

City Council Chamber, City Hall, Tuesday, May 16, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 16, 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. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Donna Parr, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Sonja Otero, Citizens Assistance Office, Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present. Council Member Gabriel Vasquez absent on personal business.

At 1:59 p.m. Vice Mayor Pro Tem Castillo stated there would be a presentation by Council Member Parker.

Council Member Parker stated that she would be making some certificate presentations and reading of the names of the graduating class of the first Neighborhood Leadership Institute put on by the City of Houston, that the program consisted of a very extensive seven course curriculum structured as a continuing education program to make neighborhood leaders better neighborhood leaders and wanted to warn them that half of Council had formally been civic club presidents and most of Council was very active in their neighborhood associations so there was no telling what would happen since they had been through the program, that maybe they would see a few of the graduates around the Council table in a year or so, that the program started with 38 participants from all over the City and had been ongoing, that they hoped and trusted that the participants had enjoyed such topics as Building Organizational Skills, Building Strength Among Groups with the Same Goals, Getting the Job Done and Other People's Money, and they hoped that the graduates of the program would encourage other people to participate in future Neighborhood Leadership Institute Classes and that over time they would build a cadre of superior neighborhood advocates who could deal effectively within their neighborhoods and with the City and introduced the graduating class and presented them with certificates. Mayor Brown, Council Members Galloway, Boney, Ellis, Keller, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

At 2:07 p.m. Vice Mayor Pro Tem Castillo called to order the meeting of the City Council and Council Member Parker led everyone in the prayer and pledge of allegiance. Mayor Brown, Council Members Goldberg, Boney and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo requested the City Secretary to call the roll. Council Member Vasquez absent on personal business. Mayor Brown, Council Members Goldberg, Boney, and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Council Members Keller and Quan moved that the minutes of the preceding meeting be adopted. Council Member Vasquez absent on personal business. Mayor Brown, Council Members Goldberg, Boney, and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

At 2:09 p.m. Mayor Brown requested the City Secretary to call the list of speakers. Mayor Brown, Council Members Goldberg, Boney, and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Ruby Mosley, 862 S. Victory, Houston, Texas 77088 (281-447-6095) appeared and stated that she was present to seriously get their attention and ask that they consider not only the work that had been put into the Consolidated Plan that they worked so diligently in trying to put together, but the need of those that were out there in the community that were constituents of which they served, that they were not just talking about homes, they were talking about affordable homes, that were not just talking about centers, whether they be day care or et cetera, but they were talking about needed facilities and services and many other projects that were in that Consolidated Plan, they asked that each of the City Council Districts, and they hoped that by this time they had really had time to go through it, look at it, converse with one another and meet, and especially their Council At Large Members because they needed their help to, that it had become a battle for them to survive in many of their neighborhoods and areas, but they were still depending upon Council because they were the constituents of which they were representing in the great city that they called Houston, that their needs were many and they needed their support, that she wanted them to really know and when they had the time to come out of their offices and go out into the communities and really look and see at the conditions of the communities of which Houston and Harris County consisted of, that they could not even begin to tell them what they were like and seeing was believing, that it was a different thing when they heard than when they actually went to see for themselves, that it was a different story.

Council Member Parker stated that she had been out in the Settegast area on the weekend and asked Ms. Mosley if there were any particular concerns she had about the Consolidated Plan or was her concern that they pass it, and Ms. Mosley stated that she was concerned about the whole Consolidated Plan because they evaluated, they went item by item and was not something that they just put together but was based upon the needs of their City in which they lived, that she was in Acres Homes and though Council Member Parker was in Settegast there were a lot of Council Members around the table that knew the conditions that existed within the City of Houston. Mayor Brown, Council Members Boney and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Quan stated he did have a chance to attend some of the hearings regarding the Consolidated Plan and appreciated her participation in it, that he had gone through the plan and knew the work that Housing and Community Development did and what some of the programs were and asked Ms. Mosley if there was any particular program that she was especially concerned about and felt that they may not have considered thoroughly, and Ms. Mosley stated that not being a selfish person but very broad, because she had been in all aspects; that she was a poor baby, a poor girl, was a poor woman and now was a poor old woman, that children and seniors were her pet peeve, that 35 years in the field of social work granted her a lot of experience that she did not get out of any college, that it was out there where it was, that there were many elderly and disabled people who were living out there needed affordable houses, that they had parents who were working and needed somewhere for their children to stay, that the daycare centers were there, and to not forget the homeless and all of the others that were out there that were still human beings and all of any kind of makeup that they could think of they would find it in either one of those districts and they appealed to their

Council At Large members to join forces with the District Council Members in seeing that their City be a better tomorrow, and Council Member Quan stated he wished they could get even more monies than they were presently receiving so they could do more good work. Mayor Brown, Council Members Boney and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Galloway stated she appreciated Ms. Mosley being present and expressing her opinion about the Consolidated Plan and concurred with her that it was what they needed as a city and especially to help those in need and asked if there was anything else that she wanted to add to it as a reason why Council should pass it, and Ms. Mosley stated that number one was because their communities were suffering, that they wanted their residential areas to remain residential areas and they also wanted better and safer communities out there and decent places for their people to live, that someone had mentioned the money coming from Washington, if they would help with some of the expense they would match the price and go to Washington and speak there too, that they were pleased and very overwhelmed to speak with Secretary Cuomo when he came and they would do it again. Mayor Brown and Council Members Tatro and Boney absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Janet Clayborne, 1414 Cook, Houston, Texas 77006 (713-247-6280) appeared and stated that she was a new voter and resident at 1414 Cook Street in District D, Midtown and the Fourth Ward, that she was present on Agenda Item 23 on the sale of property within the 1500 block of West Webster, and that property was bound by West Webster, Bailey, Cook and Gillette Streets, that her objective was to ask the Council Members to vote no to Agenda #23 regarding the sale of the property located in that block, that they were also asking one of the Council Members to make a motion to send Agenda #23 back to the Housing and Community Development Department to consider the development of a City park on the property and they invited Council Member Parker to take Agenda #23 to her committee for Neighborhood Protection and Quality of Life for further discussion and the consideration of their proposal to develop a City park; that in December 1999 she and her husband looked for a place to relocate in Houston and found out about the revitalization of Midtown and before placing a contract on a townhome they contacted the City to find out what would be done on the vacant lot and they were informed that it was going to be developed into a City park and that it was in the hands of the Parks and Recreation Department at that time and that was instrumental in their decision to buy and make a big investment in that area, that on March 31, 2000 they moved into that area anticipating the enjoyment of a diverse and unique experience of urban living and to their dismay they soon noticed a sold sign on the 1500 block of West Webster stating that it would be developed into additional housing, that in the interest of their investment they immediately contacted the City to find out what was going on with that property and they learned just last week that it was on the agenda that would be voted on Wednesday, that they had no intention of becoming involved with a community project of that scope right after moving, however they felt compelled to inform their new friends and neighbors of the situational and let them know that the park that they all envisioned may never be developed, that the past weekend she and her husband, Mr. Meyerson and Ms. Snyder, two other residents and voters, spent most of the weekend contacting all of their local residents, asking for their input and describing the situation, that she had a petition she would be happy to distribute, that it was almost 70 people that they were able to contact in a very short time and ask for their input, that they were all very concerned and disappointed to learn that the property that they too

anticipated would be a park was going to be sold for some other use, that in the petition they had them sign for their support because they had work commitments and could not be present, that they supported the objectives and they also bulleted out the benefits that they would all achieve from a neighborhood park, that it would encourage community activities and involvement, supply children with local play areas away from heavy traffic, promote family activities and togetherness, teach urban children about nature and conservation, provide relaxing involvement and relief from stressful urban lifestyles, beautify the City, maximize the number of area parks in an under park City, promote healthy lifestyles by offering convenient exercise facilities, furnish areas to safely walk and exercise pets and minimize the City's smog and unclean air by the addition of trees. Mayor Brown and Council Members Tatro, Boney and Ellis absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated that Ms. Clayborne enumerated a number of positive benefits of having parks in neighborhoods, and certainly most of the Houston neighborhoods would benefit from having more nearby parks, and she believed that she heard Ms. Clayborne state that when she purchased her property she was told that the land would be a park, that the land had been in the parks inventory but that did not necessarily mean that it was ever in the plans to be developed as a City park, that sometimes unused plots of land were placed in the inventory of the Parks Department just so they could be held, and asked Ms. Clayborne if she was actually told or was it represented to her in some way that it was going to be a City park and Ms. Clayborne stated that it was not promised or guaranteed but they were informed that they thought the intent was to develop it into a park. Mayor Brown and Council Members Tatro, Boney and Ellis absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated there was also a critical shortage of affordable and low income housing in that neighborhood and as she was aware the City had made certain commitments to provide a minimum number of affordable housing units in the area and was she aware of that when she moved in, and Ms. Clayborne stated that they were not aware of that, and Council Member Parker stated there were some concerns about the environmental condition of that particular site and were trying to determine whether the cost to remediate, which was the direction to go if it were turned into a park and they may be asking for a significant expenditure of City monies to turn it into to land that could be used for a children's play area for example, and was she aware of any of the previous uses of that site, and Ms. Clayborne stated no, that they had a very short time to gather any information about that property so they did not have all the facts, and Council Member Parker stated that if Council chose to delay the item on the agenda she would be happy to schedule it for a future committee meeting for community discussion, but she was going to have to study the situation a little bit more because she did not know what commitments had already been made on the property and whether it was possible to redirect it and her understanding was that there had been a presentation on the property to another Council Committee and Council Members and that committee did have an opportunity to discuss it. Council Member Castillo absent.

Mr. Darin Meyerson, 1420 Cook, Houston, Texas 77006 (713-345-7594) appeared and stated that he was present to discuss Item #23 regarding the sale of property within the 1500 block of West Webster in the Fourth Ward, that he had been a resident of the Houston Midtown Area for two years and during that time he had closely watched the steps that the City had taken during the Midtown redevelopment, that there

had been many positive steps taken, the influx of new businesses, apartment complexes and shops along with the widening of streets in the Baldwin Square area, that however the rejuvenation process was still incomplete because the development of the City parks had been overlooked, that despite the residential boon in Midtown new parks had not been developed at an equal pace, and since Houston was already under parked the City Council needed to support the development of a park on the 1500 West Webster lot, that the need for additional parks in the Midtown area was one of the original goals developed by the Board of Directors of the Midtown Redevelopment Authority in 1995, therefore he would like to ask the City Council to vote no on Item #23 and motion for an ordinance supporting the development of a City park at 1500 West Webster, that he would like to propose that the City staff provide City Council and residents a complete report on the following questions, (1) what was the projected build out and the number of residents anticipated for the immediate vicinity within the next three to five years and beyond, (2) what goals and objectives had the City established to meet the spirit, requirements and guidelines developed by the Board of Directors of the Midtown Redevelopment Authority in 1995, (3) what parks had or would be established within a reasonable walking distance five to fifteen minutes in that area of Midtown, and (4) what facilities and services for community recreation were being provided along with adequate funding to insure the needs of the residents would be met, that once the report had been made available for review and discussion he respectfully request that the wishes of the Midtown residents be considered and included in that decision and in addition he invited Council Member Parker, Chairperson of the Neighborhood Protection and Quality of Life to look into the development of a park at 1500 West Webster. Council Member Castillo absent.

Council Member Robinson asked Mr. Meyerson if he was opposed to the project that was going to be there as housing or the kind of housing or was he opposed to any housing and Mr. Meyerson stated that he was pro park and believed that the City was under parked and needed more beautification, specifically in the Midtown area where it was under parked, and Council Member Robinson asked if the opposition was residential development or the nature of the residential development, and Mr. Meyerson stated there was no opposition to residential development, that he was pro park, and not opposed to development of a residential area in the Midtown area, and Council Member Robinson asked if Mr. Meyerson was asking Council to look at the development plan and make amendments to it or ask the board of directors to make amendments to the plan, and Mr. Meyerson stated he was asking Council, based on the questions he asked and proposed to Council, to vote no on Wednesday for the sale of the property, Item #23, to further look into the development of that land for use as a park and to have the citizens or residents of that area of town more time to prepare the facts. Council Member Castillo absent.

Council Member Tatro asked what was now on the property itself, and Mr. Meyerson stated he believed it was a vacant lot, and had been vacant for the two years he had been living in the Midtown area, and Council Member Tatro asked if someone had a history or knew what the City used the property for previously, and Council Member Parker stated that it was in the backup that they received with the agenda, that there was a letter from Anthony Hall that had a complete history of the use of the property, that from the 1920's it was used as an ice manufacturing plant. Council Member Castillo absent.

Council Member Boney stated that his question were along those that were raised by Council Member Robinson, that he wanted to clarify that the property was in what was known as Freedman's Town, the Fourth Ward and was not in Midtown, that there was

Hermann Park which was within five to ten minutes of Midtown which was a major regional park, and stated that they did do a master planning process for the Freedman's Town and Fourth Ward area and if he was right there was some significant park plans put into the Freedman's Town Master Plan and they did have a number of areas for park space and park facilities that would be within walking distance certainly of Freedman's Town and would suspect Midtown as well, that he did not know if Midtown Tax Increment Reinvestment Zone had addressed the issue of park space and park land and they would in fact encourage the Midtown TIRZ to look at perhaps some park space for park facilities available for that and they all agreed that the City as a whole was under parked and that particular property at 1500 West Webster was designated for housing and the association that had been working with the City for several years had designated that for housing and did not think that Mr. Meyerson should look at it as a tradeoff that if that affordable housing passed then there would not be park space, and Mr. Meyerson stated that he was pro park and asked City Council to vote no on Wednesday.

Council Member Parker stated that a number of folks in the neighborhood had contacted her office and they had provided information, and she did not ask the question earlier, but Ms. Clayborne stated that many of them were unaware of the use of the property until a week or so ago and it was her understanding that there had been a sign on the property, rather large obvious sign for sometime saying future site of affordable housing, and Mr. Meyerson asked if it was a City sign, that he was aware of the sign and it had been placed there after he purchased his home, and Council Member Parker stated it was not a sign the City placed, but that the potential developer placed on the property and asked if it was correct that the sign had been there for sometime, and Mr. Meyerson stated that it had been there for a couple of months, and Council Member Parker asked if he thought the sign was in error, and Mr. Meyerson stated he was unaware that it was coming before Council and did not realize that it was being placed before Council and confirmed that there was a sign on the property saying that it was going to be used as housing.

Council Member Goldberg stated that he would answer some questions that Council Member Tatro raised and actually Council Member Parker, that the property from 1922 to 1952 was used as an ice manufacturing plant which concerned him regarding environmental concerns, that the property had been subjected to concentrations of benzene, toluene, ethylbenzene, and xylenes, and stated that Mr. Meyerson should be scared, that if the City did sell the property it would not absolve the City of potential liability and that concerned him, and he understood that the TNRCC was somewhat satisfied with the basic cleanup and they would allow residential use of the property at a risk reduction standard number two, which he was unfamiliar with, however it was something that they needed to look into, and Mr. Meyerson stated that given the environmental concerns he further stressed the need for more time to gather environmental facts regarding 1500 West Webster, that he was unaware that there were even environmental considerations or hazards on that particular site that he lived across from and appreciated Council Member Goldberg bringing that out to him.

Council Member Robinson moved to suspend the rules to hear Reverend Elmo Johnson after Mr. Carlos Garcia, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0624 ADOPTED.



Ms. Elizabeth Ackley, 2350 Bagby, Houston, Texas 77006 (713-529-5333) appeared and stated that she had found out earlier that morning about the land and did not know all the details, that she was a manager of one of the complexes and had talked to several of the managers and they just wanted an opportunity to get more information together to best use the land, that it was suggested to have Council Member Parker submit it to the Neighborhood Protection and Quality of Life Committee and that she was just trying to ask for an extension for further information that they could provide and determine what was in the best interest for everyone involved in the development of that land.

Mr. Stanwyn Carter, 2425 W. Loop South, #200, Houston, Texas 77027 (713-297-9160) appeared and stated that he was present in support of the Consolidated Plan because he understood the processes that were involved to create the plan, that there was a lot of hard work that was put into it, there was a lot of civic leaders, community leaders, business leaders and City of Houston Department officials that took a lot of time and energy and effort to analyze, assess and review previous Consolidated Plans and come up with the one they had before them, that there was a thorough process that consisted of five phases, the first phase was a phase of research data, data gathering and review of previous Consolidated Plans, the second phase was where the advisory task force was assembled and it consisted of 38 people, the third phase was where they reviewed the assessment of departmental programs and strategies for an increase of affordable housing and revitalizing low and moderate income neighborhoods, the fourth phase was that they analyzed the results of the Needs Assessment Survey and established funding priorities and the fifth phase was the summary of the plan that they had which was published and produced for their review, that with 38 people at the core and City leaders helping at the side and taking a huge lead role they came up with 6 critical areas they felt needed to be included in the Consolidated Plans, that at the top of the list was housing and included City services, neighborhood facilities, supportive services, economic development and recreational facilities, that he would like to take the opportunity to ask Council to pass the Consolidated Plan in the format that they had before them. Council Member Parker absent.

Mr. Marcus May, 500 Clay, Houston, Texas 77002 (713-652-3044) appeared and stated that he was the Project Director of Antioch Project Reach, that he was present to lend support to the Consolidated Plan, that he had been working in social services and governmental agencies for the past 30 years and had been able to review that plan and thought it was an excellent plan, that as they went along their way, and especially City Council as they become elected, sometimes they forgot who they had to serve out there and that plan addressed the needs of a lot of folks that need help, that they had to remember that there were times when people may not have money to pay their rent or utilities or that type of thing, but the plan dealt with that, that they needed affordable housing in the City, that currently Antioch Project Reach was dealing with home funds that were included in the project to construct 64 single family affordable homes in Fourth Ward's Freedman's Town, that there was money for HOPWA, that maybe they did not know, but there were a lot of things happening with AIDS in their community, particularly in the African American Community amongst women and so therefore there was funding there that was going to address that issue, that he could go further and further but he just liked to let them know that Antioch Project Reach thoroughly supported the Consolidated Plan and hoped that City Council could approve it. Council Member Parker absent.

Mr. Keith Wade, 4810 O.S.T., Houston, Texas 77021 (713-802-9887) appeared and stated that he was a resident of Third Ward and had the privilege of serving on the advisory task force for the 2000 Consolidated Plan, that as they could see in the draft a lot of work was put into the effort to make sure they assessed where they were in the City, that the great thing about it, and they had heard Mr. Carter speak earlier about the process, that they actually touched real people, that Mr. Carter talked about City and governmental leaders and all that, but the process was set up so that they went to each regional neighborhood so that they could have input from each community, that there was good and bad in that, that the good was that they looked at what they started in 1995 as a foundation with the first consolidated plan and they saw where they had gotten to at that point, that most people agreed that they had seen great things but other folks, as noted in the study, 68% who looked at it and had an opportunity to respond thought that their neighborhoods needed some improvement, that this effort, which he thought was outstanding, gave them an opportunity to look at exactly where they were, look at how they had addressed those particular issues, and moved forward to address them, that in looking at all the work they had put in, he was extremely in favor of the passage of the Consolidated Plan as it stepped on top of the previous four years of work done by the City to improve all of their neighborhoods, that it spoke to all of the neighborhoods, and he asked the Council to vote for the passage of the Consolidated Plan in its present form. Council Member Parker absent.

Mr. Carlos Garcia, 5731 Gulf Freeway, Ste. 100, Houston, Texas 77023 (713-924-9100) appeared and stated that he sat on the board for the Houston Housing Finance Corporation and he encouraged Council to pass the budget for the Housing and Community Development Department because of the impact that it had on the first time home buyer, the low to moderate income buyer and also the impact on the emergency repair program, that the low to moderate income buyer fit in with the Mayor's Houston Home Town Program and also with HUD's initiative to see more home ownership in the City of Houston and he encouraged Council to pass it. Council Member Parker absent.

Council Member Todd moved to suspend the rules to hear Ms. Geneva Brooks out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Parker and Sanchez absent. MOTION 2000-0625 ADOPTED.

Council Member Keller moved to suspend the rules to hear Mr. Jimmy Gildart out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Parker and Sanchez absent. MOTION 2000-0626 ADOPTED.

Reverend Elmo Johnson, 1106 Valentine, Houston, Texas 77019 (713-651-1215) appeared and stated that he was present in support of the Consolidated Plan, that one reason was that it helped them with affordable housing in Fourth Ward, that another reason was that he was pastor at a church that was right across the street from 16 senior citizen residence and he saw meals on wheels everyday and those people depended on meals on wheels, that they depended on emergency housing repair, that he had been in houses where they were falling down, that the Consolidated Plan was very important for Houston, that he and Council represented people and the lives of people were in their hands and he asked that they consider the plan and vote yes on Wednesday. Council Members Keller, Parker and Sanchez absent.



Ms. Geneva Kirk Brooks, P.O. Box 20523, Houston, Texas 77225 (713-664-2717) appeared and stated that she had been the President of Citizens Against Pornography for 30 years and also the Director of the Property Rights Foundation, that they were fighting the illegal, unconstitutional home foreclosures in Harris County that were made possible by Governor Bush's signature to House Bill 2152 which they were working to get repealed, that she was present to talk to them about the violation of their community standards, that thirty years ago in Houston they first advocated community standards and it took them several years to get, under Mayor McConn, a resolution of community standards for Houston, that it took about 10 years to get community standards for the State of Texas and it would take another 10 years before the Supreme Court had said that communities could enforce their community standards, that in the print out that she passed to Council they had those community standards for the State of Texas, that they wanted to talk specifically about the gentlemen clubs, that they all should be closed because they all violated their community standards, that specifically she was talking to them about the house that was behinds Rick's at Richmond and Bering, that it was a blue shack out in the rear and filled with 15 nude women with 32 cameras running on them 24 hours a day and for about \$35 per month voyeurs or peeping toms and children of all ages could ogle and drool day and night watching the women bathe, use the toilet, shower and do the type of table dancing done at Rick's without worrying about the 3 foot distance, that it did not matter if it was 3 foot, 1 foot or 20 feet, it still violated their community standards and she wanted in the future for Council to keep the community standards before them when they were talking about pornography, that Mayor Brown had been their police chief and should be very much aware of what they were doing at Rick's was in violation of Penal Code 43.21, especially three, that many of the older policeman thought about terms of the Miller Decision that said it had to be orderly without redeeming values, but that had been replaced and now the law said that taken as a whole it lacked serious, literary, artistic, political or scientific value, also it said that the average person applying contemporary community standards, and those standards she had given them, would find that taken as a whole it appealed to the prurient interest in sex and also it said that performance meant a play, motion picture, a dance or any other exhibition performed before an audience, that Rick told them he had many thousands of people who paid \$35 per month to view those naked women going to the toilet and so forth, and that was an audience, that promote meant, among other things, to sell, provide and transmit, that they had worked hard for 30 years to get 22 laws and amendments passed in the area of smut, pornography and obscenity and they wanted those hard won laws enforced and asked that they do it in the case of Rick's and in the case of every other gentlemen club or any other facility that was violating their community standards. Council Members Galloway, Castillo and Sanchez absent.

Council Member Bell asked if that particular establishment had already been investigated by the Police Department, and Ms. Brooks stated that she understood from the Channel 2 newsman that talked to her a day or two ago that the police said they did not see how it violated the law and that was why she was present because maybe the Police Chief and the policemen needed to be educated to what the law was and even those on Council when they voted for the 3 foot rule for instance, that was not necessary all they had to do was apply the community standards, that it did not matter how many feet it was, that if it was 50 feet it would still violate their community standards, and Council Member Bell asked as far as the information about the establishment did it come from a news report or police investigation, and Ms. Brooks stated that they came to her

home and played quite a few tapes inside the establishment with the girls to give them a good idea of what was going on and it was very disgusting. Mayor Brown, Council Members Galloway, Castillo and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Todd stated that he had sent over a memorandum to the Legal Department asking for an opinion on whether or not the existing SOB Ordinance covered that sort of activity and one thing he would like to know additionally if and when HPD did investigate it he supposed that what it was akin to was essentially an x rated movie and film production facility and that was the closest analogy, because it was true that there were not customers there on site but they were essentially viewing an act that was taking place from a distance and assumed that it would be a similar situation that if they had a movie studio that was filming those sorts of things and were being sold elsewhere, and he would like to know from HPD when they went out there if it was really day to day activities going on because he would like to know if it was a stage show being staged for the benefit of the customers who were there and additionally he wanted to know if it was within the context of the ordinance and there already may be a rule that took care of it, and Ms. Brooks stated she understood from the reporter who was there interviewing the women and so forth that they lived there and the cameras ran 24 hours a day and showed them going to the toilet and everything they did, that how that had any scientific or literary value she did not know, but that was what they did, that it was every aspect of their life, that many of them took 8 hour shifts and they were dancers from Rick's and did provide the dances on the Internet which was very definitely in violation of their community standards. Council Members Galloway, Sanchez and Robinson absent.

Mayor Brown stated that Chief Richards was in the audience and would meet with her and they would make sure they did everything that needed to be done. Council Members Galloway, Sanchez and Robinson absent.

Mr. Jimmy Gildart, 2062 Johanna, Houston, Texas 77005 (713-412-0011) appeared and stated he had handouts to pass out to Council, that he lived in the Spring Branch area and was present to talk about some property on Hammerly Blvd., that the first handout referenced an estimate of cost letter which was not forwarded to the owners of the property to access a lien on that property due to a re-paving of the street, which read "that the payoff information was based on a rate of \$84.88 per foot as quoted by the estimate of cost letter dated September 9", that the letter was never forwarded to the current owners, that the project had not yet had a hearing benefit in front of City Council and it was dated 10-27-94, that at that time it was signed by Herbert Lum, that he personally spoke with Mr. Lum at that time and after numerous phone calls and messages got through and Mr. Lum said that it would go to hearing in front of City Council and that everybody would be notified of the hearing so they could have their voice heard, and also it was insinuated that it would probably go away at that time that, that he planned to organize an effort of all of the people who were affected, that there were quite a few elderly people who lived on that street and had no idea there was a lien on their property at this time, that he was never notified, that he now planned to sell the property and got active again in trying to find out what was going on, and that referred him to the second letter which Council had a copy of and was dated 3-6-2000 and that the letter was not forwarded to the current owners either, that he got the letter by talking to his title company and having them make the phone calls and he read the same basic paragraph again, the above was based on the information provided by the City's Real Estate Appraiser, Joe Stanfield, that the hearing on benefits had not been held, that once

City Council would determine the assessment rate a refund would be made and it had taken six years and it had not been in front of City Council and that was why he was present, and he also referenced that and asked what the rate was based on and who benefited from the improvement of the streets, that it was not the people who faced that street and now had more traffic in front of their house, it was the people who commuted and every other person in the City of Houston who drove on that street, that he thought they paid gas taxes and paid plenty of other taxes that should be applied to that and not charging the people who happened to have frontage on that street, that he noted from speaking to his title company that the assessment program was on hold from the City of Houston and his questions was why, and in closing he asked, why liens without notice of liens, should not those affected be notified and have the opportunity to voice their opinion before they got charged for something they did not even know about, why liens at all, who benefited. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Keller stated he received Mr. Gildart's fax yesterday as well as Council Member Tatro and it was in his district, and he thought a number of people shared his passion on it, that he had checked on it and thought the Mayor was coming to his rescue like Marvin Zindler. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Keller moved to suspend the rules to hear Mr. Herbert Lum, Deputy Director, Public Works & Engineering Department, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent. MOTION 2000-0627 ADOPTED.

Mayor Brown asked Mr. Lum to update them on where they were on the issue that was being discussed and Mr. Lum stated that it was on the paving assessment program and the situation was that they were in the process of gathering the data and taking care of the projects which were in midstream of assessment since they had not assessed on the projects since the latter part of 1993, that they should have a solution within the next 30 to 45 days and that was their goal, and Mayor Brown asked Mr. Lum to bring something to City Council and asked what was the solution, and Mr. Lum stated that what they would want to do was that those projects where they filed liens and did not have any intention of assessing they would go ahead and release the liens. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent.

Council Member Keller stated that what he understood was that Mr. Gildart was a taxpayer and trying to conduct business and it was impeding his progress and asked Mr. Lum to give Mr. Gildart a letter to give it some kind of resolution that would assure him that he was going to get it refunded so that he could go ahead and close on his transaction and was that their intent, and Mr. Lum stated that it was predicated on the assumption that Council would approve the recommendation, and Council Member Keller asked Mr. Lum if maybe they could give him a letter that stated it was predicated on the assumption that Council would approve the recommendation and Mr. Lum stated absolutely they sure would, and Council Member Keller stated that he was not smart enough to know but they would get something to the Council so they would vote on the ordinance to clean it up, and Mayor Brown stated there would be an ordinance coming to Council, and Council Member Keller asked Mr. Gildart if there was anything else and Mr. Gildart stated that it was sitting out there, there were liens on everybody's property and

nobody was aware of it and they found out when they went to transfer title and it held up the transfer of title. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent.

Council Member Tatro stated he appreciated Mr. Gildart bringing it up, that they had several properties on Hammerly and they actually had Finance and Administration going back and cleaning up the books and some people would be surprised when they found out that many of the charges had just been sitting there languishing and they would go back and check with their title companies, that fortunately they were now sending them notices but the notices would basically be for paperwork that was languishing previous to 1993 and he would daresay that a lot of people would be following Mr. Gildart's suit and he was glad to see him present and bringing it up and hopefully they would flush a lot of them out and resolve a lot of the problems that people would have. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent.

Council Member Parker moved to suspend the rules to hear Mr. Norman Adams out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent. MOTION 2000-0628 ADOPTED.

Ms. Lesly Van Dame, 2902 Briarhurst, No. 1004, Houston, Texas 77054 (713-561-6002) appeared and stated that she was the chair of the Houston Sierra Club Conservation Committee and was present in light of the current political rigmarole over rail in Houston and they would like to make an appeal to reason, that first she wanted to say they did not claim that rail by itself would solve the serious air quality problems nor would it eliminate all of the traffic congestion, however as they all knew they had real air quality standards to meet and soon alternatives to endless road building must be considered, that they believed light rail was a viable and desirable alternative for Houston, that the proposed central corridor to downtown was an excellent place to start and they had already had many requests for expansion to other routes, that she would like to present a few of the signed requests they had from the public in support of light rail, that contrary to popular belief there was plenty of support for light rail, that they had 150 of them addressed to Mayor Brown and they strongly urged the support of City Council and the Mayor for light rail in Houston despite the mean spirited obstacles. Council Members Galloway, Todd, Keller, Castillo, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Boney thanked Ms. Van Dame for being present and expressing her support for light rail and stated he would like to see the environmental community more involved in a number of those issues and appreciated the demonstration of support that she provided them and asked if she had made any efforts to contact Congressman DeLay, and Ms. Van Dame stated that she did not believe that they had formally as a club but did believe that some individuals may have, that they had recently had a forum where they invited Dallas Rail down to Houston and they invited members of all areas of the community to go and listen and understand what it meant to Dallas and what it could mean to Houston and they were planning a similar session to highlight Metro in the future and asked what Council Member Boney would suggest, and Council Member Boney stated that the Mayor met with Congressman DeLay and so a dialog had at least opened up and he believed that a delegation from the Greater Houston Partnership was going to Washington to meet with the entire delegation from Houston and Texas and

Congressman DeLay included, that he thought it would be important that the Congressman's constituents, particularly in Sugarland, but also the larger segment in Houston speak in support of that particular project as a starter project, that Metro had always made the commitment that should they expand beyond the initial corridor they would go to the public for a vote and would consider the public input, so everything was on the table and did think that it was possible and remaining eternally hopeful, that Congressman DeLay would see that there was that broad sense of support, that the choir said Amen, but he would strongly urge Ms. Van Dame and members of the environmental community to contact Congressman DeLay, that he spoke with Mr. Gary Poland the past weekend at the Olympic event and he talked about another study, but he did not think there was anything left to study with regard to mobility and transportation in Houston, that if they had lived in Houston for 3 to 5 years they knew what a traffic jam was going to be and the only thing they could do was to either build another freeway or add another bus and clearly the question was how many different alternatives were they going to try to use, and how many different incentives were they going to try to use to get people out of their cars and beyond that it appeared to him that the petro chemical industry would have to take up a heavier burden with regard to air, however they would choose to do that, and they would probably need to move to the California model with regard to fuel for passenger vehicles, but it seemed to him that the particular rail segment at that particular time had broad implications not only for mobility, but certainly for economic development, certainly for their Super Bowl and Olympic bids, and would have a tremendous positive financial aspect to the City as a whole, and he would encourage Ms. Van Dame to contact Congressman DeLay and the Houston delegation and ask them to revisit that and see if they could not, in the current session of Congress, gain the Congressman's support. Council Members Galloway, Todd, Quan, Sanchez and Robinson.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77008 (713-869-8346) appeared and stated that the mystery of ROCIP had now been unraveled, that they had now bid 24% of the \$529 million dollars in the pilot program, that they had bid those contracts and had a handout which had been handed out that morning by Ms. Mosley in the committee and reiterated that it mentioned the \$529 million, that it was the pilot number, that the second page in his hand out was a list which as of March 31 were the first 5 jobs actually bid under the \$529 million dollar planned for the pilot ROCIP, that it was approximately 24% of the total if they looked at the low numbers on the bids and assuming that the estimates of cost were correct and the \$529 million was accurate, that on the third page they would see that on job #507, which it said did not get enrolled in the ROCIP they would notice that the left hand column was the hard cost of construction on each one of the bids and the right hand column was how much would the contractor charge to furnish their own insurance instead of going under the ROCIP, that if they would take the bids for insurance and the credit that they agreed to give them, and that was the only money that they got to buy the program with, to take those bids and figure the average they would find that on the first project #507 that the average allowance for furnishing their own allowance was less than 1% it was .79% of the total, that on the next page they would see project #424B and they would notice that Morganti got that, they were the low bidder, their allowance for insurance was \$300,000 which was approximately on their bid of \$14 million was 2.09%, that the average of those bidders, including Morganti, Construction LTD, SpawGlass, Purcell Construction, Stewart-Matl, Satterfield & Pontikes and Swinerton & Walberg, was a 1.18% of the total dollars of construction was what they were willing to give them if they furnished the ROCIP, that on the next page it was a bid on February 17, 2000 Project #510 and this was they mystery

they had all been looking to see how it unraveled, that the low bidder there was approximately \$13 million, Talon/Kinley, Laughlin Environmental, Underground, Boyer, Aviation Contractors, Poling & Bacon, that they would see again in the left hand column the hard dollars of construction, right hand column was how much they would charge if they furnished insurance and they did not have to insure them under the ROCIP and the average was 1.46%, that on the next page Project #417D, that it was a big job, Central Concourse at Hobby, \$78 million was a low bid at Morganti and Morganti allowance to furnish their own insurance was 1.4 and that was 1.79%, that they were going for a \$1.4 million on a \$78 million dollar job, they would furnish their own coverage which amounted to less than 2%, 1.79%, that the next page was Project #515, Light Aircraft Hangers at Ellington, that again they had Construction LTD, Williams Construction, Swinerton & Walberg, Stewart-Matl, ICI Construction and Compex Construction, all reputable contractors, that they had their hard bid number on the left and they had what they would charge for insurance if they were not put under the ROCIP or in essence it was a credit they got to buy the ROCIP with and the average was 1.64%, that those were not imaginary numbers, they were real, that on the next page he referred them to Cruz-Aedo's report to Council dated November 30, 1999, that as of that date, and that was before they approved \$1.5 million dollars for a safety program and before they put out the specs that required the contractors one, two and sometimes three additional people on the job, to forget all that and say it was just for safety, that it was the hard cost of the ROCIP without including any of Ms. Mosley's administrative time or any other headaches, and what was it, \$10,716 million dollars for a \$529 million dollar project, what percentage was that, it was 2.025%, so they were guaranteed if they did not consider any administrative time, if they did not consider any safety added cost or any increase in personnel they were going spend \$2.025 million dollars, that the kicker was that the average bid allowed on 30 some odd bids on 24% of their total project thus far, and had they figured it out, it was 1.4%, and they were spending 2%, 2% of \$529 million dollars they were guaranteed to spend it and the difference, six tenths of 1% was \$600,000, that he had the solution, that he had been telling Council how bad they needed a raise for the whole group, that there were fifteen of them including the Mayor and if they would cancel the ROCIP right now they would save the taxpayers \$600,000 and he would promote each of them a \$50,000 raise to go make the silly thing go away, that they were going to cost the taxpayers \$600,000 on the first 25% of the project. Council Members Galloway, Todd, Quan, Sanchez and Robinson absent.

Council Member Tatro stated that Mr. Adams was at the hearing that morning and he wanted to follow-up on one point that he had made about the safety program and additional people in the safety program that was stated that morning, that Finance and Administration stated that if they did not have the safety program their premiums would be higher, and Mr. Adams stated that Ms. Mosley testified that they could not have gotten the price of approximately \$10 million dollars unless they had a safety program, and Council Member Tatro asked if by adding the safety program and incurring that extra cost they obviously got a reduced premium, and Mr. Adams stated that is what she said, and Council Member Tatro asked if it would be fair to say in that, that providing the safety program and the cost of the safety program at least partially were part of the ROCIP costs, and Mr. Adams stated he did not know how it could be anything else, that he did not use it there all he used was insurance costs. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent.



Council Member Ellis stated that Mr. Adams presentation made it clear that they were spending extra money because of the ROCIP program and asked if that was true, and Mr. Adams stated that there was absolutely no question about it. Council Members Galloway, Todd, Castillo, Quan, Sanchez and Robinson absent.

Council Member Boney stated that he would hope they would earn that \$50,000 raise by at least hearing from both sides before they jumped to a determination, that he had the benefit of being at the presentation that morning in the Special Fiscal Affairs Committee and did not think that Council Member Ellis had the opportunity to hear the presentation from the administration, that he would say that he appreciated from Mr. Adams the point of view and information that he brought, that at least it sharpened the questions that they ought to be asking of the administration but he did not necessarily agree with his conclusions, that what he had suggested, not only because of the questions that Mr. Adams had raised or those of Council Member Tatro, that on a fairly regular basis they do a full review of ROCIP with all parties present and all information on the table at the same time rather than tried to be swayed by the most eloquent voice, that Champagne Webber on page 4 indicated that their insurance cost was \$1,100 and so it obviously was not enrolled in ROCIP, however he kind of felt that Champagne Webber's costs might be skewed since every other bidder, the lowest next insurance cost was \$56,000 and the highest was \$191,000, that somehow Champagne Webber found someone who was willing to underwrite them for \$1,100, and Mr. Adams asked Council Member Boney to look at the next page, that Pontikes felt theirs was none when Morganti thought theirs was \$300,000, and Council Member Boney stated that it would suggest to him that those figures might be a little bit premature, that the figures were kind of all over the place and they did not have enough data at that point where they could achieve a full consensus and agree with him, that as he said on page 6, Boyer indicated he believed his insurance cost would be \$1,000 and Underground Construction said \$407,000, and he would just submit to him that he really did want to go through it with great detail, but he wanted to do it with everybody present, that he would like to get a little more data in and review a pilot program like a pilot project when they had enough data to do a full evaluation, and Mr. Adams asked that they take a look at the page on Project #510 because that kind of helped explain his point, that was the third bid in the package, that the first bidder Talon/Kinley thought the insurance was worth \$160,000 but they did not qualify for some reason and it went to the next bidder who thought the insurance cost should be \$98,000 but regardless of whether they had gone down to Boyer who only plugged in \$1,000, which obviously was not a reasonable credit, that the point was whatever the credit was bid at was all taxpayers got to pay for the plan, it did not make any difference whether a week later it would prove that he had higher insurance cost or lower insurance cost, that they could not adjust the bid, they took the lowest bid, that it was done, and Council Member Boney stated he agreed that it was the lowest qualified bid, but he thought the important thing to note was that Hobbs Apex received 15% of what they saved, that if they saved nothing they got nothing, and Mr. Adams stated 15% of what they cost them, who was going to pay that, and Council Member Boney stated that if they could prove at the end of the day when they had all sides and all parties and do a full review that in fact that it was not a program that had a potential or actual savings to the City, then he would find the administration and Council rushing to not fund the program for a second year, that he knew that some people were philosophically opposed to ROCIP, that some people were philosophically opposed to Affirmative Action, that some people were philosophically opposed to funding programs for young people out of the general fund and there was nothing that they could do that they could demonstrate to

them that in fact those were good things that worked well for the City and maybe perhaps they were philosophically opposed on that matter, but he was not opposed to Mr. Adams raising questions in an appropriate way and Council taking those questions and those issues and reviewing them to make sure that indeed they were being good stewards of the City's budget. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Bell stated he wanted to be fair about it and they had all made it clear at the time when they were considering a new program and they obviously would with any new program that they wanted to see if it worked and he thought they had to give any new program a chance to work, that he did not know but thought the jury was still out on whether it had been an appropriate amount of time given some of the delays the committee heard about that morning, that he was not present at the committee meeting but was briefed on it afterwards, but there did seem to be some explanations offered, that he had not heard all of Mr. Adams explanations because he had to take a phone call but there was some suggestion when they first provided the opportunity for contractors to try to beat the ROCIP number, that some might play a little fast and loose with a number and he did hear part of Mr. Adams response and it seemed to him that he did not have any concern whatsoever with the disparity that he saw in some of those numbers, and Mr. Adams stated that they could not get anymore money, that they only got the difference in the bid, and Council Member Bell stated he understood Mr. Adams point, but that was not the question, that if he was not going to answer his question then he would cut it off, and he asked Mr. Adams again if he was concerned at all about the disparity that he saw in the numbers represented on every single page that he had provided Council, that he was a member of the industry, and Mr. Adams stated he was not concerned about it and did not think Council Member Bell understood why it was there and he would like to tell him, and Council Member Bell asked the explanation for the disparity was what, and Mr. Adams stated that the ROCIP bid documents made so many additional demands upon the contractor, that he believed that the guys that gave them nothing for insurance were of the impression that if they did not go under the ROCIP and they used their own program, then they would not have to furnish all the additional safety people they required, that he thought they were wrong, that they still had to furnish them by the bid document and he thought they were confused on that, but he thought that was the reason for the discrepancy, and Council Member Bell asked that the disparity was not because somebody was padding a side deal or trying to play fast and loose, and Mr. Adams stated they all wanted the work and were trying to give them the lowest number they could, and Council Member Bell asked if he thought it was based on a misunderstanding of what was being called for and a misunderstanding could cause in the first instance \$1,100 compared to \$191,000, and asked what would cause someone to go to the other end of the spectrum and like on the first job bid \$191,000 for insurance instead of \$1,100, that was Project #507, and Mr. Adams stated it was his opinion that Champagne Webber thought that the two safety people they figured would cost them, one of them had to have 10 years experience and one of them 7 years or more, and they had to be on the job doing nothing but safety full time, they already had those personnel built into their regular overhead and they had to add those extra people for the airport job to comply with their ROCIP so he believed they believed that if they did not take the ROCIP they did not have to furnish those people, that he thought they were confused on the bid documents, and Council Member Bell asked if Mr. Adams had a chance to talk to any of those folks, that he knew he had relationships with some of those companies, and Mr. Adams stated he insured Spaw Glass and had done some consulting work for several

of those people, and Council Member Bell asked if that would be the same on that, that he had \$338,000 on Spaw Glass, and Mr. Adams stated that if they looked Spaw Glass gave them the highest allowance they would find, that they worked hard with all their subs to try to get as high a number that they could get, that they wanted the job real bad and they thought they had it, and it was his guess that Morganti's number of \$300,000 was a guess as to how much they could beat out of the subs, because at bid day those bids all came in on three or four fax machines and half the subs did not understand the rules, but his point was that whatever was bid there, it was all the taxpayers were going to get, and Council Member Bell stated that was fair and appreciated Mr. Adams explanation, but did think that it needed to be fair and considered in a fair environment so that it got a fair hearing. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Goldberg stated that he was sure that some of the consideration in the contractors estimating their insurance costs had to do with their own safety features, whether or not their insurance costs were high or not, and that what Mr. Adams was telling them was that there were good contractors and bad contractors, and Mr. Adams stated that he was in the insurance business and had never met a really bad one, that he would like to insure them all, and Council Member Goldberg stated that a bad contractor would have a high multiplier and did the ROCIP program have the effect of grouping all of the contractors under one multiplier and Mr. Adams asked to get the word multiplier out of there because it complicated, that the ROCIP eliminated the competitive edge, that if he were a contractor who had spent a lot of money on safety and incentive programs, claim management, light duty, et cetera, they would have their insurance costs down to such a fine honed and competitive edge and they would not want to have to bid against somebody who did not pay any attention to safety and that is what they did with a ROCIP, that was why the people who were active in AGC and who asked him to come down and speak in the first place were contractors with the lowest modifiers and the most competitive edges around and did not like to have to compete with a contractor who did not care anything about safety and when they bid a City ROCIP job they did not have to care anything about safety, that the claim would not go under their policy, and Council Member Goldberg asked if what Mr. Adams was telling him was that under the ROCIP program that had the effect of putting contractors with a high safety record and contractors with a low safety record on the same playing field, and Mr. Adams stated exactly. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Boney stated there were two other factors that they needed to consider with that analogy, that one was if the City purchased the insurance with all they had and as much as they were going to buy, 10,000 cars versus 5 cars, they were going to get a better rate because the economy is scaled, and asked if they understood the analogy he was making, that the second was that if Brown and Root went out and bought some insurance to pave sidewalks at the airport and Goldberg Construction, which was a start up company that started last year but did real good on sidewalks with Metro so they hired him at the airport and their insurance would be higher than Brown and Root and one of the reasons that they knew that the industry was just a little bit reluctant to support ROCIP was that it encouraged competition and it helped small contractors compete particularly by taking that insurance, Workman's Comp and liability issue off the table for them and looked at whether or not they could do the job or not and it encouraged competition, and one of the things they had found was that they actually did save the taxpayer money and the more competition they had bidding for a certain job then if they just got Brown and Root, and he was not picking on Brown and Root because he liked

them to, bidding against some other great big giant, than they just tended to just pass the work back and forth, but when they had some small and mid size businesses in the game that were leaning hard then they forced Brown and Root to bring their prices down, that they may not win the job all the time because they were the only folks in town, so he was just saying that there were some other considerations to be considered in the evaluation and not just those that Mr. Tatro or Mr. Adams had raised, and Council Member Goldberg stated that the point he tried to make was that it did not matter how much insurance they bought or at what quantities, that if they were paying a higher rate because they had a higher common denominator multiplier in effect then it did not matter how much they bought it would always cost more than the safest contractor, and Mr. Adams stated that the City had proved it right there, and what Council Member Boney had just told them was that higher volume did not get lower insurance, that the City was paying \$10.7 million dollars and that was 2.025% for insurance on \$529 million, that so far they had bid 24% of it and the contractors in Houston said they would insure it for 1.4%, that they were not getting a bargain, that they were spending .6% higher than the average bidder. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Keller stated that quantity did not always equal quality and he was concerned in the program and process that they may be watering down the efficiency or the result, and he asked Mr. Adams that as a private sector person he wanted to talk about another part of the equation, how about the execution of the claims, that in his opinion, and his family owned a small construction company and were bonded and had to compete for that kind of name and were held to the line, would Mr. Adams think that the execution of the claims, when done in that manner, became more vulnerable than when his company had a claim and he had to go process it, et cetera, could he answer that, and Mr. Adams stated that obviously the program shifted the responsibility of all those claims from the general contractor, where it was without it, to the City, that one of the things he had told City Council was that they were going to have people calling them because a claim was not paid, and Council Member Keller stated that they would get sued, and Mr. Adams stated sure, they had taken on an insurance program, that the point was that the Mayor and the City Council were sold on the basis that they were going to save about 3% of their total construction dollars, and Council Member Keller stated they would save 3% by just taking it off the project management fee that was 10% now and make it 7% and they could all go home, and Mr. Adams stated that 3% of the total construction dollars they were expected to save, to get that the contractors needed to be bidding 5% to 6% and they were bidding 1.4% and there was not any potential savings and they were already committed to spend more than 2% without counting any of the safety programs and it was his opinion that the City was going to spend at least 4% on the program if they added in all the ancillary effects of it, but the Council was sold on the fact that they were going to save up to 3%, that the first thing they were told by Hobbs Apex, and he had it in print and they all had it, was that contractors added in 10% for insurance, well he wanted to be shown somebody paying 10% and he could just cut the tar out of those rates and write a new account, and Council Member Keller stated that he agreed with that but he was not going to say what other people did or not, and he asked Mr. Adams why he thought the program would adversely affect the efficiency of claims and did he think that, and with the program in place that the efficiency of claims and the quality of service could possibly be watered down, and Mr. Adams stated that he did not think that there was any way that the City administrative department could do as good a job of taking care of open liability and Workman's comp claims on an airport job as a specific contractor who went off and had to worry about that

for the next eight years, that was what he tried to say a while ago, that they were not going to know the real cost of the program until every claim had been closed, and the City of Houston, he had just seen in a meeting a few months ago, was still working on Workman's Comp claims that happened 10 years ago and they were not closed, that the same thing was going to be true under the plan, that why in world would they take it on if they could not really get the 3% that they promised Mayor Brown, that they promised 3% and that was a mythical wish it was not happening and they now had the proof, when they stood in there and talked about it before everybody pooh-pooed that and said no the contractors bids were going to come in a lot higher, that they now had proof, that they had 30 some bids from valid people who were fighting to get their work. Council Members Galloway, Todd, Castillo, Parker, Sanchez and Robinson absent.

Council Member Tatro stated that ROCIP was a business proposition and Council Member Boney referred to it that some people were philosophically opposed to ROCIP and philosophically opposed to Affirmative Action and he would tell them that even the proponents of Affirmative Action, the Public Works Department, would tell them that Affirmative Action added cost, and what they were trying to avoid with ROCIP was adding cost, and asked Mr. Adams that during the ROCIP debate did he state that in theory if the Workman's Comp rates were high enough that ROCIP could work, and Mr. Adams said absolutely, that he brought them a list of all the contractors that had worked on the big Heiman job that Hobbs used as an example, and he gave them their average cost taking their Workman's Comp general liability and dividing it by their gross receipts, that the average cost to those contractors was less than 2%, and Council Member Tatro stated that during the debate and he wanted to point out that as in a lot of bureaucracies in theory they worked and ROCIP could work if Workman's Comp rates were up around the 5% or 6%, but they had been substantially low and as he had pointed out they were down around 1.5% to 2% and so that was the premise which they basically based their opinion of ROCIP working or not, but he wanted to touch base about the discrepancies and point out to Council Members that if they simply looked at Project #510 the winning bid was \$12.7 million and the losing or last bid was \$16.8 million and that was over 35% difference in just the bid prices and they wondered about discrepancies and they were bidding on exactly the same jobs so he could see how their insurance rates could have large discrepancies because they were not sure of the makeup of that company and how they were subcontracting out so when they started talking about discrepancies he just asked Council Members to look at the bids themselves because they could have bids in a 30% range so he did not see how it was that hard to have insurance cost bids in a large discrepancy. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Boney, Mr. Adams stated that the AGC stood for Associated General Contractors, that they had asked him to come and speak to Council in opposition to ROCIP way back in November 1999, that they did not retain him as a consultant, that he had no fee in it and had to get back to work, that he did write insurance coverage for some of the contractors, and ROCIP did have some impact, that they quoted owner controlled programs themselves from time to time, that he had told Council that if they had taken competitive bids someone would have bid it at about 1.5%. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)



Council Member Boney stated that they did competitively bid the insurance, that Hobbs Apex was the broker, but they did competitively bid the insurance carrier, that he would suggest that on a regular basis, perhaps semi annually review all of it because he did not believe the numbers that were coming in on the bids, that the kind of variance and the numbers themselves did not give him great comfort in trying to do a fair and objective analysis and all of the protestations to the opposite would not make him comfortable with that variance. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

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, Todd, Keller, Castillo, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Kathy Luersen, 1509 Taft, No. 4, Houston, Texas 77019 (713-521-2872) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Todd, Keller, Castillo, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Brenda Flores, 2041 Marnel, Houston, Texas 77055 (713-722-9258) appeared and stated that she was glad to see that they were debating budgets and saving money, that she had a booklet for Council that the snitches worked real hard to get it put together and wanted to point out that the big voluminous book was basically a report that had been sitting in the office of the Inspector General and May 25, 2000 it would be one year, that it was how various members in Public Works and Engineering had bypassed City Council and the Mayor and spent \$250,000 without anyone of them ever knowing about it, that it began in November 1997 and continued for well over a year after Mayor Brown took office, that they wanted them to know that it could be done and was being done, that for the District Council Members she asked them to look at their CIP projects and ask two things, and they knew that these came from past administrations, that it was simply a design job that was up, (1) was it a shelved project and (2) was the money there for construction, that they were out of construction money and if it was a shelved project to please do it in house, that the snitches felt that they could save between \$16 million and \$20 million dollars if they went to the original consultant and would cost zero dollars aside from paying their own engineers, and yes they did have qualified engineers to update shelved projects, that personnel was not one of their problems but they would like for them to know that where there used to be two AD's doing a job there were now 4, where there used to be 4 DAD's there were now 8, where there used to be 6 City Senior Engineers there were now 12, that they were top heavy in PW&E, that soon after Mayor Brown taking office, the past former Director of Public Works gave all Senior Engineers a raise, that she understood about keeping up with the marketplace, but they had more than a 75% raise, the upper echelons had in PW&E, that they argued with the Fire Department over a 2% raise and the policemen were waiting on 3% and the municipal employees on 2%, that Deputy Director Hilda Garza Scott was going to do blanket promotions that would give some people 100% raise. Council Members Galloway, Todd, Ellis, Castillo, Sanchez and Robinson absent.

Upon questions by Council Member Tatro, Ms. Flores stated that the first things they were looking at were their proposals for quality control in Public Works and Engineering, that there were 40 actual workers who worked on the handout, that they



showed them how they could save money by instituting various controls in Public Works and Engineering that they did not have now, that they did have policies and procedures set in place in the City but they were not being followed by the Deputy Directors and Assistant Deputy Directors and many times Council Members and the Mayor did not know about it, that there was also a complaint that had been in the Office of the Inspector General for over a year, that they wanted a resolution, that it had been a year, that it was \$250,000 that department heads were spending behind their backs, and that was with the \$5,000 limit and they had raised it to \$15,000, that they wanted to show them that it was possible, that they also knew that there were three so called giveaways coming up out of the Mayor's administration, that one of them was a \$17 million dollar, another was a \$25 million dollar giveaway, that they wanted to show that it could be done without it ever coming before Council, that they took them step by step, who was involved and what ordinances were broken and how they went passed the City system of going before Council and asking them to approve anything over \$5,000, that every purchase was done by \$4,657, \$3,000, anything they could do to keep it under \$5,000 so it would never come before Council, that they moved monies from one account to another consistently, that it had been in the Office of the Inspector General and Sylvia Garcia since May 25, 1999, that they should have resolution, that the major department heads in Aviation had taken a 50% to 75% increase in their pay and understood that personnel was not their job, but they needed to know how much they were paying each other, that they were looking for ways to save money, that the blanket promotions, if they followed City Policies and Procedures none of them were eligible for those promotions and that was almost half a million dollars. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Mayor Brown stated that it would be very unlikely that anyone had received a 75% salary increase, and Ms. Flores stated that Dolores Rodgers last received 25% and the year before received 27.2%, that she was Human Resources in Aviation. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Mr. Charles Wahl, 5615 Bissonnet, Houston, Texas 77081 (713-664-2491) appeared and stated that he had two kids waiting on him and thanked Mayor Brown for his program, that his kids were in the After School, that he wished Council Member Sanchez was present because he brought facts and figures and asked Council Member Bell to pass it on to him, that he was present to talk about how disappointed he was about the Westheimer Street Festival and congratulated Council Members Quan and Goldberg for tagging the item for one week, that it took great courage, that it was a festival that was relevant to the community of Houston, that it was a festival that was important because it put their hearts and souls into what they believed in, that it was a coming together of people, that diversification was what made the City great and without diversification they had nothing, that he was in Viet Nam when he was 16 years because his father told him it was the thing to do, that he did not believe that now, but at that time he believed he was there for a relevant purpose, to save those people, that he was proud to be a Houstonian and so disappointed that they could not have the festival on Westheimer, that he knew civic associations were important and knew that Near Town had a lot of power, that he knew that Council Members Parker and Boney worked very hard to try to keep it there and he prayed to God that they could come together and find a way to keep it there, that if they told Mayor Willie Brown in San Francisco that they were going to move the Castro Festival, or Mayor Dailey in Chicago that they were not going to have the Italian Festival anymore on Columbus Street, or Mayor Reardon in Los Angeles that the Folsom Street

Festival had to be moved, those cities would be in an uproar and unglued, that it was a Houston tradition a proud tradition, no more so than the Martin Luther King Parade, the Cinco de Mayo Festival, that they as Houstonians had a right to celebrate, that he had no monetary gain from it, that he did not rent a booth, that on day one, Saturday, there were 5 baby carriages, 7 dogs, 3 snakes, 41 kids and 5 pictures of him taken as Elvis Presley and 10 policeman, that it was unbelievably low, that on Sunday, there were 9 baby carriages, 11 dogs, 7 snakes, 70 kids, people under the age of 18, and 12 pictures of him taken as Elvis Presley and 14 policeman, that he had been a tradition at the festival doing Elvis Presley for 23 years and his average of having pictures taken on a Saturday was 25 to 40 pictures and on Sunday 40 to 70, that those were not pictures taken for money, that it was something that he enjoyed very much, that it was a coming together of the community, that there was no disrespect for doing it on Allen Parkway but there were people charging for parking on public streets and if they were going to have the festival there again he hoped they would find a way to send policemen there because they all paid taxes and ought to have a right to park there, and he hoped they could all come together and find a way to resolve it, that there were organizations who had been with them for over 23 years at the festival who did not come this year including the Hare Krishna's, the Gay and Lesbian Political Committee was not there, for the first time in 17 years they did not have a booth, that was sad because that was a big part of the City. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Bell stated that his impression of what he saw while attending the festival and Council Member Quan's was quite different from what Mr. Wahl saw, that he saw a lot of children including his own and saw about as diverse a crowd as they would see in any festival in the City of Houston, that they were there at different times and the crowd was continually expanding while he was there, that he was very impressed by the organization and what he saw and was sorry that Mr. Wahl was disappointed, that he had seen Mr. Florez that day and he said that the reports from most of the vendors that he received were quite positive and what was reported in the Chronicle was rather inaccurate, that he was sure there were problems, but thought they had a situation where there were people who were committed to the idea that it had to fail if they moved it to a different site and if that was the attitude of people going in then certainly they were not going to be satisfied with what they saw regardless if it was successful or not, that the Hare Krishna's were there. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Quan stated that he did have a chance to attend the festival and was very impressed, that he saw dozens of baby carriages, and the signs that said no snakes, and partook of the food of the Hare Krishna's and knew they were there for sure, that he was impressed that so many children were playing on Allen Parkway down by Eleanor Tinsley Park and just having a good time on a Sunday afternoon, that he was surprised with the report in the Chronicle, that he had a chance to go to the observation deck to oversee the police patrols that were in place there, that he had questions whether the festival could survive outside of Westheimer and that was why he did vote the way he did, that he was pleasantly surprised that they were able to do as well as they did last Sunday. Council Members Tatro, Galloway, Todd, Castillo, Sanchez and Robinson absent.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that there were hundreds of people that were upset about the move

but that was not what he was present to talk about, that it was his understanding the City was trying to bring the 2012 Olympics to Houston, that hundreds of people during the Westheimer Street Festival told him that Houston was a party pooper City, that they lost the Oilers, almost lost the Astros and the Rockets and Comets were looking for suitcases and a friendlier city, that the Children's Festival had been kicked around to three different locations because the party poopers in those neighborhoods were inconvenienced, that Pete Patterson, President of the Heights Civic Association, told him that the Heights Festival was in trouble and might not be around for long, that according to the Chronicle the Asian Community's Parade was chased away by the party poopers, that the Westheimer Street Festival was moved because the party poopers came to the City with their self given titles and pretending to represent 35,000 citizens in Montrose, that Donna Rose and Ed Gonzales and a few others told them that they spoke for 21 civic associations, that as a member of Near Town he knew that less than 20 people attended their monthly meetings, that their president, Mr. Rose, was leaving the organization, that he wished that someone in Council would request their monthly meeting sign in sheets and they would find that he was telling them the truth, that the Near Town Association did not represent the Montrose Community, that 99% of its residents in Montrose voted independently and in no way followed Near Town or the 21 civic association that they claimed existed, that every individual that stood before Council should be held accountable, and that included him, that they heard them and accepted what they said, but he was not present to speak about being exiled, that it was done, that the thousands that lived the West Fest showed up and they had a great time, that he saw Council Members Quan and Bell, that he was present to say that the cities that were going to be competing with Houston would no doubt bring to the attention of the Olympic Committee that Houston was a party pooper town and how soon would the misrepresentative's in Near Town complain and object to the thousands that would want to visit Montrose and its wonderful restaurants, that they would be there and tell the Olympic Committee that they represent Montrose and the world and that the Olympics would be an inconvenience and insist that the streets would be clogged, over parking and that some might die because the ambulances will not be able to get to the destination, that it sounded like some of the hot air he heard at the hearing, that nothing could be further from the truth, that good citizens knew that regardless of where they lived there were going to be inconveniences, that the City with its Public Works, the neighborhood with its traditions, that in Montrose there was a night parade and there used to be two wonderful festivals, that the party poopers convinced Council to run them off and as they well knew they were working on the Greek Festival, that he wanted to bet the Mayor a thousand dollars that the party poopers would keep the Olympics from the City. Council Members Galloway, Todd, Castillo, Sanchez and Robinson absent.

Council Member Bell stated that he had talked to Mr. Florez who indicated that the Westheimer Festival was somewhat of a success, that he was present saying that they were party poopers and acting like it was not a success, and Mr. Florez stated that he said that the party poopers ran them off of Westheimer, that they did not want the party to stay there, that it was a success, considering the eight weeks that they had to move, that they would be there on the October 21st and 22nd, and Council Member Bell stated that the Chronicle reported that sales were off some 75% and Mr. Florez had indicated that it was based on one vendors report and Mr. Florez stated that it was one of the T-shirt salesperson and he did not worry too much about the Chronicle, that he had been misquoted by the Chronicle many times, and Council Member Bell stated he knew they were all disappointed about having to move the festival, but given the circumstances it

seemed to be pretty successful. Council Members Galloway, Todd, Ellis, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Dan Hassen, 5111 Fairmont, Houston, Texas 77005 (713-985-4821) appeared and stated that it was his first time speaking before Council which was indicative of his problem, that he lived in District C, that he was present because of the College Court Construction Project which was going on in the College Court West University area west of Wesleyan and north of Bissonnet, that the problem that brought him to Council was that the College Court Construction Project was a mismanaged disaster for all of the residents who lived there and they had all reached the end of their patience, that the project began over one year ago and he was told that it was scheduled to be completed by November 1999, that it was a project to install new water lines, drainage, curbs, streets and sidewalks, that despite many promises to the contrary the project appeared nowhere near completion and they were asking and begging the City Council to deploy the resources to get the project or force the contractor to finish the project as he was hired to do, and he asked each of them to visualize their own properties and own homes on their own streets and the corners nearest them, that their properties had been treated with a total lack of respect and worse than that they had been treated in a condescending way and they had been treated in contempt for even raising issues with the contractor and with the City, that all the residents had experienced an array of problems in their area and were far too many to mention today, but he would take a look at what they had experienced and were still experiencing, that there was lack of access to their homes and no notice that there would be a lack of access, that streets that were damaging to the vehicles, unsafe, barely passable, that they had been without water, gas and utilities sometimes for days and sometimes no notice, that they had unauthorized use of their utilities including water and electricity by the construction company and had been subjected for over a year to filthy conditions with mud and debris and dirt and had no trash service for days before because of unavailable street access, that there was shoddy work in their concrete work and restoration efforts including landscaping, curbs and sidewalks, that inattention to detail was creating safety issues and there was dangerous construction material left out in the open, there were exposed pipes and lines, that there were stop signs down at intersections and were put back up thanks to Council Member Goldberg's office, that they were put back up and were bent over the very next day, that they now had an infestation of mosquitoes from standing water due to the construction project and poor drainage, that they had trash and debris that created health problems, that they had unfinished and uneven sidewalks, driveways and curbs and dangerous to walk over and they had construction equipment parked randomly all over the neighborhood and no safety precautions taken to keep children from being hurt, that in some cases families did not even let their children out in the street, that the City had been put on notice that the issues were there and if a tragic accident were to occur he thought the City would be hard pressed to defend itself, that many of them in the neighborhood had questioned how and why that contractor was awarded the contract and who was responsible to them as citizens that the process was protecting them, that no citizens should have to be subjected to what they had experienced, that the City had acted helpless at times against their own contractor and the contractor placed blame on the City and others and no one seemed to want to take the blame or the effort to get it fixed, that the blame game had gone on entirely too long and the losers had been the residents of the area, that if he managed his business like the project had been managed he would be bankrupt and would deserve it, that they were desperately seeking Council's help that the project be immediately completed,

satisfactorily and not just completed, that it scared them that the contractor stated he would be out of there in a matter of weeks and he did not think that it would be done satisfactorily in a matter of weeks. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Bell, Mr. Hassen stated that it had been going on for over a year, that the neighborhood had been torn up for over a year, that he was not sure how many streets or residents but would imagine several square blocks, that it had been going on before Council Member Goldberg came on Council, that as to response from the City, at times it had been contemptuous, at times no responses and at times very helpful and the ones that were very helpful were usually quick and placed the blame on the contractor, and Council Member Bell thanked him for bringing the pictures, that if they looked at the pictures it was pathetic and understood why they were so frustrated, and obviously by being present he would raise concerns and hopefully they could move it forward and get something taken care of because they should not have to put up with it. Council Members Galloway, Todd, Ellis, Keller, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon further discussion Council Member Quan stated that he had heard the complaints and one of his aides had been out there the past weekend and concurred that there did not seem to be any order about the project at all as far as getting it to a resolution and asked Council Member Goldberg if he had been checking into it from his office extensively and Council Member Goldberg stated that he had one staff member who gave about 50% of her total time on the project, that it was the same project that was brought up regarding emergency equipment not being able to get through and he had brought it up a couple of weeks ago at pop off and the same project that Channel 13 came out and did some commentary on, that there had been a lot of delays. Council Members Galloway, Todd, Ellis, Keller, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Elise Vaughn, 5110 Fairmont, Houston, Texas 77005 (713-665-6747) had reserved time to speak, but was not present when her name was called.

Council Member Tatro moved to suspend the rules to allow Mr. Steve Flores to speak for Ms. Elise Vaughn, seconded by Council Member Bell. No vote was recorded as a quorum of Council was not present. Council Member Vasquez absent on personal business. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Steve Flores, 5115 Fairmont, Houston, Texas 77005 (281-413-3835) appeared and stated that Ms. Elise Vaughn had just moved in back in June 1999, that her specific issue was that a couple of months ago at a civic discussion that they had with the general contractor several issues were brought up at that point, and in particular one of the main points of that discussion was that all construction was to be finished by March 1999 and of course they continued on with the construction period, that there was a customer complaint process handed out at the meeting to handle whatever complaints and someone was going to take charge and put some kind of documentation and forward back to them and her specific complaint was reimbursement of damage to her car during the construction period and she would like to know the status of that was and what kind of action was to be done about that, that the other issues were the landscaping and the

trash, which was promised to be picked up within a week, but it took about three weeks to be picked up after the landscaping. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that his office had requested that anyone with complaints forward them to the office, that the contractor was liable for the damages that they caused, and understood that there was anywhere from twenty to thirty trees that were killed in the process, people's cars and sprinkler systems had all been damaged, that they were going to have to forward them to the contractor but they were compiling a list of claims being made, and Mr. Flores asked if there would be any type of issues back to the people who were putting in claims as to what the action would be or should they file some type of joint lawsuit, and Council Member Goldberg stated that he could not advise them how to go. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Brian Lavorini, 4127 Childress, Houston, Texas 77005 (713-218-0700) appeared and stated that he lived at 4127 Childress which one of his neighbors referred to as ground zero for the construction, that he and his wife moved in October 1999 and also received promises that construction would be done by November 1999, was kicked back to March 2000 and they were now at the end of May they were in the same situation, that it was ironic that they were present at that time of year because as he wrote out his \$6,000 check for the property taxes that he paid annually he started to think about what type of return he actually got on that \$6,000 investment, that for the last six months since they lived there, every morning he was greeted with a nice breath of diesel fumes from the backhoes and dump trucks and various other construction equipment in the neighborhood, that he backed his car into a backhoe about a month ago, that it was his fault, but the backhoe was not there the night before but it was the following day, that it was a bad situation, that they were a bunch of very patient people and they had taken a whole afternoon off to come to Council to voice their concerns, that they did want a resolution of the situation and did want it resolved to their satisfaction and as soon as possible, that another thing that had to be addressed was whenever the contractor was done with the work they had planned, they would also have severe problems on Childress, between Academy and Wesleyan, and also on Purdue and Drake, between Academy and Wesleyan and thought those were the next problem areas, that fortunately the only people who had the authority and who had any stake with the contractor were the Council Members. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Marti McWhirter, 4215 Childress, Houston, Texas 77005 (713-664-1812) appeared and stated that she lived right next door to the construction office that had worked the entire project, that having been in the neighborhood since 1989 they bought and built a home based on the potential and it was beginning to realize its potential for the growth of the City, that they signed and supported the original petition to have those new streets, however they had been very disillusioned and disappointed with the way the project had gone and the coordination from the very beginning, that from their observation it was really an example of how a contract was awarded to the lowest bidder and what could happen when City inspectors who were supposed to carry their jobs during the project had failed to do so, that some of the direct observations they had were already mentioned, like the lack of respect for property, the destruction and damage to many of the trees that had been taken out, whether it was because of the road or they



chopped the branches off because they wanted to make room for the equipment or merely store it at night, that she had called Mayor Brown's office and many other department offices to talk about the destruction of the trees and she literally had been laughed at and told that if it was not in the public right of way they could not do anything about it, too bad, that she was under the impression, as were many of the neighbors, that when Council Member Wong got funding for the project that there was extra money added for the protection of the trees, that she had learned and understood that the City Forestry Department was going to reclaim two feet on the west side of Academy Street and were going down that street for four blocks and take out all the trees, most of which were old oak trees, that she did not know why, but needed to know what was happening because it would have a great impact on the look of their neighborhood, that her concern living next door to the construction company was that her property had sustained damage, their sprinkler system was totally ruined, and to date they still did not have curbs, sidewalks or finishes on their house, that they were about the only ones in the neighborhood left that had not had at least the curbs and gutters, that the traffic hazards, that the emergency vehicles and they just going home in the evening or getting out of the neighborhood in the morning, changes that made them feel like they were going through a rat maze, that medical services, fire services and law enforcement vehicles had not been able to get where they were needed when they had been called to do that, that they had a difficult time with City services and had gone weeks with no trash pickup, that they had gone 9 weeks with no recycle pickup and their attitude when she called them was that there was construction over there and they could not get down the street to do anything about it so their recycling material sat outside their house for eight weeks, that she would say that the newest supervisor, James Skeen, had done more for the project, and it was evident, than they had seen happen in the last six months. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Ms. McWhirter stated that the reasons given for the substantial time delay was that primarily it was a blame and complain and point the finger at someone else, that the contractor had stated that they talked to the City and the City withheld funds so they could not pay the subcontractors, that the subcontractors said to them that it was the City's fault or Southwestern Bell's fault because they did not get in there to do the lines when they told them to do so, or it was HLP's fault or Entex fault, that everybody wanted to blame everybody else and no one took responsibility for it, that it was timeliness of payments, and she invited them to her home where she had lived for eleven years and asked how they would like to walk out and see gasoline storage tanks, hazardous material tanks stored in the yard next to their home, port a potty, pallets, and everything that had trashed up their neighborhood, that it was pretty disheartening and thought that after over a year they were more than due to get the job completed. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Cathy Kitterman, 5004 Academy, Houston, Texas 77005 (713-646-9522) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Mary Ramirez, 4123 Childress, Houston, Texas 77005 (713-665-0432) appeared and stated that she was present to repeat what the previous speaker had said,

that it was sad and appreciated if it would be taken care of soon. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro moved to suspend the rules to allow Mr. Steve Flores to speak at this time, seconded by Council Member Quan. No vote was recorded as a quorum of Council was not present. Council Member Vasquez absent on personal business. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Steve Flores, 5115 Fairmont, Houston, Texas 77005 (281-413-3835) appeared and stated that they knew the issue was the neighborhood reconstruction project, that his specific issue was that he did send out a letter to the AJS Construction Company regarding landscaping, repainting and revarnishing of his front doorway entrance and window cleaning on his street for the last year and a half of construction that accumulated there, that it was sent out on April 20, and had a verbal agreement that they were going to varnish, clean the windows, and the landscaping, which was currently being done, that he had send it as documented evidence, that he had left two phone messages and had not received a response back so he was a little concerned that maybe things had been forgotten, that there was currently landscaping going on which was a pretty lousy job, that he had been out with the job superintendent to figure out what they were going to do with the 6 or 8 inch adjustment in the landscaping, that once the landscaping was completed it would look very bad because of the 4 to 6 inch gradient difference, that the action that he requested to get resolution of the construction and landscaping, that he brought the property as an investment and landscaping was pretty important, that it looked bad just from a visual standpoint. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Lynn Cummins, 4116A Childress, Houston, Texas 77005 (713-660-7533) appeared and stated that she was a property owner and resident of College Court Place and was obviously present about the neighborhood project which began in May 1999 and most importantly had yet to be completed, that they moved into the townhome on June 4, 1999 about a week and a half after they started digging up the roads, that they had about 10 roads and decided to dig everything up at once instead of going road by road, that had they known then what they knew now they never would have moved into the neighborhood, that the vision that the leaders had when they initiated the project was to make College Court Place a safer, more attractive and better place to live economically, that the vision was blurred from the very beginning for them, that the everyday hassles of getting appliances moved in and having work done on their home had been made almost impossible due to the construction that had been going on for the last year, that specifically the economic impact of the project had hit her family hard, that in November 1999 her husband took a promotion with a company based out of town and the street project actually became the center piece of the negotiations for the job, that due to the incomplete project and the original deadline of December 1999, they had to delay any type of move until they felt satisfied that they could receive fair market value for their home, that this had put a lot of pressure and stress on her husband, herself and his new company and she implored Council to take action and take the necessary steps that should have been in place from the beginning to bring the project to a successful

completion and to the residents satisfaction. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Lynn Lazarz, 4111 Childress, Houston, Texas 77005 (713-661-0281) appeared and stated that the streets of Childress, Purdue, Drake and Law running from Wesleyan to Academy were not in the project and not bid, but they had been drastically destroyed with heavy equipment and digging up, that the damage was too severe to have it milled and then asphalted, that she wrote a letter to Council Member Goldberg which he sent a copy of over to the office of Michael Ho on April 3, 2000 along with his own feelings about the street getting redone and to investigate the concerns expressed in the letter and to notify her and himself and she had yet to hear anything and it was sent April 3, that she was wondering if there was to be anything done regarding those streets. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated he was also curious about what the City would do and had passed out a map for the Council Members benefit to show the area where the project currently was funded and the streets she spoke about that were not funded and along with that he passed out pictures so that the Mayor and Council could see the condition of those streets, that she was right about the condition of the streets and it had to be a street reconstruction and he requested that emergency reconstruction be completed. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. John Skeen, 996Y Rt. 6, Bastrop, Texas 78602 (281-960-6854) appeared and stated that he was consultant for AJS Construction Company, that part of what the previous speakers had stated was true, but they failed to tell them that there were also 15 to 20 other contractors in that neighborhood building condominiums, and getting mud in the street and lumber all over, that it was not the big problem, that the engineering firm that was hired did not do the job they were supposed to do, there was not a sewer line or water line on that job drawn on the plans where it was supposed to go, that they were supposed to go to the City, the County, Entex and all communication people and research all the plans and they had not done that, they had one delay after another delay and were now being charged liquidated damages, that the first thing that should have been done was to tie the sewer in where the water could have gotten out of there, that six months later it was tied in due to the engineers having to move the line, that he got there on November 3, 1999 and one of the Council Members went out there and demanded that they complete it, that they moved the lines and elevations and go the revised plans March 15, 2000, that it was 2 1/2 months after it was completed, that there had been no communication with Mr. Ruben Martinez, that he did not want to work with him and had done everything he could possibly do to control the job and delay the job, that they were covering up for the engineer. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Bell, Mr. Skeen stated that the work order was supposed to start June 6, 1999 and they started April 3, 1999, that it normally took their company about 4 months to finish a project of that size, that they started on the project about 10 months ago, that they had purposely been delayed, that he had tapes and a diary, that they would pour the concrete out by Tuesday of the next week, that they were waiting for the engineers to tell them what to do, that they had utility poles in the

way, that by Thursday of the next week the sidewalks would be through, that a week later all the grass would be put in, they had a street that they were supposed to overlay 2 inches of asphalt on, from Academy to Wesleyan and he had refused to do so, that he knew better than to do it, that the engineer said it would be alright, but now they came back and wanted to mill it before the asphalt was put on it, that the engineer's own inspector had told him that it would not stand there thirty days, but was willing to spend the City's money and have it be milled and overlaid.

Council Member Bell moved to suspend the rules to allow Mr. Skeen's son to speak at this time, seconded by Council Member Quan. No vote was recorded as a quorum of Council was not present. Council Member Vasquez absent on personal business. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Members Goldberg and Quan, Mr. James Skeen stated that the streets were laid all at one time because of segments, that there were conflicts with the City engineer's and there were problems so that was why they elected to go the way they did, that there were a lot of problems on the job that stemmed way out of AJS Construction, that he had personally given a list and completion date to his superiors which he would follow, that he had a couple of obstacles, HLP, SWB and the cable people, that he would have concrete poured, landscaping and cleanup, and did not plan on being there very much longer, that the project had changed and a lot of it had to do with negotiations between the City, engineer and contractor and they had worked a deal out, that the rest of it would all fall in place, that as to the engineering problems and design problems his father had all kinds of documentation and there were some things to be addressed, that he had done about 8 to 10 subdivision of that type and they could be very easy, but there were a lot of obstacles, that there had been a lot of things that he was not aware of and not on the plans as he was digging, that the plans were faulty and part of the obstacles, that he hoped the job would be completed within the next 5 weeks. Council Members Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated he appreciated everyone being present, that no matter how they looked at it, it was a mess and had to be taken care of and would be taken care of, that he would give instructions to the Acting Director of Public Works to be personally involved in it and report back to him personally and make sure that the matter was taken care of. Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg moved to suspend the rules to hear Mr. Ruben Martinez, Public Works & Engineering Department at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Ruben Martinez stated that he was the project manager and not the engineer, that those plans were not designed by him, that the project had many difficulties and started from the very beginning when the contractor in his scheduling in order to put the storm sewer line disrupted most of the streets in that process and those streets were extremely narrow, very difficult and a small neighborhood, that the streets had a ditch and

the plans called for curb and gutter which meant that the elevation had to be brought down in some cases maybe 2 1/2 to 3 feet, that the streets were twenty feet wide and no sidewalks, and the driveways were close and an extremely difficult project to construct, that they also had the problems with all the housing construction and maybe 50 homes had been built since the project began, that one of the biggest problems and changes made that because of the new housing the City regulation said that the new homes had to be built on 17 inches more of fill which the plans designed six years ago did not address, that the design engineer revised the plans which may have added to the confusion but in no case did that ever delay the construction, that it had been a very difficult project, that in all cases attempts had been made to make contact with the contractor and discuss it with him. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon a lengthy discussion and questions by Council Member Quan, Goldberg, and Bell, Mr. Martinez stated that there had been no ignorance on his part, that the only outstanding issue that they had were the utility lines and utility poles that were in place and were shown on the plans to be relocated, that was the portion of the paving that had not been completed but did not think that had delayed the job, that he felt that the work could be completed by late June, that there was a two month delay in HL&P finally coming out and removing the pole and he did not know if the contractor notified them immediately, that they made an attempt to call HL&P but did not know what the time frame was, that in that particular case it was HL&P's responsibility to have all the utility poles moved and the contractor should have coordinated with HL&P, and Mr. Lum stated that what they had there was that the City was to notify the utility company, however the sequencing of the work was such that when the contractor got to a point where he felt that it needed to be moved he would coordinate it with the utility company so they would be out of his way in a timely manner, that the City notified the utility companies at the front end of the project, and Mr. Martinez stated that he had been with the Public Works Department approximately 10 months and had inherited the job and was not the original person in charge, that the project manager was Mark Madera who was no longer with the department, that the plans were more than four years old, and Mr. Lum stated that the plans were updated prior to the construction letting, that they were more recent than six years old, and Mr. Martinez stated that the project had received about 40% of his time in the last 2 months, that he did not know if the problems were revised within the six years but the situation had changed considerably because of the new houses that were being built, and Mr. Lum stated that the seal on the plans were only good for one year, so it had to be updated so it was as recent as one year of the contract letting, when the plans were reviewed and revised by the engineering firm, and Mr. Martinez stated that there were 20 trees that had been designated by the Forester that had to be removed, that the large oak trees along Academy, especially from Purdue to Childress, that the whole intent of the project was to save the trees and as part of the measure the street was narrowed 2 feet in order to be able to get away from the roots, but the construction of the job dictated that the existing roadway, the old curb and gutter be removed and that curb and gutter was up against the trunk of the trees and the contractor did come in and correctly cut the roots of the trees and they made a change in the plans to do away with lime and just thicken the slab by 2 inches to do everything possible to save or to harm those trees the least amount, and Mr. Lum stated that the contract specifications did require the contractor to comply with an item in the contract and that was tree protection, that the City Forester had been out there and designated trees for removal. Mayor Brown, Council Members

Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Lum stated that the notice to proceed was officially started May 3, 1999 and the contractor originally had 250 calendar days to finish and that had expired and with the additional days that were awarded to him he was in arrears a number of days and the liquidated damages were \$1,200 per day, they intended to have the project conclude no later than the middle of June. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Parker, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Detreal Lancaster, 3333 Alabama #114A, Houston, Texas 77004 (713-747-9803) appeared and stated that law enforcement had broken her house down on May 5, 2000, that they assumed that someone was selling narcotics, that in the breezeway where she lived, narcotics were sold all the time, that they had a warrant left there, but she could not get into her house, that she could not get into her house to get her child's medication and wondered what she could do about all her problems. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Lancaster stated that she was not present when the law enforcement came, and when she returned home the screen door was nailed up and she could not get in, that she rented her home, that she had talked to the manager and even Channel 13, and Vice Mayor Pro Tem Castillo suggested she visit with Assistant Chief Richards was present to give her advice and Council Member Quan stated that Citizens Assistance could also help her. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Marcellus Wright, 12720 Shannon Hills Dr., Houston, Texas 77099 (281-575-0316) appeared and stated that on February 22, 1999 his son received an accidental broken arm and Mr. Wright was charged with picking up his child and throwing him against a wall where he broke his arm, Mr. Wright was incarcerated for 10 days and lost his job, he was given a no contact order, that his family had lived in a hotel and car, that he had sent countless memos to Mr. Robert DeYoung and had written to Internal Affairs about the situation, that he was unable to get a job, that he had received bad legal advice. Council Member Quan stated that his staff would be glad to take a copy of his documentation and present it again to Internal Affairs but that was all they could do as a Council. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Minister Johnny Jeremiah, 5959 Richmond, No. 400, Houston, Texas 77057 (713-278-7098) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller,



Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (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. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Rodrick Muhammad, 6407 Antoine Dr., Houston, Texas 77091 (713-686-1251) appeared and stated that his initial reason for being present was to talk to Council about the opportunity for young people, that he had been operating an advertising agency for the past eight months and had gotten into a deadlock because of lack of funds and asked what were the opportunities for a young, 24 year old person who had no college education, but had the desire to succeed and not beg for hand outs. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Quan referred Mr. Muhammad to the City Human Resources Department if he was seeking work with them, and as far as vocational counseling it was available in the City as well and referred him to Palm Center, and Vice Mayor Pro Tem Castillo stated that there were several agencies of the City that dealt in business development and one of the starting places was the Mayor's Affirmative Action Division which registered businesses of different kinds and asked him to contact them, that there was also an agency funded by the City called the Small Business Development Corporation and they did business counseling. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) appeared and stated 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 was of his reelection, that they had received and did not respond, that he was present again to forward direct official knowledge and charges of his Conviction Case versus City Government Murder Counts, Human Organs Replacement, that Lee P. Brown and Jew Don Boney were replacing their vital organs, that he was a crime victim and his vital organs were cut out, that he had requested emergency protection and they did not have the proper authority not to comply with the official office emergency order of protection from the Grand Jury. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he could not believe that he waited that long, twenty minutes until six for one minute, and asked Vice Mayor Pro Tem Castillo how he liked sitting on that seat, that one day there would be a Latino on that seat, that he wanted to bring attention, that it was a full moon in Scorpio and maybe that was why all the bickering and stuff and waited so long, full moon in Scorpio, that after he left Council he would be picking up a friend who was coming in from LA and he might go to one of the titty bars that Geneva Kirk Brooks wanted to outlaw, because he thought there should be more of them and of course he wanted to find one where there were men instead of gals, he wanted to go to one where there was guys instead of gals, and one more common about the speakers, that the lady who spoke up there and said that she supported rail, he wanted her to know that there were a lot people out there who did not want rail, that they could go up there and say they represented so many people, well he could prove, that all those people who voted for him. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

At 5:40 p.m. upon motion by Council Members Quan and Parker the City Council was recessed until 9:00 a.m. Wednesday, May 17, 2000. Council Member Vasquez absent on personal business. Mayor Brown, Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 17, 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. 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 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 a.m. Mayor Brown called the meeting to order. Council Member Vasquez absent on personal business. Council Members Tatro, Todd and Sanchez absent.

## **HEARINGS**

**PUBLIC HEARING** - Pursuant to 43 Texas Administrative Code § 25.603(d), the City Council will conduct a local public hearing to consider the adoption under § 545.0651 of the Texas Transportation Code of a proposed restriction on the operation of certain trucks/trailers on a portion of Interstate Highway 10 within the City of Houston between Waco Street on the west and Uvalde Road/Market Road on the east. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the

hearing - **DISTRICTS B - GALLOWAY and I - CASTILLO - 9:00 A.M.** – was called. Council Members Tatro, Todd and Sanchez absent.

The City Secretary stated that three speakers had reserved time to speak; and Mayor Brown stated they would be heard first. Council Members Tatro, Todd and Sanchez absent.

Mr. Frank Yorek, 1200 Travis, Houston, Texas 77002 (713-308-1547) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Todd and Sanchez absent.

Mr. Les Findeisen, 700 E. 11th, Austin, Texas 78701 (512-478-2541) appeared and stated that he was with the Texas Motor Transportation Association out of Austin Texas and was in support of the proposed ordinance; that he did think some clarification was needed as it seemed to restrict from the left lane only and the stretch of road proposed had four lanes in each direction, the ordinance spoke of the authorized lanes being the two to the right of the left hand lane and there was one lane missing; that they felt the proposed demonstration site was excellent, they had worked with Council Member Robinson from the start on this and they were very interested in getting the highways safe and would do what they could. Council Members Tatro, Todd and Sanchez absent.

Mayor Brown called on Mr. Bibler who stated that the freeway in most places was three lanes with occasional places being four to five lanes and they had wanted to draft the ordinance to prohibit use of the left lane, however, state law which authorized this ordinance specifically required that they limit the traffic to two lanes so they had to write it as it was now; that in most areas along the way it would be to limit traffic to the two right hand lanes but in areas with a fourth or fifth lane they would be allowed to use those to enter or merge into or out of the authorized lanes, but under state law they could not be allowed to use more than two lanes. Upon questions by Mr. Findeisen, Mr. Bibler stated that Ms. Wegman with TxDOT was working on the signage and signage had not been disclosed to him. Council Members Tatro, Todd and Sanchez absent.

Council Member Robinson thanked Mr. Findeisen for coming, thanked the Texas Motor Association for their support through the entire process and thanked Mayor Brown for putting a taskforce together to work on the issue; and stated that there was a 30 day posting requirement and Sally and Paul had committed to him that whatever they needed to make sure was straight in terms of signage would be there and they would be working through the taskforce to clarify the necessary signage. Council Member Robinson thanked Mr. Tom Rolan in Public Works for working with the taskforce. Council Members Tatro, Todd and Sanchez absent.

Mr. Lionel Kelley, 3100 Katy Freeway, Houston, Texas 77070 (713-869-6371 x109) appeared and stated that he was a representative of Teamsters Local Union 988 and present on behalf of the president and drivers of the union; that Local 988 provided representation for over 5,000 drivers in the Houston metropolitan area and they were in favor of the proposed ordinance restricting truck drivers from the left lane of the designated area on I-10; and urged that the Mayor and all Council Members support the item. Council Members Todd and Sanchez absent.

Council Member Robinson stated that this was to be a city ordinance and thanks to the support of his colleagues and Mr. Kelly they had come this far; that he also wanted to acknowledge Chief Bradford who sent a number of officers in the Truck Enforcement Division a memo in support of the ordinance. Council Members Todd and Sanchez absent.

Chief Frank Yorek, Houston Police Department, 1200 Travis, Houston, Texas 77002 (713-308-1547) appeared and stated that he wanted to indicate the Police Department was obviously wholeheartedly in support of the ordinance; that statistics indicated in 1998 there were 263 fatalities from motor vehicular accidents in Houston; in 1999 226 accidents in which fatalities were involved with 31 involving trucks and this year to date they had 73 fatalities and fortunately only three involved trucks; that the Truck Enforcement Unit began operation in November 1999 and conducted over 3,000 level one and level two truck inspections and during the course of those inspections issued 4,155 citations and over 16,000 warnings; that during the enforcement by this unit 54% were taken out of service for various violations and they would be enforcing the program with resources of their Truck Enforcement Unit which consisted of ten full-time inspection officers and 30 part-time inspection officers; that they would also be using their traffic and accident units to patrol that particular area and it was his understanding that in any 24 hour period of the workday in that stretch of the freeway between Waco and Uvalde there were 12,000 trucks so they were very much in support of the program and they thanked all, particularly Council Member Robinson for coming up with it and would provide whatever assistance they could provide. Council Members Todd and Sanchez absent.

Upon questions by Council Member Boney, Chief Yorek stated that the Truck Enforcement Unit was funded strictly from within the Police Department ; that prior to the unit they were conducting level two and three inspections which did not deal with the under part of the truck, they inspected lights, exhaust, etc., but now they had gone through extensive training and it allowed them to check loads, breaks, etc., the training seemed to be around \$200 to \$300 per officer and they had spent an additional \$100,000 to equip officers with various things needed. Council Member Boney stated that might be an area for enhancement or expansion; that he was struck by the number of trucks taken off the road.

Council Member Bell stated that he too wanted to voice his support for the various ongoing efforts in the Police Department towards addressing the problem, it was incredibly important to restore the public's confidence on the highway and he congratulated Council Member Robinson for the proposal; and upon questions, Chief Yorek stated that year to date they had 3,400 total accidents with 73 being fatalities and three had involved 18 wheelers; that he thought last year had been high with over 10% as usually it was around 5% or 6%; that the stretch proposed had over 12,000 trucks a day, but he could not say for sure if that was why it was chosen. Upon further questions by Council Member Bell, Council Member Robinson stated that particular I-10 stretch was selected after a study done by the Texas Transportation Institute out of Texas A & M, the entire highway system was evaluated within the City of Houston and said this would be the best stretch for a demonstration in terms of past accident and because of the configuration; that he had sent a draft to Council Members for comments on the technical evaluation criteria to be done by the Texas Transportation

Institute; that it would be revised by TxDOT one more time before they enter into the contract.

Council Member Todd stated that he wanted to thank Council Member Robinson for his hard work on the issue; that he understood this was a pilot project, but the Gulf Freeway was problematic also and he was sure many would like similar provisions being made for that freeway; and Council Member Robinson stated that once the study was finished, if it proved to be worthwhile, it would be expanded to other freeways and TxDOT had made that commitment; thanked all who had helped and moved to close the hearing, and was seconded by Council Member Galloway. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0629 ADOPTED.

Mayor Brown stated that he too wanted to thank Council Member Robinson, he had taken a very personal interest in the issue of transportation and traffic and this was an example of his good work.

Council Member Galloway moved to suspend the rules to take Item 49 out of order, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0630 ADOPTED.

49. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 – (This was Item 2 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Council Member Galloway moved to refer Item 49 back to the department, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0630 ADOPTED.

Mayor Brown stated that he believed all Council Members had received a letter written by Pastor Joel Osteen making that request and he wanted to honor that request; and thanked Council Member Galloway for her work on the issue.

## **MAYOR'S REPORT**

**Consent Agenda (Items 2 through 47) were considered as follows:**

### **MISCELLANEOUS** - NUMBERS 2 through 4A

2. CONFIRMATION of the appointment of the following to the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY**:
  - Position 4 - **MR. ED WOLFF**, for a term to expire October 31, 2000
  - Position 5 - **MR. ED GONZALES**, for a term to expire October 31, 2001- 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 2000-0632 ADOPTED.

3. RECOMMENDATION from Director of Aviation for appointment and payment to **STEWART ADVISORS, INC** in the amount of \$2,100.00 and **ROBERT B. JONES AND COMPANY** in the amount of \$2,320.00 for market appraisal reports of approximately ±92,955 square feet (±2.1339 acres) of unimproved land on the east side of Chanute Road, George Bush Intercontinental Airport/Houston - \$4,420.00 - Enterprise Fund - **DISTRICT B – GALLOWAY** - 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 2000-0633 ADOPTED.
4. ORDINANCE appropriating \$70,219.30 out of Convention & Entertainment Construction Fund as an additional appropriation for Jones Hall Improvements - Chillers under construction contract with **LETSOS COMPANY**, CIP B-0038-01-3; approved by Ordinance No. 99-1053; providing funding for contingencies relating to improvements of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICT I – CASTILLO** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Vasquez absent on personal business.

**PROPERTY** - NUMBERS 7 and 8

8. RECOMMENDATION from Acting Director Department of Public Works & Engineering for condemnation of Parcel A95-88, located at 4314 South Kirkwood Road, owned by Gul Zaman, for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - **DISTRICT F – ELLIS** - was presented, moved by Council Member Sanchez, and seconded by Council Member Boney. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. MOTION 2000-0634 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 16

**LOW BIDS**

10. **A & M ELECTRONICS, INC** - \$109,000.00 and **SHEPLER'S** - \$88,900.00 for Tools, Hand Part II Contract for Various Departments - General, Enterprise and ROW Maintenance and Street & Drainage 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. Council Member Robinson absent. MOTION 2000-0635 ADOPTED.

**OTHER**

11. ORDINANCE appropriating \$271,001.85 out of Fire Department Consolidated Construction Fund (Fund 413) for Installation of Two Chiller Units for Fire Department – had been pulled from the Agenda by the Administration, and was not considered. Council Member Vasquez absent on personal business. Council Member Robinson absent.



- 11a. **DERRYBERRY'S L.P. (Bid No. 2)** for Installation of Two Chiller Units for Fire Department - 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. Council Member Robinson absent. MOTION 2000-0636 ADOPTED.
13. **GLOBE ELECTRIC CO., INC** for Gel Cell Batteries for Department of Public Works & Engineering - \$32,098.50 - METRO 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. Council Member Robinson absent. MOTION 2000-0637 ADOPTED.

**ORDINANCES** - NUMBERS 17 through 47

17. ORDINANCE approving and authorizing consent to encroach, allowing certain improvements owner by McCrory Building-Houston, L.P., the abutting owner, to encroach a total of 65 square feet, more or less, into the City's Street rights of way in the 500 block of Main Street and the 1000 block of Prairie Avenue adjacent to Lots 10 and 11, Block 56, S.S.B.B. Addition, Harris County, Texas; subject to the terms and conditions of the consent to encroach - **DISTRICT I – CASTILLO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-369 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of East Haven Boulevard Street right of way containing 37,897 square feet of land, more or less; a 10-foot wide waterline easement with a 10-foot by 10-foot fire hydrant easement contained therein, (aggregate total of 9,566 square feet of land, more or less), and a storm sewer easement containing 60 square feet of land, more or less; located in the Moses Callahan and Allen Vince Survey, A-9, Harris County, Texas; vacating and abandoning said tracts of land to John Corporation, the abutting owner, in consideration of the owner's dedication of an easement for street right of way purposes containing 90,782 square feet of land, more or less, and three (3) easements for sanitary sewer purposes (aggregate total of 8,166 square feet of land, more or less) located in the Moses Callahan and Allen Vince Survey A-9, Harris County, Texas, and payment of \$900.00 and other consideration to the City - **DISTRICT E – TODD** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-370 ADOPTED.
20. ORDINANCE consenting to the addition of 11.81 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 84** for inclusion in its district - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-371 ADOPTED.
21. ORDINANCE consenting to the addition of 116.7551 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238** for inclusion in its district - was

presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-372 ADOPTED.

26. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **FRONTENAC HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 2 Months - \$36.00 - **DISTRICT D – BONEY** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-373 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to contract between the City and the **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth; providing for a maximum contract amount - \$195,000.00 - General Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
28. ORDINANCE appropriating \$200,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755), and approving and authorizing compromise and settlement agreement with **FIDELITY AND DEPOSIT COMPANY OF MARYLAND** to settle lawsuit arising out of a dispute regarding construction activities financed by the Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-374 ADOPTED.
30. ORDINANCE amending Ordinance No. 97-1045 to increase the maximum contract amount and approving and authorizing first amendment to contract for Tire Recapping and Retreading services between the City of Houston and **TEXAS CORRECTIONAL INDUSTRIES DARRINGTON TIRE RECAPPING PLANT** (Approved by Ordinance No. 97-1045) - Through December 31, 2002 - \$300,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-375 ADOPTED.
34. ORDINANCE appropriating \$15,000,000.00 out of Airport System Commercial Paper Series A, (AMT) CIP A-0091, A-0131, awarding construction contract to the **MORGANTI GROUP, INC** on low bid of \$13,999,000.00 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES, INC** in the amount of \$286,000.00 for Central Plant Upgrade at George Bush Intercontinental Airport/Houston (IAH), Project No. 4249 - **DISTRICT B – GALLOWAY** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Vasquez absent on personal business. Council Member Robinson absent.
35. ORDINANCE appropriating \$88,170,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0131, A-0141, A-0222, A-0372 and A-0380, awarding a construction contract to **THE MORGANTI GROUP, INC** on low bid of \$77,039,273.86 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the

amount of \$1,500,000.00 for Central Concourse at William P. Hobby Airport (HOU), (Project No. 417D) - AIP 3-48-0111-XX - **DISTRICT E – TODD** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

36. ORDINANCE appropriating \$420,000.00 out of Accumulated Unexpended Fund No. 754 and approving and authorizing professional engineering services contract between the City and **COST CONTAINMENT ENGINEERING, INC** for Design of Repairs for City Pools and Fountains - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-376 ADOPTED.
38. ORDINANCE appropriating \$936,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** on low bid of \$825,351.28 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP** in the amount of \$20,000.00 for construction of Hunterwood MUD Service Area Diversion, GFS R-0536-05-3 (4719-1); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – CASTILLO** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Vasquez absent on personal business. Council Member Robinson absent.
40. ORDINANCE awarding construction contract to **DCE CONSTRUCTION, INC** on low bid of \$239,250.00 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$5,000.00 for Leeland Street Storm Sewer Replacement; GFS M 0126-27-3 - **DISTRICT I – CASTILLO** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-377 ADOPTED.
42. ORDINANCE appropriating \$403,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **DCE CONSTRUCTION, INC** on low bid of \$321,390.13 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD DBA GEOTECH ENGINEERING & TESTING** in the amount of \$20,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q7-3 (N-0610A-6); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – VASQUEZ** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-378 ADOPTED.
47. ORDINANCE appropriating \$1,471,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on low bid of \$1,210,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP** in the amount of \$20,000.00 for Sanitary Sewer Relief, North of Fugate, GFS R-2011-10-3 (4740); providing funding for construction management and contingencies relating to

construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **DISTRICT Houston, Texas – VASQUEZ** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2000-379 ADOPTED.

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

**MISCELLANEOUS**

- 4a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 4 in the amount of \$73,659.00 on contract with **LETSOS COMPANY** for Jones Hall Improvements - Chiller Replacement - GFS-B-0038-01-3 - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez and was tagged by Council Member Goldberg. Council Member Vasquez absent on personal business. Council Member Robinson absent.

**ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,982,926.90 and acceptance of work on contract with **TDK CONSTRUCTION CORPORATION** for Construction of Blue Ridge Branch Library, GFS E-0019-01-3 - 02.44% over the original contract amount - **DISTRICT D – BONEY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.

Council Member Keller stated that about 100% of the projects with the library were coming over and he was hoping renovations would actually start coming in under budget; that in checking change orders the original design of the electrical panels were within three feet of the HBAC system chiller water lines and you could probably tell by just looking, but that was against the code and had to be redone; that another thing was the Fire Marshall required three additional strobe lights to be added to the alarm system and the project architect should have the fire inspector involved and he wanted to mention those.

Council Member Goldberg stated that he had noticed there were 14 change orders on this and it disturbed him that the contractor did not meet the MWBE goals by over 2% yet it was still rated satisfactory and he had serious questions; and moved to suspend the rules to hear from Ms. Ollie Schiller, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0638 ADOPTED.

Upon questions by Council Member Goldberg, Ms. Schiller stated that this particular project was very old, it commenced in 1997 or 1998; that it was substantially completed awhile ago and then they went through the process of having a number of final inspections to finally close the project out and it had been hanging around, but the work was finally complete and they were able to close; that the actual final work was complete within the last 30 days, but it reached substantial completion in June 1999.

Council Member Goldberg stated that he would tag Item 5 to allow him to have more questions answered. Council Member Vasquez absent on personal business

6. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$617,183.31 and acceptance of work on contract with **JOHN G. HOLLAND CONSTRUCTION COMPANY, INC** for River Oaks Sanitary Sewer Relocation, GFS R-0266-64-3 (4305-12) - 00.08% over the original contract amount - Enterprise Fund **DISTRICTS D - BONEY and G – KELLER** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0639 ADOPTED.

### **PROPERTY**

7. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, Land Surveying, on behalf of Houston Independent School District (HISD), for abandonment and sale of a 5-foot wide water main easement within the Skylane Apartments Subdivision, Parcel SYO-058 - **STAFF APPRAISERS - DISTRICT I – CASTILLO** – 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 2000-0640 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

#### **LOW BIDS**

9. **TRAFFIC ENGINEERING & CONTROLS, INC** - \$20,376.00 and **PARADIGM TRAFFIC SYSTEMS, INC** - \$20,508.50 for Programmable Traffic Signals and Conflict Monitors for Department of Public Works & Engineering - Replacement - METRO 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 2000-0641 ADOPTED.

#### **OTHER**

12. **HUNT & HUNT ENGINEERING CORPORATION** for Professional Services for statement of work and solicitation package for maintenance of facility at 3300 Main for Planning and Development Department - \$28,250.00 - Building Inspection 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 2000-0642 ADOPTED.
14. ORDINANCE appropriating \$426,376.50 out of PIB Petroleum Storage Tank Reimbursement Fund for Asbestos/Lead Abatement and the Demolition of the Holmes Road Incinerators **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-380 ADOPTED.

- 14a. **PROJECT DEVELOPMENT GROUP, INC** for Emergency Asbestos/Lead Abatement and Demolition of the Holmes Road Incinerators at 3300 Belfort - \$387,615.00 plus contingencies in the event that unknown conditions are found during demolition – was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0643 ADOPTED.
15. **BETSY ROSS MANUFACTURING COMPANY, INC** - \$163,456.05, **LONE STAR FLAGS AND FLAGPOLES, INC** - \$67,664.00, **HOUSTON FLAGS, INC dba UNITED FLAG AND BANNER** \$33,150.00 and **A DIVISION OF ASSOCIATED BUILDERS SPECIALTIES dba KRONBERG'S FLAGS AND FLAGPOLES** - \$15,420.00 for Flags, Banners and Pennants for Various Departments - \$279,690.05 - General, Enterprise and METRO Funds – was presented, moved by Council Member Quan, seconded by Council Member Boney, and was tagged by Council Member Castillo. Council Member Vasquez absent on personal business.
16. **MEDTRONIC PHYSIO-CONTROL CORPORATION** for Automated External Defibrillator Units for Various Departments - \$738,995.00 - General, Enterprise and Equipment Acquisition Consolidated Funds – was presented, and was tagged by Council Members Ellis and Tatro. Council Member Vasquez absent on personal business.

#### **ORDINANCES**

19. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2000-144 by adding one (1) District Chief Position and by deleting one (1) Shop Supervisor Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-381 ADOPTED.
22. ORDINANCE issuing a permit to **ROYAL OAKS LAND LIMITED PARTNERSHIP, A Texas Limited Partnership**, for constructing, maintaining, using, occupying, operating and repairing two bridges within the 11600 and 11900 blocks of Westpark, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-382 ADOPTED.
23. ORDINANCE approving and authorizing an option agreement between the City of Houston, as Seller, and **FREEDMEN'S TOWN ASSOCIATION, INC**, as Buyer, regarding the sale of property within the 1500 block of west Webster in the Fourth Ward to be developed as affordable single-family housing - **DISTRICT I – CASTILLO** - was presented, and was tagged by Council Members Tatro, Todd, Quan, Keller, Sanchez, Parker and Goldberg. Council Member Vasquez absent on personal business.



Council Member Keller stated that he hoped to find out a couple of things this week; that he had a noteworthy developer who had actually been involved on several boards working with the Administration tell him that they would value the property at \$850,000 and that was more than double this amount; that he was going to see if they would actually come forward and put something like it in a letter form and he hoped that they would further look into Mr. Hall's letters as far as possible liability when they did it; and upon questions, Mr. Hall stated that this issue had been in the forefront of the legal community at least 10 years and it was possible to get indemnification from subsequent purchases but that was only as good as the strength of the subsequent purchases, they still came back if you ended the chain of title. Council Member Robinson absent.

Council Member Boney stated that while Council Members were asking for information he wanted to speak to one point of Council Member Keller's about the noteworthy developer who would develop the property and value the property at \$850,000, he wondered if they would commit to placing low-income housing on it; and Council Member Keller stated that considering demographics he thought it would be the best use and if they were willing to place it in writing he would have it stated for that use. Council Member Boney stated that Kennedy Heights was in his district and if there was ever a suspicion of clear evidence of environmental contamination at a high powered law firm on the side of the plaintiffs it was impossible to win the lawsuit, so they may be sued but he thought the likelihood of anyone prevailing against the city from a third party who owned and developed it into housing was quite limited; that also some who came to speak suggested it as a park, but it seemed there would be less potential cover with a public park and children playing and eating the grass they would be more liable than housing; that it had passed Phase I inspection for housing and the person who bought it would need to do whatever was required by environmental remediation; and Ms. House attempted to meet with Council Members and he hoped they would meet with her before coming to a final decision. Council Member Robinson absent.

Council Member Goldberg stated that he had the same concerns Council Member Boney did; that maybe 20 years from now there may be a lawsuit and in the correspondence from the City Attorney it talked about removal of surface and near subsurface of the property and he would like to know if they could do more removal to lessen their liability and create a higher standard. Council Member Robinson absent.

Council Member Castillo stated that in listening to Council Member Keller's offer he thought they needed to consider the other side of the deal to keep housing affordable and if they could find someone that would be ideal use. Council Member Robinson absent.

Council Member Todd stated that most questions were answered, but he thought they should let the market work its magic as much as possible and supported the approach Council Member Keller suggested; that the area was so hot right now for development it would go against the grain to put in housing stock that was not the best use; that he supported the delay and would like to get the briefing from Ms. House. Council Member Robinson absent.

Council Member Tatro stated that he wanted to echo what Council Member Todd mentioned regarding the market, the need to have market driven housing; that he was looking for consistency, two to three weeks ago the Administration came forward with

purchasing the Gregory School within several blocks of the facility and they were looking to develop them into 130 at market apartments and if they truly wanted to go to the affordable side the question was regarding the others at market, there were contradicting themes; that they also changed affordability in the Fourth Ward by adding \$10,000 to the assisted down payment so they had affectivity skewed what was at market or affordable by adding that money; and when the RFP was done if this was the direction being taken on this particular property he wondered if the Administration would be looking at the affordable side for the Gregory School location. Council Member Robinson absent.

Council Member Boney stated that often terms were used at the table and recorded by the public and they were incorrect and wrong; that with Freedmen's Town, the Fourth Ward, there was a plan developed by a nationally recognized firm and it was available in Planning and Development and he would urge that it be dusted and read; that rent in Fourth Ward was \$200.00 a month and who could build in Houston today and rent at that price; that clearly they had talked about the historical ties of the neighborhood and the indigenous residents who built Fourth Ward out of their own blood, sweat and tears; that he did not believe Council Member Tatro had missed hearing that the purpose of the housing in the Gregory School was to help fund the museum so they would not have to touch general fund dollars; that they were not being inconsistent and there was no misinformation. Council Member Castillo absent.

Council Member Todd stated that by definition subsidized housing was not market driven housing and whenever you had any sort of subsidization out there you were going against the market and it was a contradiction in terms to suggest subsidized housing was market driven; that if they were really concerned about providing public housing and helping folks in the Fourth Ward they should find a part of town where land cost were lower; that if they intended to have some sort of theme park oriented environment for people then that was not related to housing; that if their goal was to provide a roof and safe place to live they needed to look for lower land cost and keep the emotion and threats out of it and he did not know how else you could approach the matter without getting into issues that were extraneous from the issue of housing alone.

Council Member Castillo stated that Council Member Todd made points but they needed to be balanced with the other view which was development such as Midtown and the invisible hand of the market place did not begin moving until the public made some investment in it; that Midtown had large subsidy of public money to make it feasible for developers to come in.

Council Member Parker stated that if the market should always rule and they were to put poor people out on the outskirts where the land was then they did have to provide mass transit so they could get in to work.

24. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC** providing \$365,530.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a short-term Rent Mortgage And Utility Assistance Project - Grant Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-383 ADOPTED.

Council Member Castillo stated that the item had passed and the consolidated plan was coming up later and he would point out that the program just approved provided housing for persons with AIDS and it was one of several programs funded through the Community Development Consolidated Plan for housing; that the city could only provide so much housing, but that they provided as much as they did showed a commitment to assist those with special needs also.

25. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS AT ARLINGTON** for an East End Urban Telecommuting Center Market Analysis and Site Selection Study - \$70,000.00 - Grant Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I – CASTILLO** – was presented, and was tagged by Council Member Tatro. Council Member Vasquez absent on personal business.

Council Member Keller stated that he just noticed that it seemed there had been one every week and if there was a bunch more coming...; and Mayor Brown stated that there were three and this was the last of the three. Council Member Keller stated that it seemed a lot could overlap and it should not be separated just as industrial study, etc., and three studies for one area could overlap and he would have said do one for all three purposes and with one company; and Council Member Castillo stated that many of his colleagues were not familiar with economic circumstances of District H or District I which had the lowest per capita level of income of any area of the city so they had applied to the Economic Administration for a grant to find ways to promote economic and job development and they granted funds to do three market studies for telecommuting, industrial and a bus port terminal, each was a separate industry and required separate needs; that it could have been all granted to one consultant but it was decided to go with three so the study could be quicker, but at the pace they were going it probably could have been done by one; that Enron had joined up with the Association for the Advancement of Mexican Americans in a private grant which established a call center to provide assistance to companies who did computer consulting and this center provided employment for over 200 people who could work from their home and he would encourage his colleagues to look at the end result of providing gainful employment to people to make neighborhoods economically viable.

29. ORDINANCE amending Ordinance 97-559, to increase the maximum contract amount and approving and authorizing first amendment to contract for Cleaning and Janitorial Services between the City of Houston and **ON OUR OWN SERVICES, INC (formerly World Technical Services, Inc)** approved by Ordinance 97-559 for the Parks & Recreation Department - Through May 31, 2001 - \$54,000.00 - Parks Special Revenue and Central Services Revolving Funds **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-384 ADOPTED.
31. ORDINANCE appropriating \$270,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 26.78 acres of land out of the T. S. Roberts Survey, Abstract 660, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving Purchase and Sale Agreement with **26.8 PARTNERSHIP** to acquire the land for a

- purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-385 ADOPTED.
32. ORDINANCE appropriating \$1,125,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 122.1 acres of land out of the T. S. Roberts Survey, Abstract 660, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving Purchase and Sale Agreement with **VIVIAN H. OLIVER, Substitute 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** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-386 ADOPTED.
33. 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** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-387 ADOPTED.
37. ORDINANCE appropriating \$175,000.00 out of Water & Sewer System Consolidated Construction Fund approving and authorizing professional services contract between the City of Houston and **WSBC CIVIL ENGINEERS, INCORPORATED** for Drainage and Paving at seven (7) Ground Water Pumping Stations; CIP S-1000-21-2 (WA 10607); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS and G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-388 ADOPTED.
39. ORDINANCE appropriating \$637,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **T & C CONSTRUCTION, INC** on low bid of \$560,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$15,000.00 for MUD 58 Service Area Diversion, GFS R-0536-06-3 (4719-2); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. ORDINANCE 2000-389 ADOPTED.
41. ORDINANCE appropriating \$4,518,935.00 out of Street & Bridge Construction Fund and \$925,565.00 out of Water & Sewer System Consolidated Construction

Fund, awarding contract to **RAMOS INDUSTRIES, INC** on low bid of \$4,769,751.00 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$150,000.00 for construction of Neighborhood Street Reconstruction in Briargrove Subdivision, Phase I - NSR #0436-01, GFS N-0368-01-3 (N-0368-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. ORDINANCE 2000-390 ADOPTED.

Council Member Castillo stated that this was a street reconstruction which was appropriate in that community; that they were currently concrete streets, curbs and gutters and it was being rebuilt to the standard; that he wanted to point out that his colleagues should not begrudge a simple tar overlay in the eastend, northside, etc. and he would appreciate it. Council Member Keller absent

43. ORDINANCE appropriating \$227,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION** on low bid of \$173,856.10 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$15,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q9-3 (N-0610A-04); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY; F - ELLIS and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. ORDINANCE 2000-391 ADOPTED.
44. ORDINANCE appropriating \$412,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$339,708.68 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$20,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-R5-3 (N-0610A-72); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS; G - KELLER and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. ORDINANCE 2000-392 ADOPTED.
45. ORDINANCE appropriating \$1,436,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C & C SERVICES** on low bid of \$1,271,909.05 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$25,000.00 for Waterline Replacement in Andover, Southview, and Fairlawn Place Subdivisions, GFS S-0036-AP-3 (10492); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – CASTILLO** – was presented, and was tagged by Council Member Goldberg.

46. ORDINANCE appropriating \$2,515,491.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** on low bid of \$2,230,171.90 and approving and authorizing professional services contract with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$40,000.00 for construction of Waterline Replacement in Grand Park Subdivision, GFS S-0035-47-3 (10547); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. ORDINANCE 2000-393 ADOPTED.

**Non Consent Agenda (Item 48) was considered as follows:**

**MISCELLANEOUS**

48. MOTION to set a date not less than seven (7) days from May 17, 2000 to receive nominations for the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS**, Position 7, for a two-year term – was presented, Council Member Sanchez moved to set next Wednesday to receive nominations, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. MOTION 2000-0644 ADOPTED.

**MATTERS HELD** - NUMBERS 49 through 56

50. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 TNRC (TPDES) permit assistance and compliance issues - Enterprise Fund - **(This was Item 6 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Keller absent. MOTION 2000-0645 ADOPTED.
51. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **EMERGENCY ONE, INC** for Ladder Truck Repair Services for Fire Department - \$120,769.86 General Fund - **(This was Item 11 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2000-0646 ADOPTED.
52. 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 - **(This was Item 19 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-394 ADOPTED.

53. 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 - **(This was Item 20 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER PARKER)** – was presented.

Council Member Parker stated that she would vote to pass the item but with the anticipation that someone from that office would come sit in her office and walk her through it; and Mayor Brown stated that he would make sure that happened.

Council Member Goldberg stated that he also had questions on what type of facilities would be improved and he would like a list and also wanted to know what exactly were the economic development plans; and Mayor Brown stated that he would make sure he received all the information he requested.

A vote was called on Item 53. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-395 ADOPTED.

54. 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** – **(This was Item 21 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON, TATRO, PARKER and SANCHEZ)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-396 ADOPTED.
55. 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** – **(This was Item 26 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBERS KELLER and TATRO)** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-397 ADOPTED.
56. 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 40 on Agenda of May 10, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2000-398 ADOPTED.

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

27. ORDINANCE approving and authorizing first amendment to contract between the City and the **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth; providing for a maximum contract amount - \$195,000.00 - General Fund – was presented, and was tagged by Council Member Ellis Council Member Vasquez absent on personal business.
  
35. ORDINANCE appropriating \$88,170,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0131, A-0141, A-0222, A-0372 and A-0380, awarding a construction contract to **THE MORGANTI GROUP, INC** on low bid of \$77,039,273.86 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$1,500,000.00 for Central Concourse at William P. Hobby Airport (HOU), (Project No. 417D) - AIP 3-48-0111-XX - **DISTRICT E – TODD** – was presented, and was tagged by Council Members Todd, Tatro, Ellis and Keller. Council Member Vasquez absent on personal business.

Council Member Todd stated that his staff had requested documents at the Agenda briefing and they had not yet received them and he would appreciate the Mayor's assistance; and Mayor Brown stated that he would make sure he received them.

Council Member Tatro stated that he had passed out a spread sheet Council Members could look at and the questions was in the first two contracts they did a measurement on whether they should enroll the particular contractors in the ROCIP program and 34 and 35 were coming back before them and they were doing a calculation to determine a threshold at which they should enroll or not enroll contractors in the plan; that he would like Council Members to consider the threshold at which they decided to enroll them; that they had estimated a payroll and of the \$529,000,000 17% of the payroll was construction cost or \$90,000,000 was 17% of the total construction and in Mr. Cruz's memo dated November they found the total ROCIP cost incurred was \$10.7 million and the percentage of construction cost was 2.3%, they paid ROCIP on payroll and not construction cost so in looking at the project the actual payroll would be 31% and project 417D the estimated payroll would be 22% so on a rough average he was suggesting that 24.1% was the total percent of payroll of construction dollars so when running those numbers and look at a 25% payroll figure you would see the \$529,000,000 of construction cost would equate to a payroll of \$132,000,000 and not \$90,000,000; that in the contract all city cost was calculated on the \$90,000,000 so when they hit that \$90,000,000 in payroll they had effectively topped out their current payments and used up premiums they had paid for; that if you ran it back at 25% and extrapolated how much total construction they could get from that payroll at 25% it only gave them a threshold of \$360,000,000 total construction dollars they could bid so rather

than being able to bid \$525,000,000 they would reach at 25% payroll their total premium allocation in \$360,000,000 and that was in the contract; that if you calculated that out using \$360,000,000 times the cost they had now incurred, 10.7 from the Administration, it calculated out to a 2.9% ROCIP cost of total construction dollars so he believed they needed to look at the threshold of which they enrolled someone into the ROCIP because if all estimates were based on the 17% payroll figure, and they were, and they were looking at two actuals 31% and 22% the scenario that was on the right side would take effect and they would actually use up total premiums well under \$400,000,000.

Council Member Boney stated that yesterday in a special Fiscal Affairs Meeting two hours was spent reviewing ROCIP issues raised by Council Member Tatro at the last Council meeting in the same way he raised the issue today and yesterday he spoke with him and conveyed the willingness the Administration had to review ROCIP thoroughly every 180 days and that there be an exchange of questions and documents prior to the meeting so all Council Members could have documents and consider all, and that was a much better process; that they spent so much time just explaining to Council Member Tatro how much he did not understand what he was saying was wrong and that could not be done every meeting; that he passed out a half sheet of assertions with no validations or sources and they were just supposed to accept it on his word that he was correct and tht no one in the Administration was able to answer his questions, it was not the way to do it and he would strongly urge not asking Ms. Mosley to come up at the last minute and respond, but to schedule a meeting in 120 days or so after they had received more data from ROCIP and do an evaluation and an appropriate judgment.

After further lengthily discussion Members of Council suggested that every six months there be an exchange of questions and documents prior to the Fiscal Affairs Meeting so all Council Members would have information to consider concerns; that Council Members be briefed outside the Council Meeting; and that it not be brought up in every single Council Meeting.

RESOLUTION 2000-23, A Resolution saluting Hear O'Israel International, Inc. for its efforts to improve and enhance the quality of life for children and extended best wishes for their continued success.

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

Council Member Galloway stated that she had taken a personal crusade of stopping illegal dumping in her District B and people were calling her the Queen of Trash abatement and she wanted to commend Ms. Link, Mr. Collins, Mr. Bass and Mr. Ross; that last week they toured the Acres Home Community and the civic leaders escorted her; and her commitment was to do away with illegal dumping; that she went into another hotspot in the northeast area and she had never seen so much trash, it was a city block long; that they had even placed a dumpster there and persons were dumping the trash around it; that she would be going there again today as one of the churches had committed to donating a camera for the purpose of catching them; and Mayor Brown thanked her for taking such an interest in the problem and stated that he had driven around in the district over the weekend and it was a problem. Council Members Goldberg and Boney absent.

Council Member Quan stated that he wanted to mention he had spent two hours at the Fiscal Affairs Meeting yesterday and while Council Member Tatro had concerns he

felt the enrollment period was just starting May 24 so they had not even begun the ROCIP Program as yet and his understanding was that every quarter they would be getting a report from the Administration and felt they should at least see what was going to happen before too many stones were thrown at it. Council Members Goldberg, Boney and Todd absent.

Council Member Quan stated that he had visited with the Osteen's last Sunday and Pastor Joel Osteen and his mother did send regards; that he was encouraged that they were seeking to work with the community and make their facilities more available and they did plan to erect a statute in honor of Rev. John Osteen so he felt something good had come out of this and he also thanked Council Member Galloway for her efforts as well. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent.

Council Member Keller stated that there were a lot of diverse and complex personalities on Council and he believed they had a good chemistry for the most part, but one observation was that sometimes it was just better to let someone say what he thought and just let it go; that he was not picking sides but they spent more time telling Council Member Tatro to not talk about it than he talked about it; and Mayor Brown stated that this was only his first two months to listen. Council Members Goldberg, Boney and Robinson absent.

Council Member Sanchez stated that he would invite Council Member Galloway to his district and see what she could do about the dumping occurring off Stella Link and 610; that the city had substantial liens on substantial acreage in southwest Houston and a fellow out there was taking advantage of the opportunity and was lending himself out as owner of the property and he solicited construction companies to dump on it and then the city spent millions to clean it up and he felt the city had ample grounds to pursue charges against the individual and he hoped they would do so aggressively; and Mr. Hall stated that he had signed a memo to him and other members of Council and a real solution to that was to have the liens foreclosed on and the problem in dealing with the conduct of someone, regarding being the owner of the property, was really a private matter between him and the owner. Mayor Brown stated that did not sound right and they needed to figure out a way to address this. Council Member Sanchez stated that Council Members asked him what the owner thought about this, but if speaking with Ms. Link the city had been unable for the last 13 years to establish ownership so for 30 plus acres there has been no taxes collected and the city had to constantly clean it and there has been no willingness to move it forward to foreclose the property, have it developed and brought back on the tax roll, but he did not think taxpayers should be forking over money because it was difficult and 13 years was long enough. Mr. Hall stated that they were making some progress according to Heard Goggan on the issue of foreclosing on the liens and that information was included in the memo to Council Members. Council Members Galloway, Boney and Robinson absent.

Council Member Parker stated that she wanted to point out that this was Police Memorial Week and there would be a ceremony on Friday; that she thought all citizens should take time out to acknowledge the men and women of the Police Department who had died in the line of duty. Council Members Galloway, Boney and Robinson absent.

Council Member Sanchez stated that a longtime Aid of Council, David Webb, was ill and in the hospital; that he had worked for years with Council and asked that all keep

him and his family in their prayers. Council Members Galloway, Boney and Robinson absent.

Council Member Castillo stated that he wanted to wish Council Member Parker a Happy Birthday; and Council Member Parker stated that Monday was Council Member Tatro's birthday; and the Mayor and Council Members wished them both a happy birthday. Council Members Galloway, Boney and Robinson absent.

Council Member Castillo stated that Fire Station 40 located at the intersection of OST and Wheeler had been closed, as he mentioned in another meeting the ladder truck went to Kingwood and the ambulance went to a neighboring fire station and he asked firefighters relocated to keep him posted as to the availability of service and there were many times last week when the ladder truck to serve the area for station 40, namely station 26 on Dixie Drive, was out of service because they were responding to a fire and there was a big gap in availability to services for the area and he would ask the Administration to see what could be done so there would not be a catastrophe; and Mayor Brown stated that he would ask Chief Britt to take that back to Chief Tyra and have an analysis done to make sure the problem was corrected. Council Members Galloway, Boney and Robinson absent.

Council Member Castillo stated that in the Fire Department and in keeping up with the news paper it appeared that the movement on the meet and confer was not progressing as fast as it ought to and he would recommend to the administration that it be moved along as quickly as possible; that next year they were going to the legislature which would be a very truculent session and they did not need more enemies; that if they could find a new point man ...; that police had a very effective negotiating team and maybe that was why they moved theirs as affectivity as they did; and Mayor Brown stated that he agreed and would provide an update as to where they were; that they did want to continue negotiations. Council Members Galloway, Boney and Robinson absent.

Council Member Bell stated that the Municipal Channel had made a serious effort this year to get Council Members to do television shows and he would suggest two, one being "Talking Trash" with Carol Galloway, and the other would be the ROCIP Roundup with Bruce Tatro and special guest Norman Adams with a rebuttal by Council Member Boney. Council Members Goldberg, Boney and Robinson absent.

Council Member Bell stated that this Monday would be his third on-line or electronic Townhall Meeting and if someone had access to America On Line all they need do would be punch in Houston Chat and then click on Houston Town Meeting Live and they would be plugged into the room; and for those who did not have AOL they could contact his office at 713-247-2006 and they would tell them how to click on. Council Members Galloway, Boney and Robinson absent.

Council Member Bell stated that he wanted to invite his colleagues to the Ethics Committee Meeting today at 2:00 p.m. with the first order of business being to discuss a gift policy for Council Members and elected officials, there would be an effort to bring it into sink with state law and they would appreciate input and he strongly suggested their participation. Council Members Galloway, Boney and Robinson absent.

Council Member Ellis stated that last week a district service center was opened in his area and he thanked the Mayor and Administration and Sharpstown Center and other companies who supported the effort of bringing civic government to the community; that it was well received with some 200 people showing up for the grand opening; that he wanted to encourage all city employees to use the office and Ms. Link wanted to have someone in the center and he would encourage her to do so; that he would also encourage the Mayor to have the Mayor's Citizen Assistance Office utilize the facility. Council Members Galloway, Boney and Robinson absent.

Council Member Ellis stated that Saturday at 11:30 a.m. there would be a Gulfton parade and festival, it was being put on by the Gulfton Area Action Council and the Gulfton Police Storefront, it was how funds were raised for the storefront; that he would encourage all Council Members and others to go out to support it; and he wanted to thank Continental Airlines, Southwest Airlines, Sharpstown Mall, Reliant Energy, and a number of others who donated money and prizes. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Goldberg stated that he was saddened to hear of the loss of David Webb and in the same vein he would ask that Monique McGilbra be kept in their thoughts and prayers as her father passed away over the weekend. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Goldberg stated that he spent Sunday at the Bourbon Street Bistro, a restaurant who had called his office complaining about a sewage backup which had been going on two months; that Sunday was Mother's Day and there was a broken sewage pipe which Public Works had known about for two months and they were not fixing it, they would go out and unblock it, but then it would do it again and the restaurant lost business because the smell was terrible; that Public Works contacted his staff member saying it was fixed, but he contacted them again and all they had done was blow the line again; that he was asking the Mayor to have Public Works fix it; and Mayor Brown stated that they would take care of and solve the problem. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Goldberg stated that he wanted to recognize Chris Pinon with the Municipal Channel; that he was in the process of filming his first program and Chris had been of great assistance and he appreciated his help. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Goldberg stated that he believed Council Member Galloway was very effective in discouraging people from dumping in her district as now they dumped in his and if someone would go out on Blueridge Road to pickup he would appreciate it, it was near South Main and Orem. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Todd stated that he had attended the Zoo Ball Saturday night and the Zoo Friends had raised over three quarters of a million dollars for the zoo and it was all from the private sector and they deserved a round of thanks. Council Members Galloway, Boney, Keller and Robinson absent.



Council Member Todd stated that he had a constituent in Clear Lake, Bill Campbell, and he had been working hard since elected to get audible crossing signals installed throughout his district; that Mr. Campbell had requested they be placed at certain locations and two had been installed; that Public Works had sent a memo saying all would be installed by a certain time and the deadline was now coming up and he would like a report from the Administration to see if they were on course and if there were enough resources allocated to satisfy the demand, what the turn around time was and how much it cost; and Mayor Brown stated that he would get him the report. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Todd stated that he was amazed last week at the irony of Dr. Smith's forecasting analysis which appeared in the Houston Chronicle; that some months ago Dr. Smith was hired by the City of Houston to develop an economic model which could be used to predict the non-retail portion of the sales tax base and he was supposed to have completed his task by March; that he was paid \$21,000 for it and they were now in May and still waiting for him to do his job; that they were two months behind on schedule and it disturbed him that rather than spending his time to get the analysis out he chose to have come and essentially advocate for the Administration's budget; that he felt if he had extra time he should spend it getting his job done; that he was a fan of his and appreciated getting his economic analysis, but he felt he should stick to nonpolitical type issues instead of coming to Council as a hired gun which he considered distasteful. Council Members Galloway, Boney, Keller and Robinson absent.

Council Member Todd thanked Mayor Brown for going to Clear Lake; that they had a ground breaking for a Clear Lake Park and it was the first park the city was to build in Clear Lake since the annexation 20 years ago; that everyone was real excited and he had heard many positive comments; and Mayor Brown stated that he had also kicked off his mobile City Hall and that went very well also. Council Members Galloway, Boney, Keller and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:52 a.m. upon MOTION by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Galloway, Boney, Keller and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary