinson absent.

Council Member Boney stated that he looked into this last week and had received answers to his questions; that the city had a considerable amount of technology, not all had been applied as efficiently and effectively as it could have, and he looked at this as a bridge in getting them to that point and this would get a better price; and urged passage of the item.. Council Members Castillo and Robinson absent.

A vote was called on Item 62. All voting aye. Nays none. Council Members Castillo and Robinson absent. ORDINANCE 2000-279 ADOPTED.

63. ORDINANCE approving and authorizing treated water supply contract between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16** – Revenue **(This was Item 36 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Members Castillo and Robinson absent. ORDINANCE 2000-280 ADOPTED.

64. 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 – (This was Item 37 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. Council Members Castillo and Robinson absent.

Council Member Keller stated that earlier in the week he met with Mr. Tollett, representatives from Gilbane, Building Services and the architect for the Convention Center expansion Harry Golemon and he would applaud how professional each conducted themselves and how knowledgeable they were; that he would point out on the original it said architectural services and the percentage was to allow architectural and engineering; and moved to amend Item 64 in its entirety by substituting a draft ordinance given in lieu of the draft ordinance presently at the Council table; that the new ordinance would transfer the provision regarding the architect's responsibility to provide full-time construction phase services from the additional services portion of the contract to the basic services portion of the contract so that the architect would be obligated to render full-time construction phase services as part of his basic obligations under the contract rather than as additional cost services that would be provided only if requested by the city, with the estimated reduction in cost to the city from this amendment being \$400,000 which would reduce the funds appropriated under the ordinance by that amount, and was seconded by Council Member Ellis. Council Members Goldberg and Robinson absent.

Mayor Brown stated that the Administration supported Council Member Keller's amendment. Council Members Goldberg and Robinson absent.

A vote was called on Council Member Keller's amendment to Item 64. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0533 ADOPTED.

A vote was called on Item 64 as amended.

64. ORDINANCE appropriating \$7,158,143.00 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 – (This was Item 37 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2000-281 ADOPTED AS AMENDED.

Council Member Ellis stated that he wanted to complement Council Member Keller on finding the extra \$400,000 he saved the taxpayers. Council Members Goldberg and Robinson absent.

65. 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 - (This was Item 40 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBERS QUAN, TATRO and KELLER)** – was presented.

Council Member Tatro moved to refer Item 65 back to the Administration, and was seconded by Council Member Parker. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2000-0534 ADOPTED.

66. 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 – **(This was Item 41 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2000-283 ADOPTED.
67. 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 – (This was Item 42 on Agenda of April 5, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2000-284 ADOPTED.
68. 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 55 on Agenda of April 5, 2000, POSTPONED BY MOTION #2000-508)** – was presented. Council Members Sanchez and Tatro voting no. Balance voting aye. ORDINANCE 2000-285 ADOPTED.
69. 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 56 on Agenda of April 5, 2000, POSTPONED BY MOTION #2000-509)** – was presented. All voting aye. Nays none. ORDINANCE 2000-286 ADOPTED.

Items received during the meeting were considered as follows:

16. RESOLUTION setting a Public Hearing date for amending Land Use Assumptions, Capital Improvements Plans and Impact Fees for Water and Wastewater Facilities **HEARING DATE - WEDNESDAY - 9:00 A.M. - JUNE 7, 2000** – was presented. All voting aye. Nays none. RESOLUTION 2000-18 ADOPTED.

26. ORDINANCE approving and authorizing the City of Houston to enter into contract with **THREE PROPERTIES, LTD.**, to provide a \$3,107,500.00 second lien loan of Community Development Block Grant (“CDBG”) Funds to acquire and Rehabilitate Three (3) Apartment Complexes, consisting of 565 Multi Family Units, located at 5300, 5350, and 5454 W. Gulf Bank Road, Houston, Texas, restricted for rental to low and very low income persons - **DISTRICT A – TATRO** 2000 – was presented. All voting aye. Nays none. ORDINANCE 2000-287 ADOPTED.

45. ORDINANCE appropriating \$2,022,142.00 out of General Improvement Consolidated Construction Fund, awarding construction contract to **KCC GROUP, INC** on low bid of \$1,765,112.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for construction of Clear Lake Park; GFS F-0444-03-3; providing funding for construction management and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT E – TODD** – was presented, and was tagged by Council Member Goldberg. **(Note: Council Member Goldberg released his tag later in the meeting.)**

Council Member Todd stated that he wanted to thank the Administration for moving Item 45 forward quickly, it was to be the first major City of Houston park in the Clear Lake area; that it was a 110 acre site and all in the area were very excited; that he thanked Council Member Parker for attending many of the meetings and Mr. Spellman for his hard work also; that it was a good project all around and he would urge Council Members to support it on next week's Agenda.

Mayor Brown stated that it was a good item and those in Clear Lake were very excited and the city looked forward to moving ahead on it.

Council Member Keller stated that he would release his tag on Item 19.

19. ORDINANCE approving and authorizing contract between the City of Houston and **WICKLIFF & HALL** for Legal Representation of the City in the Reliant Energy's Unbundled Cost Service Application and related matters before the Texas Public Utility Commission; providing a maximum contract amount - \$950,000.00 - General Fund – was again presented.

Council Member Todd stated that he supported the item, but did have a couple of questions on a related item and he thought Council may want to discuss it at some point; that he had read about the ruling on the lawsuit against HL&P and their franchise fees and he would request a briefing from Mr. Hall; that because of the finding of fraud he understood in theory the cost of judgment could not be passed onto the ratepayers....Mr. Anthony Hall stated that it was the shareholders not ratepayers. Council Member Todd stated that he would like to talk with him and see if they should enter into discussions on whether they should compromise and collect taxes owed, but reexamine the punitive damages; that it seemed like a high verdict and with the size of the judgement they may want to reconsider their approach. Council Member Quan absent.

A vote was called on Item 19. All voting aye. Nays none. ORDINANCE 2000-288 ADOPTED. Council Member Quan absent.

Mayor Brown asked Mr. Hall to give Council Member Todd a briefing as he had asked; and Mr. Hall stated that he only wanted to make clear it was not the same Hall, it was a different Hall altogether.

RESOLUTION 2000-19, a resolution in recognition and appreciation of outstanding contributions as an educator of Ms. Louis Justine Bailey; and extending best wishes for a long and happy retirement, was signed by the Mayor and Council Members.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS:

Council Member Sanchez stated that he wanted to ask a couple of questions regarding the consolidated dispatch center for the Fire and Police Departments; that he did not know if Mr. Hollingsworth had left the building but he would like him called up.

Council Member Sanchez stated that he heard this morning on KTRH radio about the ever declining number of cases being resolved by the Arson Division and it seemed there were a number of internal disputes between the Fire Chief and his command staff beginning back to the dispatcher who had a difficulty hearing the phone and which resulted in the suspension of the Fire Chief; that the Fire Chief had brought up some type of allegation in Council before about some type of obstructions by Chief Hall and this morning he heard the name Eddie Corral brought up again; that he tried to visit with a number of parties and he noticed on the cover of the Budget Proposed Presentation for the City on behalf of the Fire Department all Chiefs were shown except Chief Corral and he did not know why but such things did not promote goodwill among the Fire Department; that he was trying to find out if the Mayor had called a meeting between the Fire Chief and his command staff to figure out what the heck was going on; and Mayor Brown stated that he had not. Council Member Sanchez stated that he would ask him to exercise some leadership and do that and try to get to the bottom of what was going on so the Fire issues would not become an issue for Council, the Administration and the citizens of Houston on almost a weekly basis. Council Members Boney, Keller and Castillo absent.

Council Member Sanchez stated that Mr. Hollingsworth was back and he appreciated getting a copy of a memo dated March 24; that he was not saying he did not get it but his office could not find it and the Mayor's staff had to call him to get it for him; that he had also checked with his colleagues who had not seen it either and he may

want to make it available again to Council Members; that he had noticed in June 1999 during the budget process the Mayor asked for a timeline on the opening of the consolidated dispatch center and he had given the time of 24 months; that a couple of months ago he was at the podium and told Council Members it would be 18 months; that he had a written timeline and according to the memo it was broken into two categories, the building and the systems, under the building topic it said two locations were identified 5320 North Shepherd and he was not aware of that and until a couple of weeks ago thought the whole discussion was still the old HL&P Center; and upon questions, Mr. Hollingsworth stated that on the Shepherd street location they had not put an earnest money contract and the last time he spoke before Council he indicated that the Reliant building on Crawford and the North Shepherd building were under consideration; that the memo was correct that there was a contract being developed in Legal for the Shepherd location; that they had anticipated making a presentation before the Technology Transportation and Infrastructure Committee in April 2000, but until they received an answer from Legal they would prefer to wait so they could take the building as well as the systems before the Information Infrastructure Committee and he would like to get before the committee in May and would think they would have an answer from Legal by that time; that they projected once there was a contract on the building date of completion could be 18 months or less and upon completion the first phase to move in would be the Police Department system and then the Fire Department's system and the third phase would be records management system so the building would become operational in a phase fashion; that he would say both police and fire dispatchers would be in the building in early 2002. Council Member Sanchez stated that he hoped he understood the level of healthy skepticism he maintained for the remarks being made because he was just handed a copy of the minutes from the June 23, 1999 budget meeting and at that time the minutes reflected that Council Member Roach thanked all involved on the item of the Fire Department and he stated that he wanted to hear on the record they were trying for within a two year after today to make sure the dispatch system would be integrated and replaced and combined with Police and Fire; and Mayor Brown stated that was their commitment; and so he was really concerned with the timelines and he wanted to continue having this on the record; that he would like to see the building staffed and units dispatched out of it during the tenure of this Administration and he hoped that was a common goal between Mr. Hollingsworth and the Mayor. Mr. Hollingsworth stated that it was certainly his goal; that he believed the citizens deserved it, but he wanted him to understand there were many pieces to this and the last time this was done in the Police Department it took 24 months and this project was three times that size, that they wanted to be certain the system was not questionable in terms of function and liability and they did intend to take all measures to make it happen and see that the citizens money was spent appropriately and effectively and the kind of system needed was what they received; and he would make his best effort toward his commitment on his dates. Council Members Boney, Todd and Castillo absent.

Council Member Bell stated that his concern in talking to others involved in the process was that the suggestion was made if they moved forward with the old HL&P building it would be a shorter process than building a new facility from the ground up on Shepherd; and upon questions, Mr. Hollingsworth stated that the Shepherd location had a building which would be rehabed and the time cycle in both buildings were basically the same except that their concern for the Reliant building was they were trying to take 48,000 square feet and size it into 70,000 square feet and at the Shepherd location they had about 70,000 usable spaces and about 30,000 non-usable space and that space

provided for not only what was needed but growth; that he would like to see a building projected that could be lived in for the next 30 to 35 years; that the committee felt the Shepherd location with what he believed to be 11.4 acres, provided for parking and the Reliant building would have to have parking structures built; that the consultants advised both buildings would take about the same amount of time, but that the Shepherd building could probably be done in less than 18 months though they did not want to commit to it; that he was referring to the Keystone Group who answered the bid. Council Members Goldberg, Boney, Todd and Castillo absent.

Council Member Ellis stated that he had two items; that it seemed he and his colleagues continued to get E-mails with problems regarding police and this week he was pleasantly surprised to receive an E-mail where a police officer was receiving compliments and he wanted to recognize Officer Robles; that the E-mail was sent to the Police Chief and said the officer had gone above and beyond his duties with their son and the parents of that person were very pleased. Council Members Boney, Todd and Robinson absent.

Council Member Ellis stated that he had received a letter last week and it had to do with why he sometimes felt private schools were being discriminated against by the city's ordinance; and he read from a letter sent by Bishop Fiorenza which requested the city to amend the City Code 3-2 to include all schools along with churches, and hospitals making it illegal to sell alcoholic beverages within their 300 feet perimeter as the code read "public" school; and he further stated that he was hoping the Administration would look into this. Mayor Brown stated that he would ask Mr. Hall to look into it and if it could be done to proceed. Council Members Galloway and Boney absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Hall at this time, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway and Boney absent.

Mr. Hall stated that the issue of alcoholic beverage regulation was an area in which local government had been preempted by state law meaning meaning that the regulation was a question of state control and state provisions and they had provided some exceptions to local governments for Administration, one of those was the option of local governments to adopt ordinances that would place the proximity regulation to public schools so they did not have the authority to pass such a regulation, though they could request in the legislative package next time that the state law be amended so that they would have that authority. Council Members Galloway and Boney absent.

Council Member Ellis moved to move the item to the legislative affairs committee and then review it and possibly at the next session lobby for it. Mayor Brown stated that he would assign it to Council Member Sanchez's committee and he would support the idea that it be a part of the city's legislative package; and asked that it be handled. Council Members Galloway and Boney absent.

Council Member Parker stated that she was in support of his idea and she hoped it could get to the legislature, but she was afraid as downtown was developed this would come up on a regular basis and there were several churches existing downtown and she would imagine that they would want to consider the other churches and they may want to spend time crafting an ordinance that would allow them to do economic development downtown and allow restaurants and night clubs which was what they were trying to

encourage and yet accommodate the fact that they would have to exist with existing churches; that she would not want to go to Austin and change it and allow them to have the ability to extend protection to private schools, it needed to be put into context and she would hope they would spend time discussing the impact it could have on downtown development. Council Member Boney absent.

Council Member Goldberg stated that he thought there was a 10% contingency added in on Item 45 and it was explained what the extra 5% was and he would release his tag on Item 45. Council Member Boney absent.

Item 45 was again before Council. Council Member Boney absent.

45. ORDINANCE appropriating \$2,022,142.00 out of General Improvement Consolidated Construction Fund, awarding construction contract to **KCC GROUP, INC** on low bid of \$1,765,112.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for construction of Clear Lake Park; GFS F-0444-03-3; providing funding for construction management and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - DISTRICT E – TODD – was again presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2000-289 ADOPTED.

Council Member Todd stated that he wanted to thank Council Member Goldberg for removing his tag on Item 45. Council Member Boney absent.

Council Member Todd stated that Sylvan Rodriguez passed away this week and he was a big fixture of the community and a Clear Lake resident and very prominent in Clear Lake; that he felt it was appropriate they were approving the park design today because he had shown up at quite a few of the hearings and his children were extremely interested; that he would request everyone keep his family in their thoughts and prayers; and requested a moment of silence in his honor. Council Member Boney absent.

Council Member Galloway yielded her time to Council Member Castillo who stated that his office received notification that construction of the Central Avenue separation in the Manchester area funded by the federal government in the last appropriation's bill had been set for construction to start by TxDOT in the year 2002; that one reason the city contracted with TxDOT was that the assumption was they could do it faster than the city could, but now he would think the city could meet that schedule; that Congressman Green had written TxDOT to have the project placed on an earlier schedule and he would urge the Administration to investigate and if that was the case that the city take it back and do it themselves, the grade separation was a matter of safety in that area and not a matter of choice, it was totally locked in by railroads and there was only one way out; that 2002 was not acceptable and he would appreciate the Mayor looking into it. Council Members Boney and Parker absent.

Council Member Castillo stated that in the Houston Chronicle yesterday as well as some electronic media there was an article that yesterday was the last day to return Census forms and that information was not correct and the Census Bureau said they would continue to accept and process any received by Monday April 17; that there was

still time and you could even call and be counted by phone at 1-800-471-9424. Council Members Goldberg, Boney and Todd absent.

Council Member Castillo stated that there was a trivial problem which pointed to a bigger problem and that was one of his staff members kept getting a parking ticket for parking and actually she had a permit, but her mirror was higher up and her permit would not show through the window and if the person would take the time to look and the person knew which car it was and where it parked and yet every week gave a ticket; that if they had that much time maybe they had one ticket maker too many; and Mayor Brown stated that they would take a look at that. Council Members Goldberg, Boney and Todd absent.

Council Member Tatro stated that there was a construction project in Fairbanks North Houston from Hempstead to 290 and in widening the thoroughfare the city had purchased a piece of property at the northeast corner of Hempstead at Fairbanks North Houston, it was a small store, and the building was left on the property and the building had now become dilapidated and he had through time received a number of phone calls; that it was near the roadside and definitely needed to be demolished. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Tatro stated that he had written a letter this week requesting an update; that last year during the budget cycle the Solid Waste ordinance was a topic of debate, the funding and the rewrite of possible sponsorship changes and he only wanted to give him a heads-up so he could get it from Mr. Bass. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Tatro stated that another issue with budgetary impact was the healthcare contract which they would need to go out for bid and institute in the early part of next year; that about two months ago the Fiscal Affairs Committee had requested an update on the status of a timeline for it and it was cancelled and he would urge the Mayor's Administration to get with Mr. Vara so it could come to the committee soon as they were getting ready to go into the budget cycle and there was going to be a very full calendar and he did not believe waiting until after the budget cycle was a healthy thing. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Tatro stated that he was listening to KTRH earlier today and heard a disturbing broadcast from Chief Tyra about the arson issue and investigations and the ups and downs of the Arson Division, it was the blaming that went on which he did not think was healthy and he would ask that the Mayor get with Chief Tyra, he did not think getting into a finger pointing session in the media was something they should be having go on. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Keller stated that he wanted to commend a police officer in the Central Patrol, Mark D. Jenkins, many times people were quick to criticize but he did a valuable service to his family; that his wife's grandparents were in a serious accident over the past week and two cars were totaled; that the officer handled a lot of irate drivers and also took care of his family members in a very sensitive and gentle manner which he deeply appreciated; and he would also write to the Chief, but he was to be commended. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Keller stated that he read earlier in the Houston Chronicle that the city had earmarked \$49,000,000 to tackle high priority storm water drainage projects in Houston neighborhoods for the next five years and he was ecstatic about that; that he was also excited that the Mayor and Al Haines and staff had helped to coordinate a meeting for his district including Public Works, Harris County Flood Control, etc., the meeting was to be today and it was to discuss the long-term/short-term for West Houston. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Keller yielded to Council Member Sanchez who stated that regarding the closing of 59 he felt the communication between TxDOT and the city was lacking, he did not find out until the day before; that he understood more closures were anticipated and he would urge they have better notification. Council Members Galloway, Goldberg, Todd, Vasquez and Robinson absent.

Council Member Boney stated that he wanted to thank the staff in the Planning Department who did much work on the Census over the weekend; that he also wanted to thank Mr. Chris Cochran and Mr. Ross Allen in the City Hall Census Office as there was still encouragement to have the forms turned in. Council Members Galloway, Goldberg, Todd, Vasquez and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:24 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Todd, Vasquez and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary