

City Council Chamber, City Hall, Tuesday, May 9, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 9, 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. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present.

Mayor Pro Tem Boney stated that Houston had a very excellent library system and they had, in the past two administrations in particular, embarked on a process of expanding, improving and enhancing the library system, that not only had they acquired more materials but they also made Internet connections possible at the library and done a number of other things and established a number of special programs and those had been at the direction and leadership of Barbara Gubbin who was the most extraordinary department head and head of the library system and read a proclamation for Ms. Gubbin and the library regarding the Aspire Program that proclaimed that the Mayor and all of the members of the City Council proclaimed the month of May 2000 as Get Caught Reading Month in Houston, Texas. Mayor Brown, Council Members Tatro, Goldberg, Todd, Ellis, Keller, Vasquez, Parker, Bell and Robinson absent. (NO QUORUM PRESENT) Mayor Pro Tem Boney presiding.

Ms. Gubbin stated that she would not come and ask them to Get Caught Reading without something to get caught with, and she invited everyone to get caught reading in May and wanted to emphasize some things about reading, that reading was in fact the on ramp to the information highway and Houston Public Library did want all Houstonians to get caught reading during the month of May, that they knew that the single most important factor in a child's success in future life was an early introduction to books and reading at home, and they knew that children who did not have basic literacy skills before they went to school were three to four times more likely to drop out of school later, that at the Houston Public Library they had their Parent Reading Program and it was a family oriented approach to learning to read and they invited parents and children to come to the library and learn how to use it and to become lifetime readers, that it was designed to accommodate both English and Spanish speaking parents and their preschoolers and at every program for every child who participated they would get a free book so that every child and parent could indeed get caught reading at home a book perhaps like the bilingual book called Belly Button of the Moon or El Ombligo de la Luna and they could find it at the Houston Public Library, that so far 180 parents had graduated from the program this year, that they also had the Born to Read Program at 6 City Health and Human Resources Clinics where once again new mothers and fathers were invited to get books for their newborns and get caught reading, that 31% of Houstonians demonstrate the lowest level of pros documented and quantitative proficiencies according to a 1998 report called Literacy in America, that the library sponsors ESL and GED classes at 10 of their branches and more than 1,500 students had been served by that program, so get caught reading, that the library had many ways to help them, they had millions of hardback and paperback books, from stories to scary stuff to mysteries to how to get fit, biographies, how to invest their money and picture books, and she asked that they get caught reading all the time by using their Power

Card at the Houston Public Library. Mayor Brown, Council Members Tatro, Todd, Vasquez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated they had one more presentation before they began hearing from the public and recognized Council Member Goldberg. Mayor Brown, Council Members Tatro, Todd, Vasquez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that the upcoming week the Houston Food Bank in cooperation with National Association of Letter Carriers and KRIV Fox Channel 26 would promote their annual food drive and this was a combination of Channel 26 working together with the Postal Carriers whereby the Postal Carriers would pick up nonperishable food items from the different homes and take them to Channel 26 where they would be loaded up on eighteen wheelers and taken to the Food Bank, that it was very imperative at this time that they keep the Food Bank stocked with food because summer was coming up and many of the children who got two meals a day by going to school would be out of school and would not have access to that food so the Food Bank always went through a lot of food during the summer period. Council Member Goldberg introduced Lisa Whitlock, Fox 26 Community Affairs Director, Tessa Paterson, Public Relations Houston Food Bank, Brenda Kirk, Executive Director Houston Food Bank, Marva Allen, National Association of Letter Carriers, and Johnny Gutierrez a letter carrier who had adopted seven children so he knew what it meant to have to feed a family and was a big part of the Food Bank and had given a lot of his time to the community, and read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, proclaimed Monday, May 15, 2000 as Houston Food Bank, KRIV Fox 26 and National Association of Letter Carriers Annual Food Drive Day. Mayor Pro Tem Boney presiding.

At 2:03 p.m. Mayor Pro Tem Boney called to order the meeting of the City Council and Council Member Sanchez led everyone in the prayer and pledge of allegiance. Mayor Brown, Council Members Goldberg, Todd, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

At 2:04 p.m. the City Secretary was requested to call the roll. Council Members Todd, Bell and Robinson absent.

Council Members Sanchez and Vasquez moved that the minutes of the preceding meeting be adopted. Council Members Goldberg, Todd and Robinson absent.

At 2:05 p.m. Mayor Brown requested the City Secretary to call the list of speakers. Council Members Todd, Bell and Robinson absent.

Ms. Ruby Cooper, 8814 Linda Vista, Houston, Texas 77078 (713-631-4198) appeared and stated that she was president of the East Houston Civic Club and the purpose for her being present was to raise an objection to having an honorary sign placed on a public street honoring Brother John Osteen, that they were present two times last year objecting to changing the name of East Houston Road, which was a historical road in their neighborhood, that it was the original street or road into Northeast Houston, that they objected to that and then they tried to change the name of Dockell, which was a street that came down beside the church grounds and they objected to that also, that now she did not understand why after all of the objections, and they had over 250 signatures

objecting to that, they proposed to put an honorary sign, and they did not want that either on a public street, that if Lakewood would want to place the sign on their property, which was a large area in Northeast Houston, they could not object to that, but they did not want an honorary sign for John Osteen on a public street in their area, that it would be erected so that it would face East Houston Road and they did not want it; that did not mean any disrespect for Brother Osteen and felt that he had not supported their community, that he had sent millions of dollars overseas, which was good, but they had needs in their area also and they felt the church could have at one time supported their area, that they had a cleanup, Council Member Robinson had a big cleanup in their area a couple of years ago and invited Lakewood Church members to help cleanup the entire neighborhood and they had six people show up out of 15,000 members so that let them know that the members of the church were not interested in their community, that the six people that did show up five of them lived in the area and one young women lived in another area of town, that 99% of the 15,000 members did not live in the area, that they created a traffic jam on Wayside and there were officers out there controlling the lights so that the people coming into the church had free access to the freeway and if they happened to be going in the opposite direction they had to sit there sometimes five or ten minutes, that the night she got caught in that was that night the Mayor had his night in, and some of the club members had to sit at Wayside and 610 Loop for ten minutes because they were having a service at Lakewood Church and they missed the Mayor because they had to sit there at a red light, that the residents of East Houston Road recognized that Brother Osteen was a great preacher. Council Members Goldberg, Todd and Robinson absent.

Council Member Galloway moved to suspend the rules to hear Marlene Gafrick, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2000-0602 ADOPTED.

Council Member Galloway asked Ms. Gafrick to explain the sign, and Ms. Gafrick stated that approximately seven years ago City Council wanted to look at some other naming opportunities for individuals who could not meet their street name standards and as a result they created an honorary street marker process where somebody could request an honorary street marker and that sign was placed in the City right of way and not placed on the actual street sign where they had the street name, that the Fire Department had concerns about people being confused with what the official name of the street was as it was a free standing sign that would go in the City right of way, and Council Member Galloway asked if the sign was in the yard of the church or the right of way, because it was a ditch and not a curbed street, just where was the sign supposed to be placed, and Ms. Gafrick stated that the Street Maintenance Division of Public Works was the one who would actually go out and install the sign and they would try to determine the best place to place the sign considering some safety issues, so she could not tell them exactly where the sign would be placed, but it would be between the property line and the actual edge of the street, that it would be one sign.

Council Member Galloway recognized the group present from the East Houston Civic Club and stated they were a very active group in the community, and asked Ms. Cooper if anyone had explained to the group that they were just going to put a marker somewhere between the pavement of the street and the ditch, and Ms. Cooper stated that they still objected and asked why it could not be put on the church property, that they could put an eternal flame on the property and put the sign in front of it, that they had suggested this before and thought it would be more in honor of John Osteen than a

sign, and Council Member Galloway stated that was what she was trying to get clarified where would they be able to place the sign if the street was next to the ditch and that was City property and the other part of the ditch was the church property and she asked if somebody could give her information that if it were to pass Council where would the sign be placed exactly and asked to get that information from Planning and Ms. Gafrick stated she could get the information from Public Works and Engineering. Council Members Goldberg, Todd and Robinson absent.

Upon further questions by Council Member Galloway, Ms. Cooper stated that they would do some thinking about it, but they still objected to the sign being on East Houston Road, that if the church chose to put it on their property that was fine, but she had a feeling the sign would be put in anyway over the objections of the citizens of that community, that she did not know about the sign until Thursday, May 4, that a little angel came flying over her house and told her there was going to be an honorary sign put up so she made some phone calls but it was too late to get a lot of people contacted, that they had sent all the Council Members a letter about it and had copies of the letter she wrote to the Mayor concerning the sign. Council Members Goldberg, Todd and Robinson absent.

Council Member Parker stated that she had received the letter and read it, that when the plan was originally to rename East Houston as John Osteen Way she knew the neighborhood protested and came down in great numbers and they stopped the City dead in its tracks and they did not proceed with it, and asked if Ms. Cooper was aware that it was a completely different type of street designation, that nothing would change it was just a marker to show the community's respect for Pastor Osteen, that she intended to vote for it on Wednesday, but would be glad to visit with Ms. Cooper about the idea and thought they should acknowledge that they won the war and it seemed to be an appropriate compromise to show respect, but also not to cause a disruption that they were so concerned about. Council Members Goldberg, Todd and Robinson absent.

Council Member Bell stated that he did receive Ms. Cooper's letter, and asked Ms. Gafrick how many honorary street markers did they have presently, and Ms. Gafrick stated they had fewer than 10, that they first started putting them up in 1993, and Council Member Bell asked Ms. Gafrick what the criteria was and how did a group go about getting one of the markers, and Ms. Gafrick stated that how they got the process started was that someone would send a letter to either a Council Member or the Planning Department requesting an honorary street marker, that in the last couple of years they had attached a little biography of the persons involvement with the community either on a local or national level and then there was some criteria in terms that the street marker needed to be approved by City Council, that they were for local streets not major thoroughfares, and if they wanted to use a proper name the individual needed to be deceased, that this was the second request in a years time. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Tatro asked Ms. Cooper if her civic club had a recorded thumbs up or thumbs down and had they taken a poll of the neighborhood and was she speaking for the civic club and Ms. Cooper stated yes, that she had copies of the petitions that they had signed last year for the objection to the name change, that the group present was a strong representatives of the way the neighborhood felt, and Council Member Tatro asked Ms. Gafrick if there was an ordinance or step 1-5 process, and Ms. Gafrick stated

there was a Council motion that was officially adopted by City Council in 1993 that essentially defined what the procedures and standards were and they followed those procedures. Council Members Todd, Ellis and Robinson absent.

Council Member Quan asked Ms. Cooper if Pastor Osteen had made some contributions to the City and Ms. Cooper stated not to her knowledge, that he had sent millions of dollars overseas to help impoverished countries, but as far as she knew she did not know of anything that he had contributed to the City, that she and Joel Osteen were interviewed by a reporter from the Dallas Morning News and in that article Joel stated that Brother Osteen and Lakewood Church had done a lot more for the City than she was aware, so if someone had a list of things that he had contributed to the City or to the neighborhood she would love to see the list, and Council Member Quan asked Ms. Cooper if she thought it was proper for the City to honor people who they thought did contribute to the City with an honorary sign, and Ms. Cooper stated that she had no objection to that, that their objection was to having the sign on a public street, why could they not put it on the church property, that if Brother Osteen was the man of God that people have said he was she did not think he would want a sign, and Council Member Quan asked Ms. Gafrick if she could give him an example of who else they had honorary street signs named for, and Ms. Gafrick stated that she could only think of one that came to mind and that was a minister and she would have to go and pull the actual location, that it was by Council resolution and on public streets right of way. Council Members Todd, Ellis and Robinson absent.

Council Member Castillo stated that he did not know if it was in the same ordinance, but they had named tunnels, bridges and other structures for people that memorialized peoples contribution to the City. Council Members Todd, Ellis and Robinson absent.

Reverend Elmo Johnson, 1106 Valentine, Houston, Texas 77019 (713-651-1215) appeared and stated that he was Pastor of Rose of Sharon Baptist Church about 10 blocks from City Hall in the Fourth Ward, that there was an ordinance up before Council about the old Gregory School, that the Mayor had suggested that they make it a historical spot there for Old Gregory Lincoln and he did agree with Mayor Brown because he had been a pastor out there for over 16 years and had talked to people and members of his church that grew up in Fourth Ward, which was Freedman's Town, where slaves were freed and that was where they went and built up Fourth Ward and that would be wonderful for their community and not only just for Fourth Ward but for Houston because Houston was a diverse City and each diversity had their different things that would uplift Fourth Ward and the people of Fourth Ward, that Fourth Ward was now in a down mode because of the movement, people being moved out and stuff like that, and they wanted to preserve some history of the Fourth Ward, that the Allen Brothers who founded Houston were buried right across the street from their church, and everybody who comes to the church are taken over there and are given a historical view of Houston by telling them about the Allen Brothers, that he thought it would be wonderful if City Council would consider what it meant to their community and not only just Fourth Ward but to Houston, that the previous speaker had argued about the streets and they had several pastors, that he finished from M.C. Williams High School in 1973 and went to Houston Baptist, but M.C. Williams was named after a preacher who did a lot for Acres Home, and it meant a lot to a community to have something that they could look back to and say this was a

historical community. Council Members Galloway, Todd, Ellis, Quan and Robinson absent.

Council Member Bell asked Pastor Johnson if he had been involved in the effort to bring the museum to the Fourth Ward, and Pastor Johnson stated yes, and not only that but he had a CDC uplift of the Fourth Ward, that they were building 30 houses about 10 blocks from City Hall and they bought about 18 houses around their church and were bringing them up so they could keep a little history there in Fourth Ward, and Council Member Bell asked Pastor Johnson what his involvement would be with the actual museum if it were to be created, and Pastor Johnson stated that they had people from the congregation that were interested in volunteering to be a part of serving in the museum, that he was not serving on a committee to put the project together at this time, that they had a coalition of about 10 preachers in Fourth Ward and they had a meeting and discussed it and had planned to be present at Council but some of them could not make it, that they discussed it between themselves as ministers in the community, but had not been given any kind of formal presentation, that he had some limited information about data being collected throughout Houston about the African American Culture to be put in the museum. Council Members Galloway, Todd and Ellis.

Ms. Olivia Reiner, 49 Briar Hollow, Houston, Texas 77027 (713-829-0899) appeared and stated that she was with Hear O' Israel International and also carrying a campaign with Listen to the Cries of the Children, that she wanted to thank Mayor Lee P. Brown and the Council Members for endorsing their campaign, that she wanted to express to them how it started, that seven years ago she was asleep and was awakened by some awful cries at 3:00 or 4:00 a.m., that she walked around the house to hear where the cries were coming from, that there were cries from children and elderly, that there were different cries, that she went upstairs and her children were in their rooms and the cries were still strong, but when she ran downstairs and opened up the door it was so dark outside and the cries were even stronger, that she could not take the cries and she touched her heart because of the severe pain and the cries were coming from within so there was where they started the campaign of Listen to the Cries of the Children and she thanked them for endorsing it, that they had an ex gang member John who was present at Council about 4 weeks ago who expressed how he felt, that he was so intense of taking evidence and consequences of the price that they pay for rebellion, that their campaign was very successful and they had gone into different schools and also detention homes, that it was non stop, that they had a problem with Metro where they forgot sometimes to pick him up and some of the other young men who went with them who were also physically challenged, that they had other scheduled programs to go to different places and it stops them from going and she asked if Council could help them with the Metro situation or if they could put in a word for John Gable that maybe they could really pay closer attention for the citizen who were out working and laboring in the community and giving back of himself, that they were all for Mayor Brown when he stated that children came first and they backed him up 100% for every effort that he was doing for their community, and they did need help, that it was a national campaign and had been endorsed by Washington, D.C., that it was stopping all violence and crime in their community. Council Members Galloway, Todd and Ellis absent.

Mayor Brown asked Ms. Reiner to write him a letter outlining her concerns with Metro and he would make sure that it would get into the right hands. Council Members Galloway, Todd and Ellis absent.

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

Mr. Douglas Morgan, 3806 Golden Lake Dr., Kingwood, Texas 77345 (281-360-3435) appeared and stated that the Chronicle on May 4, 2000 reported Council's 10 to 1 vote in favor of a \$10,000 subsidy for down payment assistance to first time buyers in Fourth Ward, this was on top of an addition \$9,500 already allocated to each qualified buyer for almost \$20,000, why not \$50,000, why not Memorial or Fifth Ward, that the housing director said that the higher subsidy was to keep housing in the area affordable, why, rising values in one neighborhood should be good and in fact lower everyone's tax obligation, that the Chronicle a day earlier incidentally noted that a Council Fiscal Affairs Committee recommended holding off on approving the Mayor's budget which was an admitted \$17 million dollars short, and Mr. Morgan gave an analogy of Davie Crockett and the Sock Dowager. Council Members Galloway, Castillo and Bell absent.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 appeared and stated that the reform system behavior Fannin, Rusk, Houston, Charlie, Mandola, Hotel, people since 1972, who was Frank Mandola, who was Levix, Junior Garcia's Ninfa's, that this behavior using infants, babies, kids, children, why so long for justice, the reform system of people reforming at his cost and other good parents and their children, who were the security people there with the HPD, that he said he wanted the truth, the truth was that the death penalty for those societal people 30 states said yes that was correct, that was the right justice in America, that this was no love downtown at City Council, that here in Houston there was a violation of one case to another, they asked it of the Children Protective Service, an agency of concern, a national charter since 1976 for the Olympic Program, Basketball, he was Bobby Taylor, agent 43457-1, eight torches in the Olympic Games for 1984, Los Angeles, California. Mr. Taylor continued to express his own opinions until his time expired. Council Members Galloway, Keller, Vasquez, Castillo and Bell absent.

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

Reverend Ruby McClary, 2213 Wichita, Houston, Texas 77004 (713-528-2565) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Keller, Vasquez, Castillo and Bell absent.

Ms. Mary Yeggins, 4702 Old Spanish Trail, Houston, Texas 77021 (281-481-2614) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Keller, Vasquez, Castillo and Bell absent.

Mr. James Leonard, 4903 Culmore, Houston, Texas 77021 (713-741-0155) appeared and stated that he was a United States citizen, born in Waco, Texas and came to Houston in 1957, that he believed in the law and respected highly the law enforcing, that he was a taxpaying citizen and a voter, that he saw on the Chamber wall Justice for All, but he did not get justice at all, that he had too many false arrests and had a bad

record, that his wife had him arrested 3 times for nothing, that he had gone on various occasions, that he worked for himself and good not making any money in jail, that every time he went to jail his equipment was stolen, that he was not guilty he was a Christian gentleman. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Bell absent.

Mayor Brown stated that Assistant Chief Montalvo would meet with him and take a look at the concerns that he had voice and see what could be done. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Bell absent.

Mr. Johnny Soto, 4126 Duval, Houston, Texas 77087 (713-247-2011) appeared and stated that he was president of his civic association Freeway Pine Valley and he had two members of his association present Ms. Woodie Riley and Ruby Bauman, that they were present regarding Fire Station 40 which was in their civic association neighborhood, that their neighborhood was a unique neighborhood, that it was one of the older neighborhoods built in the early 1940's right at the end of the Second World War, that about 43% of 1,200 homes in their neighborhood had the 65 and over exemption, that they had a lot of elderly people in their neighborhood, that his parents were originally from that neighborhood and he grew up in that neighborhood, that this was the second time that their neighborhood had fallen when it came to the Fire Department, that they were told years back that they were going to get a new fire station at the corner of Griggs and Wayside, well since 10 years ago that plan had changed and they were not getting a new fire station, that it was no longer on the CIP and they had failed there once, that now they were told that their fire station needed renovation and was going to move to Kingwood, that they were going to fail again, that they were taking vital emergency equipment from his neighborhood to other neighborhoods, that if they had ever been to Station 40 like he had they would see that anything would do better than it was today, they had the roof falling in, mold coming out of air conditioning vent and sewage backed up, that he did not know how Fire Station 40 had been in that condition for so long, that now they were doing some extensive renovation as per a memo from Fire Chief Lester Tyra, that they were taking the equipment out to other neighborhoods, that they were asking for maybe looking at some temporary buildings, that they did it for festivals and they had more offices for the Houston International Festival than they would ever see anywhere else, that they could put some of those somewhere near their neighborhood so that they could still have the emergency equipment in their neighborhoods, that anything would be better; that temporary facilities in their neighborhood near the Parks Recreation Department was a good solution, that Chief Tyra in a memo to Council Member Castillo stated that it was going to cost \$250,000 to purchase the units, that if it was temporary why would they need to purchase them, that they could rent or lease them, that they were taking away service, that Ms. Riley had used the Medic Service, that one of the quotes in Chief Tyra's memo stated that what they were trying to do was cause the least amount of inconvenience to the neighborhood, that it would be more of an inconvenience if Ms. Riley was not present with them today. Council Members Galloway, Todd, Keller, Vasquez and Bell absent.

Mayor Brown stated that as Mr. Soto knew it had been an ongoing issue with Chief Tyra writing to Council Member Castillo, that Chief Britt was present and understood the situation and would meet with them to see if there were any other options that could be explored. Council Members Galloway, Todd, Keller, Vasquez and Bell absent.

Council Member Parker asked Mr. Soto how long was the plan for the fire station to be under renovation, and Mr. Soto stated they were told from 6 to 9 months, and at the end of that time they were told the equipment would be coming back, that it was a temporary reassignment during the renovation period. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Council Member Quan asked what other fire stations were in the area, and Mr. Soto stated that the closest one would come from the Dixie Drive area, between Wayside and Telephone Road which was an additional mile and a half from their neighborhood, that the next nearest one would be Station 18 which was two miles further towards downtown from their neighborhood, and Council Member Quan asked if he had looked at the statistics of how many runs those stations had responded to and was 40 a very active station, and Mr. Soto said it was a very active station, that if they went there now he could almost guarantee that the truck and the ambulance were not there, that it was a very small station and was just a hollow shell and you could see through it, that they could always see through it because they were always out in their neighborhood, and Council Member Quan asked if the adjoining stations would also have a truck as well as an ambulance, and Mr. Soto stated he was not sure what the Dixie Drive Station had as far as equipment was concerned, but it was not a clean two mile shot, they had to go through another neighborhood across the 610 Loop to get to his neighborhood, which was a lot of zig zagging through neighborhoods to get to them. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Council Member Castillo stated that there had been a pattern, it almost seemed, in the inner City that when they did have to shift equipment around they took it away from the inner City, that they had lost a ladder truck at Station 9 which was on Navigation so there was a ladder truck at 20 which was at Navigation and Macario Garcia and there was one at Station 8 which was downtown and it just kept getting thinner and thinner yet they were getting a higher density of people because of new apartment projects and the success of their infield development that they were doing in the inner City so somehow they had to equalize the distribution and he knew that was what the Fire Chief said they were doing, but they were doing it at the expense of the inner City, and the bottom line was that there was just not enough equipment to go around for everybody, and he knew that Council Member Quan understood that some of the housing in the inner parts of the City was the oldest and built of the most vulnerable material and built with the least amount of insulation and could go up like a tinderbox and they usually did, that if their response time was not 2 to 3 minutes, then they could kiss it goodbye because it would not be there when the fire engine would get there. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Mayor Brown stated he was going to ask the Fire Chief to continue to look at it, that Council Member Castillo had made some very excellent points that they must take into consideration. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Mr. Bill Neuhaus, 4100 Montrose, Ste. D, Houston, Texas 77004 (713-927-7685) appeared and stated that he was architect and president of the Cultural Arts Council of Houston and Harris County, that he was present to thank them for their support for arts in general and CACAH in particular, that CACAH's mission was to nurture and fund support participation in the arts for Houston and Harris County, that their mission was of a vibrant

and engaging arts community for all of Houston, a dream that would not be a reality without the support of their leadership, that last year the Council took two actions that significantly altered the landscape for the arts, that last June the Council restored the arts community share of the Hotel Occupancy Tax receipts to 19%, that Council's leadership inspired the arts community to work together in ways that were unimaginable before, that the guarantee organizations, including the Theatre and Museum District, the midsize and smaller arts organizations invested money back into CACAH to enable it to provide services that benefited the whole community, that the National Endowment for the Arts staff told them that they had never seen it happen in any American City, so the unity that came out of last years effort had been absolutely astonishing to them, and given just a few years ago he wanted to thank them for that, that second in December the Council again took a long look at leadership and passed the percent for art ordinance better known as the Design and Civic Art Ordinance, that it would directly impact the quality of their local environment and contribute to the positive community identity for years to come, that CACAH was present to simply say they appreciated the effort and wanted them to know they were leveraging their dollars and support, that they had received grants from the Houston Endowment, the National Endowment for the Arts which would allow them to begin and develop an electronic grants application process, which they had just completed where people could apply for grants through the web page thereby making it simpler and efficient, that several State art agencies had already done it, including Texas, but CACAH was the first local arts agency to take applications through its web page, that it was the first step to increasing their effectiveness while maintaining a low cost structure, that more importantly it began to provide a cost effective, timely way for the arts community to communicate with citizens and visitors alike, that judging by the interest generated by their efforts it appears that the system may become a model for other communities, that serving on the CACAH Board was a time consuming labor of love for most volunteers, that volunteers with the agency receive their satisfaction in the knowledge that they had a role in making Houston a great place to live, work and play, that their leadership enabled them to play that role in their community and before his term expired he wanted to take the opportunity to thank them for their support now and in the future. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Mayor Brown thanked Mr. Neuhaus for what he did, that he contributed a lot to the community and the arts were very important. Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent.

Mr. Dwight Burton, 3721 Seabrook, Houston, Texas 77021 (713-593-9619) appeared and stated that his name was Reverend Blind Justice and continued to voice his personal and religious opinions, very loudly, until his time expired. Council Members Galloway, Todd, Keller, Vasquez, Parker, Sanchez and Bell absent.

Ms. Carla Marshall, 15865 Ridgcroft, Houston, Texas 77053 (281-437-8787) appeared and stated that she had a son named Ronald Marshall and he worked at Auchan Hypermarket, that during the Thanksgiving holidays he came up missing, that the investigator she had working on his case was named Welch and every time she called and talked to him he seemed to be pushing her away, and told her things like when he got information he would let her know, that it had been six months and all she was pleading for was some help, that Auchan Hypermarket told her they would put up a \$3,000 reward but they had not done it, that she thought that all malls and stores were supposed to have cameras in their parking lots, but Auchan did not have one, that the

security guard that worked at Auchan at the time was fired, that the four guys who some say did this to Ronald lived behind Auchan and the fired guard also lived behind Auchan, that all she was pleading for was some help.

Mayor Brown asked Ms. Marshall how old her son was, and she stated that at the time this happened he was 18 and just turned 19, that it was nationwide and in the paper, and Mayor Brown stated there was a press conference called to ask for help and there were a number of leads followed but nothing had been determined, that Assistant Chief Montalvo was present to meet with her and keep her updated with what was going on. Council Members Galloway, Todd, Keller, Vasquez, Parker, Sanchez and Bell absent.

Ms. Wita Duran, 926 Pebbleshire, Houston, Texas 77062 (713-524-7700) appeared and stated she would like to give her time to Ms. Bunnie Riedel. Council Members Galloway, Todd, Keller, Parker, Sanchez and Bell absent.

Council Member Tatro moved to suspend the rules to allow Wita Duran to give her time to Bunnie Riedel, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Todd, Keller, Parker, Sanchez and Bell absent. MOTION 2000-0603 ADOPTED.

Ms. Bunnie Riedel, 666 11th North West Ste. 740, Washington, DC 20001 (202-393-2650) appeared and stated that she represented the Alliance for Community Medium, that she represented public education and government access television across the Country, 2,000 media centers, 5,000 television channels, and in fact she represented more channel capacity than all the network presidents and PBS combined and was proud to tell them that she was the lowest paid television executive in America, that the alliance was almost 26 years old, that she was present to speak on behalf of Houston Media Source and its importance to the quality of life in Houston, that Houston Media Source was part of a dynamic movement in the Country of community media, that community media was important because in a very short time, even if they did not have satellite, they would have 500 glorious channels of pure commercial entertainment at their fingertips and none of it would be locally grown or originated, that it was mind boggling, that watching the 500 commercial channels the people of Houston would not learn anything about what was going on in Houston, about the rich diverse culture of Houston, where to go for resources and information, assistance, job training, voter education or maybe just who their neighbors were, that was the nature of national commercial programming, that it was community media that connected everyone with one another, where they lived, and who they were, that Houston Media Source had accomplished many great things in the past few years under the direction of Pat Garlinghouse, including doubling their producer base to 500 producer users, increasing workshops for the community, reducing the fees for the community, scrimping and saving, in fact cutting back on staff in order to have money to buy digital equipment, providing candidate debates and forums, and she knew that some of them had been to Community Media Source and had been on television there, creating a youth program, working with the deaf on a grant from the U.S. Department of Education, opening its doors to Spanish language programmers, as well as Arabic, Farce, Chinese, Vietnamese, Korean, German, Greek and the list went on, that over 400 non-profit entities in Houston used Houston Media Source and last year they posted 800 non-profit messages to their bulletin board, that Houston Media Source had been a leader in community media nationwide, in their trade association nationwide, that they led the way in developing the Southwest Region, which included Oklahoma,

Louisiana, Texas, Colorado and Arkansas, that they had coordinated regional conferences, peer professional training and events, that for that reason in the year 2002 they would be holding their national conference in Houston, that it was an international conference and they would have about 800 people, techno gurus descending upon Houston for 3 1/2 days to spend over a million dollars on food, entertainment and hotel rooms, and she was very happy to say that she would be seeing them in Houston again and hoped that the Mayor and City Council would come out and join them, that was where they were now and she was going to tell them where Houston Media Source could go, and she asked for them to imagine the following, the Fire Department did a safety show and while the video was streaming via the always on modem the viewer would be able to click on an icon and be taken to the Fire Departments home page were they would learn what smoke detectors were best for their own home, or perhaps through another streaming video they would learn about smoke detectors and they could then download a home inventory form provided by the Fire Department web site, and they could register immediately for a safety inspection, or they could get another video on CPR and right then test for certification, or they could choose the Spanish language version of the same video and materials, or participate in real time inner active question and answer with the Fire Chief, and the Chief would be able to see the caller and be able to speak to them face to face in real time, she asked that they imagine that scenario, that was where Houston Media Source was going, she asked that they apply those possibilities that she described to the AARP, Talento Bilingue, Texas Commission on the Arts, the Bay Area Council on Drugs and Aid to Victims of Domestic Violence, the Adoption Assistance and Information Association, Juvenile Diabetes Association, the NAACP Association of Houston and the list went on, that they apply those technologies and possibilities, that it was about the delivery of information, and about the engagement of their citizens in their community, about the maximization of government resources, problem solving, quality of life enhancement, that it was about integrating all of the tools of communication to make their city, town and neighborhood and street a better place to live, that Houston Media Source was poised to help get Houston there. Council Members Galloway, Boney, Todd, Keller, Parker, Sanchez and Bell absent.

Mr. Rick Rivera, 4315 Navajo, Pasadena, Texas 77504 (713-810-7081) appeared and stated that he was a native Houstonian and Houston Interest was his dba, that he was also involved in four other businesses, First International Investment Finders Association, Houston Interest Real Estate, Houston Interest Fun Entertainment and Houston Executive Limousines, that Mr. Dalli had asked him to present the Gideon Art Collection to the City in hopes of locating a buyer, that also he would like to bring to their attention that a friend of his, Sonja Otero, who was one of their staff members and worked for the Mayor's Citizens Assistance Division, had written the brief that Council had before them as well, that he had also sent an e-mail to the Mayor on May 3, 2000, that he had a letter from Mr. Dalli who asked him to make the presentation in the hopes that through their network abilities and their contacts, who he had no access to, they could present in conversation or any other form that they had an art collection of 3,000 pieces of sculpture and rare paintings, and in return Mr. Dalli would like to donate out of his commission \$1 million dollars to the City of Houston or their favorite charity, and he would also add out of his commission he would also donate another \$1 million out of his commission or match whatever Mr. Dalli would contribute for the services that the City could provide in a buyer for the rare paintings, that on the third page there was also a brief presentation of the art and the web site of the homepage of Mr. Dalli's personal web site and it also had a sample of the original paintings and sculpture so they could actually

see for themselves what they were trying to sell and they also had at the bottom of the page a contact number to get a hold of Mr. Dalli personally, that on the fourth page they had a letter from Mr. Rick Gideon who was the grandson of the famous artist and he also went into detail about the paintings and everything that he was trying to sell. Council Members Galloway, Goldberg, Boney, Todd, Keller, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

Mayor Brown stated that the Citizens Assistance Department would meet with him and follow-up and through that process they could check everything in terms of the legality. Council Members Galloway, Goldberg, Boney, Todd, Keller, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

The City Secretary stated that under the recalls Ms. Dorothy Olmos was to be the last speaker, but her name was left off the list and would be called. Council Members Galloway, Goldberg, Boney, Todd, Keller, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

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, Goldberg, Boney, Todd, Keller, Parker, Sanchez and Bell absent. (NO QUORUM PRESENT)

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) appeared and stated that he needed more time than one minute and they had knowledge of, that he was President Joseph Charles of Royalty and also a certified volunteer deputy registrar of Harris County and one of the only official presidential candidates for the coming presidential election that they had received and no one responded, that he requested emergency protection, that it was known that he was a crime victim, that his case address was that Conviction Case versus City Government Murder Counts, Human Organs Replacement and that was known also by the syndicated Global Mafia Organization and that City Council Member Boney was number one killing people with those Global Mafia members to replace his vital organs. Council Members Galloway, Boney, Todd, Keller, Parker, Sanchez and Bell absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that it was Mr. Partsch-Galvan, www.galvan.org James Partsch-Galvan, Libertarian candidate for Texas Representative 147, gracias Tom DeLay, that Houstonians wanted a referendum on rail and he wanted to remind everybody that San Antonio this past weekend defeated a rail, Latinos made up 40% of the City of Houston, 40% Galvanismo, Galvanism, that under the Brown Administration the Westheimer Street Festival was destroyed and crime was up, that crime was up in Houston because crime was up in City Hall, that his web site address www.galvan.org he was going to tell them one more time that he wanted the link working, that he was not going to be censored and he was not going to put up with it this year and if the link was not working properly like all the other links in the minutes he was going to file a lawsuit, and he knew how to file a lawsuit because he got the form and affidavit for paupers. Council Members Galloway, Boney, Todd, Keller, Parker, Sanchez and Bell absent.

Ms. Dorothy Olmos, 420 Broadway, Houston, Texas 77012 (713-928-3538) appeared and stated that she was present once again regarding the Lead Abatement

Program, that she was present on a casual note, that she did get a letter from Council Member Quan's office on Friday regarding the issue on the Lead Abatement Program and it did specify that Margie Bingham did respond with the minimum of 10% which was \$300,000 for the Lead Abatement Program, but she reminded them that it was an issue that needed to be addressed for the children, for the sake of the children and they needed to try to keep it at the level that the grant award was awarded previously, that she knew that in 1998 and up until now they had serviced over 70,000 children and to date there had been 660 homes addressed with lead problems, so she asked them to consider it once again and try to keep it at the level and not at the minimum. Council Members Galloway, Boney, Todd, Keller, Parker, Sanchez and Bell absent.

At 3:17 p.m. upon motion by Council Members Vasquez and Tatro the City Council was recessed until 9:00 a.m. Wednesday, May 10, 2000. Council Members Galloway, Boney, Todd, Keller, Parker, Sanchez and Bell absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 10, 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, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director, and Ms. Linda Layton Agenda Office, present. Council Member Gabriel Vasquez absent on personal business.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:06 a.m. Mayor Brown called the meeting to order. Council Member Vasquez absent on personal business. Council Members Tatro, Boney, Keller, Parker, Bell and Robinson absent.

HEARINGS

1. **PUBLIC HEARING** to consider the creation of a Reinvestment Zone for the **PROTON THERAPY CENTER - HOUSTON - DISTRICT D - BONEY - 9:00 A.M.** – was called.

Mr. Bill Calderon, Planning and Development, stated that the hearing was to consider a reinvestment zone for the Proton Therapy Center; that on October 21, 1999, the city received an application for tax abatement and then amended and deemed complete on April 11, 2000, that the center was a joint venture between the Proton Therapy Center Corporation of America, a subsidiary of Tenet Healthcare Corporation and the University of Texas M. D. Anderson Cancer Center; that the center would serve as a regional Cancer therapy center providing treatment to over 3,000 patients annually and would serve as a primary research and development facility for proton beam treatment which was a revolutionary new treatment; that the center was proposing to construct a 74,000 square foot treatment facility on a 4.9 acre tract of land in District D; that the total investment was estimated at \$43.4 million of which \$41.2 million would be abatable, it would create 60 full-time jobs during the first three years and if approved the

city's average annual income during the abatement period would go up by \$168,000 annually and after the abatement period the average annual revenue would go up by \$322,000 over current revenues; that the applicant was not seeking any variances and the project was supported by the Greater Houston Partnership and Mr. Don Tremble, vice president and CFO of the Proton Therapy Corporation of America and Dr. James Cox, professor and head of radiation of M. D. Anderson Hospital were both present and available for Council's questions.

The City Secretary stated that no one had reserved time to be heard.

Council Member Boney urged Council Members to consider the item closely and support it unanimously; that this was leading edge in new technology and would be an extraordinary benefit to the medical center and the City of Houston.

Council Member Castillo moved to close the hearing, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0604 ADOPTED.

MAYOR'S REPORT

Consent Agenda (Items 2 through 33) were considered as follows:

MISCELLANEOUS - NUMBERS 2 through 6

4. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 1 in the amount of \$13,928.01 on contract with **F. W. WALTON, INC** for Roof Replacement and Renovation at City of Houston Communications Building, Central Patrol Gymnasium Building and Central Administration Building, GFS E-0066-02-3 - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0605 ADOPTED.

5. RECOMMENDATION from Acting Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$102,511.98 Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0606 ADOPTED.

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$188,886.00 and accept work on contract with **ROOFTOP SERVICE COMPANY, INC** for Roof Replacement and Renovation at Alief Branch Library and Walter Branch Library, GFS E-0038-13-3 - Public Library Consolidated Construction and General Improvements Consolidated Construction Funds - **DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and

seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0607 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bo Wu of Lin Engineering, Inc., on behalf of Chinese Seniors Estate, Inc. (Dan Nip, President), for abandonment and sale of two 20-foot-wide water line easements in exchange for the conveyance to the City of two 10-foot wide water line easements, located in the Rainbow Village Subdivision, William Lyon Survey, A-516, Parcels SYO-057A, SYO-057B, KYO-058A and KYO-058B - **STAFF APPRAISERS - DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0608 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 16

LOW BIDS

9. **SIGNAL MEASUREMENT CORPORATION, ADVANCED PRODUCTS** for Vehicle Console Systems for Houston Police Department - New - \$51,074.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0609 ADOPTED.

OTHER

10. **INDUSTRIAL AIR TOOL** for One Personnel Lift for the Convention & Entertainment Facilities Department - Replacement - \$17,315.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0610 ADOPTED.
14. **KUSTOM SIGNALS, INC** for Hand-held Radar Equipment from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$122,745.00 - Grant, Equipment Acquisition Consolidated and Asset Forfeiture Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0611 ADOPTED.
15. **HOUSTON G & G DEMOLITION SERVICE, INC** for Securing Dangerous Buildings and Site Clean-up Services for Department of Public Works & Engineering - \$42,245.00 and contingencies for a total amount not to exceed \$44,357.25 - CDBG Grant Fund - **DISTRICTS A - TATRO; C - GOLDBERG; D - BONEY; E - TODD and H – VASQUEZ** – was presented, moved by Council Member Boney, and

seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0612 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 33

17. RESOLUTION evidencing the Annual Review of the Investment Policy of the City of Houston, Texas by the City Council of the City – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. RESOLUTION 2000-22 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and the Houston **ZOOLOGICAL SOCIETY OF HOUSTON** for the Implementation of a Master Plan to be used for Capital Development to enhance the Zoo - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-351 ADOPTED.
28. ORDINANCE appropriating \$1,420,480.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 28.7 acres of land out of the Charles Huffman Survey, A-319, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport; CIP A-0024; and approving a Purchase and Sale Agreement with **RAYMOND H. PETEREIT, Trustee** 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** – had been pulled from the Agenda by the Administration, and was not considered.
29. ORDINANCE appropriating \$36,060.70 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **JRK HOLDINGS, INC** for the construction of 8-inch water and sanitary lines in King Estates Section V, CIP S-0800-17-3 and R-0800-16-3 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-352 ADOPTED.
30. ORDINANCE appropriating \$56,961.15 out of Water & Sewer Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **PARKSTONE BUILDING COMPANY** for construction of Water and Sanitary Sewer Lines for Section III of the Bridgegate Subdivision, CIP S-0800-24-3 and R-0800-19-3 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-353 ADOPTED.
32. ORDINANCE appropriating \$948,170.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BOYER, INC** on low bid of \$839,079.00 and approving and authorizing a professional services contract for construction of Interim Variable Frequency Drive Repair/Replacement, GFS S-0012-20-3 (10484); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-354 ADOPTED.

33. ORDINANCE appropriating \$300,000.00 out of Storm Sewer Consolidated Construction Fund for Land Purchases/Condemnations, and the payment of Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees, for and in connection with the Dunvale-Lipan Relief Storm Sewer Project, CIP M-0189-01-1 - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-355 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

2. RECOMMENDATION from Director Planning & Development Department for approval of an Honorary Street Marker to be named for **PASTOR JOHN OSTEEN** (located on the west side of East Houston Road, south of Dockal Street) - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Galloway. Council Member Vasquez absent on personal business.
3. RECOMMENDATION from City Attorney for additional funding for legal services agreement with **MAYOR, DAY, CALDWELL and KEETON** to represent the City in Maguire Oil Company v. City of Houston - \$100,000.00 - Property and Casualty Fund – was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0613 ADOPTED.
6. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of supplemental allocation of funds for continuation of second year of contract in the amount of \$468,000.00 with **ESPEY HUSTON AND ASSOCIATES, INC d/b/a PBS&J** for professional services on wastewater treatment plant biomonitoring testing, toxicity reduction evaluations and TNRCC (TPDES) permit assistance and compliance issues - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Tatro. Council Member Vasquez absent on personal business.

Council Member Tatro stated that he wanted someone to visit with him so he could understand why it was not a bid process; and Mayor Brown stated that someone would visit with him.

PURCHASING AND TABULATION OF BIDS

OTHER

11. **EMERGENCY ONE, INC** for Ladder Truck Repair Services for Fire Department - \$120,769.86 General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Todd. Council Member Vasquez absent on personal business. **(NOTE: Council**

Member Todd released his tag later in the meeting and the item was then tagged by Council Member Sanchez.)

12. **MEDICAL ALLIANCE, INC** for D-Tag Tattoo Removal Program - \$24,000.00 - Parks Special Revenue Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0614 ADOPTED.
13. **BENDATA, INC** for Software Licenses for Police Department - \$30,508.00 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0615 ADOPTED.
16. **AMEND MOTION #99-248, 2/17/99, TO INCREASE** spending authority on award to **INDUSTRIAL INTERNATIONAL SUPPLY, CO. DBA INDUSTRIAL INTERNATIONAL** by \$215,984.25 from \$863,937.00 to \$1,079,921.25 for Plastic Meter Boxes for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Member Robinson. Council Member Vasquez absent on personal business. **(NOTE: Council Member Robinson released his tag later in the meeting.)**

Council Member Robinson stated that he wanted someone to visit with him on the item; and Mayor Brown stated that someone would visit with him.

RESOLUTIONS AND ORDINANCES

18. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2000 to provide for the payment of the current expenses of the City for the fiscal year beginning July 1, 2000, and ending June 30, 2001; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of the Preliminary Official Statement to provide for the Competitive Sale of the Notes, authorizing Paying Agent/Registrar Agreement and other Agreements relating thereto; approving Co-Bond Counsel, Special Tax Counsel and Paying Agent/Registrar for such Notes; making other provisions relating to such notes including use of the proceeds thereof, and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-356 ADOPTED.
- 18a. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas, Tax and Revenue Anticipation Note, Series 2000A to provide for payment of current expenses of the City for a portion of Fiscal Year 2001; authorizing repayment of the principal and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note as evidenced by Note Purchase Agreement; authorizing execution of a Bond Counsel and Special Tax Counsel Agreements; making other findings and provisions related to the subject; and declaring an emergency – was presented. All voting aye. Nays none. Council

Member Vasquez absent on personal business. ORDINANCE 2000-357 ADOPTED.

Council Member Robinson stated that on Items 18 and 18a he would like someone to visit with; and Mayor Brown stated that someone would visit with him.

19. ORDINANCE amending **CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Disposition of certain property that is held by the Police Department; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented, and was tagged by Council Member Tatro. Council Member Vasquez absent on personal business.
20. ORDINANCE approving and authorizing the City of Houston to submit the **2000 Consolidated Annual Plan** to the United States Department of Housing and Urban Development, including the following 2000-2001 Grant Applications: 1) 26th Year Community Development Block Grant in the amount of \$36,987,000.00 (\$34,987,000.00 Entitlement Grant and \$2,000,000.00 Program Income); 2) Home Investment Partnerships in the amount of \$12,325,000.00 (\$11,825,000.00 Grant and \$500,00.00 Program Income); 3) Housing Opportunities for Persons with AIDS in the amount of \$7,114,000.00; and 4) Emergency Shelter Grants in the amount of \$1,241,000.00; and to accept the aforementioned grant funds, if awarded – was presented, and was tagged by Council Member Parker. Council Member Vasquez absent on personal business.
21. ORDINANCE approving and authorizing the First Amendment to the agreement by and between the City of Houston, Texas **REINVESTMENT ZONE NUMBER THREE**, City of Houston, Texas and the **HOUSTON HOUSING FINANCE CORPORATION - DISTRICT I – CASTILLO** – was presented, and was tagged by Council Members Robinson, Tatro, Parker and Sanchez. Council Member Vasquez absent on personal business.

Council Member Robinson stated that he would like someone to visit with him; that he wanted to know if the amendment was not passed how much sooner would they be paid versus how far they extend with the amendment; and Mayor Brown stated that someone would visit with him.

Council Member Tatro stated that this was an amendment and he was not sure what the process was for public hearings on amendments to the plan; and Mayor Brown stated that he would receive an answer.

22. ORDINANCE approving and authorizing an agreement between the City of Houston, The City Park Redevelopment Authority and **REINVESTMENT ZONE NUMBER TWELVE**, City of Houston, Texas (City Park Zone) in connection with the City's Reinvestment Zone Number Twelve - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-358 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER** at Houston for Certified Nurse Mid-Wife Services; providing a maximum contract amount - 1 Year with 4 one year renewals - \$350,000.00 General Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-359 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **REGAL FOOD SERVICE, INC** for the 2000 Summer Food Service Program - \$1,509,371.50 - Grant Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-360 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and **WILBUR SMITH ASSOCIATES, INC** for Busport Facility Market Analysis and Site Selection Study for East End and near Northside - \$38,750.00 General Fund and \$31,250.00 Grant Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I – CASTILLO** - was presented, and was tagged by Council Members Keller and Tatro. Council Member Vasquez absent on personal business.
27. ORDINANCE approving and authorizing amendment No. 1 to contract for Professional Real Property Acquisition and Relocation Services for Houston Airport System by and between the City of Houston and **UNIVERSAL FIELD SERVICES, INC - DISTRICTS B - GALLOWAY and E – TODD** – was presented, and was tagged by Council Member Robinson. Council Member Vasquez absent on personal business. **(NOTE: Council Member Vasquez released his tag later in the meeting.)**
31. ORDINANCE appropriating \$552,000.00 out of Street & Bridge Construction Fund, awarding construction contract to **DURWOOD GREENE CONSTRUCTION, CO.** on low bid of \$421,668.75 and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** in the amount of \$40,000.00 for construction of the Neighborhoods to Standard - Overlay Projects in Montie Beach (Brooksmith); GFS Q-1144-01-3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-361 ADOPTED.

The Non Consent Agenda (Items 34 through 39) were considered as follows:

MISCELLANEOUS

34. RECEIVE nominations for **POSITION 4**, for a term to expire October 31, 2000 and **POSITION 5**, for a term to expire October 31, 2001 of the Land Assemblage Redevelopment Authority – was presented.

Council Member Sanchez nominated Mr. Ed Wolff to Position 4, and Council Member Parker moved to close nominations, and was seconded by Council

Member Castillo . All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0616 ADOPTED.

Council Member Parker nominated Mr. Ed Gonzales, and Council Member Castillo moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0617 ADOPTED.

PROPERTY

35. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Thomas W. Jacobs, United State Postal Service (USPS), for abandonment and sale of a .116 acre fee-owned portion of Eagle Street, located at the intersection of Crawford Street and Eagle Street, subject to the City's retaining a 20-foot wide sanitary sewer easement - **APPRAISERS - DISTRICT I – CASTILLO** was presented.

Council Member Castillo named Mr. Terrance J. O'Rourke and Mr. Frank D. Flores as the appraisers and moved approval of the recommendation, and seconded by Council Member Boney. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0618 ADOPTED.

MATTERS HELD - NUMBERS 36 through 43

36. 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 41 on Agenda of April 26, 2000, POSTPONED BY MOTION #2000-578)** – was presented.

Council Member Boney moved to suspend the rules to hear from Ms. Margie Bingham at this time, and was seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0619 ADOPTED.

Upon questions by Council Member Boney, Mr. Stephen Lewis, Legal Department, stated that under the Local Government Code generally governmental entities have to sell property by sealed bid and there was a special exception for selling properties to governmental entities who had the power to condemn property which was the City of Houston therefore HISD could sell directly to the city where they could not sell to other entities including the tax reinvestment zone because it did not have the power of eminent domain.

Upon further questions by Council Member Boney, Ms. Bingham advised that though there had been discussion of an African Museum at the location the RFP would be written in such a way as to invite and consider other public benefits but it would

somehow be related to the Fourth Ward and then that would come back to Council. Council Members Castillo and Robinson absent.

Upon questions by Council Member Tatro, Ms. Bingham stated that this project was not previously in any CIP or CDBG program; that this would go against the general fund. Council Members Castillo and Robinson absent.

Upon further questions by Council Member Tatro, Mr. Lewis stated that to the extent that the city owned title it would remain tax exempt as it was while HISD owned it; that if a proposal was adopted for the property which included a lease with a commercial element perhaps the leasehold estate might be taxable; that it was their intention the city would remain the fee owner, however, they would contemplate any proposal which involved some long-term lease which would put someone else in possession of the property and to make the deal work it would probably be a long-term, 30 year lease, which was the limit under the City Charter. Council Members Castillo and Robinson absent.

Upon further questions by Council Member Tatro, Ms. Bingham stated that there had been an advisory committee meeting for about two years talking about a closure for the facility. Council Member Tatro stated that to date he had received the original RCA and a letter from her dated May 8 giving a ballpark estimate of the project and suggesting that they would go out for an RFP and they did not know what it would be except a partial museum; that his concern was they were about to purchase a \$1,000,000 piece of property and Council had received one RCA and one letter with no specific information; that he called a builder who informed him that approximately 40 residential units could be built for about \$150,000 and would have a \$6,000,000 value and an ad valorem tax base of about \$40,000 a year which would go back to the TIRZ for future redevelopment and they just raised the down payment subsidy saying housing was short in the area. Council Members Castillo and Robinson absent.

Upon questions by Council Member Keller, Mr. Lewis, stated that he was very familiar with the local government code provision which applied and he was not aware of any exceptions to the requirement of competitive bid process on the property; that unless the TIRZ committed to put low income housing on the property or something, there were some exceptions that could be made to apply. Council Members Castillo and Robinson absent.

Upon further questions by Council Member Keller, Ms. Bingham stated that basically what they were saying was that the only general fund money that would be submitted would be the initial \$900,000 credit; that based on their experience they believed that the private sector could come up with a use for the building that could be debt service from regular financial participation; that the proposal they discussed with the City Legal Department would provide a mechanism where a private sector developer could have an ownership position via a 30 year lease arrangement. Council Members Castillo and Robinson absent.

Upon further questions by Council Member Keller, Mr. Lewis stated that they would anticipate this would be a long-term lease and a market rate lease and they would anticipate that the city would receive rentals from the party that leased the property, anytime a landlord leased property and there was a default by the tenant there was risk

involved and there were also things to be gained; that if they defaulted after the apartments were built they may have the apartments early and have an improved property and the potential to sue for unpaid rentals. Council Members Castillo and Robinson absent.

Council Member Keller yielded to Council Member Tatro who stated that the property was 90,000 square feet and upon questions, Ms. Bingham stated there was one specific site proposed for the museum, but they had not received proposals from developers and they had no concrete plans. Council Member Tatro stated that information he received stated the museum would be on the bottom floor and a housing component on the top with over 100 apartments; and Ms. Bingham stated that was tentative. Council Member Tatro stated that he saw the housing component as the element in this and they were using general fund money again to get into the development business. Council Members Castillo and Robinson absent.

Council Member Parker stated that they agreed the housing component should be a part of anything done in the neighborhood and it was frustrating to have plans going thorough the system and not know, but as a preservationist and someone interested in history and the future of the Fourth Ward she was glad to see them being proactive and taking steps to preserve a significant historical element and focus of the neighborhood by saving Gregory School, just as they did with the Armory a couple of weeks ago; that she was unsure as to why Council Members were bringing up the issue of CIP and CDBG as this was a completely non-cash action; that it was outside the CIP process because it did not involve general fund money that would in anyway go to any other CIP project; and Mr. Lewis stated that it was his understanding the budget did not include forecast for revenues received from the sale of surplus property so in effect they were not taking money away and when the money came in it was treated more as a windfall than a budgeted item for money expected; and agreed with Council Member Parker that if it became a market rate development the TIRZ would get the increment in value and the city would get the base value. Upon further questions by Council Member Parker, Mr. Lewis stated that it was anticipated the RFP would invite offers from the private sector to develop the property and include within it a component for the Afro Centric Museum and other public uses and it was hoped the proposals would have enough commercial value to carry with it the cost of developing the museum without any additional outlays of funds by the city. Council Members Keller, Castillo, Bell and Robinson absent.

Council Member Tatro stated that what they were doing to finance the project was giving HISD credit of \$900,000 at 6% and that would forego future payments when HISD purchased right of way from the city or they had a transaction where money exchanged so the clock would be ticking and it was general fund money they would forego in the future; that this was not done before by the city; that there were comments this was analogous to the Rice Hotel and the Rice was purchased with CDBG money and it would be a different instance if CDBG did purchase the property but that was not the case and general fund money was to be used; that HISD had not put out an RFP to the private sector to sell asking that they keep it in its current format and yet develop and he believed the question was whether the city wanted in the development business again and to him the project was out of the blue, fairly new, and thought the overall project should be cause for concern to Council; and moved to refer Item 36 back to

the Administration, and was seconded by Council Member Goldberg. Council Members Boney, Todd and Robinson absent.

Council Member Castillo stated that Council had been working feverishly over the years to redevelop the Fourth Ward, a blighted area, and this was an opportunity to acquire a school which had a history for many Houstonians and it would be a prize for the city to have the piece of real estate and the financing alternative provided preserved cash in the city and more than likely would involve non-general funds for street development and referring it back to the Administration was a signal that Council had no confidence in what they were doing in that area; that he had no intention of delaying it further and did intend to vote against the motion. Council Members Todd and Robinson absent.

Mayor Brown stated that he would ask for a clarification from the attorney; and upon questions, Mr. Lewis stated that in particular with the issue of Gregory School he did believe there were discussions as far back as the Lanier Administration; that HISD was still in the process of how they wanted to deal with Gregory School so the deal did not gel until they were at the point of saying they wanted to dispose of it either by sealed bid process or working with the City; that apparently a similar credit deal was done with HISD in the past, but he was not familiar with it. Council Member Robinson absent.

Council Member Bell stated that if indeed Council Member Tatro did agree there was a need for additional housing in the Fourth Ward he did not think he should have a problem with the item; that some had a problem with the proposal for a museum and not the concept of a museum but because he did not see a group of individuals coming forth and championing the idea, but in talking with Council Member Boney and others he was assured that there would be an RFP process and before the particular property was used for a museum Council would have opportunity to vote; that in looking at housing it was a creative way to secure additional housing without the city laying out a large sum of cash and since his concerns were met he would be supporting the item and encouraged other Council Members to do the same. Council Member Robinson absent.

Council Member Sanchez stated that Council Member Tatro seemed to be troubled by the fact that the city would become a developer or promoter of the concept; and upon questions, Mr. Lewis agreed that there could be a possibility of the TIRZ acquiring the property and extricating the city from the process and stated that he would see it probably happening more as them submitting a proposal once the city owned it because it was his understanding HISD was intent on disposing of the surplus property and he would suspect that if the city would forego the particular transaction the property would go out for sealed bid sale; that the TIRZ did not have the power of eminent domain and that was a critical element of exception of selling property directly without the competitive bid process and the city could not delegate their power of eminent domain; that the TIRZ could make a deal with HISD perhaps under another exception, under 272001, but they had not done so and he thought at this stage of the game HISD would be unwilling to do so; that he did not know it for a fact, but he did know HISD had spent months and months on the transaction and they were anxious to sell or set a deal with the city. Council Member Sanchez stated that he did not know the motion to send back would kill the item and he would be inclined to support the motion to refer back with the purpose of trying to bridge the gap and let the TIRZ purchase and then if that did not succeed bring it back to the city. Council Member Robinson absent.

Council Member Sanchez yielded to Council Member Tatro who stated that he kept hearing about the TIRZ buying it and he did not see the need; that if the city had the commitment to build apartments they could work with HISD asking them to put out an RFP for a museum with a housing component and the city could give CDBG loans for building apartments, but they had elected the route of purchasing the property rather than working with HISD in offering an RFP and putting the property back into the private sector and generating revenue and this was a bad direction. Council Member Robinson absent.

Council Member Castillo stated that he wanted to reiterate it was seldom that HISD sold a property because they did tend to hold their property forever and to have this building was something that did not come around often; secondly, doing this through acquisition by the city and then making it available to others did not put the city in the development business, they were basically doing it with the land assembly program by foreclosing on property held in private hands and then they were going to assemble it and turn it back to private hands and it was a very creative way for the city to do infield housing and they should cease this and not try to micro analyze it to the point of killing it which he did believe was very likely in this case. Council Member Robinson absent.

Council Member Boney stated that he would strongly urge his colleagues not to refer the item back to the administration because it had in affect the purpose of killing the project; that if Council Members did not feel able to support the project then they should vote no and he wanted to emphasize that the Fourth Ward would remain a blighted slum had Council not developed a very careful plan which had spurred the kind of development seen in Midtown, however, there would not be a poor person living there as it would be market driven housing so the fight had been for the land first bought by freed slaves, developed by freed slaves and bricks laid in the streets by the same that they not totally be pushed out and the city had creatively developed a balanced approach providing for affordable housing with subsidies and allowed the market to come in and help recoup the cost; that when the bottom-line was over the city would gain money, all they did was control an RFP process and he commended the Administration, Legal and Community Development for coming up with the process; and urged a no vote on the motion to send back and pass the item. Council Member Robinson absent.

Council Member Galloway stated that she had just spoken with the deputy superintendent of finance with HISD, Mr. Leonard Stern, and he stated that HISD was in favor of this because a \$678,000,000 bond passed sometime ago and this project would enable them to close streets and use the easement and they felt this was a win/win situation for the City of Houston and HISD; that the property was worth more than the money and they had many offers from the private sector to buy the land but they wanted to also contribute to the community and this was a historical building. Council Member Robinson absent.

Council Member Galloway yielded to Council Member Boney who stated that he wanted Council Members to know that the price of \$900,000 represented \$10.00 a square foot and if they thought in a competitive process someone would come in and put affordable housing at \$10.00 a square foot they were mistaken; that they needed to

remember not to betray the people in the Fourth Ward who had worked with them; and again strongly urged support of Item 36. Council Member Robinson absent.

Council Member Sanchez stated that as passionate as Council Member Boney's remarks were he would doubt the project being referred back to a committee for consideration would cause the ultimate demise of the master plan of the Fourth Ward and he was not convinced that HISD would be unwilling to work with the City of Houston in finding an alternative way to transfer the property.

A roll call vote was called on the motion to refer Item 36 back to the Administration.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez absent on personal business.
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 voting no.	Council Member Sanchez voting aye.
Council Member Todd voting aye.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-0620 FAILED.

A vote was called on Item 36. Council Members Todd, Tatro, Sanchez and Goldberg voting no. Balance voting aye. Council Member Vasquez absent on personal business. ORDINANCE 2000-362 ADOPTED.

37. MOTION by Council Member Robinson/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #99-913, 5/26/99, TO EXTEND** expiration date for an additional 12 months from September 1, 2000 to August 31, 2001, for Corrugated Polyethylene Pipe for Department of Public Works & Engineering, awarded to **ACT PIPE & SUPPLY, INC - (This was Item 10 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0621 ADOPTED.
38. ORDINANCE adopting an additional fifteen percent (15%) penalty for all property taxes that remain delinquent on July 1, 2000, pursuant to Section 33.07 of the Texas Property Tax Code, and for all property taxes that become delinquent on or after June 1, 2000 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 19 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBER BELL)** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-363 ADOPTED.
39. ORDINANCE approving and authorizing second contract amendment between the City of Houston and **PILGRIM COMMUNITY CENTER, INC** to provide an additional \$25,265.00 of Federal Community Development Block Grant Funds for

construction of a new facility at 3118 Blodgett - **DISTRICT D - BONEY - (This was Item 21 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBER QUAN)** - was presented.

Council Member Quan stated that he had tagged the item last week and had done extensive research; that he was not pleased with how the process had gone, they began in 1997 and they were down to the last \$25,000; that from his research it appeared the donor was holding the occupancy permit as a guarantee the city would address the issue of paying off the final payment which seemed to have drug on for over a year; that he would vote for the item but had wanted to express his concerns about the process and how long it had taken to get to this point. Council Member Tatro absent.

A vote was called on Item 39. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Tatro absent. ORDINANCE 2000-364 ADOPTED.

40. ORDINANCE approving and authorizing second amendment to restated and amended Administrative Agreement and approving and authorizing second amendment to restated and amended funding agreement with **NATIONWIDE LIFE INSURANCE COMPANY** and Public Employees' Benefit Services Corporation related to the City's Deferred Compensation Plan - This was Item 24 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBERS ELLIS and ROBINSON) – was presented, and was tagged by Council Member Goldberg. Council Member Vasquez absent on personal business.
41. ORDINANCE approving and authorizing Amendment No. 2 to contract between the City of Houston and **DEREK CONSULTING GROUP** for Professional Consulting Services in connection with Information Systems Support for the Houston Airport System; containing certain provisions relating to the subject - **DISTRICTS B - GALLOWAY and E – TODD - (This was Item 35 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented. Council Member Robinson voting no. Balance voting aye. Council Member Vasquez absent on personal business. ORDINANCE 2000-365 ADOPTED.
42. ORDINANCE appropriating \$9,780,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998 (NON-AMT) CIP A-0235 and \$4,500,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998 (NON-AMT) CIP A-0358, awarding construction contract to **CHAMPAGNE-WEBBER, INC, TEXAS** on low bid of \$12,863,542.36 and approving and authorizing professional services contracts for engineering testing services with **MCBRIDE RATCLIFF & ASSOCIATES** in the amount of \$386,000.00 for construction of Economy Parking Lot Upgrades at George Bush Intercontinental Airport/Houston (IAH), Project No. 507- **DISTRICT B - GALLOWAY - (This was Item 36 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that Items 42 and 43 were Aviation contracts which he did support; that the question around it was the ROCIP Program; that almost one year ago the original ROCIP agreement was passed and these were the first contracts

coming through under the ROCIP safety plan and neither one would be involved in the ROCIP Program; that the first contract was an economy lot and the second was expanded farm fuel capacity and Champagne-Webber was the low bidder on the first and the ROCIP credit given to the city was \$1,100.00, a credit of .008%, the second contract was a \$14,000,000 bid with the ROCIP credit back to the city being \$98,400.00 or .7%; that ROCIP was a complicated issue but the city was to provide workmen's comp and general liability insurance to contractors and they would remove it from their bid which would give the city a lower contract price so the ROCIP savings was the difference between what the contractor bid with and without insurance less the city's actual cost of ROCIP; that in this case they would not be enrolled in ROCIP but others coming would and the significant issue here was what the program brought to the city about how they would save money on Aviation contracts. Council Members Bell and Robinson absent.

Council Member Boney stated that a point of order was the vote was on Items 42 and 43 and ROCIP was not a part of it; that the Council Member had taken the opportunity to discuss ROCIP on an Aviation matter not connected to ROCIP and Council had Pop-Off at the end of the meeting where Council Members could talk about anything and his remarks were not germane to the item. Council Members Bell and Robinson absent.

Council Member Tatro stated that they were germane; that the safety program the two items were involved with were a part of ROCIP and he felt Council needed to understand the genesis of the program because he would move to the safety program which the two contracts did have in them. Council Member Robinson absent.

Council Member Castillo stated that he wanted to know how the chair ruled on the point of order; and Mayor Brown stated that the chair would rule the discussion was not germane to the item on the Agenda.

Council Member Tatro stated that he would talk to the safety program which was germane; that the contracts were under the new safety program manual, it was the ROCIP Safety Program and contractors were given the manuals and under the program they must comply with the safety requirements; that he was having information distributed to Council Members about the safety manual; that Council Members were told by the Aviation Department that this was a safety program outside of ROCIP and that it was implemented, although concurrently with ROCIP, it was not a part of the ROCIP Plan although in the safety manual the word ROCIP appeared 23 times and in the claims reporting manual it appeared 22 times; that in the safety manual the contractor was required to carry extra safety personnel they did not have to previously carry and they were not able to determine on the first contract what the value of the safety personnel was under the new safety program, but under the second contract they were able to and it was \$120,000, \$120,000 inside the contract bid price because of the ROCIP Program they would not find in a line item of the bid but they were paying for so they failed to see the hidden cost of the program; that although Champagne-Webber, Inc, and Laughlin Environmental, Inc, would not be enrolled in ROCIP they were carrying cost within their bid price of \$60,000, \$70,000, \$80,000 and in the case of Item 43 \$120,000 and that was a cost of ROCIP they were not seeing. Council Members Galloway and Robinson absent.

Council Member Todd was called on and yielded his time to Council Member Tatro. Council Member Tatro stated that he would like to ask significant questions of the Aviation Department; that in the contract the contractor was required to carry a safety superintendent and safety manager and previously that was not required of the City of Houston it was only in the ROCIP so now reading the safety manual they would notice a loss control safety engineer and program safety manager were now being paid for through the program and he wanted to find out from the Administration who was paying for the loss control safety engineer on the first contract and who was paying for the safety manager as a part of the contract; and Mayor Brown stated that he would get an answer. Council Member Tatro stated that also in the overhead cost they would notice the cost of the project was the bid price and then testing requirements for soil samples and an overhead factor; that he had been asking all week long for the cost breakdown of the overhead items because he wondered if other ROCIP costs were buried in the overhead calculation; that he did support the two items but it was important for Council to know that as the contracts came before them there would be hidden RODIP costs and on the second contract there was a hidden ROCIP cost of \$120,000 that would not be in the final ROCIP calculation; that to date the city had spent \$2.8 million on ROCIP and not a single contract had been involved and that was a significant factor. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she would appreciate seeing his questions in writing. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Sanchez, Council Member Tatro stated that to date they had spent \$2.8 million on ROCIP and these were the first two projects under ROCIP and neither would be involved in ROCIP; that the cost factor needed to be pointed out and he believed there was "0" benefit. Council Member Sanchez stated that concerned him and moved to suspend the rules to hear from an Aviation representative at this time, and was seconded by Council Member Tatro. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney called on Mr. Hall who stated that he had not seen the questions though his understanding was that the Aviation Department would prepare in writing a response to Council Member Tatro's questions. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that he had a motion on the floor and a second to that motion; and Mr. Hall stated that no one was herefrom Aviation. Council Member Sanchez stated that he saw a lot of heads nodding from the Administration no to Aviation and it was unprecedented they could not get questions answered and he wondered if there was a material issue or point of order...; and Mr. Hall stated that no one was present to answer. Council Member Sanchez stated that Mr. Smith was present and got up to come forward until Mr. Haines shook his head no.

Mayor Pro Tem Boney called for a vote on Council Member Sanchez's motion to hear from a representative of Aviation. All voting aye. Nays none. Council Member Vasquez absent on personal business. Mayor Brown, Council Members

Galloway and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0622 ADOPTED.

Mayor Pro Tem Boney invited Mr. Stephen Smith and Ms. Kathy Mosley to the table. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that Council Member Tatro made an assertion that the city had paid \$2.8 million in taxpayer or enterprise money to the ROCIP Program and he wondered how many programs had been incorporated under the ROCIP Program for that \$2.8 million expended to date; and Mr. Smith stated that he could not validate or challenge Council Member Tatro's assertion as he did not know what was in that number. Upon further questions by Council Member Sanchez, Mr. Smith stated that he was deputy director for planning, design and construction in Aviation; that he was familiar with ROCIP and there had been no projects enrolled in the program to date, but he did not know what invoices had been paid to HOBBS/APEX. Council Member Sanchez stated they were in front of him and unless they were fabricated he was assuming they were from Aviation; and Council Member Tatro stated that they were from the Controller's Office. Council Member Sanchez stated that it was typical of ROCIP. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that he wanted to state what the chair thought was typical which was that two Aviation items now were on the Agenda and had nothing to do with ROCIP but were used to attack ROCIP by gaining numbers from the Controller and entering into a political debate and it would be more appropriate if Council Members had questions and information from Controller that it be provided to Aviation and the Administration so that they may get a proper answer and response and not use time to ambush politically something at the table. Mayor Brown and Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Ellis was called on and yielded his time to Council Member Tatro. Council Member Castillo stated that he raised a point of order this was not relevant to the subject matter; and Council Member Tatro stated that the rules had been suspended. Council Member Castillo stated that it was still not relevant, how long were they going to discuss it; and Council Member Tatro stated that they had barely begun. Mayor Pro Tem Boney stated that they would continue as Council Member Ellis had yielded his time to Council Member Tatro. Mayor Brown and Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that there was nothing political about the Controller cutting checks, it was the only place in the city where checks were cut therefore he went there to get information about what payments were made to various vendors under ROCIP and to suggest bringing the Controller into this to get information was political was outrageous. Mayor Pro Tem Boney stated that he was suggesting that he could have provided the questions and information to Aviation so they would have been prepared to respond; and Council Member Tatro stated that this was his time and they had inquired all week long to them; and upon questions, Mr. Smith stated that on the current items on the Agenda they did not have to carry any additional personnel or cost to comply with the ROCIP Safety Program. Council Member Tatro stated that he was saying then that on Item 43 Laughlin Environmental was carrying no one else even

though he spoke with them and they said to comply with this there was \$120,000 to comply with the safety supervisor personnel required; and Mr. Smith stated he was not saying that, the question he asked was tied to the ROCIP and neither program was in the ROCIP. Council Member Tatro stated that under the safety program instituted by the city were there extra personnel being carried in the contract to comply with the safety program; and Mr. Smith stated that there was a fundamental issue here that he thought was misinterpreted, the safety manual and the safety program applied to the Aviation Department's Construction Program across the board and it was not a ROCIP manual. Council Member Tatro stated that he understood it was prepared by the HOBBS Group and they were the Administrator of ROCIP; and upon questions, Mr. Smith stated that the safety program was initiated about a year and a half ago, it was initiated in order to try to come up with how they were going to manage the safety aspects of a \$1.5 billion construction program going on simultaneously at all three airports. Council Member Tatro stated that the safety manual was prepared by the HOBBS Group; and upon questions, Mr. Smith stated that they had not contracted with HOBBS anywhere else other than the ROCIP Program to provide safety instruction or safety procedures at the airport. Council Member Tatro stated that they seemed to be one and the same then, he did not see how you could have a safety program administered by HOBBS and it not be a part of ROCIP since ROCIP was mentioned about 100 times within the documentation; and upon questions, Mr. Smith stated that there was no additional safety personnel required by the ROCIP Safety Program; after further questions, Mr. Smith stated that he did not know about the Fuel Farm Project, but if he would read the manual it stated that they may require as a line-item bid in the contract a contractor to supply a certified safety professional where they felt the administration of the safety program under that contract so warranted whether the program was involved in ROCIP or not; and upon further questions, Mr. Smith stated that the contract did not require extra safety personnel and he did not know why the contractor was carrying extra safety personnel and attributing it specifically to the manual. Mayor Brown, Council Members Galloway, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Upon questions by Mayor Pro Tem Boney, Council Member Tatro stated that he believed they had provided a memo to Aviation, they had been trying to get in touch with Aviation for the last three weeks on the entire matter, but he again would regenerate a list because there would be other ROCIP Programs to come before Council and if they were floating around he would get them to him. Mayor Pro Tem Boney stated that not only were his questions circuitous but so were his answers; and upon questions, Council Member Tatro stated that they just compiled what he presented as it was just given to them. Mayor Pro Tem Boney stated that if he wanted to question and make assertions in a meeting before the public about information he had gained from the Controller it was at least fair to say that the information would be given to the department and give them an opportunity to evaluate it so they could give an intelligent and honest response. Mayor Brown, Council Members Galloway, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Bell stated that he had a couple of points before his question, as to what was germane and discussion being limited to what is germane he would remind everyone that at the end of 1999 they could have been discussing the price of tomatoes in Brazil and Council Member Wong would have used it as an opportunity to discuss paving Chimney Rock and no one stopped her or said it was not germane and that had never been used as a tool to squash discussion at the table and while they were free to

disagree with Council Member Tatro he took umbrage at the rule somehow trying to be applied to keep him from speaking out; that this was not a court of law although some did forget that at times and people were free to bring items to the public's attention in any manner they so chose and if the Administration truly felt this program which had received hours of debate and weeks and weeks of discussion did not believe that after a year the program would be monitored that there would not be such questions then what were they thinking; that he also felt the Administration should be a little alarmed and should have an opportunity to answer questions but they should be in a position to do so today and he did not think this was unfair in the least; that he did hope the Administration was preparing a formal response to show what money had been saved if any and if Mr. Smith could answer today he would like to know why no contracts had been enrolled under the program to date and after one year; and Mr. Smith stated that the first two contracts bid out with the ROCIP language in them were 507 and 510 and the computation of savings that came back from those bid documents, from the contractors, indicated the contractors could supply the insurance at a cost lower than the ROCIP; that these were the first two to go out under ROCIP because it took this long to put the program together and get the documents and language into the design document; that it was proposed as a pilot program to be revisited after one year and he could not speak to why it was proposed in that fashion if it was going to take that amount of time. Council Member Bell stated that those who supported the program always indicated a willingness to go back and revisit the issue and to do away with it if it was not working and the Administration owed Council an explanation and review of how the program performed over the last year. Mayor Brown and Council Member Robinson absent.

Council Member Bell yielded to Council Member Sanchez who stated that he was equally awestruck at the absence of the Mayor in this discussion or even taking an interest in the debate; and Mayor Pro Tem Boney stated that he would assure them that the Mayor was not unwilling to take part in any discussion or was the Mayor Pro Tem they were simply trying to proceed in an orderly fashion and sometimes some did have other matters to take care of. Mayor Brown and Council Member Robinson absent.

Council Member Parker stated that she did not find any of the questions inappropriate but did find ambushing the Administration completely inappropriate; that it was an extremely costly program and painful to go through the ROCIP wars; that a year ago they fought this and fought this and there was no need to try and ambush the Administration on a project that had nothing to do with ROCIP except peripherally when what they really needed was a formal update and presentation on the program; that she did not think anyone was trying to cut off debate on this critical issue but they had one sided documents from Council Member Tatro along with a long commentary from Council Member Tatro and an Administrative representative who did not expect to have to answer any of the questions and now he was being made a target and badgered for not being able to answer off the top of his head very complicated questions about a project that took Council months and months to pass and it was not good public policy or the way to proceed; that in Council Member Tatro's paperwork he did mention two projects enrolled in ROCIP and they may not have begun as yet, but she would remind everyone that part of the ROCIP process was to tell contractors if they thought they could do it cheaper to do so, but Council Member Tatro was trying to take them down a trail entirely inappropriate for today. Council Member Robinson absent.

Council Member Keller stated that if everyone knew he had been talking to Controller all week maybe someone should have said Aviation should go talk with him and settle him down; that he felt Council Members were overwhelmed with lack of defense and everyone should take note that when someone did their homework with such limited staff as he had and still maintained a constructive way to not try and work votes to kill the item and this and that, but he guessed when they disagreed it was an ambush and when it was their issue and they were for it then it was fair and he wondered how someone got a patent to know when it was called support or steam rolling; and he thought when something came on the Agenda that someone should take it upon themselves to see how almost every Council Member felt and take it upon themselves to instigate the correspondence. Council Member Robinson absent.

Council Member Keller yielded to Council Member Todd who stated that there were good issues raised and the whole matter deserved discussion, but there were other matters on the Agenda and he would request that Council Member Castillo put the matter on his Fiscal Affairs Agenda so they could give it the amount of time it deserved and so the Agenda could be completed; and Council Member Castillo stated that he would be glad to place it on the next available agenda and would ask Aviation to make a presentation. Council Member Todd stated that he would give the rest of Council Member Keller's time back to him. Council Member Robinson absent.

Council Member Keller yielded to Council Member Tatro who stated that he would like to speak to the word "ambush" which had been thrown around today; that they had first inquired about the overhead amounts to the Aviation Department and Mr. Smith on May 4; that he understood Council Members were not privy to all the work they had been doing on this but the Aviation Department was and for not less than two weeks they had been hammering the issue with them and on May 4 inquired to Mr. Smith about the overhead amounts in the two contracts mentioned today and had received "0" response; that they did it by phone and had no response and started Monday telling Aviation they needed to be present at the Council table to answer questions because they were not getting any; that he could understand how other Council Members would view this as the first time getting into it but Aviation had been well aware of his questions and the two contracts and were put on notice May 4 they wanted numbers and as early as Monday that someone should be present today so this was not to be an ambush, there was a lot of hard work on the part of his staff and he thanked them. Council Member Robinson absent.

A vote was called on Item 42. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-366 ADOPTED.

43. ORDINANCE appropriating \$15,574,200.00 out of Airport System Commercial Paper Series A, C (AMT) CIP A-0251 and A-0378, awarding construction contract to **LAUGHLIN ENVIRONMENTAL, INC** on bid of \$13,967,854.59 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$488,900.00 for Expand Fuel Farm Capacity at George Bush Intercontinental Airport/Houston (IAH), Project No. 510 - **DISTRICT B – GALLOWAY** – (This was Item 37 on Agenda of May 3, 2000, TAGGED BY COUNCIL MEMBERS ELLIS and TATRO) –

was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-367 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Todd first

Council Member Todd stated that he wanted to congratulate Congressman DeLay for taking action at the Appropriations Committee as it concerned rail and he was of the opinion that the step he took was the right one; that he understood the position was not shared by some around the table but it was right for the Houston area in his opinion; that the Main Street Rail Plan as it was currently proposed would in his opinion do nothing that was transit related with the Houston area; that it would not take one car off the road or make the air one bit cleaner and the data METRO used to support their figures was flawed, it assumed people would be driving in from Clear Lake and such areas and driving to the astrodome and parking and then taking a train downtown and anyone driving in from such an area understood there was no time savings or financial savings to that and it would not happen; that he agreed with Congressman DeLay that there needed to be a vote on the matter and that there needed to be an overall plan presented; that the way it was being presented as a starter line was disingenuous and to disorganized for a financial obligation; that if METRO was serious about having a regional train line they needed to lay out the entire thing, give the estimate of money and hold an election; that he was also disappointed in METRO's advertisements running on television, they were using taxpayer money to run a propaganda campaign to encourage Houstonians to believe the plan was a good thing; that it indicated with the line there would be less traffic and a savings on air quality; that he understood Congressman DeLay was going to be vilified and he had been many times for positions he had taken, but sometimes leadership meant you had to take a licking from those able to publicly give it to you; and encouraged all to contact METRO and Congressman DeLay and let them know if they were for or against and why.

Council Member Robinson stated that he had comments and then would lift his tag on Items 16 and 27; that he wanted to speak to some substantive issues relative to the light rail dialogue they were engaged in; that one interesting thing to him was that those who spoke of local control, be outside the beltway, building consensus, overlook fact and engage in a lot of myth and misinformation, first, you don't say that because someone had violated the law you too should violate the law; that Congressman DeLay made the point that there had been referendums in the past without a sales tax increase or any debt being issued and the county attorney had essentially said you could not do that now and if it had been done in the past, which it had, it was a violation of the law and he said to go to Austin; that he assumed he was saying the members of the legislature had no idea what they were doing when they put into place the current prohibition restrictions relative to METRO and going to the voters on items relative to this called for vote; that the second thing was under the law when you had a major investment study, you could not prejudice a major investment study if you were asking the government for money and so long as Congressman DeLay was willing to say that if METRO, the City, County or whoever was interested in light rail says they would build light rail along I-10, Westpark, out 45 to southeast Houston he was committing to giving Houston that money if we put it on the ballot and there was no need for MIS a Major Investment Study they would not lose their federal funding and he was fine with that, but that was not what the law said, if you prejudged, if you predetermined you had a

problem when it came to federal funding and wanted some federal money so if he would put it in writing as a commitment to them they could move forward from there; that Congressman DeLay also said if you built rail you were taking money away from the Westpark Toll Road and METRO sold the land to build the Westpark Toll Road and the simple observation was that Toll Road meant you were taking toll money to build the road and retire the debt and not METRO money and if he or others did not understand that distinction then they needed to give basic lessons on rules and regulations about transportation funding; that most important to him was the shameful behavior of someone who would say they did not pay enough attention to the issue to know they had multiple public hearings, years of study by the City, County, Houston/Galveston Area Transportation Council or congestion, on road projects, on a better bus system and on rail and to say all should be done over; that he loved METRO but the fact was they had no legal jurisdiction over the city, county or any other entity in the Houston/Galveston area so they could study congestion if they wanted to but they could not mandate anything on them and if Congressman DeLay was going to Washington or Austin and getting the legislature to give METRO an extra ordinary power they did not now have then he was with him, but before he put responsibilities on someone he should give them authority to enforce those obligations; that he was supportive of light rail and he did not think anyone tried to slip anything past him; that if he was serious and wanted to be a part of the dialogue he should have been present from the beginning.

Council Member Robinson stated that he would now lift his tag on Items 16 and 27. Council Member Todd stated that he would like Item 11 added as he would lift his tag also.

16. **AMEND MOTION #99-248, 2/17/99, TO INCREASE** spending authority on award to **INDUSTRIAL INTERNATIONAL SUPPLY, CO. DBA INDUSTRIAL INTERNATIONAL** by \$215,984.25 from \$863,937.00 to \$1,079,921.25 for Plastic Meter Boxes for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Castillo and was again before Council. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0623 ADOPTED.
27. ORDINANCE approving and authorizing amendment No. 1 to contract for Professional Real Property Acquisition and Relocation Services for Houston Airport System by and between the City of Houston and **UNIVERSAL FIELD SERVICES, INC - DISTRICTS B - GALLOWAY and E – TODD** – was again before Council. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-368 ADOPTED.
11. **EMERGENCY ONE, INC** for Ladder Truck Repair Services for Fire Department - \$120,769.86 General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was again before Council.

Council Member Sanchez stated that he saw a report where many of the trucks received from this particular vendor had cracked frames and he wondered if they had provided the city with a written response on how they would remedy the situation; that he would not send a car he owned to a manufacturer who had sold him another car with a cracked frame; and Mayor Brown stated that the Fire Chief had been involved in the

issue and he would make sure he received a report; and Council Member Sanchez stated that he would tag the item until he received the report. Council Member Vasques absent on personal business. Council Members Galloway and Robinson absent.

Council Member Todd stated that he had originally tagged the item because connected with the issue was an auto accident where the driver ran a red light and hit the fire truck; that he did not know how someone could not see a fire truck going through a red light, but he had asked why the city was not pressing a claim against the driver for damages and he had not received a satisfactory answer; that ordinarily this would be limited to insurance coverage and it was his understanding the driver did have insurance and he was drunk so that was a pretty good case and if the problem was that the insurance was not enough then this was a good example of the kind of claim they should refer to outside council and what ever they received would be at least partial reimbursement; and he would retag the item for an answer from Legal. Council Member Vasquez absent on personal business. Council Members Galloway and Robinson absent.

Mayor Brown stated that Council Member Sanchez had received a memorandum, or one was sent to him, which said the frame problem was the sub-frame and not the main frame had been addressed by Emergency One and it was not a safety issue; that E One was providing a complete investigation into the frame construction and would provide the Fire Department a permanent fix before the end of May so his question was responded to; and Council Member Sanchez stated that he would keep his tag on the item as he felt the response was unsatisfactory. Council Members Galloway and Robinson absent.

Council Member Quan stated that over the past weekend the Westheimer Street Festival was held on Allen Parkway and he had a chance to observe the festival and though the reports in [the Houston Chronicle](#) were not very positive in talking with police officers who supervised the safety and reviewing the crowd he thought it was a very well run festival and he was encouraged about the festival continuing at another location by what he saw Sunday. Council Members Galloway and Robinson absent.

Council Member Quan stated that regarding the Fiscal Affairs Meeting yesterday he thought the Administration did a good job revising their figures. Council Members Galloway and Robinson absent.

Council Member Quan stated that he appreciated Council Member Tatro's research into the ROCIP Program and with the amount of work it took he commended him and his staff. Council Members Galloway and Robinson absent.

Council Member Tatro stated that he was remiss last week in giving kudos to the Solid Waste Department for their work after the storms; that people called praising them for their expediency and also wanted to commend Right of Way Maintenance. Council Members Galloway and Robinson absent.

Council Member Tatro stated that he also wanted to give kudos to Congressman DeLay, it was a tough decision he made and he felt it was for the taxpayers in the METRO area and brought out an interesting funding point; that what was taken off the table was federal funding to complete the first section; that METRO

said they could do it out of current revenue streams and not have to issue debt, but a significant component would be federal money; that he always supported a public vote, but surprisingly METRO had no debt and they were required to only go out for public vote when they incurred debt or issued bonds and as a taxpayer it was disturbing that a decision was made to work around the vote and that was the point that most jumped out at him. Council Member Galloway absent.

Council Member Tatro stated that last week the RFS (Request For Solutions) for the Northeast Water Plant were turned in and he called Public Works requesting a copy and ran into a snag; that it was a significant issue and he would appreciate the Mayor's help in getting a copy. Council Member Galloway absent.

Council Member Tatro yielded to Council Member Castillo. Upon questions by Council Member Castillo, Mr. Hall stated that that he believed Council Members would find an opinion once they returned to their offices that Legal had given to the Director of Public Works regarding the issue; that he advised them he had three request for the proposal, but this was a confidential process that was exempted from the public information act and the second issue was what position Council Members had in the process and they had given them opinions before and it was included in this one that they had the right to see the document but not to copy them; that as he understood there was a secure room where they were locked up and Council Members themselves, not their Aids, could go and view them for whatever information they wanted. After further discussion by Council Member Tatro Mr. Hall stated that this was the first step in the process which provided for the city, with Council's approval, two options and one was to take components from six proposals and go back out and tell all interested give me a bid on that or to pick a submittal and say the City wanted to negotiate a contract; that the opinion presented to Council Members was one page and he would urge that he read it. Council Members Galloway and Todd absent.

Council Member Keller stated that Bob Allen, Don Sanders and himself were hosting the fourth annual crime victims golf tournament at Memorial Park, Thursday, June 1 and they already had 24 teams and had 7 or 8 more; that Council Member Ellis joined the cause and anyone else wanting to help would be greatly appreciated. Council Members Galloway and Todd absent.

Council Member Keller stated that he wanted to congratulate Emily Gaudier a senior Girl Scout at Stratford High School for winning the Gold Award, the highest achievement in Girl Scouts and there were less than 1% who won. Council Members Galloway and Todd absent.

Council Member Keller stated that regarding rail he hoped Council Member Robinson was right in their attempts, METRO's and other governmental entities, in wooing or explaining to Congressman DeLay; that he was surprised one person had that much power, but he hoped it was not underestimated because if it was going to be a problem and they knew it two years ago...; that he thought Council Member Robinson was right in what he said and he hoped that was the case; that he supported regional mobility, but since he was seeing possibly strategic errors, if his district did not get I-10 or Westpark as the second link he probably would go out door to door in his district and get them to pile on and vote down the other districts, it was just his nature, but what if they had the whole plan streamlined and phased and coordinated and put in front of the

city as a whole so all would know when their turn was; and he hoped people were not thinking one dimensionally when making the strategies. Council Members Galloway, Goldberg and Todd absent.

Council Member Boney stated that he disagreed with what Congressman DeLay did with regard to rail; that he was hoping a door of opportunity was still open for dialogue that would bring about a consensus with him on their initial plans; that as he understood it, and perhaps he was becoming less tolerant than the Mayor was so he would apologize and give disclaimers from the beginning, but they had to renege on a commitment, the Metropolitan had said and was sure there was an agreement to build the first line for the Main Street from downtown to the Astrodome and any further extensions of rail would require a public vote and debt and now the game was changed and one person had made the decision and he believed it was a partisan decision; that this was supposed to be a nonpartisan body but they did have rules and generally since he had been on Council they had been flexible and courteous and they had attempted to develop consensus but every now and then it seemed a few would get off course and decide they wanted to play hardball and he did not mind playing hardball but it was a win at all cost attitude, assertions without data, data without analysis, etc., and he believed they were elected to develop a consensus if they were able and to debate it with integrity and in a respectful way and then use the best of the democratic process so the majority might decide the issue, but to work to include the minority; that they should not think the public was not watching or that they were blind and stupid regarding the politics being played; that on the same day the press conference was convened by Congressman DeLay State Senator Lindsey convened his act to try and use his power to strip power from the Mayor's Office when the state legislature opened again; that he was not confused and the public was not confused; that he had urged time and time to be moderate and try to achieve consensus and allow the entire city to feel like stakeholders and they had been well served by that tone and direction for the last eight to six years; and urged all to not shred the relationship in this body. Council Member Galloway absent.

Council Member Sanchez stated that he would guess some of Council Member Boney's comments referred to the activities today and not to the issue of the Metropolitan Transit Authority or federal funding for the rail system; that it was interesting that Council Member Boney said the decision was strictly partisan; that he remembered once when a former Mayor of Houston staked a claim for himself on the issue of rail and the fool heartedness of proceeding with a rail system that fiscally and economically made absolutely no sense and while they were talking about serving those who were historically undeserved and underprivileged he believed that they could all agree if the rail line made no monetary sense it was a benefit to those undeserved and underprivileged and he believed they were trying to install a regional transportation system that was the most effective and efficient for the area; that they had commitments from elected officials and candidates running for office not too long ago that they would hold an election on the issue of rail; that the county attorney came up with an opinion that effectively precluded METRO from having an election on the issue, but there were two cures for that in that METRO simply issued data about putting it before the voters or the Mayor could still be committed to the notion that he wanted to fight for a vote and ask the legislature to allow it; and for Council to sit and reduce the argument on regional mobility to a partisan issue did not do service to the area; that he was one of those who said put a consolidated plan on the table and he would like to get on board and he

believed asking for citizen input was not too high a hurdle to clear. Council Member Galloway absent.

Council Member Sanchez stated that he had occasion to try and use the recycling center off Post Oak and South Main but could not use it as the center was opened from noon to 6:00 p.m. Wednesday and he felt that did not serve the public well and perhaps it would be better to open on a weekend. Council Member Galloway absent.

Council Member Sanchez stated that on another issue which he had talked to the Mayor on a number of occasions was regarding a piece of property on Link Valley off 610 and Stella Link which the city had expended hundreds of thousands over the past 13 years cleaning the property and it had gotten to the point that there was someone there representing himself as owner of the land, but the city cleaned it and then put a lien on it and that person representing himself as owner went to contractors and leased the property for dumping and made money and then the city cleaned again and something needed to be done to stop the behavior and he would appreciate the Mayor's and the Legal Department's help in the matter. Council Members Tatro and Galloway absent.

Council Member Sanchez yielded to Council Member Todd who stated that Council Member Boney referred to a renegeing on a contract as a result of Congressman DeLay and he believed that what he was referring to was a piece of propaganda put out about six months ago that the Federal Transit Authority had approved the rail plan and he remembered reading it and thinking it was news, but it turned out that the victory in the approval METRO claimed in reality was a statement of intent to consider and the Federal Government had never approved the rail plan or expressed an opinion on the merits and this was a good example of what Congressman DeLay was talking about when he stated essentially that METRO was using smoke and mirrors; and for those listening he had never seen any public authority make more misstatements in fact in his political life. Council Member Galloway absent.

Council Member Parker stated that all the discussion on METRO and Congressman DeLay was interesting but she wondered how many times METRO had to present its consolidated plan for certain anti-rail folks to acknowledge there was a consolidated plan and it had ample exposure; that she also wondered how many times METRO had to hold a public hearing before they would acknowledge this was not some secret plan by METRO to sneak a rail line down Main Street; that she was also interested to hear some colleagues say debt financing was a good thing when it was METRO but bad when it was the City of Houston; and she would certainly not offer kudos to Congressman DeLay for what she considered to be an extremely disingenuous editorial and not just anti-rail but punitive to the City of Houston action. Council Member Galloway absent.

Council Member Parker stated that she wanted to thank Council Member Castillo for agreeing to hold a hearing and discussion on ROCIP; that she did feel Fiscal Affairs was the public place; that pro and anti ROCIP forces would have an opportunity to provide information in advance of the meeting and she looked forward to getting the information as much in advance as possible. Council Member Galloway absent.

Council Member Parker stated that cheers for the anti-gun buy back program were because it was extremely successful, but the complaint was there were such long lines and she hoped they would consider doing such a project again and better program and anticipate the high demand; that she was glad they had done it and pleased with the turn out and she understood it was actually the Kroger gift certificates were one of the hottest items so people were exchanging guns for food. Council Member Galloway absent.

Council Member Castillo stated that he had heard earlier comments about the success of the Westheimer Street Festival but there were some problems he hoped the Administration would assign someone to look at; that there was no time spent cleaning up important areas like roadways and it took most of the next day to clean up; that they did receive a complaint from some residents of the apartments across from the park about the level of noise and he assumed the noise level ordinance applied to festivals also and by the next festival people would be living in Allen Parkway Village. Council Members Galloway, Todd and Sanchez absent.

Council Member Castillo stated that the item on the East End Bus Port Facility analysis was tagged and that was similar to the item done last week and the industrial park the week before and basically the East End had about 26 companies that operated buses and vans and operated in facilities not adequate; that they created pollution and were destroying the streets from their weight; that their goal was not to get into the bus development business but their aim was to find a location where all companies could become tenants and take the buses off streets and provide a place where oily water and other fluids could be disposed of and he believed it was up to the city to initiate a study and find a site and then turn it over to them to develop. Council Members Galloway, Todd and Sanchez absent.

Council Member Castillo stated that he was not an advocate of Congressman DeLay and his tactics in the past, but he did believe that now they found their situation so that if they wanted rail to succeed to any degree they would have to find a way to get off the middle. Council Members Galloway, Todd and Sanchez absent.

Council Member Castillo yielded to Council Member Parker who stated that the noise complaint was regarding another festival and not the official Westheimer Street Festival. Council Members Galloway and Todd absent.

Council Member Bell stated that Mr. Flores had challenged Council Members to attend the Westheimer Street Festival and he and his family did attend and they were very impressed, it was a very well behaved crowd and he was shocked when reading the paper the next day and heard complaints of how attendance was so far off and that seemed to be driven by people who did not want it to succeed in the first place; that Sgt. Jackson who headed up the Mayor's security had worked with the festival a number of years and his comment was this was probably the best thing that had happened. Council Members Galloway and Todd absent.

Council Member Bell stated that last Saturday was the Bayou Regada down Buffalo Bayou which was a wonderful resource and he and Jeff Nelsen, from his office, competed. Council Members Galloway and Todd absent.

Council Member Bell stated that on the issue of rail he was surprised when he saw Congressman DeLay's comments that he wanted to see more study and he would remind the public that 25 years and more than \$60 million had been spent on studies and they still had no definitive answer as to whether rail would work in Houston; that he had supported the Main Street line because they could build it without breaking the bank and finally have true data as to whether rail would be taken advantage of in Houston; that he thought they probably had cultural hurdles to jump, people who had not grown up around rail or subways were not used to taking advantage of mass transportation and as urban planners would point out Houston was a city planned for the automobile, but they had to start looking into the future and every major city was looking at combinations of bus, rail and more roadways to address congestion; that Congressman DeLay's position was not the same as Council Member Todd's position, Council Member Todd's position was that the line would do nothing to relieve congestion and Congressman DeLay said if it were only the Main Street line he would support it but he was upset that in the future there may be other spokes to the line so they needed to get their arguments in order on opposition because it seemed folks who wanted to oppose would just find anything to try and kill it and he felt it was important to move forward with the particular line; that it was no secret to anyone and he was disappointed in the Congressman's language and he believed he should remove the language he added and allow the project to move forward. Council Members Galloway, Boney, Todd and Castillo absent.

Council Member Bell stated that most had tried to stay out of the Time Warner/Disney dispute, however, Time Warner made it rather impossible last week when they decided to remove Channel 13 from the airwaves in Houston and took off other Disney affiliates in other major cities; that the move was now being compared to the brilliance exercised by those who brought the public "new" Coke years ago, it was a poor move and now Warner was scrambling to make up for it, but he would suggest that they try to be fair, he was disheartened when given a copy of last Friday's New York Times which carried a full page ad, which he displayed, from Time Warner apologizing to everyone in New York for the frustration they caused by removing the Disney owned affiliate and to thank them for loyalty and ensure satisfaction they were giving to every customer credit for two days for basic cable service plus one month free on a premium channel they did not currently receive and he was informed here in the City of Houston customers were being offered \$1.00 and a free upgrade to digital and he considered that far less than what the people of New York City were being offered and he would suggest that if they really wanted to repair the damage done to their reputation in Houston they should be offering the same thing being offered to New York and even if Houston was a smaller media market they were the fourth largest city in the nation and should be treated in an equal way and he hoped they would address the issue in the coming days. Council Members Galloway, Boney, Todd and Castillo absent.

Council Member Ellis stated that he felt compelled to comment on the light rail program and what Congressman DeLay had done; that while he was a proponent of light rail he had not been a proponent of this light rail program; that he believed there needed to be a plan reaching all areas of the city and he did believe it had to go to the voters; that if they were going to build other sectors and issue debt at that time then have a vote now; that at this time he took sides with Congressman DeLay and hoped he was not trying to completely derail the program and hoped he was genuine in his response that he wanted to see it go to the voters which is what he wanted to see and then get as

much federal funding as they could for a more comprehensive program. Council Members Galloway, Boney and Todd absent.

Council Member Goldberg stated that a couple of weeks ago the move of a day labor site in his area was begun and a lot of promises were made and he did not believe they were kept; that besides it being a very poor choice there were problems with the drive way, danger to the potential workers and there were supposed to be utilities and there were none; that there was zero parking and there was a better location and he would like to see it moved to site four on Westpark which was once looked at before. Council Members Galloway, Boney and Todd absent.

Council Member Goldberg stated that he wanted to thank the Houston International Initiatives and the Houston Image Group for their preparation of the Economic Trade Mission; that Brazil was his first trade mission and he felt they had done a very good job and he thanked all who had put on a very good program. Council Members Galloway, Boney, Todd and Keller absent.

Council Member Goldberg stated that on May 15, next week, at 1:00 p.m. there would be a golf tournament and it was unique in that the Houston Police Department, officers in District C, were putting this on for the benefit of a Boy Scout Explorer Post No. 2461 and they were on their own time helping and training the scouts; and for more information they could contact Officer Lorange at 713-773-7912; and he would encourage all to participate. Council Members Galloway, Todd and Keller absent.

Council Member Goldberg yielded to Council Member Sanchez who stated that a hello came through Council to the Mayor from the acting Council General Ms. Adrian O'Neal in Brazil who informed them she was his press secretary when he was with the Drug Office in Washington, D. C. Council Members Galloway, Todd and Keller absent.

There being no further business before Council, the City Council adjourned at 11:40 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Galloway, Todd and Keller absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary