

City Council Chamber, City Hall, Wednesday, July 5, 2000

A Regular Meeting of the Houston City Council was held at 9:00 a. m. Wednesday, July 5, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis, Bert Keller, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell, and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. 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. Council Member Carol M. Galloway absent due to being ill. Council Member Rob Todd absent on personal business. Council Member Gabriel Vasquez out of the city.

At 9:12 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Robinson invited Rev. Terry Brown of the Pure Light Missionary Baptist Church to lead everyone in prayer and Council Member Robinson led in the pledge of allegiance. Council Member Boney absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Member Boney absent.

Council Member Ellis began presentations and invited Mr. Glen Eller, who would be representing the United States at the Olympics 2001, to the podium. Council Member Ellis stated that Glen was 18 years old, a graduate of Taylor High School and presented him a proclamation congratulating him and proclaiming Wednesday, July 5, 2000 as "Glen Eller Day". Glen was also presented with a package containing pins, a Houston 2012 cap and Houston 2012 shirt. Council Member Boney absent.

Council Member Parker stated that today she was honoring National recreation and Parks Month and invited Mr. Oliver Spellman, Director of Parks, to the podium. Council Member Parker stated that parks and recreation activities and leisure experiences generated opportunities for residents to experience a sense of community through social interaction and fun recreational pursuits and made Houston an attractive place to live, work and play and presented a proclamation to Mr. Spellman observing July as "National Recreation and Parks Month" Council Members Boney and Robinson absent.

MAYOR'S REPORTS

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Garcia, City Controller, stated that she was presenting the May 2000 Financial Report, the next to the last month of the FY 2000 fiscal year; that General Fund revenue projections were decreased by \$3.3 million to \$1.203 billion, a decrease of three tenths of one percent from their April revenue forecast, sales tax were up 2.8% through May and for the last two months been \$1.566 million less than May and June checks for the last fiscal year; that they were still hopeful July and August checks would be about 2.75% above last year; that Municipal Court revenues were less than last years total by 17.7%

compared to last month's 21.6% which was a slight improvement; and she was proud to say that this time, this month, both F & A and the Controller's Office agreed on its revenue projection; that overall the General Fund revenue projections were about \$34.1 million less than originally budgeted and on the expenditure side they projected, including general government, to be about \$1.2 billion with no significant change from the April projections; that the Expenditure Budget had decreased an aggregate of \$11.4 million since the July 1999 Monthly Financial Operations Report and the Fund Balance was projected at about \$19.6 million less than what they began the last fiscal year with and the additional decrease of \$3.7 million this month brought the Fund Balance to a projected \$69.8 million reflecting revenue reductions stated above and the projected Fund Balance reflected \$10.4 million below the 7.5% level and \$16.4 million more than the required 5% and was at about 6.5% of the projected FY 2000 expenditures net of debt service; that on May 31 \$3,000,000 was transferred from the Special Non Recurring Projects Fund portion of the General Fund to the Departmental and General Government Portion of the General Fund and on June 28 they transferred \$20,000,000 of the \$30,000,000 authorized by City Council as a loan from the Any Lawful Purpose Fund to the General Fund; and that concluded her report.

Council Member Castillo stated that because the report had not been to committee and they had no chance to study it he would tag the item. Council Members Boney and Robinson absent.

Consent Agenda (Items 1 through 47) were considered as follows:

MISCELLANEOUS - NUMBERS 1 through 4

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Parks to Standard Program - Phase I Miller Outdoor Theatre Improvements - Package 1, GFS F-0351-81-3 - **DISTRICT D – BONEY** – was presented, moved by Council Member Quan, and seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0861 ADOPTED.
3. Omitted

ACCEPT WORK - NUMBERS 6 through 10

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$230,232.70 and acceptance of work on contract with **JERDON ENTERPRISE, INC** for Parks to Standard Program - Phase II, Hermann Park Zoo Paving and Drainage, GFS F-0363-10-3 - Parks Consolidated Construction Fund - 00.88% over the original contract amount **DISTRICT D – BONEY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0862 ADOPTED.

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$695,451.44 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Bayou Parkland Improvements - Hermann Park, GFS F-0364-03-3 - 04.33% over the original contract amount - General Improvements Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0863 ADOPTED.
8. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$1,303,231.67 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation in Southwest, GFS R-1036-08-3 (4250-94R) - 11.30% under the original contract amount - Enterprise Fund - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0864 ADOPTED.
9. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$617,425.05 and acceptance of work on contract with **WHEATON CONSTRUCTION CO., INC** for Construction of the Water Main Replacement in Forest Oaks Subdivision, GFS S-0473-01-3 (10420) - 10.60% under the original contract amount Enterprise Fund - **DISTRICT E – TODD** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0865 ADOPTED.
10. RECOMMENDATION from Director Department of Aviation to accept work on contract with **SAFETY STEEL SERVICE** for Terminal C Parking Addition (Structural) at George Bush Intercontinental Airport/Houston (IAH); Project 490B; CIP A-0371 - 00.76% under the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney and Robinson absent. MOTION 2000-0866 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 24

LOW BIDS

11. **TEXAS TECHNICAL SERVICES, INC** for Card Reader Access Control Components, Parts and Labor Contract for Aviation Department - \$125,000.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0867 ADOPTED.
12. **RIGGSBEE HARDWARE AND INDUSTRIAL SUPPLY, INC** for Rags and Cleaning Towels, Part II for Aviation Department - \$209,550.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0868 ADOPTED.
13. **SECURITY SAFETY & SUPPLY** for Confined Space Retrieval Hoist Systems for Department of Public Works & Engineering - \$19,438.00 - Street & Drainage Maintenance Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0869 ADOPTED.
15. **LINDALE AUTO SUPPLY** for Automotive Lamps and Spotlights for Various Departments \$93,063.60 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0870 ADOPTED.

OTHER

16. **HORIZON HIGH REACH & EQUIPMENT** for Material and Personnel Lifts for Fire Department New - \$19,500.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0871 ADOPTED.
19. **SMITH-MOBLEY, INC** for Securing Dangerous Buildings and Site Clean-up Services for Department of Public Works & Engineering - \$18,051.60 - CDBG Grant Fund - **DISTRICTS B - GALLOWAY; D - BONEY; G - KELLER and H – VASQUEZ** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0872 ADOPTED.

21. **AMEND MOTION #98-1124, 7/8/98, TO EXTEND** expiration date by 12 months from July 16, 2000 to July 15, 2001, for Automotive, Detroit Diesel Replacement Parts and Repair Contract for Various Departments, awarded to **STEWART & STEVENSON SERVICES, INC** – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0873 ADOPTED.

22. **BROOKSIDE EQUIPMENT & SALES, INC** - \$24,916.68 and **S&W ENGINES, INC** - \$21,383.29 for Lawnmower and Edger Repair Parts Contract for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0874 ADOPTED.

24. **LINBERRY AUTO PARTS** - \$182,460.00 and **APPLIED INDUSTRIAL TECHNOLOGIES** \$39,748.80 for Automotive Bearings and Power Transmission Components for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Boney, Quan and Robinson absent. MOTION 2000-0875 ADOPTED.

ORDINANCES - NUMBERS 25 through 47

25. ORDINANCE consenting to the addition of 186.5150 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-619 ADOPTED.

26. ORDINANCE approving and authorizing a lease agreement between **PHUONG M. NGUYEN, as landlord**, and the City of Houston, Texas, as tenant, for space at 8532 Hammerly for use by the Health and Human Services Department for the Women, Infants and Children Program - 3 Years with two one year options - \$25,896.00 - Grant Fund - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-620 ADOPTED.

27. ORDINANCE appropriating \$22,500.00 out of Homeless and Housing Consolidated Fund and authorizing an agreement between the City of Houston and **TEJANO**

CENTER FOR COMMUNITY CONCERNS to provide a grant to subsidize a portion of the costs to develop nine (9) residential lots as Affordable Single-Family Housing - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-621 ADOPTED.

29. ORDINANCE approving and authorizing the submission of an application for grant assistance from the United States Department of Justice, Office of Community Orientated Policing Service, to fund the **COPS MORE 2000** Grant; declaring the City's eligibility for such application; authorizing the Mayor, the Chief of the Police Department, or any designated Assistant Chief, to act as the City's representative in the application process; to accept such funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application \$325,000.00 Grant Fund - \$401,640.00 General Fund – had been pulled from the Agenda by the Administration, and was not considered.
31. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Houston-Galveston Area Council for the Neighborhood Environmental Education Training Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Director of the Public Works & Engineering Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$155,239.79 Grant Fund \$39,699.88 General Fund – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-622 ADOPTED.
33. ORDINANCE awarding contract to **B & E REPROGRAPHICS, INC** for Engineering Reproduction Services for the Houston Airport System; providing a maximum contract amount - 2 Years with a one year option - \$34,884.15 - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-623 ADOPTED.
36. ORDINANCE appropriating \$18,818.00 out of Storm Sewer Consolidated Construction Fund for, and approving and authorizing the purchase of permanent and temporary easements from Christopher M. Job and wife, Judith H. Job, located in Lot 1, Block 1, Sandalwood Estates and a temporary construction easement from James E. Pickett, Jr. and wife, Norma D. Pickett, located in Lot 9, Block 10, Partial Replat of Sandalwood Sections 2 and 3, and payment of related expenses for and in connection with the **HIBURY STORM SEWER PROJECT** (Parcel Numbers LYO-030, LYO-030A and LYO-031; CIP M-0231-01-2 - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-624 ADOPTED.

37. ORDINANCE appropriating \$770,000.00 out of Street & Bridge Consolidated Construction Fund for the payment of the cost of Land Purchases/Condemnations, Title Policies/Services, Recording Fees, Court Costs, Expert Witness Fees, and Relocation Assistance for and in connection with the projects indicated herein and below and in the amounts stated (i) **AIRPORT BOULEVARD BRIDGE PROJECT**, \$1,000.00, CIP N-0445-18-1, (ii) **LEY ROAD PAVING PROJECT**, \$710,000.00, CIP N-0587B-01-1, (iii) **BINZ STREET IMPROVEMENTS PROJECT**, \$3,000.00, CIP N-0611A-35-1 and (iv) **PARK ROW RECONSTRUCTION PROJECT**, \$56,000.00, CIP N-0644-12-1 - **DISTRICTS A - TATRO; B - GALLOWAY and D - BONEY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-625 ADOPTED.
38. ORDINANCE appropriating \$66,000.00 out of Airport System Commercial Paper Series A, C (AMT) and approving the purchase of approximately 4.927 acres of land out of the Amos Barber Survey, Abstract 125, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Clyde Shelton Bailey to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-626 ADOPTED.
39. ORDINANCE appropriating \$242,000.00 out of Airport System Commercial Paper Series A, C (AMT) and approving the purchase of approximately 18.09 acres of land out of the T. S. Roberts Survey, Abstract 659, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Daniel A. Duc, substitute trustee to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-627 ADOPTED.
40. ORDINANCE appropriating \$322,000.00 out of Airport System Commercial Paper Series A, C (AMT) and approving the purchase of approximately (i) 3.47 acres of land out of the Amos Barber Survey, Abstract 125, and (ii) 0.4645 acre of land out of the John Skorupski Survey, Abstract 720, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreements with Peter S. Terpstra, Trustee to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the

city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-628 ADOPTED.

43. ORDINANCE appropriating \$422,950.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for the Design of Well Collection Line Tie-ins for various facilities, CIP S-1000-M12-2 (S-1000-M12); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and F – ELLIS** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-629 ADOPTED.
44. ORDINANCE appropriating \$310,392.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ROY F. WESTON, INC** for Design of Inflow/Infiltration Source Corrections for Fresh Water Supply District No. 23 and Red Gully Service Areas, CIP R-2014-01; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-630 ADOPTED.
45. ORDINANCE appropriating \$1,248,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** on low bid of \$1,049,761.75 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$30,000.00 for various Relief Sanitary Sewers - Northside/Northwest Service Area, GFS R-2011-01-3 (4711); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-631 ADOPTED.
47. ORDINANCE awarding construction contract to **CONRAD CONSTRUCTION CO., INC** on low bid of \$424,033.75 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$5,000.00 for Easthaven Subdivision Drainage Improvements, GFS M-0126-S1-3 (M-0126-31A) \$485,000.00 - Street Drainage and Maintenance Fund No. 227 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the

city. Council Members Keller, Quan and Robinson absent. ORDINANCE 2000-632 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

2. RECOMMENDATION from Director Housing and Community Development for approval of loan from the Houston Small Business Development Corporation in the amount of \$1,000,000.00 to **U. S. CUSTOM FEEDS, L.P.** - Grant Fund - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Boney, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Member Robinson absent. MOTION 2000-0876 ADOPTED.

4. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **J. T. JACKSON**, Employee Number 73821 – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Keller. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Member Robinson absent.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **EDWIN O. HEITSCHMIDT** v. City of Houston, et al; in the United States District Court, Southern District of Texas, Houston Division, Civil Action No. H-96-1743 - \$100,000.00 - Property & Casualty Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Members Keller, Parker, Goldberg and Bell. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Member Robinson absent.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

14. ORDINANCE appropriating \$138,292.35 out of Water & Sewer System Consolidated Construction Fund for Replacement of Booster Pumps for Public Works & Engineering Department, CIP S-1000-M7 – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-633 ADOPTED.

- 14a. **CURRY, INC** for Replacement of Booster Pumps for Department of Public Works & Engineering \$131,707.00 and contingencies for a total amount not to exceed \$138,292.35 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council

Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. MOTION 2000-0877 ADOPTED.

OTHER

17. **SUGAR LAND JET CENTER, INC** for One Fixed-Wing Airplane for Police Department \$268,803.44 - Asset Forfeiture Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Parker. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city.
18. **PROJECT DEVELOPMENT GROUP, INC** for Emergency Purchase of Asbestos Abatement, Demolition and Clean-up Services for Department of Public Works & Engineering - \$53,900.00 Dangerous Building Consolidated Fund - **DISTRICT A – TATRO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. MOTION 2000-0878 ADOPTED.
20. **OFFICE DEPOT BUSINESS SERVICES DIVISION** for Office Supplies for Various Departments \$3,593,410.00 - General, Enterprise and Other Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Keller. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city.
23. **PACIFIC WASTE INDUSTRIES, INC** - \$100,000.00, **UNITED RENTALS** - \$25,000.00, **MUSTANG RENTAL SERVICE** - \$215,000.00, **INGERSOLL RAND EQUIPMENT SALES** \$65,000.00, **GE ENERGY RENTALS** - \$272,250.00 and **HERTZ EQUIPMENT RENTAL CORPORATION** - \$575,000.00 for Equipment Rental for Various Departments - \$1,252,250.00 General, Enterprise and Fire Department Revolving Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Keller. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city.

ORDINANCES

28. ORDINANCE (1) approving and authorizing contract between the City of Houston and **100 VICTORY, L. P.** to provide \$5,000,000.00 Loan of Federal “HOME” and “CDBG” Funds to construct 100 units of Public Housing at 1500 Victor Street, Houston, Texas, restricted for Rental to low income persons (“contract”); and (2) approving and authorizing first amended and restated interlocal cooperation agreement with the Housing Authority of the City of Houston (“HACH”) related to the contract - **DISTRICT I – CASTILLO** – was presented, and was tagged by Council Member Quan. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. **(Note**

Council Members Castillo and Keller stated later in the meeting that they would like to add their tag to the item.)

30. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Houston-Galveston Area Council for the Environmental Investigations Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Director of the Public Works & Engineering Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$481,000.00 Grant Fund - \$56,400.00 General Fund – was presented, and was tagged by Council Member Tatro. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city.
32. ORDINANCE approving and authorizing an interlocal agreement between the City and **HARRIS COUNTY** for Development, Operations and Maintenance of Lansdale Park; containing provisions relating to the subject - **DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-634 ADOPTED.
34. ORDINANCE approving and authorizing amendment to a Merchant Services Agreement (Approved by Ordinance No. 95-753) between the City of Houston and **DISCOVER FINANCIAL SERVICES, INC** – Revenue – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-635 ADOPTED.
35. ORDINANCE approving and authorizing amendment to contract (Approved by Ordinance No. 98-1252) between the City of Houston and **TREES, INC** for Tree Trimming and Removal Service for the Parks & Recreation Department – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-636 ADOPTED.
41. ORDINANCE appropriating \$2,000.00 out of the Street & Bridge Consolidated Construction Fund and approving a wireline crossing agreement with **UNION PACIFIC RAILROAD COMPANY** for the construction, maintenance, and operation by the City of a Traffic Signal Conduit within the Railroad's right-of-way near Fairbanks-North Houston Road and Hempstead Road; CIP N-0585 **DISTRICT A – TATRO** – was presented.

Council Member Keller stated that in 1999 Council passed to pay Union Pacific to fix some of their right-of-ways which damage citizens cars; that they conducted business and made profit off of it and he would hope there would be a movement to get Union Pacific to start paying and up-keeping in the most first class manner their crossings.

A vote was called on Item 41. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-637 ADOPTED.

42. ORDINANCE approving and authorizing professional architectural services contract between the City of Houston and **RPM ARCHITECTS, INC d/b/a ENVIRONMENTS & CO.** for the design of Five Playgrounds at Fonde, Spurlock, Sagemont, Garden Villas and Boone Road Parks, CIP F-0468-01-2 - \$66,440.00 - **DISTRICTS E - TODD; F - ELLIS and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-638 ADOPTED.
46. ORDINANCE appropriating \$3,376,000.00 out of Street & Bridge Consolidated Construction Fund, \$2,063,500.00 out of Storm Sewer Consolidated Construction Fund, \$660,500.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **TEXAS STERLING CONSTRUCTION, INC** on low bid of \$5,349,785.25 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$161,000.00 for construction of North Wayside Paving Project from Ley Road to Tidwell Road, GFS N-0538-01-3 (N-0538-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, Storm Sewer System Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-639 ADOPTED.

MATTERS HELD - NUMBERS 48 through 53

48. ORDINANCE appropriating \$8,463.20 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Reconstruction of Wilcrest Drive from Richmond to Westheimer, CIP N-0644A-02-3 (N-0644A-02) under construction contract with **SOUTH COAST CONSTRUCTION, INC** (approved by Ordinance No. 97-723 - **DISTRICT G – KELLER – (This was Item 7 on Agenda of June 28, 2000, tagged by Council Member Keller)** - was presented.

Council Member Keller stated that he had tagged the item last week thinking there was no sprinkler system, but it was checked and had a good sprinkler system.

Council Member Sanchez stated that after the item was finished he thought Council should move on to the speakers as it was 9:30 a.m. now and some speakers had reserved time on items under Matters Held. Mayor Brown stated that after Council completed the item they would hear from the speakers.

A vote was called on Item 48. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-640 ADOPTED.

48a. MOTION by Council Member Sanchez/Seconded by Council Member Quan to adopt recommendation from Acting Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$22,702.99, final contract amount of \$1,452,748.41 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Reconstruction of Wilcrest Drive from Richmond Avenue to Westheimer, GFS N-0644A-02-3 (N-0644A-02) 05.62% over the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICT G - KELLER – (This was Item 7A on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. MOTION 2000-0879 ADOPTED.

Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Roy Jackson, 4002 Austin, Houston, Texas 77004 (713-522-3238) appeared and stated that he was a resident of Midtown in the area that was proposed for annexation into the Midtown Management District, that he was an owner and a resident and cared very much about his neighborhood and was very much in favor of annexation, not because he liked the taxes, but thought that taxes were a way to provide the services that they wanted in an equitable manner, that in the last four or five years he had really seen what had happened in Midtown as a result of the activities of the Management District and the TIRZ, that all of those were possible through the application of taxes, that they were willing to pay for the services that benefited them and the Management District provided a way of equitably distributing the cost for everyone to benefit, and asked that Council support the proposal. Council Members Boney, Castillo and Robinson absent.

Ms. Alita Hall, 4120 Austin, Houston, Texas 77004 (713-522-2225) appeared and stated that she was present not only as a resident but also on behalf of the Midtown Civic Club, they had been meeting for quite some time in regards to the Midtown Tax Increment Reinvestment Zone, their Redevelopment Authority and recently the Management District, that John Gonzales, Chair of the Management District had gone out and visited with their civic club and they were all aware, the residents of Kennelworth Grove and Empire Addition, which was the area to be annexed, and were not only aware of what they expected to get from it, but also aware of the amount of their taxation, that they had been behind it, pushing it, wanting it, needing it, craving it so she was present on behalf of the Midtown Civic Club to ask Council to please vote yes for the annexation of the area, that as a resident she looked forward to following up closely to make sure that the expectations of the fund were met and was sure they would be as they did have representation on the Management District Board once Council accepts their annexation. Council Members Goldberg, Boney and Robinson absent.

Upon questions by Council Member Castillo, Ms. Hall stated that the civic club association would be represented by the Board of the Management District, that she had a letter from the president of the civic club which reinstated some of what she had mentioned and she would be distributing a copy to each Council Member. Council Members Goldberg, Boney and Robinson absent.

Upon questions by Council Member Sanchez, Ms. Hall stated that 90% to 95% of the proposed area to be annexed were aware of what was going on, that she personally

went door to door and explained the entire plan which was a great plan and thought they would see some dramatic positive change from it, that she had turned in 12 to 15 signatures herself and knew others did as well and was sure that John Gonzales was going to be sharing with someone all of their petitions, that the language on the petition was drafted by the Management Board, that they would give him a copy of the petition, it outlined the entire program, plan and some of the laws and language was in there, and gave a place for residential as well as the commercial and business owners for partnership signature pages, that it was two subdivisions with about 30 residences and was pretty sure they had gotten all their signatures. Council Members Goldberg and Boney absent.

Upon questions by Council Member Quan, Ms. Hall stated that the Management District would accomplish a concentrated effort of funds, that primarily the beginning of the program was going to instantly implement more safety which Midtown was in the need of, that they needed more police effort that were willing to take care of some of their small problems, that they needed a storefront that could watch the small petty crimes that went on, that there was beautification and all sorts of possibilities, that it was her understanding that during the first year what they could expect the most of was improved safety and a little bit of visual blight improvement, that once they had a copy of the plan they would have a better understanding, that they actually took the plan and curtailed it around resident and commercial input and were answering their needs. Council Members Goldberg and Boney absent.

Council Member Robinson asked if they had ever expanded the boundaries of another Management District and Council Member Castillo stated yes, in the downtown area, and Ms. Hall stated that the two subdivisions waited a year and a half for annexation into the Tax Increment Reinvestment Zone and the Redevelopment Authority and while that was waiting for City Council to say yes the map and the Management District Plan went to Austin and so Council had not approved for the map to be changed with the paperwork at the State so they had been aware of that going to happen and coming along and they getting pulled into it as well for quite some time, and Council Member Robinson asked if there was a legal distinction between what a TIRFF or TIRZ versus what the Management District could provide, and Ms. Hall stated yes, that the TIRZ was obviously handling more infrastructure and curbside new development or construction projects to make sure it was suiting to the TIRZ boundaries, the Management District was going to provide a completely separate set of services to the residences and businesses in the neighborhood, that it was a different plan, that it was a neighborhood driven request to be included in the TIRZ and Management District. Council Members Goldberg and Boney absent.

Council Member Sanchez asked if the people who signed the petitions were residents and Ms. Hall stated that what she went out and got specifically was single family residential, that she did get a couple of multi-family residential but did not go to business, that she had a real estate license and knew how to find out who the owner of the property was, that she verified that the people who signed were the property owners though the County records. Council Members Goldberg and Boney absent.

Council Member Castillo stated that the Management District would do what Bob Eury's outfit did for downtown, that they knew it had been a long neglected area of town

and was in need for redevelopment. Council Members Tatro, Goldberg and Boney absent.

Upon questions by Council Member Keller, Ms. Hall stated that they had a separate board, that she did not believe they had any members of the Management District who also served on the TIRZ Board, that she thought it was completely separate, but John Gonzales could answer that, that she was certain that since the meetings were going to be held in the same offices and Charles LeBlanc would be above it all and watching to make sure that when they did cross they would meet and talk, so she was sure that they were aware of the flow of events amongst each other and what would drive them in the same direction, and Council Member Keller stated that another question he would have was when the TIRZ was formed, studied, planned, etc., was the Management District consulted or invited to have input into that plan. Council Members Tatro, Goldberg, Boney and Quan absent.

Ms. Deborah Golillion, 10909 Gulf Freeway #2605, Houston, Texas 77034 (713 944-5921) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Goldberg, Boney and Quan absent.

Ms. Mary Elizabeth Glover, 13914 Rawling, Humble, Texas 77396 (281-441-4908) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Goldberg, Boney and Quan absent.

Ms. Linda Petrovich, 7202 Oak Village, Houston, Texas 77396 (281-441-1143) appeared and stated that she was cofounder and Executive Director of Power Card International Inc., and thanked Council for bringing power card benefits plus proposals to their attention, that on June 14th she met with Cheryl Dotson to bring awareness about Power Card International and its mission, that Power Card International was incorporated in 1995, that their programs mission was designed to provide resources and the tools necessary for community and consumer empowerment, that on June 14 they provided the City Council and the Human Resources Department with an overview of the unique program, with an update on June 27th, that at that time they also met with Council Member Galloway, that as she had emphasized with Council Member Galloway their overall purpose was to express and explore the possibilities and opportunities that may exist because of the unique platform that the City of Houston and its administration had committed to on behalf of neighborhood oriented government as well as youth oriented outreach and was present to request from Council to please review the possible applications of the unique outreach vehicle in the public as well as the private sector, that their hands on research had shown that individuals who did not normally give to philanthropy were for two main reasons, that most individuals felt that the needs were so vast and so many areas that they could not make a difference and others felt that those problems should be solved by government and corporate businesses, that the program provided a common ground vision that every mother, father, child and consumer could identify with while providing immediate short and long term results, and asked that they go to their website, www.CommunityActionTeams.com with any questions they had about the exciting program, that they could contact them by e-mail or by phone and the mailing address was also available on the website, and she asked if the Council Members received the packets that were delivered to everyone and asked if they had a chance to review the information and encouraged them to take a look at the material because it was an exciting program that could be utilized by the City, that she wanted to take the time to

congratulate the Mayor for all his efforts in motivating all of them on behalf of youth outreach for their communities and asked for some guidance to discuss the opportunities that were directly available to the City of Houston with that program. Council Members Goldberg, Boney, Keller and Quan absent.

Mayor Brown asked what type of guidance she was seeking and Ms. Petrovich stated as far as implementing the program with the City and would like to meet with someone in Human Resources to proceed with that, and Mayor Brown stated they would have someone from Human Resources contact her. Council Members Goldberg, Boney, Keller and Quan absent.

Ms. Carolyn Hardin, 11639 Hartley, Houston, Texas 77093 (281-987-2821) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Keller and Quan absent.

Mr. Jim Watters, 2039 Pine River Dr., Kingwood, Texas 77339 (281-359-3174) appeared and stated that he was from Kingwood and that recently he requested under the Texas Open Records Act some financial information from the City, either the F&A Department or from the Controllors Office as to whether or not the annexation of Kingwood, which took place about 3 1/2 years ago was actually making money or loosing money for the City, whether or not it was fiscally responsible and he was quite surprised to find out that no one in F&A and no one in the Controllors office could tell him, that those numbers were not collected so they did not know whether financially the annexation of Kingwood, which was so painful for them and resulted in 6 deaths of people from Kingwood waiting for ambulances and which had resulted in a change to the State Law on Annexation, and thought they were going to get that tightened up a little bit more in the next session, and which would probably result in the arena vote being defeated in the fall, that whether or not all of that was worthwhile from a financial viewpoint, so he just wanted to let Council Members know, since most of them were businessmen and most of them were familiar with common business practices, that the City could not tell him whether or not financially the annexation was a good deal, that they all assumed that perhaps it was and that was one of the intents, but no one had those numbers or were willing to share those numbers. Council Members Goldberg, Boney and Keller.

Mayor Brown stated that they could generate that information and would do it and get the information to him, and Mr. Watters stated he thought the public would appreciate the information and thought that Members of City Council would appreciate it, and Mayor Brown stated Mr. Al Haines would get that information for him. Council Members Goldberg, Boney and Keller.

Mr. Ray Miller, 5729 Logan, Houston, Texas 77007 (281-497-5523) appeared and stated that he had a problem, but first of all he wanted to say a thank you to the administration, Council and especially Council Member Robinson for their efforts to save them from the killer trucks, that he had just read a very favorable editorial comment in the new edition of the Triple A Magazine and he had been here longer than anybody else and could guarantee that nobody before their time had ever taken that much interest in that very serious problem, that he wanted to make them aware of a problem in the 5700 block of Logan on the near west side, that it was actually two problems, the owner at 5731 had a problem with his dance business, that it had been shut down by the City, that the other

problem was their problem which was that the owner might find some way to solve his problem and get back in business, that the owner was a long time resident of their unrestricted residential neighborhood and also a real estate operator, that he bought 5731 late last year, that it was an old house on a wooded lot and he destroyed almost all the trees and started remodeling the house, telling everybody in the neighborhood that his son was going to live there and that he was adding a game room where his son could practice his dancing, but when the building was finished early last spring it turned out to be the headquarters of a dance business specializing in Funk Dancing, that Funk Dancing was particularly unsuited to be practiced in a residential neighborhood, that it involved a great deal of stomping and very loud music lasting far into the night in this case and with cars parked everywhere, that City Inspectors were paying attention and asked a lot of questions and they understood that they found that the building was built with a residential permit and lacked some of the things a business building ought to have, especially including off street parking, that about 10 days ago the dance business was shut down by the City and they understood that it was because it had no Certificate of Occupancy, that they were enjoying the quite, but holding their breath because it was possible the owner may be able to doctor up his paperwork and find some parking somewhere maybe borrowing it from the Rainbow Lodge, adjacent and also owned by the same owner, that they believed the owner was about to start a PR campaign to create a favorable impression of the Funk Dancing business, and was certainly trying to arrange appointments with members of the Council they understood, that they had no quarrel with Funk Dancing or with the people who enjoyed it, but nobody should have to live next door to it, that their problem was that they did live next door to it and their bedroom was only 30 feet from the dance floor, that the owner of the property at 5731 created their problem and also created his problem, that it was caused by the way he went about getting the building built and that was the situation they had and would like Council's consideration of and to please take into account the interests of the people who lived in the neighborhood. Council Members Goldberg and Boney absent.

Upon questions by Council Member Parker, Mr. Miller stated that it was his understanding that the owner of the property attempted to circumvent City Ordinance by building a commercial establishment on a residential lot and telling the City that it was going to be a residence, that it was not a deed restricted neighborhood and they understood the hazards that went with that, that in the early stages they called for the Police Department to do noise or sound checks on the establishment, although the noise was quite loud it did not reach the decibel level that would call for any action by the police, and Council Member Parker stated that she would call on the City to shut them down if they did not receive the appropriate certificates and require them to meet every requirement of their Off Street Parking Ordinance. Council Members Goldberg and Boney absent.

Council Member Keller stated that a large portion of Mr. Miller's street was in his district, and asked Mr. Miller to contact his office and he would help him navigate it through the City.

Upon questions by Council Member Sanchez, Mr. Miller stated that it was about February 2000 that they realized what they had, and Council Member Sanchez stated that one of the concerns the neighborhood had was that there was some discretion within the Off Street Parking Ordinance and that it did not address that type of building needs and therefore it gave some discretion to the Director of Planning and Development who

would make the ultimate determination and the concern of Mr. Miller was if it had to be specifically defined in the ordinance to be applied to the property and if not did it give some discretion to the Director of Planning, and Mr. Bibler stated that there may have been a violation of the Tree and Shrub Ordinance and an apparent violation of the parking ordinance and there was an apparent violation of the Building Code, but his biggest concern was that all of those things probably were correctable and there was not land use ordinance per se for an activity of that type as long as people had their clothes on, so if the owner went in and took care of those issues and was not covered by the Sexually Oriented Business Ordinance he was afraid they were going to be able to do it. Council Members Boney, Castillo and Robinson absent.

Council Member Sanchez moved to suspend the rules to hear Ms. Marlene Gafrick, Planning and Development Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of city. Council Members Boney, Castillo and Robinson absent. MOTION 2000-0880 ADOPTED.

Upon questions by Council Member Sanchez, Ms. Gafrick stated that it was correct that the ordinance gave some discretion to the Director of Planning, that because it was not a use that was specified within the parking ordinance the Director of Planning was required to make what was called a parking determination, and Council Member Sanchez stated that the owner had represented that he had an agreement with Sterling Bank to park over there and in fact after visiting with the bank president they did not, that parking was a huge problem, and asked Ms. Gafrick to tell them about the discretion the Director of Planning had, and Ms. Gafrick stated that the ordinance required that the Director of Planning look at the use and the parking demands and had to look at other cities parking requirements which they had done on a preliminary basis at this point, and look at any other technical studies that may be out relative to a dance studio and then from there they would set the parking requirements, and Council Member Sanchez asked what was the loophole in the Off Street Parking Ordinance that did not cover that particular type of business, and Ms. Gafrick stated it was not a loophole in the ordinance because the ordinance clearly contemplated there being some uses not specified and they would actually have to establish a parking requirement. Council Member Boney absent.

Council Member Tatro asked if a business were to start out would they have to supply onsite parking and handicap parking and all the parking requirements, and Ms. Gafrick stated yes, the parking requirement would have kicked in, and Council Member Tatro stated that clearly they might have had some misdirection on behalf of the owner in the intention for the place, that he may very well know the rules and was why they might have taken that course of action, that he would hope they would go back to square one and hold them to the business specifications that a new business owner would have to abide by, and Ms. Gafrick stated that was what they were doing. Council Member Boney absent.

Mr. Rodney Smith, 1002 Nantucket, Houston, Texas 77057 (713-629-7080) appeared and stated that he wanted to reinforce what Mr. Miller had stated, that he was a developer at the corner of Birdsall and Logan and wanted to let Council know that before the Planet Funk opened up there was already a problem of parking that existed from the overflow of the Rainbow Lodge, that they could imagine that the opening of the new business had created absolute havoc in the neighborhood with regards to parking, and

also quite a bit of noise, that parking was just a real problem and would be more than happy to supply all of the Council Members with photographs of what it was like out there when they were having one of their shindigs. Council Member Boney and Robinson absent.

Upon questions by Council Member Keller, Mr. Smith stated that as to shindigs, what he had observed it seemed that on a regular basis they had a class going on which was lots of cars, that there was a big parking problem and a tremendous amount of noise and lots of people running all around the neighborhood, that it went on as late as 10:00 p.m., but not every night. Council Member Boney absent.

Council Member Keller asked if just because a neighborhood or area was not protected by deed restrictions did that mean that any residence could become a legal business of any sort, and Mr. Bibler stated yes, but as had been discussed they could not do it by coming in and sneaking their business in and the appropriate thing had happened, they had been red tagged and shut down, but assuming that they could find a way to comply with the parking and tree ordinance and the other things that were all tied into the building application process, which they escaped by being untruthful with them apparently, then they could ultimately get the building reconstructed in the proper way and get a certificate of occupancy. Council Member Boney absent.

Upon further discussion by Council, Council Member Sanchez stated the pattern was that there had been some attempt to be somewhat disingenuous, that while there was no sanction for telling the City that they were going to do one thing to obtain a permit and do another thing, he thought the City had to be very circumspect and he would ask that before the Director of Planning made any determination that he at least allow the neighborhood and all parties interested in the area to meet with him so he could see and hear both sides of the argument, and Ms. Gafrick stated they would love to meet with them, that it would be very helpful, and Council Member Sanchez asked Mr. Smith if there was sufficient parking at the Rainbow Lodge to carve and designate part of that surface parking to the other operation, and Mr. Smith stated no, that the parking problem existed before the Planet Funk opened up. Council Members Boney and Keller absent.

Council Member Robinson asked if they had any provision if some one made a material misrepresentation to the City to sanction, deny or revoke the permit, and Mr. Bibler stated it was his understanding that the permit had been red tagged and the business was not operating at the current time, that he was not aware of anything in the building code that if they wanted to be truthful and say what they were really doing and wanted to comply with all applicable requirements that they could straighten the matter out, assuming that it could be straightened out, that they could start over, build the building properly, get the proper Certificate of Occupancy, take care of their tree and parking problems, and Council Member Robinson stated that it would seem to him that at least some consideration or some examination relative to misrepresentation to the City they ought to look at some penalty if one did not exist, that if in fact they did get their permit at some point he hoped that discussions that the Director of Planning engaged in also involved someone from HPD at those meetings to look at the enforcement of the Noise Ordinance, and Council Member Parker stated that the Noise Ordinance was problematic because they had gone to the sound meters and they did not get the low base notes and the police department had promised a rewrite of the ordinance and were working to have a discussion in August. Council Members Boney and Bell absent.

Mrs. Herbert Penning, 5703 Logan Ln., Houston, Texas 77007 (713-862-7246) appeared and stated that she was also present to talk to them about the dance studio, that she had lived at 5703 Logan Lane since 1959, that it was her childhood home and was her present residence, that her neighborhood had always been a quite one with some families who had lived there even longer than she had and went back several generations, that they were the kind of neighborhood that had traditional ideas, that they had keys to each others houses and borrowed cups of sugar, that the dance studio was an unwelcome addition and it was her understanding that the house was being remodeled and that there was going to be an exercise room, instead they now had a business on a street that was not equipped to handle the traffic and the parking issues that came with it, that Logan Lane had lost a bit of its quite charm and knew that no neighbors were in favor of having the dance studio there. Council Members Boney, Ellis, Bell and Robinson absent.

Ms. Joanne Miller, 109 Asbury, Houston, Texas 77007 (713-869-3186) appeared and stated that she appreciated their taking the time to understand the very difficult nature of their problem on Logan Lane, that she was president of the Tuscan Villas Homeowners Association and as such represented 11 of the 24 homes in the neighborhood, that there were only 24 homes in the neighborhood, that their 11 homes were on two of the four streets in the neighborhood, that it was a very unique neighborhood, that she and her husband bought their home in September 1998 and bought it because of the unique, quite, park like nature of the neighborhood, that she suspected that all of them in their daily travels went right by their neighborhood and did not even realize it and would encourage them when traveling down Memorial Drive to turn South at Ones A Meal Restaurant, directly across the street from Otto's Bar-B-Que, go south at Ones A Meal and they would be in a very unique four street neighborhood with 24 homes, that the dance studio was unwelcome, that their streets were extremely narrow and the residents in Tuscan Villas had difficulty backing out of their driveways and were concerned about the access to emergency vehicles in case of fire, that she really appreciated the time that Council had taken with the issue and the opportunity to visit with Planning and hopefully come to a resolution of the matter. Council Members Boney, Bell and Robinson absent.

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

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Boney, Bell and Robinson absent.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77008 (713-869-8346) appeared and set up a wood and block demonstration and stated that he had been present with 8 1/2 by 11 sheets on numerous occasions and even brought poster boards to try to make his point on the City ROCIP program, that the last time he appeared Council Member Bell accused him of not answering his question and wished he would come back into Chambers because he did want to make sure that he got his question answered, that he was not going to use any numbers or percentages that he was going to use a different technique and Mr. Adams stacked the wood blocks on to the wood stands and

demonstrated the best case by F&A, the hard cost of insurance, the probable cost by F&A and the fixed dollars, and continued his explanation with his display until his time expired. Council Members Boney, Castillo, Bell and Robinson absent.

Council Member Tatro stated that his explanation was very timely because they did have an Aviation contract that they would be talking about, Item #53, and he would be happy to display his piece of high tech equipment at a table outside his office. Council Members Boney, Castillo, Bell and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that the truth of the matter was that today he did not feel like coming in and seeing Council's ugly faces and listen to their crap, and that they had a lot of gall to be talking about circumventing the law and circumventing the ordinance, that how many times did they do it every day, that he did not feel like coming in but he came in because it was his time and he was going to say what he wanted to say and was going to get more publicity for his website which was www.galvan.org and to let everybody know everywhere he went that he was the Libertarian Candidate for Texas Representative 147, and what happened in Mexico was going to happen here in the U.S. when the Libertarians got their fair share of time, that they had a lot of gall to be talking about circumventing ordinances or whatever, that Ray Miller reminded him a lot of Geneva Kirk Brooks, that he supported Funk Dancing and hoped that everybody in the City of Houston did it every day in their house or whatever. Council Members Boney, Castillo, Bell and Robinson absent.

At 10:28 a.m. the public session was completed.

49. RESOLUTION consenting to the enlargement of the boundaries of the Midtown Management District - **DISTRICTS D - BONEY and I – CASTILLO – (This was Item 16 on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ and BONEY)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Castillo and Robinson absent. RESOLUTION. 2000-31 ADOPTED.
50. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Water & Sewer System Junior Lien Revenue Refunding Bonds, Series 2000B; including authorizing the Finance Working Group to proceed with the sale of such Bonds, approving and authorizing distribution of the Preliminary Official Statement related to such Bonds, approving matters incidental to the issuance and sale and making various findings and provisions related thereto; and declaring an emergency – **(This was Item 17 on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBERS CASTILLO and BONEY)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Castillo and Robinson absent. ORDINANCE. 2000-641 ADOPTED.
51. ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approve and award an amended contract with **CHARLES D. GOODEN CONSULTING ENGINEERS** for Reconstruction of Brittmoore from Hammerly to Clay Road, GFS N-0597-01-2 (N-

0597-01), Approved by Ordinance No. 99-55 on January 27, 1999; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO – (This was Item 33 on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ, TATRO and KELLER)** – was presented.

Council Member Keller moved to postpone Item 51 one week, and was seconded by Council Member Ellis.

Upon questions by Council Member Boney, Council Member Keller stated that he had originally tagged the item because he had a number of issues and questions and there was a meeting where he was requested to put in writing a couple of other requests, he had wanted the scope of services detailed and the original proposal with Charles D. Gooden Consulting Engineers and was told he had to put it in writing to get the information even though dozens of times since he had been here he was able to get the original proposals from Building Services and Public Works and the director assured him he would meet with him in reference to clearing it up, but since he was required to put it in writing it caused more of a delay and he wanted the scope of services as defined by the City of Houston and Texas Department of Transportation as they were similar, but he did want to review them and since the delay occurred and it was not his fault or the fault of other Council Members who attended the meeting he thought it would be appropriate to delay the item one week so they could respond to the questions. Council Member Boney stated that he would support the week's delay, but he was looking for consistency and the company had done the work throughout the years for the city and Public Works issued the RFPs and RFQs and he just wanted a consistent, reasonable, valid system in process across the board.

Council Members discussed Council Member Keller being asked to place his request for information in writing; and Mayor Brown stated that there was no need to place requests in writing and it would be taken care of.

A vote was called on the motion to postpone Item 51 one week. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. MOTION 2000-0881 ADOPTED.

52. ORDINANCE appropriating \$3,500,000.00 out of Airports Improvements Fund and approving and authorizing professional services contract with **PRICEWATERHOUSECOOPERS LLP** for Professional Accounting Services for the Houston Airport System; Project 574, CIP A-0434 **DISTRICTS B - GALLOWAY and E – TODD – (This was Item 40 on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBERS TATRO, ROBINSON and GOLDBERG)** – was presented.

Council Member Tatro stated that he had submitted a letter in writing to Ms. Culbreth but had no response yet; that he planned on supporting the item, but would ask to be provided his response within the next week.

Council Member Robinson stated that he too would support the item, but Mr. Steve Smith with Aviation would be leaving for an opportunity in Atlanta and he wanted to thank

him for his help on this item and for his work in the Aviation Department; that he would be greatly missed as he moved on.

Council Member Boney stated that he would echo Council Member Robinson and asked Mr. Smith to stand to be recognized and congratulated him on his new job.

A vote was called on Item 52. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. ORDINANCE 2000-642 ADOPTED.

53. ORDINANCE appropriating \$9,987,200.00 out of Airports Improvement Fund, CIP A-0347, A-0386 and A-0424, awarding construction contract to **CONSTRUCTION, LTD** on low bid of \$8,997,442.00 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$270,000.00 for Light Aircraft Hangars and A/G Building Expansion at Ellington Field (EFD), Project No. 515 - **DISTRICT E – TODD – (This was Item 44 on Agenda of June 28, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that as promised as each contract under ROCIP came to the table he wanted to provide an analysis of the particular contract and distributed information prepared by him to Council Members showing why it was not being enrolled in the ROCIP Program which was that all three analysis showed the city would have lost money; and stated that he was glad the right decision had been made, however, the same analysis held true on particular contracts that were enrolled in ROCIP and he was looking for consistency and a standard analysis; and he did appreciate the Administration's and F & A's fair analysis and hoped this was a trend they would hold to. Council Member Sanchez absent.

A vote was called on Item 53. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Member Sanchez absent. ORDINANCE 2000-643 ADOPTED.

Council Member Castillo stated that he would like to add his tag to Item 28, the ordinance requesting a loan from the Housing Authority at this time. and also wanted to ask if this could go to a committee where everyone could hear it and have an opportunity to ask questions as normally this type of issue would go to committee. Mayor Brown stated that Council Member Castillo's tag should be added to the item and that it would be referred to Council Member Boney's committee. Council Member Sanchez absent.

Council Member Keller stated that he would like his tag added to Item 28 for the same reason. Mayor Brown stated that Council Member Keller's tag would also be added and they would ask that Council Member Boney take it up at his committee. Council Member Sanchez absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Parker stated that she was saddened to find over the weekend to find the death of Vanessa Bob; that she had not known her well but had met her through

her duties of the city; that she was a longtime activist dealing with HIV and AIDS, in addition to fighting the disease in her own life, she served on the Brian White Planning Council for a term and she was raising a couple of beautiful little girls and spent a lot of time and energy educating others on HIV and AIDS; that among all other things she also was involved in the community; and she wanted to say she would be missed in the community. Council Member Sanchez absent.

Council Member Castillo stated that the issue brought to Council regarding Logan Street prompted him to get an application for building permit including a copy of that specific one and he would like to suggest because on the front of the residential building permit application there was a space for all details including the proposed occupancy use and the back of the form had an affidavit where the applicant swore to the deed restriction status of the neighborhood and that part of the application had a part that was sworn to so it had a criminal penalty of falsehoods on the deed restriction waiver, but on the front where you declare the building use occupancy that had none and he would like Legal to see if they could impose a requirement for notarizing the building permit application side so a criminal penalty could be attached to that also. Mr. Bibler stated that they could do that but even without that it was quite a serious crime, he thought a Class A misdemeanor, punishable through the District Attorney's Office, to submit a false governmental record and he would not close the door on the possibility that the owner knowingly presented false information on the front side of the document that they could not do something even if state laws did not exist and he certainly intended to suggest that the Planning Department visit with the District Attorney's Office about the document. Council Members Keller and Sanchez absent.

Council Member Castillo stated that the Cesar Chavez High School was about ready for occupancy, it was a beautiful building and he would encourage Council Members to visit; that it was at the corner of Old Galveston Road and Howard Drive and the mascot would be a lobo, a wolf. Council Members Keller and Sanchez absent.

Council Member Bell stated that he wanted to commend the Administration, Parks and Recreation Department and Reliant Energy, and specifically from the parks Department Susan Christian who spent from 5:00 a.m. until late in the evening at the event, but it was a tremendous event; that last year when Reliant Energy announced it would be the last Power of Houston they promised something would replace it and they were certainly true to their word; that it was a fantastic fireworks demonstration and his father had visited and could not keep talking as he said it was something he had never seen; and he hoped it would become a tradition in the City of Houston. Council Member Sanchez absent.

Council Member Goldberg stated that he wanted to remind the public that over the weekend the Southwest Freeway would be closed while the construction company prepared to demolish another bridge; and he wanted to elaborate on what a good job the Williams Brothers Contractors had done; that the bridge demolition was a month ahead of schedule and they were also working on the 610 Loop and West Loop and had done an excellent job. Council Member Sanchez absent.

Council Member Robinson stated that the CAO, Al Haines, had asked that they try and hold a special called committee meeting on water issues and he wanted to give Council Members advanced notice they would try to schedule for next Thursday or Friday

and it was in response to the memo sent out by Gary Ordat regarding a number of questions raised by Council Members and he wanted to give them a chance to delve deeper into the process relative to the Northeast Water Plant and how it related to the ground water reduction plan.

Council Member Robinson stated that the Sports Authority had floated out the framework for a tentative proposal and he like other Council Members had questions and he would like a chance to visit with them before they had a chance to finalize anything relative to committing the city in terms of expenditure; that he was interested in a return to the taxpayers of Houston on any investment they were called on to make under that agreement; that in principal he was very supportive of the arena but had questions relative to naming rights, ownership of naming rights to the garage, compensation for any kind of non-compete clause as it related to the Compaq Center and he was also hoping they could start the process of some kind of financial analysis relative to the city's capacity to invest in the arena and he did hope someone would compensate them for undertaking the financial analysis and he also felt it was imperative to be given some specific and solid and substantive detail of what was being described as the NHL subsidy measure; that he wanted to be sure no one was overlooked; and he looked forward to working with the Mayor and members of the Sports Authority on this so they would have what he thought was another important piece of the downtown puzzle and that as another arena. Council Member Sanchez absent.

Council Member Quan stated that he would like to echo sentiments expressed by Council Member Bell regarding the Fourth of July Celebration; that he thought it was wonderful event and he did commend Reliant. Council Member Sanchez absent.

Council Member Quan stated that he wanted to mention the election of Mr. Fox as President of Mexico; that he thought Houston had an excellent opportunity to reach out to their neighbors to the south and show how Houston was a city really wanting to do more business with Mexico; that he talked of going to visit other cities and he would like Houston to extend an invitation to him and to continue to look at ways to be good neighbors in the area of the day labor sites and he would like to work with the Mayor on that and in seeing what Houston could do to establish themselves as a key player in this region of the world. Council Member Sanchez absent.

Council Member Tatro stated that it was an excellent Fourth of July Celebration, the weather cooperated and he wanted to commend everyone involved, but they did need to work on dispersing people in and out. Council Member Sanchez absent.

Council Member Tatro stated that there was a heavy trash problem in his district; that last week's was still not picked up and they were told it would be picked up by working through the weekend and they may have but his area was not picked up and he would say the Heavy Trash Program was broke in one way or another and there was a mosquito problem and it turned the neighborhood into a war zone; that he would ask the Mayor to analyze it and see what was needed and do what was needed then to provide service in a timely manner. Mayor Brown stated that the heavy trash collection process was not broken, there was some rerouting and there was money put into the budget to notify people of the changes so this was temporary. Council Member Sanchez absent.

Council Member Tatro yielded to Council Member Goldberg who stated that today his office had received about 50 calls and the problem was they were told last weekend it would be done over the weekend and when you tell constituents that they expect it and if it could not be they should have told the Council Members; that he would like to meet with Mr. Bass to get a clear explanation as to what the problem was so the information could be passed on. Council Member Sanchez absent.

Council Member Tatro stated that they received calls regularly throughout the year regarding heavy trash and this was an escalation of that, but that was why he said the process was broke because if it was on a monthly basis there was something lacking in the system. Council Member Sanchez absent.

Council Member Keller stated that frequently it was publicized that the city was low in its blood supply; that he believed in January 611 Walker held a blood drive and it was overwhelmingly successful and he would propose that the city hold more blood drives in unison with the Gulf Coast Blood Center; that he felt the city could request a donor coach in the parking lot behind the Annex or along Bagby and if they would like his office would organize a scheduling of that coach. Council Member Sanchez absent.

Council Member Keller stated that tomorrow the Carol Vance Unit of the Texas Department of Criminal Justice was having a tour and he was going and it was a unique program which many were aware served as a model to the country; that it had a great rate of recidivism, which he would guess meant it did not repeat itself; that he hoped many would be able to join them and they were leaving at 11:30 a.m. from City Hall and would return at 4:00 p.m. Mayor Brown thanked him and stated that they would work with him on the blood drive. Council Member Sanchez absent.

Council Member Boney stated that last Thursday Magic 102, particularly the Box 97.9, had a special program where they gave free concert tickets for those who allowed themselves to be tested for HIV and AIDS and over 700 were tested and given tickets and he wanted to shout out to all who were a part of the effort and congratulate them on their tremendous work; that they had discussed previously setting aside a day for the Mayor and Council Members to be tested and the Mayor and Council Members Parker, and Robinson and himself agreed and next week they would talk about particular dates with Dr. Kendrick; that they would also like to see about buying testing capacity for all City of Houston employees. Council Member Sanchez absent.

There being no further business before Council, the City Council adjourned at 11:05 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Keller. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Todd absent on personal business. Council Member Vasquez out of the city. Council Members Sanchez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary