

City Council Chamber, City Hall, Tuesday, May 23, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 23, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Citizens Assistance Office, Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present. Council Members Orlando Sanchez and Carroll G. Robinson absent on personal business.

At 2:06 p.m. Mayor Brown stated they would start with Council presentations with the first presentation by Council Member Galloway. Council Members Goldberg, Boney, Todd, Vasquez, Parker and Bell absent.

Council Member Galloway stated they had an outstanding lady present, one who had been teaching, molding and shaping their young people for 43 years, that she had chosen to retire and really live life and so in celebration they would like to recognize Mrs. Margaret Ann Spivey and invited Mrs. Spivey to the podium and presented her with a Certificate of Recognition in celebration of her retirement after 43 years of teaching. Council Members Goldberg, Boney, Todd, Keller, Vasquez, Parker and Bell absent.

Council Member Boney stated that Mrs. Spivey lived in his district and her daughter worked with Council Member Galloway and presented Mrs. Spivey with a proclamation that stated that Lee P. Brown, Mayor of the City of Houston proclaimed Tuesday, May 23, 2000 as Margaret Ann Spivey Day in Houston, Texas. Council Members Goldberg, Todd, Keller, Vasquez, Parker and Bell absent.

Mayor Brown stated that on behalf of all Houstonians he wanted to express his sincere thanks for her dedicated service to their children and also wished that she enjoyed her well deserved retirement and appreciated what she had done. Council Members Goldberg, Keller, Vasquez, Parker and Bell absent.

Council Member Parker stated that they had a presentation for a long time City of Houston employee, that they were honoring and saying goodbye to Mr. Don Olson who was currently Director of the Houston Zoo, but had spent many years in the Houston Parks Department, that he joined the Parks Department in 1983 and served as director from 1983 to 1993, during his tenure in the Parks Department as director the departments Greenspace under management grew from 7,500 acres to more than 20,000 acres of parkland, that he instituted a number of citywide community beautification projects, helped spruce up the City for the Economic Summit of Nations when it was in Houston as well as the 1992 Republican National Convention, that he had been excellent in bringing in people from the private sector and tapping the generous spirit of Houstonians in support of the parks and the Houston Zoo, that under his guidance at the zoo attendance had reached 1.5 million visitors each year and trusted that it would continue to set records into the future, that they recently completed a zoo master plan with a very aggressive fund raising schedule that they hoped would provide them with the world class zoo that they knew they deserved and would be a treasure for the citizens of Houston for generations to come, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed May 23, 2000 as Don Olson Day. Council Members Goldberg and Vasquez absent.

Mayor Brown expressed his thanks to Mr. Olson and stated that they joined the City about the same time back in the early 1980's, that he had done a good job and wished him the best in his retirement.

At 2:16 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Castillo led everyone in the prayer and pledge of allegiance. Council Members Sanchez and Robinson absent on personal business. Council Members Goldberg and Vasquez absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Sanchez and Robinson absent on personal business. Council Members Goldberg and Vasquez absent.

Council Members Keller and Quan moved that the minutes of the preceding meeting be adopted. Council Members Sanchez and Robinson absent on personal business. Council Members Goldberg and Vasquez absent. Council Members Goldberg and Vasquez absent.

Council Member Galloway moved to suspend the rules to hear Mr. Donald Thomas out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sanchez and Robinson absent on personal business. Council Members Goldberg and Vasquez absent. MOTION 2000-0647 ADOPTED.

Mr. Donald Thomas, 6225 Lockwood, Houston, Texas 77026 (713-635-3923) appeared and stated that he was present regarding a vehicle that was towed by a tow service and in the process there was \$2,000 worth of tools lost and he was trying to obtain some type of conversation to get that property back, that at the site of the towing there were a couple of police officers there that did not have the proper uniform on as far as a badge and a name so he could not supply a name to those officers. Council Members Goldberg and Vasquez absent.

Mayor Brown stated that Assistant Chief Stewart was in the audience and would meet with him and follow-up on his concerns and see what they could do to be helpful and resolve it. Council Members Goldberg and Vasquez absent.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-739-9414) had reserved time to speak, but was not present when her name was called. Council Members Goldberg and Vasquez absent.

Mr. Marshall Pardue, 1418 Cook St., Houston, Texas 77006 (713-822-5000) appeared and stated that he had just recently moved to the Mid Town area of Houston and understood that the City owned the block surrounded by Webster, Bailey, Cook and Gillette Streets, and was a property owner in the immediate vicinity of the block and was concerned about the use of the property, that he would like to see some of the following questions answered on the block and thought there probably had been some work on it so far, that with all the new building and new construction in the area he was concerned about the projected build out in the immediate vicinity with the number of residents that were expected to reside there within the next 3 to 5 years and beyond and particularly in question of the park that some of them had already requested be in that place, that when

he moved into the area he did have an understanding that it was probably going to end up as a park and that was one of the things that he was concerned about, that the issue had come up suddenly for some of those that had recently moved there to where they really had not had a chance to prepare on the issue, that some of the goals and objections of the TIRZ were to create a full and thriving inner city residential area and some of that included parklands that may be established within reasonable walking distance and he did not know of any parklands that were currently within walking distance, that there was one across West Gray but he did not think he would feel comfortable with his children having to walk across four lanes of traffic to get there, and he asked if City staff had considered all of that already at that point because he did not know where the history on it was so far. Council Members Goldberg, Boney, Ellis, Vasquez and Castillo absent.

Mayor Brown asked what his questions were again, and Mr. Pardue stated that he asked if City staff done a full report on it because there would be a large build out there and where would a park be provided close to that particular part of the area, and Mayor Brown stated that they would have someone call him from the Planning Department and give him some answers. Council Members Goldberg, Boney, Ellis, Vasquez and Castillo absent.

Ms. Sandra Snyder, 1420 Cook St., Houston, Texas 77006 (713-526-8947) appeared and stated that she was present regarding Ordinance #58 regarding the sale of property within the 1500 block of West Webster in the Fourth Ward, that she was a property owner and had been a resident of the Mid Town Area for two years, that she was a chemical engineer, that she originally began following the proceedings because she was advocate for the development of a park on the property, however once she became aware of the possible environmental concerns regarding the property she had to express how strongly she felt about the Council voting no on the agenda item, that she had not seen a report summarizing the environmental results from the tests that were performed on the lot, but based on a memo from Anthony Hall, Jr., to the Mayor and City Council Members, dated May 15, 2000, there were several gaps that the City must still investigate, that the memo stated that no ground water quality assessment was performed because no samples could be obtained at the time, that since ground water was not sampled the study was deficient and the City should have required that a monitoring well be installed down gradient in order to collect samples, that since ground water in Texas was typically not very deep it was surprising that the TNRCC provided the City certification without sampling ground water, that one other issue that was not thoroughly explained in the memo was the condition of the underground storage tanks, were the tanks properly abandoned, were they empty, that if underground storage tanks were left underground the EPA required them to be purged of all hydrocarbons and then filled with harmless, chemically un-reactive solid such as sand, that in addition why were only two underground storage tanks removed in 1993, did the City run out of funds, did not all of the underground storage tanks contain the same chemicals, how many samples were collected near the underground storage tanks, could they be assured that adequate sampling was conducted given the number of underground storage tanks on the property, that since the City would not be released of its liability by selling the land the risk of lawsuits was very high, that by selling the property to an organization that would not be making substantial profit it was apparent that the underground storage tanks would not be voluntarily removed from the site, which was now a common practice, that by potentially exposing low income persons to contaminants that could be linked to Leukemia and

adverse blood conditions such as Anemia, the City could be exposed to environment racism lawsuits, however by either selling the land to another builder who would build residences equivalent to those already under construction or by developing a park, those lawsuit risks no longer exist, that the TNRCC had verbally confirmed to her that the certification that the City received would be adequate for the development of a park, that in a legal issue such as this the City must thoroughly study all of the environmental risks associated with land and must obtain proper documentation, that since the City Council Members had not received that information she urged the Council to vote no on the item. Council Members Goldberg, Boney, Ellis, Vasquez and Castillo absent.

Council Member Keller asked Ms. Snyder if she was professionally saying that if they did not test groundwater that the test would not be really official and was that a summation or something from experience, that it was a serious violation or it would not be an official test, and Ms. Snyder stated that based on information she had received from environmental experts and also an environmental lawyer that she was co-worker with, they had told her that it was a serious gap within the study and were very surprised that the TNRCC would provide certification since that had not been investigated and they felt that avenue needed to be pursued, and Council Member Keller stated that she had said two of the underground storage tanks were removed and he did not know that there were any more than that, and Ms. Snyder stated that the document she had received a copy of from Anthony Hall Jr., the City Attorney, did specifically state in paragraph two that up to 13 underground storage tanks were present or potentially present on the property, and Council Member Keller stated that unless anybody was present to claim otherwise he was sure it would come up later or tomorrow, that there were still 11 underground storage tanks under the property that had not been removed, and Ms. Snyder stated that she had contacted the TNRCC and they could not confirm to her that those were necessarily abandoned properly or why they were left in the ground, and she thought that it was a large gap in the investigation and had not seen the official report, and Council Member Keller asked that she give his office a copy of some of the literature maintained. Council Members Goldberg, Ellis, Vasquez and Castillo absent.

Mr. Tony Obyad, 2311 Dunlavy, Houston, Texas 77006 (713-526-1802) appeared and stated that he was present on Item #31, the establishing of the north and south sides of 1700 to 1800 blocks of Maryland building line according to Chapter 42, that he owned a vacant lot on the street and unfortunately the ordinance was very well intended to create some good conditions for neighborhoods, however it did not go into some details as to the conditions that could occur on the streets such as Maryland, that Maryland was created as a combination of two sides of a street that did not exist anymore, therefore the conditions of either side of a line were not equal, by that he meant that the right of way of Maryland Street in front of their property was 60 feet whereas on the rest of the block it was only 50 feet, and in addition the depth of the lots on their side was only 75 feet whereas the depth of the lots on the rest of the block were 100 feet and that was not taken into account when the resolution was drawn for the ordinance, to detail specific instances where it would be unfair to put a 25 foot setback on their side even though they already gave more to the right of way and as well the depth of the lot was a lot less, that those were apparently not looked at in the drawing of the resolution and that was why they could not be addressed, and they felt very strongly that they backed the resolution for neighborhood setback lines but it really needed to have some exceptions where people could suffer from those particular guidelines. Council Members Goldberg, Vasquez and Quan absent.

Dr. Edgar Smutny, 1701 Maryland, Houston, Texas 77006 (713-522-0272) appeared and stated that he was in favor of the setback for Maryland Street, that he was a retired research chemist and had worked for Shell for 38 years, that they had lived on Maryland for 25 years and that was their homestead, that his wife was English and if he could he would show them some pictures of their house, that it was an English Georgian Manor house, that the house was built by Frank Sharp, who may or may not be a name that was familiar with them, that he would not go into the history of it, but Sharpstown and other items were named for him, that the house was built in 1935 and Frank Sharp died in 1993, that it was a duplex and they had converted a duplex into a single family dwelling, and in fact he would recommend to anybody that the best way to have a house in Houston was to buy a duplex and convert it into a single family dwelling, that what he was driving at was the history of the area, that they had a brick street in front of Indiana and Maryland and Michigan was also bricked, that they had saved the bricks and they became a part of their backyard, that the area they were in was an odd area and they would be given a handout that would show that, but they were at an angle and it went back to Lamar Place, which had to do with General Lamar who was the second president of the State of Texas, that there were sections out of it that had gone through the Meineke subdivision, in fact the old Meineke Branch House was on Maryland and in fact there was a plaque showing his burial, which presumably was in back of one of the houses, that what he was after was that there was a history to the area, and they were a neighborhood that would like to preserve the conviviality and the history of it, and he would remind them that the people were the City and they were a neighborhood which they would like to keep and of course they had met all of the requirements for the ordinance, and wanted to preserve it because it was a neighborhood. Council Members Galloway, Goldberg, Vasquez and Bell absent.

Mr. Andrew Kaldis, 2311 Dunlavy, No. 200, Houston, Texas 77006 (713-526-1802) appeared and stated that he was also present as a property owner on Maryland Street and would like to address a couple of issues and reiterate what Mr. Obyad had discussed earlier with regard to the ordinance, that he also wanted to express that the ordinance was well intended and they had no problem with that, it was just that there were a few things that it failed to address, that from his understanding in looking at the ordinance, the resolution and ordinance did not address different lot depths that existed on a particular block that was being considered for setback line, and as Mr. Obyad expressed their two lots were 75 feet in depth whereas the other lots on the block were 100 feet and they felt they were going to get penalized by taking 20 feet off of their 75 feet which was a lot more than 20 feet off of 100 foot lot, that they would just like Council to consider that particular situation with regard to the resolution. Council Members Galloway, Goldberg, Vasquez and Bell absent.

Council Member Quan asked if on the Maryland Street setback, and he was familiar with the subdivision, were they trying to get a uniformity and was that what they were looking at in the setbacks, that Mr. Kaldis and Mr. Obyad were 75 feet back as opposed to 100 feet, but it would not be retroactive, they would not be forced to cut their lots at this point, and Mr. Kaldis stated that he could not address that particular item, and Council Member Quan asked if it was for future building, and Mr. Kaldis stated that was correct and theirs were vacant lots at this point and had not been developed whereas the other lots on the street consisted of houses, and Council Member Quan stated that it had gone through the Planning Commission and asked if Mr. Kaldis had appeared there and

expressed his concern, and Mr. Kaldis stated yes, and Council Member Quan asked if Mr. Kaldis had basically said they had two undeveloped lots and that their future market ability of that property would be hampered because of the uniformity provision, and Mr. Kaldis stated that it was not really that 100%, what he was saying was that because of the ordinance as he understood was put into effect with regard to looking at a particular block that was consistent with all the lots being the same, and as Mr. Obyad had pointed out the street at one point was intersected right where their lots were by another street that no longer existed, therefore it was not a consistent street that ran through that area and for that reason that was why their lots were more narrow and again in front of them the right of way that existed as 60 feet on Maryland that in itself showed that it was different because in front of the rest of the houses as they passed their two lots it changed to 50 feet, so it was not consistent and that was what they were trying to point out, that it did not address, and he added that the Planning Commission, the members that they met with or a representative of Planning, they saw their point but obviously checked the ordinance and in fact it did not address that particular issue that they brought to their attention, and Council Member Quan asked if Mr. Kaldis was asking for an exemption or that they not adopt the recommendation, and Mr. Kaldis stated that at one point the neighborhood was trying to exclude them, but the ordinance would not allow that because all the lots on the block had to conform to the setback so they really did not come up with any agreement, they were just trying to point it out to see if there was something or if there could be an exception made in a situation such as this to protect owners that had less depth in their lots, that it may not exist on the next street, and Council Member Quan stated that 19 of the 33 people signed it, it went to the Planning Commission and he did not know of any exception within a block that could be made either. Council Members Galloway, Goldberg, Boney, Vasquez and Bell absent.

Council Member Keller asked if Mr. Kardis could simplify it for him and asked if he said that it would negatively affect the value of his property, and Mr. Kardis stated that it would negatively affect it in that it would reduce their square footage by 20 feet off the 75 foot depth that he already had, whereas the neighboring lots did not get penalized as much because it was 20 feet off of 100 feet, and Council Member Keller asked if Mr. Kardis was saying that they should maybe make things relative in proportion and if he was sitting there and writing it would he say that  $x$  over  $y$  should equal  $x$  over  $y$ , and Mr. Kardis stated that he would have to, that he thought that was what the ordinance was put in place for, that they got put out there and if there were issues that had not been thought of and took maybe a year for an ordinance to be in place before people could bring forth issues such as these it would help try to see where maybe a pitfall was and could better be addressed, but that it could not be looked at that everything was equal out there because they had streets that were configured different such as theirs, that he agreed with the overall intent. Council Members Galloway, Goldberg, Boney, Vasquez and Bell absent.

Council Member Parker moved to suspend the rules to hear Ms. Gladys House at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sanchez and Robinson absent on personal business. Council Members Galloway, Goldberg, Boney and Vasquez absent. MOTION 2000-0648 ADOPTED.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-739-9414) appeared and read from Mathew 26.11 and 25.45 and stated that there had been a lot of last minutes issues raised about the mere conveyance of a block of land to the



Freedman's Town Association to develop 16 homes for low to moderate income families, that the issue had been going on for more than 8 years, that she was disappointed that a handful of affluent new home owners to their neighborhood could come forth and throw a monkey wrench into years of hard work, that she submitted to the Council and Mayor that Council Member Tatro had brought up a very interesting issue just prior to the Council session that she had not been made privy to earlier, and it was a good issue, to put it out for a RFP, that as long as affordable housing would be built there, that she had no problems with that, because a conveyance of land was not like they were just giving a block of land to the Freedman's Town Association in the first place, that it was to build a house per lot, so it was not like they were giving a block of land to them to just do what they wanted to do with it, that if Council would like to meet with her to entertain any concerns, because she was so concerned that she faxed, wrote letters, made phone calls to Council Members who were always too busy to really get back with her, and she thought that was kind of poor taste, that she was tired of meeting with their chief's of staff and their aides and would really like to meet with them if they were about diversity in the City so they could all be on the same page, because she felt that Council wanted affordable housing there and they wanted affordable housing there not a park, but they wanted the best possible use, as Council Member Tatro had pointed out, so all she wanted was for them to lay their cards on the table and not smile at her and say oh yeah and when it came down to the vote she would not get it, that she wanted them to be honest with her, be business about it, be fair about it so that they could go on and build affordable housing there in Freedman's Town at the 1500 block of West Webster despite what Perry Homes and Post Property said, that she could care less what they said because their community was there first and it would continue to be there as long as she had anything to do with it, that she appreciated the support that the committee and Mayor had given her on the particular project, that she welcomed City Council to try to draft a workable plan, that if it meant putting out for an RFP it was fine, that it did not just have to be the Freedman's Town Association to build affordable housing there. Council Members Galloway, Boney and Vasquez absent.

Council Member Parker thanked Ms. House for her understanding in the situation and how graceful she had been, and knew she had been dealing with it for a long time and had delay after delay, that she suspected there would be a motion in Council tomorrow to refer it back to the administration, that there had been a number of issues raised as she stated at the eleventh hour that deserved to be fully addressed; that she was committed to seeing more affordable housing and thought that was the highest and best use of that lot, but they should take it back, address the environmental issues and do a full RFP so that everyone would know what was going to happen on that site, and Ms. House stated that if it was an environmental issue it had already seeped over to where Perry Homes had built their new homes.

Council Member Quan stated he would more than happy to meet with her at her convenience and did want to follow-up on the environmental issue and was she was not disturbed by the memo from Anthony Hall, that it did not seem to be the most desirable area to build housing, and Ms. House stated that she was disturbed from the standpoint that it came at the eleventh hour and that all of the past years when they had tried to get the Legal Department of the City of Houston to work with them, not only on that issue, but the violation of their home owners rights with the infiltration of Perry Homes, it was like their home owners association never existed, but going back to the issue, yes she was concerned that while she knew that Mr. Hall was not an environmental specialist it was

not that bad, if it were that bad Perry Homes would not have built right across the street from it, that the site had been abandoned for many years, if it is what was alleged that it was so environmentally unsafe and toxic, it had also affected the surrounding blocks too and Perry Homes should inform their home buyers about that fact as well, that she was not really thrown off or disappointed about the environmental issue because she lived in the community and knew what was there prior to the present issue and was not alarmed by it, and Council Member Quan stated he had driven around the area after the item came up on the agenda and certainly there was a need for affordable low cost housing in that area but if turned out that it was not an area where they could do that what where her feelings toward making it a park, and Ms. House stated she was totally opposed to making it a park. Council Members Galloway, Boney and Vasquez absent.

Council Member Keller stated he hoped they would find a cleaner property to possibly pursue, but it looked like there were two things, it was an asset in the City and if it was an asset it may be innate responsibility of the City to sell the asset for the most money possible because it really was the taxpayers asset, that he was not pro park or against affordable housing, that he would like to see both, that it was not the homeowners fault that there was possibly 11 storage tanks under the property, and was it not better to find it out than to have all the residents or the people who end up building sue, and Ms. House stated that was why Council needed to come and meet with them, that they had been aware of that project for many years, even before Perry Homes thought about coming to Freedman's Town Community, that they were very well researched in Freedman's Town but no one listened to what they had to say, that they had been building housing in Freedman's Town, that it may be a surprise to some of them but they had been doing new construction throughout Freedman's Town, and she would like for them to come by and see what they were doing, that there were 9 former gas stations throughout Freedman's Town and they all had received the approval of the TNRCC, and they had gotten certification from the TNRCC as well on that piece of property, that she was more surprised by Mr. Hall's letter than anybody, and Council Member Keller stated he would rather step back and study the thing whether it was a week or a month or two months and was sorry that it had been a big drag and a waste of time, that it was a huge national issue, and Ms. House stated that she had served on the City's Brown Field Committee and was well aware, that their organization had worked very hard to invest and knew that \$47,000 was not a lot of money to many of them on Council but it was to them because they had worked very hard to come up with that money to begin to address the predevelopment, appraisal, survey and all the other costs they had to eat on that particular project and as more time passed they would miss a timetable, a deadline or whatever, that if they wanted to put it out for RFP so that all Council Members would be comfortable with it that would be fine with her, that she had waited 8 or 9 years and was sure another month or so would not hurt. Council Members Galloway, Boney and Vasquez absent.

Dr. Karen Fraiser-Scott, 1746 Maryland, Houston, Texas 77006 (713-529-3421) appeared and stated that she had lived on Maryland Street for 15 years, that she was present concerning the ordinance for the Maryland Street special building line requirement area pursuant to Chapter 42 and the Code of Ordinance, that she was present to speak in favor of the setback for Maryland Street, that what would the setback preserve on Maryland Street beside the green front lawns and flowers, that it would preserve the open space in front of their homes that allowed both the verbal and visual communication between neighbors in a traditional neighborhood setting, that it preserved



the safety of the neighborhood because they had that verbal and visual communication with neighbors, that recently she had spoken to an architect who was very knowledgeable about the Inner Loop and one of his major statements was that the most important criteria that his clients talked about after they had made the decision to move close to downtown was safety, that his statement made her reflect on her own neighborhood, that safety was also a very large part of their neighborhood concern and they felt very safe on Maryland Street, that for the last 50 years Maryland Street had been a block of neighbors who had communicated and trusted each other, that the neighbors of the last generation on the block took care of each other and the neighbors of the present generation were doing the same, that when she approached the neighbors about signing the block face petition each one had their own special story to tell about the neighborhood and how much they loved it, that one of the major themes they spoke about was how safe they felt within their block and how they wished to preserve that safety with the open space of the traditional neighborhood, that one spoke of her father living alone into his eighties in their neighborhood and how her concern for his safety was diminished because she knew the neighbors were looking out for him, that without the open spaces in front of their homes the verbal and visual communication between the neighbors would be lost along with the beauty of the front lawns and the flowers, to those on Maryland Street safety meant more than living behind a security gate or a closed garage door, that safety meant that they had the opportunity to trust and rely on each other through verbal and visual communication, that they had met all the requirements of the ordinance. Council Members Tatro, Galloway, Boney, Todd, Keller and Vasquez absent.

Ms. Elizabeth Hall, 1746 Maryland Street, Houston, Texas 77006 (713-812-6525) appeared and stated that she would be speaking from the handouts to Council, that Maryland Street was a very old neighborhood, that the first recorded history that they had was on the second page and started two years after the Texas Revolution when a large plot was given to Obedience Smith and her son, that within that they had the Lamar Place for General Lamar, which Dr. Smutny talked about, that the area was later split into mini portions with one of them going to the Meineke Family and Bernard Meineke got 50 acres in 1906 and he made the subdivision of Meineke, that they would see on page 4 a picture of his headstone, that he and his family were buried on their block behind one of the homes, that on page 5 they would see what several people had talked about which was a plot of the block and the various directions in which the street went, that they went to the City tax rolls and looked at the date when each dwelling was built and every dwelling on the street was built more than 50 years ago, and most of them were built in the 1930's and 1940's and that gave the block its basic texture and gave the block its look and feel, and it gave it a traditional neighborhood with yards, that on page 7 they would see the actual investment that they as neighbors had on the block, that of the 33 lots on the block 22 were single family homes, and 80% of those were lived in by the owner and 22% of those were second generation people who had lived in the same home as their parents, that the duplexes were 15% of the properties and 60% of those owners lived on the block, that they would see on page 8 a picture of their block giving that old traditional bungalow style with the front yards and as Dr. Frederick-Scott mentioned, provided light and communication, that she met her neighbors coming out of a house and into a front yard, mowing the lawn, picking up the paper, going to church or whatever, that when they started the project they looked at what would it mean for new construction in the neighborhood, because that was what the ordinance was actually about, and they would see on the last page, they took a picture of both modern construction with a set back, the top picture showed 3 modern constructions at the end on a street of bungalows like theirs

and the bottom picture showed the actual loss of integrity of the block if they set one 5 feet from the property line versus the traditional way, that they had met the requirements of the ordinance, and had been passed by the Planning Commission and they respectfully requested that it be passed in Council. Council Members Galloway, Boney, Todd, Keller, Vasquez and Parker absent. (NO QUORUM PRESENT)

Council Member Quan stated that by looking at her diagrams he saw the lots that Mr. Obyad and Mr. Kaldis had talked about, and Ms. Hall stated that those were 1840 and 1836 and they would see that there was a bend in the street there and they also owned a lot across from that which was commercial properties and when the bend in the street appeared they did loose distance in the 1840 and 1836, but it was their understanding that they gained distance on the properties that they owned across the street, that she did not have the measurements but that was her understanding, that she owned two properties on Maryland Street, 1746 and 1720, that 1720 was both in the Meineke Division and the Bulah Division, that one of her properties was commercial and one was not, which meant that she was also affected by the setback. Council Members Galloway, Boney, Todd, Keller, Vasquez and Parker absent. (NO QUORUM PRESENT)

Mr. Kirby Mears, 1829 Maryland, Houston, Texas 77006 (713-529-9933) appeared and stated that as a practicing architect who had owned and resided in the same house on Maryland for 19 years it might come as a surprise to them that he would be in favor of the ordinance, that he designed buildings for a living, that of course if he were to demolish his house he could fit a larger development on his lot if the ordinance did not pass, that he could probably make more money, so why did he want the establishment of the setback, he wanted the setback because he did not want to destroy the vista that was on Maryland and wanted a similar setback required by any other typical single family residential neighborhood and was dictated on most plats, that he wanted the setback that was already established by the bungalows, that he liked the front lawns and the light to the public shared space that was their street, that he was not opposed to new development, that if someone wanted to tear down their house and build a new one, fine, but they should not be allowed to establish a new precedent of building closer to the street than the context that it would dictate, that the points that Mr. Kaldis and Obyad, who spoke earlier, were making might carry more weight if they were talking about more than one block, that the stretch of street that had a wider easement came at a bend at the end of the block, and was only a 100 yards or so of the length of Maryland, that Mr. Kaldis was a property owner of Maryland but was not a resident, and he did not think that his position would be the same if he were a resident, and he would like to point out that Mr. Kaldis commercial property on Maryland at the corner was built right on the property line, and other ordinances that had passed also had commercial property at each ends of the street, that he believed that the City Planning was in spirit on their side already and if they looked at the recently passed ordinance known as Chapter 42, Section 42-150 and specifically Section 42-156B, page 73, in which building line requirements were addressed for streets other than major thoroughfares it said that the building line requirement used or intended for use for non residential purposes adjacent to a street that was not a major thoroughfare and across which street were located single family residential lots having platted building lines greater than 10 feet shall be the lesser of 25 feet or the greatest building line on a single family residential lot directly across the street from the property, that clearly the City was concerned about the same issues that they were concerned about and would like to thank the City of Houston planners who had assisted in their application, that they had met all the requirements of the ordinance and

hoped they would vote in favor of passing it. Council Members Galloway, Boney, Todd, Keller, Vasquez and Parker absent. (NO QUORUM PRESENT)

Mr. Michael O'Brien, 12800 Briar Forest, No. 154, Houston, Texas 77077 (281-496-0752) appeared and stated that he was president of the Houston Homeowners Association and was present to encourage Council to vote for all 6 of the special building line requirement areas that were on the agenda for tomorrow, Items 26 through 31, and he thought the neighborhoods should be applauded for their efforts to try and save what they had and maintain the character and fabric of their neighborhood, that it was the biggest gain that neighborhoods did get in the rewritten Chapter 42 that passed last March 24th. Council Members Galloway, Boney, Todd and Vasquez absent.

Council Members Keller stated that his question was one of relativity if it was 20 foot setback and they had 100 foot lot, what if they had a 50 foot depth and a 20 foot setback, was that taken into consideration and Mr. O'Brien stated that the requirements of Chapter 42, Section 163 stated that they had to have a block face that went from street to the other street to create that block face, and did not think that it got into the specifics as to the different sizes or shapes of the lots on that block face, and Council Member Keller stated that he could see someone's point if there was a 100 foot lot and a 20 foot setback and then someone with a 70 foot lot and there was a 20 foot setback and asked Mr. O'Brien if there was a way to compromise in that situation proportionately or had they already thought that through completely and did not think that was a problem where it affected the value of those peoples property, and Mr. O'Brien stated that he would never say that, but what was important to realize was that the majority of the people in the 1700 and 1800 block of Maryland Street had agreed to it and shown support, that it was one large block and that was the block face of both sides of it, north and south, but it did include the numbers 1700 through 1800. Council Members Galloway, Boney, Todd and Vasquez absent.

Council Member Parker stated that the 6 items that were on the agenda tomorrow fell completely within the ordinance and as such they should be passed because they did comply with the ordinance but they were about to engage in a revisit of Chapter 42, which had been delayed slightly because of budget meetings, but a item that might come up would be a process where under the prevailing setback they could make allowances for things like an undersized lot and not speaking in terms of Maryland Street because it clearly fit the ordinance and thought that it should move forward, but as they revisit Chapter 42 was that something that he thought could be equitably put forth as someplace where they could compromise in the ordinance, and Mr. O'Brien stated that he did not look at it quite that way, that June 19 was the date for the Neighborhood Protection Quality of Life Committee Meeting at which Director Litke would present his changes and they were eight rather insignificant technical changes and apparently the Planning Department did not feel like they needed to revisit it and he would be very careful to go into it because he thought it would open up a can of worms to some degree, that it was all about maintaining the character and fabric of the neighborhood and he had driven the 1700 and 1800 block of Maryland on several occasions and could see why they would want to maintain what they had, that they would have to go by the definition established by the Planning Department, that one of the first five that passed on December 23, 1999 there was a similar situation where there were commercial properties on either ends or properties that wanted to be developed as commercial and those two owners protested

and it passed unanimously through the Planning Commission and was passed through Council. Council Members Galloway, Boney, Todd, Vasquez and Bell absent.

Ms. Brenda Gordon, 1814 Missouri, Houston, Texas 77006 (713-520-1641) appeared and stated that she lived in the Cherryhurst subdivision of the Montrose section of Houston, that the five residents of the 1800 block of Missouri Street had signed the petition to keep the setbacks at 20 feet, that the majority of residents were in agreement of keeping the prevailing setbacks, that Missouri Street had a sense of community including large oak trees bordering the street, well landscaped yards and restored homes, that the single family residential homes were lined in an attractive manner and when they looked down the 1800 block of Missouri Street they would notice the homes attractively lined up, that it was important that the sense of community remain intact by keeping the prevailing setbacks at 20 feet. Council Members Galloway, Boney, Todd, Vasquez and Quan absent.

Mr. Al Jensen, 3030 Reba, Houston, Texas 77019 (713-524-2328) appeared and stated that he was present to speak in favor of Item 28 on the agenda, that it was regarding the establishment of a building line for the 1400 through 1900 blocks of West Clay, that on the surface it sounded like several blocks but in all actuality it was only one street and those were very large blocks, that it made West Clay a more walkable free line street and they were asking Council to allow them to have a prevailing setback of 20 feet, that the bungalow owners coexisted quite well with the townhouses and all of them were setback 20 feet, so it was not like they were doing something that even the townhome owners did not want, that the subdivisions had been platted for a 20 foot setback. Council Members Galloway, Boney, Todd, Vasquez and Quan absent.

Council Member Keller moved to suspend the rules to hear Mr. Patrick Kiley, Mr. Steven Williams, Mr. Jesse Gonzales and Mr. Norman Adams out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sanchez and Robinson absent on personal business. Council Members Galloway, Boney, Todd Vasquez and Quan absent. MOTION 2000-0649 ADOPTED.

Mr. Charles Stava, 2214 Kane Street, Houston, Texas 77007 (713-970-3400) appeared and stated through a sign interpreter that he was the owner of the Andrew and Josephine Kuhn House located at 2214 Kane Street in the Old Sixth Ward Historic District, that he was present in support of the Historic Landmark Designation for the Andrew and Josephine Kuhn House, that in the past several weeks the house had gained wide recognition and had been shown in many publications, most recently last week in the Houston Chronicle, that the Kuhn House stood today as one of the most intact and well preserved Victorian residences in the City of Houston, that it was one of the older homes of the Old Sixth Ward Historical District and was the only surviving, documented, cross cable, side hall, Queen Ann, Victorian House in the City, that it was listed independently in the National Register of Historic Places and Texas Historic Commission, that the most recognizable feature of the house was the steamboat gothic porch with a wonderful anecdote, that it was believed to have been build by Mr. Andrew Kuhn for his wife, whose stepfather was a Mississippi Steamboat captain, that he fell in love with the house about 10 years ago and waited 7 years to be able to buy it and since then it had been a wonderful four year experience restoring it and researching its history, that no one knew when it was built or anything about its history until now, that his research had proven that a New Orleans coffee merchant, Mr. Steven Kuhn, wishing to expand his

coffee business in Houston built the house in 1883, that the house was occupied by a succession of three generations of the Kuhn Family, that it was hard to imagine that the modest house was home to one of Houston's most prominent turn of the century families, that the Kuhn's played a large role in the real estate speculation of the Houston Heights and the Hyde Park subdivision as well as owning a successful jewelry business, which later merged with other jewelry business to become the famous Swinney and Company Jewelry, that the Kuhn's were active members of the Saint Joseph's Catholic Church and even helped fund the rebuilding of the church after the great storm of 1900, and he asked for their vote in favor of the Historic Landmark Designation of the Andrew and Josephine Kuhn House as well as a strengthened Historic Preservation Ordinance. Council Members Galloway, Boney, Todd and Quan absent.

Mr. Patrick Kiley, 3825 Dacoma, Houston, Texas 77092 (713-843-3703) appeared and stated that he was present to make a few comments on the ROCIP that had been back on the agenda for two weeks, and with the intention of being constructive and offering some food for thought as they thought about the actual cost, that if they recalled in March and April of 1999 when it was up for discussion they were plowing new ground while there was data on single project Owner Controlled Insurance there was limited data on Rolling Owner Controlled Insurance and so they were dealing mainly with speculation with the only fact being the \$529 million dollar Aviation budget, that the original Council action requested that contractor insurance cost was a percentage of construction of 10% and was based on a 1994 M.D. Anderson project and not on actual contractor insurance cost but an RS Means Index, that was amended to peg contractor cost at 6% and there was speculation that the City could buy insurance for 3% and save 3%, that now with at least 25% of the contracts bid at the airport they were finding that the contractor credits for insurance were averaging about 1.44% and the City's projected cost, according to Finance & Administration was 2.03% and so Council wisely had not been enrolling those contracts in the ROCIP and there were some pending that other speakers would prove still did not make sense to enroll, but in that 2.03%, based on the Finance and Administration memo, surface the fact that they did not have and that was the fact that it was all predicated on payroll at \$90 million dollars, and as a percentage of \$529 million dollars that was 17%, that the contractors that he represented were the architecturally design structure builders, the commercial contractors, that in repeated survey after repeated survey their labor costs were going to run between 30% and 50%, and he thought there needed to be a look at the remaining projects to see whether they were commercial building style projects, like terminal renovation and work on those structures, to see if that 17% was a realistic figure, that there was one other fact about payroll costs, a contractor could project what they were going to be at the start of the job, but if they got into trouble they were going to have throw extra labor at that job to accelerate and get back on track, so his point was that the payroll costs on commercial projects historically ran 30% to 50% and that needed to be studied on a go forward basis. Council Members Galloway, Boney, Todd and Quan absent.

Council Member Bell asked Mr. Kiley when he would be in a position to say definitively yea or nay on the program and did he have enough information before him to say that it had been an outright failure, and Mr. Kiley stated that on a day to day it had been, that the insurance markets in his judgement were not going to change and he thought the City's costs would only go up because he thought those payroll costs were unrealistic, so at that particular time it was his summation that a ROCIP did not make sense, and Council Member Bell asked what type of jobs were they to look out for, and



Mr. Kiley stated the architecturally designed structures, commercial buildings, terminals, parking structures, those type of projects. Council Members Galloway, Boney, Todd and Quan absent.

Council Member Ellis stated that Mr. Kiley had stated that the contractors that he represented were looking at a 30% to 50% payroll and had he had a chance to look at what he thought would be a fair number for payroll expenses on the expansion of the airport, and Mr. Kiley stated he had not, but would be happy to do that or provide contractors who would not bid on it that were commercial builders that would do it, that he would be happy to provide contractors that would look at the work with him or any other members of Council and tell them what they thought the labor would run on the specific projects if there was a list of them, they would simply be resources, and Council Member Ellis asked Mr. Kiley when would a ROCIP project be appropriate and where would it save dollars, and Mr. Kiley stated that he might get an argument on it but they almost always pro forma some type of savings, ROCIP and OCIP, but experienced insurance people would tell them that they could not truly judge that it was saving money until all claims relative to those projects aggregated had surfaced and been paid, and that was five to seven years, he was not an insurance expert but that was what he had been told, so they had to have faith going in, and Council Member Ellis stated that where he was a little confused was that it seemed like on most of the projects either they were not enrolling, and he was looking at an example, Project #417D, where the project bid price was \$78.45 million dollars and the cost of the contractors insurance would be \$1.4 million dollars and the cost for the City's ROCIP program would \$2.1 million dollars, so in almost every one of the examples they had looked at they would be losing money, and Mr. Kiley stated that was his conclusion as well, and Council Member Ellis stated that it had to be sometime where it balanced out and the City would save some money, and Mr. Kiley stated that as he had said at the beginning, he was not familiar with any hard data on ROCIP's, he was familiar with a few selective studies on owner controlled insurance that did show some savings normally on projects at \$100 million dollars and above and would be happy to furnish that. Council Members Galloway, Boney, Todd and Quan absent.

Mr. Jesse Gonzalez, 13603 Westland, Houston, Texas 77041 (281-970-5300) appeared and stated that he was president of Spaw Glass Construction Company, that his firm was fortunate enough to bid, be successful and build at both airports, Hobby and Intercontinental, that they were very active in the market and would continue to do so, that they would like to continue to bid work in the City and hopefully enjoy some additional success, however he was concerned about the ROCIP program, that it was obvious to him that the ROCIP program did not provide the broad coverage that they were accustomed to providing their customers, that of particular concern was what the City had, that the general liability program that they were providing was that it had an omission for pollution, and that was what insurance called absolute deletion of pollution, that as they knew airports had a lot of buried utility, fuel and oil lines and his concern was that if they were successful in a bid and were building a facility and accidentally ruptured a line and polluted the land and air, he would like to know if the City would indemnify them, the general contractor, or if the City would step up to address the uninsured claim, or were they responsible for that loss or who would be responsible in a case such as that, that it was a big concern for them and would like for Council to continue to review it as they considered to review the ROCIP program. Council Members Galloway, Goldberg, Boney, Todd and Quan absent.



Council Member Tatro stated that Mr. Gonzales mentioned that the policy that they were proposing to substitute and asking him to give them credit on basically had an exclusion for environmental insurance, and Mr. Gonzales stated that was correct, and Council Member Tatro asked how they normally purchased that, and Mr. Gonzales stated that they purchased it with the total coverage that they purchase for their company on an annual basis for all the work they would perform, that was part of the coverage they got all inclusive, that they tried to get as much coverage as they could to protect them in any and all losses, casualty losses, and that was part of the program that they took into account when they purchased insurance at the beginning, that it was bundled in with their other insurance, that they could not perform a City job without that insurance coverage, that the risk was too high and the reward was not high enough for the risk, and Council Member Tatro asked if they would continue to carry that coverage and with that coverage would be other coverage's, and Mr. Gonzales stated that they had to look at the risk of the project and whether or not it warranted going ahead and bidding and if it warranted them bidding to what extent did they need to provide the additional coverage as it may relate to pollution protection, that they were not going to bid the project if the risk was too high, and if they got the protection they would, and it would be from their provider. Council Members Galloway, Goldberg, Boney, Todd and Quan absent.

Council Member Ellis asked if he was saying that under the ROCIP program the contractor would not have that protection, and Mr. Gonzales stated that was correct. Council Members Galloway, Goldberg, Boney, Todd and Quan absent.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77008 (713-869-8346) appeared and stated that he was present again to talk on the ROCIP, and had passed out a two page handout and would talk specifically on page 2 because it was one of the projects coming up on the agenda tomorrow. Mr. Adams explained the Morganti project calculations and stated that his recommendation was that they approve the Morganti contract, put them to work, do not have any delays, but omit them from the ROCIP, take their offer and save the taxpayers \$700,000, do not enroll a job that they would obviously loose money on, not to delay the construction, get it going. Council Members Galloway, Boney, Todd, Vasquez, Castillo and Quan absent. (NO QUORUM PRESENT)

Council Member Ellis asked Legal if they could do that, and Mr. Bibler stated that his initial impression was that the agenda captioned item contained a figure for it and they would be increasing the figure and therefore the posting would not support doing that on tomorrow's agenda, and Council Member Ellis asked Mr. Bibler if he stated there would be an increase in the contract, and Mr. Bibler stated that there would be an increase in the contract cost and he believed that the contract cost was stated on the agenda and their hard, fast and consistent rule had been with open meeting's postings that they could reduce numbers but not increase them, and Council Member Tatro stated that the way the bid was structured, and Legal could address it, it was considered an add item in the bid and if the City decided to enroll or not enroll they simply add or subtract that from the total bid so the bidder's bid price was the bid price and if they elected to enroll them they would subtract out that ROCIP credit, which would be the \$1.4 million dollars, that it was separate and distinct add-on to the bid, but their total bid would include their credit, so simply passing the item and not enrolling them in ROCIP simply meant that they gave them the contract at their bid price, and Council Member Bell asked that on the second page where he had the 1.79% was he finding that to be, on the other projects that he had

looked at, fairly consistent with the cost of insurance, and Mr. Adams stated that he had the thirty bids thus far received, that they had bid five projects, and those were tabulations from the Finance and Administration Office, that on the first bid they averaged less than 1%, it was .79% and it was project #507, on the second bid they averaged 1.18% and it was Project #424B, on the third one, Project #510 they averaged 1.46%, on Project #417D they averaged 1.95%, slightly higher, that the average of the thirty bids was 1.4%, and Council Member Bell stated that when they had the discussion last year when they were considering passing the program, in all honestly he did not remember, but Mr. Adams argument was that privately he could do it for less than they could in the program, and he forgot the percentages that were being talked about that at that time, what percentage was he using at that time, and Mr. Adams stated that he told them at that time, and in fact gave them a whole list of contractors and all the trades, that he thought the average would come in between 1.5% and 2%. Council Members Galloway, Boney, Todd, Vasquez and Quan absent.

Mr. Steven Williams, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was President of the Houston Professional Firefighters Association, that after 25 years of providing public safety and saving lives and property as a professional firefighter and 20 years with the City of Houston he was present wanting answers from the Mayor for himself and 3,200 members that he represented, why was public safety being compromised, why was firefighter safety being jeopardized, why were there fire apparatuses not riding with four men on every truck and why were they moving backwards, that fire trucks were daily riding understaffed placing public safety and firefighters at risk, that their district chiefs who managed fire ground scenes had an advisory committee who were asked by the chief to submit a report on operational emergency needs, that the committee was independent, a body whose only commitment was to the firefighters and to the citizens of Houston, two main objectives were identified, safety and welfare of firefighters and providing quality service and safety to the citizens, that their bottom line was not fewer than four members on each engine and ladder company on a daily basis, that they also concluded that the staffing problems they currently faced must be the biggest problem their department had ever faced, that the Houston Fire Department could not be considered a first class provider of emergency services without sufficient personnel, that the report did not cost \$350,000, that Mayor Brown's past, present and future budget lacked needed funds to hold the line on staffing, that funding for calling back firefighters for their extra board program had not adequately been funded to maintain four members per fire truck, that the administration had averaged those inadequate funds to only allow 31 firefighters to be called back and they were still riding understaffed after calling people in, that Council Member Quan had recently rode at one of their busiest stations and that station was riding short that day and he made critical emergency scenes in a multiple alarm fire and he got a taste of what they were experiencing on a daily basis, that there were national standards from the National Fire Protection Association and OSHA that recommended four man staffing, that the two in two rule by OSHA that stated that in order to send two firefighters inside a burning building or hazard zone to perform rescue or extinguishment needed to be backed up by two firefighters outside, that it was the justification for maintaining minimum manning, that past Council Members during past budget hearing identified the lack of attention for the critical needs of the Houston Fire Department, not only last year but in previous years, inadequate attention had been given to hiring projections. Council Members Galloway, Boney, Todd and Quan absent.

Mayor Brown asked Mr. Williams what were the minimum international standards and Mr. Williams stated NFA, Fire Protection Association, OSHA and the International Association of Fire Chiefs. Council Members Tatro, Galloway, Boney, Todd, Vasquez and Quan absent. (NO QUORUM PRESENT)

Council Member Ellis stated that as new Council Members they were briefed early on by Chief Tyra and he explained to them that the Fire Department was doing wonderfully and that it looked that even the ratings of the Houston Fire Department would reduce their insurance rates and he was under the understanding that the Fire Department was moving along and doing a great job and Mr. Williams was present and telling them there was public safety issue and asked him to address that and asked what the rating scale was for insurance premiums and Mr. Williams stated that the ISO rating, they had just went through the process and had lowered their rating from a 3 to what was projected to be approved to 2 which basically said that there would be a cost savings to the community as far as insurance premiums, that the rating process just completed in the past month and the insurance association would be coming out with the final decision. Council Member Ellis stated that he was not arguing with him on the standpoint of being a firefighter for 25 years and understood the dangers involved with it, but it escaped him on how they could be reducing their rate from a national standpoint and Mr. Williams told them that they had an extreme public safety hazard and asked him to explain it, and Mr. Williams stated that it came down to a matter of paper shuffling, when they looked at inadequate hiring projections, that they had 1,465 members of the Houston Fire Department who had 20 years of service or more who were eligible for retirement, that meant that 50% of the department could leave at any time, that the three proposed classes that the Mayor said were in the budget were not sufficient to keep up with the attrition rates, that it affected public safety in that fact that they were not going to be able to see a benefit from the people being brought in and put on the apparatus in a timely fashion, that they were forced to restrict the membership in the classified people in using their own scheduled lead times, their holidays and benefit rates, and despite the efforts to reduce the number of unexpected absences such and sick time, daily staffing levels had failed to maintain on the ladder trucks and engines, and Council Member Ellis stated it sounded that there was a training and recruitment problem and asked if Mr. Williams had said it was directly tied to some policy that the administration had made, and Mr. Williams stated that they were robbing Peter to pay Paul or playing a shell game by moving apparatuses around, that for example by moving Ladder 9 to Station 56 or the proposed move of Ladder 18 to Station 55 or Engine 40 being moved way out to Kingwood and the selling of Station 1 and moving that apparatus out to the west side to Station 90, that they were depleting viable resources to provide fire protection in the inner city, and Council Member Ellis asked Mr. Williams when the report he had in his hands was dated, and Mr. Williams stated it was just completed and provided to the Fire Chief and he would make a copy available to every Council Member and the District Chiefs had encouraged him to do so. Council Members Tatro, Galloway, Boney, Todd, Vasquez and Quan absent. (NO QUORUM PRESENT)

Council Member Keller stated that most of the people sitting at the table felt that Public Safety was the number one reason for being present and stated he would yield some more time to Mr. Williams and asked him to keep in mind that if said something that went back into what the Mayor was asking him then he would also have the right. Council Members Tatro, Galloway, Boney, Todd, Vasquez and Quan absent. (NO QUORUM PRESENT)

Mr. Williams stated that he would summarize it in identifying it, that could the City of Houston afford a \$95 million dollar law suit, he did not think so, but another metropolitan city who lost two firefighters in the line of duty had a suit that was against them at present, that the suit claimed that the City had shown a continuous and intentional disregard for the safety of firefighters by not following established safety procedures, that the Fire Department failed to send enough personnel to the fire and failed to keep track of the firefighters on the scene by putting equipment in the wrong position, that one would think that no fire department would do that, but it sounded a lot like Houston, that on the morning of February 14, 2000 they lost two firefighters, that 13 apparatuses were riding short in that quadrant, 33 apparatuses citywide, was that not a trend and was that not what they were talking about, that it was public safety and firefighter safety, that if they continually directed reducing staffing needs, whether it was for funding of calling firefighters back or inadequate hiring practices then they were going to resolve in only riding 3 firefighters on fire trucks and that meant in 1 out of 4 apparatus those 3 men would supplement the first 3 apparatus they had on the scene, that a \$350,000 plus apparatus would sit there unused and ineffective in providing public safety and firefighter safety, that they were in a budget process now and if this was the Mayor's position he was jeopardizing the citizens, public safety and firefighter safety and asked him and the Council to give it attention and save the system, do not allow them to loose anymore firefighters. Council Members Tatro, Galloway, Boney, Todd and Quan absent.

Council Member Bell stated that he assumed that Mr. Williams did not like the budget for the Fire Department that was being proposed at the present time, and Mr. Williams stated that in the present budget the administration had been told zero spending for the rest of the budget, that they were not calling firefighters in to staff adequately, and Council Member Bell asked where would they suggest getting the money from, that everybody knew that in looking at the budget process there were constraints and in all fairness, if people were going to come in and complain about their budget they should have certain suggestions as to where they would take it from, and Mr. Williams stated he wished he had the answer for him on that question, but the task put to him by his membership was to look at the needs of their public safety, that they identified the problem as it was a public safety and a firefighter safety issue, and Council Member Bell stated he understood that and would like an opportunity to meet with him and any representatives that he would like to come in because the issues of public safety were not lost on anyone sitting at the Council table, and would agree with Council Member Keller that it constantly ranked as the chief concern among people and thought it should be their chief concern as representatives of the public but they also had a duty to the citizenry when they were faced with those type of budget constraints to make some tough decisions and that was sort of what they were looking at now and would be glad to spend some time with him. Council Members Tatro, Galloway, Boney, Todd and Quan absent.

Mayor Brown stated that they had District Chief Kobsensteiner from the Fire Department present and maybe he would like to come and respond to some of the questions that were asked, and Council Member Castillo asked if they could keep asking Mr. Williams questions so that he could respond to all of them, and Mayor Brown stated yes, that they needed to have another viewpoint because the fire chief would probably disagree to some of the things that Mr. Williams was saying. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Council Member Castillo stated that he and firefighters that worked in his district had been discussing those items, particularly the shifting of apparatus, as he mentioned taking Station 40 apparatus and moving part of it to Kingwood and part of it to an adjacent station house and they had a letter from the captains of two different rescue units, that the rescue unit in Clinton Park was being consolidated with the rescue unit at T.C. Jester leaving the whole east end of Houston all the way down to Clear Lake without a heavy rescue truck, increasing the response time to Clear Lake by almost twice, and so the question arose, as Council Member Ellis had raised it, that how could their ISO rating get better and yet public safety be jeopardized, that they sounded contradictory and asked if he was understanding it correctly, that the ISO or the International Standards Organization rated or granted its rating on the basis of reduction of property loss so that the higher the property loss the lower the rating, the lower the property loss the higher the rating, so they could move equipment around to prevent property loss, but that did not affect the loss of life, so that if they could take Station 18's ladder truck to the west side of town to prevent any possible loss or reduce any property losses they would probably be making the right move because it would take 10 of the houses on his end of town to equal the value of one house in Council Members Ellis and Goldberg's district, so they were reducing property loss but they were not reducing risk to life in his end of town, and Mr. Williams stated that the analogy he used was correct in the respect that the ISO did not always necessarily take into consideration population density, that they looked at response times or circles and said they could not have an excessive overlapping of apparatuses responding, and Council Member Castillo asked if they had 2,000 people living downtown ten years ago and now they had 6,000 approaching 10,000 people living downtown they ought to have more coverage if they were concerned about loss of life or injury to limb as opposed to loss of property, that it was common knowledge that they were closing down Station 1 and that increased the response time for any call for help in the downtown district, and Mr. Williams stated that there had been an increase in business, restaurants and clubs, approximately just 1,500 in the revitalization of downtown, that they had an increase from 2,000 to 6,000 population of people moving back into the downtown area, that they were not going to have apparatus responding in a timely fashion to provide the needs of those people that were now living in the downtown area. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Mayor Brown asked if a ladder truck carried water and Mr. Williams stated that there were some ladder trucks still in service with the Houston Fire Department that had pumps of water, that the new ladder trucks that the administration was buying did not come with water or pumps on it, and Mayor Brown asked if the first thing to roll would be a pumper truck with water and bring the extra resources of a ladder truck to the rescue if needed, and Mr. Williams stated that by moving them outside they were extending the response time, and Mayor Brown asked if the policy of the City was still two on site before two went in, and Mr. Williams stated that it had been identified as a standard that the Houston Fire Department would like to maintain and had not been changed only because it was sacrificed by firefighters not adequately being staffed on apparatus. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Council Member Parker stated it was interesting to her that Mr. Williams was talking about the number of cadets coming into the academy and they did discuss that in this mornings budget meeting the maturing of the fire department, that there were a lot of them that were eligible for retirement and did he think that they had enough cadet classes scheduled, and Mr. Williams stated no, that they were a minimum of 250 under, that it

was based on wanting to put 4 people on a truck, that it was a conservative figure and had to be raised, that they fought fires aggressively, that the recognized need for four members on every heavy apparatus being an engine and a ladder truck would afford them an avenue in which to do a two in and two out rule, that the fire chief still took the position that they would be an aggressive interior firefighting intact department, but they could not be if they did not have enough people. Council Members Galloway, Boney, Todd and Quan absent.

Council Member Parker moved to suspend the rules to hear a representative from the Fire Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sanchez and Robinson absent on personal business. Council Members Galloway, Boney, Todd and Quan absent. MOTION 2000-0650 ADOPTED.

District Chief Kobsensteiner stated that as far as the two in two out rule they had a team that automatically, on every fire, a crew stood outside, at least 3 and possibly 4, in case anything went wrong, that the two in two out rule as far as he knew the Houston Fire Department had never followed, they never said for every two people in that there were two people outside waiting for them, that as a District Chief in the department for twenty years he would never compromise the safety of their firefighters, that he would always make sure that the resources they had in the Houston Fire Department were adequate for the emergency they were trying to bring under control, that he had yet in his career seen the Houston Fire Department run out of resources in a major event, that as far as the staffing was concerned, they had two classes currently going that were going to bring approximately 90 to 100 firefighters into the system, and that was in the Fire Department Budget as far as what was coming up for the fiscal year. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Council Member Castillo asked if there was an accepted industry standard as to the manning of any fire apparatus, and Chief Kobsensteiner stated that since he had been in he had rode on anywhere from 5 to an apparatus to 3 on an apparatus, and Council Member Castillo asked what was the standard, and Chief Kobsensteiner stated they normally rode 4, and Council Member Castillo asked if that was applied across the board where did Houston stand with respect to the number and Chief Kobsensteiner stated that again it depended on the day, if it was a holiday or if they called in sick, that the extra board was divided out equally so it would last throughout the whole year, that 31 members would come in, that the proposed extra board and the funding was made available for the staffing and 31 was the number that they came up with that would adequately staff the Houston Fire Department, that they had not achieved that, that they had more than 31 people go down in a day and that had been the problem. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. John Gable, 12211 Fondren, No. 305, Houston, Texas 77035 (713-729-5721) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Ms. Joanna Barker, 14219 Misty Meadow Ln., Houston, Texas 77079-3160 (281-597-0917) appeared and stated that she was present regarding deed restrictions and dangerous chemical fumes, that in April 1999 she and her husband purchased a townhome in Memorial City Town Home Community and for the first six months they were very happy living there and now they could not live there, that theirs was a deed restricted



community requiring that no business establishment, covert or overt, could be operated with the bounds of restricted zone, that the town house association rules and regulations stated that the community was strictly residential and no business could be conducted on anyone's premises nor would noxious odors or fumes or hazardous activities be permitted that were a nuisance and endangerment to others quality of life or a health threat to anyone who shared a common wall, that should any of those rules be broken the bylaws mandated that the association enforce the rules and the regulations to the fullest extent of the law, that the association president refused to enforce the rules currently being broken by the residents of the adjacent townhome, that on November 18, 1999 they complained about the fumes and the hazards to their health to the association management and they had done absolutely nothing to stop those chemical attacks by the violators in the adjacent townhome, that they contacted the City of Houston Health and Human Services Department in January 2000, but the chemical assaults still went on and the hazardous chemical fumes had been vented to their townhome for six months and they had three environmental air quality test reports that verified the true facts that the chemical fumes were harmful to their health and were causing severe damage to the environment in their townhouse as well as being vented out into the community so that the others including the elderly and small children could breathe and absorb the chemicals, that their health problems included severe skin rashes and burning skin, eyes, nose and throat, that it was affecting their respiratory system, that they had brutal headaches, vomiting and extreme dizziness, that the attackers had chemically assaulted and verbally assaulted them, and continued to emotionally describe the medical, physical and emotional affects that the chemicals had done until her time expired. Mayor Brown, Council Members Galloway, Boney, Todd, Vasquez and Quan absent. (NO QUORUM PRESENT)

Council Member Keller stated that everyone had read her memo and that he and his office had done everything that was entrusted by the citizens as far as power in her efforts, that they had gotten the Health Department to do two studies and had also gotten the management company to do one study, and he was going to need some help from the administration, from her or Legal to carry it further, but their results from the Health Department were not showing that, that a surprise inspection, which was legal in the terms of the lease agreement for real estate management companies was done to those premises and those were not shown, that it was at twelve midnight when the people were not there or out of town, that did an inspection and had a copy of that and he would give her a copy of the whole study, that the City had done as much as they could and if they had a deed restriction violation they could not get the police to do a raid on a deed restriction, that he wanted to help her as much as he could and asked Ms. Barker to give a copy of the reports that she had to his office, and Ms. Barker stated that they had sent packages to all Council members and thought she had given a copy to the management company of the townhome complex and their response had been nothing to her, that they had done nothing, that they had a petition that was signed by neighbors who had smelled those fumes all over the neighborhood, and Council Member Keller stated that he had gotten the Health Department out there twice and the management company and he could not call them liars, and asked if he could get some advice from Legal or from the administration to advise Ms. Barker because she was sincerely distraught about it.

Mayor Brown stated that Ms. Gloria Moreno from the Health Department was present to meet with Ms. Barker and follow-up to make sure they did everything that needed to be done, and Council Member Parker stated that her office was following it too

and was aware that the Health Department had been out several times and the management company had looked into it, that somehow when they went out and tested they did not find the same things that the Barkers test results showed but they would continue to work on it, and Council Member Keller asked Ms. Barker to keep him in the loop if they were not returning her calls. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. Bruce Barker, 14219 Misty Meadow Ln., Houston, Texas 77079-3160 (281-597-0917) appeared and stated that most of what he was going to cover had been covered and thanked Council Member Keller, that they did have a petition signed by neighbors who had been in their townhome and smelled the chemicals, that they had given copies of all their paperwork to Ms. Donna Parr and could give copies to Council as well, that the facts were that tests were made by both the City and the association and they were given notice and were seen carrying things out, that they took incriminating evidence out in preparation for the tests, that they had 9 volatile, some colorless and odorless chemicals, that had been reported on the tests, that one statement that was made the last time Ms. Joy Merenda, Supervisor for the City of Houston Department of Health and Human Resources, on a recent visit stated that "neither the Mayor, City Council, Health Department or HPD Environmental Officer Steve Dicker would help him, that it was a criminal case", that how did they think it made them feel that the government did not care about the citizens of Houston when an official of the City stated that the City would not, not could not, but would not help them. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mayor Brown asked Mr. Barker who had stated that, and Mr. Barker stated Joy Merenda, that she was out about a week or so ago and was with Chris Brennan, who was the only individual with the Health Department who had given any encouragement or tried in any way, shape or form to help them, that they had independent test that did show that those chemicals were being vented into their townhouse, that they had the City of Houston test from January which showed hits, not specific items of chemicals, but hits, that they had pages of those which he had given to Ms. Parr and could give it to anyone who would want it, that according to Chris Brennan with the Health Department the machine or device that did the testing mainly tested for alcohol and all of the hits that were gotten every five minutes had to be at least alcohol and they knew that there was methyl alcohol being vented in there, that the other tests that were run he could not give a reason why they were not showing up, that they were not showing up next door because they had been prepared for it, that if those chemicals were heavy enough to go through the walls from one townhouse to another they were deadly and his wife could not live in their townhouse, that she was being killed by those chemicals, and Mayor Brown stated that Ms. Moreno was present to meet with them and follow through with what they had shared with Council. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. Earl J. Standberry, no address, no phone appeared and stated that he was a pilgrim for peace and was currently walking from Los Angeles to Washington, D.C. to raise attention for a memorial stone for unknown civilians killed during war, that there was a group called Peace Abbey out of Sherborn, Massachusetts that in 1994 came up with the idea that there was no civilian memorial anywhere in the United States, that he was a Gulf War Veteran and saw what war could do to family and families and proudly supported it, that last year, July 4, 1999, they pushed a 2,000 pound stone on a 1,500 caisson from Sherborn, Massachusetts to Washington, D.C. in hopes that they could get

it placed in Arlington National Cemetery but when they got there it was rejected, that it took an act of Congress so every place that he went he tried to drum up support, so he appealed to not only their professionalism but also as a human being, that if a bomb were to drop in Houston each and every one of them would be represented on the stone, that as a war veteran he was proud to say that he served the Country as well and there were a lot of veterans out there that deserved a lot of credit but those people did not ask for it, that there was no civilian memorial anywhere in the United States, and all they asked for was a little small section in Arlington National Cemetery, that he was trying to get to Washington, D.C. by January 20, 2001, which was the inauguration day for the new president of the new millenium and they asked for the support of the City of Houston, that he had a web site that explained everything so they could find out more about the issue, that he was thankful for a lady by the name of Wendy Ross who lived in Freeport and had a community newspaper and ran a story on him. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mayor Brown asked that for those who wanted to follow what was his web site address and Mr. Standberry stated it was [www.peacepilgrim.com/Earl](http://www.peacepilgrim.com/Earl). Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. Steven Williams, no address, no phone appeared and voiced his personal and economic opinions until his time expired. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. Willard Hunter, 4801 Scott, No. 2, Houston, Texas 77004 (713-521-9624) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. Arthur Moore, 8800 Broadway, No. 5328, Houston, Texas 77004 (713-521-9624) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Minister Johnny Jeremiah, 5959 Richmond Ln, No. 400, Houston, Texas 77057 (713-278-7098) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Quan and Bell absent.

Mr. J. W. Messeh, P.O. Box 742713, Houston, Texas 77274 (281-650-6323) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Quan and Bell absent.

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

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

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 that they all had

knowledge of and he was present again to state that he was one of the only official presidential candidates for the coming presidential election and his position of candidacy was independent, that his case address along with being an official crime victim that City Council Chambers had knowledge of was Conviction Case versus City Government Murder Counts, Human Vital Organs Replacement, that was being committed by the Syndicated Global Mafia Organization and City Council Members, that he was present to demand that those criminals be stopped from attacking him with the use of the Star War Weapons. Council Members Galloway, Boney, Todd, Keller, Quan and Bell absent. (NO QUORUM PRESENT)

Ms. Dorothy Olmos, 420 Broadway, Houston, Texas 77012 (713-928-3538) appeared and stated there were four things she wanted to touch base with them about, that one was the Association for Hispanic Fine Arts which was a newly small emerging organization about two years old and Theatre on Broadway, which was the community theatre that they had in the eastside of Houston, that they were in the process of relocating temporarily because they had a Summer Youth Program that was going to take place this summer and they were going to have to temporarily relocate to Phoenix Outreach in Fifth Ward because the building they were in was dilapidated and had asbestos so they were going to have to move temporarily, and she was asking them to consider some kind of redevelopment, that she knew there was some HUD funding available that maybe they could apply for, but needed their support as well as trying to create an emergency financial assistance relief, that her idea of maybe helping in the effort was to create an emergency temporary relocation financial assistance fund within the budget that they were in the progress with for organizations to be able to move to a location temporarily while the building they were in was being renovated, that maybe it was something they could consider in the near future, that they were a fine arts organization that did work with youth activity, and if they had any questions on it she would like to get their input, that they had to purchase some asbestos testing, which cost about \$2,000 and was requested from Austin, Texas so it was something that she had to deal with and was in the process of doing that but they were financially strapped and had to relocate immediately before June 6, 2000.

Council Member Vasquez asked for Ms. Olmos to forward the information to his office, and Ms. Olmos stated that it had just come to her attention in the last two weeks and they had to move immediately because the summer program would start in a couple of weeks, that if she could get some kind of financial assistance relief, and Mayor Brown stated that Mr. Cantu, Citizens Assistance would meet with her and see what they could do. Council Members Galloway, Boney, Todd, Keller, Quan and Bell absent. (NO QUORUM PRESENT)

Ms. Janet Clayborne, 1414 Cook, Houston, Texas 77006 (713-247-6280) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Keller, Quan and Bell absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he was the Libertarian Candidate for Texas Representative 147, that his web site address was [www.galvan.org](http://www.galvan.org) and he had discovered voice chat on Yahoo.com so look out globe here he came, that he would like to galmunicate that long time global activist Leslie Perez was in Herman Hospital recovering from a collapsed lung

operation, that she was in room 510 and her room phone number was 713-704-7510, that Leslie Perez was the daughter of Sylvia Ayers who last year received about 40% of the votes in her race against Anise Parker, who endorsed his opponent last year. Mr. Partsch-Galvan continued to express his personal opinions until his time expired. Council Members Galloway, Boney, Todd, Keller, Quan and Bell absent. (NO QUORUM PRESENT)

At 4:38 p.m. upon motion by Council Members Ellis and Tatro the City Council was recessed until 9:00 a.m. Wednesday, May 24, 2000.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 24, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director, and Ms. Linda Layton, Agenda Office, present. Council Member Bert Keller absent on city business. Council Member Chris Bell absent on personal business.

At 8:26 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 Keller absent on city business. Council Member Bell absent on personal business. Council Members Galloway, Goldberg, Vasquez and Robinson absent.

## **MAYOR'S REPORT**

### **Consent Agenda (Items 1 through 49) were considered as follows:**

#### **PROPERTY** - NUMBERS 3 through 14

4. RECOMMENDATION from Acting Director Department of Public Works & Engineering, on request from Art Economos, on behalf of himself, Alex Cisne, Tracy Birkelbach, Ignacio Rodriguez and Ben Baty, for abandonment and sale of a 15-foot wide alley in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, from Durham Avenue to Sandman Avenue, located within Block 80, A. Brunner Addition, Parcels SYO-054, SYO-060, SYO-061, SYO-062, SYO-063, DYO-031, DYO-032, DYO-033, DYO-034 and DYO-035 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0651 ADOPTED.
5. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A95-84, located in the 9000 block of South Kirkwood Road, owned by SHGC, Ltd., a Texas limited partnership, dba Sugar Hill

Golf Course, Virgil V. Mott, Sr., Registered Agent, for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - \$5,692.00 - Street & Bridge Consolidated Construction Fund **DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0652 ADOPTED.

6. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A95-86, located at 4410 South Kirkwood Road, owned by Christ the Lord Evangelical Lutheran Church, a Texas Non-Profit Corporation, Carl Brassow, President of Church Council, for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - \$6,065.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0653 ADOPTED.
7. RECOMMENDATION from Acting Director Department of Public Works & Engineering for condemnation of Parcel L99-2, located at 14819 South Post Oak Road, owned by David C. Francis, for a Drainage Easement in connection with the **WEST FUQUA PAVING PROJECT from South Belt to Campden Hill**, CIP N-0489-01-1 - **DISTRICT D – BONEY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0654 ADOPTED.
8. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-319, located at 7442 Ley Road, owned by Angela Alexander, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 \$2,102.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0655 ADOPTED.
9. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-327, located at 7410 Ley Road, owned by Muhammad Akbar and wife Ursula Yancy Akbar, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$1,553.00 - Street & Bridge Consolidated Construction Fund **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business.



Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0656  
ADOPTED.

10. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-336, located on the North line of Ley Road west of Kirkpatrick, owned by Equilon Pipeline Company, L.L.C., a Delaware limited liability company, V. K. Hatley, Attorney in Fact, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - \$193.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0657 ADOPTED.
12. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-314, located at 7302 Ley Road, owned by Hulisher Hornsby and wife Jewel Juanita Hornsby, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$1,013.00 - Street & Bridge Consolidated Construction Fund **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0658 ADOPTED.
13. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-320, located at 7423 Ley Road, owned by James Ray Alexander, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$1,940.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0659 ADOPTED.
14. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-329, located at 7426 Ley Road, owned by Freddie Lee Williams and Anita Carolyn Williams, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$1,350.00 - Street & Bridge Consolidated Construction Fund **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg, Vasquez and Robinson absent. MOTION 2000-0660 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 through 18

**LOW BIDS**

15. **MID-MINNESOTA WIRE AND MFG., INC** for Wall-Mounted and Mobile Turnout Gear Storage Systems for Fire Department - New - \$54,223.84 - Fire Department Revolving Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0661 ADOPTED.
16. **F. W. WALTON, INC** for Replacement of Concrete Coating at the Central Library for Library Department - \$62,393.10 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0662 ADOPTED.

**OTHER**

18. **SWIFT COMPUTERS, INC** for Digital Logging Recorder System for Department of Public Works & Engineering - \$92,374.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0663 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 19 through 49

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of the Greenwich Lane cul-de-sac right of way and a 10-foot-wide waterline easement, located in Reserve D, Green Park Subdivision, George Allen Survey, Abstract 96; vacating and abandoning said right of way and waterline easement to NuHome Designs, L.L.C., the owner, in consideration of owner's dedication of a public street easement for the extension of Greenwich Lane and a 10-foot wide utility easement out of Reserve D, Green Park Subdivision, George Allen Survey, Abstract 96; and owner's payment of \$900.00 and other consideration to the City - Revenue - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-399 ADOPTED.
23. ORDINANCE appropriating \$79,652.43 out of the Housing Special Revenue Fund to reimburse the City's Federal "HOME" Grant Accounts for Ineligible Expenditures – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent.

26. ORDINANCE establishing the south side of the 1700 and 1800 blocks of Haver Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-400 ADOPTED.
27. ORDINANCE establishing the north side of the 1700 block of Haver Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-401 ADOPTED.
28. ORDINANCE establishing the south side of the 1400 through 1900 blocks of West Clay Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-402 ADOPTED.
29. ORDINANCE establishing the east side of the 1500 and 1600 blocks of Driscoll Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-403 ADOPTED.
30. ORDINANCE establishing the north and south sides of the 1800 block of Missouri Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-404 ADOPTED.
35. ORDINANCE awarding contract to **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, for Solid Waste Collection Services for the Department of Solid Waste Management; providing a maximum contract amount - 5 Years with two one-year options - \$56,826,603.27 - General Fund **DISTRICTS A - TATRO; B -**

**GALLOWAY; C - GOLDBERG; E - TODD; G - KELLER; H - VASQUEZ and I – CASTILLO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent.

37. ORDINANCE appropriating \$11,000.00 out of Convention & Entertainment Facilities Construction Fund and approving and authorizing an amendment to professional services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGY, INC** to provide additional Exterior Waterproofing of the Warehouse Building located at Houston Center for the Arts CIP B-0049-01-2 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-405 ADOPTED.
39. ORDINANCE appropriating \$327,300.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** on low bid of \$327,300.00 approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$10,000.00 for the 1999 Safe Sidewalk Program, GFS N-0610A-P6-3 (Package 3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-406 ADOPTED.
42. ORDINANCE appropriating \$3,446,570.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** on low bid of \$3,087,000.00 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$20,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-97-3 (4257-23); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-407 ADOPTED.
43. ORDINANCE appropriating \$418,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** on low bid of \$346,500.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$20,000.00 for construction of North Belt Lift Station Rehabilitation, GFS R-0267-44-3 (4275-33); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney,

and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-408 ADOPTED.

44. ORDINANCE appropriating \$775,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** on low bid of \$668,036.00 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** in the amount of \$20,000.00 for Dairy Ashford No. 1 Lift Station Rehabilitation, GFS R-0267-53-3 (4276-15); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-409 ADOPTED.
46. ORDINANCE appropriating \$1,938,824.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **FERGUSON CONTRACTORS, LTD** on low bid of \$1,659,755.00 and approving and authorizing professional services contract for engineering testing services with **BANDY & ASSOCIATES, INC** in the amount of \$30,000.00 for Northeast Service Area Relief Sewer, GFS R-2011-04-3 (4714-01); providing funding for construction management and 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 Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-410 ADOPTED.
48. ORDINANCE appropriating \$81,000.00 out of Water & Sewer Consolidated Construction Fund for payment of the cost of land Purchases/Condemnations, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with: i) A White Oaks Bayou Sanitary Sewer Line Easement for \$4,000.00, CIP R-2011-11-1; ii) South Union Water Line Easements for \$73,000.00, CIP S-0035-48-1; and iii) A Temporary Construction Easement for the District 71 Water Well #2 Rehabilitation Project for \$4,000.00, CIP S-0200-10-1 - **DISTRICTS D - BONEY; G - KELLER and H – VASQUEZ** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. ORDINANCE 2000-411 ADOPTED.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment of the following to the **DEFERRED COMPENSATION COMMITTEE**:



Position Three - **COUNCIL MEMBER GABRIEL VASQUEZ**, replacing Mr. Ray Driscoll

Position Six - **MR. OLIVER B. SPELLMAN, JR.**, employee participant, replacing Mr. Al Calloway

Position Seven - **ASSISTANT CHIEF HERBERT SIMS**, employee participant, replacing Chief E. W. Mitchell

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0664 ADOPTED.

2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$100,123.62 Enterprise Water & Sewer Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0665 ADOPTED.

### PROPERTY

3. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Salman Qadir, The Interfield Group, Inc., on behalf of Kasy Aburamadan, the property owner, for abandonment and sale of a portion of a 10-foot wide utility easement in exchange for the conveyance to the City of a 10-foot wide utility easement, located within Block 10, Blossom Heights Addition, Section 2, Parcels SYO-048 and VYO-033 - **STAFF APPRAISERS - DISTRICT C – GOLDBERG** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0666 ADOPTED.
11. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel A97-347, located at 7635 Ley Road, owned by Anh Cong Huyhn, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 - \$129,113.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0667 ADOPTED.

### PURCHASING AND TABULATION OF BIDS

#### OTHER

17. **STRATUS COMPUTER, INC** for purchase of an Upgrade to the STRATUS Security System at Bush Intercontinental Airport for the Department of Aviation -

\$132,449.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. MOTION 2000-0668 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

19. RESOLUTION designating certain properties in the City of Houston as Historic Landmarks (Andrew and Josephine Kuhn House, 2214 Kane Street - Barringer-Norton Building, 506 Main Street) - **DISTRICTS H - VASQUEZ and I – CASTILLO** – was presented. Council Member Ellis voting no. Balance voting aye. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Goldberg and Robinson absent. RESOLUTION 2000-24 ADOPTED.
20. ORDINANCE consenting to the addition of 17.32 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENTS DISTRICT NO. 119** for inclusion in its district – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. ORDINANCE 2000-412 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston, Texas Workforce Commission, and **GULF COAST WORKFORCE DEVELOPMENT BOARD**, for Certification of Qualified Child Care Costs and Transfer of Funds under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. ORDINANCE 2000-413 ADOPTED.

Upon questions by Council Member Boney, Mayor Brown stated that the money had been looked into and it was less than in the past which translated into less jobs; that they could encourage businesses to hire children during the summer to help out; that they had also contacted Washington, D. C., for relief but nothing happened. Council Member Goldberg absent.

24. ORDINANCE approving and authorizing the City to enter into a first amendment to lease agreement with **BENJI’S SPECIAL EDUCATION ACADEMY** to extend the term to thirty years and to increase the size of the leased premises in connection with providing care and special education to physically challenged children and their families - **DISTRICT B – GALLOWAY** - was presented, and was tagged by Council Members Galloway and Todd. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent.

Council Member Ellis moved to suspend the rules to take Item 57 out of order, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. MOTION 2000-0669 ADOPTED.

57. **MEDTRONIC PHYSIO-CONTROL CORPORATION** for Automated External Defibrillator Units for Various Departments - \$738,995.00 - General, Enterprise and Equipment Acquisition Consolidated Funds– **(This was Item 16 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBERS ELLIS and TATRO)** – was presented, moved by Council Member Castillo, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. MOTION 2000-0670 ADOPTED.
25. ORDINANCE approving and authorizing amendment No. 6 to lease agreement for certain premises at George Bush Intercontinental Airport/Houston between the City of Houston and **ARAMCO ASSOCIATED COMPANY** - Revenue - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. ORDINANCE 2000-414 ADOPTED.
31. ORDINANCE establishing the north and south sides of the 1700 through 1800 blocks of Maryland Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented.

Council Member Sanchez stated that he noticed it was a petition process and was assuming it was to get a percentage of residents and he wanted to know how the signatures were verified; and moved to suspend the rules to hear from Ms. Marlene Gafrick, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Goldberg absent. MOTION 2000-0670A ADOPTED.

Ms. Gafrick stated that an application came with the petition and Planning verified signatures against the Harris County Appraisal District's record and in addition they also mailed out notification to property owners on the block that they had an application in hand which gave people an opportunity to come forward.

A vote was called on Item 31. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-415 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City and **CLEME MANOR CHARITABLE TRUST** for a Reimbursement Agreement of certain overtime expenses incurred by the Houston Police Department - \$182,000.00 - Grant Fund - **DISTRICTS B - GALLOWAY and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-416 ADOPTED.

33. ORDINANCE approving and authorizing contract between the City and **ARTHUR ANDERSEN, LLP** for Arbitrage Services for the Controller's Office; providing a maximum contract amount \$355,200.00 - General and Enterprise Fund – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-417 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and **AVW AUDIO VISUAL, INC** for Audio-visual Services for the George R. Brown Convention Center - Revenue - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-418 ADOPTED.
36. Parking Meter Poles/Pipes Installation Services for the Municipal Courts Administration Department; providing a maximum contract amount - 3 Years - \$96,548.85 - General Fund – was presented, and was tagged by Council Member Robinson. Council Member Keller absent on city business. Council Member Bell absent on personal business.
38. ORDINANCE appropriating \$428,295.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** on low bid of \$355,943.10 approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$15,000.00 for 1999 Safe Sidewalk Program, GFS N-0610A-P5-3 (Package 2); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-419 ADOPTED.
40. ORDINANCE appropriating \$507,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** on low bid of \$424,661.09 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$15,000.00 for the 1999 Safe Sidewalk Program, GFS N-0610A-R6-3 (N-0610A-74); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; E - TODD and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-420 ADOPTED.
41. ORDINANCE appropriating \$537,930.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RESICOM, INC** on low bid of \$446,486.00 approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$20,000.00 for 1999 Safe Sidewalk Program, GFS N-0610A-S6-3 (Group No. 3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E -**

**TODD** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-421 ADOPTED.

45. ORDINANCE appropriating \$549,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PELTIER BROTHERS CONSTRUCTION, INC** on low bid of \$468,000.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$20,000.00 for Alder Lift Station Replacement, GFS R-0267-A2-3 (4728-2); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-422 ADOPTED.
47. ORDINANCE appropriating \$782,197.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** on low bid of \$683,360.00 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD., D/B/A GEOTECH ENGINEERING & TESTING, A Texas Limited Partnership** in the amount of \$10,000.00 for construction of Water Line Replacement in Haden Terrace Subdivision, Sections 1 and 2, Southwood Subdivision and South Place Subdivision, GFS S-0035-42-3 (10542); 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 Keller absent on city business. Council Member Bell absent on personal business. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-423 ADOPTED.
49. ORDINANCE appropriating \$15,400,000.00 out of Airport System Commercial Paper Series A, C (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. 424B - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Members Ellis, Tatro and Todd. Council Member Keller absent on city business. Council Member Bell absent on personal business. Mayor Brown absent. Mayor Pro Tem Boney presiding.

**The Non Consent Agenda (Items 50 through 52) were considered as follows:**

**MISCELLANEOUS**

50. RECEIVE nominations for the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS**, Position 7, for a two-year term – was presented. Council Member Vasquez nominated Mr. Vidal G. Martinez and stated that he was

presenting a letter of nomination along with a resume that he signed with Council Members Keller, Castillo and Sanchez. Council Member Vasquez moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0671 ADOPTED.

Council Member Castillo moved to suspend the rules to confirm the nomination of Mr. Martinez today, and was seconded b Council Member Sanchez.

Upon questions by Mayor Brown, Mr. Hall stated that the item was not posted for consideration of a confirmation and could not be done.

51. **SET A PUBLIC HEARING DATE** to consider the creation of a Reinvestment Zone for **NOVO INDUSTRIES, L.P. - DISTRICT A – TATRO - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE** – was presented, and Council Member Sanchez moved to set the hearing date as suggested, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0672 ADOPTED.
52. **SET A PUBLIC HEARING DATE** to consider the creation of the **LEADER CROSSING PUBLIC IMPROVEMENT DISTRICT** in the area that is generally along Synott Road, south of Bellaire Boulevard and within the City limits - **DISTRICT F – ELLIS - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 3 WEEKS FROM DATE OF PASSAGE** – was presented, and Council Member Sanchez moved to set the hearing date as suggested, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0673 ADOPTED.

**MATTERS HELD** - NUMBERS 53 through 62

53. RESOLUTION adopting the Fiscal Year 2001 Budget Priorities, Policies and Strategies – **(This was Item 40 on Agenda of May 3, 2000, POSTPONED BY MOTION #2000-601)** – was presented. Council Members Tatro and Todd voting no. Balance voting aye. Council Member Keller absent on city business. Council Member Bell absent on personal business. RESOLUTION 2000-25 ADOPTED.

Council Member Todd stated that he wanted clarification from the Administration on the health insurance issue; and Mayor Brown agreed to provide the information.

54. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 – (This was Item 4A on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0674 ADOPTED.



55. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt 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 – (This was Item 5 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0675 ADOPTED.
56. MOTION by Council Member Quan/Seconded by Council Member Boney to adopt recommendation from Finance & Administration Department to award to **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 - **(This was Item 15 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER CASTILLO)** - was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0676 ADOPTED.
58. 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 – (This was Item 23 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBERS TATRO, TODD, QUAN, KELLER, SANCHEZ, PARKER and GOLDBERG)** – was presented.

Council Member Parker moved to refer Item 58 back to the Administration for a new RFP process, and was seconded by Council Member Boney. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. MOTION 2000-0677 ADOPTED.

Council Member Boney stated that it was important to remember commitments had been made and objectives and goals were in line to make sure indigenous historical considerations as well as financial considerations were met with still opportunities for affordable housing in the Fourth Ward; that Ms. House was reluctantly in support of the motion to send the item back and he wanted to make sure consideration was given to all elements around the issue. Council Member Sanchez absent.

Council Member Robinson stated that he wanted to speak to the underlying issue of policies with regard to the Community Development Corporation and affordable housing in Houston; that not more than two weeks ago they nominated individuals for a land bank corporation and the whole thrust of the land bank was to go into the community and foreclose on tax delinquent properties and try to consolidate them and place them back into the market place and in some instances below market because of

the commitment of affordable houses; that sometimes pure market could not be the underlying purpose of the land bank because if it was they were going to have a problem with any kind of commitment to affordable housing; and he wanted to make sure that they were careful as they did move forward. Council Member Sanchez absent.

Mayor Brown stated that Council Members had historically been in favor of affordable housing in the Fourth Ward and the RFP would solicit the affordable housing; that their comments were well taken and they would continue to monitor themselves for that. Council Member Sanchez absent.

59. 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 - (This was Item 25 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Sanchez absent. ORDINANCE 2000-424 ADOPTED.
60. 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 – **(This was Item 27 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. ORDINANCE 2000-425 ADOPTED.
61. 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 – (This was Item 35 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBERS TODD, TATRO, ELLIS and KELLER)** – was presented.

Council Member Tatro stated that so Items 41 and 61 could be considered together and disposed of next week and would proposed to delay; and moved to postpone Item 61 one week, and was seconded by Council Member Ellis.

Council Member Castillo stated that this was a matter already tagged once and he saw no advantage to tagging it again to pair it with another item when the other item was subject to be delayed further and he would cast a no vote; that there was a schedule in Aviation which needed to be met.

Council Member Ellis stated that he would encourage all to vote for the postponement; that people had come to Council stating it would cost taxpayers

\$700,000 if they went forward on this single project; and would encourage the Administration to take a hard look at it.

Mayor Brown stated that he would like to hear from Ms. Mosley. Council Member Castillo moved to suspend the rules to hear Ms. Cathy Mosley at this time, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Robinson absent. MOTION 2000-0678 ADOPTED.

Upon questions by Mayor Brown, Ms. Mosley stated that in documents handed out yesterday she believed they were using the maximum exposure cost of \$10.7 million and the problem with using that cost was if they were to incur \$4.2 million in losses they would not be paying HOBBS/APEX \$1.3 million and vice versa; that she now had documents which were being passed around which showed a more realistic cost to the city of about \$8.4 million and that was assuming losses of around \$2.2 million which many experts believed was still high and which they believed to be a reasonable number and when you look at it in that manner the contractor's cost was not higher than theirs; that Council Members also needed to consider that when the contractor was giving them information they were having extreme difficulty in getting good real accurate numbers, primarily what happened was the contractor was not including insurance to cover their sub contractors which they would do and the final thing was that when the contractor did give a realistic number it did not include estimates of losses, nothing the contractor believed he would have to pay within his deductible so it was not an apples to apples comparison and that should be reflected in the documents that were just passed out. Council Member Robinson absent.

Council Member Ellis stated that it seemed she was saying her analysis was that ROCIP would save money and they had testimony from the Houston Contractors Association, Association of general Contractors and expert witnesses in the insurance field and everyone said they needed to analyze on a case by case basis because there were cost savings; and he wanted to know if Ms. Mosley was reassuring everyone at the table that this would be less expensive, the ROCIP project on project 417D; and Ms. Mosley stated that based on their cost estimates this saved money; that she wanted to add they were in a pilot program and the purpose was to test the concept to see if it would save money and pursuant to an amendment made by Council Member Tatro their worse case would be breaking even; that all they were trying to do in this pilot was to give a fair reasonable test and let it succeed or fail on its own merits. Council Member Robinson absent.

Council Member Goldberg stated that if what he understood was right the worst case scenario would be the City's ROCIP cost \$2.122 million and the actual contractor's insurance was \$1.4 million, if the worse case did happen and the city lost \$711,000 HOBBS/APEX would make the difference up; and Ms. Mosley stated that was correct pursuant to their contract. Upon further questions, Ms. Mosley stated that before the city ever paid compensation there would be an amount in their estimates of claim for potential exposure; that they would pay 15% of savings and in the first year would pay 70% and hold back 30%, the next year pay back the 30% and on the second year savings pay 70%, but from the very beginning they would have an estimate in the number to get at savings that would approximate their claim; that they would have the \$2.2 million in there from the beginning; that if actual claims came in higher than that

they would then reduce their following year's payment, but the city did have experts with a lot of background in estimating the potential outcome of claims and four to five years down the road they could work out with the insurance company a settlement of standing claim and that liability then became the insurance company's. Council Member Robinson absent.

Council Member Todd stated that he wondered what a week's delay would do to the item; and Mayor Brown stated that no one was present from Aviation and someone from Aviation would provide him answers. Upon further questions by Council Member Todd, Mayor Brown stated that this was a very large project and if they delayed one phase it had an overall effect and he preferred to get on with it. Council Member Todd stated that if the delay did not really hurt the item he would like to send the information just received to those who testified and get their reactions to it; and he would encourage all to vote for the delay. Council Member Robinson absent.

Upon questions by Council Member Boney, Mr. Hall stated that the city had signed the contract with HOBBS/APEX to initiate and carry out the pilot program; that he did not think there was a provision in the contract for termination short of the year entered into, but he could check. Council Member Boney stated that for new Council Members information Council had gone through the torturous debate before the majority of Council initiated the pilot program and to try and micromanage it every week from the Council table ...; that it was already agreed that ever 180 days there would be a full evaluation and review of ROCIP with all questions and issues put on the table at fiscal affairs and there was nothing to be gained by this except sabotaging the program by stopping the pilot from being carried out; that this made no sense and all they would have would be conflicting opinions, there was no reason to not respect and hold in great regard Ms. Mosley's responsiveness, work and expertise on this and other projects; and he would ask that they move on and watch this and evaluate it when all was on the table and see if it worked or not. Council Members Ellis and Robinson absent.

Council Member Sanchez stated that he was reminded with the passion that Council Member Boney articulates that they should move forward post haste of the passion some Council Members had when arguing for an RFP process on the issue in the beginning; that Ms. Mosley stated they wanted to give it a fair and reasonable test and that was what most Council Members wanted when the RFP process was circumvented and awarded directly to someone under the guise that it was a pilot and no RFP was needed so in his opinion it was set on the wrong track and that they would incur this each time ROCIP came up and he saw no way around it and that was why it should have been set on the right track from the beginning; that F & A had made mistakes before, he remembered the budget projections for this fiscal year and the contract with the cellular phones and that was just two that came to mind and he did not think it was unreasonable for Ms. Mosley to want a fair and reasonable test but he did not think it unreasonable when in the beginning Council Members asked for an RFP process and there was going to continue to be skeptics. Council Member Robinson absent.

Council Member Boney stated that today the contract before them was not how it was initiated and he wanted him to realize that insurance and engineering were professional services and they did not bid professional services; and Council Member Sanchez stated that he did not say bid he said RFP which was a difference. Council

Member Boney stated that he was arguing for a better process to evaluate ROCIP in a way to get all issues on the table and not confuse others with issues brought up on a weekly basis and which did not address the fundamental issue of saving the city money. Council Member Robinson absent.

Upon questions by Council Member Sanchez, Mr. Hall stated that the contracts must come to Council to be awarded, they were designated by the department based on the ordinance passed as to whether or not they enter ROCIP. Council Member Robinson absent.

Mayor Brown stated that they had spoken with Mr. Smith in Aviation about the impact of a delay and he pointed out the city had a contract with Southwest Airlines and if the city was the cause of a delay they were subject to a \$50,000 penalty and he would prefer to be ahead rather than behind and urged Council Members to not approve the delay Council Member Robinson absent.

Council Member Parker stated that as a request to both sides of the issue she would ask that they place their names on their material passed out . Council Member Robinson absent.

Council Member Quan stated that he was for anything to save the taxpayers money; that there was a commitment to HOBBS/APEX and these were the first contracts that may qualify for inclusion and he did not look forward to going over every contract in this manner but with this being first he wanted to be sure the numbers were correct and did not feel a one week delay was unreasonable. Council Member Robinson absent.

Council Member Todd stated that he would encourage all to remember this was a motion to delay which was an effort for Council Members to fully analyze numbers; and Ms. Mosley was one he did trust, but they should see where the numbers came from. Council Member Robinson absent.

Council Member Goldberg stated that he would also appreciate when documents were passed out to have someone's name on them so someone could be held accountable and he felt one more week would help rectify the numbers. Council Member Robinson absent.

A roll call vote was called on the motion to postpone Item 61 one week.

ROLL CALL VOTE:

Mayor Brown voting no.  
Council Member Tatro voting aye.  
Council Member Galloway voting no.  
Council Member Goldberg voting aye.  
Council Member Boney voting no.  
Council Member Todd voting aye.  
Council Member Ellis voting aye.  
Council Member Keller absent on  
city business

Council Member Vasquez voting no  
Council Member Castillo voting no.  
Council Member Parker voting no.  
Council Member Quan voting aye.  
Council Member Sanchez voting aye.  
Council Member Bell absent on  
personal business.  
Council Member Robinson absent.  
MOTION 2000-0679 FAILED.

A roll call vote was called on Item 61.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting no.
Council Member Todd voting no.	Council Member Bell absent on personal business.
Council Member Ellis voting no.	Council Member Robinson absent.
Council Member Keller absent on city business	ORDINANCE 2000-426 ADOPTED.

62. 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 - (This was Item 45 on Agenda of May 17, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Member Robinson absent. ORDINANCE 2000-427 ADOPTED.

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

23. ORDINANCE appropriating \$79,652.43 out of the Housing Special Revenue Fund to reimburse the City's Federal "HOME" Grant Accounts for Ineligible Expenditures – was presented, and was tagged by Council Members Ellis and Parker. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business.
35. ORDINANCE awarding contract to **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, for Solid Waste Collection Services for the Department of Solid Waste Management; providing a maximum contract amount - 5 Years with two one-year options - \$56,826,603.27 - General Fund **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; E - TODD; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented, and was tagged by Council Member Tatro.



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

Council Member Robinson stated that he had engaged in a conversation of light rail on Newsmaker Sunday and the panel included Dan Patrick, one of their standing participants, and during his commentary he made the commentary that the Medical Center could always use more land directly in the heart of the Medical Center to construct hospital rooms and research facilities and now Dan Patrick was giving him a hard time because he said he was sure they would rather have that than garage parking; that several months back there was an article about a piece of land in the Medical Center which hospitals were competing for to build a facility on and he hoped that Dan was watching so they could continue their discussion; that another thing Dan spoke of on the Sunday segment was that rail was so extra ordinary expensive so when he left the show he went to another meeting and asked what the average cost was for a mile of highway in the Houston District and average was about \$30,000,000 and that did not include maintenance; that a mile per mile cost of the 7.5 initial downtown to Dome line would be \$40,000,000 which was a \$10,000,000 difference but it included the railcars so over time and development there was no difference between a mile of highway and a mile of light rail. Council Members Boney and Vasquez absent.

Council Member Robinson stated that as they move forward during the budget he wanted to be constructive and he still thought they should get rid of the 2 1/2% and put any additional overtime that the percentage would cover into Police and Fire Department's budget and then earmark some additional dollars for the employee healthcare cost beyond the 3.5 that would carry them through the rest of the fiscal year; that if revenues came and, and he hoped and expected they would, he would make an additional priority for cost of living for classified and non-classified employees and he would still like looking at the issue of going into accumulative 5%; that he still thought they could have performance pay in the budget and do it out of year end department savings and that would be additional savings; that he did not think having the money in the front-end of the budget was that big a situation because ultimately a good job was done of what they wanted and in most instances departments did come in under budget and he did hope that would be looked into. Council Members Boney, Todd and Vasquez absent.

Council Member Quan stated that on Item 2 they had approved refunds of water deposits and he knew the limit last year was raised to \$15,000 for Council action and he would ask that the Mayor look into the fact and see if they needed to continue to look at \$5,000 refunds as issues for Council; and Mayor Brown stated that would be looked at. Council Members Boney, Todd and Vasquez absent.

Council Member Quan stated that during the budget process various questions were posed by Ms. Garcia and he kind of adopted those and Mr. Haines assured him they would be receiving answers but as yet he had not received them and he would ask for a follow-up on that also; and Mayor Brown stated that would be done. Council Members Boney, Todd and Vasquez absent.

Council Member Quan stated that they had a presentation by members of College Court and he had gone out and work was done; that it was not the greatest quality but work had been done and roads were passable; that they wanted to come back next week and give Council an update and he encouraged them to do so; and Mayor Brown

stated that the problem would be taken care of. Council Members Boney, Todd and Vasquez absent.

Council Member Tatro stated that yesterday they had the first budget workshop in the Human Resources Department and some interesting information was stated by Mr. Haines when they found out that by the Administration's estimates approximately \$3.3 million in healthcare cost were to cover May and June of this fiscal year were not incorporated into the budget and at this early stage in the budget he made another statement that got by him at the time which was that he wished he could tell them that was the only one, meaning the only expenditure they knew was coming out there and they would be obligated to and which was not in the budget, that as they went into the budget process Council needed to be aware of those known expenditures as they came across this one in the meeting ahead of time and he would request that Council be issued a letter from the Administration about which items Mr. Haines was referring to, which items they would be obligated to or contractually paying for that were not included in the budget; and he was requesting a written analysis of what Mr. Haines had referred to; and Mayor Brown stated that he would have Mr. Haines get him an answer to his question he was not sure what he was referring to, he would meet with him personally. Council Members Boney, Todd and Vasquez absent. Council Members Todd and Vasquez absent.

Council Member Boney stated that he wanted to advise Council Members there was a fine book published under the name of Webster which listed definitions and he would encourage them to look up "process"; that he did not know what it was but they were in a process and that was fluid and in the give and take of the process of the budget workshop of the debate at the table a final budget consensus is arrived at and approved so at some point in the process they should not expect to see the exact same thing at the end of the process; that he had reviewed the May 3rd meeting and some Council Members said they wanted to cut \$15,000,000 from the budget and that came from somewhere and in cooperation the Administration cut it and now they were seeing some results of it, but instead of \$15,000,000 they may need to cut it less and that was process and he had no problem with someone setting a goal to cut, but then they should not come back to the table and say numbers were not adding up; that there was a \$3.2 million estimate of exposure on the lack of a healthcare contract for employees between May and June if they were to adjust the existing contract to the estimate of the market rate and there were other variables the Administration said would affect that one, they could redesign the plan and not offer as many benefits, increase the amount of premium paid by employees, but they were in a process and the Administration left that out because of the variables they were trying to work with to get the best deal; and all Council Members needed to try more statesmanship and their relationship would do better. Council Members Todd, Vasquez and Robinson absent.

Council Member Tatro stated that he did not want to play 'got you' and did not want to go into meetings finding another expenditure not in the original budget and bring it up at the table and that was why he wanted the Administration to say which expenditures were not accounted for up front; that he agreed they were in a process...; and Council Member Boney stated that if they had to respond to his ROCIP memo every week and respond to the Controller's memo of last week they would never get to the end of the process and he should just let the process work. Council Members Todd, Vasquez and Robinson absent.

Council Member Sanchez stated that Friday evening, May 19 the city lost David Webb, a 17 year veteran of City Hall, and his memorial service would be held Thursday, May 25 from 7:00 p.m. to 9:00 p.m. at McCoy and Harrison Funeral Home located at 4918 Martin Luther King Blvd.; and he would again ask that all keep him and his family in their prayers. Council Members Todd, Vasquez and Robinson absent.

Council Member Sanchez stated that he wanted to thank the Public Works division on the southwest quadrant; that he made a phone call and within 30 minutes of his call the backhoe and supervisors were out on the problem and that was a good response; and he thanked them for taking care of the issue; and Mayor Brown stated that the message would get to them. Council Members Todd, Vasquez and Robinson absent.

Council Member Castillo stated that he wanted to remind Council Members to please attend the workshop of the Fiscal Affairs Committee as they were very informative; that yesterday they had very candid responses and presentations from F & A who did not try to hide the fact that they had not funded the first two months of the healthcare plan and this was all in the process of discovery but you could not discover unless you were at the workshops and meetings; that if they worked at it as an incremental process it would give departments time to respond to constructive suggestions and bring the budget into a state which would get majority support; and encouraged all to attend. Council Members Todd, Vasquez and Robinson absent.

Council Member Castillo stated he had mentioned it before but at the intersection of Capital and Chartress, near Enron Field, the striping on the street changed suddenly and there were a lot of accidents because people did not know which way to go; and Mayor Brown stated that it would be taken care of right away. Council Members Todd, Vasquez and Robinson absent.

Council Member Ellis stated that San Jacinto Junior College won the State Regional Baseball Tournament last weekend and were advancing to the Junior College World Series in Colorado and last year they came in second place in the World Series and he wished them well and hopefully they would bring back a championship; and that was Council Member Keller's pop-off. Council Members Todd, Vasquez and Robinson absent.

Council Member Ellis stated that he wanted to speak on Item 57, the automated external defibrillator units, he had tagged the item last week because he was against them being put into city buildings and concerned as to whether the general public would be able to operate them, but Dr. Persee with EMS last week met with him and there would be trained individuals at each defibrillator who could actually operate it and he also said he could go through a training and CPR class and was going to do so and would encourage all Council Members to do so; that he was in full support of it and believed the Administration had done a good thing in taking a lead and looked forward to seeing results of how many individuals would be saved because of it. Council Members Todd, Vasquez and Robinson absent.

Council Member Ellis stated that they kept beating each other up around the table, the Tatro and Boney act, and if they looked at personalities he thought of Council Member Tatro as a technician as he looked at the mechanics of everything and Council

Member Boney was more of a cheerleader prophet so to speak, always backing the Administration, that he found it humorous at times and enjoyed both opinions and he looked forward to the upcoming weeks on the budget process. Council Members Todd, Vasquez and Robinson absent.

Council Member Boney stated that the Mayor had appointed him to co-chair of the HIV/AIDS Task Force, there was a raging epidemic in the Houston community, and the first meeting would convene Monday; that there would be a public/private partnership of Glassell Pharmaceutical Company which produced medicines to treat AIDS and they were pouring hundreds of thousands of dollars into Houston to work with the city on attacking the epidemic and tonight he and Hakeem Olajuwon would be addressing about 150 young people who would be playing midnight basketball over the next three months as a way of outreaching to that population who did not understand the facts and issues of avoiding the dreaded disease; that they were getting a lot of public/private collective support and getting good work done. Council Members Todd, Vasquez and Robinson absent.

Council Member Ellis stated that he had been asked if Houston was drawing people with HIV and AIDS because of the services offered and upon questions, Council Member Boney stated that the city's efforts were primarily on prevention and education and treatment was provided by the county, but in fact most people were not taking full opportunity of availing themselves to the free services; that it was tracked and it was for people of Houston. Council Members Todd, Vasquez and Robinson absent.

Council Member Goldberg stated that he wanted to pass on compliments, a house caught on fire in Westbury and he was told that the owners were amazed of the superb service received by the Fire Department; that they held damage to one room and the firefighters had been very respectful of the furniture and they were very pleased. Council Members Todd, Vasquez and Robinson absent.

Council Member Goldberg stated that he had gone to the ground breaking of Levy Park and it was a great private/public partnership; that it would be a great asset to the area and those in the Upper Kirby District should be commended. Council Members Todd, Vasquez and Robinson absent.

Council Member Goldberg stated that he wanted to thank Solid Waste who met with representatives of a civic club regarding a transfer station going into the area and they met with a hostile environment; that all concerns were not addressed and he wondered if they could arrange a tour for some of the civic club leaders of a station to alleviate their concerns; and Mayor Brown stated that they would be glad to work with him on that. Council Members Boney, Todd, Vasquez and Robinson absent.

Council Member Galloway stated that she wanted to thank Mr. Bass and Mr. Ross in the Solid Waste Department for their assistance yesterday, they were at her press conference regarding several illegal dump sites and also for removal of the trash at the sites; that illegal dumping was not going to be tolerated and she sincerely believed this Administration would eradicate the problem. Council Members Boney, Todd, Vasquez and Robinson absent.

Council Member Castillo stated that he had forgot an important item; that he and Mayor Brown were at the reopening ceremony of the Cliff Tuttle Library and it was very well attended by the Denver Harbor area and among all good wishes and celebration there was a pleasant surprise as the Clorox Corporation who had a plant in the area donated a \$10,000 check for use by that library and that was a fine example of good corporate citizenship; and Mayor Brown agreed. Council Members Todd, Vasquez and Robinson absent.

Council Member Galloway stated that she wanted to thank Council Member Boney for giving Council Members training this morning on process, it should be helpful. Council Members Todd, Vasquez and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:25 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent on city business. Council Member Bell absent on personal business. Council Members Todd, Vasquez 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