

City Council Chamber, City Hall, Tuesday, June 20, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, June 20, 2000, with Mayor Pro Tem Jew Don Boney, Jr. presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Chris Bell, and Carroll G. Robinson; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Citizens Assistance; Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office present. Mayor Lee P. Brown out of city on city business. Council Member Orlando Sanchez absent on personal business.

At 1:50 p.m. Mayor Pro Tem Boney stated they had one Council presentation and it would be by Council Member Galloway. Council Members Ellis, Keller, Parker, Bell and Robinson absent.

Council Member Galloway stated she would like to recognize some young people who were known in the Nation, and that was the Holland Middle School "Cougar's Roar", that they had made one of the number one newspapers in the Nation and invited them to come forward for the presentation and read a recognition to the Holland Middle School Cougar's Roar School Newspaper in celebration of receiving Best of Show from the Journalism Education Association and the National Association Press Association, and commended the students and their teacher Ms. Thelma Johnson and Principal Ms. A. Roger for their achievement, that it was quite an honor as they were selected from over hundreds of other school newspapers across the Country, and joined the Mayor and fellow Council Members in extending very warm congratulations for a job well done. Council Members Ellis, Keller, Parker, Bell and Robinson absent.

At 2:04 p.m. Mayor Pro Tem Boney called to order the meeting of the City Council and Council Member Todd lead everyone in prayer and pledge of allegiance. Council Members Ellis, Keller, Parker, Bell and Robinson absent.

Mayor Pro Tem Boney requested the City Secretary to call the roll. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Ellis, Keller, Parker, Bell and Robinson absent.

Council Members Quan and Vasquez moved that the minutes of the preceding meeting be adopted. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Ellis, Keller, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding

Council Member Vasquez moved to suspend the rules to hear Mr. Ed Wulfe out of order, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Ellis, Keller, Parker, Bell and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0759 ADOPTED.

Mr. Ed Wulfe, 12 Greenway Plaza, Houston, Texas 77046 (713-621-1700) appeared and stated that he was present as chairman of the Mayor's Main Street Coalition, a job that he asked him to put together about 18 months ago, that it was a simple assignment to bring together all the stake holders and diverse interests along the

Main Street corridor and work to build a grand signature boulevard, that he was proud to report that they had been working vigorously and had almost thousands of hours of meetings with the various constituencies along the corridor, that they had meetings with the institutions and a great deal of effort had been expended by the City of Houston Planning Department and they were at the point now where the firm that they hired from New York had come up with a master plan which they were unveiling Thursday night at a town hall meeting which they were all invited to attend at 7:00 p.m., that it was a master plan that represented many months of work, but was really a guide to what the corridor could be, that they had learned over the months that Main Street was everybody's street, that it appealed to everybody, every diverse interest, every group, every organization and every institution had a tie and a commonality with Main Street and that was the spine of the City, that they started off with it extending from I-10 on the north and 610 on the south, that they had since expanded it northward until Quitman Street so it now extended from Quitman Street on the North to Loop 610 on the south, that they were making an effort to reach out to different groups and interest who had a stake in Main Street, that they had made a number of applications for funds and recently received a \$2.5 million dollar grant from the Texas Highway Department called a Step Grant to provide landscaping on South Main between Braes Bayou south to Loop 610 and that they were in the process of implementing and getting going, that the Planning Department in working in conjunction with them had received Federal Funds to employ an architectural firm to do extensive studies and in effect help them to develop and coordinate the effort, that they had come to several conclusions that would be expanded upon at the town hall meeting, that (1) they needed to bring everybody to Main Street, that Main Street was the commonality and represented the diversity of Houston, that Main Street could be enhanced a number of ways, and they think that more and more public institutions should have an address on Main Street and they were actively pursuing that effort such as a new high school for the Performing and Visual Arts, a new Fire Museum, a new public library and many other types of things that could have an opening or entrance off of Main Street, because again it was the common denominator, that what would they do to make Main Street, they look at it and the architects had recommended a number of things and he would summarize them rather briefly, that (1) trees should play an integral part and landscaping should be a major effort throughout the corridor, that (2) there should be a commonality of street lights, curbs and gutters and streets themselves to keep the theme of Main Street as the master corridor, that (3) there should be more public spaces and ways they could create plazas for people to congregate around and be a part of, to make it in many instances people and pedestrian friendly and a part of all Houston for everybody, that they think the ability to connect up everything from the Astrodome, the football stadium, the Medical Center, Hermann Park, Museum District, to the Midtown Area which was booming, to the downtown area and north, those were all integral parts of Main Street and all with different goals and objectives that needed to be connected and they thought that having the commonality of Main Street as their signature boulevard just did that, so he was being brief but he was trying to summarize 18 months of work, that they had listened to the people and tried to implement their wishes and tie it all together and when they present the master plan it would be a plan in process, that the master plan only meant it could be changed, that good master plans evolve and adapt to the conditions and as they continued to work as a Main Street coalition their goal was to be a catalyst to encourage activity and development of all types and sizes to help make Main Street a signature boulevard that they could all be very proud of. Council Members Galloway, Keller, Bell and Robinson absent.

Upon questions by Council Member Quan, Mr. Wulfe stated that the town hall meeting would be at Saint Phillips Church on Main and Calumet at 7:00 p.m. and the architectural firm would be there to present the master plan and followed by that shortly would be a strategic plan that they would complete which would go about figuring out and addressing ways to implement some of the concepts in the master plan, that rail was shown as a part of it, that they planned to develop Main Street and they thought it was that important to be the plan and the signature street with or without rail, however they felt strongly that light rail could be the connector to help enhance the development. Council Members Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Keller asked who had been in charge of the cost and value engineering of the project, and Mr. Wulfe stated that at this point they had been using an architectural firm which had developed information along with the Goodman Corporation and other consultants to give them estimates of the various parts of it, that they were not saying that they were going to build this million dollar project or that million dollar project, they were saying their role was to be a catalyst to encourage those developments and make things happen, that the architectural firm had used various consultants and would assure him that whatever the architectural firm says they would find a way to do it for less because it had to be very carefully analyzed in terms of cost, that the thing that was different was that they were not presenting those bricks and stones or those trees, that the only thing they were working on physically to spend money on was the landscaping of South Main from Braes Bayou to 610, that was where they got the \$2.5 million dollar grant, that it was part of the master plan, that when they came back with the strategic plan they would begin to identify projects and say this would cost X and Y, that he was very much into value engineering. Council Members Galloway, Castillo, Parker, Bell and Robinson absent.

Mayor Pro Tem Boney thanked Mr. Wulfe for his good work, that he had taken on a tremendous task and was proceeding with great excellence and looked forward to Main Street being a signature street for Houston. Council Members Galloway, Castillo, Parker, Bell and Robinson absent.

Ms. Sandy Frieden, 331 Timbridge, Houston, Texas 77024 (713-743-3051) appeared and stated that she was Executive Director for Distance Education and Outreach for the University of Houston System, that she was present to talk to them as the vice president of the board for Houston Media Source, that she was very proud and grateful to all of them for appointing her to be on that board for the last 6 years because it had really opened her eyes to what media could do in a community to diversify and open up communication, that it had been a very important part of her experience and education and hoped that the station had been able to be an important educational tool in the community, and she thought that the projects they had done had added immensely, they had worked with Talento Bilingue de Houston, University of Houston and Rice and had 20 interns this year who were studying how to do community media hands on, they had worked with Texas Southern going out and making special economic development installations in Africa, they had worked with HISD and Houston Read Commission and had done all kinds of things that really helped open up neighborhoods and helped diversify and communicate the citizens ideas in the City of Houston and they were very grateful to the support they had from them, that they were looking forward to another excellent year and hoped that as the demands of the community grew they would be able to match that, that they had outgrown the facility they were in and hoped to someday get

to be in a much larger facility where they would be able to meet all of the demands, that right now everybody was sort of crowded into the little editing suites and little cubby holes and hoped that with more room they would be able to open up to more of the citizens of the community, that she just wanted to thank them all for their wonderful support. Council Members Galloway, Bell and Robinson absent.

Council Member Goldberg stated that there were a lot of groups that needed to take advantage of the services she offered, that all the groups that came to Council to speak got their attention and certainly got attention on the Municipal Channel, but groups like the one last week concerning HIV he would like to encourage them to take advantage of the services she offered in terms of media and if she could make herself more available in terms of advertisement to some of those groups and agencies it would help everybody. Council Members Galloway, Bell and Robinson absent.

Upon a further discussion, Ms. Frieden stated that they were having discussion now with their board looking at how would they get out there more, that they were looking at diversifying the types of media that they made available to the community, that they were looking to make sure that the citizens of the community had access to the television station, radio, the web or whatever means they could help them do, that there was no other organization in the entire area of any type that made available to the everyday citizen the opportunity to speak and address over the media and reach out the way they did, so they were hoping on more equipment and a building, that as to the cable companies expanding cable operations into Houston she said the more business they all had the better, and Council Member Quan asked Ms. Frieden for her and her board to consider those issues and they would call upon her for more advice, and Council Member Parker stated that at the Regulatory Affairs Meeting there was a little bit of discussion at the end about her contract renewal which was up tomorrow and was surprised that they were engaged in some last minute contract revisions and Ms. Frieden stated that apparently there were some little disagreements about the terminology and it was her understanding that it was all resolved, that to her knowledge all of the items they were concerned about were covered, and Council Member Keller asked if they did any polling and Ms. Frieden stated they had and in fact they had a plan to do a fairly major viewer survey next year and were developing the survey now, that it covered a variety of things, they covered a variety of demographics and topics, and tried to get as much information as they could in any one survey. Council Members Todd and Robinson absent.

Council Member Castillo introduced two students who were present under the auspices of the National Association of Hispanic Journalists, that the two students were among the 11 top Latino students in journalism in the Nation and were in Houston for the 3 day national conference of the National Association of Hispanics Journalists and were working on their individual thesis for their degree and introduced Mr. Jose Gaona from San Angelo State and Ms. Denise Soto a student at Rutgers University in New Jersey. Council Members Todd and Robinson absent.

Mr. Mohammad Kargar, 7511 Shady Villa Ln., Houston, Texas 77055 (713 682 4508) appeared and stated that he guessed they all knew of the complaint he made towards the people who were trying to get his property and had made any possible way to do so, that he did not even know about the Council Meeting and had not been advised about it, that the appraisal that Council had in front of them he believed was biased because the appraisal had mentioned on his appraisal toward the people who had

tried to get his property that sometime ago he mentioned to them that in order to control the prices for the property around the Galleria area was not to let the prices go up and not to pay for the property as much as the property owner was asking, that as an example was page 8 of his appraisal that one property several months ago sold at \$180,000 just a few blocks away from his property and several months ago one property sold for over \$250,000 that it was in the same block as his property but not at the corner as his was or neither as big as his property, that as he explained in his complaint that they had done anything possible to get his property no matter what and he believed the property was not the subject 100% it was their anger toward him and to destroy his business which he had for 20 years at that location, that the reason being because every illegality that they had during the past 8 years he had reported to the Mayor and Council Members and that was why every time he reported an illegality such as having build homes without any inspectors being around which he was aware of and was a witness on several of those buildings and he had reported it to the Mayor. Council Member Robinson absent.

Mayor Pro Tem Boney asked if someone was trying to take his property and Mr. Kargar stated yes, they tried to take his property by force. Council Member Robinson absent.

Council Member Parker asked Mr. Kargar if his property was located in the St. George Place Tax Increment Reinvestment Zone and for a long time the TIRZ had wanted to acquire his property for some sort of expansion within the TIRZ and Mr. Kargar stated yes, that they offered to buy his property and he told them no, that the TIRZ had advised that they were going to condemn his property and take it by force of law, and Council Member Parker asked if they offered him a price that he thought was fair would he be willing to sell his property and Mr. Kargar stated that he really wanted to keep his business which had been there for 20 years and save his property, but if Council decides that they had the right to take it he would respect Council's decision but would hope that it would not be that way as it had not been for the past 8 years, and Council Member Parker stated that Mr. Kargar had written a letter to Council Members a few weeks ago about the issue, that he was being threatened by the St. George Place TIRZ and she wanted to make sure they were aware as Council Members that they had stated repeatedly that the reason they created TIRZ's was not so they could give away their powers of condemnation to the TIRZ's and so now they had come back to Council and said they wanted Mr. Kargar's piece of property and wanted Council to do the condemnation for them, and Mr. Kargar stated that in the past St. George Place had tried to buy the property, but since they found out they could not take his business away after 20 years because he was not willing to sell then they got the City involved, and Council Member Parker stated they ought to be very cautious before they used their condemnation powers in support of the TIRZ's, but certainly she would hope they could arrive at a price that he would feel would be fair should they choose to do that. Council Member Robinson absent.

Upon questions by Council Member Quan, Mr. Kargar stated that he was an automobile dealer, that he had a Masters Degree in Mechanical Engineering, that he chose to stay in that business while attending college and decided to keep his business, that he was on the corner of Richmond, Yorktown and McCulloch, that it was a short block, 150 by 65 feet, that they first wanted his property to build 27 houses or apartments that had been approved by City Council some years ago, then eventually they changed the plan and tried to make a shopping center or some stores, now they said they had to

use it for a City purpose, that a property one lot away from his, which used to also be a car lot and was a smaller property than his, had been offered \$180,000 but the papers had not been signed because they wanted to get rid of him first so they would not have the price legally listed, that he was offered \$143,000 which was a little over half of what he paid for it, that he was willing to sell it at a reasonable price as compared to other property sold near his, and Council Member Quan stated that they could make an offer and he could refuse the offer and go to court and have the judge decide and asked what did he want the Council to do and Mr. Kargar stated that their decision could basically save or destroy him, and Council Member Quan stated that they would look at what the Planning Department had offered and how they did their process, but they could not tell them to offer him more money. Council Members Keller, Bell and Robinson absent.

Mayor Pro Tem Boney stated that he had asked Mr. Litke to come over and if the other Council Members Tatro and Goldberg would wait until Mr. Litke was present so he could explain what the recommendation was and why and they could have a further discussion, that they were trying to understand what the rationale was for the TIRZ asking Council to exercise its power of eminent domain and condemn the property. Council Members Keller, Bell and Robinson absent.

Upon further discussion Council Member Castillo stated that the item would come up tomorrow and they had heard from Mr. Kargar and all they had to determine if there was a compelling enough reason for the TIRZ to ask Council to take the property from Mr. Kargar, that it had to be a meaningful public purpose and that was what they had to determine, and Mayor Pro Tem Boney stated that was one of the reasons he asked Mr. Litke to be present because it was actually one of the first times Council had been asked to condemn some properties on behalf of the TIRZ, and Council Member Goldberg stated that if Mr. Bibler knew why the property was being condemned and the legal precedent he would ask that Mr. Bibler address the issue, and Mr. Bibler stated that the information he had was that it was being acquired for a street and it was authorized by Ordinance 2000-0140 and had asked for a copy of the ordinance to be brought over, and Council Member Castillo asked if the City Council looking at the rationale and the argument of the TIRZ not concur with the TIRZ's request, and Mr. Bibler stated that sure, they could realign the street or just tell them not to build the street and they could decide they did not need a street, and Mayor Pro Tem Boney asked what the appraised value of the property was and Mr. Kargar stated that last time they appraised it for \$110,000 which was less than the tax value, and now they had appraised it for \$143,000, that the HCAD appraisal was \$143,000, and Council Member Goldberg asked if he said that he paid \$180,000, 20 years ago, and Mr. Kargar stated that he had been at that place for 20 years and had purchased it about 10 years ago and paid \$75,000 down and the purchase agreement was \$160,000 and that did not include the lease payments, that the exact sales price was \$143,000 per the record, and Council Member Tatro asked what percentage of his property were they requiring and Mr. Kargar stated that they required the whole lot, and Council Member Tatro stated they had one item on the agenda, that it was actually in his district, and they had gone through it with a property owner before, they went through condemnation and the property owner brought it to court and he was receiving one and a half times what the offer was and the City of Houston was paying the court costs also, so he did have that option. Council Members Ellis, Keller and Robinson absent.



Council Member Castillo raised a point of order and that was that they were on the second speaker and it was a complex subject about which they were going to vote on tomorrow and probably debate it to nausea.

Council Member Castillo moved to suspend the rules to move further discussion and questions to end of public speakers, seconded by Council Member Todd. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Ellis, Keller and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0760 ADOPTED.

Ms. Mary Almendarez, 608 Joyce Houston, Texas 77009 (713) appeared and stated that she was present on behalf of Mayor's Browns Hispanic Advisory Committee to speak on behalf of the funding for After School Programs and knew it was going to be voted upon by City Council, that the members of the committee expressed their unanimous support for the funding of programs for children in their community, that their very strong support was based on their belief, like the Mayor, that Houston's children were its future and responsibility, that they knew that those programs impacted the Hispanic Community directly as more than 45% of the children served were of Hispanic background and urged Council to vote in favor of continued funding of After School Programs. Council Members Ellis and Robinson absent.

Council Member Vasquez stated that there was some opposition to the After School Programs and they had a great and tremendous impact on the youth and children, and did she think that those Council Members who voted against it, and they were district Council Members, and if the other Council Members voted for it that they should get those funds and get those dollars and Ms. Almendariz stated absolutely, because they were quite needed in their community, and she was in his district, and it was absolutely imperative that they get that kind of funding, that growing up in the Houston Community after school there were very limited programs for the children and they were needed, that she lived in the Northside and knew there were a lot of children that were undisciplined and were not actually given the supervision that they needed, there were all sorts of problems and with these kinds of programs they would have a great impact on behalf of their kids. Council Members Ellis, Keller, Parker and Robinson absent.

Ms. Blanca O'Leary, 1607 Ivan Hoe, Houston, Texas 77027 (713-621-1288) appeared and stated that she was an attorney and served on the Mayor's Hispanic Advisory Committee also and also served on the City County Joint Task Force on the Commission on Children and was also present to speak in favor of the After School Programs, that for the past two years as a member of the Texas Accountants and Lawyers for the Arts she had served as an arts mediator at El Centro de Corazón, that it was an after school arts program on Navigation, that they mostly took care of young Hispanic girls of which incidentally the suicide rate attempt was one of the highest in the Nation and was up to 30% for adolescent Hispanic girls, that it was a very important program and they would be funded at Centro de Corazón by the Summer Enrichment Program which was not necessarily the After School Program but they were applying for the fall to be funded also, that she wanted to let them know that having been personally involved with the After School Program she knew that After School Programs increased attendance at school the longer that the children were involved with them, that they increased their grade point average and increased their self esteem which all of it wrapped together also lowers the crime rate, that they had seen the statistics as they

were all over the Nation, that they were the same in Houston, and that in the precincts where good well managed after school programs were taking place, crime went down, that was a City Council City issue and that was why it was so important for crime prevention that it should be funded at the level or above. Council Member Robinson absent.

Ms. Deborah Elaine Allen, 7809 Bellfort, No. 227, Houston, Texas 77071 had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and stated that he was from the public and private sector, that behavior at 3800 Southmore, Houston, 1972-73-1979 using and taking conspiracy, who or what on 1 Jackson Green, that land property mailed, now his children what a conspiracy fifty plus years, Mr. Hofheinz, that getting to last week, he was present and did not get a chance to address his concerns, that he had in the private and public sector the ordinate court behavior Diance Curtis mix bothers conspiracy, Leonard Caruthers, there behavior of using a born boy being part of a born girl conspiracy, why their kind, Mr. Taylor continued to express his personal opinions until his time expired. Council Members Keller, Vasquez and Robinson absent.

Council Member Castillo moved to suspend the rules to hear from Mr. Robert Litke, Director, Planning and Development, relating to Item 14 and discussion be limited to 10 minutes, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Keller, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0761 ADOPTED.

Upon questions by Mayor Pro Tem Boney, Mr. Litke stated that the St. George Place Redevelopment Authority approved a development proposal pursuant to the approved zoning plan for Lamar Terrace that called for a development in that zone along McCulloch and Fairview and the plan was adopted and called for a cul-de-sac at the western end of McCulloch, that Council acted on February 23rd on two proposals before the Council regarding Lamar Terrace, that one was to authorize \$5.3 million dollars in borrowing in order to expedite and pay for public improvements and the other was an agreement between the St. George Place Redevelopment Authority and the City of Houston approving a plan for condemnation of the particular property and agreeing to up to \$250,000 that would be immediately reimbursed to the City by the authority, that if condemnation was to proceed Council directed the City Administration to go through the process, they had done the appraisals and put it all together and were seeking the final authority from Council tomorrow to move forward on the condemnation in order to acquire that piece of property for the completion of a turn around for a public street in that area, that it was a legitimate eligible project improvement for the project. Council Members Keller, Vasquez and Robinson absent.

Upon questions and discussion by Council, Mr. Litke stated that he did not have an appraisal figure, but the amount of funding that was indicated was \$215,000 that would be covered, and if the court awarded a higher award it would be covered through the TIRZ, that the TIRZ had offered up to \$215,000 for the property and had been negotiating for quite a long time to reach an agreement and obviously avoid condemnation, that he



did not know what the HCAD appraisal rate for tax purposes, and Mayor Pro Tem Boney asked that he have somebody from his staff make a call because he would like to know what their appraisal rate was, and Council Member Quan asked if it was not on the original plan, was it modified to include that piece of property, and Mr. Litke stated no, that Council adopted certain amendments to the original zoning plan that allowed for a special district to be adopted pursuant to the zoning plan, that it was, and the plan that was adopted by the TIRZ board contemplated the street network, that they designed it and obviously could do nothing to complete it until they understood whether or not there would be condemnation in order to create the turn around, that it was not on Richmond, it was inside the project and one block in, it was McCulloch, and they were creating a kind of enclosed street network, and had passed around a map, that there was a street that came down the center and went in two directions and was closed on both ends, that they had a full circle cul-de-sac on one end and at the other end a T type turn around in order to keep the area contained and there would be a sound barrier wall along Richmond and a little bit up along Yorktown, that they needed the entire piece of property because if they condemned a piece they were condemning the whole thing, that the \$215,000 was the amount of money they informed the Council and was part of the agreement between the TIRZ and the City that the TIRZ would forward revenue to the City up to \$215,000 based on the appraised value of the property, if as a result of condemnation the award in fact was higher the TIRZ would cover the difference, if there was a court case, that the \$215,000 was a result of two appraisals to determine what the fair value of that property was. Council Members Keller and Robinson absent.

Council Member Tatro stated that he saw the map that was passed around and asked for a map of just Mr. Kargar's property and the planned road or cul-de-sac as proposed so they could see the dimensions, and asked if there were other uses planned other than the particular roadway for the remainder of the property, and Mr. Litke stated there was very little left over for development, that it would probably be some greenspace, and Council Member Tatro asked when the project plan was changed to incorporate or add the specific roadway, was it April 2000, and Mr. Litke stated it was long ago, probably early 1999, that it was approved as part of the design plan and negotiations were going on a long time. Council Members Keller and Robinson absent.

Council Member Goldberg stated that Mr. Litke stated there was a sound barrier on Richmond, and essentially it would cut off traffic from his lot even if he was allowed to keep it, and Mr. Litke stated that if the lot remained and was not acquired it would change the plan, that they could not cut him off from access. Council Members Keller and Robinson absent.

Mayor Pro Tem Boney stated that the matter being on the agenda tomorrow would have close scrutiny from Members of Council, and asked if there was a business operating now, and Mr. Litke stated that there was a business, and did the proposed price include not only the appraised value of the property but whatever commercial loss there may be for the owner having to find another site to situate a similar kind of business, and Mr. Litke stated that he could not say for certain, but did not believe so, and Mayor Pro Tem Boney stated it would seem to be in all fairness that his staff should be prepared to explain to Council that should Council decide to condemn the property in light of the argument of it being a higher and better public use, that certainly they should make the owner whole, not just give him the value of the property but whatever was the amount of the business value, and Mr. Litke stated they were not condemning it for a higher and

better public use purpose, they were condemning it for a street, and Mr. Bibler stated that Mr. Lewis could explain that they pay for the cost of moving, they did not pay for the owners business, that they could operate their business in a new location, and Mr. Lewis stated that under the Condemnation Laws they did not pay the value of an ongoing business, that the theory was they were taking the property not the business and he was free to continue operating his business from another location, that the site was not unique for operating that sort of business, that they would pay his relocation costs for moving all his personal property, that the theory was the owner could take the fair compensation and relocate to another site, that the City never pays the cost of an ongoing business, that it would probably be construed as a gift because they were not required under the Condemnation Laws to pay it and Mayor Pro Tem Boney stated he would strongly suggested Mr. Litke bring a lot of backup to the meeting tomorrow. Council Members Keller and Robinson absent.

Mr. Eric Palalewski, 1525713 Buckhelm, Houston, Texas 77060 (281-820-3635) had reserved time to speak, but was not present when his name was called. Council Members Keller and Robinson absent.

Ms. Sheri Corte, 8722 Sterlingame, Houston, Texas 77031 (713-988-0772) had reserved time to speak, but was not present when her name was called. Council Members Keller and Robinson absent.

Mr. Carroll Saterfield, 14746 Carolcrest, Houston, Texas 77079 (281-493-3136) appeared and stated that he was also hoping to address Chief Bradford, that he had lived in Houston 26 years, that watching television on Friday night he thought he saw an armed militia marching into some third world country and it turned out it was a militant group in front of the George R. Brown Convention Center, that he asked him self a question yesterday, what would have happened Friday night and Saturday in Houston if the marchers had been an armed group of Klansmen who arrived in a military vehicle and then left by knocking down an elderly Black veteran, he thought it would have been very substantially different, that if armed protests like Friday were allowed to continue then what was to stop Hispanic groups from carrying legal baseball bats and marching at Memorial Park or Asian's, and if the Hispanics were unhappy with immigration policy for instance, or what would happen if Asian's were unhappy with the protection of their convenience stores were to start walking around Enron Field with golf clubs, he thought it would be an element of intimidation, that they were lucky that the man that was knocked down at Friday's protest was not a member of some militant group, that there were a lot of angry young men ready to rumble for various causes, that it took numerous injury accidents and the death of a Houston family before the Police Department agreed to do a large truck inspection, that with angry young men running around with rifles for causes which were very good and worthy it would not take a whole lot of spark to turn that into a confrontation, riot or whatever, did they have to wait until people were injured or killed before confronting those military protests, and he asked Chief Bradford if anybody bothered to check the weapons to see if they were legal and if the people carrying them were felons or not. Council Members Keller and Robinson absent.

Council Member Ellis asked Mr. Saterfield if he was not opposed to the fact that they were out there demonstrating, was it just the manner that they went about it, and he stated that it was wonderful that they could do that in Houston, the demonstration did not

bother him just the manner that they went about it, that the Gary Graham issue was an entirely separate issue. Council Members Keller and Robinson absent.

Mr. Robert Silverthorn, 102 Sibelius Ln., Houston, Texas 77079 (713-464-5335) had reserved time to speak, but was not present when his name was called. Council Members Keller and Robinson absent.

State Representative Ron Wilson, 4003 Redwin Circle, Houston, Texas (713 731 2400) appeared and stated that it was always a pleasure to be with the Council and tried to do it as infrequently as he could and did not want to belabor them, that they had plenty to do without listening to somebody else, however the issue was so important to him that he felt compelled to come before them and visit a little bit with them about it, that he was concerned about what he saw regarding the right to free speech and the demonstration that was conducted at the Republican Convention the other day and how it was handled, that there were those who came out and said that they should not have been able to be armed as they protested the Gary Graham situation and at the same time those of them who were familiar with State Law knew that everything that was done with the weapons was totally legal and totally within the law, that he did pass the concealed carry a handgun law so he knew a little about weapons and how they should handle them, that they were in effect totally legal, that what disturbed him was the aftermath when Council Member Todd and Council Member Keller decided to write a letter chastising the chief, Chief Bradford, about the manner in which he handled the incident, that he thought it was dangerous for them to use their political office to force criminal charges against any individual; that they often in the Legislature ask for investigations but they never presuppose that the outcome was going to be a charge to be filed against someone, especially a criminal charge, that was at the same time presumptuous and it was awful self-righteous, that just a little over a week ago Council Member Keller was gong from Harrison Ford in the Fugitive to Judge Judy this week, that how were you subjected to that system in one hand and then decide that you were so great, grand and glorious that the law should not apply to other people the same way, that when he (Council Member Keller) went through his situation it would have been easy for him as a State Legislature to call up DPS and say there was something funny that went down with that whole deal and thought they ought to go in and file charges against Council Member Keller for what happened, that he could have done that but did he, no, and because why, he had a presumption of innocence, a presumption of innocence in our society, that right was afforded everybody not just those who were in power and denied to those who were not, and he wondered where the hue's and cry's were when the Klan did march and they had marched a number of times in the City Council Members Keller and Robinson absent.

Council Member Castillo moved to suspend the rules to allow Representative Ron Wilson an additional 3 minutes, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0762 ADOPTED.

Representative Wilson further stated that as they all questioned Chief Bradford, which he guessed they would do today or tomorrow, when they ask him, Council Member Todd, why was Freddie Robinson not arrested the day of the protest ask him why was Bert Keller not arrested the night of his DWI, that when he stands there before them, and

they ask Chief Bradford, why was Freddie Robinson not charged with a felony the night of the protest, ask him why was Bert Keller not charged with a felony, why was he not charged with Criminal Mischief which carried with it a third degree felony if it involved the use of a dangerous weapon which was an automobile, that why was there double standards and why was it okay for justice to be meted out one way for some folks and one way for the other, that the Houston Police Department was not a Police Department that was set up there to protect White people, that they did not get to take them to work, they did not get to go get coffee for them, they did not get to go take their kids to school, that they were there to protect everybody, and they had to treat them like that, and they wondered often why was it they saw such a great hue and cry about what happened to Gary Graham, because there was a double standard of justice in our society, that it was a double standard and did not apply the same way, that was why there were those of them who wanted to see him get a fair trial, because of the same kind of things that happened with Frederick Robinson were happening with Gary Graham. Council Member Robinson absent.

Council Member Todd thanked Representative Wilson for coming down today and speaking on the subject, that as with him he had a great interest in making certain that there were peaceful protests going on around them, that it was important for people to have the right to speak their minds and to do so in a peaceful manner, that he would like to point out first of all that he found the situation where Representative Wilson came down to Council and tried to take up for somebody who had obviously committed a crime, to be deplorable, that if he really felt and was present asking for the same treatment for Council Member Keller as he was for that young man who had obviously committed an assault and battery, then he thought it was his job to make certain that the young man took personal responsibility and plead guilty, and Representative Wilson stated that Council Member Keller had Rusty Hardin who was one of the most expensive criminal lawyers in the City, and Council Member Todd requested that the City Secretary read the rules, and Mayor Pro Tem Boney stated that it was Council Member Todd's time to question and make comments, and Representative Wilson asked if he was afraid to debate with him, and Mayor Pro Tem Boney stated that was his choice, and Council Member Todd stated that frankly he found Representative Wilson's use of the race card to be rather boring and thought it was rather uncreative of him and he wanted to debate the facts in Council then go ahead and debate the facts with him but he was not going to entertain his uncreative, undisciplined race card playing of the issue, that if he really believed that people ought to take personal responsibility then he challenged him to go over to the armed person who pushed down an elderly veteran and implore the young man to go down there and take responsibility for his actions. Council Member Robinson absent.

Representative Wilson stated that he found Council Member Todd's comments intellectually uninspiring, and Council Member Todd stated he was sorry that Representative Wilson felt that way and would also like to encourage him to encourage the groups that were out there protesting the Gary Graham execution to be peaceful about it, that if they had an opinion on it they ought to express it, but when they went out there and started pushing protesters around and committing crimes then that was a different issue, but he thanked him for being present and appreciated his taking a position on the issue and wanted to ask him one further question, that he had commented that he found it distasteful when elected officials used things for political value and asked if he was up for election this year, and Representative Wilson stated he did not have an

opponent, and Council Member Todd asked if Representative Wilson was up for election this year and asked if he wanted every vote he could get, and Representative Wilson stated he did not want Council Member Todd's and Council Member Todd stated he was not in his district and he would not vote for him if he was and Representative Wilson muttered "Thank God". Council Member Robinson absent.

Council Member Ellis stated that Representative Wilson put in another argument today, but did he feel they acted responsibly last Friday in front of the George R. Brown Convention Center or did they feel like they were trying to intimidate people or acted irresponsible, and Representative Wilson stated he thought they exercised their First Amendment Right, they had the right to Freedom of Speech, they were totally within the law, that it was okay in Texas to carry a long rifle or shotgun in public, that as a matter of fact a long before those things started to happen if they noticed in the streets of Houston a lot of guys in pickup trucks would have shotguns and rifles strapped across the back of the pickup all the time, that it was totally legal, and Council Member Ellis asked if Representative Wilson felt his children would have been frightened or intimidated and stated that first of all he would not have had them there in the first place, either the Democratic or Republican Conventions, but he did not think they would have been intimidated, and Council Member Ellis stated it intimidated him and Representative Wilson stated he was not intimidated when he saw the Klan march, that it did not scare him, and Council Member Ellis stated that what Council Members Keller and Todd were trying to do was to make sure that the police did investigate it and take action if they felt it was necessary and did not believe they committed a false arrest, and Representative Wilson stated that he was going to be in the middle of it and did not want to comment, that he was going to provide his legal services to Mr. Robinson free of charge. Council Member Robinson absent.

Upon a further discussion, Council Member Keller stated that it was always good to see Representative Wilson and appreciated his passion on the subject, that his main thrust on it was that the only thing that he prejudiced to was ignorance of any kind, that the majority of the people attending the function were over 65 and the majority of voters were over 65, that the 65 and over group voted in the 90%, that 25 and under was in the 10% – 15%, that the micro of it was did they have a permit to do such and should they have a permit to do such, that they knew it was coming and they should have warned the people, did they take their interest in effect as far as warning them, and Representative Wilson stated they certainly could not protect them anymore than they could protect the average citizen in the City who had to get up in the morning and go to work then come back and drop the kids off, that he did not think they owed them a higher standard of care than they owed people who paid taxes in Houston. Council Member Robinson absent.

Council Member Bell stated that based on what he read and on what Representative Wilson stated he did not disagree with his analysis of the law but thought it was important to talk about the future and what it might hold, and asked in all the years that Representative Wilson had been in the Legislature how many times had he seen demonstrators armed with rifles on the lawn outside the Capital, and Representative Wilson stated he could not recall, but he took it back there was a Civil War Reenactment, that it did not bother him, and Council Member Bell asked him that as a legislature and lawyer in a common sense standpoint, did it make sense to him that in any kind of demonstration for people to be holding rifles, whether it was legal or not and Representative Wilson stated he did not see anything wrong with it, that if they could

drive cars a rifle was only as dangerous as the knuckle head behind it, and Council Member Bell stated he was not disagreeing with him from a legal standpoint and understood they had a right and certainly stood up for those rights on a regular basis, but did think they needed to think about it in common sense terms. Council Member Robinson absent.

Council Member Parker stated he was sure that the gentlemen who came down to the George R. Brown were smart enough to know they would be under intense scrutiny and was sure they were careful to avoid violations of the law, because she assumed they expected very intense scrutiny and it was theater and obviously effective and got a lot of media attention and raised a lot of concerns, that she did agree with Council Member Bell and thought it was counter productive to what they hoped to achieve, if they really hoped to achieve sympathy for Mr. Graham, and asked if he thought it was ironic that it was legal to carry long guns, on the grounds of the George R. Brown but they could not carry a picket sign stapled to a broomstick because they had an ordinance that stated their picket sign could only be on a very thin piece of wood so they could not hurt anybody with it, and did he think that those kind of rules about public demonstrations were also an infringement on First Amendment Rights and Representative Wilson stated he did. Council Members Castillo and Robinson absent.

Council Member Tatro stated that inside the convention center for hours they basically locked the doors and only had one door entrance and exit, that the anxiety of the whole event was cause for great concern, that it was not good to have a circumstance as this take place and not good for the City to let it go lackadaisically because it did send a message to the next group coming down, that people did not dispute their right to come down and express their first amendment rights or the ability to have the firearms in public, but did question the situation it was put in, almost like crying fire in a crowded theatre, that with the tension it caused and what some would say was the mob mentality, not just on the inside but on the outside of the building too, that when it was shown on television a lot of people were concerned with the City's response, why did not at least one officer in a very walkup manner just go up and speak to them, that he was sure Chief Bradford would speak to that; and asked Representative Wilson if he was going to represent the gentleman and since he had brought up Council Member Keller was he going to recommend that the gentleman plead guilty, and Representative Wilson stated that it would depend on whether or not he was guilty, that the facts had to be brought out, that until he either pleads guilty or judged by a tribunal to be he guilty, he was, under the constitution, innocent.. Council Members Goldberg, Castillo, Parker, Bell and Robinson absent.

Mayor Pro Tem Boney stated that they had been joined by Chief of Police Bradford, and Representative Wilson stated he wanted to thank Chief Bradford because he did arrange for them to be able to peacefully surrender Mr. Robinson to the authorities, that it was through his good work that nothing happened and wanted to thank him publicly. Council Members Goldberg, Castillo, Parker, Bell and Robinson absent.

Mayor Pro Tem Boney thanked Chief Bradford for being present and stated that among the things he would like for him to speak to in his brief remarks was what facts was he aware of regarding the incident several days ago and what was the law. Council Members Goldberg, Castillo, Parker and Robinson absent.



Council Member Ellis moved to suspend the rules to hear Chief Bradford, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Goldberg, Castillo, Parker and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0763 ADOPTED.

Mayor Pro Tem Boney asked Chief Bradford what was the law regarding some of the circumstances that they saw broadcast in the media, how was the Police Department prepared to protect the citizens and enforce the law. Council Members Goldberg, Keller, Parker and Robinson absent.

Chief Bradford stated he was inclined to ask first if it was safe first before he proceeded, that as police officers they must remember that they did not get to choose their clients, they had to enforce the law regardless to who was on what side of what issue and having stipulated that stated what was the law, that they may not like what the current law was in the State of Texas concerning long guns, those 26 inches or longer, but it was the current law and they had to enforce that law, that the Harris County District Attorney's Office was the ultimate determinant of what criminal law was in this County, that long guns were permissible and to be carried as long they were not carried in a manner where they calculated alarm, that the District Attorney's Office had interpreted that to mean if the weapon was pointed toward the sky or if it was not pointed at anyone it was not being carried in an unlawful manner, that like it or not that was the interpretation of the law in the County, and that was loaded or unloaded, that if they were to arrest people and the District Attorney's Office did not take charges because there was not offense then he would be stuck with someone who he could not bring charges against and perhaps an unlawful arrest, that the First Assistant District Attorney at HPD's request was on the scene along with police officers, they were present on the scene, that they made observations of the conduct, that it was determined that no one carried their weapon in a manner that was unlawful out there, that it was lawful activity, that like it or not that was the law, that the second issue was that why was it that the police officers did not rush in a do something on Friday, and he thought that was a very fair question, that when the incident occurred, and understand that what they saw they saw on video tape, the officers on the scene did not have privy to instant video tape, that one the scene out there that day there were several things going on out there, not just that one incident, that when that incident occurred the officers knew something had occurred, they were not sure if the gentleman was pushed, if he had been struck or if he had just fallen over his own feet, immediately there was an allegation that he had fallen over his own feet and the officers in the best position to see what had happened said they could not determine what happened, they did not know at that point if he was assaulted or what, they could not make the call, so the decision was made not to go in and unlawfully and falsely arrest someone or accuse someone, gather the video tapes, review the video tapes, collect statements from witnesses and see if they had evidence to prove a crime had been committed, conduct an investigation since there was not police officer that observed an offense on the scene, that after they got the video tapes, reviewed the video tapes, interviewed witnesses, got witness statements and consulted with the District Attorney's Office it was clear that there had been an offense committed, that a warrant was drawn up and the person was apprehended with the assistance of Quane X and Representative Ron Wilson he surrendered himself voluntarily, that he submitted to them that it was best for police officers to not act prematurely when they did not know, as officers on the scene, they were not sure what happened, that they saw the gentleman

down and saw some commotion but they were not in the position to know how he got down on the ground, that he supported that position and the officers did a real good job out there, that one more position concerning a state of preparedness and the issue of police strategy, that protests and demonstration presented a serious set of dangerous conflicts and was very difficult for police officers out there on the scene to keep an environment safe where all parties could respect their point of views, that they tried to the best they could to deploy prevention type strategy, keep the parties separated, that unfortunately from time to time that did not happen, that the officers were trained in a protest demonstration type of environment, that they moved in squads and moved in units to make sure that no single officer ran out into a crowd or protest environment and increase the level of danger to him or herself as a police officer, that they moved as a squad and as a unit, that on Friday they were not able as police personnel to determine what had occurred, whether he had fallen or not, that when they were able to determine that it was not that nothing was being done, and he was very disappointed that the two Council Members opted to pen the letter and not call his office and say "chief what was being done" because he could have easily responded privately or publicly what was being done, and wanted to thank the other Council Members who kept the faith in the Houston Police Department and know that they would not just sit by and do nothing, that an aggressive investigation was on the way, but he commended the officers for not going out, not know if an offense had been committed or not, and arrest somebody illegally and perhaps inciting a riot, that they saw riots occur from time to time in other cities and they had been blessed in the City but in part he thought it was because of how they deployed their police strategies in the City in demonstration and protest environments, that he did not like the idea that people got to walk around with long guns in the town, but it was legal unless they demonstrated those weapons in a way to calculate alarm and that just did not happen, that having said that he would ask that they keep in mind that the same laws that allow people to carry the long guns were the same laws that allowed people to carry rifles in parades, deer rifles in the back of their trucks and that type of thing, that the last issue was why did they not check all those people to see if they were felons, that the question had come up, and he would say that under what authority, Council Member, did he have, that he had no authority under law to stop people with long guns, randomly capricious and arbitrarily and say "are you a felon?", because if they determined they were not, he had just violated someone's civil rights because there was no prerequisite that they had to have a background check to carry a long gun in the State of Texas, that he had no authority under the law to stop people and determine if they were a felon or not so that was why they were not herded up in a line and everybody checked to determine if they were a felon or not, that they could not do that under the color of law, that they handled that situation, he thought, in a very professional manner, they did not have a riot in the City, no police officer was injured, no citizen was injured unnecessarily and charges had been filed in a situation where a citizen did suffer injury, and he thought that was a success and thought it was a commendation for the officers, that they did a real good job, that they did not do the wrong thing out there and they must keep in mind that often times in protest and riot environment, his 20 year plus experience he knew. that often times it was not what had happened it was how police responded to what had occurred out there that took off or exacerbates the situation, that did not happen in the City and they should be proud of what the officers did out there, that proper action had been taken. Council Member Goldberg absent.

Mayor Pro Tem Boney asked Chief Bradford if the people who were participating in the convention protected, was there enough police presence, and Chief Bradford stated

that one thing he tried not to do was divulge complete police strategy in public settings, that rest assured as Mr. Johnny Holmes, the District Attorney, was quoted as saying in the Chronicle that morning, "they could rest assured that this City was well protected and that the Houston Police Department was there in force and the citizens were protected by HPD", that it was not so much what they saw, it was what they did not see, that they did not necessarily want to show an absolute blue sea of force when it was not necessary, that their objective, through their training, education and experience in handling those type of situation, tells them the do's and don'ts about it, but they were there and in force and the situation was objectively resolved in a very favorable manner in his opinion, and Mayor Pro Tem Boney asked if they were reviewing the situation currently to see if there were any enhancements or improvements or any other thing that might have been done, and Chief Bradford stated they always went back, that he had several sessions since it happened with some of the officers on the scene and the supervisors involved on the scene to see if they should have or could have done anything differently, that they always learned from a past experience, that this experience was handled in a manner that he was satisfied with, that the key was getting information out and the questions that were posed were proper questions and had no issue with the questions at all, but he was just concerned that before they were given a chance to respond they were publicly criticized and ridiculed for not having done this and they should have done that, but he did not receive a phone call or courtesy of asking what was he doing, because he would have responded quite forcefully what they were doing and that they could expect an arrest and explained why the officer did not just rush in and arrest someone, and Mayor Pro Tem Boney asked if he knew if the citizen who stumbled or was pushed, did he approach the group or did the group approach him, and Chief Bradford stated that after viewing several video tapes of the incident, it was clear to him on the video tapes that the citizen approached the group initially, protesting what the group was representing, he guessed it was an anti-protest, that at the time that he was pushed, and he was clearly pushed, he was in a retreat mode, that it was clearly an assault, but they only ascertained it after looking carefully at the video tape of the officers on the scene, and to please understand that on the field it was very different when they tried to see what was going on, that there were several things going on and when the one thing started happening the officers tried to see what was going on, but they could not make the call of what happened, whether he tripped, fell, was pushed or what and that was why they did not rush in and arrest anybody, that they had officers on the scene that immediately talked to the citizen and they started an investigation immediately, that immediately after the gentleman went down there was an allegation made that he fell and tripped over his own feet, that the officers were not in the position to refute that so it just did not make profession sense to the officers to go and arrest someone when they did not know what happened, that they started an investigation immediately to determine had there been an assault. Council Member Goldberg absent.

Upon further discussion Council Member Todd stated that the questions were sent to him in writing because it was a serious matter, that he was present at the convention and knew how scared people were at the convention about the incident, that they had people present from all over the State and their welcome to Houston was seeing one of their own getting pushed down by an armed protester in front of the George R. Brown and he thought that warranted questions in writing, and he asked Chief Bradford if he had stated that the officers did not have the ability to do an investigative stop when they saw armed protesters pushing somebody down on the street, was that his position as Police Chief, and Chief Bradford stated that the citizen was not pushed down by an armed

protester, that there was not evidence they had been able to find that Mr. Robertson, the person that assaulted Mr. McClure, was armed at all, that secondly he agreed that questions should be writing, that it was very serious and very formal, but Council Member Todd gave them to the media in writing and that was not looking for an answer when he faxed it out to the media asking for inquires, and Council Member Todd stated he thought it was something that the public deserved an answer on and when they had a very large convention in Houston at a time they were trying to encourage convention traffic, at a time they were being asked to spend millions of dollars on tourism and infrastructure he thought it was a serious matter and the public had a right to know, that it had implications not only on public safety but also for millions and millions of public dollars being spend on hotels and stadiums and all sorts of things downtown and it would defy common sense to thing they were going to have an atmosphere around their conventions where the visitor to the City would be in fear of their lives, and asked if they knew if the guns were loaded and Chief Bradford stated they had not legal authority to confront someone with a long gun and determine if it was loaded, that it was his understanding, whether it was loaded or not, it did not violate the law, that it was not an issue from a legal standpoint whether it was loaded or not, that it was how the weapon was displayed, and Council Member Todd asked if they had protesters with long guns approach the Mayor would they do an investigative stop, and Chief Bradford stated that it would not be an offense for someone with a long gun pointed away from the Mayor or any other citizen, that they should understand that the Harris County District Attorney interprets what criminal law was in the County and he was residing to them what the DA's Office had interpreted as the law and he had a duty and oath of office that he took to enforce the law and would do everything that he could to carry it out, that he did not attend the convention but helped police the convention and hoped that he understood and appreciated the fact that the officers that were out there did a good job and for them not support them and say that they did not act rapidly enough or that they wanted more done without asking the officers what they were doing or what had been done, he thought that sent a message back across the State of Texas and across the Country before they got the proper facts and get the proper facts about what actually did occur. Council Member Goldberg absent.

Mayor Pro Tem Boney stated he appreciated Council Member Todd's restraint, both in terms of the ongoing investigation but also in terms of Chief Bradford's answers in clarifying some of the fact, that the fact that alleged assailant who pushed the elderly gentleman was unharmed and that was an important fact to put out, that District Attorney Johnny Holmes was being very vigorous in his enforcement of the law and he would not be in any way impeded for arresting those persons who were carrying the weapons if he in fact in his judgement felt it was unlawful, that the question was whether or not the State Legislature, when they reconvene, ought to consider some change to that law and thought that was something to be discussed further in their Legislative Committee. Council Member Goldberg absent.

Upon questions by Council Member Vasquez, Chief Bradford stated he had prior knowledge of the protest, that he had a couple of days advance notice, that he suspected they would come down with guns as well, that it was not clear they would be armed with long guns, but he suspected that they would, that he did not know if the guns were loaded or not, that the officers were trained to deal with protest and demonstration type environments and worked in squads and units to help protect the officers as well as help defend parties on both sides of the issue, that if an illegal act was observed by any officer the entire squad would move out and take action or the entire unit would move out and

take action, that no individual officer would move out and take any particular action, that they could talk about and speculate what worse meant, that he could say that they were fully prepared to handle a worse case scenario at the George R. Brown, that many of the demonstrators were recognized as being local people. Council Members Goldberg, Keller and Castillo absent.

Upon questions by Council Member Quan, Chief Bradford stated that the investigation began almost immediately, that they had already started their process of getting copies of the video tapes and asked the officers if they could determine if it was a push or strike or whatever, that by the time they got the letter written by Council Members Todd and Keller they were at the District Attorney's Office already reviewing what charges were going to be filed at that time, that the letter did stir a lot of unnecessary hoopla and there was not doubt about that and the assertions that the Police Department had not acted properly and should have done more made the morale more difficult but the investigation was well on the way, and Council Member Quan asked if because the individual was African American and letters were issued by the Council Members were the charges now being brought against him, and Chief Bradford stated that after the letter hit yesterday afternoon those allegations were made that the Police Department did not do anything because it was a Black person pushing down a White person and the Police Department was slow to act because he was a Black police chief and the Mayor was Black and they were not aggressive when it came to Black offenders in this town, yes, those kind of things came to the forefront, that there was not truth to that, the investigation was on its way and as Council Member Boney stated, Johnny Holmes was one of the best DA's in the Country and would not stand by and let the law be broken and no action be taken, and Council Member Quan stated that the public wanted to make sure that the police were there, ready, on top of it and handling the situation and not allowing conduct to go unpunished when they see things like that happen. Council Member Vasquez absent.

Upon further discussion, Mayor Pro Tem Boney stated that sometimes there was a media frenzy and sensationalism and not just steady judgement, appropriate action being taken, and hoped they would suspend judgement until they got all the facts, and Council Member Tatro stated that when people saw the video they saw what transpired there but it was the lack of HPD that raised people's awareness, and asked if any HPD officer approached the protesters to make any inquires whatsoever from the time they arrived and Chief Bradford stated yes, when they first arrived two Central Intelligence Division officers approached the protesters and exchanged some information about the rules and expectations and conduct, and Council Member Robinson asked Anthony Hall, City Attorney, for something in writing on what the law was currently relative to long guns, that it would be very helpful to everyone on Council, that he had no authority to change the law on long guns and was not inclined to change the law at this point but if any colleague on Council would like to put forth that proposal, and he was a member of the Legislative Council and would not be somebody who would stand in the way of any group in terms of the majority who would advance that cause during the next session of the legislature and thought that ought to be asked of the members of Council, and Mayor Pro Tem Boney stated he had monitored a number of Klan demonstrations and his memory was not sure but believed he had seen a Klan demonstration in which Klansmen carried arms and asked if Chief Bradford recalled, and Chief Bradford stated they had those demonstrations and protests and the same laws that protected the Klan to carry their guns were the same laws that protected the protesters and gave them the right to carry

their long guns last Friday, and Mayor Pro Tem Boney stated he did not hear such a hue and cry however when the Klan carried their weapons, that the last time that happened was four or five years ago when they marched into Hermann Park, and Council Member Keller apologized that he did not call instead of cosigning the letter on Monday and had a lot of confidence with him, that the letter had a lot of questions and did not really have a lot of accusations and hoped it was intended as such and would hope some people would lighten up, because really all they were asking was for him to do what he was doing and he had answered the questions very professionally and in a sophisticated manner, that the only thing Council Member Keller was prejudiced about was ignorance, and Chief Bradford stated that the questions were in fact legitimate questions, that the two groups did not confront each other, they had one gentleman who went over and confronted one of the protestor groups, that the groups that demonstrate and protest in Houston always agree to talk to the police in advance and they set some general rules of play, and Council Member Bell asked why he suspected that the individuals were going to be coming to the site with guns, and Chief Bradford stated that the group had protested and demonstrated at several other sites around the State of Texas and they had no reason to believe they would not come in the same fashion in the City, that no one spoke to him personally, but he had intelligence officers and they indicated it was going to occur, and Council Member Bell stated they needed to send a message of common sense from the incident. Council Members Galloway, and Vasquez absent.

Council Member Castillo moved to suspend the rules to add Mr. Robert Mohammad to the speakers list, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-0764 ADOPTED.

Minister Mohammad stated that he was Minister Robert Mohammad, the Southwest Regional Minister of the Nation of Islam and carried not so much as a pen knife, that he had been a minister in the City for 13 years and in those 13 years he had been under three mayors, Whitmire, Lanier and Brown, and four Chiefs of Police, Brown, Watson, Nuchia and now Chief Bradford and everybody knew that he had zero tolerance for police misconduct, that if there was police brutality or police corruption they would Robert Mohammad among those who criticized the Police Department for the excess of any corruption because people who had a badge and a gun were held to a higher standard in his opinion because they could use deadly force and arrest people than any other citizen, that his experience had been in the City of bringing in Mr. Louis Farrakhan before 12,000 people at the Sam Houston Coliseum, 35,000 at Pleasant Grove Baptist Church which only held 15,000 yet out of those other 20,000 that were turned away not one arrest or not one car towed, 22,000 at the Houston Astrodome, not one arrest and not one problem, that 18,000 aggregate in terms of Minister Farrakhan's appearances at Texas Southern University, that in the 20 years he had lived in Texas they had two Rodney King trials and no riots, two Rocket Championships, and unlike LA and other cities, no riots, no body tearing up, that he had his problems with special ops and criminal intelligence division, but he was saying to all of them that he was very upset and insulted that they would treat not just the Black Chief of Police, but the Chief of Police and the profession law enforcement officers, especially that work with special ops and CID the way they had done in the public kind of manner, that it under minded it, that special ops and criminal intelligence, in dealing with protests, deal with a diversity of people from those who were harmless to those who potentially could be harmful, that even people who call them bad



and nasty names, yet they remain professional in dealing with that kind of diversity, and what he was present to say, and knew that it would just get him in trouble in some corridors of the City, and his more militant friends would say he was down there talking up for the police, well yes he was because truth was truth, that he criticized them so he had to praise them when they were right, that he knew from the beginning of the protest, and again he was not with the group carrying the weapons that he did not condone that, that criminal intelligence and special operations invited them to sit down at police headquarters and discuss what they were going to do and read them what the rules were and what they could and could not do, that when they went down there they engaged them in conversation and told them what they could and could not do, that the professionalism of every one of those officers, Chief Storemski on down to the patrol people and the officers was stellar, that the way they handled the situation, they had to understand, he saw it by way of camera to and it was not really two groups per se, there were some single people protesting and the other group came with the rifles and then Mr. McClure somehow got tangled up in the whole thing, and he was not present to speak for or against that, but his point was that the media did mix them all up together to make it seem like all the groups were down there together at the same time and that was something they were going to have to answer for, but the truth of the matter was that the main group that protested, protested from 5:00 to 7:00 p.m. on Thursday and Friday and from 12:00 to 3:00 p.m. on Saturday, because they were working protestors and they had jobs and had to leave their jobs to protest at that time, that what he wanted them to understand was that get off the Chief and the Police Department's back, because they were not law enforcement officials, to get that clear, that they were sworn peace officers and they kept the peace, that they did the right thing and avoided a potentially bad situation, that it may have frightened some people, it may have looked very ugly, and he did not condone it because he did not carry weapons and did not let his children play with toy guns or water guns, but they kept the peace and it was better that they had it that way than to have a shootout or a riot, and lastly, it appeared that there was some hypocrisy when those people showed up with guns, that how could they be so upset and be such in arms about people carrying weapons when the very convention they were protesting in front of was bankrolled by the NRA, that was hypocrisy, and he would say again there was a difference in the way Council Member Keller was treated and the way other people are treated in the City, and with all due respect to the City Council, he was a standup guy and did go down there and plead guilty, but he knew that if he had crashed his truck and they were after Robert Mohammad he would not have been treated that way and there would have been a public outcry to go and arrest him, that in this City it was still the case that it was better to be rich and guilty than poor and innocent and wanted to applaud the Police Chief not because he was Black, but because he was a policeman who was a professional peace officer and thought they ought to be commended instead of being ragged and doing it publicly, write the man a letter and let him sit down with them and tell them what was going on, that he was a consummate professional and deserved better respect than that, that he was going to get in trouble on the streets for saying it and then when there was another police shooting or something the Chief knew he was going to be on his case, that was just the way it had to go, but the truth of the matter in this case he could not allow them to play the old political football games, that he was a good policeman and it should have been done differently. Council Members Tatro, Galloway, Keller, Vasquez, Castillo and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council, Mr. Mohammad stated that he was a follower of the Honorable Elijah Mohammad under the leadership of Minister Louis Farrakhan and they

disarmed them, that they took all weapons off of them and they could not carry so much as a pen knife, that it was against their religion, that like Council Member Keller he hated ignorance, that if the constitution said they could have them it was fine, but as for him his choice was not to have them and wished all the citizens would not have them and maybe they would not have so many deaths or robberies in the City, and Council Member Todd encouraged Mr. Mohammad to join him in letting people know around the State know that they were not the kind of city where they were not going to be safe, that they were the kind of city where they could come and have their conventions and spend their dollars in Houston and looked forward to having them, and Mr. Mohammad asked them not to mistake his fire for a lack of love for the City, that it was one of the greatest cities on earth, but he did not like evil and did not care where he saw it or where it came from and did not like double standards, and Council Member Ellis thanked Mr. Mohammad and his group for a peaceful demonstration, and asked if he was trying to distance himself from Mr. Quanell X and his group and Mr. Mohammad stated there was a saying in the Nation of Islam, that they never had to condemn a dirty glass, you just sit a clean glass beside it, and Council Member Ellis stated that the issue was that they start to look at a way that all of them could demonstrate and be responsible, not only to the community but to the other citizens around them, and Mayor Pro Tem Boney stated he was very thankful they did not have an incident such as occurred at the Chicago Democratic National Convention when the police did not operate with professionalism. Council Members Tatro, Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-921-7618) appeared and stated that he and his neighbors present lived in the 5100 block of Clay and for four years they had been trying to get a ditch fixed in their neighborhood in front of their homes that had been dug by the City, that why they dug the ditch out they still did not know, that last night he measured the ditch at 8 ft. wide and 3 ft. deep with steep hills on the side, that no body could do anything, that they could not get in there to mow the grass, that they had been told by the City if they did not mow the grass they could be fined up to \$500 a day for not mowing it, that they had a suggestion through Council Member Parker's office who said for them to try putting some culvert pipe in there, that it sounded good to them and they offered to pay for the pipe so he talked to another man at City Hall who said if they bought the pipe they would put it in, and then he talked to another man who said they had to hire an architect, draftsman, foreman, plumber and a construction company to go out and put a piece of pipe in his front yard, that they were not even tying in plumbing, that it was ridiculous, they did not dig the hole or manufacture the problem but they needed it fixed, that it was dangerous, that a year and a half ago one of their neighbors died from a heart attack mowing his yard going through his ditch, that all of them on numerous occasions had the lawnmower turn over on them and almost chop them to pieces, that one of the neighbors friend died recently because of a lawnmower turning over on him, that it was a serious situation and needed to be taken care of, that the City needed to take the responsibility to go ahead and do it, that he did not see Council Member Sanchez but he was right the other day, that the citizens safety was not the first priority of the Administration, that they had been trying for four years to get the ditch fixed and they needed help with it, that it should not be up to the citizens to pay for the problem that was not caused by them, they just needed it taken care of and all they asked from the City was to come out and fill the ditches with culverts and through dirt on the top, that they turned it a petition and went by City rules and regulations with the petition and turned it in for curb and gutter and they lost it. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Boney apologized to Mr. Black for some of the difficulty he had encountered working with the City staff, that they were going to assign Mr. Wes Johnson, Public Works and Engineering to get with him and see if they could get it resolved. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Council Member Bell stated that it had become almost a weekly occurrence at the public sessions that a group from one neighborhood or the next had to come down and spend their afternoon to tell Council about a problem they had been trying for months and in some cases years to have taken care of and asked who else he had contacted to try to get it remedied, and Mr. Black stated he had spoken to W. R. Morris, Mayors Assistance Office, Ms. Harville, Council Member Parker;s Office, Mr. (could not understand pronunciation of name), Public Engineering, that told him that was all the stuff he needed, the one with the plumber, and was also told by a lady in Public Works that if he attempted to put a pipe in there himself that he would be fined \$1,000 per day and would be responsible for pulling it out, that he had talked to Neighborhood Protection and they told them they would be fined \$500 if they did not cut the grass, that the people on the block had been there many years and owned their homes but could not get down there in those ditches, that it was a dangerous situation. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated she was sure Mr. Johnson could help, that a lot of times showing up at Council made all the difference in the world, and Mayor Pro Tem Boney asked Mr. Black to advise Council Member Parker and himself if he was unable to find a resolution to it. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Ms. Karen North, 10222 Huntington Dale, Houston, Texas 77009 (281-498-8974) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Darrell Scott, 8601 Broadway, No. 1275, Houston, Texas (713-649-5294) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Levi Williams III, P.O. Box 52022, Houston, Texas 77052 (713-326-6460) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Hoke, 11018 Sage Leaf, Houston, Texas 77089 (281-484-5547) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Dave Wilson, 505 Melbourne, Houston, Texas 77022 (713-699-4488) had reserved time to speak, but was not present when his name was called. Council

Members Tatro, Galloway, Todd, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Ms. Vivian Harris, 13906 Regg Dr., Houston, Texas 77045 (713-433-4597) appeared and stated that she was present in support of Super Neighborhoods, that they became a Super Neighborhood a few weeks ago and they had seen more results in their neighborhood from the Super Neighborhood Program than they had seen for any program that the City had put before them before, that they did not want the budget cut in any way shape, form or fashion for the Super Neighborhood, that she hoped that Council Member Tatro was present to let him know how they actually felt about it, that it was always a problem when it came to money being funded to neighborhoods who actually needed it, that it seemed to her in the City of Houston that certain neighborhoods were supposed to get certain things and other neighborhoods it was a no no for them, that they were a little bit tired of that and they had really been monitoring their elected officials on how they voted on issues and how they voted on issues that affected their neighborhoods, that if they were running in an elite neighborhood and did not need their votes in the future they were okay, but if they came to a vote where they needed the whole City and their area could affect them positively or negatively it would be according to how they dealt with them, and so they were asking right now because they knew the affect that the Super Neighborhoods could and had, so please do not cut the funding. Council Members Tatro, Galloway, Goldberg, Todd, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council, Ms. Harris stated that they had to be a part of a Super Neighborhood in order to get their needs and concerns addressed, that she did not know why because they had not been able to get it before, that whatever bureaucracy worked for Hiram Clark and South Post Oak Road, that was the bureaucracy they wanted because the other one did not work for them, that they were having things happen in their community right now that had not happened before, that they were getting some major cleanups and things on the CIP and things that were being done and proposed for their community that they tried years for and they never had a Mayor that had paid attention to their area, that she had been out there 30 years and it was the first time anything positive had been done in the Hiram Clark and South Post Oak Road area, that they did not have one decent park, that their organization of civic clubs met twice a month, but gave up one of their meeting nights for the Super Neighborhood, that they had 15 civic clubs, that some one from City Planning presided over the meetings, that they had a liaison through the Mayor's office who made the necessary calls which took a lot of pressure of them, that she thanked them for the Operation Renaissance coming into their community and would like to see it stay there as long as necessary, that they could not get zoning but it was something they needed in the City of Houston, that they had a wonderful working relationship with Council Member Boney. Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, and Robinson absent. (NO QUORUM PRESENT)

Ms. Hattie Connor, 5219 Heatherbloom Dr., Houston, Texas 77045 (713-433-7638) appeared and stated that she was the president of Heather Crest Post Oak Village Civic Association and also with the South Houston Concerned Citizens Coalition, that she was present seeking the support of all Council to continue the program Neighborhood Orientated Government, that they were seeing improvement in their community that which was addressed before the present administration, that they had long been ignored for services, not given attention to any of their neighborhood's concerns, that they

believed on their neighborhood, and the heart of the matter was that they needed, wanted and deserved a decent environment in which to live, that the truth of the matter was that not all neighborhoods shared in the City's splendor and glory, that the program was the next best thing to zoning and it should not be hostage to anyone because of the thought of expense, that they could not go back where the City ignored the plight of their neighborhoods and they ask that the valuable program not be dismantled or short changed and ask that they concentrate on the big picture, what was good for the entire City, that taxation without representation of all could no longer be tolerated, that it was a great rewarding challenge to revitalize their neighborhood and stop the destruction, that she had been out there 35 years and would repeat that the present administration was the first to ever consider anything out there, that their neighborhood had gone from a middle class neighborhood to almost no class, so they ask that they please keep the program, that they needed it. Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez 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 Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. Woodrow Johnson, 2409 Sam Wilson, Houston, Texas 77020 (713-674-0824) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez 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 Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

At 5:12 p.m. upon motion by Council Members Parker and Quan the City Council recessed until Wednesday, June 21, 2000 at 9:00 a.m. Mayor Brown out of city on city business. Council Member Sanchez absent on personal business. Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez and Robinson absent. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 21, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan and Chris Bell; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Susan Taylor, First Assistant City Attorney, Ms. Martha Stein, Agenda Director and Ms. Linda Layton, Agenda Office, present. Council Member Orlando Sanchez absent on personal business. Council Member Carroll G. Robinson out of the city on city business.

At 8:16 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 a.m. Mayor Brown called the meeting to order. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Boney, Todd, Vasquez, Castillo and Bell absent.

### **MAYOR'S REPORT**

Council Member Galloway moved to suspend the rules to take Item 72 out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Todd and Bell absent. MOTION 2000-0765 ADOPTED.

72. ORDINANCE approving and authorizing the City to enter into a first amendment to lease agreement with **BENJI'S SPECIAL EDUCATION ACADEMY** to extend the term to thirty years and to increase the size of the leased premises in connection with providing care and special education to physically challenged children and their families - **DISTRICT B – GALLOWAY** – (This was Item 60 on Agenda of May 31, 2000, POSTPONED BY MOTION #2000-706) – was presented.

Council Member Galloway moved to refer Item 72 back to the Administration, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Vasquez and Bell absent. MOTION 2000-0766 ADOPTED.

### **Consent Agenda (Items 2 through 65) were considered as follows:**

#### **MISCELLANEOUS** - NUMBERS 2 through 5

2. REQUEST from Mayor for confirmation of the appointment of **MR. JONATHAN DAY** to Position One, as Chair of the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**, to fill a vacancy, for a term to expire December 31, 2000  
- was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Vasquez and Bell absent. MOTION 2000-0767 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to **MUNICIPAL COURTS**:  
**JUDGE:**  
COURT #14 - **MS. KATHY KHANH HAN**, reappointment, for a term to expire 4/8/2002  
**SUBSTITUTE JUDGES:**  
Position 22 - **MS. CHERYL A. SMITH**, appointment, for an unexpired term ending 1/23/2001



Position 37 - **MR. WILLIAM C. HODGE**, appointment, for a term to expire two years from date of appointment

Position 38 - **MS. APRIL WALKER**, appointment, for a term to expire two years from date of appointment

- was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Vasquez and Bell absent. MOTION 2000-0768 ADOPTED

MOTION NUMBER 2000-769 omitted.

Council Member Boney moved to suspend the rules to hear from Judge Mejia, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Vasquez and Bell absent. MOTION 2000-0770 ADOPTED.

Judge Mejia appeared at the podium and introduced the newly appointed and re-appointed judges who were present and family members and friends who were present with them. Mayor Brown congratulated all appointees.

**ACCEPT WORK** - NUMBERS 6 through 12

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$245,441.82 and acceptance of work on contract with **ROOFTOP SERVICE COMPANY, INC** for Exterior Wall and Roof Renovation Heights Branch Library, GFS E-0038-12-3 - 01.74% over the original contract amount - Public Library Consolidated Construction Fund - **DISTRICT H – VASQUEZ** - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0771 ADOPTED.
9. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$2,053,276.10 and acceptance of work on contract with **CULLUM PIPE SYSTEMS, INC** for Sanitary Sewer Rehabilitation in Sims Bayou Area, GFS R-1033-14-3 (4250-90) - 07.88% under the original contract amount - Enterprise Fund **DISTRICTS D - BONEY and E – TODD** - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0772 ADOPTED.
11. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$2,025,355.28 and acceptance of work on contract with **BRH-GARVER, INC** for Construction of Airport Boulevard, Reedwoods and Chesterfield Relief Sewers, GFS R-1222-18-3 (4472-2) - 04.997% over the original contract amount - Enterprise Fund - **DISTRICT D – BONEY** - was

presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0773 ADOPTED.

**PROPERTY** - NUMBERS 13 through 15A

13. Omitted

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 through 28

**LOW BIDS**

16. **STAGELIGHT, INC** for One Front of House Lighting Instrument Package for Convention & Entertainment Facilities Department - \$110,410.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0774 ADOPTED.
17. **CORPORATE EXPRESS IMAGING** for Magnetic Computer Tapes and Cartridge Contract for Various Departments - \$272,060.24 - General and Enterprise Funds - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0775 ADOPTED.

**OTHER**

18. **PETER ALBRECHT COMPANY, INC** to Furnish and Install One Stage Wagon Control System for Convention & Entertainment Facilities Department - \$46,736.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0776 ADOPTED.
19. **PMX MEDICAL** for Emergency Supply Bags for Fire Department - \$68,160.00 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0777 ADOPTED.
20. **BIG Z LUMBER** - \$27,126.64, **CITY SUPPLY COMPANY** - \$15,000.00, **GRAYBAR ELECTRIC COMPANY** - \$58,894.27, **RIGGSBEE HARDWARE COMPANY** - \$20,806.20 and **WOODWORKERS TOOL & SUPPLY COMPANY** - \$18,927.70 for Fire Station Renovation Material Part II for Fire Department - Total \$140,754.81 - Fire Department Revolving Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays

none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0778 ADOPTED.

24. **GENERAL TRAFFIC EQUIPMENT CORP.** - \$41,160.00, **U-M ENTERPRISES** - \$25,903.20, **GLOBE ELECTRIC CO., INC** - \$24,922.80, **TRAFFIC PARTS, INC** - \$20,878.50 for Electro/Mechanical Replacement Parts for Traffic Signal Controllers for Department of Public Works & Engineering - Total \$112,864.50 - METRO Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0779 ADOPTED.
25. **NELES AUTOMATION** for SCADA Software Support and Maintenance Services for Department of Public Works & Engineering - \$25,600.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0780 ADOPTED.
26. **LUCENT TECHNOLOGIES, INC** for Telecommunications Hardware and Software Upgrade for Department of Public Works & Engineering - \$83,725.38 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0781 ADOPTED.
27. **ABB AIR PREHEATER, INC** for Replacement Parts for Two Flash Dryer Paddle Mixers for Department of Public Works & Engineering - \$24,000.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0782 ADOPTED.
28. **ROCAL, INC** for Aluminum Traffic Sign Blanks for Various Departments - \$376,524.33 Enterprise and METRO Funds - was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Bell absent. MOTION 2000-0783 ADOPTED.

**ORDINANCES** - NUMBERS 29 through 65

31. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **HOUSTON COMMUNITY COLLEGE SYSTEM** for Programming Services in connection with an Educational Access Channel – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

32. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Programming Services in connection with an Educational Access Channel – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
33. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **HOUSTON MEDIASOURCE (Formerly ACCESS HOUSTON)** for Programming Services in connection with the Public Access Channel – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
34. ORDINANCE approving and authorizing contract between the City and (1) **AUDITFORCE, INC (to be known as JEFFERSON WELLS INTERNATIONAL, INC)** (2) **DELOITTE AND TOUCHE LLP**, (3) **KPMG LLP**, (4) **MIR FOX and RODRIGUEZ, P.C.**, and (5) **MCCONNELL, JONES, LANIER AND MURPHY LLP** for Internal Audit Services for the Controller's Office; providing a maximum contract amount - \$625,000.00 - General and Enterprise Funds – had been pulled from the Agenda by the Administration, and was not considered. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
38. ORDINANCE approving and authorizing first amendment to Copier and Typewriter Services Contract (Approved by Ordinance No. 95-713), between the City of Houston and **COIN COPIERS, INC** for Library Department – Revenue – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-544 ADOPTED.
41. ORDINANCE appropriating \$17,760.00 out of General Improvements Consolidated Construction Fund and approving and authorizing contract between the City and **AMTECH ROOFING CONSULTANTS, INC** for Professional Architectural Services in connection with the Design of Four Roofs at Houston Zoological Gardens - Reptile House, Small Cats, Lions and Jaguars Buildings, GFS F-0364-01-2 - **DISTRICT D – BONEY** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
42. ORDINANCE appropriating \$88,750.00 out of Police Consolidated Construction Fund and awarding construction contract to **PRC ROOFING COMPANY, INC** on low bid of \$65,000.00 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** in the amount of \$2,000.00 for Roof Replacement and Renovation at the Houston Police Academy, Building B, CIP G-0066-04-3; providing funding for construction management and contingencies relating to construction of facilities

financed by the Police Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

56. ORDINANCE appropriating \$2,955,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** on low bid of \$2,626,100.00 and approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$40,000.00 for Waterline Replacement in Oak Forest Subdivision, GFS S-0035-FR-3 (10489); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-545 ADOPTED.
58. ORDINANCE appropriating \$302,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BORCO OF TEXAS, INC** on low bid of \$263,358.00 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$5,000.00 for Water Well Collection Line to connect the Katy Addicks Water Well No. 12 and the 16-inch water main west of Upland Rd., GFS S-0100-WC-3 (10449-2); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-546 ADOPTED.
61. ORDINANCE appropriating \$2,660,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C. E. BARKER, INC** on low bid of \$2,360,168.20 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$40,000.00 for Water Main Replacement in Langwood Subdivision Section I, GFS S-0036-L1-3 (10493); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-547 ADOPTED.

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

**MISCELLANEOUS**

4. RECOMMENDATION from Director Convention & Entertainment Facilities Department for supplemental allocation in the amount of \$1,000,000.00 on contract with the **HOUSTON IMAGE GROUP** - General and Enterprise Funds –

was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Members Todd, Tatro and Keller.

Council Member Keller stated that he thought it would be prudent to get to the best of their ability an itemized budget of the \$1,000,000 as to where the money was allocated into the best definition they could; and Mayor Brown stated that he would be given the information.

Council Member Ellis stated that he would like to know if the Aviation and Convention and Entertainment Departments could finance the \$1,000,000, each paying \$500,000 and then pull back \$500,000 from the general fund or whether there was a restriction on it; and Mayor Brown stated that he would look at it to see if it was possible.

Council Member Boney stated that there was a need to market the city and they put far less money into marketing than other cities and Houston Image, the organization initiated to carry out the marketing, was able to get a commitment from the private sector to donate \$300,000 to the Houston Image Project and if the city took on the whole responsibility they would be giving up \$300,000 donations from that private sector.

Council Member Boney yielded to Council Member Ellis who stated that he was not against marketing the city he only wanted to look at the financing mechanism.

Council Member Boney yielded to Council Member Keller who stated that his numbers showed \$400,000 from the private sector, but he still thought it was important to have a number by a description and not just a \$1,000,000 in the air; that he supported them and only wanted it itemized.

Mayor Brown stated that what they asked would be looked into but his reservation would be that the Enterprise money could only be used for that function, airport for airport, etc.

Council Member Tatro stated that he too believed it important to market the city, but he too was concerned about the funding mechanism.

Council Member Todd stated that he recalled when the Houston Image was first funded and there was discussion on what medium would be used for improving the city and the first year there were quite a few ads purchased and then a gradual shifting to public relations to make sure there were good stories around the world and if you looked at the impact it had on the city it had paid off in a number of ways one being that it raised Houston's visibility as a technology center; that he liked the fact cowboys were here but there was more to Houston than its rustic past with NASA, the Med Center, etc., and he would like to find out over the next week if numbers could be pulled together and see what the impact had been from the Houston Image Group on Houston's Image and on the technology sector; and Mayor Brown stated that he would see what could be pulled together for him.

5. RECOMMENDATION from Director Parks & Recreation Department to accept donation of a bronze sculpture of a life-size Texas Longhorn Steer to be placed in an enclosed area adjacent to the entry plaza of the John P. McGovern Children's Zoo in the Houston Zoological Gardens **DISTRICT D – BONEY** - was presented,



moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0784 ADOPTED.

### ACCEPT WORK

7. ORDINANCE appropriating \$23,181.35 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Reconstruction of Stuebner Airline Bridge at Little White Oak Bayou, GFS N-445G-01-3 (N-445G) and Reconstruction of Emnora Lane Bridge just east of McKean Street, GFS N-445E-01-3 (N-445E), under construction contract with **SOUTH COAST CONSTRUCTION, INC** (Approved by Ordinance No. 97-966) - **DISTRICTS A - TATRO and B – GALLOWAY** - was presented.

Council Member Keller stated that he liked to see where they came over on the contracts because in his opinion they should come in at least 10% to 20% under and this was an under estimation in quantity by the designer and he wanted to note it; that he would let it go through but wanted to point out that with some things being worked on with Tom Rolan and Building Services there may be safety checks included in the process to where they would know when the underestimation had been done.

A vote was called on Item 7. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCR 2000-548 ADOPTED.

- 7a. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$57,711.76, final contract amount of \$748,320.01 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Reconstruction of Stuebner Airline Bridge at Little White Oak Bayou, GFS N-445G-01-3 (N-445G) and Reconstruction of Emnora Lane Bridge just east of McKean Street, GFS N-445E-01-3 (N-445E) - 8.36% over the original contract amount - Street & Bridge Consolidated Construction and Harris County Flood Control District Funds - **DISTRICTS A - TATRO and B – GALLOWAY** - was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0785 ADOPTED.
8. ORDINANCE appropriating \$8,053.80 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **KINGSLEY CONSTRUCTORS, INC** for Central West 1 Relief Sewers, GFS R-1225-01-3, Contract No. 36735, (4462-1), approved by Ordinance No. 96-689 - **DISTRICTS A - TATRO and H – VASQUEZ** – was presented, and was tagged by Council Member Vasquez. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

- 8a. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of Change Order No. 9 in the amount of \$8,053.80, final contract amount of \$5,343,429.71 and acceptance of work on contract with **KINGSLEY CONSTRUCTORS, INC** for Construction of Central West I Relief Sewers, GFS R-1225-01-3 (4462-1) - 24.77% over the original contract amount - Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and H – VASQUEZ** – was presented, and was tagged by Council Members Vasquez, Keller and Ellis. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

Council Member Keller stated that they did a good job in getting requested change orders to him but he found it hard to believe that 25% of the total project cost was in change orders so he would be looking at that; and Mayor Brown stated that this was unusual and the change orders were approved by Council.

Council Member Ellis stated that he would echo Council Member Keller, but he was curious and would like to start looking at the second and third bids; that it was his guess the spread was less than 25% and he wondered if they went back to look because it would be simple to come in low and then come back with change orders.

Council Member Keller stated that he wanted to analyze to see if the second bidder had caught some of those which had changed their bid higher; and Council Member Ellis agreed.

Council Member Vasquez stated that his interest was making sure the vendor did high quality jobs; that when they went back to fill it in that it was filled in with the right product and placed in the same or better quality than before; and Mayor Brown stated that would be passed on to the Public Works Department.

10. ORDINANCE appropriating \$21,096.24 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **RAMEX CONSTRUCTION CO., INC** for Ballantine Lift Station and Force Main, GFS R-1214-04-3, Contract No. 37111 (4631-01), approved by Ordinance No. 96-1262 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-549 ADOPTED.
- 10a. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$3,549,457.12 and acceptance of work on contract with **RAMEX CONSTRUCTION CO., INC** for construction of Ballantine Lift Station and Force Main, GFS R-1214-04-3 (4631-1) - 05.63% over the original contract amount - Enterprise Fund **DISTRICT E – TODD** was presented, moved by Council Member Castillo, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. MOTION 2000-0786 ADOPTED.
12. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$2,995,669.65 and acceptance

of work on contract with **INDUSTRIAL TX CORPORATION** for Construction of 0.95 MGD Wastewater Treatment Plant in Forest Cove, GFS R-2012-01-3 (4708-1) - 03.12% over the original contract amount - **DISTRICT E – TODD** - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. MOTION 2000-0787 ADOPTED.

## **PROPERTY**

13. Omitted
14. RECOMMENDATION from Acting Director Department of Public Works & Engineering for condemnation of Parcel AYO-67, located at 5365 McCulloch Circle, owned by Mohammad A. Kargar, for the **STREET IMPROVEMENTS FOR REINVESTMENT ZONE NUMBER ONE PROJECT - DISTRICT C – GOLDBERG** - was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Members Parker, Vasquez, Quan and Tatro. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
15. ORDINANCE appropriating \$672,618.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Zenith Finance & Construction Company, et al, to acquire Parcel Number J99-1, for the **KATY-ADDICKS WATER WELL PROJECT**, GFS/CIP Number S-1002-00-1 - **DISTRICT A – TATRO** – was presented.

Council Member Boney stated that he wanted to mention a concern he had discussed with Council Member Parker on the condemnation of the property, it was his understanding that in the appraisal, the value of the offer, the appraisal had primarily taken the value of the land and there was an ongoing business at the site and it seemed that should have some consideration and he would like that looked at to see how they arrived at the numbers and the justification for the numbers; and Mayor Brown stated that would happen.

A vote was called on Item 15. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-550 ADOPTED.

- 15a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Zenith Finance & Construction Company, et al, Cause Number 721,964; for acquisition of Parcel J99-1 for the **KATY-ADDICKS WATER WELL PROJECT**, GFS/CIP Number S-1002-00-1 **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Sanchez absent on

personal business. Council Member Robinson out of the city on city business.  
MOTION 2000-0788 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

### **OTHER**

21. ORDINANCE appropriating \$372,435.00 out of Fire Consolidated Construction Fund for Renovation of an Office Facility for Fire Department - **DISTRICT C – GOLDBERG** - was presented, and was tagged by Council Member Keller. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
- 21a. **INTEGRA CONSTRUCTION, INC** for Renovation of an Office Facility for Fire Department \$354,700.00 and contingencies for a total amount not to exceed \$372,435.00 - **DISTRICT C – GOLDBERG** - was presented, moved by Council Member Castillo, seconded by Council Member Vasquez, and was tagged by Council Member Vasquez. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
22. **UNISYS CORPORATION** for Computer Network Hardware Upgrade for Parks & Recreation Department - \$34,554.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0789 ADOPTED.
23. **IES ELECTRONICS INDUSTRIES, USA, INC** for Firearms Training System for the Police Department - \$94,900.00 - Police Special Services Fund - was presented, moved by Council Member Boney, seconded by Council Member Castillo, and was tagged by Council Member Tatro. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

## **ORDINANCES**

29. ORDINANCE repealing Section 10-50 of the Code of Ordinances, Houston, Texas, relating to the moving of Concrete Slab Foundations upon the Public Streets of the City; containing other provisions relating to the foregoing subject – was presented.

Council Member Todd stated that he wanted to relate that the item had gone through the Regulatory Affairs Committee and had passed unanimously with the recommendation for Council approval and it was needed because technology had improved so much over the past 30 years that the old ordinance no longer had merit; and he thanked the Administration for working so quickly on it and for Legal drafting the appropriate changes.

A vote was called on Item 29. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-551 ADOPTED.

30. ORDINANCE authorizing an Interim Borrowing from the Accumulated Unexpended Fund (Fund 754) by the General Fund of an amount not to exceed \$30 million dollars; declaring an intent to reimburse the Accumulated Unexpended Fund – was presented.

Council Member Tatro stated that the item was to cover the cash shortfall in the current fiscal year and he had passed out a written motion to change the wording of Section 2 in the agreement; that his concern was the non-definite time frame and would substitute the wording by saying, “the City will reimburse the ALP fund for such borrowing with available general fund revenues no later than August 31, 2000, together with interest at the current tax exempt market rate on the date of borrowing. The City’s Finance and Administration Department and the Office of the City Controller are hereby authorized and directed to take all necessary steps to consummate such borrowing.”; that if for some reason that time frame could not be met a Council action would be required to say whether they could not repay, needed an extension or to write it off as a bad debt to the general fund. Council Member Keller seconded Council Member Tatro’s motion. Council Member Todd absent.

Mayor Brown requested a response from F & A on his motion. Council Member Todd absent.

Ms. Sara Culbreth, Acting Director F & A, stated that with regard to the amendment she was in support of it, but would like to discuss and talk about the current tax exempt market rate to see if the Council Member had anything specific to measure it against and she would suggest using the current trans rate they would be looking at later on the Agenda; and Council Member Tatro stated that he would leave that up to F & A. Ms. Culbreth stated that she had no problem with that. Council Members Goldberg and Parker absent.

Council Member Ellis thanked the administration for bringing the item before Council as he understood legally they did not have to and he would be addressing it in one of his amendments later on; and upon questions, Ms. Culbreth stated that they were taking bids on the trans rate at this time and they should be in just after 10:00 a.m.; that the \$30,000,000 was to ensure that at the end of the fiscal year they could cover their cash flow needs. Council Members Goldberg and Parker absent.

Upon questions by Council Member Castillo, Council Member Tatro stated that he was changing the wording to a certain date of August 31 and that the interest rate be set at the date of borrowing. Council Members Goldberg and Parker absent.

Upon questions by Mayor Brown, Mr. Hall stated that Ms. Taylor, their point person on such issues expressed a concern by the amendment, that it may not be able to accomplish what was intended because if they changed the language from intent to create an absolute obligation it was her concern that they may at that same time be required to encumber that amount of money which would obviously defeat the purpose of borrowing; that if they had the money to encumber they would not be borrowing in the first place; that she was on her way down to explore the issue if necessary. Council Members Goldberg and Parker absent.

Council Member Castillo stated that the language in the Charter which controlled in this case simply said that the Controller would show from which source the funds would be derived and it said nothing about a deadline or put any other encumbrance on the borrowing and his point was that both the deadline and the fact they had to encumber it, if they were entering into it as a liability, would defeat the purpose of borrowing the money as the City Attorney had stated. Council Members Goldberg and Parker absent.

Council Member Tatro stated that he was only changing the date to be certain; and Mr. Hall stated that he was missing the point, it was not a question of the date; that the original issue and proposal before Council was to establish the intent to reimburse the funds from which the money was transferred; that the Administration did not believe this was a borrowing in the sense that he believed he did and if in fact he created an absolute obligation then it would be incumbent on them to encumber those funds which would defeat the purpose from which the proposal was advanced which was to cover the gap between the sales tax received and the time they received the money; that they did not see the inner fund transfer as a borrowing in the sense he was advancing. Council Member Goldberg absent.

Upon questions by Mayor Brown, Mr. Haines stated that in light of this conversation he would recommend against the amendment because the issue was borrowing of cash and any implication that this would be held up because of legal or other matters they believed would be very inappropriate and a dangerous thing to do; that their primary interest was to define what the rate would be and that had been determined, but if there was an obligation increased here then they believed it to be a problem. Council Member Goldberg absent.

Upon questions by Council Member Boney, Ms. Taylor stated that as she understood Council Member Tatro's proposal it would be to require that the General Fund reimburse the Any Lawful Purpose Fund by a date certain with a particular interest rate and that would be creating a legal obligation within the General Fund which would require an encumbrance of those funds at this point; that the way the ordinance was structured at the moment it was a borrowing with the declaration of an intent to reimburse just as it was last year; that what they were talking about here was more of a technical legal problem than it was the essence of whether the funds would be reimbursed; that there did not seem to be a concern from F & A that they would be in a position to reimburse the funds but the problem was that if they actually made a commitment to do that as opposed to declare our intent they would have created an obligation which would require encumbrance of those funds and they were not in a position today to encumber or they would not need to be borrowing. Council Members Goldberg and Vasquez absent.

Council Member Boney moved to amend Council Member Tatro's amendment to include the word intent to reimburse no later than August 31 and if he would accept that friendly amendment then his purpose in trying to have a date certain as a targeted goal would be established; and Council Member Tatro stated that would effectively relate back to the original and would basically void his amendment and he would still dispute the Administration's intention that it created a liability and felt the legal opinion was a bit cutting edge when they were looking at passing an obligating the city to a CIP and a budget with no funds and he would not accept his friendly amendment. Council Member Goldberg absent.



Council Member Boney offered a substitute motion to amend Section 2 of Item 30 as follows:

Section 2. An interim borrowing of cash by the City's General Fund of an amount not to exceed \$30,000,000 from the ALP Fund is hereby authorized and approved. The intent is that the City will reimburse the ALP Fund for such borrowing with available General Fund revenues no later than August 31, 2000, together with interest at the current tax exempt market rate, on the date of the borrowing. The City's Finance and Administration Department and the Office of the City Controller are hereby authorized and directed to take all necessary steps to consummate such borrowing, and was seconded by Council Member Parker.

Council Member Bell stated that he would hope one of Council Member Tatro's goals in this and in Council Member Ellis' goal in his amendment to be presented later was to bring some honesty to the process; that if they were borrowing as they were doing in this case, because when you had to pay back it was borrowing and a transfer would indicate no obligation to pay back, he did not know why they engaged in the practice of trying to convince each other it was something different and he felt this restored honesty to the process and he found it offense to call it something it was not.

Council Member Bell yielded to Council Member Tatro who stated that if they did transact this it would be an inter fund borrowing as the Administration so contended, but if they were unable to pay it back there would be no Council action required to come back and say the money was to be absorbed into the General Fund and this would ensure that Council action would be required.

Council Member Castillo moved to call the question, and was seconded by Council Member Boney. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0790 ADOPTED.

A roll call vote was called on Council Member Boney's substitute motion.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting no.
Council Member Boney voting aye.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	

SUBSTITUTE MOTION 2000-0791 ADOPTED.

A roll call vote was called on Item 30.

ROLL CALL VOTE:

Mayor Brown voting aye.  
Council Member Tatro voting no.  
Council Member Galloway voting aye.  
Council Member Goldberg voting aye.  
Council Member Boney voting aye.  
Council Member Todd voting aye.  
Council Member Ellis voting aye.  
Council Member Keller voting aye.

Council Member Vasquez voting aye.  
Council Member Castillo voting aye.  
Council Member Parker voting aye.  
Council Member Quan voting no.  
Council Member Sanchez absent on  
personal business  
Council Member Bell voting aye.  
Council Member Robinson out of the  
city on city business.  
ORDINANCE 2000-552 ADOPTED  
AS AMENDED.

Council Member Boney stated that he asked for that to be on the record because he was understanding there was discussions going on now with the Controller regarding certification of the item and he wanted it plainly understood by all city employees that this was a short-term cash flow item and he for one would not support employees of the city not getting their paychecks on payday when clearly there was more than enough money; that they had to pay the employees and sometimes he just did not understand the rational of his colleagues. Council Member Keller absent.

MOTION NUMBER 2000-0792 was omitted.

30-1. ORDINANCE approving and authorizing the grant of an easement to **RELIANT ENERGY HL&P, A Division of Reliant Energy, Incorporated** to enable it to provide electrical service to the Joint City/Harris County Flood Control District Swallow Street Construction Project; subject to the terms and conditions of the easement - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-553 ADOPTED.

35. ORDINANCE approving and authorizing contract between the City of Houston and **JOHN L. WORTHAM AND SON, L.L.P** for Insurance Broker of Record Services - 5 Years - \$500,000.00 Insurance Management Fund – was presented, and was tagged by Council Member Tatro. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

Council Member Castillo stated that he had asked in Council briefing what the city's insurance broker record was now and he got the answer, but was it being changed because of a cheaper rate; and Mayor Brown stated that he would get an answer to that question as well.

36. ORDINANCE approving and authorizing a Regional Law Enforcement Training Services contract between the City and the **HOUSTON-GALVESTON AREA COUNCIL** – Revenue– was presented.

Council Member Keller stated that as the only representative on the Houston Galveston Area Council present today he would urge support of the item.

A vote was called on Item 36 All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-554 ADOPTED.

37. ORDINANCE approving and authorizing (i) contract between the City and the **DESERT RESEARCH INSTITUTE** and (ii) Interlocal Agreements with the **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** and **HOUSTON REGIONAL MONITORING** for the provision of Fine Particulate Analysis Services - \$119,335.00 - General and Grant Funds – was presented.

Council Member Bell stated that as a point of order he had just received a call on which Council Member Boney referenced regarding the certification on Item 30 by the Controller's Office and the Controller called and said they had not certified the funds so how were they able to vote the item. Mr. Hall stated that there was a discussion going on as to whether or not this was an expenditure, this was not a new issue, as he would recall last year this was not even voted on by Council at all; that it just did not require a certification by the Controller.

Council Member Boney stated that was why he raised the issue; that they were really taking from one account for another account to pay a bill until other income came in and that was not an expenditure but an inner fund exchange; that they knew they would be facing this issue for two to three weeks and if the Controller, Attorney or anyone thought the funds needed to be certified then the discussion could have been had long before it came up for a vote today; and the question was whether it was to be defined as an expenditure or an inner fund transfer and it was clear in his mind it was a transfer.

Council Member Castillo stated that hair splitting was at the potential expense of employees and it was clear from the opinion of the Legal Department it was not an expenditure; and moved to end debate and call the question, and was seconded by Council Member Keller. Council Member Boney absent.

A roll call vote was called on the motion calling the question; and Mr. Hall stated that there was no question pending and all they needed to do was proceed.

Mayor Brown stated that he would give Council Member Todd the courtesy to speak if he wanted; and Council Member Todd stated that Council Member Bell had raised good points and he felt they were faced with whether or not the item voted on was even a legal ordinance; that if it was not certified by Controller it would appear it was illegal and would need to be voted on again after certification.

Council Member Castillo stated that it did not have to be and the item had been voted on and was not on the table; and upon questions, Mr. Hall stated that the motion for the previous question was to have a vote on the question pending on the table at the time and if there was no pending question there could be no motion so the issue was whether or not the Mayor would proceed with the Agenda posted for Council; that Council Member Todd could not recall an item already voted on and declared passed by the Chair.

A vote was called on Item 37. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-555 ADOPTED.

39. ORDINANCE appropriating \$265,352.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Restated and amended contract between the City of Houston and **MALCOLM PIRNIE, INC** for Supervisory Control and Data Acquisition System Upgrade and Miscellaneous Professional Services, including settlement and ratification for certain work assignments, CIP R-0512-03-2 (4278); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-556 ADOPTED.
40. ORDINANCE appropriating \$8,900,000.00 out of Airport System Commercial Paper Series A, C (AMT) and approving and authorizing professional engineering services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J**, in connection with Runway 8L-26R at George Bush Intercontinental Airport/Houston Project 522; CIP A-0304 **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-557 ADOPTED.
43. ORDINANCE amending City of Houston Ordinance No. 96-505 by increasing the maximum contract amount for the agreement between the City of Houston and **UNITED WATER SERVICES, INC** for Operation and Maintenance of the Southeast Water Purification Plant \$5,129,285.00 - Enterprise Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-558 ADOPTED.

Council Member Castillo stated that he had asked the department for information on the flow of water production for the last 24 months at the plant; that it had been privatized to United Water services and they were not yet at the end of their five year contract and they were adding money and he thought city employees could have done as well if they could have gotten money back; that two items had yet to be done the dredging of the sludge and maintenance which had not been done; that he would suggest it be outsourced to another contractor and not let the existing contractor do it or he could be doing maintenance he was obligated to do under the original contract; and Mayor Brown stated that Public Works would get with him, to his understanding it as not normal maintenance and involved major capital improvement. Council Member Boney absent.

44. ORDINANCE appropriating \$297,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DAMES & MOORE, INC** for the Design of Roadway Improvements along Kingwood Drive between U. S. 59 and Loop 494, and Northpark between U.S. 59 and Loop 494, CIP N-0644G-01-2 (SB9104); providing funding for contingencies relating to construction of facilities financed by

the Street & Bridge Consolidated Construction Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-559 ADOPTED.

45. ORDINANCE appropriating \$865,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BURK-KLEINPETER, INC** for Design of Storm Sewers, Water Lines, Sanitary Sewers and Paving in Central Park Subdivision, CIP M-0186-01-2 (SM5006); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT I – CASTILLO** – was presented.

Council Member Keller stated that he would ask Council Member Castillo if the construction dollars were ready; and Council Member Castillo stated that this project was in Central Park and it arose out of a series of townhall meetings over the last four years; that it was a frequently flooded neighborhood and this would contemplate installation of storm sewer systems but was required to have a study to be able to design the study; that it was a part of the CIP Item M0186 and showed \$250,000 had already been appropriated and this appropriation continued it; that in the CIP Item M-0126 was an item called local drainage improvement projects unassigned with a total of \$25,000,000 and it was for projects which came on line with completed studies and that was where the rest of the money would come from.

A vote was called on Item 45. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-560 ADOPTED.

46. ORDINANCE appropriating \$607,800.00 out of Street & Bridge Consolidated Construction Fund, and \$200,000.00 out of Harris County Construction Fund, awarding contract to **EXCALIBUR CONSTRUCTION, INC** on low bid of \$684,174.51 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** in the amount of \$21,000.00 for Allen's Landing Redevelopment - Task One Bulkhead Stabilization, GFS N-0669-01-3 (N-0669-01); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Harris County Construction Fund - **DISTRICT I – CASTILLO** - – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-561 ADOPTED.
47. ORDINANCE appropriating \$415,450.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$349,094.40 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$10,500.00 for 1999 Safe Sidewalk Program, GFS N-0610A-T5-3 (Package T2); providing funding for construction

management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-562 ADOPTED.

48. ORDINANCE appropriating \$452,250.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$379,956.80 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$11,500.00 for 1999 Safe Sidewalk Program, GFS N-0610A-T6-3 (Package T3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS F - ELLIS and G – KELLER** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-563 ADOPTED.
49. ORDINANCE appropriating \$1,631,000.00 out of Street & Bridge Construction Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** on low bid of \$1,358,985.60 and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING & TESTING SERVICES, INC** in the amount of \$80,000.00 for Overlay Projects in Third Ward Completion, GFS Q-1153-01-3 (253-99); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS D - BONEY and I - CASTILLO** – was presented.

Council Member Castillo stated that he wanted to thank the Administration for going back, beginning with Item 46 there was a whole series of projects which had construction management money in it and was now being done by the engineer who designed the project or another engineering firm and at a less than 8% cost so it was a great improvement.

A vote was called on Item 49. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-564 ADOPTED.

50. ORDINANCE awarding construction contract to **DURWOOD GREENE CONSTRUCTION CO.** on low bid of \$425,100.00 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$25,500.00 for Street Overlays for Neighborhoods to Standard (NTS), Tier VII; Sunnyland and East Lawndale Neighborhoods, GFS Q-1200-01-3 (OL2000); providing funding for construction management and contingencies relating to construction of facilities - \$514,180.00 CDBG Grant Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-565 ADOPTED.



51. ORDINANCE awarding construction contract to **SILVA, INC** on low bid of \$338,915.00 and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$20,000.00 for Street Overlays for Neighborhoods to Standard (NTS), Tier VII; Shepherd Forest & Ferguson Street Communities, GFS Q-1300-03-3 (OL-2003); providing funding for construction management and contingencies relating to construction of facilities - Total \$410,000.00 CDBG Grant Fund - **DISTRICTS A - TATRO and B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-566 ADOPTED.
52. ORDINANCE awarding construction contract to **SILVA, INC** on low bid of \$333,771.20 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$20,000.00 for Street Overlays for Neighborhoods to Standard (NTS), Tier VII; North Lindale Communities, GFS Q-1300-04-3 (OL-2004); providing funding for construction management and contingencies relating to construction of facilities - Total \$404,000.00 CDBG Grant Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-567 ADOPTED.
53. ORDINANCE appropriating \$3,434,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CRAIG, SHEFFIELD & AUSTIN, INC** on low bid of \$3,020,938.00 and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$80,000.00 for Park Ten Wastewater Treatment Plant Renewal Replacement, GFS R-0265-12-3 (4789); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-568 ADOPTED.
54. ORDINANCE appropriating \$3,686,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** on low bid of \$3,257,300.00 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$70,000.00 for Northeast Wastewater Treatment Plant Renewal Replacement, GFS R-0265-13-3 (4790); providing funding for 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 Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-569 ADOPTED.

55. ORDINANCE appropriating \$1,296,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** on low bid of \$1,101,005.00 and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$30,000.00 for Lift Station Rehabilitation in Sims Bayou, GFS R-0267-27-3 (4275-15); 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 Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-570 ADOPTED.
57. ORDINANCE appropriating \$2,932,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TROY CONSTRUCTION, INC** on low bid of \$2,545,047.00 and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$20,000.00 for Water Line Replacement in Pecan Park Subdivision, GFS S-0035-40-3 (10540); 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 Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-571 ADOPTED.
59. ORDINANCE appropriating \$660,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on low bid of \$579,074.40 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$17,000.00 for Water Line Replacement in Silverdale Subdivision, GFS S-0479-01-3 (10482); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H - VASQUEZ** – was presented, and was tagged by Council Member Todd. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
60. ORDINANCE appropriating \$481,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on low bid of \$416,765.61 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$10,000.00 for construction of Hall's Bayou Waterline Extension, GFS S-0531-11-3 (10296); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Member Todd. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.
62. ORDINANCE appropriating \$2,981,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION,**

**INC** on low bid of \$2,565,256.00 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD d/b/a GEOTECH ENGINEERING & TESTING, a Texas Limited Partnership** in the amount of \$50,000.00 for construction of Water Main Replacement at various locations, GFS S-0700-07-3 (10504-2); 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 G - KELLER** – was presented, and was tagged by Council Members Todd and Keller. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

63. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 99-675 by increasing the base pay of all Classified Members of the Police Department by two percent (2%), substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance; providing for severability – was presented.

Upon questions by Council Member Tatro, Mayor Brown stated he was correct, this was a part of the meet and confer. Council Member Tatro stated that he would like to know what this was not a part of the regular budget and was broken out separately when it was a part of the fiscal 2001 budget.

Mayor Brown stated that Council Member Tatro wanted to know why Items 63 and 64 were part of the FY '01 budget and being passed separately and Mr. Hall stated that this was the scheduled increase in pay for police and fire and Council's commitment to parity and it was outside the FY '01 budget because they were contractually obligated to do it and it was authorization to set up the pay rates based on the 2% increase; that this did not spend the money as they had to pass a budget for this to be paid just like anyone else to be paid but this was increasing the salary schedules for the individuals. Council Member Boney absent.

A vote was called on Item 63. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-572 ADOPTED.

64. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2000-381 by increasing the base pay of all Classified Members of the Fire Department by two percent (2%), substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. ORDINANCE 2000-573 ADOPTED.
65. ORDINANCE amending City of Houston Ordinance No. 90-1292 as amended (the Master Classification Ordinance) by revising the Master Classification Listing; making other provisions related to the Title subject; providing for severability – was presented.

Council Member Ellis moved to suspend the rules to hear from Mr. Lonnie Vara, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Boney absent. MOTION 2000-0793 ADOPTED.

Upon questions by Council Member Ellis, Mr. Vara stated that there was no affect by doing the classification changes because the difference in pay grades overlapped and they were not changing salaries; that some of this was because various departments needed creation of certain classifications as they were serving in ones that did not reflect their jobs; that this would not increase the persons salary, but the department had the flexibility to increase salary whether this was passed or not as ranges were so large now. Council Member Ellis stated that he would not hold it up but after next week he would like him to sit with him and explain it better. Council Member Quan absent.

A vote was called on Item 65. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Quan absent. ORDINANCE 2000-574 PASSED FIRST READING.

**FY 2001 BUDGET MATTERS** – NUMBERS 66 through 71

**NOTE: THE FOLLOWING ITEMS 66, 67 AND 68 WERE PROPOSED AMENDMENTS TO ITEM 69**

66. BUDGET AMENDMENTS RECOMMENDED BY THE ADMINISTRATION AND THE FISCAL AFFAIRS AND MANAGEMENT INITIATIVES COMMITTEE

AMENDMENT

- a. The Aviation Parking Service Contract should be separated from account 3895 Miscellaneous Other Services and Charges and classified under a separate account more properly identifying the activity. – was presented.

Council Member Tatro stated that he would like to know at what point amendments being submitted today would be appropriate.

Council Member Parker stated that she understood the Controller was present to present the bids and moved to suspend the rules to go through Matters Held before the budget; and move the budget to the end of the Agenda, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Tatro in committee) MOTION 2000-0794 ADOPTED.

Council Member Parker stated that if the Controller was not in the room she would move to continue with Matters Held; and Mayor Brown called for Matters Held.

**MATTERS HELD** - NUMBERS 72 through 81

73. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Parks & Recreation Department for approval of supplemental allocation to increase spending authority by \$145,000.00 from \$1,274,748.23 to \$1,419,748.23 to **UNISYS CORPORATION** for Hardware Maintenance Services Contract - General Fund – **(This was Item 8 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg stated that he had tagged the item before and would support it but basically they were paying \$145,000 for a warranty on a computer item and in looking at it it looked like the cost of the item was \$145,000 or less; that the director of Parks and Recreation explained it was more of an insurance policy and there was a 30 day out clause and he was assured by the director that they would do all they could to replace the system and get out of the contract as soon as possible and that was the only reason he was supporting it.

A vote was called on Item 73. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent. MOTION 2000-0795 ADOPTED.

74. 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 Home Investment Partnerships (“HOME”) Program, among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended - **(This was Item 32 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBER CASTILLO)** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Tatro and Todd absent. ORDINANCE 2000-575 ADOPTED.
75. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for Convention and Tourism Services Enterprise Fund - **(This was Item 34 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBERS VASQUEZ and KELLER)** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Tatro and Todd absent. ORDINANCE 2000-576 ADOPTED.
76. ORDINANCE appropriating \$100,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to the contract for professional architectural services between the City of Houston, Texas and **AMBROSE AND McENANY, INC** (approved by Ordinance 97-1103), for Miscellaneous Projects for the Houston Airport System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; (Project 409G); CIP A-0138 **DISTRICTS B - GALLOWAY and E - TODD - (This was Item 38 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent. ORDINANCE 2000-577 ADOPTED.

77. ORDINANCE appropriating \$100,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to Professional Telecommunications Consulting Services Contract between the City of Houston, Texas and **SUPERIOR CONSULTANT COMPANY, INC** (formerly Comsul, Ltd.), approved by Ordinance 97-722, for Miscellaneous Projects for the Houston Airport System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; (Project 409F); CIP A-0138 - **DISTRICTS B - GALLOWAY and E – TODD - (This was Item 39 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent. ORDINANCE 2000-578 ADOPTED.
78. ORDINANCE appropriating \$5,313,728.04 out of Street & Bridge Consolidated Construction Fund, \$1,500,000.00 out of Harris County Construction Fund, \$1,105,667.96 out of Storm Sewer Consolidated Construction Fund, \$1,282,407.05 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, INC** on low bid of \$7,782,993.50 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$220,000.00 for construction of Almeda Genoa Road; proposed Paving, Drainage, Sanitary, Signals, and Water Improvements, GFS N-0493-01-3 (N-0493-01); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, the Harris County Construction Fund, the Water & Sewer System Consolidated Construction Fund and the Storm Sewer Consolidated Construction Fund **DISTRICT D - BONEY - (This was Item 53A on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he had tagged the item last week and he would admit to Hilda that she was right on the adding of the numbers, he had thought for sure he had found a fat cow; that he appreciated the response of the office and the amount of detail they provided him; that having said that he would like to bring up some points in auditing, he had questions on number seven as to why mobilization was the same on all bids, why was the price for flagmen the same on all bids and why was relocation of street lights, wood poles, etc. the same; that if they were all the same he would say they could save another \$156,000 on Item 78 if they used the number 55 for the 16 inch steel of \$58,000 and on number 44 for the line the \$98,000; that if they could just use uniform consistent numbers then why not use the lowest of some of the categories that may be turned in; and he would like that question explained. Council Member Todd absent.

A vote was called on Item 78. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent. ORDINANCE 2000-579 ADOPTED.

Mayor Brown stated that they would now go to the Controller. Council Member Todd absent.



1. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$160,000,000.00 City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2000 – was called.

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present a copy of a letter on the transmitting this morning and she would like to note that this was the first time in the City of Houston they had done all this through the Inter Net; that bids were received and she read from her letter transmitted to Council, “With regard to the bids received for the \$160,000,000.00 City of Houston Tax and Revenue Anticipation Notes, Series 2000 the lowest true interest cost of 4.41817% was submitted by Bank of America Securities and the tabulation of the bid was attached”; and that completed her presentation. Council Members Galloway and Todd absent.

The City Secretary stated that in accordance with 1a. a motion should be made to adopt the recommendation. Council Members Galloway and Todd absent.

- 1a. MOTION by Council Member Boney that the sale of \$160,000,000.00 City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2000, be awarded to Banc of America Securities on their True Interest Cost (TIC) of 4.41817%, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Galloway and Todd absent. MOTION 2000-0796 ADOPTED.
79. ORDINANCE appropriating \$501,808.00 out of Street & Bridge Consolidated Construction Fund and \$35,492.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RAY SMITH CONSTRUCTION, INC** on low bid of \$470,540.90 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$15,000.00 for construction of Gaylord Drive from Memorial City Way to Bunker Hill Road, GFS N-1034-02-3 (N-1034-02); 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 - (This was Item 57 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBERS PARKER, QUAN and KELLER)** – was presented.

Council Member Keller stated that the item had been delayed since he came into office and it had paid its dues in the CIP from what he had learned; and presented a written amendment to add a new Section 5A as follows:

“Upon implementation of the project plan and reinvestment zone, financing plan of Reinvestment Zone Number Seventeen, City of Houston, Texas (The Memorial City Zone) the director of the Planning and Development Department shall request the Board of Directors of the Memorial City Zone to (1) consider the enlargement the boundaries of the zone to include Gaylord Drive between Bunker Hill Road and Memorial City Way; (2) amend the project plan and reinvestment zone financing plan to include the subject of this ordinance as a ‘project cost’ and (3) inter into an agreement with the city and pay for the cost that are authorized by this ordinance”, and was seconded by Council Member Parker.

Council Member Tatro stated that as a point of order and to be consistent he would like to know if the amendment was pertaining to the TIRZ Plan as that was not on the table; and Mr. Hall stated that he could appreciate what he was asking and he was advised that it was not a change in the TIRZ Plan but a change in the amendment of the contract they had; that Ms. McAbee had drafted it and he would ask that she explain.

Upon questions by Council Member Tatro, Ms. McAbee stated that she had assisted Council Member Keller in drafting the amendment; that the amendment was to add a section to an ordinance that was on the Agenda as Item 79, it would add a new section a to the ordinance; that it was not an amendment to the project plan but an proposed amendment to a contract. Council Member Galloway absent.

Upon questions by Council Member Castillo, Ms. McAbee stated that the amendment would add a new section requiring the Planning Director upon implementation of the project plan to request the Memorial City TIRZ to include the Gaylord Drive area within its boundaries, amend its project plan to include the cost of the Gaylord Drive as a project cost and then to inter into an agreement with the city whereby the city would be paid for the cost it had incurred in Gaylord Drive. Council Member Galloway absent.

Council Member Keller stated that he wanted to thank Ms. McAbee for working so fast on the item and urged all Council Members to support him as it was in his district and of utmost importance; that he would also urge who ever was responsible that they pickup the pace and get results of the drainage studies they had committed to. Council Member Galloway absent.

Upon questions by Council Member Castillo, Council Member Keller stated that all of the subject being voted on today was within the City of Houston city limits. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he knew Council Member Keller worked hard on the project; and upon questions, Ms. McAbee stated that the county had not agreed to participate but there were two conditions for implementation of the project plan, one was receipt and review of the drainage study and the participation by the county; that the school district had already determined not to participate so they did need the county participation to implement the plan; that the TIRZ was created but the issue now was whether it would get up and running and move forward. Council Member Quan stated that if there was no TIRZ there would be no drainage study; and Ms McAbee stated that she could not speak to that as she was not sure how the drainage study was being undertaken. Council Member Keller stated that he thought they had committed to the drainage study outside the TIRZ; and Mayor Pro Tem Boney stated that they had made commitments. Council Member Quan stated that he liked the TIRZ reimbursing, but he would like clarification whether the city was really committed to the drainage study; and Mayor Pro Tem Boney stated that they had indicated for the past years, because of the severe flooding, it was important and this was just a part of larger issues relating to drainage in the city and he definitely expected to do it. Mayor Brown, Council Members Goldberg, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she had not supported the creation of the TIRZ and she did not support Item 79, but she had worked with Council Member Keller on the

wording of his motion and he certainly added a level of comfort to her that if the TIRZ did go forward they would reimburse the city for the project and she thought that only fair and with that said she did not think the item should proceed until all drainage and traffic studies had been done. Mayor Brown, Council Members Goldberg, Todd and Castillo absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Vasquez, Council Member Keller stated that 50% of the road was in the TIRZ already as he understood. Ms McAbee stated that she believed the proposal would be to amend the boundaries to include only the public right of way which would be off the tax rolls at the time it was added to the zone. Council Member Boney stated that he wanted to advise Council Member Parker that studies would come before it was constructed and were due to start in September. Council Members Todd and Castillo absent.

Council Member Tatro stated that the TIRZ was split between Council Member Keller and his districts and he was curious about the amendment; that he appreciated him bringing it forward as there were many questions and had been on the books a long time and also appreciated the recommendation to reimburse; and urged Council Members to support the amendment.

Upon questions by Council Member Ellis, Ms. McAbee stated that he would like clarification, if the county did not enter the TIRZ the city would not be reimbursed for expenses or would they; and Ms. McAbee stated that when the zone was crated last year it was a subject of a great deal of debate and discussion and there were issues about the viability of the zone and whether other taxing units were going to participate, etc., so at the time the zone was crated the amendment was made by the Planning Department and was publicly stated that two things needed to happen before the zone could begin to operate as a zone and one was that the drainage and traffic study be prepared and reviewed and the impact taken into account and secondly that the county would need to participate; that even though the zone was created it was her understanding that if those two things did not occur actions would be taken to not continue the TIRZ; that Mr. Litke had called and said they were moving forward with the drainage and traffic study at this time; that the TIRZ was created and the question was whether it would undertake the activities for which it was created, if those two events did not occur it would not undertake the projects for which it was created.

Upon questions by Council Member Keller, Mr. Haines stated that there had been a taskforce commissioned including the city and other communities, county, flood control and TxDOT and there had been general agreement that because TxDOT had several projects in the area there was movement currently to generate an interlocal agreement and move forward with the city participating in the study; that he just spoke to Ms. Scott who said they would have a recommendation to Council imminently and in terms of the question of timing they believed the study could be moved forward and have an interim report to Council before the project started; that he believed they could now have an on the record commitment to have the results of the study before the physical construction began.

Council Member Boney stated that he spoke with Mr. Litke and they believed the study could be completed within several months and they would begin it within 30 days. Council Member Vasquez absent.

A vote was called on the motion to amend Item 79. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Vasquez absent. MOTION 2000-0797 ADOPTED.

A vote was called on Item 79 as amended. Council Member Parker voting no. Balance voting aye. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Vasquez absent. ORDINANCE 2000-580 ADOPTED AS AMENDED.

80. ORDINANCE appropriating \$991,250.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on bid of \$875,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP.** in the amount of \$20,000.00 for Hunterwood MUD Service Area Diversion, GFS R-0536-05-3 (4719-1); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO - (This was Item 71 on Agenda of June 14, 2000TAGGED BY COUNCIL MEMBER QUAN)** – was presented.

Council Member Quan stated that last week he had tagged the item and appreciated Legal getting with him.

A vote was called on Item 80. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Vasquez absent. ORDINANCE 2000-581 ADOPTED.

81. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Belinda King, Lovett Homes, on behalf of 5177 Builders Ltd. [Lovett Amherst Homes, Inc (Frank M. K. Liu, president), general partner], for abandonment and sale of the remaining portion of Mathews Street, from West Webster Avenue to Oak Place Street, in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, located within the Subdivision of Lot 34, Obedience Smith Survey, Parcels SYO-066 and DYO-039 - **APPRAISERS - DISTRICT D – BONEY – (This was Item 75 on Agenda of June 14, 2000, POSTPONED BY MOTION #2000-755)** – was before Council. Council Member Boney named Mr. Travis R. Cooper and Mr. Charles G. Rencher as the appraisers, and moved approval of the recommendation, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0798 ADOPTED.

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

41. ORDINANCE appropriating \$17,760.00 out of General Improvements Consolidated Construction Fund and approving and authorizing contract between the City and

**AMTECH ROOFING CONSULTANTS, INC** for Professional Architectural Services in connection with the Design of Four Roofs at Houston Zoological Gardens - Reptile House, Small Cats, Lions and Jaguars Buildings, GFS F-0364-01-2 - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. ORDINANCE 2000-582 ADOPTED.

Council Member Castillo stated that he noticed the Agenda listed amendments considered by the committee before the item they were amending and moved to call Item 69 first and that Items 66, 67 and 68 be considered immediately thereafter and amendments submitted at the table following those, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0799 ADOPTED.

Mayor Brown stated that he wanted to thank all Council Members and especially Council Member Castillo for his hard work chairing the committee.

69. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2001 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; establishing excess funds in the General Fund Fund Balance; providing for future adjustment to the beginning fund balances; making various amendments to the proposed budgets; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability – **(This was Item 76 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBERS ELLIS, ROBINSON, TODD, QUAN, VASQUEZ, KELLER, TATRO AND CASTILLO)** – was presented.

Council Member Castillo moved to postpone Item 69 one week, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

Council Member Castillo stated that the City Attorney pointed out that making a motion to postpone did not consider amendments to be postponed along with it so before the item was finally postponed they needed to consider amendments listed and the ones to be submitted at the table.

Mayor Brown stated that they could not consider the amendments without the main item on the table so he would rule the previous motion out of order.

At 11:05 a.m. Council Member Tatro moved to recess for five minutes, and was seconded by Council Member Castillo. At 11:15 a.m. the City Council reconvened with Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Keller and Bell absent.

Council Member Castillo stated that he had moved to bring up Item 69 first and the question be divided so each amendment could be considered individually; that amendments submitted at the table could be discussed at the same time since they may

address another amendment; and Council Member Todd asked if he was making a motion.

Council Member Castillo moved to take 66 first and the question be divided to consider amendments separately, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0799 ADOPTED.

## 66. BUDGET AMENDMENTS RECOMMENDED BY THE ADMINISTRATION AND THE FISCAL AFFAIRS AND MANAGEMENT INITIATIVES COMMITTEE

### AMENDMENT

66a. The Aviation Parking Service Contract should be separated from account 3895 - Miscellaneous Other Services and Charges and classified under a separate account more properly identifying the activity. – was presented, moved by Council Member Castillo, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Tatro in committee.) MOTION 2000-0800 ADOPTED.

66b. City Council to be notified of any transfers between city departments. was presented, moved by Council Member Goldberg, and seconded by Council Member Ellis. (Proposed by Council Member Goldberg in committee.)

Council Member Todd stated that he would like to know if that would moot Council Member Ellis's amendment listed as 67k; and Mayor Brown stated that the item before them was between departments and 67k was dealing with the Administration borrowing.

Council Member Ellis stated that he thought the two amendments overlapped and moved to amend the motion for 66b to include 67k at this time, and he thought Council Member Goldberg was ready to offer a friendly amendment to 67k.

Council Member Goldberg stated that he would amend 67k by taking out the last sentence, "All transfers of cash between funds must be included in the budget and recorded as expenditures.", however, what he was asking for was notification between city departments; and moved to add 67k to 66b.

Council Member Vasquez stated that he would like some clarification; and Council Member Ellis stated that basically this amendment would only be in place for 2001 because it was only amending the budget and not an ordinance and to clarify he would start over with his motion.

Council Member Ellis moved to add 67k to 66b with the modification of excluding the last sentence in 67k "All transfers of cash between funds must be included in the budget and recorded as expenditures.", and was seconded by Council Member Goldberg.



Council Member Castillo stated that language added by Council Member Goldberg required notification and language added by Council Member Ellis required approval and it was two distinct approaches; that he was in favor of Council Member Goldberg's original language but not with Council Member Ellis's amendment for approval by Council; that Legal gave an opinion pursuant to the Charter and Council approval was not required.

Upon questions by Council Member Parker, Ms. Taylor stated that a budget ordinances drafted provided the Administration the authority to move up to the 5% of budget from one department to another within the General Fund and she believed the notification item would add to that authority so it would add to that so that as the Administration exercised the authority then through the budget ordinance they would notify Council of the action; and the proposal from Council Member Ellis dealt with transfers between funds as opposed to the Mayor's authority to transfer within; that other than the notification provision it would have no impact on transfers within a fund.

Council Member Boney stated that he supported Council Member Goldberg's amendment, but thought it was confused when joining the two; and Council Member Ellis stated that transfers and borrowing would have to have Council's approval.

Council Member Todd stated that he was in favor of Council Member Ellis' motion as it would help to insure any transfers ongoing would be brought to Council's attention; and he checked earlier and there was only \$82,000 in the Any Lawful Purpose Fund.

Council Member Castillo moved to divide 66b to consider the original language of Council Member Goldberg's amendment first and then the added language of Council Member Ellis, and was seconded by Council Member Galloway.

A roll call vote was called on the motion to divide the question.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting no.	Council Member Quan voting no.
Council Member Boney voting aye.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	MOTION FAILED.

A vote was called on Council Member Ellis' motion to add 67k to 66b with the last sentence of 67k deleted. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION TO AMEND CARRIED – See Motion 2000-0803 for further action on the main motion as amended.

A vote was called on the motion for 66b as amended.

Council Member Castillo stated that he wanted to add his last comments which were that he felt Council was serious compromising the language of the Charter which gave wider authority to the Administration, this was micro managing and he felt it to be a serious error.

Council Member Tatro stated that he supported the motion and it was in no way compromising the Charter.

Council Member Ellis stated that he strongly disagreed on the micro managing; that there were only two inner fund transfers this fiscal year with one being today.

Council Member Castillo stated that he would tag Item 66b as amended to give Council Member Ellis time to think about it. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

**(Note Council Member Castillo removed his tag later in the meeting.)**

**(Note: For further action on 66b and 67k see MOTION 2000-0803)**

Council Member Tatro asked about the Gentlemen's agreement not to tag and Council Member Castillo stated that he didn't subscribe to it.

66c. \$250,000 for SEARCH homeless outreach effort. This is an annual funding request to assist SEARCH with its homeless effort in the city. (SEARCH uses the funding for campsite cleanup, medical, emergency housing, outreach, and case management. The present 12 month contract began in March 2000).

Council Member Vasquez stated that he was on the board of directors and would like the record to reflect his absence on the item.

Council Member Bell moved Item 66c, and it was seconded by Council Member Goldberg .

Upon questions by Council Member Tatro, Mr. Haines stated funds had not been identified as yet, that last year they used General Government, General Fund and discussed it with Council Member Bell and their desire was to try and identify funding sources from the same account General Government. Council Member Tatro stated that he would point out that the CDBG money had a low-income or homeless component and he felt this was more appropriate in the CDBG expenses, the bond debt issued even had a homeless component to it and that was also more appropriate and he would not be supporting the item. Council Member Vasquez absent.

Mayor Brown stated that the Administration felt it to be a very important item, the commitment was to work to find funds to fund the project though the funds were not yet identified.

Council Member Ellis stated that he was in support of the amendment but would also like funding from the CDBG money; and moved to suspend the rules to hear from Ms. Bingham at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council

Member Robinson out of the city on city business. Council Member Vasquez absent.  
MOTION 2000-0801 ADOPTED.

Upon discussion by Council Members, Ms. Bingham stated that Council voted earlier on the Community Development Block Grant dollars and since this item was a social service expenditure they were capped by Congress in terms of how much money could be spent on social services which was 15% of the grant and they had already voted to spend that 15% on other activities, the 15% in the budget just approved under the CDBG; that the budget in total was \$36.9 million and 15% of that was two accounts with one at \$3.6 million in public services by nonprofit organizations and the other at \$1.8 million for public services provided by other city departments; that on the Mayor's After School Program they showed \$897,000 from the CDBG fund and another \$700,000 which added to \$1.6. Council Member Vasquez absent.

Council Member Boney stated that he supported the amendment by Council Member Bell and would remind Council that children, homeless and the poor paid sales taxes. Council Member Vasquez absent.

Council Member Bell thanked all who supported the item and the Administration because he did think it important; that they had only funded it for one year and the point of the city getting involved was to allow SEARCH to expand their services and get more off the streets; that they had amazing success and it was not possible for the funds to come through CDBG so it was understandable to come through the General fund; and shared a letter he had received with a picture of a little girl which stated that the little girl, two brothers and mother were not placed in housing thanks to Council; that the program really had impact and it should be supported.

Council Member Todd stated that he supported the amendment and agreed with Council Member Bell that in the next year Council may be changing its civility laws and efforts like mobile outreach were going to need to be extended, but he would like to hear soon what sources the money would be coming from.. Council Member Vasquez absent.

Mayor Brown stated that it was an important item and he would urge a yes vote from all Council Members.

A vote was called on the motion for amendment 66c. Council Member Tatro voting no. Balance voting aye. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Vasquez absent. (Proposed by Council Member Bell in committee.) MOTION 2000-0802 ADOPTED.

Council Member Boney stated that he would ask Council Member Castillo to remove his tag on 66b so they could consider the amendment of Council Member Goldberg and Council Member Ellis; and second he would like to speak to clarification of a statement made earlier by Council Member Todd that there was only \$82,000 in the ALP fund, he was suggesting there was only \$82,000 in the account and every time cash came into the city it was put into investment funds to earn interest and it took not more than 24 hours to take the fund back into the account for payroll and they had about \$40,000,000 in those accounts. Council Member Vasquez absent.

Upon questions by Council Member Todd, Council Member Boney stated that they had \$82,000 in the account now, but the reason was because they were making money off their cash money and he wanted the public to understand. Council Member Todd stated that he was willing to understand that, but right now they only had \$82,000 for checks. Mayor Brown stated to add a footnote, the city was not broke, they had plenty of money to cover everything they did and things they did not do. Council Member Vasquez absent.

Council Member Castillo stated that he would remove his tag on 66b as amended. Council Member Vasquez absent.

A vote was called on Item 66b as amended. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Vasquez absent. MOTION 2000-0803 ADOPTED AS AMENDED.

Council Member Parker moved to suspend the rules to stay in session beyond the noon hour to complete Item 66, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0804 ADOPTED.

66d. Proposes that performance audits be implemented for the following departments Finance and Administration, Housing and Community Development, Health and Human Services and the Police Department – was presented, moved by Council Member Vasquez, and seconded by Council Member Ellis.

Council Member Tatro stated that he would like it clarified who was to do the performance audit and an audit of police could be huge and he would like some kind of scope and funding source placed. Council Member Goldberg absent.

Council Member Ellis stated that he understood there was a friendly amendment in the Fiscal Affairs Committee Meeting where Council Member Vasquez added the Police Department so regarding that audit he would refer it to Council Member Vasquez, but on Finance and Administration he would like an independent study and Housing and Community Development and Health and Human Services he would recommend Controller handing those two departments. Council Member Goldberg absent.

Upon questions by Council Member Tatro, Council Member Vasquez stated that audit of Police was his amendment and he was open to whether it be internal or external; that if the Council Members wanted to settle the issues at the table maybe he should tag it and allow the Administration to come forward with recommendations and pick it up next week; and Council Member Ellis stated that he would accept that.

Council Member Castillo stated that when the item came to committee there was an extended debate and his understanding was that performance audits would be performed by the Administration and whatever contractor was contracted, there was never any clarification that it would be the Controller's Office and he supported it for that purpose and so did the majority of members present and if the position was now that Controller's Office would perform the audit he would be against the item. Council Member Ellis stated that he just thought it would be less expensive; and upon questions, Council Member Castillo stated that it was his position that auditing the performance of departments was a part of the Mayor's obligation and if they wanted an independent audit it could be done by anyone under contract; that performance audits in other hands would tend to become politically motivated and he was not in favor.

Mayor Brown stated that last year the Council argued this and the Charter was clear that fiscal was Controller and management was Mayor and he supported this

because he thought it was clear, the Controller was not responsible for managing anything that was the Mayor's prerogative, the Administration's prerogative. Council Members Galloway and Quan absent.

Upon questions by Council Member Ellis, Mayor Brown stated that as a general rule they would manage the audit and have an outside firm come in and do it and the Controller would do the same; and Council Member Ellis stated that he was not opposed to the Administration overseeing all audits.

Council Member Ellis stated that he would submit to Council Member Vasquez that they needed to come up with some limited scope of the Police Department and thought it was better to tag the item. Council Member Ellis moved to postpone amendment 66d one week to allow the Administration to say what the scope of the Police Department would be, and was seconded by Council Member Tatro.

Council Member Parker stated that in the past when they did individual audits the scope of the audit was worked out and defined at a later date; and Council Member Vasquez stated that was what he thought the routine process was, however, he was happy to work with Council. Mayor Brown stated that was the procedure.

Council Member Todd stated that he had submitted three motions substantially the same as Council Member Ellis, but he did not ask for an audit of Police though he asked for one by F & A, Housing and Health and Human Services; that with regard to F & A he was interested in the method of projecting revenue and growth and he would like to clarify if in the amendment of F & A by Council Member Ellis it included their projection methods for revenue; and Council Member Ellis stated most definitely. Council Member Todd stated that with Health and Human Services his interest was primarily with BARC and he wondered if BARC was included in Council Member Ellis' request for review; and Council Member Ellis stated that he would accept that as a friendly amendment.

Upon questions by Council Member Castillo, Council Member Todd stated that he would withdraw his three motions and support the amendment by Council Member Ellis.

Council Member Boney stated that if Council Member Ellis would agree that the Controller do the fiscal auditing and the Administration manage to an outsource of the other audits on performance he could support the amendment; and Council Member Ellis stated that he would accept that as a friendly amendment.

Council Member Todd stated that he wanted to point out that the co-managing of the audits was done for two years in a row and it seemed to work out fine, but Council did not have an unsanitized draft version of the report issued to Council and he would ask that be included as a friendly amendment; that Council receive an unsanitized draft version of the report; and Council Member agreed. Council Member Keller absent.

Upon questions by Council Member Bell, Mayor Brown stated that they believed they had a cleaner process to know up-front who was responsible for what, with the Controller being responsible for the money side and the Administration responsible for the performance side there would be no argument. Council Member Boney stated the important thing was to get the unsanitized report..



Council Member Castillo moved to call the question, and was seconded by Council Member Boney. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0805 ADOPTED.

A vote was called on the motion for amendment 66d as amended, and was tagged by Council Member Tatro.

Council Member Boney stated that he would move to override the tag; that Council had a gentlemen's agreement; and Council Member Tatro stated that Council Member Boney was right and he would remove his tag.

A vote was again called on the motion on amendment 66d. Council Member Tatro voting no. Balance voting aye. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Ellis in committee.) MOTION 2000-0806 ADOPTED.

66e. Provide an independent audit of the cash management practices of both the City Controller and the Finance and Administration Dept. The results of this audit are to include an analysis of the industry's best practices and will be presented directly to the City Council. The audit should include the following:

- (1) To determine whether current cash management provide the most efficient use of the City's cash.
- (2) To determine whether the current respective cash management responsibilities of the Controller and the Finance and Administration Director should be changed.
- (3) To recommend, in light of the charter, whether cash transfers should receive or require Council approval or notification.
- (4) To determine optimum cash reserve levels.

- was presented, moved by Council Member Boney, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Parker in committee.) MOTION 2000-0807 ADOPTED.

66f. In FY2001 the Finance and Administration Department will prepare and complete a comprehensive debt management policy that will guide the City through the next thirty years and focus on early debt retirement – was presented, moved by Council Member Boney, and seconded by Council Member Ellis.

Council Member Tatro stated that he wanted to speak to both amendments f and g; that they were both for the F and A Department to prepare a complete Comprehensive Debt Management Policy and a set of refinancing recommendations was g and the question about the Administration and Controller working together and the politicization was something he was concerned about on the two amendments because he did not see the Controller involved and thought they would get into a he said/she said and would ask that Council Member Vasquez accept a motion to include both f and g in the process of creating the policy. Mayor Brown stated that the Council was responsible for setting policy not the Controller; and Council Member Tatro stated that then he would

ask if the Council Member would accept the amendment and add the Controller to prepare the management policy. Mayor Brown stated that she was not responsible for setting policy; and Council Member Tatro stated that Council would be setting the policy.

Council Member Castillo stated that again the issue arose; that the Mayor was the chief elected official and chief administrative official of the city, the Charter had not changed and the Mayor was required to find ways and means to support the operations of the city with the consent of the City Council and the Mayor through his department of Finance and Administration was proposed to recommend to Council a way for them to manage debt and set a change in debt manage policy including recommendations for refinancing the current debt and to interject the Controller was no where contemplated in the Charter or in the way the Mayor's Office operated in the past and he did not see why it was a consistent effort to blur the line of what the Controller did and what the Mayor did.

After further discussion by Council, Council Member Todd stated that his motion was to dedicate 50% of the budget surplus over Administration projections to retirement, he did not see that in the amendments present.

Council Member Vasquez stated that he saw it as two separate issues as he was talking about expenditure of any budget surpluses and he, himself, was talking about development of a policy.

Council Member Boney moved to support all three of Council Member Vasquez amendments f, g and h, and was seconded by Council Member Ellis.

Council Member Ellis stated that he had seconded the motion, but was in favor of moving f and g and then h; and Council Member Boney stated that he would remove amendment h.

Mayor Brown stated that they were now voting on the motion for amendments f & g together.

Council Member Keller stated that Council had CRESAP and Arthur Anderson do work and he would hope that Council strongly consider using an outside expert to do an overhaul and maybe even council themselves along with the Administration and Controller attend workshops on municipal financing.

A vote was called on the motion for amendments f and g. Council Member Tatro voting no. Balance voting aye. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Vasquez in committee.) MOTION 2000-0808 ADOPTED.

- 66g. For the Finance and Administration Department to study and develop a set of debt refinancing recommendations to be presented to City Council by April 2001 for consideration and implementation – had been moved by Council Member Boney, and seconded by Council Member Ellis to approve along with amendment f and was approved by vote recorded in MOTION 2000-0808. (Proposed by Council Member Vasquez in committee.)

66h. In FY2001, conduct and complete a study on all fees, permits and fines charged for city services to ensure they are adequately set to cover costs - was presented, moved by Council Member Vasquez, and seconded by Council Member Boney.

Council Member Tatro stated that he supported the study, however, many fees, permits and fines were from enterprise funds or special revenue and he would like the funds to not come out of the general fund, but the special funds the programs would benefit; and upon questions, Mr. Haines stated that as presented in the Fiscal Affairs Committee last week the funding source would be identified based on the individual permits and fees being studied whether they were enterprise or general fund source and they would go to Council in the form of a recommendation scoped with whether it would be done in-house or by external consultants.

Council Member Keller stated that he thought it would also be a good idea to see if they could have a goal to tie them together and centralize them.

A vote was called on the motion for amendment 66h. All voting aye. Nays none. . Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Vasquez in committee.) MOTION 2000-0809 ADOPTED.

66i. Determine an amount not to exceed \$20 million from the flow of funds that would go unnecessarily to the Renewal and Replacement Fund (in excess of the required 5%) to be used as follows:  
(1) \$10 million dedicated to supplement the city workforce for water main point repairs.  
(2) \$10 million dedicated to supplement the city workforce for sewer leak stoppage and repair. It shall also be mandatory that the Public Works Director provide city council with bi-monthly reports including, but not limited to, complaints received, crews fielded and complaints resolved – was presented.

Council Member Bell stated that he would change the amendment as this amendment was to address the problem over the last year regarding water and sewer repairs and the backlog of the repairs; that now there was \$3,000,000 allocated in the present budget for such problems and the Administration recommended and he agreed that an additional \$5,000,000 be million dedicated to supplement the city workforce for water main point repairs and to supplement the city workforce for sewer leak stoppage and repair; and an additional \$2,000,000 be held in a contingency fund for catastrophic events and would move approval in place of the \$10,000,000 originally proposed, and was seconded by Council Member Castillo..

A vote was called on 66i the motion as substituted by Council Member Bell. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Bell in committee.) MOTION 2000-0810 ADOPTED.

At 12:38 a.m. Council Member Bell moved to recess for lunch, and was seconded by Council Member Ellis.

After discussion Council Member Boney moved to stay in session through Item 67, and was seconded by Council Member Galloway.

A roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye.  
Council Member Tatro voting no.  
Council Member Galloway voting aye.  
Council Member Goldberg voting no.  
Council Member Boney voting aye.  
Council Member Todd voting no.  
Council Member Ellis voting no.  
Council Member Keller voting no.

Council Member Vasquez voting aye.  
Council Member Castillo voting aye.  
Council Member Parker voting aye.  
Council Member Quan voting no.  
Council Member Sanchez absent on  
personal business  
Council Member Bell voting no.  
Council Member Robinson out of the  
city on city business.  
MOTION 2000-0811 FAILED.

At 12:40 a.m. Mayor Brown stated that Council would now recess and reconvene at 1:30 p.m. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

At 1:51 p.m., city Council reconvened in the Council Chamber to complete the meeting with Council Members Galloway, Goldberg, Todd and Quan absent. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business.

## 67. Budget Amendments Considered By The Fiscal Affairs and Management Initiatives Committee and Not Recommended

### AMENDMENT

67a. Whereas, the Administration believes that the first priority of City Government is the public safety of its citizens, and that the Houston Fire Department is currently in violation of OSHA Standards on staffing and is facing a crisis situation as more fire fighters become eligible for retirement, it is imperative that the first \$7 million in excess revenues of the City of Houston FY2001 Budget be designated for staffing needs for HFD as designated by the Chief and the TriData report – was presented, moved by Council Member Vasquez, and seconded by Council Member Castillo.

Mayor Brown stated that the items being discussed now were all taken up by the Fiscal Affairs Committee and it was voted not to approve them. Council Members Galloway, Goldberg and Quan absent.

Council Member Castillo stated that he would urge his colleagues to vote against the amendment; that it was voted down in committee because in the original version of the amendment it took funds out of specific departments without due consideration to the

impact on those departments and once amended it was a lump sum from department operations and had the same effect. Council Members Galloway, Goldberg and Quan absent.

After further discussion the motion on amendment 67a was tagged by Council Member Bell. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Goldberg and Quan absent. **(Note: Council Member Bell released his tag later in the meeting.)**

67b. No Growth Budget for the following

Mayor, City Council, City Controller --	Savings of:	\$ 398,351
Finance and Administration (all funds) --	Savings of:	\$ 3,318,336
	Total Potential Savings:	\$ 3,716,687

- was presented, moved by Council Member Bell, seconded by Council Member Tatro, and was tagged by Council Member Vasquez. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Goldberg and Quan absent. **(Note: Council Member Vasquez released his tag later in the meeting.)**

Council Member Tatro stated that Council Member Bell had substitute wording passed at the table for 67b. Council Member Vasquez stated that he would remove his tag on 67b so the amended version could be presented.

Council Member Bell stated that 67b should be replaced with the amendment presented at the table; and moved that 67b read as follows: "that the budgets of the Mayor, City Council, City Controller and Finance & Administration have no increases from the FY00 budget. There will be a savings of over \$1.3 million.

Total of Savings with a No Growth Budget:

Mayor	\$289,842	
City Council	73,606	
City Controller	182,115	
F & A	980,260	("increase in staff level to review business activities Citywide and increase in computer equipment and software maintenance contract costs")

Total Savings \$1,378,611,  
and was seconded by Council Member Tatro.

After further discussion Council Member Ellis stated that he was supportive of anything that would reduce expenses in departments; and tagged the motion for the amended version of amendment 67b. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Quan absent. (Proposed by Council Member Bell in committee.)

Council Member Castillo stated that this was a truth in staffing as had been requested by Council at the request of Council Member Tatro and it was mind boggling to understand how they were asking departments to do more and give less; and Council Member Bell stated that he felt the public was beginning to show contempt for public officials because they passed rules and at the end of the day tried to find reasons why

they should not apply to them; that all departments cut their budgets but Controller, Mayor and F & A was the worst offender and that was why he brought forth the amendment and why he thought it was deserving of Council's support next week. Council Member Quan absent.

Mayor Brown stated that to respond it was not an increase in the Mayor's budget, as other departments decreased their budget so did the Mayor and what was reflected was a request by Council to reflect members working on the budget in areas they were working.

After further discussion Mayor Brown called for the next item. Council Members Goldberg, Boney and Keller absent.

67c. The FY2001 Budget Revenue for Sales tax shall not be estimated at more than 4.6% growth from the May 2000 Monthly Financial and Operations Report year-end projection. If Finance and Administration and the Controller differ on the May 2000 report, the average of the two will be utilized – was presented, moved by Council Member Vasquez, and seconded by Council Member Tatro.

Council Member Tatro stated that the Administration had presented to Council a five year projection of sales tax and forecasted the FY'01, this year's budget, to be an increase in sales tax of 4.45%, but now they found sales tax to be decreasing from the \$319,000,000 to what may be a \$314,000,000 and yet the Administration was not backing off their hard number; that he felt it was prudent to estimate a percentage increase and dangerous to suggest they would have so much money and then backwards into the percent increase; that he thought they should look at reasonable growth which he felt was 4.6% and that was the just of his amendment.

After further discussion Council Member Castillo called the question, and was seconded by Council Member Quan. Council Member Tatro voting no. Balance voting aye. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0812 ADOPTED.

A roll call vote was called on 67c.

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 no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting aye.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	

(Proposed by Council Member Tatro in committee.) MOTION 2000-0813 FAILED.

67d. All departmental budgets shall reflect the payroll costs for those city employees



who directly report to that department's personnel, and that no department shall carry an employee on their departmental payroll budget if that employee directly reports to department personnel in another department – was presented, moved by Council Member Vasquez, and seconded by Council Member Tatro.

Council Member Castillo stated that this was almost the same as what was included in some of the proposals made in which the committee voted no and he would urge a not vote on the item.

Upon questions by Council Member Ellis, Council Member Castillo stated that it was a policy already being followed.

Council Member Tatro stated that this was the budget amendment the Administration opposed last year which Council supported it with the budget so it would end with the budget and it needed to be put forth again so it could be adhered to.

After further discussion Council Member Boney requested that the question be called.

A roll call vote was called on 67d.

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 no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting aye.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson out of the city on city business.
Council Member Keller voting aye.	

(Proposed by Council Member Tatro in committee.) MOTION 2000-0814 FAILED.

67e. Until such time when the current 4% Water/Sewer Fund transfer ceases, the monthly billing to ratepayers should contain an itemized line showing the portion of the monthly bill, currently 4% that will be transferred from this fund to be used for non Water/Sewer purposes – was presented, moved by Council Member Tatro, and died for lack of a second. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Keller absent. (Proposed by Council Member Tatro in committee.) MOTION 2000-0815 DIED FOR LACK OF A SECOND.

Council Member Bell stated that he would remove his tag on the motion for amendment 67a.

67a. Whereas, the Administration believes that the first priority of City Government is the public safety of its citizens, and that the Houston Fire Department is currently in violation of OSHA Standards on staffing and is facing a crisis situation as more fire fighters become eligible for retirement, it is imperative that the first \$7 million in

excess revenues of the City of Houston FY2001 Budget be designated for staffing needs for HFD as designated by the Chief and the TriData report – was previously moved by Council Member Vasquez, seconded by Council Member Castillo, and was again presented.

A roll call vote was called on the motion for 67a.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting no.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	

(Proposed by Council Member Sanchez in committee.) MOTION 2000-0816 FAILED.

Council Member Ellis stated that he would remove his tag on the motion for amendment 67b.

Mayor Brown called for a vote on 67b; and the City Secretary stated that there had been a substitute motion to the original motion. Mayor Brown stated that they would vote on the substitute motion.

Council Member Boney stated that he wanted to go over the item and would request that it be delayed to the end of the Agenda; and Mayor Brown stated hearing no objections it would be moved to the end.

67f. Continue the publication and distribution of literature and educational information associated with the DARE Program, and end the use of all classified police officers as instructors in the DARE Program. (currently 63 Classified Officers) and re-assign them back to standard police operations – was presented, moved by Council Member Tatro, and was seconded by Council Member Keller

Council Member Boney stated that Chief Bradford had addressed the budget workshop on the DARE Program and clearly said and made a commitment that the DARE Program would have his support based on the evaluation and study going on regarding its effectiveness and all committee members were satisfied that once the evaluation came in, probably in July, he would support or not support on that evaluation and in that regard felt it could be supported until the evaluation was in hand and if there was not value it could be discontinued.

Council Member Todd stated that he had a long history of supporting the DARE Program and welcomed recommendations to make it more effective, but with regard to officers being instructors he had seen the interaction between children and uniform officers, it was usually their first contact and it formed the basis for the way they would interact for the rest of their lives; that it made them more likely to talk and cooperate with

officers and he could not see how anyone could put a value on it; and encouraged Council to not approve the item until recommendations were in on the program and to vote no.

Council Member Tatro stated that DARE was not exclusive to the City of Houston and evaluations were in from around the country and it found it not to be as effective as they hoped; that the amendment did not speak to the DARE Program not continuing, but that the printing would be funded and literature distributed and spoke to the fact there were 63 uniform cadet graduates paid police officers in schools teaching the message; that it looked at the messenger and not the message; that they did not try to use volunteers or retirees and tomorrow they could put 63 more officers on the street by substituting them and the DARE Program would be just as much of a success and he would appreciate Council[s] support on just altering the messenger. Council Member Goldberg absent.

Mayor Brown stated that the DARE Program was started in Los Angeles a number of years ago because nothing was working and drug use among young people was consistently going up; that their police department felt because young people looked up to officers, particularly in middle schools, they would send them into the schools; that they conducted a longitudinal study and it showed there was an affect; that no one had said the DARE Program by itself would cease all drug use, but it was a good program and one he believed had served the city and nation; and he would rather keep the program than cut it back, he would also add that most programs voted on for children were for some reason Council Member Tatro voted no.

After further discussion a roll call vote was called on the motion for amendment 67f.

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 no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	

(Proposed by Council Member Tatro in committee.) MOTION 2000-0817 FAILED.

67g. To fund the Mayor's after School Program (ASPIRE) to the maximum extent available from funds available in the Child Safety Fund and CDBG funds only – was presented, moved by Council Member Tatro, and was seconded by Council Member Keller.

Council Member Keller stated g and h may should talk to each other and have a synthesis done of those two motions; and he would ask Tatro and Ellis to see if they could work to make it one motion.

Council Member Ellis stated that it was never his intention to decrease the fund for the After School Program and he was curious as to how much was in the Child Safety Fund; and Mayor Brown stated that there was no reserve in the fund, it was "zero". Council Member Ellis stated that he would then be opposed to Council Member Tatro's amendment and he reserved the right to discuss his separately.

Council Member Boney stated that it was clear the program had reduced juvenile crime and he would remind Council that the poor and the children were constituents as well and general funds could be spent on all citizens of the city.

Council Member Tatro stated that he needed to make a correction, "ASPIRE" should be "ASAP", it was a typo; and he also believed his and Council Member Ellis' motion should be voted on independently.

A roll call vote was called on amendment 67g.

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 no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	

(Proposed by Council Member Tatro in committee. MOTION 2000-0818 FAILED.

67h. Proposes to maintain the current level of funding of \$2.4 million for the After School Achievement Program. Recommends that \$1.6 million of CDBG funds and only \$800,000 of general fund money be used for the ASAP program. This is a reduction of \$200,000 from the proposed general fund FY2001 budget – was presented, moved by Council Member Ellis, and was seconded by Council Member Boney.

Council Member Ellis stated that it was not his intention to do away with the After School Program but to hold the line on it and he would much rather see the full amount of the budget come from CDBG money though apparently there were no resources to do that; that they had increased to \$1.6 block grant money and if they put another \$800,000 from the General Fund they would be back to the level of fiscal year 2000; and even after the amendment failed today he would hope the Administration would take a hard look over the next 12 months to reassure more block grant money for that program; and Mayor Brown stated that they would look for more money.

Mayor Brown stated that they had more applications than they were able to fill and he would urge Council to approve the modest increase and help a few more children.

Council Member Ellis stated that he would like to know the percentage of applications to be filled.

Council Member Todd moved to suspend the rules to hear from Mr. Donald Hollingsworth, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0819 ADOPTED.

Upon questions by Council Member Ellis, Mr. Hollingsworth stated that all applications came in at the end of the week and they were being tallied; that they had a fair distribution last year and would this year also.

Council Member Quan stated that a few years ago his firm was among those who supported the program in the summer and he would like the Administration to look at outside funds as well; that the community was very supportive and they should look to them to help supplement; and Mayor Brown stated that they would do that; that there was one difference in the Summer Program as they wanted to go to religious institutions and some Council Members objected because of separating church from state which he disagreed with..

Council Member Keller stated that he would like to wean them off the government system; that he supported the program and what it did and he would accept a challenge from anyone to call corporations, etc., to have them make up the difference of the \$200,000, but he did applaud the Administration for starting it and now would like to get it working to take care of itself.

Council Member Boney requested that the question be called on amendment 67h.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting no.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting aye.	Council Member Robinson out of the city on city business.
Council Member Keller voting aye.	

(Proposed by Council Member Ellis in committee.) MOTION 2000-0820 FAILED.

- 67i. Eliminate departmental expenditures and personnel time dedicated to the Super Neighborhood Program, (i.e., the Planning & Development Departments estimated FY2000 costs of \$102,000) except for those efforts funded directly through the Mayor's Office budget – was presented, moved by Council Member Tatro, and seconded by Council Member Vasquez.

Mayor Brown stated that he wanted to make one observation, they talked about Super Neighborhood Program and super neighborhood was really how they divided the city up thus there was no budget item attached to it.

Council Member Bell stated that speakers came before Council yesterday and suggested that it was only because of the creation of the super neighborhood that they had been able to get anything in their district; that he thought it unfair that someone had suggested to them the only way to get anything done was to become a part of the super neighborhood; that he wanted to make it perfectly clear this was the same position he had last summer, he had a problem with this in concept; that they had a District Council Member system which worked and it did not take a Super Neighborhood System and felt they should keep the system they now had and he did intend to support this amendment.

Mayor Brown stated that the Administration had to deliver services and in looking at how to best do it they felt it was better to do it when looking at neighborhoods because neighborhoods had different needs; that he did not see this in anyway changing the way Council Members handled constituent complaints but was a way for the Administration to deliver its services in a more cost effective way; that there was nothing different they were doing but how they used people to accomplish objectives.

Council Member Castillo stated that he spoke with Mr. Litke and he too had a problem with it becoming a budgeted item in the budget because District Council Members met with them at least once a year and he did not support it being a budgeted line item, however, his objection to this particular amendment was that it would eliminate any personal time dedicated to the Super Neighborhood Program and to him that meant a staff member of Planning could not attend a meeting of a Super Neighborhood because it was prohibited by Council policy.

A roll call vote was called on the motion for amendment 67i.

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 no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez absent on personal business
Council Member Todd voting aye.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting aye.	

(Proposed by Council Member Tatro in committee.) MOTION 2000-0821 FAILED.

67j. Request that no department be allowed to transfer over \$15,000 per expenditure accounts without prior approval of City Council – was presented.

Council Member Ellis stated that he would like to pull down 67j and substitute; and moved to take one department and do a “zero” based budget for the FY2002 budget and the Administration pick that department, and was seconded by Council Member Boney.

Mayor Brown stated that the motion was seconded and it was a substitute to the item listed on the Agenda.



Council Member Castillo stated that he had suggested “zero” based budget before and the response from the Administration was the way the departments kept data it did not make it easy to facilitate doing it and he would suggest that if it passed the administration select the Building Services Department because it was the newest department and it did not have many institutionalized procedures and was more amenable and asked for Mr. Haines reaction. Mr. Haines stated that the advantage of a single department “zero” basing was to address precisely what the challenge was in terms of budget and accounting systems in place today and he would like to, in conversation with the Mayor, identify which department would allow them to wade through the most managerial efficient way to get there.

Mayor Brown stated that he was never opposed to a “zero” based budget but it was almost impossible to do it with the system they had; that he would support the amendment and using the Building Services Department.

Council Member Ellis stated that he would prefer not to designate a department and leave it to the Administration to look at over the next eight months so would rather leave it open; and Mayor Brown stated that was fine.

A vote was called on Council Member Ellis’ motion. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. (Proposed by Council Member Ellis in committee.) MOTION 2000-0822 ADOPTED.

67I. An increase in the Fire Department’s budget to address the purported “personnel crisis” brought to our attention by principals thereof. – was presented. (Proposed by Council Member Galloway in committee.)

Council Member Galloway stated that based on information received she would move to refer the item to the Administration, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. MOTION 2000-0823 ADOPTED.

Council Member Todd stated that he had circulated a written motion to Council to allocate 50% of any budget surplus over the Administration’s FY2001 projections to early debt retirement and he would like to formerly introduce the motion at this time; that the point of the motion was that in this year’s budget they already had debt service provided for and a revenue projection; that the thought behind this motion was that if revenue came in higher than what was being projected they would allocate 50% of it to additional debt service, to retiring debt, and he would suggest that they retire the debt at a higher interest rate early; that he understood the Administration had already committed themselves to dedicating the surpluses to among other things debt service; that this would have a number of benefits, it would reduce the amount of debt they had more than projected and secondly it would be freeing up the amount of debt they had so when they had the Park Bond issue come forward it would increase their options with regard to financing park operations; and urged Council Members to support his item. Council Member Keller absent.

Council Member Boney stated that he would urge Council Members to vote down the proposed new motion by Council Member Todd for the simple reason they had already voted Council Member Vasquez's two amendments to study the debt service and to come up with a comprehensive plan and they could not put a piecemeal approach to managing the financial issues. Council Member Keller absent.

Upon questions by Council Member Ellis, Mayor Brown stated that if there was surplus money it would be submitted to Council with the Administration's recommendations which would be for the PIP Program, money for employees, health benefits, debt service and property and casualty fund and Meet and Confer; and he would ask Council to take into consideration what Council Member Todd was proposing. Council Member Boney absent.

Council Member Ellis stated that he would ask if Council Member Todd would accept a friendly amendment to reduce the 50% to 25%; and Council Member Todd stated that was not needed; that they already had their projections on what expenditures would be and money for employees needed to be from money they knew would be there; that this money was money at present the Administration was not even participating. Council Member Boney absent.

Council Member Tatro stated that he supported the intent of Council Member Todd's motion and would tag the motion.

The City Secretary stated that amendment 67b had been amended with a substitute submitted by Council Member Bell and postponed to the end of the Agenda; and Mayor Brown stated that they would consider that at this time.

A roll call vote was called on the motion to approve the motion as substituted by Council Member Bell submitted on 67b.

ROLL CALL VOTE:

Mayor Brown voting no.  
Council Member Tatro voting aye.  
Council Member Galloway voting no.  
Council Member Goldberg voting no.  
Council Member Boney voting no.  
Council Member Todd voting aye.  
Council Member Ellis voting aye.  
Council Member Keller voting aye.

Council Member Vasquez voting no.  
Council Member Castillo voting no.  
Council Member Parker voting no.  
Council Member Quan voting aye.  
Council Member Sanchez absent on  
personal business  
Council Member Bell voting aye.  
Council Member Robinson out of the  
city on city business.

MOTION 2000-0824 FAILED.

Council Member Keller stated that he had a couple of budget amendments to submit and all Council Members had copies; that he did want to terminate one, he felt he needed to do more work on the discretionary fund account and would withdraw his motion for the million dollar discretionary fund; and Council Member Boney stated that he would second both motions, the one on the study and review of the competitive bidding process and privatization and the one with building services bonus/penalty plan. Council Member Todd absent.

Council Member Keller presented and moved the following as an amendment to Item 69, and was seconded by Council Member Boney:

1. Provide funding for a comprehensive study and review of the City's competitive bidding process and the benefits from privatization of City Departments; and
2. Finance and Administration coordinate with the Building Services and Public Works Department to develop and complete a comprehensive "Bonus-Penalty" plan to improve City contract compliance.

Mayor Brown stated that both items were being voted in one; and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting aye.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez absent on personal business
Council Member Todd voting absent.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson out of the city on city business.
Council Member Keller voting aye.	MOTION 2000-0825 ADOPTED.

**68. Budget Amendments Not Considered By The Fiscal Affairs and Management Initiatives Committee**

68a. An increase in the Right of Way Maintenance budget to cover a proportionate increase in the maintenance of the roadside ditch system in District B – was presented; and Council Member Galloway stated that she would withdraw the proposed amendment. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent. (Proposed by Council Member Galloway in committee.)

Mayor Brown stated that Council Member Tatro could now submit his amendment being submitted at the table. Council Member Todd absent.

Council Member Tatro stated that for consideration next week he had submitted and passed out at the table his amendments to the FY2001 budget which were as follows::

General Fund

- 1.) The total number of proposed Full Time Equivalent (FTE) employees in departments funded by the General Fund shall be reduced by no less than 250 FTEs. (This represents a General Fund savings of between \$11 million and \$14 million dollars). (Total FTEs funded directly by the General Fund have gone up by 428 since FY1999). (See attachments for FTW breakdown.); and stated that he would tag the item.

Water/Sewer Enterprise Fund

- 1.) All water/Sewer Enterprise revenues qualifying for placement into the Renewal and Replacement Fund shall be placed into the Renewal and Replacement Fund and the Any Lawful Purpose Fund shall not receive any funds which will not be dedicated solely to Water/Sewer related matters, except for those funds relating specifically to the 4% Storm Drainage Fee; and stated he would tag the item.

Council Member Bell stated that he had one other written budget amendment; that Council should have received a copy at the table and it was to provide \$863,661.00 from any budget surplus over the Administrations FY01 revenue projections to fund the Department of Health and Human Services Vaccines for Children/Immunization Program which would bring the funding level of \$3,000,000 and fulfill the department's goal of reaching a 90% immunization level which was the recommendation level and would bring them back to the FY98 level. Council Member Todd absent.

Council Member Boney stated that in theory he supported the item and he did want to work with him on it to see if they could achieve it; and tagged the item. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent.

69. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2001 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; establishing excess funds in the General Fund Fund Balance; providing for future adjustment to the beginning fund balances; making various amendments to the proposed budgets; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability – **(This was Item 76 on Agenda of June 14, 2000, TAGGED BY COUNCIL MEMBERS ELLIS, ROBINSON, TODD, QUAN, VASQUEZ, KELLER, TATRO AND CASTILLO)** – was again presented.

Council Member Tatro stated that Council Member Castillo had stated he would move to delay the item and he would like to alter that possibly; that he passed out a motion, "to delay FY2001 budget for one week pending the Administration's submittal of a revised five year forecast."; and he would remind to Council that on May 5 the Administration presented its five year forecast and for FY2000 the numbers were \$120,000,000 and on June 12 came back and said it would be \$10,000,000 less than the month before; and moved to postpone the item one week and the Administration bring to the table its five year forecast with changes they knew to date, was seconded by Council Member Keller, and tagged by Council Member Castillo. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent.

Council Member Castillo stated that since 11:00 a.m. this morning all items considered by committee and recommended or not recommended had been duly discussed; that some were amended and acted on and at this point he did not intend to tag Item 69 as he felt all issues had been discussed and he intended to cast a vote today. Council Member Todd absent.

Council Member Boney stated that he agreed with Council Member Castillo; that he wanted to commend his colleagues, all amendments brought through committee were considered and even those brought to the table were considered; that he did not think they would get a deeper understanding or change realities and urged the budget be passed today. Council Member Todd absent.

Mayor Brown stated that they would look at the five year forecast but it could not be done in a short period of one week. Council Member Todd absent.

Upon questions by Council Member Ellis, Council Member Bell stated that all amendments tagged today would die if the budget was passed. Council Member Ellis stated that in the effort of fair play he would be against it; and would move to postpone the budget one week, and was seconded by Council Member Tatro. Council Member Todd absent.

Council Member Bell stated that he would echo what Council Member Ellis stated; that he also felt everyone understood the budget would be voted next week and his understanding was that in the beginning it was moved out of order and then voted to postpone it at that time; and Mayor Brown stated that it was taken out of order to address the amendments and no action was taken on the item. Council Member Bell stated that there was another week to vote on the budget and he was sure the members who left were under the impression that they would have an opportunity to vote next week and a delay was in order. Council Member Todd absent.

Council Member Tatro stated that he saw this as nothing but a political move and found it disturbing to walk into the meeting commending a delay and then utilizing a tactic and make a decision to not support the delay as so endorsed at the beginning and he would support the motion to delay. Council Member Todd absent.

Council Member Parker stated that she found it hard to believe a debate would be shorter next week; and upon questions, Council Member Castillo stated that three items were tagged. Council Member Parker stated that if the gentlemen who put the tags on would remove them they could dispose of all items and pass the budget today.

A roll call vote was called on the motion to postpone Item 69.

ROLL CALL VOTE:

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

Council Member Vasquez voting no.  
Council Member Castillo voting no.  
Council Member Parker voting no.  
Council Member Quan voting aye.  
Council Member Sanchez absent on  
personal business  
Council Member Bell voting aye.  
Council Member Robinson out of the  
city on city business.  
MOTION 2000-0826 FAILED.

Council Member Boney requested that the question be called on Item 69; and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez absent on personal business
Council Member Todd voting absent.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson out of the city on city business.
Council Member Keller voting no.	ORDINANCE 2000-583 ADOPTED.

70. RECOMMENDATION from Acting Director Department of Finance & Administration to approve proposed **FISCAL YEAR 2001-2005 CAPITAL IMPROVEMENT PLAN** and **establish a charge of \$25.00 plus tax and postage** for the adopted documents

**NOTE: Fiscal Affairs and Management Initiatives Committee took no action on proposed amendments to the CIP**

- was presented, and was tagged by Council Members Tatro, Bell and Ellis. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Member Todd absent.

Council Member Goldberg stated that he wanted to introduce an amendment to Item 70. Council Member Todd absent.

Council Member Vasquez stated that the item was tagged; and Council Member Tatro stated that he would remove his tag. Council Member Vasquez stated he would tag the item. Council Member Ellis stated that he would remove his tag. Council Member Bell stated he would tag the matter. Mayor Brown stated that the other two were not removing their tag therefore the amendment was not before them. Council Member Todd absent.

Council Member Castillo stated that the item on the CIP was appearing the first time and it was the first opportunity for a member to submit and he would urge the amendment to be made. Council Member Todd absent.

Upon questions by Council Member Vasquez, Council Member Goldberg stated that it was an item to reduce project D103 by \$1,000,000 and maybe \$1,500,000 and was dealing with moving Council offices; that it was not an expenditure that needed to be made at this time. Council Member Vasquez removed his tag. Council Member Todd absent.

Council Member Bell did not remove his tag; and Mayor Brown stated that the item was tagged. Council Member Todd absent.



Council Member Keller stated that he applauded the amendment and its effort but would like to separate the two as far as the move of Council and what they had done in the past at City Hall; that the way to look at it was they were increasing square footage by 11,385 square feet and he wanted someone to tell him as soon as possible if it was a gross area or a net revival area, but at a market rate of \$20.00 a square foot when they increased the floor by 11,000 square feet they increased the value of the building by \$2.3 million. Council Members Todd and Castillo absent.

71. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making appropriations from the Public Works & Engineering/Accumulated Unexpended Fund; Tax Increment Reinvestment Zone Funds and the Housing Special Revenue Fund making other provisions related to the subject; containing a severability clause – was presented.

Council Member Tatro stated that this was continuing appropriation and in seeing that the budget was passed he wondered if this was even necessary; and Mayor Brown stated that yes, it was.

Council Member Bell tagged Item 71. Council Member Tatro stated that he had further questions; and upon questions by Council Member Tatro, Mr. Haines stated that \$4,000,000 of the proposed budget would be part of this appropriations ordinance, however, the capital projects side would not be because they were appropriated at the time they came to Council; that the CIP numbers were appropriated when the project came to Council for appropriation. Council Member Tatro stated that he tagged Item 71 also.

Item 71 was tagged by Council Members Bell and Tatro. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Boney, Todd and Castillo absent.

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

Council Member Bell stated that he could not begin to say how disappointed he was in the action taken by Council today; that it was one thing to have the votes and railroad a vote, but it was never business had been done and it was sad; that for the most part Council engaged in fair play and he hoped it was clear to members of the media that Council Member Boney made an impassioned statement on behalf of the immunization program and then proceeded to tag it and made no effort to remove it so that it could be voted today; that he hoped they understood clearly it was a move to kill the proposal; that he thought it interesting that they had a 68% to 70% level of vaccine and immunization for children in this city when an Administration which dedicated itself to the children would take that position; that it was an interesting precedent and he was sure there would be interesting repercussions in the future; and Mayor Brown stated that their agreement was to help him with that item. Council Members Boney, Todd, Quan and Castillo absent.

Council Member Goldberg stated that during the past week he did his ride along with the Fire Department, Station 28, and it was an interesting experience; that there were things he thought could be changed with part being a large amount of calls which

were a waste of time; they also needed to change the policy whereby only ambulance EMTs could get a signature and they should look into some sort of legislation on frivolous calls and look into ambulance billing, it was 32% and that was very low; that one thing most needed was an ice machine and he would ask to get them one through his budget. Council Members Boney, Todd, Ellis, Keller, and Bell absent.

Council Member Quan stated that he went to Chicago and saw the 311 system and was very impressed; that once they had the system in place he felt it would cut down on the frivolous calls; and urged the Administration to move forward. Council Members Boney, Todd, Keller and Bell absent.

Council Member Tatro stated that he would echo Council Member Bell; that he thought it was a travesty of the legislative process and the gentlemen's agreement portrayed by the Administration in conducting the budget process and the taxpayers were served an injustice. Council Members Todd and Keller absent.

Council Member Tatro stated that he wanted to speak to Council Member Boney's continuous assault on the Controller; that when it came time to discuss the \$30,000,000 being transferred from Water/Sewer to the General Fund for payroll; that the Administration never sent an RCA to Controller and Controller never had to certify and yet Council Member Boney took a swipe at her saying there was talk of her not certifying and that was patented politics and that did not hold well for the legislative process or for the city. Council Members Todd and Keller absent.

Council Member Tatro stated that there was a large hole, a detention pond, on the Old Katy Road near Gessner and they received a call from owners of the property next door saying it was causing their property to slide and slip in and he would ask the Mayor's assisting in moving posthaste in preventing legal problems; and Mayor Brown stated that someone would get on it right away. Council Members Todd and Keller absent.

Council Member Vasquez stated that he wanted to say that he thought the city and its citizens were well served by the budget; that it was a difficult situation whenever you had strong ideologies in place as it led to conflict and controversy, however, the budget had passed and he believed it was their responsibility to move on and do the business of the city and make sure city government worked; and Mayor Brown stated that he agreed. Council Members Todd and Keller absent.

Council Member Boney stated that first of all he wanted all to know he spoke for Jew Don Boney, Jr., he was not a robot and thought and voted for his convictions. Council Members Todd and Keller absent.

Council Member Boney stated that the gentlemen's agreement that Council had relating to the budget and its amendments was lived up to and in fact succeeded, every amendment brought in its timeline was considered by committee and the Council body and then those received late were considered by Council and even some which came in today were considered at Council and it was agreed previously that any which did not go through the process of committee could be tagged and that was the reason to try and get them through the committee process; and he did support Council Member Bell's amendment on immunization and it was commendable he brought it to the table; that if

he would work with him he would try and help find a way to fund the proposal, few Council Members would not support such an item. Council Members Todd and Keller absent.

Council Member Boney stated that in terms of the Controller he had been somewhat restraint and tried to demonstrate it, he did not believe the Controller's budget should be cut by \$182,000.00 which was proposed by Council Members and tension in government could be a good thing, but this year they had a better process than last year and he continued to want to work with all Council Members and the Mayor. Council Members Todd and Keller absent.

There being no further business before Council, the City Council adjourned at 4:52 p.m. upon MOTION by Council Member Bell, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sanchez absent on personal business. Council Member Robinson out of the city on city business. Council Members Todd, Ellis and Keller absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary