

City Council Chamber, City Hall, Tuesday, June 6, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, June 6, 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, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell, and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present. Council Member John E. Castillo absent on city business.

At 1:58 p.m. Mayor Pro Tem Boney stated they would start with presentations by Council Members and the first presentation would be by Council Member Galloway. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Galloway invited the Smiley High School Majorettes to the podium and stated that they would be recognizing the young ladies for their outstanding scholastic achievement as well as their community involvement, and Council Member Galloway read and presented special presentations for each one. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that the Family Service Center was a United Way funded agency and one of Houston's oldest community service non-profit organizations, that for the past 96 years Family Service Center had provided a variety of health and human services to meet the changing needs of families in the Houston Community, that in 1999 alone the Family Service Center provided over 90,000 direct service hours to individuals and families seeking counseling, substance abuse prevention, education, parenting service and HIV case management, that it was founded in 1996 and one of the programs entitled El Sueno del Futuro decreased the rate of substance use and abuse among at risk Hispanic youth ages 7 to 17 and their families residing in the Heights and who attended one of the 16 schools in the Reagan High School Feeder Pattern of Houston Independent School District, that last year a team of six family intervention specialists and an intervention counselor provided culturally responsive school based, in home and extra curricular intervention and supportive services to 441 at risk students and their families, that in April 2000 the Family Service Center Dreams for the Future Program was honored as the only substance abuse prevention program in the State of Texas to receive this years La Promesa de un Futuro Brillante Award, a very prestigious award presented annually by the National Children's Latino Institute, a non-profit organization that promoted and implemented a comprehensive statement of principals for a complete and healthy development of young Latinos and he congratulated and recognized the Family Service Center for their contribution to Houston's Latino Youth. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

A representative from the Family Service Center thanked Council for recognizing the El Sueno de Futuro Program and honoring them today. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez introduced Council to an organization called Kids Who Care who were a local, national and international performing arts organization created to encourage and empower kids of all ages to develop their potential to be positive

contributing members of society, that through outreach, education and performance Kids Who Care offered unique opportunities to enhance self-esteem, build character, encourage acceptance and promote service through leadership and a spirit of cooperation, that Kids Who Care would be in Houston June 12 through 30 to introduce Camp Hope, which would introduce the spirit of Kids Who Care to Houston children, that the Houston children would also experience a theatre performance entitled Choices on June 30th at the Children's Museum, Choices was a Kids Who Care world premier musical about how kids making positive choices would change the world, that the Houston City Council wanted to commend Kids Who Care for their effort in the encouragement of children to develop their potential in providing a place for children to learn to love other kids of all races, faiths and nationalities and introduced Ms. Deborah John, Executive Director.

Ms. Deborah John stated they had a great relationship with their City Council in Fort Worth and they showed up every summer with about 200 kids from all parts of the world who came together in the Month of July to produce a message that mattered and they wanted to mirror exactly what happened in Fort Worth going into its 12th year, in Houston and they would always start in Council Chambers because they knew that was where the power was and that was where the kids ought to be. Members of Kids Who Care performed a song and dance for everyone. Council Member Goldberg absent.

At 2:16 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Ellis led everyone in the prayer and pledge of allegiance. Council Member Goldberg absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Castillo absent on city business. Council Member Goldberg absent.

Council Members Boney and Sanchez moved that the minutes of the preceding meeting be adopted. Council Member Castillo absent on city business. Council Member Goldberg absent.

Council Member Vasquez moved to suspend the rules to hear Mr. Larry Lane out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Member Castillo absent on city business. Council Member Goldberg absent. MOTION 2000-0710 ADOPTED.

At 2:18 p.m. Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Larry Lane, P.O. Box 1593, Houston, Texas 77347 had reserved time to speak, but was not present when his name was called. Council Members Goldberg and Boney absent.

Mr. Bart Truxillo, 1802 Harvard, Houston, Texas 77008 (713-861-6236) appeared and stated that he was with the Houston Archeological and Historic Commission that unanimously endorsed the Norhill Historic Designation and recommended that the Mayor and Council pass the designation, that at 70% of the neighborhood endorsed the designation and the citizens that were present to talk about their neighborhood would certainly do a better job of explaining why that was a good deal, and would remind them that it was not a new thing, that it was the seventh Houston Historic District that was

covered by the Houston Historic Commission, that the Main Street Market Square District they knew how successful that had been and was it not the center of activity in the downtown area, and no small portion of that was that the fact that it was surrounded with historic buildings that were revered and restored, that Avondale, Cortland Place, Sixth Ward, the Eleventh Place and Westmoreland all were historic districts, and were very successful, that the citizens in those historic districts were enjoying benefits of a historic designation. Council Members Goldberg and Boney absent.

Mr. Ira Jones, 1038 E. 14th, Houston, Texas 77009 (713-864-3565) appeared and stated that he had resided in North Norhill for 38 years, that he taught History and Government at Reagan High School then at Waltrip High School and was presently a practicing attorney for a governmental entity, that he was present to ask Council to vote against it or at least to tag it for one session because he was concerned as a citizen that the process by which the petitions and the signatures on the petitions were obtained had been contaminated by a misstatement of law, that on May 7 a petition was issued throughout most of their district, and he made copies for each Council Member, that it alleged that the group that was supporting it had been obtaining signatures while representing there was a 90 day out clause, while at the same time lobbying Council to close that same 90 day window and asking for a \$500 per day fine, that he was not saying that it was all true what those people were alleging in the flyer, but what he was saying that when it was discovered it created a firestorm of controversy in their area, that they now had many citizens saying that if they had known that they would not have voted for the petition, that there were other citizens out there saying they wanted their name off that petition after finding out what those people had been doing, that the group because of the controversy issue of their own flyer, and that was where they made a misstatement of the law, that they stated in bold print in their flyer to his community "there were no fines suggested as alluded to in the flyer", that the City Attorney would confirm that in the Historic Preservation Ordinance, Section 203, fines of \$50 to \$500 per day were provided for, that they now had a community who thought they could have an ordinance without being fined, and he asked Council to at least tag the ordinance because he was concerned that they could not in good faith now go out into his community and try to enforce it, that they had citizens who thought they were not going to be fined, so he felt that it was evidence for them and probably cause for them to vote against it or at least do something to insure that if they were going to have an ordinance that it be properly done and that the signatures were properly obtained. Council Members Goldberg and Boney absent.

Council Member Ellis asked if he was opposed to the local preservation ordinance or just the process by which they were going at it, and Mr. Jones stated that he was concerned about the process by which it was obtained, that he was concerned about the proposed amendment that they had now, that it was a draft before them, that it was a draft not yet approved by City Council, that the City people mailed it to him May 18th and Section 250 was about a proposal to amend that, to take away the 90 day opt out provision, that he was opposed to that, and Council Member Ellis asked if he was afraid that Council would go ahead and approve the ordinance and then they would come back and amend it later, and Mr. Jones stated the citizens would feel lied to, that was basically it, that today they were telling them one thing and tomorrow they would tell them something else, and Council Member Ellis stated there were really two issues, that basically he did not like the way they went about it because of misstatement of the law on their part, and Mr. Jones stated that it may be a very innocent misrepresentation, that he

was not saying that they did it on purpose, that he was saying that it was there and citizens could have relied upon it therefore they needed to check it out and not vote on it until they were satisfied that the citizens really did want it and that they had not changed their mind based upon those misrepresentations of the law, and Council Member Ellis asked if he had any information that he might want to share with the Council as to why he thought they may come back later and amend that 90 day clause, and Mr. Jones stated that because it was written in the proposal, that he was told that it would appear before them in July or August by the Planning Commission, and he pointed it out in the draft proposal, that they were going to have people screaming on the phone at them, that they were going to have the City Attorney not able to enforce it because the Proctor Plaza Group that was present at Council issued a flyer saying there were not going to be any fines, that the fines were in Section 203, that he was saying there was a misstatement of the law and they were trapping a community and making them feel deceived, and Council Member asked him if he was an attorney by trade, and Mr. Jones stated yes, that he worked for the Harris County District Attorney Office, a Chief Felony Prosecutor. Council Members Goldberg and Boney absent.

Upon questions by Council Member Keller, Mr. Jones stated that he did not have a copy but thought that the group might or was submitted to City Council or the Planning Commission, that all the petition said was that yes they were going to become a member of the historic district, that he did not feel the petition was straight forward, simple and clear, that people did not know that by voting yes was a designation that it incorporated the law embodied in the Historic Preservation Ordinance, and asked Council Member Keller to read a copy of the prospectus and he would find that there were no damages or fines mentioned, and he mentioned two names of people who wanted their name off the petition and advised that he could get him some more names, and Council Member Keller asked if the people who wanted their names taken off add up to enough people to change the percentage from 70% to 50% and Mr. Jones stated he was concerned that it might. Council Member Goldberg absent.

Council Member Keller asked if the majority of citizens decided to change their mind sometime down the road and they did another petition and 70% of those citizens say they want out could they declare themselves not a historical district, and Mr. Bibler stated that there were provisions in the draft Historic Preservation Ordinance to allow for de-designations on the same basis as designations and that was one of the enhancements that had been proposed to the ordinance. Council Member Goldberg absent.

Council Member Bell asked if he had been aware of the process to establish the historic district since it began, and Mr. Jones stated that he had been aware of it but had not been aware of the things brought to light in the flyers, that he first became aware of the problem on May 7, 2000, that he first became aware of the effort about a year ago in April, that one of the gentlemen came and asked him to sign the petition, and Council Member Bell asked if all the folks who lived in the Norhill area involved in one civic association, and Mr. Jones stated that there was one primary group, Proctor Plaza Neighborhood Association with an average membership of max 25, that there were 885 home owners in the area of which there was roughly 250 members of the Proctor Plaza Association, that most of the historic designation information had been disseminated from the Proctor Plaza Civic Association, that when he was first told about it the issue of the 90 days did not come up. Council Members Goldberg and Boney absent.

Ms. Sarah Jones, 1038 E. 14th, Houston, Texas 77009 (713-864-3565) appeared and stated that she was 13 years old and had lived in the North Norhill Community since the day she was born, that an ordinance was presented before Council to designate North Norhill as a historical district and believed the ordinance should not be accepted, that she had an appreciation for history as well as an understanding that change had a positive effect on everything and everyone, that throughout her years of living in the neighborhood she could recall walking and watching it be built up as more and more people took interest in their homes and watching the way the homes reflect the interest of the homeowners, that if the ordinance was accepted no more of that would occur if not seen as historic appropriate, that North Norhill along with the areas it is surrounded by were composed of people with many different ideas, cultures, language and ages, that she believed the diversity was a strength and should be allowed to grow without restraints, that today she stood before a City Council of different races, culture, language, gender and vision, that not long ago City Council was made up of white males and little diversity existed in City Hall, and now they had a diverse City Council that represented all different cultural groups of the City and the City was a better, more interesting place to work, live and play, and she knew that everyone had certain rules that they must follow but she believed the law should not take a persons freedom to choose, unless an important need existed, that she did not know of any reason that was important enough that would require a person to be told what type of house he should live in or how he must decorate it, that history taught where we came from and allowed us to appreciate its beauty, but history was an ever changing concept that did not remain stagnate, that North Norhill had a wonderful combination of history and constant change, and urged Council not to stop the change and asked them not to approve the ordinance. Council Members Goldberg, Boney and Keller absent.

Council Member Vasquez moved to suspend the rules to hear Mr. Jeff Debevec, Ms. Sherrie Chisholl and Mr. Todd Murphy out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Castillo absent on city business. Council Members Goldberg, Boney and Keller absent. MOTION 2000-0711 ADOPTED

Mr. Jeff Debevec, 4022 Oakridge, Houston, Texas 77009 (713-463-1706) appeared and stated that he had been a past president of PPNA and a resident of North Norhill for 20 years, that he too shared the same sort of charm and interest to preserve their neighborhood, that he purchased his home 20 years ago and it had appreciated in value five times in the time that he had lived there, that the argument that somehow the historic designation process was going to elude the process of evaluation or somehow warp the progress in the community he thought needed to be looked at more closely, that the real theme of his presentation today was numbers and at the end of the day he thought that what Proctor Plaza Neighborhood Association had done in terms of educating the community and going to the residents of the community to find out what people believed as a community about historic designation told the most truth, that more than words numbers were the bottom line to help them make their decision in favor of historic designation, and he wanted to share the numbers with them, 30 the number of volunteer leaders in their organization who had campaigned for historic designation, 60 the number of meetings, presentations and caucuses planned by those same leaders along with historic experts to discuss and inform each other and their neighbors about historic designation, 36 the number of months that they prevailed in the campaign, 35 the number of months that it took before a single objection came forward in a public meeting

to their campaign, 12 the number of citizens in favor of historic designation in a review meeting earlier in the year with the Historic Archeological and Historic Commission and the City of Houston Planning Commission, 0 the number of people against at those same meetings, 6 the number leadership organizations in Houston with key individuals speaking in favor of historic designation for East and North Norhill, including Houston Heights, Woodland Heights, Westmoreland Historic District, Historic Houston, Greater Houston Preservation Alliance and Old Sixth Ward, 1,500 the number of photographs they took of their bungalow style architecture in their neighborhood that they were trying to protect, and lastly the most important numbers, 71 the number of petitions that were signed against historic preservation, 551 the number of petitions signed in favor of historic preservation, that it represented a 9 out of 10 vote in favor of historic designation, that they could argue about words and opinions but the numbers posed irrefutable evidence about their consensus in favor of historic designation and yes there were respected concerns about some of the language in the ordinance and no law was perfect but the consensus to him was clear that the people of Norhill at large had responded without equivocation of the challenge and responsibilities of historic designation and the numbers showed that they had been decisive, categorical, thorough and conclusive in their deliberations and application and sincerely hoped that Council vote in favor with the same resolve.

Upon questions by Council Members Vasquez, Keller, Mr. Debevec stated that there were 551 in favor and 71 against, that Todd Murphy had a copy of the entire petition, that the majority of the neighborhood wanted the designation, that at the beginning of the process they went forward with as much possible information to educate the consumer and saying at the very beginning that they were not selling to anybody that anybody did not want, that it was important for all of them to educate each other and that was what they did through documentation, and Council Member Keller stated that it was important to him that Mr. Debevec know and that the neighborhood know that they could be containing the appreciation at some point down the road, and Mr. Debevec stated that there were potential pitfalls, that no one knew for sure how a law was going to work out, that they could only speak from experience that the neighborhood maintained its sense of community and its value over the last 20 years, because people had kept their bungalow style architecture and seen the reason the they moved into the neighborhood become economic and a benefit to them.

Upon questions by Council Member Ellis, Mr. Debevec stated that there were 551 in favor and 71 against, that there were 880 homes in the area, that he was aware of Mr. Jones concerns about the amendment process, that the ordinance was a moving target, that at the beginning of the process they were aware of it and did not misrepresent it and they did say that what the current ordinance as written posed which was a 90 day waiting period before any changes were able to be made and then the homeowner could do what they pleased, that was how the current ordinance read and there was a process under way to change the ordinance and one of the paragraphs involved the 90 day waiting period, that it happened after the petitions were signed, that he personally thought the proposed ordinance needed more deliberation, that North Norhill was a deed restricted community. Council Member Boney absent.

Upon questions by Council Member Bell, Mr. Debevec stated that the effort was going on for 36 months, that it was started under the present ordinance, and Council Member Bell asked Mr. Debevec if it caused him any sense of concern that in a month

Planning or the Administration would come forth with a new proposed ordinance and it changed the rules and imposed the penalties that Mr. Jones talked about and some of the folks in the neighborhood would be a little upset because that was not what the campaign was based upon, and Mr. Debevec stated yes, that what he thought would be the best way to do it, and they had a moving target and it was an unfortunate situation, and Council Member Bell stated that perhaps because of the proximity perhaps it did not have to be a moving target, from what he was saying if there was that kind of overwhelming support, the support would continue to be there regardless of how the ordinance came forth, and if what Mr. Jones had been told was correct, they planned to come forward with the new ordinance in a month and would that not give them all an opportunity to go back and make sure that they still had that overwhelming majority of support, and Mr. Debevec stated absolutely if that was the time period, that there needed to be a provision for the citizens to respond to something presented to them, that if the decision was to wait it would cause heartburn, they had spent too much time on it and wanted it to pass, that if in a month it changed could they not at that time go back to the community and ask them, was there not a provision in the law to rescind.

Mr. Bibler stated that a number of concepts had been confused, that first of all the penalty clause was the same as it had always been in the ordinance and did not know how that story got started, that there was a provision in the present ordinance that a person in a historic district or the owner of a landmark who wanted to change the exterior of or tear down or modify the building had to get a Certificate of Appropriateness and that if they could not agree with them on what was appropriate then they could wait out 90 days and they would be allowed to have their building permit as a matter of right, that was one of the major changes that had been proposed in the new ordinance, that as a matter of right they would not be able to get a Certificate of Appropriateness without waiting potentially as much as 250 days and then they could only get one for demolition, they could not get one to modify the exterior appearance of their home, but that rule if adopted was going to apply to every historic district including the six that had already been created so it would not have any special effect on this district that it would not have on everybody else, that there was a provision in the new ordinance that made it easier and made the rules clearer for people to un-designate their property.

Upon questions by Council Member Tatro, Mr. Debevec stated that the deed restrictions were in the same outline as the historic district, that they had witnesses to every petition, that it was a standard petition form and was not notarized, that they had made available copies of the actual ordinance as it stood available to everyone over the course of 3 years, that he could not attest that every one who signed the petition received a copy of the ordinance, and Council Member Tatro asked if someone could address what was given to each person as they signed and asked Mr. Litke what was required that they be given.

Council Member Parker stated that she appreciated the fact that they had been working on the project for 36 months and the 60 public hearings to explain it to the neighborhood, and asked if when they had the public meetings and went out to talk to the folks was there any discussion about the fact that the ordinance could change in the future, and Mr. Debevec stated yes, that that details were not elaborated but it came out, and Council Member Parker stated that she guessed this was one of those situations where if enough people threw enough garbage and what ever stuck to the wall, that there seemed to be a lot of misinformation being spread about the process, and Mr. Debevec

stated that he did know it was discussed regularly, that they had 551 which was 89%, that there were 880 homeowners in the district and they talked to 551 plus 71 which was 622 and a great majority, and Council Member Parker asked if in his opinion should Council recognize the work they had put in on the ordinance to create the historic district or should they hold off for rules that might be in an ordinance that they might pass if they got it on the agenda sometime in the fall.

Council Member Sanchez stated that when the original Historic Preservation Ordinance passed one of the complaints he received in his office was that the Certificate of Appropriateness was troubling to a lot of individuals and the City's response was that if they did not receive it after 90 days they could still do as they pleased with their property and now he heard that the ordinance might be amended and asked how that was initiated and by whom and had there been some concerns, and Mr. Bibler stated that perhaps Mr. Litke could address this in more detail, but it was his understanding that the process was initiated by the Commission primarily out of some dissatisfaction that they had with the ordinance, that he did not guide them in this, that it was 180 days plus potentially up to 70 days and it could be 250 days, but additionally in the Mayors report proposal that the ordinance was based upon the Certificate of Appropriateness waiver was taken away from most Certificate of Appropriateness as it related to remodeling, but if they wanted to demolish the property they still had the option. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Vasquez stated there were two issues, the current ordinance and the elements of a proposed ordinance, that the proposed ordinance had some changes that were uncomfortable for some people and unacceptable to others, but in terms of the process and the ordinance that the neighborhood operated under was the existing ordinance, that the property rights concern was a concern, however it was in the proposed ordinance and if they were against that they had every opportunity when and if the proposed ordinance came to Council so as long as they were making those distinctions about the fact that the neighborhood association operated in good faith and he believed they followed the process both legally and followed in good faith and spirit as well, that he did not see any reason why they should not pass it, that he knew there were other speakers and that other Council Members had talked about a month delay, but there was no guarantee that the ordinance was going to come back in a month, that it could be years before the proposed ordinance worked its way through the bureaucracy and presents itself as a voting item to Council. Council Members Galloway, Boney, Todd and Robinson absent.

Upon questions by Council Member Bell, Mr. Bibler stated that there had been confusion around the Council table about the designation sections and the waiver sections, that the 90 day business was in the waiver of Certificate of Appropriateness section, that there were in the designation sections now parallel provisions for de-designations, that the language that a neighborhood could later go back and rescind the designation was towards the front of the ordinance in the part about designations and stated that they look at Division 3 of the ordinance, that it spoke of designation and de-designation and went through the entire process, from the neighborhood to the Historical Commission to the City Council and provided a clear path to de-designation that was not present before, that it started in Section 33-221. Council Members Galloway, Boney, Todd and Robinson absent.

Ms. Sherrie Chisholl, 820 W. Temple, Houston, Texas 77009 (713-802-1520) appeared and stated that she was firmly in favor of historic designation, that she was asked to speak specifically on some of the education process that they went through for the neighborhood, that every household got a copy of a 15 page explanation which included a copy of the petition, the pros and cons of historic designation, frequently asked questions, that those were questions that came up when they had meetings with Randy Pace, that they made copies of the questions and printed them up so the rest of the neighborhood would be advised of that, that they also did an insert in the newsletter that went to every household in North and East Norhill, that there were the City Planning tri-folds that they had developed to explain historic designation and were passed out at least on one occasion to every home, and in addition they mailed it out to every absentee landlord who did not live in North or East Norhill but owned property and lived in another area, that they mailed to them on two separate occasions a copy of the letter, a tri-fold from the City Planning Commission and a copy of the petition that they could mail back, that in every step of the way they left phone numbers for people who wanted to ask questions, that they published many articles, both in their bi-monthly newsletter that went to every household in both East and North Norhill, they also had press in the This Week Chronicle Section three times, they had an article in Houston Home, and she had copies of all the articles and press that they had that navigated their process the last three years, where they were going with it, what the issues were, where they were on progress, how many people had signed up already, that they could make copies available to Council. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Sanchez asked in reference to the validity of the petition, was the language in the petition that was circulated through the neighborhood meet a requirement for a valid test, did it sufficiently provide homeowners enough information whereby they could not come back and say they did not know they were creating the historic district or the consequences of their signature, and Mr. Bibler stated that first of all the ordinance did not speak in terms of the petition, it spoke in terms of owners joining in the application, and assumed that is what they did and if they did in the numbers that were required in the ordinance than it was valid, that they had situations before where people had followed around folks that had circulated documents like those and got them to change their mind and the Legal Department had previously issued an opinion that once the document was presented to and acted upon by the City they could not withdraw their name, so he did not take any heartburn if some people now wished they had not signed it, that maybe Council could take that into consideration if they wanted to appear before Council, but in terms of the validity of the petition it would not affect it. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Council Member Vasquez moved to suspend the rules to hear from Mr. Robert Litke, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Castillo absent on city business. Council Members Galloway, Boney, Todd, Ellis and Robinson absent. MOTION 2000-0712 ADOPTED

Upon questions from Council, Mr. Litke stated that the ordinance simply required a petition signed by 67% of the property owners who controlled 51% of the land and they look at the signatures and verify that the people who signed the piece of paper were the same as those whose names were on the HCAD files, that when they receive a petition the staff reviews the background information and validates whether it meets the requirements and they hold public hearings, they send letters out to every property owner

within the proposed district notifying them of an application and a hearing process and no one opposed at either the HHC or the Planning Commission, that 67% of the property owners signed saying they supported it, that at the time they had it they met the rules, that they sign an application which was supported by a petition and whether or not a copy of the existing ordinance was included he was not able to say, that the ordinance did not require that a copy of the ordinance be attached to the petition, the application but not the ordinance, that the Legal notice went out by his department as required, that they did not certify mail, that they delivered it to the address as they had based on HCAD, that as to the de-designation procedure, it would appear that the process for de-designation was the same as for designation in terms of percentages and procedure, that in looking at criteria for de-designation it stated that HHC shall consider whether (1) the designation was erroneously issued based upon the criteria in subsections A and B, and (2) the conditions and circumstances had changed so the continuation of the designation was no longer merited under subsections A and B, that something physically had to have changed in the area so that it would no longer fit the criteria, that he did not think it would include circumstances such as the new ordinance going into affect when the historic district was established under the old ordinance, and Mr. Bibler stated that those terms were defined in the definition section and one of the definitions would lead them to economic hardships, but basically they would have to find that there had been some change of circumstance or the designation was improvidently issued to begin with or simply that the people could not afford it anymore, and Mr. Litke stated that the existing ordinance did not have an opt out clause, and Mr. Bibler stated that what they were seeing was just a draft of a proposed revision text to the City Code and quite often when something like that is implemented there were transitional provisions that had not been drafted yet that would allow someone for instance some special right to opt in or out, and Mr. Litke stated that he was in favor of the draft ordinance, that the ordinance that they had drafted and would be considered by HHC extends the period for demolition before they could demolish and it did not have any time limit, it was either they get a Certificate of Appropriation or they did not, if they did not get approval they could appeal it through a special board that would be created, but the 60 day waiver would be eliminated except for demolition or relocation and that time period would be extended, that to the extent that they had looked at the petition and it met the requirements of the ordinance and to the extent that two public hearings were held and no one opposed, yes he felt that the majority of the neighborhood had spoken, that he did not know if he would do anything differently because he was not sure at this point what went wrong if anything, and read the wording on the petition. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Mr. Bibler stated that he again would state that although they phrased it as being a petition the ordinance did not even use the word petition, it said that 67% of the people had to join in application and the ordinance specified what the contents of the application was, and he assumed that if they took the petition and the people signed it in reference to an application which could have been shown to them that they were doing the process that was called for in the ordinance which was to submit an application jointly to Mr. Litke and the application contained certain things, that City Council set the standards for the application in the ordinance and the specific contents were set forth in the ordinance and he was relying on Mr. Litke to tell him that the documents that were filed with it contained everything that was required in the ordinance, if it did it was sufficient, and Mr. Litke stated that there was nothing in the package that was filed as an application that dealt

with the question of whether there was a penalty for doing something wrong. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Mayor Brown asked Mr. Litke if they had used the process before, and Mr. Litke stated yes that they had 6 historic districts designated and they had not had any problems yet, and Council Member Parker stated that she did find it interesting that her conservative colleagues believed in personal responsibility until it came to signing documents that came before the City and the argument had come up on numerous occasions when they had citizen petitions and would encourage Council Members to hear from the public at this point, that they would debate the item tomorrow and next week because she was sure it would be tagged. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Mayor Brown asked the City Secretary to advise the audience of Council rules. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

The City Secretary advised the audience that under the rules of Council it prohibited any outburst of any type of emotion, either applause or boo's and Council would appreciate their cooperation in observing those rules. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Mr. Todd Murphy, 1008 E. 14th, Houston, Texas 77009 (713-869-0963) appeared and stated that he was the current treasurer for Proctor Plaza Neighborhood Association and had been the chairperson on the committee to seek designation, that he needed to clarify a couple of the numbers that had been spoken about as far as the petition support, that there was a little misunderstanding between them, that there were about 880 properties in the historic district of which are owned by 815 property owners, so if they looked at the numbers they had 551 signed petitions, that had a yes or a no where a person could check either one, with a yes checked, that there were 71 petitions that came in with no, that essentially what that meant if they looked at the numbers was that they did a polling of 76% of the people who owned property and nine out of ten of them said that they were in favor of the district, that as far as the misrepresentations that were claimed, he had to admit that he was not a lawyer, he was an engineer, that he did his best as did all the other thirty volunteers that were mentioned by Mr. Debevec, who worked for what they honestly believed was the best thing for the neighborhood, that they had no hidden agendas, they had very open meetings every month in their neighborhood and had for many years, and this topic had been no different than any of the other activities that had gone on in the neighborhood to produce historic street lighting, to better their situation on criminal activity and the like, that he would like to say to Mr. Jones when he spoke that it was he who talked to Mr. Jones and he was clear at that time on most of the issues in the ordinance, obviously it was rather thick and did not know everything that was talked about, but they did talk about the 90 day delay, that they tried to talk to everybody about that and in all honesty the 90 day delay was more of a hard thing for people to understand, that what good was the ordinance, and still they agreed to buy into it, that it was a net and caught maybe 85% of the construction activity that went on, that some people would like to have more but he thought that could be enough to make the community stay intact, that was the primary goal, it was a quality of life issue and they wanted to maintain the sense of community that they had and wanted to continue to work harder in the future as a result of that than what they had in the past to make sure that they got out to all the neighbors and make sure that all neighbors had a

chance to participate in their own neighborhood, they did not want to try to control anything. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Council Member Quan stated that Mr. Murphy had mentioned that 815 owners owned those 880 properties and 551 responded yes, and Council Member Quan asked of those 551 how many owned more than one property, and Mr. Murphy stated that they had several people who owned multiple properties, there were a lot of old families in the neighborhood who had passed properties on to sons and daughters, that he did not know the specific number, and Council Member Quan stated they were just trying to make sure that the 67% of the property owners were signatories to the petition, and Mr. Murphy stated that the difference between the 815 and 880 would get them to the number of people who owned multiple properties in the neighborhood, that some owned two or three and they had to make sure to weed out the multiple property owners to get a specific count of those individuals. Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Upon questions by Council Member Vasquez, Mr. Murphy stated that there were about 25 residents present at Council and asked that they stand up, and Council Member Vasquez asked Mr. Litke if he could provide the documentation for Council Members before the end of the day on how he validated that so there would be no question about the numbers. . Council Members Galloway, Boney, Todd, Ellis and Robinson absent.

Council Member Bell thanked all the neighbors for being present and stated that he appreciated the effort that had gone into it and his fear was always in those types of situations was that people knew what they were getting into, and asked Mr. Murphy if he, as one of the officers of the civic association had any problem, if they did go forth, in looking at a new ordinance adding some type of opt out provision so that if at a later date people in the neighborhood had a change of heart there would be somewhat of a simplified process for undoing it, and Mr. Murphy stated that he had no problems personally with an opt out provision, that it was the same process in reverse, that it was still democracy in action. Council Members Galloway, Goldberg, Boney, Todd, Ellis and Robinson absent.

Mr. Allen Tiller, 611 E. 9th, Houston, Texas 77007 (713-658-2504) appeared and stated that he was the president of the Houston Heights Association which was an organization that was formed in the 1970's for the purposes of historic preservation in and of the Houston Heights, that the Norhill District was immediately to their east and so they were vitally interested in the outcome of Norhill's efforts to be designated a historical district under the City's Historic Preservation Ordinance, that they strongly urged City Council to approve historic designation for the Norhill District, that the neighborhood had followed all the rules, had met all the stringent requirements that the Council had laid down for such a designation and to grant the designation would be consistent with Council's approach to historic preservation which was not to impose restrictions from above but to base it on broad based grass roots action at the neighborhood level, that on the other hand to deny designation now would be to suggest that Council had no faith in its own laws and that it would not therefore follow through with its own ordinances even after an immense effort had been made to comply with the law, that it would be very demoralizing and frustrating to citizens who thought that if they followed the ordinance they could rely on a favorable hearing at Council, that he understood that some opponents of historic neighborhood designation had attempted to characterize the issue

as conservative versus liberal, that conservatives on the Council should oppose the designation as an unacceptable limitation on property rights, that he was very much a conservative and did not view this as a conservative versus liberal issue, but rather as a search for practical compromise between individual property rights and the very real interests as a community as a whole in historic and neighborhood preservation, that the search would continue through Council's ongoing process of reviewing the City's Historic Preservation Ordinance, that all the designation would do would extend the protection of the ordinance in whatever form the Council should determine it should be to a neighborhood who had overwhelmingly requested that protection and had gone through an exhausting process and in good faith to get that protection, that he had heard nothing today to indicate that there had been any misrepresentation to the neighbors, and Council had to take into account when it imposed, as part of the procedure for the adoption of a statute or ordinance, a grass roots process like a petition by the citizenry, was that would Council be putting itself into position of second guessing and trying to put itself into the mind of every person who signed that petition, than perhaps they should submit to the Council beforehand all literature, all advocacy to see whether or not it met the requirements or whether it met a certain standard of what someone said should have been in there, but the point was that all the laws and all of the requirements of the ordinance had been satisfied and the neighborhood should not be frustrated now by denial of their petition, that they in the Heights thanked them for their support and urged their support of Norhill's application for historic designation. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Quan stated that they all supported citizens rights to petition Council just to make sure the rules were followed, and that was what they were looking for to get clarification from Planning and Legal, that he supported Norhill's request for the designation, that he did not think that Council's actions in any way were out to derail the designation, and Mr. Tiller stated that their point was that after three years of the process it was very frustrating that even after they did all that the City required would say, did those people really know when they signed it, that it really frustrated and demoralized the petition process. Council Members Galloway, Boney, Todd, Keller, Sanchez and Robinson absent.

Council Member Vasquez stated he understood Mr. Tiller's frustration because at the last minute there was a lot of additional issues regarding the proposed and the current ordinance, and while it was appropriate to ask questions about both they needed to stay focused on the fact that they had the people's voice saying that they wanted it, and in that regard he hoped that Council Members took that into consideration, and if they were going to be a government of the people and believe in serving the people, that they adhere to that as closely as possible, and in this instance the community had spoken fairly soundly. Council Members Galloway, Boney, Todd, Keller, Sanchez and Robinson absent.

Ms. Romona Davis, 712 Main, Ste. 110, Houston, Texas 77002 (713-216-5000) appeared and stated that she was Executive Director of Greater Houston Preservation Alliance and was present in support of Norhill's historic designation, that she had been present before in support of either a neighborhood designation or to save a historic structure at the last minute and Council had said to her where was the effort when they could have done something about it a long time ago, that they had an ordinance to cover it and why were they there in a crisis, well they were not present at a crisis now, they

were doing it right, the neighborhood had gone through all the steps, that it was positive and proactive and the right way to manage change in their neighborhood, that they were concerned with the overall picture of maintaining the character of their neighborhood and they had done it right, and she encouraged their support of the designation. Council Members Galloway, Boney, Todd, Keller, Sanchez and Robinson absent.

Ms. Lori Trautwein, 1128 Dunbar St., Houston, Texas 77009 appeared and stated that she purchased her home about three years ago and when she went shopping for a house she looked outside the Houston Heights Norhill area and could have purchased twice the house for probably half the money in an outlying district but she decided to buy a house in Norhill solely because of the charm and historic area, that she could sit on her front porch and chat with her neighbors, she could look down tree lined streets, that the houses were beautiful, the people were friendly and they had all worked together to keep that feeling in the neighborhood, that it was not a cookie cutter subdivision and that was what they were worried about if they did not receive the historic designation that things could change, that people who were interested in putting up townhomes could come in and do that, that she knew they had deed restrictions and they did not currently allow that and that the historic designation would just top it off and would let others know that this was a neighborhood where they believed in the history and encouraged them to come in and renovate their house like she was doing, that she thought it would only be good for the neighborhood and she strongly supported their vote. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Upon questions by Council Member Ellis, Ms. Trautwein stated that nobody was thinking they were changing anything, that their feeling was that they were only telling everybody else, telling the world, that before they came to Council probably not very many of them heard of Norhill or knew where Norhill was or anything about that, but now that they had seen them and heard them they would realize what a great place it was to live and how happy they were there and how they wanted others to know that, that the historic designation with the funky little signs and every thing else, that she was proud to say she was from Norhill and would be even prouder to say it once she could say it was a historic designated area. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Rochelle Childers, 1132 Dunbar, Houston, Texas 77009 (713-864-0575) appeared and stated that she was in favor of the designation, that their deed restrictions were pretty strong and their biggest concern was that deed restrictions were difficult to enforce, that they did not really have the backing of the City even though they were recorded documents and they did have sometime where they would have to seek legal counsel and they were not rich, so historic designation helped insure them that their deed restrictions would still be there, that they would still have the homes that they purchased three, twenty or fifty years ago, that also the positive too was that they would leave a legacy, that they were Houston proud, that they were a diverse City and with diversity should come diverse neighborhoods, architectural wise and everything else, that she could not understand why they even had to go through all of that, that 67% voted for it and thought they needed to honor their petitions, that it was done with a lot of hard work and she had been one of the volunteers, that the positive for them and benefit was that it was no cost to the City, that they did not have to put it into the budget, that it came out of their pocket and they were willing to do that, that it was their neighborhood and they loved

it and wanted Council to vote for designation. Council Members Tatro, Galloway, Boney, Todd, Keller and Robinson absent.

Mr. Robert Jara, 916 W. Fugate, Houston, Texas 77009 (713-840-7000) appeared and stated that they had two historic preservation issues facing the residents of Norhill, the item before them this week which was historic designation and then any proposed changes in the Historic Preservation Ordinance and there was clearly absolutely no question about that the people supported the first item, that there was not a clear consensus about the second issue, that they should not let the lack of consensus on the second issue keep them from moving forward on the first, that was why he believed that if they were allowed to become a historic district they would be able to participate in the debate over strengthening or not strengthening the Historic Preservation Ordinance as equal stake holders with the other historically designated areas, and he believed that they who lived in sensible bungalows may improve the document so he was present to ask Council to support the historic designation and keep them informed of what changes would occur in the Historic Preservation Ordinance and let them come before Council and speak to those issues as real stake holders in the process. Council Members Tatro, Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Cari Brookbanks, 811 Key, Houston, Texas 77009 (713-304-6979) appeared and stated that she was in favor of the historic designation of Norhill, that she was a relatively new homeowner in the neighborhood, that she purchased her home about three months ago and was currently renovating it and was very proud to say that she was the first to have obtained a certificate of appropriateness under the proposed ordinance and rather than it being an onerous or arduous process it was quite a pleasure to work with the Historical and Archeological Commission on the plans for her home and she was also happy to report that it was unanimously approved, that all the things she wanted to do were approved and it came through with flying colors, that it was important to note that she was the first one to champion the rights of property owners and had friends who lived in other parts of the City who had very active homeowners associations who dictated what color they could paint their homes or what kind of trees they could have in their yards, that certainly she would never be in favor of anything that would impinge on the rights of a property owner unless it were for the betterment of the overall neighborhood and to maintain the integrity and strong sense of community, that the things that really attracted her into moving into Norhill was the fact that she learned that the proposal was currently before Council, and wanted to add also that under the tenancy of the ordinance it was quite possible for people to renovate their homes or to build new construction to sort of reflect their own sense of style and individuality without having to compromise the integrity of the craftsman architecture, that it was a very important part of Houston's architectural history. Council Members Tatro, Galloway, Boney, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Ms. Sue Saunders, 835 Pizer, Houston, Texas 77009 (713-861-6449) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Boney, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Ms. Rayma Stassen, 1024 W. Cottage, Houston, Texas 77009 (713-861-6224) appeared and stated that she was a 5 1/2 year resident of Norhill, that the historic designation was very important to her and the majority of the residents, that she thought

they had proven that by the signatures that they got and thought it was her responsibility as a resident of Norhill and Council's responsibility as the City's leaders to approve their historic designation to keep their community the way they wanted it, to maintain the historic nature and charm. Council Members Tatro, Galloway, Boney, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Ms. Tish Reed, 1038 Walling, Houston, Texas 77009 (713-869-8871) appeared and stated that she had lived in the Heights area for over 30 years with the last 14 in the Norhill area, that she was a member of the Proctor Plaza Neighborhood Association and was present to speak in support of historic designation, that they were not present trying to change their neighborhood, they were present trying to protect it, that having been active in the PPNA for over 8 years she had first hand experience of the lengths that PPNA went to decimate information, not only to its 250 members, not 25 as previously stated, but to all its residents, that its bimonthly newsletter and any special flyers were delivered to 1,100 homes and area business, that the effort had culminated from almost 3 years of newsletter articles, volunteer door to door campaigns, special flyers, meetings and speakers, all dedicated to informing residents of the pending historic designation, that their T's were crossed and I's dotted, that she had seen what developers had done in the greater Heights area, they were not interested in preserving history but rather tearing it down, that the PPNA had no financial or political motives, rather, it wanted to preserve the residential nature and character and integrity of their neighborhood, that she loved their neighborhood, and both she and her husband planned to stay there the rest of their lives, and she asked that they listen to the majority of residents who signed in favor of the historic designation and help the PPNA preserve the historic nature of their neighborhood by voting yes. Council Members Tatro, Galloway, Boney, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Joey Frey, 830 W. Temple, Houston, Texas 77009 (713-863-8754) appeared and stated that he was a resident of Norhill and had chosen Norhill because of the bungalows and small homes, that he had lived in Montrose and the West End area and decided that he did not want a future townhome lot, that by voting for historic designation they would help them preserve their unique architecture in their neighborhood, that he was not an attorney but a software engineer, that he did not know about a misstatement of the law, that he had gone out and collected signatures to be presented like the ordinance was right now, that if they voted against it because of the proposed changes then they could never vote for any historical designation ever because there would always be proposed changes, and he asked them to support them by voting for their historical designation. Council Members Galloway, Boney, Todd, Keller and Robinson absent. (NO QUORUM PRESENT)

Ms. Julia Greer, 4624 Norhill Blvd., Houston, Texas 77009 (713-861-7379) appeared and stated that she had lived in Norhill for 10 years and was past president of the Houston Heights Association and was now a member of the Proctor Plaza Neighborhood Association for the last several years, and she wanted to voice her strong support for historic designation for the Norhill area, that she was involved with the board of the Heights Association during the efforts and discussions around zoning so she was very familiar with all the different sides of the issue when they were looking at historic overlays, that the neighborhood was an important example of a middle class working person neighborhood, ethnically mixed, made up of the people that had and continued to support Houston's economy and building it into an ever move important part of the

national and global landscape starting in the 1920's and on until today, that when she decided to move from west Houston to the inner City she was struck with the cohesiveness and character of the Norhill area and bought her home because of its small town feel and historic nature, that she remembered many years ago talking to a long time resident of the neighborhood and remarked that she felt they had a very good chance of designating their neighborhood as historic given the extent and density of old structures and their virtually un-remodeled condition and was sad to hear her respond that there was nothing historical about the neighborhood, that it was just made up of middle class people with nothing remarkable in their past, that she thought it was so important that all aspects of Houston's historic nature be preserved, not just the mansions of the wealthy, that the historic designation would help to keep that small town continuity and family feel intact and serve to preserve an important part of Houston's history, that she had witnessed first hand the fracturing of neighborhoods as the close knit fabric was torn apart by insensitive development, that as a property owner she was greatly concerned about preserving the neighborhood that she invested in 10 years ago, that the designation would help raise the level of consciousness regarding the value of preserving historic neighborhoods, that the immense efforts undertaken by their civic organization had already created important dialog that had started the level of awareness regarding this matter, and asked that they please help them succeed in their endeavors to achieve historic status and hoped they could count on their City officials to help them maintain the neighborhood they all invested in because of the historic nature and strong community that existed there today. Council Members Galloway, Boney, Todd, Keller, Parker and Robinson absent.

Mr. Dennis Sigut, 811 Pizer, Houston, Texas 77009 (713-864-5078) appeared and stated that as the past president of the Proctor Plaza Neighborhood Association, past treasurer and very active in the neighborhood association for the past 6 years he strongly supported historic designation, that he felt firmly that the neighborhood association did cross all of its T's and dotted all I's, and strongly urged them to support it, that they had 67% approval in the neighborhood and decided that they wanted historic designation, that as a property owner in the heights he owned 3 properties and the one he was most proud of was the one in east Norhill primarily because it was in the historic district, that he had just purchased the home about a month ago and was really looking forward to living in a historic district, that he had lived for the past 8 years in an area just across the street from the proposed boundary of the historic district and was looking forward to be in that, that the only point he could make that had not been made already was that talking about people opting out of the ordinance, possibly later on down the road, he asked them how many other ordinances would allow them to opt out of it, did the SOB Ordinance allow them as a particular neighborhood to opt out of it, or the alcohol provision, how many provision were there for citizens or property owners to opt out of ordinances, that it was his personal feeling and not on behalf of PPNA, that if people did vote to opt out then obviously a democracy ruled and he would go along with that. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Council Member Tatro asked if all of Proctor Plaza inside the boundaries of the proposed district, and Mr. Sigut said no, that it was a big triangle area, that North Main, 11th Street and Pecore and Studewood on the left, that it was about 1,100 homes, the 815 versus the 880 of which were East and North Norhill and were deed restricted and was the proposed historic district, that there were two other small triangular areas that were comprised of about 250 homes between those that were not in the proposed district

or deed restricted at this time, that there were about 6 or 8 other subdivisions. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Council Member Bell stated that on ordinances such as the Sexually Oriented Business Ordinance those clubs did not petition to be included under that ordinance, that it was a little bit different when people had gotten together on a voluntary basis and asked to be included in something and they come back and find that it was not what they had asked for and was not actually what they asked for because the ordinance had changed, and Mr. Sigut stated that if people were afraid of getting historic designation now because of the proposed changes that were down the road, then get involved, that their job was to tell Council what they would like the ordinance to be, that the burden was on them. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Mr. Ken Martinez, 4704 Michaux, Houston, Texas 77009 (713-356-6530) appeared and stated that he present to voice his support for the historic designation and reminded Council that there was super majority that supported the designation and thanked his neighbors for getting out and working so hard on it, that there were two separate issues that they were dealing with, the proposed changes in the ordinance and historic designation, that they did support historic designation fully as a neighborhood and they could not please everybody all the time. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Debra Broman, 1233 Yale, Houston, Texas 77008 (713-862-3524) appeared and stated that she was present as a resident of the Heights and a board member of the Houston Heights Association and a custodian of a historic structure, and encouraged them to approve the historic designation for Norhill, that Houston might be one of the youngest cities in the Country but their heritage was still important, that they were in a major boom and things were changing fast, that to preserve and protect what heritage they had was very important, that the historic neighborhoods were a living museum, a picture of the way life looked 50 and 100 years ago, that once the structures were gone they simply could not get them back. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Suzanne Killian, 1546 Arlington, Houston, Texas 77008 (713-864-3839) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Mr. Bill White, 802 W. Melwood, Houston, Texas 77009 (713-869-8749) appeared and stated that he helped go door to door for the campaign asking for people's signature on petitions and only knew of one person against it, and asked that they all support the neighborhood historic designation that they worked so hard for. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Laura Thorp, 121 E. 16th, Houston, Texas 77008 (713-862-4404) appeared and stated that she was a resident of the Houston Heights and also a member of the board of the Houston Heights Association and hoped that City Council would approve the Norhill Historic District designation, that she and her husband moved to the Houston Heights 26 years ago when it was not a popular place to move to and meticulously restored a historic home built in 1910 and owned by David Barker who was once a Mayor of the City of the Houston Heights, that as she watched her neighborhood change

because of new construction on a daily basis she knew that they in the inner city needed more tools to protect the fiber of their historic communities and the ordinance was one way they could do that, that if there was no way to protect their homes they would slowly disappear and their historic designation would slowly disappear as well and they would be replaced by larger, closer set homes with less greenspace, that West University Place was an example of how quickly a neighborhood could change if the neighborhood was not interested in what was going on around them, so she asked that they support it and help other neighborhoods to follow in the process. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Mr. Clarence Bagby, 2003 Kane, Houston, Texas 77007 (713-861-8238) appeared and stated that Houston had always been a City of dreams and that was what a lot of historic preservation in Houston was about, preserving the dreams of countless Houstonians from all walks of life, rich, poor, middle class, Black, White, Gay and Asian, and that was what preserving the Norhill community was about, that he was Executive Director of the Old West End Association, an economic development and historic preservation organization working to promote and enhance the Old West End and return it to the thriving community that it once was, while at the same time insuring that those improvement enhanced and served their community in harmony with its historic character, that they were working to preserve the dreams of many entrepreneurial families there, that the area also included the Old Six Ward Historic District, where he was a resident property owner, that they strongly supported the Norhill Historic District designation, that experience in Houston and in other cities showed how preservation could play an important role in strengthening a sense of community and improving the quality of life, that they must have a commitment to insuring that their heritage, the buildings, neighborhoods and landscapes that made up their rich legacy from the past was kept alive, and it made sense from an economic point of view, that historic designation would increase property values and activity but they must have the necessary tools in place, if they could not make it more economically feasible for property owners and developers to recycle old and historic buildings in existing communities, if they could not make existing communities more attractive and livable, if they could not get away from codes that virtually mandated urban sprawl, they would not save the natural environment, that the concept of smart growth was sweeping the Country, that it was about promoting responsible development and discouraging urban sprawl, that places that many of them loved like historic downtown San Antonio and the Strand Historic District in Galveston could not be built today in Houston because of Houston's suburban oriented development ordinances, so while supporting the Norhill historic designation they urged the Mayor and City Council to insure that Houston's development ordinances promote and insure historic preservation, that cities across Texas and the Country were seizing on historic preservation as an important and effective economic development tool, that from Dallas to Galveston to San Antonio to El Paso and pretty much everywhere in between cities were waking up to the importance of historic preservation and smart growth; that he also wanted to take the opportunity to thank Council Member Parker and Council Member Vasquez. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Council Member Vasquez moved to suspend the rules in order to hear Mr. Mike O'Brien out of order after the speakers listed for Item 7, seconded by Council Member Quan. All voting aye. Nays none. Council Member Castillo absent on city business.

Council Members Galloway, Boney, Todd, Keller and Robinson absent. MOTION 2000-0713 ADOPTED.

Ms. Janet Buchheit, 1620 Columbia, Houston, Texas 77008 (713-868-9471) appeared and stated that she was a member of the Houston Heights Association and a board member and had lived in the Heights for 20 years, that she strongly supported the designation of Norhill as a historic district, that the residents of Norhill had worked long and hard, residents bound together through a volunteer effort to protect the integrity of their beautiful and residential neighborhood, the neighborhood was now asking that the Mayor and members of City Council support them in a quest to maintain a good quality of life for the current and future residents of Norhill, that she was sure that they would take into consideration the many hours spent by the residents of the mature neighborhood to get this far into the process, that those residents, young and old, who lived in Norhill respected and treasured the quality of life in a mature neighborhood with comfortable single family homes and stately trees, that those residents were looking to preserve the integrity of the neighborhood with a tool that had been provided to them by the City and its administration, and asked them to consider a yes vote for the designation of Norhill as a historic district as a positive step for the City of Houston and its administration to take. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Ms. Mary Coolbaugh, 1008 E. 14th, Houston, Texas 77009 (713-869-9063) appeared and stated that she had lived in North Norhill for four years, that intact bungalow neighborhoods of the size of Norhill were no longer a frequent occurrence in the United States, that Houston had a jewel in its own backyard and every effort should be taken to protect that jewel, that the opportunity to leave a concrete legacy for future generations did not present itself very often, and asked that they please not bypass the opportunity and grant Norhill its historic designation, that the residents of North Norhill were very diverse, by race, social economically, by lifestyle and by viewpoints as they saw today, that the odds against getting a 50% consensus from this group on anything were staggering so the fact that two thirds of the majority desired to be a historic district was absolutely phenomenal, and she urged the Mayor and Council Members to grant their neighborhood's request and grant Norhill historic designation. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Jim Saltzman, 1502 Oxford, Houston, Texas 77008 (713-863-7931) appeared and distributed a document to Council Members and stated that he was a nine year home owner in the Houston Heights and Preservation Chair of the Houston Property Rights Association and the troublemaker who was responsible for the flyer that was circulated in the Norhill District, that why did he put it together, he had been working on the historic preservation issue for many years but as the current proposed changes to the ordinance came up on the horizon he became aware that the Proctor Plaza Neighborhood Association was lobbying actively to promote the proposed changes which would include the elimination of the 90 day waiting period for alterations to property and substitution in its place mandatory controls on alterations which covered such things as window frames, shutters, fences, porches and so on that was all in the ordinance, that he had also read in the Chronicle on March 1, 2000, May 3, 2000 as the issue was being discussed in the Chronicle the question came up of people being concerned as they signed the petition about what would be the eventual controls on their property, that they were told by the leadership of the civic club, according to the articles, that if the certificate of appropriateness was denied they could opt out after 90 days, but the very same people

who were saying that were lobbying to have the 90 day opt out period removed from the ordinance, that he felt responsible as a citizen to inform his neighbors about the contradiction and to speak out against the misrepresentations that were being used to gather support for the proposed district, and noted that those misrepresentations were continuing to be promoted, particularly in the flyer put out by the Proctor Plaza Association which said there were no fines as alluded to in their flyer, that the fines were very much present in the proposed preservation ordinance. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Council Member Ellis asked if Mr. Saltzman was opposed to the item that was on the agenda for Wednesday, and Mr. Saltzman stated that the Houston Property Rights Association was not taking a position on any proposed districts, and he noted that what they told people to do with the flyer was to voice their opposition to any new preservation controls, that they were trying to raise awareness about the new preservation controls that were on the horizon, and Council Member Ellis asked if on Wednesday's item was he opposed to any changes in that ordinance, and Mr. Saltzman stated that was what he was present to speak about, personally he would not wish to live in such a district, that his organization did not have an official position on the creation of the historic district, but he was concerned about misrepresentations that were being promoted. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Council Member Vasquez asked if the alleged misrepresentation were his real concern, and Mr. Saltzman stated yes, and that Council be aware of ways in which new controls were either being slid under the door or were being misrepresented as they went through the process of reviewing the ordinance, and Council Member Vasquez asked if his concern was the process of reviewing the ordinance and he was using this particular situation to highlight his concerns and Mr. Saltzman stated yes, and Council Member Vasquez asked if it was illegal for lobbying by the people a democracy, was it a crime and Mr. Saltzman stated no and stated that he never said it was illegal, that he wanted to share with his neighbors since no else seemed willing to tell them, was that those folks were on the one hand selling the district on the basis that they would be able to opt out of the controls and on the other hand actively lobbying the City to have the opt out provision removed so that the controls would be mandatory, and Council Member Vasquez stated that he was selling the district and at the same time his organization was using their voluntary effort to be a historic district to his political advantage as well as to highlight what he thought were negative things in the proposed ordinance which was not before Council, and Mr. Saltzman stated he thought they could say so, but he did not believe his purpose was not any more or less political than anyone else present. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Mike O'Brien, 12000 Briar Forest, #154, Houston, Texas 770077 (281-496-0752) appeared and stated that he was president of the Houston Homeowners Association and was present to speak on behalf of one of the their longtime member groups Proctor Plaza in which was included the proposed historic Norhill District, and he very strongly encouraged Council to vote yes on Item #7 which was the Norhill historic district designation, that in a meeting last March with the Mayor about Chapter 42 and the Near Town amendments, each of the four neighborhood leaders said that they lived in the area because they liked the fabric and character of their community and they wanted to keep it that way, that was the bottom line that these people were really interested in maintaining what they did have and that was one of the few the tools that they did have in

the City without zoning, that they had historic district designations, deed restrictions, the new special building line requirement area which was in Chapter 42 and they had a group of land use control ordinances which they could use to maintain and enhance the quality of life, that on deed restrictions one of the problems that they found in the Inner Loop area were that most of the deed restrictions that existed now were done under Chapter 201 subsequent to 1985 and it provided for a proactive opt out and he asked several members of Proctor Plaza, and nobody knew for sure, but it was possible in some of the areas there were lots that were not deed restricted, that they found a lot of them in the Near Town area, not so many in Woodland Heights or Proctor Plaza and that also was a problem, that someone had alluded to earlier that he had written an article in the Upper Kirby Progressive a few weeks ago, that deed restrictions were only as good as the time and money that they could put into them, that there was no panacea there, that they really had to be ever vigilant, they had to enforce them and they had to spend their time and money to do so, so this was just another tool and he thought that the group deserved it, that they put forth a great effort and had done everything that was required under ordinance and hoped that they would vote yes on Wednesday. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Ms. Betsy Rose, 4607 Pineridge, Houston, Texas 77009 (713-861-6260) appeared and stated that she had been a resident of North Norhill for 12 years and had been a very happy resident there, and thought it was wonderful that they were going to get historic designation and urged Council to pass it, and also wanted to make the point that the home that she lived in was built in 1929 and that was the same year that she was born which gave her about 50 or 60 more years than anybody that she lived around, that sometimes to get a benefit such as historic designation they sometimes had to give a little bit, therefore if they must submit their plans for 90 day approval and whether it was mandatory or optional it did not make any difference, they were going to gain so much by being a historic neighborhood and she urged Council to make them that. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Thomas Garcia, 13707 Candleshade, Houston, Texas 77045 (713-433-8807) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Darrin Prior, 841 E. 28th St., Houston, Texas 77009 (713-426-4427) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. William Beal, 4718 Boicewood St., Houston, Texas 77017 (713-633-0126) appeared and voiced and sang his personal opinions until his time expired. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Bijan Mohagheghi, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Quan and Robinson absent.

Mr. Aubrey Jefferson, 5229 Griggs, Houston, Texas 77021 (713-645-2051) appeared and stated that his name was Sergeant Aubrey Jefferson with the Houston Police Department and was an eighteen year veteran, that last week he was on television as one of the trouble officers with a total of 50 complaints, that the alleged problems in

the police department were cultural problems and racial problems, that the many complaints that he received from the police department were from within, that he had only been complained on eight times by actual citizens, and all of those complaints wound out being zero, that all the other complaints he had gotten came from officers in IAD and in the police department, that his troubles began with the police department back in 1988 and at the time Mayor Brown was the police chief and there was a big discussion in the police department at his substation about police chiefs, that they had gotten into a big argument about a black police chief versus a white police chief and he in turn stated that if he could serve B. K. Johnson who said Blacks were Sambos, then they could serve a Black man with a PHD named Chief Brown, from that became a war, and from that war came continuous padding of complaints on his record, and asked Mayor Brown if he recalled a conversation they had during an open door policy and he went to the Chief Brown's office and spoke with him and Chief Brown asked him about HPD and what he thought about HPD and he told Chief Brown at the time that they were old fashioned and not computerized and the manor of which they supervised was by fear, by threatening to give them bad off days or threatening to punish them in some way, that Chief Brown asked if he could write and speak to his captain and he gave his okay, there was not a problem and thought nothing was going to happen because he was not doing anything wrong, that it happened in 1988 and since that time nothing happened, but once Chief Brown left the City of Houston and went to New York City to become commissioner that was when his troubles began, that now he had no backup and now they were going to get him, that was the type of attitude that the Houston Police Department had, the "they were going to get you attitude", and from that he received numerous complaints, that he had been accused of murder, sexual harassment and drugs and each time that he was investigated by IAD he came out clear, but then they came out with they knew he did not murder anyone but he was out of his beat or he was late, those were small Mickey Mouse things, that for eighteen years of risking his life on the streets of Houston and all he had to show for was 50 complaints and to go on national television in front of 4 million people to say he was a troubled officer, that he was not, he came to the police department with a degree in Criminal Justice, was a proud military sergeant in Texas and was a sergeant in Harris County Sheriffs Department prior to HPD and was a sergeant in HPD now, that no one gave him anything, that he had taken examinations and scored in the top percentile and that was how he got promoted.

Mayor Brown asked if his concern was about the television program done by Mr. Dolcefino, and Mr. Jefferson stated that no, that his concern was about the Houston Police Department, its culture, and the racism that was in it, that was what it was all about, that if it had not been for that racism or that type of culture no one would ever have sneakily gone over there and called Mr. Dolcefino and said they knew a guy who had a lot of complaints and that he should bring it out so that the public could see it, that each time he got a complaint from IAD because of his good work in the community, the community people spoke up and said that Officer Jefferson was not that type of person and that was the only reason he was present now, and Mayor Brown asked Mr. Jefferson how many complaints against him were sustained, and Mr. Jefferson stated that he had a total of 50 complaints, that 8 were by citizens and all of those were non sustained, that all sustained were internal complaints, that it was ludicrous and not fair to him, that he had been through terrible time in the police department those last 18 years, however because of his strong mind it had not affected him negatively to make him go out and do negative things, what it had done was make him become more community involved, that Council Member Boney represented him in his first complaint and because of that representation

he was found not guilty and they made some type of trade off and said they would transfer him to a northeast station, and Mayor Brown asked if since that time he had been promoted and now served as a supervisor now, and Mr. Jefferson stated yes, that he stayed in the police department, he worked and studied, went to the examination with 1,000 people and scored in the top 100 and made sergeant, that since sergeant he had 35 small complaints, and Mayor Brown asked if he had spoken to the current chief about his concerns, and Mr. Jefferson stated that the chief knew about his concerns, and he asked Mayor Brown to do something as a Mayor, and Mayor Brown asked what he wanted done and Mr. Jefferson stated that first of all he wanted his complaint records opened, that he was not asking them to go back 10 years, just to go back 2 months, and he asked Mayor Brown and the Council to look at their own Civil Service and see how many cases before Civil Service were overturned. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker asked if all of the 50 complaints were motivated by racism in his opinion, and Mr. Jefferson stated yes, that not all 50, that the first 8 came from citizens, that 42 complaints were motivated from within, that how could people within the police department constantly complain about him to the IAD, that he had supervisors, they should call him to the side and counsel him if he did do those things, and Council Member Parker asked if he felt he had ever violated departmental policy in any of those cases, and Mr. Jefferson stated he was sure he had, was sure they all had, but the policies that he violated were what everybody did, that he did not go out of his way to do anything wrong, that he was a law abiding, God fearing man, and Council Member Parker asked if he only violated the policies that other officers violated, and Mr. Jefferson stated that no, not in the sense that they violated, that he did what everybody else did, nothing criminal, misconduct or nothing to bring disgrace to the police department, no, if she was talking about coming in late, something in that particular manner, yes he had done that, and Council Member Parker asked if he did not think that a sergeant had extra responsibilities to set an example, and Mr. Jefferson stated, yes he did, that all sergeants had the duty to set an example, not just Aubrey Jefferson, he thought the White ones, the Hispanic ones, they all had to do it, it was not just on him only. Council Members Galloway, Boney, Todd, Ellis, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would have the chief look at his complaint and they would get back to him. Council Members Galloway, Boney, Todd, Ellis, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Ms. Marilyn Head, 7820 VanNess, Houston, Texas 77037 (281-405-8998) appeared and stated that she was representing Corpus Justice and they had been seeking civilian oversight of the Houston Police Department for over a year, that almost a year ago they were before City Council to ask them to do what they could to stop the legislation that was being acted on in the last Legislature regarding the erasing of disciplinary actions regarding police records, that she had met Officer Jefferson and had talked to him for an extended period of time and he was a reasonable and honorable person, that he was human like the rest of them and got involved in the culture of the police department, that she was present to say once again that if there was going to be a culture in the police department it should be the culture of the highest honor and not of the low level, and would state to Mayor Brown to look at her that she was him, but he would never hear her saying about the citizen review board that "I am about as divorced

from that as I could be because that was the police chief's job, that I have no idea how many cases they handled, I have no idea how many people attend that meeting, had no idea who reads the cases, I am not focused on that", that it would mean that Mayor Brown was not focused on the fact that any kind of recommendations by the CRS, they did not even make recommendations to the police department hardly, that according to Mr. Wayne Dolcefino's report "they almost always approve the recommended discipline even though they don't see or know the officer's history, that the CRC often violates rules, sometimes only two of the seven members of the panel review a file", that she was present and Corpus Justice and the people who were interested in a civilian review were about a democracy, that they were about checking and balancing the powers that be, and in the Houston Police Department when they could carry guns and kill, they believed that the time had come for citizens, and it was going on all over the Country, to check and balance, that they did not want their power, they respected their job, they honor those persons who dedicated themselves and gave their lives, but when it came to police officers who acted inappropriately and actually took the law into their own hands, then they believed a citizen body had the right to review those files for all of that information to be made public and for citizens to make a determination on the disciplinary actions in regard to that as well as the police department and she asked once again for Council to please consider a civilian oversight for the City of Houston. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Ms. Arlene Kelly, 2715 Lazy Spring, Houston, Texas 77080 (713-462-3808) appeared and stated that they all probably remembered her being present before and she had been advised by counsel that she should hold her comments. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Karl Peterson, 8402 Sonnevile, Houston, Texas 77050 (no phone) appeared and stated that he wanted to hand over two sets of data that the Mayor and Council would be very interested in reviewing, that the data consisted of information on police shootings as well as data collected by Mr. Wayne Dolcefino and presented in his news reports, that at the outset he wanted to make one thing crystal clear, that he was not anti-police, that three members of his immediate family were or did work for the Los Angeles Police Department, that he had seen the complete breakdown in civil authority personally; why they could question his motives and perhaps even his sanity, during the Watts Riots his father, who worked at 77th Street Division at the time, took him to the station with him at the height of the riots and so he did think that they needed a police department, that Plato in the Republic established that "a republic needs guardians", he also asked the question however "who guards the guardians" and that was what Corpus Justice was all about, that one of the names included in the data that he had provided for them was the name Colleen Beverly Kelley, that the data consisted of relatively impersonal statistics and so forth. Mr. Peterson read a poem about Colleen Kelley who was his friend and was shot by police, that it might tell them a little more about Colleen Kelley the person. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Donald Burns, 4315 Charleston, Houston, Texas 77021 (713-440-3900) appeared and stated that it was a shame that Council Member Boney was not present, that he was not only a property owner in his district but he had also lived in his district for 30 years owning the property, that he was present regarding the property at 3900

Swingle, that there had been 20 calls within the last two years, that he called the police on March 7, 2000 about 6:45 a.m. and was taken to jail and he called the police, that he made a \$25,000 bond, that he had not been to his property and last weekend was the first time that he was at his property because he was cutting because Neighborhood Protection wanted it clean, that what they had was that the people that he ran off had all been involved in shootings, been shot and witnesses against him, all three, that they could call the police and he was jerked off his lawnmower where he was cutting grass, harassed and told that he was going to jail if he did not give them his drivers license and then the cops that went down there and did that and the complainants against him did not even have a drivers license, and one of the witnesses on a civil matter, which the officer collected data and gave his personal information to on an accident report, took it and turned around told him that it was alright for those people to publicly drink, block the street, block his driveway, especially when he owned 14 lots in that district, that the problems in that area and the racial tension with alcohol braced together they had a problem, that they jerked his door off, that he would eat that, that he was going to 3900 Swingle on Monday and taking his corner back, that he owned both corners and he really did not like it that his Council Member, that he called his office, and could not speak to him, that he was at the Mayor's office last week and he had requested for street signs to be posted out there, that if they curb the illegal drinking he could cleanup his corner. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that they had Assistant Chief Montalvo present who would meet with him after the Council finished asking their questions. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Bell asked Mr. Burns what they charged him with, and Mr. Burns stated Criminal Mischief, that he was alleged to have slashed some tires at 6:35 a.m., that he called the police from his home and when he got there the people were in his building, that the ones he called on were in the building, the people that he called about jerking the door off, that it was a high crack area right now, that he had been out there 30 years, that he was a convicted felon, that there was nothing to hide, that he may be dressed like a bum but he had a pocket full of money, that he was about right or wrong, he was not about White or Black, that it was wrong what was going on in his neighborhood, that it had raped his neighborhood with a rock crushing plant, paving liens, that it was just filth out there and he was the only one who had stayed out there at his expense, but they were going to take it out of his hide they were not going to take it out of his wallet. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Woodrow Johnson, 2409 Sam Wilson, Houston, Texas 77020 (713-674-0836) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan and Robinson absent. (NO QUORUM PRESENT)

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

Ms. Lashanda Reece was called and the City Secretary asked Ms. Reece if she was going to make an allegation of misconduct by a member of the Houston Police Department and Ms. Reece stated yes, and the City Secretary stated that Council liked for those statements to be made under oath and the City Secretary administered the oath to Ms. Reece. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Lashanda Reece, 7373 N. Wayside, No. 2216, Houston, Texas (713-737-2455) appeared and stated that she was present because on June 3, 2000 she was physically abused by one of the Houston Police Department officers, that she did not know why she was grabbed up from behind and pushed on her back and thrown up against a dumpster, that the police were chasing a suspect off of 7373 N. Wayside and the suspect came onto her property in the apartments and collapsed by her car, that when she turned around to look one of the police officers grabbed her and did all that, that she tried to talk to a sergeant and lieutenant and no one would cooperate with her, that they were telling her to get the "F" on or they would arrest her, that she went on Ley Road and made a complaint and no one had cooperated with her, that she got the license plate, that they had given her the run around about who the officer was that drove the vehicle that day so she made a complaint to IAD and no one had helped her at all and now she was present at Council because she wanted to know why she was done that way. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown asked if she had filed a complaint, and Ms. Reece stated yes, that no one had gotten back in touch with her, that the incident happened June 3, 2000, that they said that Monday they would give her information on the police officer and she called because she had the license plate number, but they told her they would not give her his name or anything, and Mayor Brown stated that it did take a little time, but he would have someone get back with her, and Ms. Reece said that her rights were violated because she was struck in the back, that she had been to the hospital, that it had not been right, that she was going to her car at her apartments and looked up with seven or eight police officers around her and one manhandled her, that she was a women and that should never have happened to her, and Mayor Brown stated that he would have someone get back with her to update her on where they were in the process so she could completely understand that steps had been taken. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Dewayne Lark, 10954 Buffum, Houston, Texas 77051 (731-2230) appeared and stated that he was present as Dewayne Lark citizen, as Dewayne Lark husband, as Dewayne Lark servant, but he mostly stood there as Dewayne Lark friend of Mr. Avery Jefferson of which they had heard his testimony and appeal, and he would suggest to Mayor Brown that one of the quickest and most efficient ways to resolute that young lady's (Ms. Reece) problem and any other problems that existed within the City relative to the police department was to support in fact a citizens review board, that was when citizens could become involved in the process and that was when it would partake of those type of undelectable delights, that he believed it was kind of difficult for the police to police the police, that it was difficult for doctors to police doctors, lawyers to police lawyers, but they permit it, that it was a standing practice and did not work too well, that as a citizen having served with various groups and various capacities since he was ten

years old in the City he was saying one thing, let each of them consider in their heart, support the concept of allowing citizens in the community to receive funds from the City revenues so they could do their own investigations of police brutality, misconduct or any type of misconduct, that there were various communities across the Country that had engaged in that type of openness and open process, and he must tell them that the time was going into a new millenium and as he looked around at the Council he looked at potential victims, if they were not who they were and they got stopped or were in a situation and he must tell them that he knew plenty very hard working honest police officers and that was not what this was about, and he would hope and pray that police officers would get onboard to understand that it was in their best interest to take it out of their control and put it in the control of citizens, that he understood there would be some concern about that, but when they looked at the overall view of it and looked at the numbers, the Anglo community thinks the police department is fine, by large 60%, that any studies that they did or any questions that they asked most of the time over 50% of the community, who would be described in the Anglo community, would say the police department was working just well, but if they took that number into other communities such as Hispanic or African American the numbers were flipped, that 60% was too bad and they needed to do something about it, that there was a great deal of frustration out in the community and they had an opportunity here to do something about it, that what was before the Council and what would be before the Council and what had been placed on the desks of certain of their administrators was a funding mechanisms, that they had been in touch with legislators, that they could do it locally without the legislative effort if in fact they realized that their citizens were scared and not necessarily being serviced, and he believed that the overwhelming majority of their police officers in the Houston Police Department were upstanding, outstanding, committed professionals, but they had that number that were not and they made the others look bad, that they could do something about that by allowing the citizens to engage, not the phony setups that within the department called a Citizens Advisory Board, that they would be engaging each of them in an effort to try to bring it home to the people, and he believed the police and the people would all benefit from it. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Minister Johnny Jeremia, 5959 Richmond, No. 400, Houston, Texas 77057 (713-278-7098) appeared and stated that he was present last week and had talked to some pastors, that he had some new statistics that had happened since then, that in Baytown alone there were 120 people reported, 81 in Bellaire, 101 in Humble, 77 in Katy, 256 in Pasadena, 105 in Spring, that he was talking about people dying of AIDS who had no help, and others 1,331 people, and in Houston it was 15, 908, that in Sunnyside and South Park where they lived at they were dying, that what the Mayor did on the calling out of the pastors was a wonderful thing and now they needed to bring everyone together, that if they did not do that there were over 2 million people homeless, that there were over 400,000 churches, that if each church took in 5 people there would be no one homeless, that when there were people homeless and with AIDS it was just spreading and spreading, that they needed to open up more houses and put the women and children in the houses and give them the right medicine like Majic Johnson was taking and they could be the fist City in the United States that did something about the situation immediately instead of sitting back and letting a bunch of folks die. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715 appeared and stated that he was President Joseph Charles of Royalty and also a certified volunteer deputy registrar of Harris County and one of the only official presidential candidates for the coming presidential election, that he was a crime victim and had one of the County Judge crime victims card and was present for to address his crime victim case again by stating that the Syndicated Global Mafia City Government Conspiracies to overthrow his presidency of the United States of America and government, that he was present to request and demand that emergency protection be provided in compliance with his official command emergency order of protection and continued to voice his personal opinions until his time expired. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he agreed with Mr. Lark that they needed a citizens review board, that on today's front page of the Houston Chronicle where it talked about taxes, and even Judge Eckels admitted that the citizens of Houston passed all those bonds and even those he was not against a tax increase that they were looking forward to one in November and that was why the citizens of Houston needed to think about that and galvanize and not support an arena, that he did not support an arena and would not vote for it if it was on the November ballot, that this time was his time, that his taxes were going to pay for it, so he wanted to be identified on the Municipal Channel as James Partsch-Galvan, the Libertarian Candidate for Texas Representative 147 and his web site address was www.galvan.org and he wanted to be identified on that, that he did not ask them for nothing, he came and told them all, that was what Elizabeth Spates taught him that they worked for him, he did not work for them. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

At 4:53 p.m. upon motion by Council Members Parker and Ellis the City Council was recessed until 9:00 a.m. Wednesday, June 7, 2000. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 7, 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, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Bill Beauchamp, City

Attorney's Office; Ms. Martha Stein, Agenda Director, and Ms. Linda Layton, Agenda Office, present. Council Member Bert Keller absent.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Brown called the meeting to order. Council Member Keller absent. Council Members Galloway, Boney, Todd, Quan and Sanchez absent.

HEARINGS - 9:00 A.M

1. **PUBLIC HEARING** to consider the creation of a Reinvestment Zone for **NOVO INDUSTRIES, L.P. - DISTRICT A - TATRO** – was called.

The City Secretary advised that no one had reserved time to appear. Council Members Galloway, Boney and Sanchez absent.

Mr. Bill Calderon, Planning and Development stated that the City of Houston received a tax abatement application from Novo dated March 22, 2000 and it was amended and considered complete on May 12; that Novo Industries was a wholly owned subsidiary of Royal Group Technologies who had a global operation of over 100 facilities throughout the world producing a wide variety of PVC products, primarily mini blinds, and the parent company was proposing an extension of their operation and considered the Houston site as one for the expansion and would include an addition of 350,000 square feet of manufacturing facilities and a possible creation of 500 new jobs to Houston; that the project would propose to invest more than \$14,000,000 which would be abatable and the breakdown of value as proposed would be \$7.5 million in improvements to facilities and a personal property investment of \$6.7 million and if the abatement was approved the City's average annual income during the abatement period would go up by \$309,000 and it was estimated the average income over current revenues would increase by \$362,000 after the abatement closed; that the project was competitively sited with others around the United States and the applicant was seeking one variance to provide for abatements on personal property in the form of a fixed in place equipment to be installed once constructed; that the Council had approved two previous abatements for Novo in 1992 and amended in 1996; that Novo was a Greater Houston Partnership client and this morning vice president of operations and vice president of manufacturing were present in Council Members had any questions. Council Members Galloway, Boney and Sanchez absent.

Council Member Tatro stated that he supported the item and hoped the Council Members would support the item also. Council Members Galloway, Goldberg, Boney, Vasquez and Sanchez absent.

Council Member Castillo moved to close the hearing, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. Council Members Galloway, Goldberg, Boney, Vasquez and Sanchez absent. MOTION 2000- ADOPTED.

2. **PUBLIC HEARING** to consider updating Land Use Assumptions, Capital Improvement Plans and establishing Water and Wastewater Impact Fees – was called.

The City Secretary stated that three speakers had reserved time and began by calling Mr. Jim Box. Council Members Galloway, Goldberg, Boney, Vasquez and Sanchez absent.

Mr. Jim Box, 15320 Clevedon, Houston, Texas 77040 (713-463-8014) appeared and stated that he was speaking for the Houston Real Estate Council as well as the Greater Houston Builders Association; that they knew impact fees had never been raised and the law was over 10 years old, but one thing the City and a committee of the GHBA was working on with the Mayor, Mr. Litke and others was increasing developer reimbursements so the city development would be more on par with county development; that if the increase was modest and tied to reimbursements then it would be more palatable; that they would want impact fees on affordable housing to continue to be waived, but at the same time it would not be wise to tie developer reimbursements to just affordable housing. Council Members Galloway, Boney and Vasquez absent.

Council Member Robinson thanked Mr. Box for appearing and his work with his committee; that they were trying to get reimbursement for developer participation up to 50% and he understood that would offset concerns the building community had; and upon questions, Mr. Box stated he would encourage them to look closely at the parity between, if developing in the county you would get 70% reimbursement for water, sewer and drainage and in the City you would get 30% on sanitary sewer and water; that in a MUD you were reimbursed 100% at some point in time. Council Members Galloway, Boney and Parker absent.

Upon questions by Council Member Quan, Mr. Box stated that on the affordable housing they were at \$103,000 which was the average income; that there was a way to define affordable housing, it was a floating number tied to a real estate index; that developers were reimbursed in MUDs on water and sewer connections through bond funds and the connection fee in the County was similar to the City's fee where they made a tap into a line and those numbers were about comparable in MUDs, a MUD did not have an impact fee; that MUDs charged everyone the same by law; that having infield development in the city was extremely important. Council Members Galloway, Boney, Todd, Vasquez and Parker absent.

Upon questions by Council Member Castillo, Mr. Box stated that he agreed the calculation and land use assumption was fair and equitable, the rules to establish the amount was in state law, but you could vary from how much of the calculation you applied. Council Member Boney absent.

Upon questions by Council Member Tatro, Mr. Box stated that they were talking about lines on city property and in public easements being put in. Council Member Boney absent.

Upon questions by Council Member Tatro, Mr. Paul Nelson, Deputy Assistant Director of the Department of Public Works and Engineering, stated that Council approved the discharge criteria sheet that rated different development, houses were

rated at "x" gallons so it was the same dollar value. Council Member Tatro stated that a 100% discount he thought was putting things on the backs of those paying the major share of development. Council Member Boney absent.

Council Member Todd stated that his district had large tracts of undeveloped land; and upon questions, Mr. Box stated that encouraging an increase in reimbursements would encourage development and it still would not be 100% like in a MUD. Council Member Boney absent.

Upon question's by Council Member Todd, Mr. Lewis stated the preliminary thinking was that they could get to a developer reimbursement increase that would put the city in a far more competitive position with the suburban area and the inflationary adjustment in the impact fee would not be adverse to that; and they would be glad to do an analysis by Council district. Council Member Todd stated that he would like that and also like to see an analysis on types of housing and if it would disproportionately impact single family over multifamily and single story over multistory; that he believed they needed a policy to encourage development. Mr. Lewis stated that the inflationary adjustment was a drop in the bucket compared to what they were looking at on potential revisions to the developer reimbursement policy. Council Member Boney absent.

Upon questions by Council Member Ellis, Mr. Lewis stated that last year's revenues or this year's projected revenues were around \$11,000,000. Upon further questions, Mr. Nelson stated that assuming in 1999, if the rates were in place then, it would be approximately a \$3,500,000 increase. Council Member Ellis stated that he would like them to look at numbers if they reduced the exemption from 100% to 50% and not raise impact fees; and Mr. Lewis stated that they would be glad to do that. Council Member Boney absent.

Council Member Castillo stated that on the definition of affordable housing it was defined by builders and then defined by HUD which was what they used in the Community Development Program for subsidy assistance; that it was based more on the ability for families to afford housing to not spend more than 25% of their income on housing and so the figure was different and he did not want anyone to think there was no definition for affordable housing. Council Member Boney absent.

Council Member Robinson asked if they put CIP dollars into building infrastructure and say this is where we want you to be or was it the development community saying we were going here and the city should put their CIP money there and stated that he believed they had built in flexibility, but he would be interested in by district where were the 800 exemptions and by district where were the nonexempt properties and in terms of developer participation how many exempt homes applied for developer participation and how many of the nonexempt homes because they needed to be looked at together and he would hate to unintentionally eliminate affordable housing in the inner city; and Mr. Lewis stated that there were three elements in the amount of the impact fee, threshold for exemption of the impact fee and the percentage of the structure for the developer reimbursements, they were all interrelated. Council Members Boney and Sanchez absent.

Mr. Steve Butteri, P. O. Box 1897, Crosby, Texas 77532 had reserved time to speak, but was not present when his name was called. Council Members Boney and Sanchez absent.

Mr. Pat Brown, 11490 Westheimer, Ste. 700, Houston, Texas 77077 appeared and stated that he was vice chairman of the Planning Commission, reviewed the process they had gone through to come to their recommendation and the determination of the impact fee was that which Council chose to charge, it was not a number that could not be calculated, it was a judgment decision made by the governing body. Council Members Boney, Vasquez and Castillo absent.

Upon questions by Council Member Tatro, Mr. Brown stated that the impact fees were looked at by the Planning Commission and it came back on an annual basis for review, they got an update from the Planning staff on the number of connections, how it fit the plan and if it was appropriate to make changes; that they also made a determination on how much money was collected under the impact fees and recommended to Council what to transfer to debt service in various revenue bonds. Council Members Boney, Vasquez and Castillo absent.

Council Member Robinson thanked Mr. Brown and the Planning Commission for their recommendation. Council Members Tatro, Boney, Vasquez and Castillo absent.

Upon questions by Council Member Quan, Mr. Brown stated that the Planning Commission did not have a specific discussion concerning the exemption the city presently had other than that they were aware of it and sensitive to it; that they had looked at the increase in cost for the maximum charge and debated and discussed leaving it at the same level or increasing it based on inflation or additional cost and it appeared reasonable to increase the impact fees commensurate with those sort of factors. Council Members Boney, Todd and Ellis absent.

Council Member Robinson moved to recess the hearing to 2:00 p.m. and refer Item 2a to the end of the Agenda following closing the hearing, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. Council Members Boney, Todd and Ellis absent. MOTION 2000-0715 ADOPTED.

2a. ORDINANCE relating to Impact Fees for Water and Wastewater Facilities; amending the Chapter 47 of the Code of Ordinances; updating Land Use Assumptions and Impact Fee Capital Improvements Plans for Water and Wastewater Facilities; establishing maximum Impact Fees for Water and Wastewater Facilities; adopting updated Impact Fees for Water and Wastewater Facilities – was postponed to the end of the Agenda by MOTION 2000-0715. Council Member Keller absent. Council Members Boney, Todd and Ellis absent.

Council Member Robinson moved to suspend the rules to request that the Administration post Item 2a for consideration on Tuesday, June 13 and Wednesday June 14 if necessary, to effect passage after two readings, no later than June 19, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. Council Members Boney, Todd and Ellis absent. MOTION 2000-0716 ADOPTED.

MAYOR'S REPORT

Consent Agenda (Items 3 through 41) were considered as follows:

MISCELLANEOUS - NUMBERS 3 and 3A

3. REQUEST from Mayor for confirmation of the appointment of **MR. C. K. PANG** to Position One, for an unexpired term ending July 7, 2001 and the appointment of **MR. DAN NIP**, currently serving in Position Six, as Chair for an unexpired term ending December 31, 2000 to the **CITY OF HOUSTON REINVESTMENT ZONE NUMBER FIFTEEN, also known as EAST DOWNTOWN AREA** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. Council Members Goldberg and Todd absent. MOTION 2000-0717 ADOPTED.
- 3a. RESOLUTION approving the creation of the East Downtown Redevelopment Authority; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Goldberg and Todd absent. RESOLUTION 2000-27 ADOPTED.

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$511,037.31 and acceptance of work on contract with **PRIMIS CORPORATION** for Construction of Accessibility Compliance and Renovation at Burress and 69th Street Administration Buildings, GFS R-0268-31-3 (4288-05) - 00.40% over the original contract amount - Enterprise Fund - **DISTRICTS H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. Council Members Goldberg and Todd absent. MOTION 2000-0718 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 41

9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a sidewalk easement four feet (4') in width located on the 2900 Block of Old Spanish Trail; vacating and abandoning said sidewalk easement to Proguard Mini Storage, Ltd., a Texas Limited Partnership, the abutting owner, in consideration of owner's construction of a new concrete sidewalk within the existing street right-of-way of Old Spanish Trail, and payment of \$300.00 and other consideration to the City - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-459 ADOPTED.
10. ORDINANCE consenting to the addition of 0.0918 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 346**, for inclusion in its district –

was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-460 ADOPTED.

14. ORDINANCE approving and authorizing first amendment to professional translation and Interpretation Services contract (approved by Ordinance No. 98-757) between the City of Houston and **WALTER EDWARD JACKSON** relating to General and Limited Purpose Annexations, Redistricting and Election Matters – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-461 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City of Houston, Texas and **RELIANT ENERGY, INC** for Installation of City owned Fiber Optic Cable Network Conductors in Reliant Energy, Inc., Interior Ducts - \$72,600.00 - Central Services Revolving Fund – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-462 ADOPTED.
18. ORDINANCE approving and authorizing first amendment to contract between the City and **AT&T COMMUNICATIONS, INC** for Long Distance Services for Various Departments – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-463 ADOPTED.
21. ORDINANCE appropriating \$1,617.00 out of Storm Sewer Consolidated Construction Fund for, and approving and authorizing purchase from Karen J. Newsome of a Storm Sewer Easement located at 5742 Waterford Road, for and in connection the **MARTIN LUTHER KING DRAINAGE IMPROVEMENTS PROJECT**; Parcel LYO-21, CIP M-1000-01-1 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-464 ADOPTED.
22. ORDINANCE appropriating \$2,266.00 out of Storm Sewer Consolidated Construction Fund for, and approving and authorizing purchase from Wilma Rucker Jefferson of a Storm Sewer Easement located at 9322 Saint Lo Road, for and in connection the **MARTIN LUTHER KING DRAINAGE IMPROVEMENTS PROJECT**; Parcel LYO-22, CIP M-1000-01-1 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-465 ADOPTED.
24. ORDINANCE approving and authorizing treated water supply contract between the City of Houston and the **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 372** – Revenue – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-466 ADOPTED.
25. ORDINANCE appropriating \$945,860.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for the engineering services contract between the City of Houston and **CORRPRO COMPANIES, INC** for Corrosion Control Services (approved by Ordinance No. 97-549); amending Ordinance No. 97-549 to increase the maximum contract amount - 2 Years -

- \$1,165,652.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-467 ADOPTED.
30. ORDINANCE appropriating \$2,790,416.00 out of Street & Bridge Consolidated Construction Fund, \$457,164.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** on low bid of \$2,844,665.95 and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$90,000.00 for construction of Parker Road from I-45 North to Airline Drive, GFS N-0543-01-3 (N-0543-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-468 ADOPTED.
31. ORDINANCE appropriating \$716,000.00 out of Storm Sewer Consolidated Construction Fund, awarding contract to **GARVER CONSTRUCTION, LTD.** on low bid of \$625,742.00 and approving and authorizing professional services contract for engineering testing services with **MURILLO SERVICES, INC** in the amount of \$8,000.00 for construction of Greenbriar Relief Storm Sewer, GFS M-0233-01-3 (M-0233-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-469 ADOPTED.
32. ORDINANCE appropriating \$421,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PELTIER BROTHERS CONSTRUCTION, INC** on low bid of \$356,300.00 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$11,000.00 for Memorial No. 5 Lift Station Rehabilitation, GFS R-0267-54-3 (4276-16); providing funding for construction management and 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. Council Member Goldberg absent. Ordinance 2000-470 ADOPTED.
33. ORDINANCE appropriating \$1,658,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS-STERLING CONSTRUCTION, INC** on low bid of \$1,419,913.00 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$25,000.00 for Fleetwood Lift Station Rehabilitation, GFS R-0267-55-3 (4276-17); providing funding for construction management and 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. Council Member Goldberg absent. Ordinance 2000-471 ADOPTED.
34. ORDINANCE appropriating \$1,451,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP** on low bid of \$1,243,900.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$20,000.00 for Turkey Creek Wastewater Treatment Plant Lift Station Replacement, GFS R-0267-56-3 (4276-18); providing funding for construction management and 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. Council Member Goldberg absent. Ordinance 2000-472 ADOPTED.
35. ORDINANCE appropriating \$547,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP** on low bid of \$463,000.00 and approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$15,000.00 for Plum Creek Lift Station Replacement, GFS R-0267-63-3 (4276-23); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-473 ADOPTED.
36. ORDINANCE appropriating \$4,220,850.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP** on low bid of \$3,583,350.00 and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING & TESTING SERVICES, INC** in the amount of \$100,000.00 for Rehabilitation of the Southeast and Sagemont Wastewater Treatment Plants (WWTP), GFS R-0522-01-3 (4747); 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. Council Member Goldberg absent. Ordinance 2000-474 ADOPTED.
37. ORDINANCE appropriating \$6,428,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PATE & PATE ENTERPRISES, INC** on low bid of \$5,484,792.20 and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** in the amount of \$120,000.00 for construction of Willow Meadows Relief Sewer, GFS R-2011-05-3 (4715); providing funding for construction management and 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. Council Member Goldberg absent. Ordinance 2000-475 ADOPTED.

38. ORDINANCE appropriating \$609,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** on low bid of \$511,852.00 and approving and authorizing professional services contract for engineering testing services with **BANDY & ASSOCIATES, INC** in the amount of \$20,000.00 for Sims Bayou Sanitary Sewer Improvements, GFS R-2011-08-3 (4738); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - BONEY and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-476 ADOPTED.
39. ORDINANCE appropriating \$784,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BEARDEN CONTRACTING COMPANY, INC** on low bid of \$660,030.00 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$25,000.00 for Lancaster Relief Sewer and Hanka Relief Sewer, GFS R-2011-09-3 (4739); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-477 ADOPTED.
40. ORDINANCE appropriating \$2,811,760.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING, INC** on low bid of \$2,506,090.00 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$30,000.00 for Construction of Water Main Replacement in the South Union Subdivision, GFS S-0035-48-3 (10548); 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. Council Member Goldberg absent. Ordinance 2000-478 ADOPTED.
41. ORDINANCE appropriating \$687,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION COMPANY, INC** on low bid of \$598,800.00 and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING & TESTING SERVICES, INC** in the amount of \$10,000.00 for Flow Meters at Various Groundwater Production Facilities, GFS S-0936-03-3 (10568-1); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - BONEY; E - TODD and G - KELLER** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. Ordinance 2000-479 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

PURCHASING AND TABULATION OF BIDS

LOW BIDS

5. **ADA RESOURCES, INC** for Fuel, Reformulated Gasoline for Finance & Administration Department - \$22,974,940.00 - Central Services Revolving Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Ellis. Council Member Keller absent. Council Member Goldberg absent.

OTHER

6. RECOMMENDATION from Finance & Administration Department, **TO AMEND MOTION #99-1807, 10/20/99**, to rescind award to **CASCADE IMPEX CO., INC** for Paper Products for Various Departments and declare them non-responsible for two (2) years for failure to deliver on purchase orders, and **AWARD TO RIGGSBEE HARDWARE CO. INC.**, on their low bid in the total amount of \$259,518.00 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez . All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. MOTION 2000-0719 ADOPTED.

RESOLUTIONS AND ORDINANCES

7. RESOLUTION designating the **NORHILL AREA** as an Historic District - **DISTRICT H – VASQUEZ** – was presented, and was tagged by Council Members Tatro and Todd. Council Member Keller absent. Council Member Goldberg absent.

Council Member Tatro stated that he appreciated Ms. Gafrick trying to help him resolve the numbers and this week he would like to get with her to try and solidify that part of the ordinance. Council Member Goldberg absent.

8. ORDINANCE amending certain prior ordinances relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series A, and authorizing the issuance of \$133,000,000.00 of additional City of Houston, Texas, General Obligation Commercial Paper Notes, Series A, for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized Officers and Employees to act on behalf of the City in the Selling and Delivery of such Notes, within the limitations and procedures specified herein; making certain Covenants and Agreements in connection therewith; resolving other matters incident and related to the Issuance, Sale, Delivery and Security of the Notes, including the approval and/or Ratification of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement, and declaring an emergency – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. ORDINANCE 2000-480 ADOPTED.

11. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas, **CG7600 L.P.** and **EXTRUSION TECHNOLOGY CORPORATION** for certain property located within the Extrusion Technology Reinvestment Zone - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. ORDINANCE 2000-481 ADOPTED.
12. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, the **MIDTOWN REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** in connection with the City's Reinvestment Zone Number Two over the Midtown Area - **DISTRICTS D - BONEY and I – CASTILLO** – was presented, and was tagged by Council Member Todd. Council Member Keller absent. Council Member Goldberg absent. **(NOTE: Council Member Todd released his tag later in the meeting.)**
- 12a. ORDINANCE approving the issuance of Bonds by the Midtown Redevelopment Authority; providing for continuing disclosure with respect to such bonds - **DISTRICTS D - BONEY and I – CASTILLO** – was presented, and was tagged by Council Member Todd. Council Member Keller absent. Council Member Goldberg absent. **(NOTE: Council Member Todd released his tag later in the meeting.)**

Council Member Boney moved to suspend the rules to take Items 48 and 49 out of order. All voting aye. Nays none. Council Member Keller absent. Council Member Goldberg absent. MOTION 2000-0720 ADOPTED.

48. ORDINANCE appropriating \$1,500,000.00 out of Airports Improvement Fund as temporary funding for the contract with **CHAMPAGNE-WEBBER, INC** for Project 538 at George Bush Intercontinental Airport/Houston; CIP A-0359-02; AIP 3-48-0111-30 - **DISTRICT B – GALLOWAY** – **(This was Item 57 on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBERS TODD and TATRO)** – was presented. Council Members Todd and Ellis voting no. Balance voting aye. Council Member Keller absent. Council Member Goldberg absent. ORDINANCE 2000-482 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** – **(This was Item 63 on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBER BELL)** – was presented.

Council Member Tatro stated that last week he had passed out calculations for the analysis of the cost the city would incur in this particular project if enrolled in the ROCIP program utilizing the calculated estimate from the F & A Department as distributed to Council on May 23 and from that analysis it was evident that the city at this point in time would lose approximately \$120,000; and moved that the contract be sent back to the

Administration to re-post and re-certify to allow the contractor to provide his own insurance, seconded by Council Member Ellis, and was tagged by Council Member Castillo. Council Member Keller absent.

Council Member Boney stated that in reviewing the analysis that was projected on ROCIP the numbers were wrong; that he understood philosophically there was opposition to ROCIP and that they would face this every time it came up, but frankly all they were doing was delaying the pilot program; that they had assurances on the part of the contractor there was no way the city could lose money and this was a time sensitive matter; and urged all to move ahead with the program; that the Administration had agreed to do an evaluation and those who attended the budget hearing on Aviation realized the tremendous amount of infrastructure work and it did not need to be delayed because of philosophical concerns. Council Member Robinson absent.

Council Member Goldberg stated that even if the figure of \$119,000 was correct HOBBS/APEX guaranteed to reimburse the city for the loss and it was a part of the contract. Council Member Robinson absent.

Council Member Bell stated that he did not want to delay the item for philosophical reasons, he had tagged it last week hoping he could get information to an individual he had been working with who could provide an independent analysis; that he voted for the original proposal and did so because it was represented as being able to save the city millions of dollars, but he believed Council owed it to themselves to know going in and he was not able to get the information he was seeking and he did not support Council Member Tatro's motion; and moved to postpone Item 49 one week, and was seconded by Council Member Tatro.

Council Member Boney moved to suspend the rules to hear from Mr. Vacar, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. MOTION 2000-0721 ADOPTED.

Upon questions by Council Member Boney, Mr. Vacar stated that when ROCIP was first proposed for Aviation projects he investigated elsewhere and substantial money had been saved so since Aviation had a lot of construction going on he thought he would introduce it and as it turned out he did not think there was a way in this stage of the game to know what would be saved but still believed there was a savings potential for the city. Upon further questions by Council Member Boney, Mr. Stephen Smith, Aviation Department, stated that it was difficult to pin a one week delay and to say accurately how much a day, but there was a cumulative effect with four projects and any delay did make it more and more difficult to mitigate the impact; that it had been tagged once and there were problems getting it to contract so they were looking at probably 30 days off. Upon further questions by Council Member Boney, Mr. Vacar stated that they could stand a week delay but the potential was they may have \$22,000.00 additional cost for storage of equipment if it arrived and the building it was to go into was not ready. Council Member Castillo absent.

Upon questions by Council Member Boney, Mr. Haines stated that in the agreement with HOBBS/APEX there were performance guarantees and retainage initiatives were involved and again it was a pledge of performance against a floor that was articulated by Council Member Goldberg fairly accurately. Upon further questions

by Council Member Boney, Mr. Hall stated that the law imposed a duty of good faith in all contractual agreements and obviously the city had the duty to operate in good faith when they negotiated and approved the agreement with HOBBS/APEX so obviously they could have a claim if in fact there was some demonstration that the city was not doing so and generally the unilateral canceling of a contract was viewed as bad faith. Council Member Castillo absent.

Council Member Sanchez stated that his advice would be to build in delay time on contracts and they may want to think about resolving the issue as obviously it was going to be a protracted long drawn out debate every time the contracts came to Council. Council Member Castillo absent.

Council Member Sanchez yielded to Council Member Bell who stated that the delay was not to try to do any harm to the project, but it was important to have questions answered; that he was not interested in engaging in the debate each time one of such projects came forward and it was his hope there would be some type of resolution now so they would not have to engage in that and would be able to move forward though it, but his problem was that this was a situation where on one side numbers could be cranked out to make you think it was a sure fire winner and Council Member Tatro could sit with the same numbers and show how it was a sure fire loser so he sometimes went to folks he respected in the private sector who have it analyzed as could say who was being more accurate and that was what he would like to do in this case and had done it successfully in other cases; that he had told Aviation and F & A he requested information to do that and would like to do it before it was voted on.

Council Member Tatro stated that he wanted to remind Council that the first two contracts bid under ROCIP were analyzed by F & A and were not enrolled in ROCIP and he found it humorous that this boiled down to a philosophical debate; that up front it may have been a philosophical debate because everything was estimated but he had not used any of his numbers only the contractor's and F & A's numbers and it was time to put philosophy aside and look at the numbers and that was all he did.

Mayor Brown stated that he wanted to remind Council that this would be the third time the contract was delayed and he wanted to stress that although there may not be a great loss of money there may be a chance they would be spending money unnecessarily by delaying with storage.

Council Member Boney stated that he appreciated Council Member Bell's perspective in terms of what he was trying to do with a week delay and accepted it at its face value; and moved to suspend the rules to hear from Ms. Mosley. Council Member Vasquez absent.

Upon questions by Council Member Boney, Ms. Mosley stated that although Council Member Tatro did use the cost numbers F & A provided and a probable case scenario the theory he applied to the numbers were wrong, you could not allocate your potential losses on the basis of payroll as dollars of payroll had nothing to do with the risk of loss or risk of accident on a particular job; that some jobs such as demolition that were low payroll cost were very very risky and jobs such as electrical and a high payroll cost were very low risk; that the second thing was in the \$959,000 number there was \$459,000 for a payment to HOBBS/APEX and if the project ended up in a loss the city

would pay nothing to HOBBS/APEX much less 5% so you could not really allocate that potential payment on the basis of payroll cost either; and the bottom line was the analysis did not show a loss. Council Members Vasquez and Parker absent.

Upon questions by Council Member Tatro, Ms. Mosley stated that the analysis was done by HOBBS/APEX, the contractor Council hired to do the work and they were the group who had the most to lose if the analysis was wrong and they did not enroll the first two projects he spoke of because their analysis showed there could be a loss, however, for this project their analysis showed there would be no loss. Council Member Tatro stated that if one employee walked out all the loss reserve deductible could be at risk and there was a \$250,000 exposure per incident and he did not think it a good idea to play the lotto with that in the hopes it would not be incurred, it was irresponsible and his analysis was nothing but a straight dollar per dollar analysis of payroll to contractor credit. Council Members Vasquez and Parker absent.

Mayor Brown stated that he was sure he was sincere in his analysis, but it turned out he was sincerely wrong as it was pointed out what he had done was not correct; that it had been delayed two times already and they did have an important plan at the airport and it should not be delayed when it could cost the city money and he would encourage all to vote no on the delay; and called for a roll call vote on Council Member Bell's motion to postpone Item 49 one week.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting aye.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting aye.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez voting aye.
Council Member Todd voting aye.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson voting no.
Council Member Keller absent.	MOTION 2000-0722 FAILED.

A vote was called on Item 49. Council Members Todd, Tatro, Sanchez, Ellis and Bell voting no. Balance voting aye. Council Member Keller absent. ORDINANCE 2000-483 ADOPTED.

Council Members Ellis and Todd stated that they wanted to record a no vote on Item 48. Mayor Brown stated that hearing no objections their votes would be recorded as no.

13. ORDINANCE approving and authorizing contract between the City and **NEIGHBORHOOD CENTERS, INC** for U. S. Department of Justice's Weed and Seed Program at Burnett Bayland Park - \$27,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG and F - ELLIS** - was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-484 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City and **JUSTEX SYSTEMS, INC** for Development and Administration of Process for Promotion of Rank of Lieutenant in the Houston Police Department; providing a maximum

contract amount - \$166,891.00 - General Fund – was presented, and was tagged by Council Member Todd. Council Member Keller absent.

Council Member Todd stated that he would release his tag on Items 12 and 12a; and Mayor Brown stated that he was the only one who tagged the item and it would be picked up at the end of the Agenda.

17. ORDINANCE awarding contract to **CAPPS RENT A CAR, INC** for Leased Vehicles for Police Department; providing a maximum contract amount \$6,070,680.00 - General, Grant and Asset Forfeiture Funds – was presented, and was tagged by Council Member Castillo. **(Note: Council Member Castillo released his tag later in the meeting.)**
19. ORDINANCE approving and authorizing Interlocal Agreement between **HARRIS COUNTY, TEXAS; HARRIS COUNTY FLOOD CONTROL DISTRICT** and the City of Houston, Texas, pertaining to Drainage of Surface Waters for the Extension of Space Center Boulevard in the vicinity of the City's Southeast Water Plant and Ellington Field - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-485 ADOPTED.
20. ORDINANCE appropriating \$3,639.00 out of Water & Sewer System Consolidated Construction Fund for, and approving and authorizing purchase from Reed Parque Limited Partnership of a waterline easement located at the northeast corner of Reed Road and Highway 288, for and in connection the **WATERLINE EASEMENT ALONG THE EAST LINE OF S. H. 288 PROJECT**; Parcel K99-3, CIP S-0517-11-1 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-486 ADOPTED.
23. ORDINANCE approving and authorizing treated water supply contract between the City of Houston and the **CITY OF PEARLAND** – Revenue – was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-487 ADOPTED.
26. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **C/e CONSULTANTS, INC** for Design of the 2000 Safe Sidewalk Program, CIP N-0610A-05-2 (SB 9007); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and was tagged by Council Member Vasquez. Council Member Keller absent.
27. ORDINANCE appropriating \$2,578,988.00 out of Street & Bridge Consolidated Construction Fund, \$947,991.00 out of Storm Sewer Consolidated Construction Fund, \$704,982.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$3,586,400.50 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$107,600.00 for construction of Neighborhood Street Reconstruction Project No. 432A-Phase 1, GFS N-0364-02-3 (N-0364-02); providing funding for

construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, Water & Sewer System Consolidated Construction Fund; the Storm Sewer Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-488 ADOPTED.

Council Member Castillo stated that he did not want to hold up the project because it did affect streets in his district which had been overlooked sometime, however, on the reconstruction of Alta Vista which was a part of the package only about one-third was being reconstructed, the middle section, and that did not make a lot of sense and would like the department to see what could be done about the other two-thirds; and Mayor Brown stated that he was informed Public Works was aware of it and would be constructing the entire street. Council Members Todd and Robinson absent.

28. ORDINANCE appropriating \$4,609,600.00 out of Street & Bridge Consolidated Construction Fund, \$1,177,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$5,078,099.07 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$150,000.00 for construction of Neighborhood Street Reconstruction #437; Afton Oaks Subdivision, GFS N-0369-01-3 (N-0369-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. ORDINANCE 2000-489 ADOPTED.

29. ORDINANCE appropriating \$2,191,674.00 out of Street & Bridge Consolidated Construction Fund, \$141,908.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** on low bid of \$2,043,767.50 and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$65,000.00 for construction of Chimney Rock from Ludington to Benning Road, GFS N-0681-01-3 (N-0681-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. ORDINANCE 2000-490 ADOPTED.

Council Member Goldberg stated that it had been a longtime coming and he was glad it was being done but one project in the district had very poor results and he would like Public Works to keep him updated every two weeks on the progress of this particular project; and Mayor Brown stated that would be done. Council Members Todd and Robinson absent.

The Non Consent Agenda (Items 42 and 43) were considered as follows:

MISCELLANEOUS

42. RECEIVE nominations for the **HOUSTON CLEAN CITY COMMISSION**, Position B, for a one year term – was before Council. Council Member Galloway nominated Mr. R. C. Jones, Sr.. Council Member Vasquez moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. MOTION 2000-0723 ADOPTED.

PROPERTY

43. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from D. Reed Phillips of Kimley-Horn and Associates, Inc., on behalf of the University of Houston, the property owner, for abandonment and sale of a 20-foot wide drainage easement, located adjacent to 4800 Cullen Boulevard, within the Luke Moore Survey, Abstract 51, Parcel SYO-067 - **APPRAISERS DISTRICT I – CASTILLO** – was presented. Council Member Castillo named Mr. Terrance O'Rourke and Mr. Frank D. Flores as the appraisers and moved approval of the recommendation, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. MOTION 2000-0724 ADOPTED.

MATTERS HELD - NUMBERS 44 through 49

44. MOTION by Council Member Sanchez/Seconded by Council Member Tatro to adopt recommendation from Director Building Services Department for approval of Change Order No. 23 in the amount of \$122,311.00 for Construction of Fire Station #15 under construction contract with **A-TEC ENGINEERS AND CONTRACTORS INC - DISTRICT H – VASQUEZ** – **(This was Item 3A on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. MOTION 2000-0725 ADOPTED.
45. MOTION by Council Member Castillo/Seconded by Council Member Todd that Item 45A below, be amended to reallocate the \$412,015.00 proposed for acquisition, rehabilitation and new construction of “Neighborhood Facilities” to “Ingrando Park” for general renovation and installation of new equipment - **TAGGED BY COUNCIL MEMBER VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Robinson absent. MOTION 2000-0726 ADOPTED.
- 45a. ORDINANCE amending Ordinance No. 99-487, passed May 19, 1999, which approved and authorized the submission of the 1999 Consolidated Plan and the Grant Application for the 25th Community Development Block Grant (“CDBG”) Program, among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title I of the Housing and Community Development Act of 1974, as amended – **(This was Item 26 on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBERS VASQUEZ, KELLER and PARKER)** - was presented. All voting aye. Nays none. Council Member Keller

absent. Council Members Todd and Robinson absent. ORDINANCE 2000-491 ADOPTED.

45b. **NOTE: This is a new Item, however funding contingent on passage of Item 45A above**

RECOMMENDATION from Finance & Administration to award to **HOUSTON-GALVESTON AREA COUNCIL** for Four Firefighting Emergency Vehicles for Fire Department - Replacement \$2,754,912.17 - Grant Fund - was presented, moved by Council Member Vasquez, and seconded by Council Member Quan.

Council Member Tatro stated that Item 45b contained purchases of ladder trucks and it was obviously an important and needed purchase, but his concern was a policy adopted by the city; that he did plan to support the item but wanted to make a recommendation and analysis; that about two years ago at the Council table a reason was given for not purchasing ladder trucks with water capability was a lawsuit and it stemmed around the pumping capability not being maintained, it showed up at a fire and was not able to be used and subsequently the lawsuit alleged that it caused fatalities and he felt having water capability gave an option for a truck to show up and be able to hook up to a hydrant and assist and it gave flexibility in purchasing trucks with water capability; that history showed it had worked and it was the tradition of the city to do and he found it disturbing they would vote to change the policy because of a lawsuit or because maintenance was difficult and he would ask the Administration and Fire Chief to consider that.

A vote was called on Item 45b. All voting aye. Nays none. Council Member Keller absent. Council Member Todd absent. MOTION 2000-0727 ADOPTED.

46. ORDINANCE amending Ordinance No. 97-737 that approved and authorized contract between the City and **CHRISTUS, SOUTHWEST COMMUNITY HEALTH CENTER (formerly known as Sisters of Charity of the Incarnate Word)** for Health Care Services to increase the maximum contract amount; approving and authorizing a First Amendment to such contract - \$1,000,000.00 General Fund – (This was Item 28 on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBER ELLIS) - was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Castillo absent. ORDINANCE 2000-492 ADOPTED.

47. ORDINANCE appropriating \$7,301,784.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **OSCAR RENDA CONTRACTING, INC** on low bid of \$6,263,349.00 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$160,000.00 for proposed 54-inch water main along Westview from Silber to Spring Branch Creek, Contract 47A-1, GFS S-0900-44-3 (WA10599); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - DISTRICT A - TATRO - (This was Item 54 on Agenda of May 31, 2000, TAGGED BY COUNCIL MEMBER TATRO) - was presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Castillo absent. ORDINANCE 2000-493 ADOPTED.

12. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, the **MIDTOWN REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** in connection with the City's Reinvestment Zone Number Two over the Midtown Area - **DISTRICTS D - BONEY and I – CASTILLO** – was again presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Castillo absent. ORDINANCE 2000-494 ADOPTED.
- 12a. ORDINANCE approving the issuance of Bonds by the Midtown Redevelopment Authority; providing for continuing disclosure with respect to such bonds - **DISTRICTS D - BONEY and I – CASTILLO** – was again presented. All voting aye. Nays none. Council Member Keller absent. Council Members Todd and Castillo absent. ORDINANCE 2000-495 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that he had received comments from a civic club on the northside about the closing of their Irvington Storefront and he would like information whether it was or not and if so why and as soon as possible; and Mayor Brown asked Chief Storemski to meet with Council Member Vasquez after the meeting to answer his questions. Council Member Todd absent.

Council Member Castillo stated that he would remove his tag on Item 17 at this time. Council Member Todd absent.

17. ORDINANCE awarding contract to **CAPPS RENT A CAR, INC** for Leased Vehicles for Police Department; providing a maximum contract amount \$6,070,680.00 - General, Grant and Asset Forfeiture Funds – was again presented. All voting aye. Nays none. Council Member Keller absent. Council Member Todd absent. ORDINANCE 2000-496 ADOPTED.

Council Member Castillo stated that yesterday the Council committee on Fiscal Affairs Management Initiatives concluded the workshops on the operating departments of the city and they had two meetings scheduled to debate any outstanding issues and to receive clarification information requested by several Council Members throughout the duration of the workshop and that was on tomorrow, the other meeting was posted for Monday and would resume the conversations; that they were thinking of scheduling another for Thursday, a week from tomorrow, and that would be three full meetings which would give opportunity to debate outstanding issues; that they asked Council Members to submit suggestions or recommendations for amendments to the budget during any of those meetings and the purpose was to give Council the opportunity to look at amendments and not receive them at the table; that last year and the year before they had the process where amendments were received at committee to be reviewed and get a consensus or nonsupport whatever the case may be and for the Administration to give their recommendation or non-recommendation on amendments and there was a gentleman and ladies agreement that amendments submitted through committee would not be tagged at the table and those that were not were subject to the tag and they had asked that amendments be submitted by the close of business on June 13 which would give time to be reviewed and recommendation for the 15th; that it was a

tight schedule but they wanted to get the budget passed by the beginning of the fiscal year July 1st and it was a responsible thing to do and requested all Council Members to submit their recommendations or amendments and ask that they be considered. Council Members Boney and Robinson absent.

Council Member Bell stated that one issue that came up during the Public Works presentation of the budget workshop was the issue of street cuts and some cities had proposed a moratorium on street cuts so that the city could get a handle on the problem and it had probably reached that point in Houston where similar action was needed; that he received complaints regularly from citizens having their paths diverted by street cuts and some were non-permitted; that he felt a strong message needed to be sent to companies tearing up the streets that it would not be tolerated if they were not going to quickly move on repair and not be tolerated if they were not permitted and encouraged the Administration to follow the example of D. C. and some other cities and explore the possibility of a moratorium. Council Member Boney absent.

Council Member Bell stated that he also wanted to talk about West Alabama, one of the streets chosen for the Bikeway Project, he had received about 10 complaints from the area and apparently during rush hour traffic it was creating a traffic situation with the four lanes being turned into two lanes; that he was supportive of the Bikeway Project but he did not think they realized how it would affect certain areas and he would greatly appreciate it if it was looked at to see if something could be done; and Mayor Brown stated that he would make sure that happened. Council Member Boney absent.

Council Member Bell stated that University Blvd. across from the Rice Tennis Center had many problems because of the street being overlaid so many times, it had become built-up and basically become a hill and the other day it was patched again and instead of shaving the overlay down they just put more on top and the hill was even bigger; and he would appreciate Public Works looking at that also; and Mayor Brown stated that would be taken care of. Council Member Boney absent.

Council Member Todd stated that he wanted to give kudos to the Public Works Department; that he understood there had been a problem with streets buckling and forming almost a speed hump and it had been a chronic problem at Space Center Blvd. and El Dorado going back about four and a half years; that he had been trying to get something done and spoke to George Bravenic and they were extremely prompt in working on it and solved the problem; that he had stopped to speak to the work crew and they said citizens had been waiving and applauding and stopping and saying keep it up; and he thanked the Mayor, Public Works and George Bravenic for taking care of the problem and making it a much safer road. Council Members Boney and Castillo absent.

Council Member Todd stated that he had called the Controller's Office and asked what the procedure was in having items in Legal audited and it was his understanding the money had run out for that and there was a contract held up in Legal to renew it so right now they were unable to get anything put through the Controller's Office for auditing the Legal Department on a project basis and he would like to know the status of that and if the Legal Department and Administration intended to move forward; and Mayor Brown stated that they would get back to him. Council Members Boney and Castillo absent.

Council Member Galloway stated that last Saturday she spent 12 hours with the Houston Fire Department on a ride-along and it confirmed her strong respect for the men and women of the Fire Department and served as a learning experience to her and she hoped all her colleagues went through it; that it opened her eyes to the amount of physical and mental work involved and she was thankful to the men and women who chose to dedicate their lives to others safety and she thanked them all for their time and patience in working with her and she knew they were short of help because she was the fourth man on the truck and they needed to work on increasing Fire Department personnel. Council Members Boney, Castillo and Sanchez absent.

Council Member Galloway stated that she wanted to thank Mr. Tom Rolen for the expediency in getting the missing fire hydrants replaced and the community was very happy with it. Council Members Boney, Castillo and Sanchez absent.

Council Member Galloway stated that there were civic clubs really excited about seeing the process unfolding because they had been wanting the reconstruction of Parker from I-45 to Airline for some time and that was Item 30 on the Agenda and she thanked the Mayor for that. Council Members Boney, Castillo and Sanchez absent.

Council Member Robinson stated that in committee on June 27 they would take up for discussion and a final vote the street cut ordinance Council Member Bell referenced and he was asking all to take a look at the ordinance; that Mr. Bibler would be meeting with folks from the various contracting community and other stakeholders and they would try and take the document item by item and vote them up or down in committee; that they would also be dealing with the debarment ordinance at that meeting and Council Members could visit with Mr. Bibler on the two items, if they had already not done so, and then if they had more time they could add other things to the Agenda, but he wanted to make sure they took those two items up as he thought it was really important to move forward on the street cut ordinance. Council Members Castillo and Sanchez absent.

Council Member Robinson stated that he had received a number of the same complaints and questions on the bicycle signs; that people were not clear and interpreted it as eliminating them from the right hand lane and something needed to be done educational or change the language; that whenever he received more than ten calls he knew something was going on and would appreciate it being looked at. Council Members Castillo and Sanchez absent.

Council Member Robinson stated that he also wanted to lend his voice of commendation to Acting Director, Mr. Tom Rolen, on projects he had been working with him on and two of those items were ones he had just mentioned. Council Members Castillo and Sanchez absent.

Council Member Quan stated that he brought greetings to Mayor Brown from Thailand as he was not able to go this year. Council Members Castillo, Sanchez and Robinson absent.

Council Member Quan stated also on Tom Rolen he was impressed that at their workshop on Public Works that they were going to make an effort to work with neighborhoods before projects got started and he felt that would go a long way in

building confidence in what was going on when the departments talked to people before they began cutting up the streets. Council Members Castillo, Sanchez and Robinson absent.

Council Member Quan stated that he did want to express concern, he knew they were reaching the end of the fiscal year and in talking with members of the Administration it seemed there would be a shortfall; that he knew in the past there was movement of money from account to account and he would like the Mayor to keep Council Members informed on how he planned to make the end of the year budget, if money was to be moved he would like Council Members to be consulted. Council Members Castillo, Sanchez and Robinson absent.

At 11:00 a.m. upon motion by Council Member Vasquez and seconded by Council Member Tatro, City Council recessed until 2:00 p.m. All voting aye. Nays none. MOTION ADOPTED.

At 2:08 p.m. City Council reconvened with Council Member Keller absent. Council Members Ellis, Vasquez, Quan, Bell and Robinson absent.

The City Secretary stated that this was the continuation of the Public Hearing listed on the Agenda as Item 2 which was to consider updating Land Use Assumptions, Capital Improvement Plans and establishing Water and Wastewater Impact Fees; that no one had called to reserve time and asked if anyone was present who would like to speak relative to the item; and there being none Council Member Sanchez moved to close the hearing, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Keller absent. Council Members Ellis, Vasquez, Quan, Bell and Robinson absent. MOTION 2000-0728 ADOPTED.

2a. ORDINANCE relating to Impact Fees for Water and Wastewater Facilities; amending the Chapter 47 of the Code of Ordinances; updating Land Use Assumptions and Impact Fee Capital Improvements Plans for Water and Wastewater Facilities; establishing maximum Impact Fees for Water and Wastewater Facilities; adopting updated Impact Fees for Water and Wastewater Facilities – was presented, and was tagged by Council Member Tatro. Council Member Keller absent. Council Members Ellis, Vasquez, Quan, Bell and Robinson absent.

There being no further business before Council, the City Council adjourned at 2:09 p.m. upon MOTION by Council Member Sanchez, seconded by Council Member Todd. All voting aye. Nays none. Council Member Keller absent. Council Members Ellis, Vasquez, Quan, Bell and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary