

City Council Chamber, City Hall, Tuesday, July 25 , 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, July 25, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Citizens Assistance; Ms. Martha Stein, Agenda Director present. Council Member Carol M. Galloway absent on city business.

At 2:05 p.m. Mayor Pro Tem Boney recognized Council Member Goldberg for a presentation. Mayor Brown, Council Members Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated he had a proclamation for the 10th anniversary of the Night Court 2000 Show, that it was a musical show done every year for the past 10 years and benefited the Houston Bar Foundation which raised money to help people who could not afford attorney, they did literacy programs, a program called Legal Line where people could call up using the telephone and get advise from an attorney, that the musical raised a lot of money annually, and presented the proclamation to Ms. Judy Frow, Director and Ms. Debra Baker, Producer, which stated that Lee P. Brown, Mayor of the City of Houston proclaimed, Friday, July 28, 2000 as Night Court 2000 Tenth Anniversary Day. Mayor Brown, Council Members Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Crow stated that they were present on behalf of the Houston Bar Association to strongly request they do something about the roads in Houston, that they felt so strongly about the bad shape of the roads downtown, that the lawyers could not get to the courthouse to try cases, that they were wondering around downtown crying and whimpering, their cars are wrecked, and they felt so strongly about it that they devoted almost half of the show to the discussion of the very sorry shape of the Houston Streets and introduced Ms. Daina O'Kane and Mr. Jim Benton who performed an excerpt from the show "Courthouse in Downtown".

At 2:12 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Vasquez lead everyone in prayer and pledge of allegiance.

Mayor Brown stated that over the last few days they had a number of incidents involving the Fire Department and knew there was a lot of concern amongst members of Council as was the case with the public and himself and had asked Chief Tyra to come over, and before they went into the public session, give them a briefing of where they were with the cases.

Council Member Boney moved to suspend the rules to hear from Chief Lester Tyra, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway absent on City business. MOTION 2000-0940- ADOPTED.

Mayor Brown stated that there were about four incidents under investigation and indicating that they were of great concern and asked that he give them a briefing as to where they were in the investigation and what steps were being taken.

Chief Lester Tyra appeared and stated they had four very serious incidents they believed warranted a very thorough and complete investigation and if wrong doing was found in the investigation they were going to take action, that the oldest of the four incidents occurred on June 10, at Broadway Square, and involved a non-transport of an individual by a BLS (Basic Life Support) unit, that an investigation was conducted and in the administrative report provided to his office yesterday both of those individuals involved in that incident were found to have violated the operational guidelines and rules and regulations of the Houston Fire Department and were terminated because of their failure to act properly, that they were indefinitely suspended and had their appeal process available to them and would be going through that process, that the second incident involved the incident at Station 18 with Daniel Lopez and that was currently under investigation by the Office of Inspector General and he had been notified that the report was forthcoming either that afternoon or tomorrow at latest and they would take an administrative review of that finding and take whatever administrative actions were necessary if there were rules or operational guidelines violations in that particular case, that the third incident involved a two year old case that occurred in June of 1998, that the Office of Inspector General also had that particular case, that they did not have a time line from his office as to the outcome of that particular investigation, that they knew that they had been expediting those types of incidents because of the seriousness of the violations that were alleged and thought that would be forthcoming within the next week or two also, that the fourth incident occurred over the weekend and had been rumored throughout the department all day yesterday and a complainant did come forward about 4:00 p.m. yesterday afternoon and filed a complaint on a BLS (Basic Life Support) transport that transported a young lady, about nine years old, in route to a code one as they referred to them and the ambulance stopped at a fast food restaurant in route to the hospital, and that was also under investigation by the Office of Inspector General and they asked that it be expedited also.

Mayor Brown stated that having what appeared to be an unusual number of cases coming together was there any logical explanation that Chief Tyra could make as to why it was happening.

Chief Tyra stated that if they looked at the history of the department and the amount of responses they made, they could go months without those types of incidents occurring, that if they asked the public to come forth with what they believed to be violations they wanted to make sure that they maintained the highest level of emergency services, both on the Fire and EMS side, that their public scrutiny had been increased by the original case, that those type of employees that did not want to conform to the rules, regulations and guidelines of the Houston Fire Department could find other employment, that under Mayor Browns administration they were required to do continuous management improvement so they reviewed all of their guidelines annually, that Dr. Persse was responsible for patient care and juvenile transport policy and had recently concluded a second review of those since their implementation in September of 1998 and the policies were very sound and had been updated for terminology changes only and would be reprinted in new form, but as far as the operational guidelines of their ALS (Advance Life Support) units, BLS (Basic Life Support) units, Juvenile Care and Walk In Policy they believed they had some of the strongest in the Country and had been modeled by other entities and they felt very comfortable with them, that in any organization they had people who attempted to take shortcuts or found violation a way of life and those people needed to be weeded out of an organization such as Houston's, that they had a service to provide

the community and they must do it with the highest level of confidence from the community, that there were several things they did to get the message out to other members of the Fire Department of rendering services when requested, that Dr. Persse and the EMS Command on a regular basis held medical management conferences, that was when they bring the paramedics in and restate some of the written policies and how they could improve on them, that also in April 2000 they notified all of their members about the Walk In Policy, that the Police Department had partnered with the Houston Fire Department under the Panda Program where children could come into the fire station and seek aid, so in April they re-enforced that policy, that upon identification of the first incident that occurred he notified the operations chief, Chief Trevino and Chief Campbell, and instructed them to personally call every shift commander and every district chief in their department and instruct them to hold a conference with their members to review the policies and guidelines, that after thorough review of everything they had done they were now issuing a bulletin and requiring all the members to completely and thoroughly read and review the documents that were in place by August 31, 2000, that dispatch did not have any relation to the incidents he had described, that all the cases occurred in field operations and were not because of a dispatch operation failure.

Council Member Boney asked Chief Tyra to provide to his office and other Council Members offices who may be interested, a copy of the relevant policies relating to Walk In, Patient Care and Youth Treatment, that he could give them more than he was asking for but what it was that he restated and sent out to the department that related to the four incidents so they could also have a chance to look at those policies and understand them, and asked if the issue on the June 10th non-transport was that the case where the young man passed away, and Chief Tyra stated yes, that he was deceased on the second response, that the complainant on the two year old case did not come forward until the original case of Daniel Lopez was brought to the media attention on June 18, 2000, and Council Member Boney asked Chief Tyra if they had considered having another training seminar for everybody who was in EMS and Chief Tyra stated that their EMS personnel were required to re-certify on a regular basis, so they did go through a training on a regular basis, that he was going to get with Dr. Persse and try to institute some patient care and Houston Fire Department Guidelines in that re-certification as part of the re-certification process for both EMT's and paramedics, that as to what the officers were thinking in the particular incidents, he would have to refer that to the OIG because they had been given their notice and taken statements and were not allowed to talk about the incident amongst themselves, so he really did not have any feel for what their justification was, that it was under appeal and he would respectfully request that the appellate process take place before they discussed publicly those views of those individuals so they would not destroy their rights to an appeal,

Council Member Sanchez stated he had a conversation with the Chief just a few hours ago and asked him when the decision was made to suspend the firefighters in question on the incident regarding Mr. Ruiz at Station 36, and Chief Tyra stated they took action on the two individuals at 11:00 a.m. and 11:30 a.m. yesterday morning, that Council Members had not been notified because it had not been the past practice, and Council Member Sanchez stated that a local news agency had the memorandum that was written to firefighters, police officers and Civil Service Commission from Chief Tyra on July 23rd, and Chief Tyra stated that the 23rd was a Sunday and he had not written any memos over the weekend, and Council Member Sanchez asked on an eight hour shift how many calls did dispatchers take on an average, and Chief Tyra stated that he

did not have that but would provide it to him, that he wanted to provide accurate information and not a guess.

Council Member Keller stated he had his office call and they got a number of 1,100 as an average, and he applauded Mayor Brown for bringing it up at the front of the meeting, that they all believed that public safety was the number one function of government, and he asked Chief Tyra when he fired the two people, did he replace them, and Chief Tyra stated they would be replaced through the cadets, that they would balance manpower by staffing with transfers, that the full time equivalent was replaced through the academy, and Council Member Keller stated that as a district Council Member he received a lot of phone calls about chemical leaks, trucks turning over and others and asked if there was some way that they could start being notified when there was something that qualified as an emergency, so that someone in the crowd would not know more than they did, and Chief Tyra stated that he would be happy to administratively sit down with staff of Council to determine a way that they could notify and identify what Council Members believed to be an emergency and what level they would want to be notified, he had no problem about that and with the understanding that investigations that went to the OIG or the Internal Affairs Division would have to remain confidential until completion.

Council Member Bell asked at what point did it become more than a series of isolated incidents and become a trend within the Fire Department, and Chief Tyra stated he could not answer that but would think it would have to be almost daily occurrences of that magnitude that they would have to say they had a crisis, that three of those incidents occurred in the last 60 days and one occurred two years ago, that he knew they dealt with a lot of emergencies, some 359,000 medical responses last year and 31 formalized complaints up until last week, that he could not identify when the crisis would be because they were not the same people, they were very isolated and serious incidents and they were taking an administrative look at each one of them to make sure that it was not a trend of the organization. Council Member Boney absent.

Council Member Bell stated he would allow that Chief Tyra had made some very positive changes in the Fire Department which had been pointed out and they had to take note of that, but it became a serious point of concern when they had repeated visits by union members, the rank and file, telling them that morale had never been lower in the Houston Fire Department, and he had to worry as a policy maker in the City at what point was the poor morale in the Fire Department impacting performance and a case could be made that it had begun to affect performance by what they had seen recently, and Chief Tyra stated that his take on that was that the men and women of the department continued to provide very fine service and they did have those isolated and serious incidents and took action on those people, that he had an open door policy with the union and any other employee organization, that they had offered the union the opportunity to come forth with any type of organizational plan or suggestions for improvement, that when they identified some of those in the media he wrote letters to them and asking them for specifics so they could begin working on them, identifying the specific problem and providing a solution to their concerns. Council Member Boney absent.

Council Member Robinson thanked Mayor Brown for having the Chief come over so they could have this conversation, that one of his concerns was that he would hate for this conversation to denigrate to the level that the incompetence or the stupidity of a few

members of the Fire Department became a generalized slur against all the members of the firefighters, the professional men and women who served, that he would hope that low morale in the Fire Department would not be such that the men and women in the Houston Fire Department would start doing their job ineffectively and inefficiently, that he was interested in facts, that he would simply ask that, for instance the issue that Council Member Castillo was involved with he would like to know at the appropriate time what the investigation showed, that they should take it out of the context of one given incidence and deal with it in terms of policy solutions, that he was going to visit with his friends in the firefighters union, that he thought they had some responsibility to come forward and visit with members of Council relative to any possible backlash or misunderstanding that the action of a few may bring that somehow all the men and women of the Fire Department and Union were incompetent or incapable of performing. Council Member Boney absent.

Council Member Castillo stated he was thinking if he resented the implication that those of them who spoke up when incidents came to their attention was exploiting the situation and demigoding on the issue, that those of them who spoke up was because people called them, that they were representatives of the people who elected them, that they could not turn a deaf ear because they might not like the repercussions from the Fire Chief or the Mayor or that the Firefighters Union might not give them a campaign contribution, that they were there for a higher calling than that, that they ought to try to find out what the problem was instead of trying to find excuses and pointing fingers, that he would like to know why the majority of the incidents were taking place in his district, was it a problem with communication, did the people who worked in those fire stations and facilities have a failure of communication so to speak, that he did not know that it was the case but they ought to look at it, that he did not know if Chief Tyra was being sandbagged or sabotaged, but he disagreed that it would take a daily occurrence to establish a trend, to him the trend was established and a lot was happening in his district, that a lot of it was people that had language problems and people that really ought to be carried to the hospital, and whether they could fix it immediately or take retraining one of the questions he had early on was whether firefighters had a requirement for continuing education once they leave the academy, and Chief Tyra stated yes, that there were two levels of continuing education in the Fire Department, (1) Medical Continuing Education, which was under the direction of Dr. Persse and was required of EMT's and paramedics on an annual basis by the Texas Department of Health and (2) the second level of training and continuing education was provided through the Fire Training Academy and their continuing education program, that when he took office in March 1998 the average training per month per firefighter was 5.1 hours per month, that today that average was 31 hours continuing education per month which was above the State requirement of 20 hours or 24 hours depending on which entity they wanted to look at, but 24 hours was the benchmark of training, so they exceeded State requirements for continuing education, that they did an annual review of all their administrative guidelines, that there were three volumes of guidelines, administrative, operational and EMS, and Council Member Castillo asked Chief Tyra how exactly were firefighters assigned to their different duty stations and Chief Tyra stated by seniority, that they could promote through the Civil Service Examination or could transfer between the various stations and shift using their seniority, that most of the aggressive firefighters sought the inner city because of the amount of medical and fire responses that took place inside the loop within the City, and Council Member Castillo asked if they had to seek blood before someone was reprimanded severely or did they have a zero tolerance policy, and Chief Tyra stated they had to

evaluate the incident and the violation, that was part of the administrative review, that they used progressive discipline and when they found severe violations that were just blatant violations of the rules and regulations guidelines they were going to take immediate action to get those people out of their system.

Council Member Todd stated he agreed with Council Member Castillo that it was unfair when Council Members spoke up on issues affecting public safety, whether it was law enforcement or fire protection, that it was unfortunate that frequently those Council Members automatically got attacked as demagoging or using it for political purposes, that in this case public safety was the first duty of government, that in the particular case where he differed from some of his colleagues was the implication that somehow those incidents were all in one part of town, that when they stopped for food on the way to the hospital or refused medical treatment for whatever reason that was different from not being able to find an address, that was an error in judgement and thought the burden was on the Fire Department to have swift punishment, and stated that because they had Civil Service Rules in place they could not just come down and automatically fire them, but it was his understanding that they had already been suspended, and Chief Tyra stated that the incident that was reported over the weekend he instructed Chief Britt upon notification of the complaint they remove that person and put him on administrative leave, and Council Member Todd suggested that with the EMT's if they made a simple error it was one thing, but if it was an error in judgement he thought it would call to question their license, and asked if they had a policy to go ahead and notify the State or the Department of Health, and Chief Tyra stated it would be Dr. Persse, because the medical direction came under the Medical Director's review, and he would make the recommendation as to whether they should continue as an EMT or paramedic. Council Members Keller and Castillo absent.

Council Member Ellis asked Chief Tyra if he came up through the ranks of the Fire Department and was he the president of the Local 341 and Chief Tyra stated yes, and Council Member Ellis asked if at that time he would consider that he had a good relationship with the Fire Chief, and Chief Tyra stated there were numerous fire chiefs during his career, some were good and some were bad, that in his relationship with the president of the Local 341 they had the ability to communicate and talked on a regular basis, that if there was a problem with morale it would not stem from that relationship, that as to continuing education was the State Commission of Fire Protection required them to re-certify annually on certain curriculums, that they had completely revamped the employee reevaluation form and it was approved by the Civil Service Commission in January and they had a more subjective review based on each rank rather than the generalization they used to use, and Council Member Ellis stated that they said that their polices and practices were in place, the evaluation of the personnel was great and that continuing education was at a higher standard than the State required and asked Chief Tyra what he perceived was the problem, and Chief Tyra stated he could only quote them what he was told yesterday and both individuals told him it was just oversight, that they did not offer it as an excuse, just their reason, that he could not speak for the other ones because the investigation was not concluded but he did believe they were very severe cases that they had to take notice of, but believed they were very isolated cases of individuals not wanting to follow the guidelines, and Council Member Ellis stated that it disturbed him that once again the media found out about the incidents and there was no notification and wished they could figure some way that everyone around the Council table could be notified as to what was going on so they could respond to their



constituents, that they needed to be made aware, and Chief Tyra stated he would be more than happy to work out a solution as to what level of emergency or documentation that the Council Members would like to be notified, that they could certainly provide that. Council Member Castillo absent.

Council Member Sanchez stated that one of the issues he had looked at that concerned him was that in at least two particular incidents it was reference as to how much it cost to transport the patients to the hospital, and understood that disciplinary measures had been taken in one incidence and asked Chief Tyra if he believed his job ended once the disciplinary measure had been taken, and Chief Tyra stated absolutely not, and Council Member Sanchez asked what steps he had taken to inform firefighters, particularly those that were not of the Hispanic language or culture, to insure that reference to the cost associated with transport to a hospital were not brought up, and Chief Tyra stated that would be included in Dr. Persse's medical management conferences, and Council Member Sanchez stated it was a public policy issue and asked Chief Tyra if he did not feel it was incumbent upon him to issue a memo to the firefighters that at least in a couple of incidences he had noticed that a cost associated with transporting patients had been brought up and he believed it was inappropriate, and Chief Tyra stated they drafted the memo and it had not been issued, and Council Member Sanchez stated that last week the City Council agreed to an \$80,000 judgement on a policy of units responding and asked if Chief Tyra had reviewed that policy, and Chief Tyra stated yes, that they took measures of progressive discipline, that in regards to where there was death or injury they had to take a serious look at the violation of the policy and take appropriate action as warranted by their action, that he had changed the policies when he became Fire Chief, that the policy on approaching intersections had not changed, they did not bust intersections, that the dispatch center would be operational in March 2002, that critical resource dispatching was logged and electronically tracked. Council Member Castillo absent.

Council Member Tatro stated he believed they were isolated incidents and should not reflect on the union and activities of the firefighters and their commitment, that he believed that the morale issue was real and from what he had seen in the last year and on the horizon he was very concerned that it was not going to get any better, that when they had short staffing because of overtime, retirement staffing problems and a two year plan to fix it, he did not know if they could wait for the two year plan to kick in so he did see it as a morale problem, but did not see the incidents as indicative of that and truly believed they were not, but did have concerns about the administrations response to meet and confer process, the administrations priorities to the union, although those were not indicative of the morale, that with the administrative things they were doing to compensate for the short staffing and low overtime he believed those were steps they did have control of and thought they were heading in the wrong direction and did not see the light, especially indicative of what they knew was next years meet and confer, both police and fire, and next years health care, increased bonding and Metro transfer, so he did not know what the solution to the problems were. Council Member Parker absent.

Council Member Boney stated they had consistently over the course of the most recent time rewarded their police and fire units with significant compensation increases, but they must remember they also had civilian employees too that did some awfully good work under some awfully difficult conditions, that they had Public Works employees who went down in holes in the ground and risked their lives, they had Solid Waste employees

who picked up trash and garbage, that they also had to be considered when they talk about morale issues and they did not benefit from any salary increases as well; that he hoped that Council Member Castillo did not perceive that he was attacking or suggesting demigoding on the part of any Council Member, that he was only suggesting and admonishing them to remember issues of balance, tone and language when they debated those issues that obviously were appropriate for public discussion, and finally he stated to Chief Tyra that he thought it was useful to maintain some general statistics on key issues that were going to come up like the rate of ambulance calls and to put someone on his staff at least in position to readily try to generate that, and also look at the balance of the assignments of officers based upon experience. Council Member Todd and Parker absent.

Mayor Brown thanked Chief Tyra for being present and updating them on the issues in the Fire Department, that Council had been very responsive to the Fire Departments needs and the Council had increased the equipment by some 60% by buying new trucks, that they had also increased the Fire Departments budget more so than any other department in City government and had also approved a salary increase for police and fire that was record setting so he did not think there was any question in anyone's mind that Council shared his belief that public safety was the top priority and for them to have the number one Fire Department which was the charge given to Chief Tyra, that they would continue to do their part by making sure they had the equipment and personnel. Council Members Todd and Parker absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Galloway absent on city business. Council Members Todd and Parker absent.

Council Members Robinson and Vasquez moved that the minutes of the preceding meeting be adopted. Council Member Galloway absent on city business. Council Members Todd and Parker absent.

Council Member Vasquez moved to suspend the rules to add Ms. Glenda Barrett to the speakers list, seconded by Council Member Keller. All voting aye. Nays none. Council Member Galloway absent on City business. Council Members Todd and Parker absent. MOTION 2000-0941- ADOPTED.

Ms. Glenda Barrett, 14958 Bramblewood, Houston, Texas 77079 (713-942-7275) appeared and stated that she had some handouts for Council, that she was Executive Director of Park People, a nonprofit group for parks and greenspace in Houston, that she was present to ask their support of a very important piece of legislation that could provide significant sources of income for parks and the conservation of greenspace, not just in Houston but all over the Country, that she was sure they had heard about it, The Conservation and Reinvestment Act or CARA, that it had passed the House already and was in the Senate, Energy and Natural Resources Committee, chaired by Senator Murkowski and was Senate Bill 2123, that many of them knew that in 1964 Congress passed The Land and Water Conservation Act and they all thought it was great, that the law dedicated \$900 million dollars every year from the fees paid to the Federal Government for offshore oil and drilling leases rights to be used to save the open spaces and outdoor resources, that for several years The Land and Water Conversation Act Fund was used to purchase some of the most important parks in Texas, in fact the Chronicle stated half of them, and throughout the United States, that recently the fund



had been drained for other purposes and parks funding for the states had pretty much dwindled to nothing, that as they would see in the handouts, the articles from the Houston Chronicle, the new bill provided funding to create or expand parks and conserve forests, wildlife refugees and open space, that it also had a historic preservation part, that Texas would receive more than \$243 million dollars annually and a portion of that was specifically dedicated for urban parks, that with the new Parks Master Plan that called for major additions to Houston's park system it would seem that Houstonians could not afford to let the opportunity to slip by, that the Park People would request that either individually or as a body or even better both, the City Council give active support to the Conservation and Reinvestment Act, Senate Bill 2123. Council Member Parker absent.

Mayor Brown stated that they had been working on it, that lobbyists in Washington, D.C. were working at their direction, that it was something that was interest to most cities in America but not all, both large, small, rural and urban, and the U.S. Conference of Mayors had been working on it also, so they had full court press and was sure that Council would also be very favorably inclined to vote on the resolution that was before them tomorrow. Council Member Parker absent.

Ms. Nene Foxhall, 1600 Smith, Houston, Texas 77006 (713-324-5140) had reserved time to speak, but was not present when her name was called.

Council Member Robinson moved to suspend the rules to hear from Mr. Holden Shannon out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on City business. Council Members Boney and Parker absent. MOTION 2000-0942- ADOPTED.

Mr. Holden Shannon, 1600 Smith, Houston, Texas 77006 (713-324-2245) appeared and stated that he did real estate for Continental Airlines, that most of their work involved airport redevelopment, that for those on the aviation committee they were probably familiar with what they did in tandem with Rick Vacar's staff, that they did make a very significant off airport real estate move last year when they consolidated their 3,500 headquarters employees in Houston into one or two buildings downtown including 1600 Smith Street, that he thought it was a very successful move and they were very happy to be downtown and thought they worked very cooperatively with the then Lanier administration to make it happen, that they simply wanted to say they hoped they quieted some of the controversy regarding their proposal to illuminate the top of the building, they had worked with Greater Houston Partnership, Central Houston and also tried to factor in some of the expectations of the public in doing what he thought would be a very discrete and tasteful job blending in with what Scenic Houston called Houston's greatest asset, downtown. Council Members Ellis and Parker absent.

Upon questions by Council Member Keller, Mr. Shannon stated they did not personally write the ordinance, and Council Member Keller stated he personally hoped they would consider to just allow Continental to do it, that they were opening a can of worms with it that he was not sure that Mr. Shannon was aware of but he was in real estate so he might understand, that there were 30 to 40 buildings over 750,000 square feet of space, and that was not including the B class buildings, that if they did this it would start becoming a marketing tool also, that there were 40 to 45 tenants downtown that were 337,500 square feet and that number was significant because that number equaled 45% of the buildings that would be as the minimum 750,000 square, that they would have

a stampede of 40 to 45 companies that were also going to want signature or monument signage on top of the buildings that qualified in height and size, that all they were defining was size, that they could not legislate taste or type of corporation, that there were a lot of unknown's that were in the ordinance. Council Member Parker absent.

Mr. Joe Cesaratto, 1659 Milford, Houston, Texas 77006 (713-636-7209) appeared and stated that he had traveled a lot in the United States and had been to a lot of different cities and in no time had he ever seen any corporate logo on top of any skyline in any city, that he had been to Seattle and had not seen Microsoft on top of their building, he had been to Atlanta and had not seen Turner on top of any building there, and those were probably the most dominant corporate citizens in those markets, that the skyline belonged to the City and did not really belong to anybody or specific corporation and they could not let it happen, that Houston leads the Nation in billboard proliferation, and they were trying to clean it up and the last thing they needed to do was to take the downtown skyline and make it another marketing tool, that they were the fourth largest city in the Nation as Council Member Sanchez stated, they needed to start acting like the fourth largest city and be the city that they could be. Council Member Parker absent.

Mayor Brown asked if Mr. Cesaratto had ever seen the Coke or Coca Cola sign in Atlanta or the Houston Chronicle sign on their building, and Mr. Cesaratto stated that was on top of their buildings. Council Member Parker absent.

Council Member Todd stated it was his understanding that the sign itself would not say Continental, that it would just have the globe, that it would only have the logo, that in the backup it stated they could use a registered logo, and asked Mr. Bibler from a definitional standpoint what was a registered logo, and Mr. Bibler stated it was the one that they had registered with the government, that it could include numbers and letters and be either or both, that the definition of anchor tenants was 45% of usable space in a building with 750,000 square feet of usable space, and Council Member Todd stated that in the letter from former Mayor Bob Lanier it indicated that it was apparently part of the deal for Continental relocating in Houston and thought it was certainly a special factor that they had to take into account in the case of Continental, and he asked what was the potential for how many buildings could be affected by it, that it was indicated that there were 75 buildings and assumed that was correct, but how many buildings were out there that had anchored tenants with 45% of the space being occupied.

Mr. Bibler stated he spent a great deal of time on it trying to get information from different sources and there were several issues there, first the size of the building, and secondly there was the amount of space they occupied, and third whether the building itself would qualify, that their best estimate was that there were five or six or less buildings that in totality would meet the criteria of the ordinance. Council Members Boney, Parker and Quan absent.

Council Member Sanchez stated he appreciated what the speaker was saying, but if they traveled to New York, Las Vegas and other cities, they had substantial number of lights on the side of the buildings, that it seemed to him, under the ordinance, that Shell could project the Shell logo on the side of their building, and Mr. Bibler stated that no one had mentioned Shell and did not know if they had sufficient presence in that building or not. Council Members Boney, Parker and Quan absent.

Council Member Tatro asked if the ordinance specifically just related to the central business district in the downtown area, and Mr. Bibler stated yes, that it was something that had not been mentioned, and was one of the real inequities of the situation, that outside of the central business district they could do it and so by moving their offices a half a mile from Waugh Drive and Allen Parkway to downtown, Continental put themselves in a place where they could not have a sign, whereas if they had stayed there they could have had it. Council Members Parker and Quan absent.

Mr. Don Henderson, Hyatt Regency Hotel Downtown, Houston, Texas 77002 (713-324-2245) appeared and stated that he was General Manager of the Hyatt Regency Downtown and was currently the Chairman of the Greater Houston Convention Visitors Bureau and in both capacities was involved in all their efforts to promote Houston to the Tourism and Convention Industry, that they were all proud of the recent enhancements to the City and its destination appeal like Bayou Place's expansion, Enron Field, new aquarium restaurant, new downtown sports arena hopefully, but there were other distinctive things he thought could be done to distinguish a world class city, that he believed that what Continental was requesting to do was one of those distinctive ideas, that a light projecting on their building, their world headquarters depicting the Continental globe not only added a dimension that invited the world to visit Houston but it gives all of them, Continental's corporate neighbors, an association of which they were very proud, and he strongly urged them to support the request, and add another distinctive feature, another point of interest to the skyline and give the world one more reason, among many, to visit Houston, it was great for the economy. Council Member Parker absent.

Upon discussion by Council, Council Member Boney stated that he did not look at it as an item solely for Continental Airlines, that he believed it was a way of encouraging and rewarding major corporations that make major corporate investments and make Houston their world or national headquarters, that he did want to commend the work of Scenic Houston and Scenic Texas because he did think it was important that they have a balance, that when they went to New York City and Times Square they had signs everywhere and he did not want to quite go that far. Council Members Ellis, Castillo, Parker and Sanchez absent.

Council Member Bell stated he did not have anything against Continental Airlines, that they had been an incredible corporate citizen, but he would agree with Council Member Keller that it could have a tendency to open the door because there was not way to tailor finely enough to where it would only apply to Continental, and Council Member Keller stated that he still maintained that he would rather see it as just a one time only Continental. Council Members Ellis, Castillo, Parker and Sanchez absent.

Council Member Robinson stated that he was interested in getting some help between Mr. Bibler and Council Member Keller, and asked as to how many buildings that fit the description, and Council Member Keller stated that there were 20 buildings easily that fit and possibly up to 35, and Mr. Bibler stated that it was a combination of factors but agreed with that number, but they had to have a parapet or roof surface on which to project the display and a lot of the buildings did not have that and it also had to be a U.S. or World Headquarters, and a lot of the buildings did not have that, and a lot of the buildings who only had their name on it only occupied a floor because they did not have an anchor tenant that had that much space, and Council Member Keller stated it was easy to build a parapet, it was easy to become an international world class headquarters,

that those were all things that were easily overcome, that what he was telling them was that they were opening a Pandora's box and they needed to think it through a little more carefully. Council Members Ellis, Castillo, Parker and Sanchez absent.

Ms. Cece Fowler, 3015 Richmond, Houston, Texas 77098 (713-629-0481) appeared and stated that she represented Scenic Houston and Scenic Texas, that their downtown skyline was their symbol and one under which Houston had prospered, that the skyline known throughout the world had been imitated by other American cities, that architectural authorities had hailed Houston's particular collection of skyscrapers as a modern museum of 20th Century architecture, that now they were poised to pollute their symbol, and if they did that they announce that they were willing to make a choice to contaminate all that the symbol represented, that their skyline says "we are beautiful, we are sophisticated, we are a community that was successful, progressive and vibrant", that it was their civic duty to guard that symbol, that if they were having a hard time connecting symbols and logos think Pepsi atop the torch of the Statue of Liberty, that the history of the downtown skyline took major turn when Shell Oil Company decided to move its headquarters to Houston, that developer Gerald Hines persuaded Shell to avoid the commercial temptation to adorn its headquarters building, known as One Shell Plaza, with signage atop the structure, that the bold decision allowed the building itself to speak for the corporation, that if they wanted an enduring symbol, how about the Chrysler Building in Manhattan to which that corporation had recently decided to return, that all of them needed to remember their obligation to become good stewards of the community, that they needed to remember that they would be held accountable for their actions if they allowed their greatest manmade resource to be tainted then they must also own that the consequences will be long term, that the amendments to the sign ordinance for the benefit of one corporation, even a quality corporate citizen, will pave the way for a skyline that is peppered with signs just as surely as it would pave the way for further exceptions to Houston's sign code, that their downtown skyline was the cornerstone of the future and they must protect it or risk losing it forever. Council Members Ellis, Castillo, Parker and Sanchez absent.

Mr. Carroll Shaddock, 3400 Chase Tower, Houston, Texas 77002 (713-226-1223) appeared and stated that he was the Chairman of Scenic Houston, that first he wanted to pay homage to Continental Airlines, that it was a wonderful corporation, that their support for the arts and everything else in the City was truly exemplary, that they were doing a very good job in pursuing their interests at this point and thought that was typical and he applauded it, that he remembered when a visitor some years ago came to Houston to see him and upon seeing the downtown skyline made the observation that it was the flattest place he had ever been, but the people of Houston had decided to create a topographical feature, and he thought that was what they had done in downtown, that it was really exemplary and outstanding and one of the most wonderful things about the City, that just like the Allen Brothers built a city where there should not be a city, and just as they had a port even though they were 50 miles from the ocean, all of those things were not accidents, they were things that had happened because of the vision and foresight of people, that the people that had gone before them had really created something with their vision, both by the action of developers originally who taught many corporate clients out of having signs on top of the buildings, that it was something that had been going on for 20 or 25 years and they should pay homage to the people who did their job, and the former City Council made it a law so that they had very few signs on top of the buildings, that it was all not an accident, but now it was their turn, that as someone once said, the

world was a stage and they all had their part to play, and now had come the time for them to play their part, that they made many important decisions, but this was a decision that would really form an important aspect of what there city was like for decades to come and it would be their legacy, that it those buildings were their mountains or topography the proposal was to put the projection onto their mountain, that in the short run there was the question of who said what to whom, what might have been promised and what might have received, but he encouraged them to put those thoughts aside because he thought the issue was a long term issue and thought it was true with cities as with people, that when they pursue their long term purposes and needs they always will have a higher quality and more successful city then when they pursue what needed to be done in the short run, that those who went before them had done their jobs, the developers and the people who sat in those very seats, to deliver to this day the magnificent skyline, that Continental was doing its job by pursuing its interests in an exemplary way, but now it was time for Council to do their job, that what they did would be a very significant legacy of the City Council and each member. Council Members Ellis, Vasquez, Castillo and Parker absent.

Mr. Dan Moody, Jr., 6100 Hillcroft, Ste. 600, Houston, Texas 77081 (713-773-5502) had reserved time to speak, but was not present when his name was called. Council Members Ellis, Vasquez, Castillo and Parker absent.

Ms. Tammy Gorr, 1600 Smith, Ste. 4280, Houston, Texas 77002 (713-951-7414) appeared and stated that she was the property manager for 1600 Smith and represented TrizecHahn Office Properties, the owner of the building, that they wanted to vocalize their support for Continental Airlines on the issue, they believed that the proposal, as narrowly worded as it was, would serve Houston well in the long term and they supported Continental design, they believed that the signage would aesthetically pleasing and visible for short periods during the evening hours and would actually enhance the existing building lighting on top of the building, that for those who were not familiar with it they might remember that the building was currently illuminated at night. Council Members Ellis, Vasquez and Parker absent.

Upon questions by Council Member Keller, Ms. Gorr stated she had not talked to the Cullen family who were the original developers of the building, that they were no longer involved in the property, that she would think that the amendment, as was currently written was very narrowly written and would think that 20 other buildings downtown whose logo could not be legislated would never come to pass, that she did not think it would ever happen, that she thought Houston was a City that looked forward and was very proud of its past, that the Council was looking for the future of the City and making it even better than it was today, that there would certainly be a lot of money into building a parapet wall on a building that was 800,000 square feet and did not know of anyone who would go to that extent, that it would also have to be a national world headquarters for a particular tenant, that she honestly did not believe that logos that were objective and not architecturally legislated would ever come about. Council Members Ellis, Vasquez and Parker absent.

Upon questions by Council Member Todd, Ms. Gorr stated that TrizecHahn Office Properties owned the building, that they bought it from the Cullen Family and Prudential, that when real estate was bought and sold in the state if somebody who was selling the real estate did not want certain activities to go on there they could make that a condition

of the sale, that the Cullen Family and Prudential did not make it a condition of the sale, that she would assume that if it was important to them they would have made it a condition of the sale, that the current lighting scheme was setup to come on in the evening, that the sign would not be seen in the daylight hours, that Shell Oil and Oppenheimer were also tenants in the building, that to the best of her knowledge they had not voiced opposition to the signage. Council Members Ellis, Vasquez and Parker absent

Ms. Rhoda Armelin, 15235 Beechnut, Houston, Texas 77083 (281-561-7283) had reserved time to speak, but was not present when her name was called. Council Members Ellis, Vasquez and Parker absent.

Mr. Paul Gates, 934 Grenshaw, Houston, Texas 77088 (281-591-1236) had reserved time to speak, but was not present when his name was called. Council Members Ellis, Vasquez and Parker absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and voiced his personal opinions and sang until his time expired. Council Members Ellis, Vasquez, Castillo and Parker absent.

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266) appeared and stated that she was present to talk about 6823 Reed Road and the letter she received almost a year ago, that her son Ryan was now deceased, that she called Mayor Lee Brown to do their sidewalks for the handicapped kids, that on their sidewalk they had approximately six children with disabilities, that as of yesterday they started the sidewalks and she was very furious, although she lost her son, she was very furious that they were spending so much money and they had those people in her neighborhood digging up the sidewalks that she paid taxes for and they were doing a bumped out job, that Mayor Brown promised her a year ago about the sidewalks, that they should take another look at it before they put the cement down tomorrow because all the driveway past the easement was still messed up, that they left twelve sidewalks still there which was dumb, that they left twelve still cracked and it made no sense; that she also wanted to thank the Houston Fire Department, that they had problems there but truly it had been a blessing that they came to her house every time she called, that they got her to Texas Children's Hospital for 15 years, that she wanted Mayor Brown to give a letter to Officer Pilot, that for 8 years he came by to see Ryan and she passed an envelope for Officer Pilot to Mr. Cantu. Council Members Castillo, Parker and Sanchez absent.

Mayor Brown stated that Mr. Wes Johnson would meet with her and address the issues that she had brought to their attention and wanted him to report back to him what he had accomplished. Council Members Castillo, Parker and Sanchez absent.

Mr. Lane Randall Wilde, 8915 Prairie Street, Houston, Texas 77064 appeared and passed out a handout to Council and stated that he was present as a concerned citizen, that his proposal was for the City Council to establish a new or expanded version of the current ordinance which would prohibit the smoking of tobacco products in restaurants, bars, taverns and or nightclubs, that his feeling was that they were looking at a public health issue in that employees of the above said establishments and also the patrons were breathing in deadly carcinogenic, passive or what they called second hand smoke which was very detrimental to their health, that as a precedent on or about January 1998



in California, the California Legislature adopted a municipal ordinance, perhaps San Jose, that later became a statewide law, that under the California Labor Code Section 6404.5 which prohibits smoking of all tobacco products in all enclosed places of employment in the State, that the third point was a brief review of what they called smoking economics, that in Tucson, Arizona and parts of California after a six month period of time it was shown that the restaurant owners and night club owners actually showed a profit and that making the environment smoke free was not detrimental to the kind of money they were making, that he did not know exactly what the procedures were in regards to constructing legislation, that the other night he was in a nightclub, but he thought it was an infringement on his rights to have to breathe in smoke, that he was only in there for thirty minutes and after walking out he had it on his hair and clothes and it was a known fact that if they stayed within an enclosed area for a six hour period of time breathing in second hand smoke was the same as smoking three unfiltered cigarettes. Council Members Keller, Parker and Sanchez absent.

Mayor Brown stated they had his documentation and would take the time to read it and see what could be done. Council Members Keller, Parker and Sanchez 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 Keller, Parker and Sanchez absent.

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 Keller, Parker and Sanchez absent.

Mr. Donald Burns, 4315 Charleston, Houston, Texas 77021 (713-440-8038) appeared and stated that he was present to address the chickens at the 3900 block of Swingle, that the Animal Control called him, that they were not within 100 feet of a residence but they were 12 feet from a public telephone, there were barbecue pits and they were running their business from that corner and parking on a public street, which they would deal with the issue of the no parking signs, that Council Member Boney sent a letter to Traffic Management and Maintenance on the 13th, by inner office correspondence, that two weeks prior to that he went personally before he ever came to Council about any of his grievances on that corner he went to Traffic Management, that those were two issues that he would like to have addressed, that he thought that somebody in Animal Control that was getting maybe \$50,000 a year, that common sense said that if it could not be next to a residence or next to barbecue pits or a public telephone. Council Members Keller, Parker and Sanchez absent.

Mayor Brown stated they had Ms. Gloria Moreno to meet with him on the animal issues, that the no parking signs would be put up within 10 days, and Council Member Boney stated they did send a memorandum on the parking signs and would continue to work through the department and the Mayor's office on the animal control issue. Council Members Keller, Parker and Sanchez absent.

At 3:59 p.m. upon motion by Council Members Bell and Tatro the City Council recessed until Wednesday, July 26, 2000 at 9:00 a.m. Council Member Galloway absent on city business. Council Members Keller, Parker and Sanchez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, July 26, 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, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Lewis, Administrative Officer Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director and Ms. Karen Kelley , Agenda Office, present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Goldberg, Boney and Quan absent.

### **MAYOR'S REPORT**

#### **Consent Agenda (Items 1 through 32) were considered as follows:**

#### **MISCELLANEOUS** - NUMBERS 1 through 6

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON LIBRARY BOARD**, for terms to expire March 12, 2002:
  - Position 2 - **DR. EUGENIO A. AGUILAR, III**, reappointment
  - Position 4 - **MR. BARRY HUNSAKER, JR**, appointment
  - Position 6- **MS. ELISE ELKINS JOSEPH**, reappointment
  - Position 8- **MS. JUANITA ELIZONDO**, reappointment
  - Position 10 - **MS. KATHRYN L. E. RABINOW**, reappointment
  - Position 12 - **MS. RUTH ANN STIMLEY**, reappointment- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan absent. MOTION 2000-0943 ADOPTED.
  
3. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLUMBING CODE REVIEW BOARD**:
  - Position One - **MR. GERALD SPENCER**, for an unexpired term ending January 2, 2001
  - Position Two - **MR. JAMES WONG**, for a term to expire January 2, 2002
  - Position Three - **MR. ORLAN BITNER, SR.**, for an unexpired term ending January 2, 2001
  - Position Four - **MR. BENJAMIN ZERMENO**, for a term to expire January 2, 2001
  - Position Five - **MR. MARK CLAYTON**, for an unexpired term ending January 2, 2001
  - Position Six - **MR. CHARLES D. GOODEN**, for a term to expire January 2, 2002

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan absent. MOTION 2000-0944 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY:**

Position One - **MS. ALGENITA SCOTT DAVIS**, reappointment, for an unexpired term ending May 6, 2001

Position Two - **MR. JAMES J. SMITH**, reappointment, for a term to expire May 6, 2002

Position Three - **MS. ZINETTA BURNEY**, reappointment, for an unexpired term ending May 6, 2001, and as Chair, for a term to expire December 31, 2000

Position Four - **MR. BRIAN SMITH**, appointment, for a term to expire May 6, 2002

Position Five - **MR. FRANCIS PAGE, SR**, appointment, for an unexpired term ending May 6, 2001

Position Six - **MS. SYLVIA BROOKS**, reappointment, for a term to expire May 6, 2002

Position Seven - **MR. WALTER DAVIS**, reappointment, for an unexpired term ending May 6, 2001

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan absent. MOTION 2000-0945 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER NINE (South Post Oak Board of Directors):**

Position 3 - **MS. ALGENITA SCOTT DAVIS**, for a term ending 12/31/2001 and appointment as Chair of the Board, for an unexpired term ending 12/31/2000

Position 4 - **MS. NENE FOXHALL**, reappointment, for a term ending 12/31/2001

Position 5 - **MR. CHUCK JENESS**, reappointment, for a term ending 12/31/2001

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan absent. MOTION 2000-0946 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of **MR. BARON WALLACE**, as Chair, for a term to expire December 31, 2000 and the reappointment of the following to **REINVESTMENT ZONE NUMBER TWO (also known as MIDTOWN ZONE):**

Position Six - **MR. ALFRED FLORES**, for an unexpired term ending December 31, 2001

Position Seven - **MR. DAVID EDWARDS**, for an unexpired term ending December 31, 2001

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan absent. MOTION 2000-0947 ADOPTED.

Council Member Robinson moved to suspend the rules to take Items 30 and 32 out of order, and was seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2000-0948 ADOPTED.

Council Member Bell moved to suspend the rules to take Item 24 out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2000-0949 ADOPTED.

30. ORDINANCE granting to **WESTERN INTEGRATED NETWORKS OF TEXAS OPERATING L.P., a Delaware Limited Partnership**, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Galloway and Goldberg absent. ORDINANCE 2000-678 PASSED FIRST READING IN FULL.

Council Member Keller stated that he was for Items 31 through 32 but would strongly suggest the plan and legislation get done so that they could enforce the bandit utility companies from disrupting the streets. Council Member Goldberg absent.

Council Member Tatro stated that he also supported the items, but Houston was the market where the companies wanted to be, but last year a tax abatement was granted which he had said was not needed because of the market and it was incumbent for Council Members to realize that Houston was the market. Council Member Goldberg absent.

Council Member Todd stated that the franchise agreements were presented to the Regulatory Affairs Committee and both companies in Items 30, 31 and 32 made a detailed presentation; that digging in right of way was brought up and one company, Grande Communications, had offered to drill under the road so no street cuts would be required and Public Works was now looking at that and he was excited to have them in the city. Council Members Goldberg and Boney absent.

Council Member Keller stated that he was at the meetings and he was wanting to see a full plan on coordinating phasing, who was accountable for follow-through coordination and he was hopeful the field work would be defined. Council Members Goldberg and Boney absent.

Council Member Todd moved to suspend the rules to hear from Ms. Mosley, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg and Boney absent. MOTION 2000-0950 ADOPTED.

Upon questions by Council Member Todd, Ms. Mosley stated that the terms of the contract were that they needed to abide by whatever the city put in place; that there were also liquidated damages for not abiding by the rules or ordinances and it was made clear to the companies they were expected to follow whatever rules were in place meticulously. Council Members Goldberg and Boney absent.

Upon questions by Council Member Keller, Ms. Mosley stated that whether or not there was enough manpower to enforce it she would have to defer to Public Works as it

was their inspectors. Council Member Keller stated that if they did not Council needed to know as it was critical to have. Council Members Goldberg and Boney absent.

Council Member Robinson stated that all Council Members should have received a memo relative to the street cut ordinance from Mr. Lum; that it was in the Transportation Committee now and they were writing the regulatory scheme to go along with it and Mr. Lewis continued to have meetings with all of the telecom companies; that Mr. Lum's memo documented the increase in inspectors that would be working out of Public Works and he was comfortable the work they were doing would have appropriate oversight; that he wanted to thank Council Member Todd for the work he and his committee did and Ms. Mosley and Ms. Croy; and this was the best franchise agreement in the country for a city of this size. Council Members Goldberg and Boney absent.

Council Member Todd stated that he also wanted to thank Ms. Mosley and Ms. Croy for their work. Ms. Mosley stated that she would like to also add Ms. McAbee and the Legal Department and Ernest Davis and Jackie Smith to the thanks. Council Members Goldberg and Boney absent.

32. ORDINANCE granting to **GRANDE COMMUNICATIONS, INC, a Delaware Corporation**, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Goldberg and Boney absent. ORDINANCE 2000-679 PASSED FIRST READING IN FULL.
24. ORDINANCE approving and authorizing Landscape Cost Share Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, and accompanying agreement between the City and **TREES FOR HOUSTON**; for Landscape Improvements on two State Highway Intersections - **DISTRICTS C - GOLDBERG and E – TODD** - was presented. All voting aye. Nays none. Council Members Goldberg and Boney absent. ORDINANCE 2000-680 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 13

##### **LOW BIDS**

8. ORDINANCE appropriating \$187,870.20 out of Water & Sewer System Consolidated Construction Fund for Demolishing and Disposing of Water Storage Tanks for the Public Works & Engineering Department, CIP S-1000-L9B - was presented. All voting aye. Nays none. Council Members Goldberg and Boney absent. ORDINANCE 2000-681 ADOPTED.
- 8a. **J.T.B. SERVICES, INC** to Demolish and Dispose of Water Storage Tanks for Department of Public Works & Engineering - \$178,924.00 and contingencies for an amount not to exceed \$187,870.20 - Enterprise Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; F - ELLIS and G – KELLER** - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Boney absent. MOTION 2000-0951 ADOPTED.

**OTHER**

12. **AMEND MOTION #2000-213, 2/16/00, TO INCREASE** quantity and amount to purchase nine additional Microfilm Readers for a total increase of \$25,875.00 for Library Department, awarded to **BERGER MICROGRAPHICS** - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Boney absent. MOTION 2000-0952 ADOPTED.
13. **HUGHES SUPPLY, INC dba INDUSTRIAL INTERNATIONAL, INC, Bid #1** for PVC Pipe for Department of Public Works & Engineering - \$356,178.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Boney absent. MOTION 2000-0953 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 32

- 14a. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer System Consolidated Construction Fund and approving the interim funding agreement between the City of Houston and the proposed Houston Area Water Corporation; authorizing the Mayor to sign the Interim Funding Agreement when the Houston Area Water Corporation is created – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
19. ORDINANCE consenting to the addition of 205.96 acres of land to **GRAND MISSION MUNICIPAL UTILITY DISTRICT NO. 1** for inclusion in its district - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2000-682 ADOPTED.
20. ORDINANCE consenting to the addition of 72.9918 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364** for inclusion in its district - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2000-683 ADOPTED.
21. ORDINANCE approving and authorizing an Occupancy Agreement between **EDUCATIONAL LEARNING AND ENRICHMENT CENTER, INC**, as occupant, and the City of Houston, Texas, as owner, for space in the Fifth Ward Multi-Service Center - Revenue - **DISTRICT B – GALLOWAY** - had been pulled from the Agenda by the Administration, and was not considered.
25. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **LAKESIDE IMPROVEMENT ASSOCIATION** for garbage collection service for the respective subdivisions - 11 Months - \$66.00 - **DISTRICT G – KELLER** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2000-684 ADOPTED.



31. ORDINANCE granting to **WIDOPENWEST, TEXAS, LLC, a Delaware Limited Liability Corporation**, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **FIRST READING** - had been pulled from the Agenda by the Administration, and was not considered.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GULFGATE REDEVELOPMENT AUTHORITY**:
- Position 1 - **MR. ERIC LIPPER**, reappointment, for an unexpired term ending 12/9/2001, and as Chair of the Board, for an unexpired term ending 12/31/2000
  - Position 3 - **MR. JOHNNY C. SOTO**, reappointment, for an unexpired term ending 12/9/2001
  - Position 5 - **MR. FREDERICO J. MENDOZA**, reappointment, for an unexpired term ending 12/9/2001
  - Position 6 - **MR. STEVE PHELPS**, reappointment, for a term ending 12/9/2000
  - Position 7 - **MR. MANUEL RODRIGUEZ**, appointment, for an unexpired term ending 12/9/2001
- was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0954 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

**LOW BIDS**

7. ORDINANCE appropriating \$98,574.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Generator Set for the Public Works & Engineering Department, CIP S-1000-M3 - was presented. All voting aye. Nays none. ORDINANCE 2000-685 ADOPTED.
- 7a. **INDUSTRIAL ELECTRICAL SERVICES, INC** for an Emergency Generator Set for Department of Public Works & Engineering - Replacement - \$93,880.00 and contingencies for an amount not to exceed \$98,574.00 - Enterprise Fund - **DISTRICT F – ELLIS** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.. All voting aye. Nays none. MOTION 2000-0955 ADOPTED.

**OTHER**

9. RECOMMENDATION from Chief of Police for supplemental allocation of funds in the amount of \$728,000.00 for Four (4) current service contracts with the following for Houston Police Department for Fiscal Year 2001 - General Fund:
- UNISYS CORPORATION - \$700,000.00**
  - (Hardware) - Contract No. C31226 - \$674,000.00
  - (Software) - Contract No. C34141 - \$26,000.00

**STORAGE TECHNOLOGY CORPORATION - \$28,000.00**

(Hardware) - Contract No. C32185 - \$26,000.00

(Software) - Contract No. C33537 - \$2,000.00

- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.. All voting aye. Nays none. MOTION 2000-0956 ADOPTED.

10. **DENVER SOLUTIONS GROUP, INC** for Renewal of Computer Software License and Upgrade from the State of Texas Federal Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$605,931.00 3 Years - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.. All voting aye. Nays none. MOTION 2000-0957 ADOPTED.
11. **AMEND MOTION #98-1782, 11/10/98, TO EXTEND** the expiration date by twelve months from November 15, 2000 to November 14, 2001, for Seagrave Fire Apparatus Replacement Parts for Fire Department, awarded to **MILE HI T FIRE EQUIPMENT, INC** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez.. All voting aye. Nays none. MOTION 2000-0958 ADOPTED.

**RESOLUTIONS AND ORDINANCES**

14. RESOLUTION approving the creation of the Houston Area Water Corporation; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors - was presented. Council Member Boney absent.

Council Member Tatro stated that in his opinion there were a lot of unanswered questions as to the direction the city was taking with respect to the Northeast Water Plant; that there was still no second step defined and still did not know if the LGC (Local Government Corporation) or City was going to build the lines and he had been trying to find out what the raw water policy was; that this was a big project and he believed the LGC needed to be created but typically you created an organization like this to execute a plan and there was no plan.

Council Member Robinson stated that he had not had the chance to read all the backup documents and as chairman of the committee he wanted to make an observation; that numerous briefings were made and none were brief; that there was an intertwining of two separate tracks, one being legal requirements, the ground water reduction plan was mandated by the state through the subsidence district and as it stood today the City of Houston could meet any and all requirements for the appropriate standard set by the state and they had taken on an obligation the Mayor spoke about that they wanted to serve as a regional provider and were willing to be a regional partner in the Area Three Ground Water Production Plan; that the water authority was recognized and the issue was the definition of scope and role the water authority would have but that was an issue between the Authority and the Mud's within its boundaries; notwithstanding that fact the reason they had a Local Government Corporation on the Agenda was as he understood the Administration had come forward and said the best way this should be done was design and build with the option to design, build and operate and because of state laws you could not bid professional services as the City of

Houston you had to do it through the Local Government Corporation and that was why that option was there, it had to be in existence before a second step was taken; and he would hope Council would take time during the one week delay to ask questions so that they could move forward; and he would tag Item 14.

Council Member Castillo stated that he had a question on Article IV and spoke to Mr. Bibler yesterday; and upon questions, Mr. Hall stated that they had in the recent documents changed three or four words and it now read, "that it was organized to provide treated potable water to customers located wholly or partially in areas throughout the subsidence district" to express concerns he had expressed and it was a legitimate concern and they thanked him for bringing it to their attention; that this was a delicately assembled plan because they were using the Local Government Corporation to establish essentially on behalf of the city a water facility and potentially to accommodate participation in ground water reduction effort and there was a requirement that the corporation be independent and it was being created for a specific charge and there was a delicate balance as to how much it could be directed; that Article 11, second paragraph he thought was meant to be clear, there was nothing wrong in specifying, that because this was enterprise funds that if the plant served its useful life and 50 years from now they wanted to tear it down or whatever the money would go back to the fund which created it; that they would look at it, but that was what was intended. Council Member Castillo stated that this was critical and he hoped to get it voted on. Council Member Boney absent.

Upon questions by Council Member Keller, Mr. Haines stated that the \$1,000,000 was in essence for start up capital for the LGC so they could go forward; that most funds identified to be transferred into the LGC were funds that would have been spent by the city under its consulting agreement presently and it would be there intent this was an advance or loan to be repaid by the LGC and the other repayment obligation would be their full reimbursement to the City Enterprise Fund for expenses incurred going back to last fall. Council Member Robinson absent.

Council Member Tatro stated that he was hearing the Administration and committee saying they wanted to cooperate with the regional plan or provider yet the head of the Regional Water Authority stood at the podium previously and said they were not included in water reduction plans; that although they may own water rights it was a state issue, the state owned water rights and the city owned the property; that he felt they would reach a head-on collision; and Mayor Brown stated that he was making an argument on false information and upon questions, Mr. Hall stated that in this region it was acknowledged and he did not think anyone rather than Council Member Tatro had ever disputed that the City of Houston owned about 80% or 85% of the water rights. Mayor Brown stated that Council Member Tatro could finish his remarks; and Council Member Tatro stated that he would also like to point out that he was being told the LGC needed to be involved because of negotiations to build the plant and yet there was a 911 call center to be built; and he was seeing a call center and property they did not own which would be on the Agenda in a couple of weeks and the city would lease it and effectively own it in 30 years and that was done without an LGC so he was hearing the LGC was a requirement but seeing a different thing.

15. RESOLUTION calling for the enactment into Federal Law of the Conservation and Reinvestment Act – was presented.

Council Member Ellis stated that he would vote for this, but did have issues; that he thought it a worthy cause and District F desperately needed them, but would they be able to maintain them if built; and asked that Mr. Spellman get with him about maintenance financing.

Council Member Keller stated that he would also like Mr. Spellman to get with him regarding private property issues.

Council Member Tatro tagged Item 15.

Mayor Brown stated that he would point out that the matter was before the U. S. Congress right now and there was nothing which mandated the city to do anything but it did make available to cities throughout America the possible funding for parks and it was timely that the resolution was passed because if they waited a week it would make no difference. Mr. Hall stated that it would be on the Senate floor before Council could act if postponed.

Council Member Boney moved to overrule the tag, and was seconded by Council Member Castillo.

Council Member Tatro stated that he would remove his tag.

Council Member Robinson stated that he could fix Council Member Ellis's question by putting parking meters downtown, float bonds and ask the legislature that surplus from the Sports Authority be donated to libraries and parks.

Council Member Tatro stated that this was a resolution asking for Council's acceptance about an issue that was before the House and passed and he was skeptical when an item was being painted as a bipartisan issue so he called several in the House and two responded who had reviewed it and had voted against it and that was good enough for him; and he would be voting no. Mayor Brown stated that at some point he would hope that he would recognize he was elected by the citizens of Houston and this was not a Republican or Democrat issue and it may make monies available for parks, it did not guarantee anything.

Council Member Todd tagged Item 15.

Council Member Boney moved to override the tag, and was seconded by Council Member Castillo.

A roll call vote was called on Council Member Boney's motion to override the tag on Item 15.

ROLL CALL VOTE:

Mayor Brown voting aye.

Council Member Tatro voting no.

Council Member Galloway voting aye.

Council Member Goldberg voting no.

Council Member Vasquez voting aye.

Council Member Castillo voting aye.

Council Member Parker voting aye.

Council Member Quan voting aye.

Council Member Boney voting aye. Council Member Sanchez voting no.  
Council Member Todd voting no. Council Member Bell voting aye.  
Council Member Ellis voting no. Council Member Robinson voting aye.  
Council Member Keller voting no. MOTION FAILED TO RECEIVE A TWO-  
THIRDS VOTE OF THE CITY COUNCIL. MOTION 2000-0959 FAILED

Council Member Boney stated that he wanted the public to know that Council just failed to pass a resolution in which Congress might offer the city the opportunity to apply for grants for parkland and that was as about a stupid thing he had seen Council do.

16. RESOLUTION authorizing the Convention and Entertainment Facilities Department and the Legal Department to proceed with the negotiations for the redevelopment of Fire Station No. 1 and the Central Waterworks Site – **DISTRICT I – CASTILLO** – was presented.

Council Member Bell stated that he had been trying to get information from Mr. Tollett on this item and felt there was miscommunication as to what was needed and would like to have time to get that information and would tag Item 16.

Council Member Robinson stated that as he understood once appraisers were appointed they would go out and appraise the property owned by the Fire Department and Mr. Tollett's department would pay them for the value; and Mr. Tollett stated that was correct. Council Member Robinson stated that he would like something from the Fire Chief as to how he would use the additional revenues; and Mayor Brown stated that he would have the Fire Chief give him the update.

Upon questions by Council Member Tatro, Mr. Tollett stated that Council awarded a contract February 1999 to Central Houston to assist his department in going out for proposals; that Mayor Brown appointed a committee after proposals were received to review those proposals and whittle it down to one and that was the recommendation; that it had not gone to committee; that they were asking for the right to negotiate and then that was usually brought to committee for consideration; that this was negotiation with Landry's and if not successful they would go to the next. Council Member Tatro stated that his concern was when you piecemeal things you did not look at a total plan; and this would involve Station One which would be closed and the proposed arena deal would close Station eight and that was two stations downtown to close and he was not sure of the plan for coverage and he would like to meet with him and Chief Tyra to find out exactly what was being done; and that he would tag Item 16 also.

Council Member Castillo stated that Council Member Tatro brought up his questions, but he would reiterate that not only plans on how to provide downtown coverage was important but also what was the schedule on doing it; that he would like to see the plan and timeline for providing protection downtown; and Mayor Brown stated that he would make sure the Fire Chief did develop a clear plan and timetables and that it was shared with Council Members.

Council Member Todd stated that the respondent on this particular item did a project in Kemah and he was sure many had seen it; that he liked the idea of having something on a similar scale in downtown and it would add a new dimension to downtown venues; that he thought Council Member Robinson was correct in wanting to

know how this may or may not impact fire safety, but he felt he was given satisfactory response from the Fire Department and he would ask Council Members who had questions to call Mr. Tollett and Mr. Fertitta; that the project in Kemah had done so much for that community it put them on the map in a local and national basis; that when he saw brochures on Houston now he always saw the Kemah boardwalk and that was not actually in Houston and he would like something on that level here so it could be promoted as so and congratulated Mr. Tollett for his visions and looked forward to seeing it happen. Council Members Boney and Robinson absent.

Council Member Sanchez stated that he would encourage that the plan be shared with Council Members before it came up next week; and Mayor Brown stated that the Fire Chief would do that. Council Members Boney and Robinson absent.



17. ORDINANCE approving and authorizing contract between the City and **BRACEWELL & PATTERSON LLP** for Legal Services relating to the Redevelopment of Fire Station No. 1 and the Waterworks Building; providing a maximum contract amount - \$300,000.00 - Enterprise Fund – was presented, and was tagged by Council Members Bell and Tatro.

Upon questions by Council Member Keller, Mr. Tollett stated that Mr. Fertitta estimated he would invest in excess of \$21,000,000. Upon further questions, Mr. Hall stated that \$300,000 was allotted for legal fees and they had gone through a process to determine the best they could the amount of work to be done against his hours of billing; that they were advised this could be difficult negotiations. Council Members Sanchez and Robinson absent.

Upon questions by Council Member Ellis, Mr. Hall stated that there was history to this that was kind of premature; that Council commissioned a study, an audit of the Legal Department, which had been finished and one recommendation was to try and explore alternative billing sources and this would be the first one of those; that this was a cap of \$150,000 on the legal fees. Council Member Ellis stated that the cap was \$300,000 and \$160,000 was the flat fee; and Mr. Hall stated that the flat fee was on how much work they thought would be done, but because it was unpredictable there was a maximum of how many hours for that amount of work so should that be reached then they would kick in the hourly billing factor which was reduced by about 30%; that regarding the 90 days being the total amount of days Ms. Hargrove says that the 90 days referred to involved negotiations with Landry's itself. Council Members Quan, Parker and Robinson absent.

Upon questions by Council Member Bell, Mr. Hall stated that they thought the audit would have been released two weeks ago and it was only being held up because the letter needed to be signed by the Controller and they had urged it be signed; that it was presented jointly to the Administration and Controller about a month ago. Council Member Bell stated that since that was in hand he thought it made sense to look at it; that legal fees had been a continuing source of discussion and he would like to see what the consultant was recommending in terms of flat fees because often there was risk on both sides and sometimes hours would be far below or above and it seemed unfair to take a high watermark and use that; and Mr. Hall stated that was not what happened and the report did not go into the nature of what he just described, it only said they should go into alternative billing methods and did not say how to do it or what process to calculate it. Upon further questions by Council Member Bell, Ms. Lisa Hargrove, Assistant City Attorney, stated that the contract was more complicated than others because they were not just accounting for negotiating with Landry's, there was a potential that negotiations with Landry's might cease and they might then need to negotiate with another vendor so they asked Mr. Moore to provide alternatives and one he provided was a flat fee of \$160,000 which included \$10,000 of reimbursable expenses, which was for him to negotiate and prepare whatever documents necessary; that they initially told Mr. Moore that the city intended to negotiate with Landry's for a 90 day period and based upon what he believed that work would entail for the 90 day period was his proposed rate; that if they went only a week with Landry's and negotiations stopped they would go back to a discounted hourly rate, he would not be guaranteed the \$160,000; that he was billing the city at a discounted rate of \$330.00 an hour and he had another partner who would be working with him.

18. ORDINANCE amending the **HOUSTON SIGN CODE** relating to the height of certain signs within the Central Business District containing other provisions relating to the foregoing subject; providing for severability – was presented, and was tagged by Council Members Tatro, Keller, Parker and Bell.

Council Member Keller stated that he would feel more comfortable if the ordinance was just for Continental Airlines and he would propose doing no words or letters in the ordinance coming back next week and would also hope there would be a revocable permit to be issued pursuant to them agreeing that if the city did decide to revoke the ordinance the person holding the permit or right would remove the sign two years thereafter; and if it could not just be made for Continental he would hope the language could be tightened up further so that maybe it was corporations that would grandfather the deal such as corporations currently located here and if they could not just make it Continental find how many years they were headquartered here and then make it for that number of years.

22. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST TRADES CENTER** to provide \$76,650.00 in Community Development Block Grant Funds for Renovations to a Facility located at 16673 Interstate Highway 45 North (Independent Living Skills Environment Campus) – was presented.

Council Member Castillo stated that this was a agency affiliated with the AFL-CIO and received referrals from the Juvenile Courts in the City of Houston to provide a boot camp environment to offenders referred from the Houston area and the organization had applied for funding which it had received for the last 25 years from the Community Development Department to serve their site outside the City of Houston and the reason for denial was that it was not within the city and he hoped they would consider funding as the alternative would be they would have juvenile offenders with no where to go; and Mayor Brown stated that he would personally look at that, he was aware that the young people going were Houstonians. Council Members Boney, Vasquez and Bell absent.

Council Member Todd tagged Item 22. Council Members Boney, Vasquez and Bell absent.

23. ORDINANCE approving and authorizing Temporary Personnel Services contracts between the City and **A-TEMPS, INC, A-1 PERSONNEL, INC, ACCURATE PERSONNEL, INC, ALL TEMPS PERSONNEL SERVICE, INC, BESTAFF SERVICES, INC, EDUCATIONAL LEARNING AND ENRICHMENT CENTER, INC, EXCLUSIVE TEMPORARIES, INC, EXECUTEAM CORPORATION, G&A STAFFSOURCING, INC, JUANELL STEELE & ASSOCIATES PERSONNEL SERVICE, INC, MODERN TEMPS, INC, SILVER & ASSOCIATES, INC, BERGAILA ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC, INC, ELITE COMPUTER CONSULTANTS, INC, JEFFERSON ASSOCIATES, INC** and **MANPOWER PROFESSIONAL SERVICES, INC**; providing a maximum amount for all contracts \$10,300,000.00 - Central Services Revolving Fund - was presented.

Council Member Castillo stated that on Item 23 there was a component, Educational Learning and Enrichment Center, Inc., which was a for profit operation related to Item 21 because they rented them space and at a non-profit rate and he hoped they could vote for Item 23 without compromising their right under Item 21 to not rent them the space; that they were renting at a non-profit rate while at the same time charging the city for profit rates to do business. Mayor Brown stated that he was informed they were two divisions of the same company and it was worked out and there would be no problem.

A vote was called on Item 23. Council Member Robinson voting no. Balance voting aye. ORDINANCE 2000-686 ADOPTED.

26. ORDINANCE appropriating \$100,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **BELLAMY-NORTH & ASSOCIATES** for Miscellaneous projects for Houston Airport System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field, Proj. 409J, CIP A-0138 - **DISTRICTS B - GALLOWAY and E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-687 ADOPTED.

27. ORDINANCE awarding contract to **PROFESSIONAL FLEET, INC** for On-Site Lubrication Services for Various Departments; providing a maximum contract amount - 3 Years \$409,063.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. ORDINANCE 2000-688 ADOPTED.

28. ORDINANCE awarding contract to **PIPERS AUTOMOTIVE SERVICE CENTER** for On-Site Lubrication Services for Various Departments; providing a maximum contract amount - 3 Years \$235,218.50 - General and Enterprise Funds – was presented. All voting aye. Nays none. ORDINANCE 2000-689 ADOPTED.

Council Member Castillo stated that on Items 27 and 28 he wanted to know how many vehicles would be services under each; and Mayor Brown stated that he would get an answer.

29. ORDINANCE appropriating \$2,095,442.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRC SERVICES, INC** on low bid of \$1,869,768.00 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$20,000.00 for Water Line construction by Point Repair Method, GFS S-0035-PR-3 (10654); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and was tagged by Council Member Bell. Council Member Goldberg absent. **(Note: Council Member Bell released his tag later in the meeting.)**

Council Member Keller stated that he wanted to compliment Mr. Tom Rolen for calling him on his questions and the backup was presented in a more detailed manner lately. Council Member Goldberg absent.

Council Member Sanchez stated that he could remember when the Agenda was riddled with Change Orders and he wanted to thank the Mayor and Public Works for essentially eliminating all but the most necessary of change orders which he believed saved the taxpayers hundreds of thousands of dollars and they were to be commended.

**MATTERS HELD** - NUMBERS 33 through 39

33. REQUEST from Mayor for confirmation of the reappointment of the following to the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS**, for a term to expire September 30, 2002:  
Position 1 - **MR. RUSSELL S. RAU**  
Position 2 - **MR. KENT L. GEE**  
- **(This was Item 1 on Agenda of July 19, 2000, POSTPONED BY MOTION #2000-917)** – was presented.

Council Member Quan stated that he had asked for the delay and had spoken with both Mr. Rau and Mr. Gee and they did sound committed to 911 and he was satisfied they were willing to serve. Council Member Goldberg absent.

A vote was called on Item 33. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0960 ADOPTED.

34. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **Fe3, INCORPORATED/FINI ENTERPRISES, INC** - \$871,623.00, **GULBRANDSEN TECHNOLOGIES** - \$1,232,066.00, **GENERAL CHEMICAL CORPORATION** - \$1,145,986.40 for Inorganic Metal Salt Coagulants Part II for Department of Public Works & Engineering Enterprise Fund – **(This was Item 11 on Agenda of July 19, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0961 ADOPTED.
35. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **H &**

**H INDUSTRIES, INC** for Traffic Signal Lamps for Department of Public Works & Engineering - \$738,209.40 METRO Fund - **(This was Item 13 on Agenda of July 19, 2000, TAGGED BY COUNCIL MEMBERS QUAN, TODD and ELLIS)** – was presented.

Council Member Quan moved to refer Item 35 back to the Administration, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2000-0962 ADOPTED.

36. RESOLUTION designating certain properties in the City of Houston as Historic Landmarks (S. H. Kress & Co. Building, The Union National Bank Building, The Commercial National Bank Building and The Scanlan Building) - **DISTRICT I – CASTILLO** – **(This was Item 18 on Agenda of July 19, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he supported the item because he checked and it did not limit the use of property for adjacent property owners and it was ironic that on the same day they were preserving history and also possibly beginning to allow neon lights to fulfill, what he considered, the most prolific skyline in the world. Council Member Goldberg absent.

A vote was called on Item 36. All voting aye. Nays none. RESOLUTION 2000-35 ADOPTED.

37. Council Member Parker presented the following proposed written motion to amend Item 37A:  
To amend Sec. 18-38. (a) to lower the maximum contribution by individuals from \$5,000.00 to \$1,000.00 and to lower the maximum contribution by political action committees from \$10,000.00 to \$5,000.00 – **(TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Council Member Bell stated that he wanted to speak on 37 and 37a with 37a being the measure which came out of the Ethics Committee; that the idea behind the measure accomplished two things, lengthening the window for contributions to be received and also raised limits, and he wanted to speak to the logic behind it; that the lengthening was suggested as they were the only governmental entity in the area which had a blackout period and he felt it was great and necessary and spoke volumes about where they stood on ethics in the city; that the one goal of the Ethics Committee was to look at practical ramifications of measures in place and one thing occurred to them over the years and since elections rapped up in November or December the present window closed in February for those who rapped up in November and for those in a runoff it rapped up in March; that during December were the holidays and in January every other year was kickoff for statewide and county campaigns and everyone began running into each other and folks were deluged with fundraiser invitations and it was difficult to schedule and created many problems so this was not to dramatically change anything but to give an extension so they would not have to be climbing all over each other and instead of having to calculate when the date was it set a date certain so everyone could just look at the calendar; and that was the idea; that as for the limits set the At-Large limits were left alone because they felt it was in line with reality, however, it was pointed out that the District limits had not been addressed in some time and it had

become more expensive to run for District Council seat and also more expensive to run for Mayor and that was why they suggested an increase and would urge support. Council Members Boney and Sanchez absent.

Council Member Robinson stated that he wanted to congratulate the chairman and committee for work done, but he had a couple of minor changes and had amendments; that he understood they may not be able to divide the question and in light of that he would like to send it back to committee and would make the amendment at the appropriate time; that on Sections 18-2 and 18-36(b) he only wanted to add three words "or the Mayor" and on Section 18-35 he wanted to shave off the extra 30 days and if they could not divide the question he would like it sent back to committee for a week so they could be dealt with and then posted in a manner to divide. Council Members Boney and Sanchez absent.

Upon questions by Mayor Brown, Mr. Hall stated that the problem created was that this was an Ordinance and you could not divide the question on an Ordinance, you could not have two made out of one, but he could offer an amendment to the Ordinance. Council Member Sanchez absent.

Council Member Robinson stated that he had distributed three amendments amending Item 37(a) on Sections 18-2, 18-35 and 18-36(b) with Sec. 18-2 adding "or the Mayor"; Sec. 18-35 eliminating the 30 day extension; and sec. 18-36(b) also adding "or the Mayor". Council Member Bell stated that in an attempt to move this forward he would certainly accept the first and third as friendly amendments, but not the second which eliminated the 30 days. Council Member Robinson stated that if those two were accepted then at the appropriate time he would ask for an up or down vote on his second amendment. Council Member Sanchez absent.

Mayor Brown stated that hearing no objections to the acceptance of the first and third amendments....

Upon questions by Council Member Sanchez, Council Member Robinson again explained what his amendments were.

Council Member Parker stated that she supported the changes to Chapter 18 and they had been dealing with it for more than a year and they were minor changes; and she would like a heads up vote on her amendment.

Council Member Boney stated that he appreciated the thrust of the amendments and the work of the committee, but he did not think it was really flushed out and felt it was symbolic; that he was not sure and needed to do more research on it and he felt the whole process needed to be overhauled and postponed one week. Council Member Castillo absent.

Council Member Bell stated that the committee put in a tremendous amount of work and he would like it voted on today; that Council Member Boney served on the committee and came to none of the meetings in which it was discussed and his concern regarding flushing it out and discussing it should have been done then and not now when it was set to be voted on; that he did apologize, but in fairness that was the time to



express those concerns; that it had been flushed out and consideration was given and it was time to be voted up or down.

Council Member Boney stated that he was not ready to vote today, and he could postpone or send it to committee; and Council Member Bell stated that he would guess a delay then as it was within his right, though he would like it voted on.

Council Member Boney moved to postpone Item 37 and all matters relating to Item 37 one week. Mayor Brown called for a second three times and heard none. Motion 2000-963 died for lack of a second. Council Member Keller.

Council Member Keller stated that he worked hard with Council Members on the language and he thought it was a clear distinction as to where he was going with this and felt it was something the contractors would like, but his point was that a person in a house that contributed and did no business with the city in any way, for whatever reason he gave the money there was no strings attached, but if five contractors gave money it was natural to lean toward the one who gave more money when an item came before them so he did not support Item 37 and would work in committee to maybe put some of this in, but he did support 37a.

A roll call vote was called on Item 37.

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 aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting no.	Council Member Sanchez voting no.
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-0964 FAILED

37a. ORDINANCE amending **CHAPTER 18 (ETHICS AND FINANCIAL DISCLOSURE) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and other provisions relating to the foregoing subject; providing for severability - **(This was Item 22 on Agenda of July 19, 2000, TAGGED BY COUNCIL MEMBERS ELLIS and GOLDBERG)** – was presented.

Council Member Robinson stated that relative to Sections 18-2 and 18-36(b) he had distributed in writing the proposed amendments adding “or the Mayor” was his change and the chairman said he accepted those. Council Member Robinson moved to amend 37a as follows:

Amend Sec. 18-2 of the Code of Ordinances “Contract award period” as indicated as follows:

Sec. 18-2.

**"Contract award period"** relative to a contract means the period commencing at the time of posting of the city council meeting agenda including an item for the

award of the contract and ending upon the thirtieth day after the award of the contract by city council or a determination by city council **or the Mayor** that the contract will not be awarded to a contractor." And

Amend Sec. 18-36 (b) of the Code of Ordinances as indicated as follows:

Sec. 18-36(b).

"(b) Each request for proposal or other document, notice or advertisement for a contract shall contain a notice regarding this section in a form approved by the city attorney. Each contractor shall be required to submit with any proposal or other submission for the award of any contract a complete list of the persons included in the term 'contractor' as defined in this chapter in a form prescribed by the city attorney. It shall be the duty of each city department head to immediately forward each contractor list received to the city secretary who shall compile and maintain a log of persons who are required to be reported. In addition, the city secretary shall compile, maintain and post by the 14th day after a city council meeting, a list of contracts awarded at such council meeting by city council, including on such list, the date of the initial posting of the request for council action relative to each specific contract, the name of the contractor, a short description of the contract and the date occurring 30 days after the award of the contract or the determination by city council **or the Mayor** that the contract would not be awarded to a contractor. The city secretary shall be required to compile, maintain and post such a list only during such periods that candidates or city officials running for a city elected position may receive campaign contributions."

Council Member Robinson's motion was seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2000-0965 ADOPTED.

Council Member Robinson stated that on his final item he would present a WRITTEN MOTION to amend Item 37a as follows: To amend Sec. 18-35 (a) to reduce the period after an election that contributions may be accepted from the fourth day of March to the fourth day of February in a general election and from the fourth day of April to the fourth day in March for a run-off election as indicated as follows: "Sec. 18-35. Restriction period for solicitations and contributions. (a) A candidate for city office at a city general elections may neither solicit nor receive contributions except during a period commencing on the first day of February prior to the day of the election, and ending on the fourth day of **February** following the election day for the race that the candidate has entered. In the event that the candidate should be in a run-off election, the final date to receive or solicit contributions shall be the fourth day of **March** following the election date."

Council Member Castillo stated that basically for candidates with no run-off cutting the period to raise money to pay off debt would end in February as it was now, but the problem was that December and January was pretty dead on raising money and it was for those reasons he could not support the amendment.

After further discussion Council Member Robinson stated that he would request a roll call vote.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting aye.
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 voting no.
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting aye.
Council Member Keller voting aye.	MOTION 2000-0966 FAILED

A vote was called on Item 37a as amended. All voting aye. Nays none.  
ORDINANCE 2000-690 ADOPTED AS AMENDED.

38. ORDINANCE approving and authorizing the Restated and Amended contract between the City of Houston and **GARY MONTGOMERY & ASSOCIATES, INC** for Professional Engineering Services to Develop a Ground Water Master Plan, GFS S-0100-06-2 – **(This was Item 39 on Agenda of July 19, 2000, TAGGED BY COUNCIL MEMBERS QUAN, TATRO, KELLER, SANCHEZ and PARKER)** – was presented.

Council Member Quan stated that last week five Council Members tagged the item and he would like to refer it back to the TTI Committee.

Upon questions by Council Member Sanchez, Council Member Quan stated that he checked and saw no time period and there were questions as to the necessity of the study and would move to send it back to the Administration for clarification, and was seconded by Council Member Keller. All voting aye. Nays none. MOTION 2000-0967 ADOPTED.

39. RECOMMENDATION from Acting Director Department of Public Works & Engineering to APPOINT two independent Real Estate Appraisers to establish the lease values of the ±2.2738 acres of land and improvements located at 27A-B Artesian Place and ±2.200 acres of land and improvements located at 440 Bagby - **APPRAISERS - DISTRICT H – VASQUEZ – (This was Item 44 on Agenda of July 19, 2000, POSTPONED BY MOTION #2000-930)** – was presented.

Council Member Vasquez stated that the item was posted incorrectly and it was Districts H and I and he would nominate one person and allow Council Member Castillo to also nominate.

Council Member Vasquez nominated Ms. Sheila F. Stewart and Council Member Castillo nominated Mr. Thomas A. Bazan as appraisers. Council Member Castillo moved to adopt the recommendations, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0968 ADOPTED.

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

Council Member Bell stated that during the budget process one amendment had to do with point repair for sewer and water main lines and with the weather much dryer many pipes had been busting and he was curious as to where they were; that one component built in was reporting by the Public Works Department and it was never decided how that would be handled and he would welcome an update as to how they planned to address it, in what form they planned to make those updates; that he wanted to make sure they were keeping up and that there was enough money; and Mayor Brown stated that the entire Council would be receiving the report. Council Members Boney and Robinson absent.

Council Member Ellis stated that this week he had received the Mayor's Continuous Management Study and in it was discussed the Mayor's Zero Based Budgeting Pilot Project and he was glad to see that; that it would require one department of which the Administration would choose to go before the committee or full body of Council to prove the need for each line item; that Council voted on it as an amendment and he was glad to see it included. Council Members Boney, Castillo and Robinson absent.

Council Member Ellis stated that he had been reading the Houston Chronicle and there was a brief editorial in the back speaking to a bill which would effectively raise rates on IRA contributions and 401K contributions; that it was passed by Congress and would be going to the Senate and he would urge all to contact their Senators as it would allow the savings of tax dollars. Council Members Galloway, Boney, Castillo, Parker and Robinson absent.

Council Member Goldberg stated that constituents had been calling saying they were not able to get through to Solid Waste to find when their pickup was and he would like to know a good number or find out what the problem was. Council Members Galloway, Boney, Castillo, Parker and Robinson absent.

Council Member Goldberg stated that on August 11 there would be the final bridge closure over Highway 59. Council Members Galloway, Boney, Castillo, Parker and Robinson absent.

Council Member Goldberg stated that Fondren Middle School was in District F but it had experienced a lot of graffiti lately and it affected his residents because they had to look at it and he wondered if the city could help with that problem or work with HISD to eliminate the graffiti on and surrounding the school; and Mayor Brown stated that Solid Waste would take care of the problem mentioned and would also work would be done on the graffiti problem. Council Members Galloway, Boney, Castillo and Parker absent.

Council Member Todd stated that it was his understanding an OIG Report was scheduled to come out on the incident at Station 18 and he had not seen a copy of the findings and he would request that before it was released to the public or media be released to Council Members as he felt they should be fully briefed. Council Members Galloway, Boney, Castillo and Parker absent.

Upon questions by Mayor Brown, Mr. Hall stated that some portions of the report could be released and some could not; that some were special right of access and Council Members could see the information but not release it; that his question on releasing information to the public he would release all they could and Ms. Gros would look at it and give him a memo this week on her opinion; that some items of privacy issues may preclude even Council Members from seeing it. Mayor Brown stated that there was no problem with releasing information and any information that could be released would be done as per his special request. Council Members Galloway, Boney, Castillo and Parker absent.

Council Member Todd stated that on the subject of public safety he understood an HPD Manpower Study was being worked on and the Clear Lake Station was one of the most undermanned in the city; that there were a number of incidents in the past months regarding speeding in residential areas and a fatality accident over the weekend and he was requesting whatever version of that report was out by district and station and if Clear Lake was seriously undermanned as he was saying he wanted to make certain he had clearly asked for staffing for that particular station since he had been in office; and Mayor Brown stated that he had not seen the report but would make sure he received a copy; that he did not know the timeline as he did not know a report was being done, but

the report would probably show that Kingwood had more officers than needed. Council Members Galloway, Boney, Castillo and Parker absent.

Mr. Hall stated that he would like to supplement his answer to Council Member Todd while Council Members were present so that at least he would be advised, that he did not know about any release that the OIG had promised, but he would tell them what he was advised was the process that was undertaken under the law, that if in fact investigations were complete and the allegations against the city employees, which were the officers and what the OIG investigated, were not sustained, meaning that it would not result in a sustaining of the claim, that was available to be released possibly with home addresses redacted and those kind of privacy things he spoke of; that in the alternative if in fact the OIG sustained whatever the claim or allegation was that report was not released at that time because of the Administrative process of discipline that takes place, in other words, the right of the accused at that point, to be subject to either administrative disciplinary process and procedure or potentially criminal prosecution and that had been the consistent system and that was the law. Council Member Todd stated that he understood, so if Council Members released whatever they were entitled to see, because they were on Council, but if they released it there were implications for them legally also. Mr. Hall stated that he wanted to be clear that if in fact the report recommended or finds or sustained the allegations it was not at that time releasable or capable of being viewed by anybody because it was still a part of potentially the criminal prosecution. Mayor Brown stated that he would do as promised and whatever was able to be released would be. Council Members Galloway, Castillo and Parker absent.

Council Member Todd stated that he read in the newspaper about the Jeff Davis Hospital and that the county was taking it off the market; that he would request whatever department the city had that would normally deal with it to get with the county and see if it could facilitate some type of rescue plan for the facility; that in a city that had very little history beyond 100 years it would be a shame to lose the building, it was beautiful and had a lot of history; that it had a cemetery attached with freed slaves and Confederate war veterans and Houstonians that it was a real link to the past and if the city could facilitate what to do with it then it would be a good thing for the city; and Mayor Brown stated that could be done, but also he was welcome as an official to have his voice heard. Council Members Galloway, Castillo and Parker absent.

Council Member Todd stated that on July 24 was the birthday of Simon Bolivar who was the person who led Latin American independence and had a huge impact on the Americas and the Bolivar Peninsula was named for him and he led a movement which led to the independence of Venezuela, Columbia, Equador, Peru, Panama and Bolivia and it was a larger area geographically than the original 13 colonies and it occurred to him there was no ceremony on his behalf; that he thought at a minimum in Houston it would be worthwhile to set a day aside for his recognition and honor as he was a person who stood for independence just like Washington and Jefferson; and Mayor Brown stated that he was sure everyone appreciated his newly found interest in the Latin American history. Council Member Todd stated that his under grad was on Latin American studies and anytime they wanted a lesson he would be happy to give it to them. Council Members Galloway, Castillo and Parker absent.



Council Member Robinson stated that this morning the Houston Chronicle had a story on the Arena; and upon questions, Mr. Hall stated that there was requirements in the proposed arena agreement that required city participation and that would be presented to Council; that he believed the drop dead date to place something on the ballot was 75 days prior but would have to check. Mayor Brown stated that procedurally it would go to the Sports Authority for a vote and then to Council, it would have to be approved by the Sports Authority first. Council Members Galloway, Vasquez, Castillo and Parker absent.

Council Member Robinson stated that a couple of months ago there was a settlement on litigation involving Reliant Energy and he was interested in what the city was going to do, if anything, he was looking for anything he could find that would have the possibility of generating money to the city's general fund account and he would like to know the status of the litigation and where the city was; and Mr. Hall stated there was not a settlement but a post verdict mediation; that he was not certain if there actually was a judgment, he knew there was a jury verdict and it was clearly expressed to them the intent of Reliant to appeal it so he should not count it soon. Council Member Robinson stated that he was not counting it soon, but would like to know the low or high end, what the city's potential share may be. Council Members Galloway, Vasquez, Castillo and Parker absent.

Council Member Robinson stated that he wanted to unburden his mind because he had been watching the fire stories lately; that he was not the Fire Chief, Mayor or Administration but he was trying to figure out how to get to a satisfactory solution; that he heard there may not be enough personnel, equipment or people in dispatch and the Chief said he may want civilians in dispatch and the union did not want to do it and he was trying to figure it out because if they did not have enough people why not move civilians into dispatch and if they did not want to do that then what could they do innovative to speed up how soon to get personnel on the street and more behind ambulances and how would you buy equipment without the people; that earlier he asked to visit with the Chief and he would be visiting with the unions also because he thought there needed to be some balance; that he could not see how a moral problem could be created for sanctioning someone who did wrong and he was shocked and appalled that someone could make such a statement, if someone did wrong they should be punished under procedural safeguards in place; that he wanted to work with everyone and was frustrated people were throwing stones and not wanting to deal with the give and take and felt the unions needed to come to the table. Council Members Galloway, Vasquez and Parker absent.

Mayor Brown stated that he wanted to remind everyone that Council did approve a study of the Fire Department and it was almost complete; that he had not seen anything yet, but once that was done it would give them a good idea from an independent source as to what needed to be done; that he also wanted to point out that the incidents being investigated now really had nothing to do with being understaffed or poor equipment but dealt with judgements of individuals who made decisions to not render allegedly services required and asked of them, but once they did receive the Tri-data report it gave a roadmap of what they should be doing; that they all agreed they wanted one of the best fire departments in the country.. Council Members Galloway, Vasquez and Parker absent.

Council Member Bell stated that he had tagged Item 29 and would now release it; that he tagged it originally because it called for an expenditure of more than \$2,000,000 out of bond money and he understood bond money was to only be used for construction or replacement and not repair and this was for point repair, but given what they were experiencing it was requested that he remove his tag and he would, but would like someone to visit with him on the subject; and Mayor Brown stated that someone would meet with him.

29. ORDINANCE appropriating \$2,095,442.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRC SERVICES, INC** on low bid of \$1,869,768.00 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$20,000.00 for Water Line construction by Point Repair Method, GFS S-0035-PR-3 (10654); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was again before Council. All voting aye. Nays none. Council Members Galloway, Vasquez and Parker absent. ORDINANCE 2000-691 ADOPTED.

Council Member Quan stated that he wanted to commend Mayor Brown on bringing Chief Tyra to Council yesterday for his report, but would like to follow-up; that Council Members needed to be informed proactively as it was embarrassing to all Council Members when they heard about items in the media and they were not informed; that as Council Member Todd mentioned they needed to respond accordingly and besides the Tri-data report Dr. Persse was also working on a report regarding allocation of equipment and resources and he would ask Mayor Brown to hasten the report because many problems were in EMS services and not fire suppression; and he looked forward to seeing the report as soon as possible. Council Members Galloway, Vasquez, Parker and Robinson absent

Council Member Quan stated that a comment was made about the Sports Authority and the headline in the Houston Chronicle was that the deal was done and he wanted to inform everyone that until it came before Council it was not done. Council Members Galloway, Vasquez, Parker and Robinson absent

Council Member Quan stated that the Community Relations Meeting was held last Thursday and he thanked Council Member Ellis, Goldberg and the Mayor for attending or sending someone to attend. Council Members Galloway, Vasquez and Parker absent.

Council Member Quan stated that he would like to mention that the Diocese of Galveston Houston would be losing two auxiliary bishops who were two outstanding men who had helped the community a lot, Bishop James A. Tamayo would be assuming the bishop's position in Laredo and Bishop Curtis J. Guillory would be moving to Beaumont and he wanted to publicly commend them for all their work in the Houston area and on their new jobs. Council Members Galloway, Vasquez and Parker absent

Council Member Tatro stated that to follow-up on the Arena proposal he would like to know the plans for Fire Station 8 that would be involved and what the plans were for possible relocation or additions or relocation of 7 and what the costs would be; that public safety and the capital were both issues and he would like a full update and

schedule; and Mayor Brown stated that would be done. Council Members Galloway, Vasquez and Parker absent

Council Member Keller stated that during the recent budget process he complimented the Mayor for trying to find additional revenue in the Municipal Courts and he had a good idea of forming an action team comprised of Legal, Police and Courts and they were addressing the problem of the officer's dockets and subpoena tracking and he thought some improvements would be done by the first of June and he would like a report or status as to what was implemented and maybe continue receiving a report every three months; and Mayor Brown stated that he would make sure a report was received. Council Members Galloway, Vasquez and Parker absent

Council Member Castillo stated that he had hoped the Fiscal Affairs and Management Initiatives Committee would be able to get the report and provide the quorum for it, but the next week's meeting was fairly full; that on the first opportunity they would make the committee available for that report; and Mayor Brown stated that he would make sure the report was given to the committee so all Council Members could be aware. Council Members Galloway, Vasquez and Parker absent

Council Member Boney stated that he would remind Council Member Castillo during the budget process Council said they wanted to convene all associated parties, union representatives, Police Department and Municipal Courts leadership and others to make sure there was a full understanding in resolving the issues referred to by Council Member Keller. Council Members Galloway, Vasquez and Parker absent

Council Member Boney stated that he wanted to speak briefly on the Fire Department matters which came before them; that he was a strong supporter of Chief Tyra and thought he had done an excellent job with management and Administrative changes, however, he would like to say some things could be anticipated that would become media and political issues which Council needed to be briefed on and they should not have to make a call as it should be obvious Council Members were going to have questions and he would like that anticipated insight from the command staff; that Dr. Persse was extremely competent, professional and impressive and he needed to be brought into the EMS discussion and no one should have to ask; that Council heard the same complaints from police regarding placing civilians in the dispatch and they had been there years now and it was fine and a firefighter professional could oversee dispatch in case of a special situation so he could offer additional insight; the fact was that issues now in the Fire Department were not with the Chief but the individual judgement of those in the department and he would find it hard pressed for the union to try and justify to him why a firefighter or EMS technician with someone on board going to the hospital had to stop to buy a doughnut; that they had seen significant improvements in the department and other things would work themselves out, but someone buying a doughnut should not be laid out on the Fire Chief. Council Members Galloway, Vasquez, Parker and Bell absent

Council Member Sanchez stated that a couple of months ago his identity was stolen and he called the Houston Police Department to report it and he would invite Council Member Boney to listen to the exchange recorded between him and the civilian dispatcher, but that was not the focus of his comments today. Council Members Galloway, Vasquez, Parker and Bell absent

Council Member Sanchez stated that he watched a news account yesterday with the Ruiz family and saw their young son and it reminded him of when he immigrated to this country and his family could not speak English and he served as an interpreter to his parents so he sympathized with that young man, but there had been a number of incidents he was made aware of that indicated there may be a sense of insensitivity toward a certain ethnic group in the community and he was talking about specifically Hispanic immigrants and particularly those whose immigration status was questionable; that all would recognize that particularly those people did tend to be rather suspect about asking for assistance in times of need because of the fear of immigration services finding out about them, among other reasons they might have, and he spoke to Chief Tyra about what memoranda he might have distributed to firefighters to make them more sensitive to those needs and had not received any answer or memo, but was concerned because there had been three incidents; that a couple of months ago he had received a complaint from a Hispanic man who said his auto was towed and he had been pulled over by a member of the Houston Police Department and accused of being intoxicated, but instead of him being taken to the Police Department was taken to a storage lot and left there to invest several hundred dollars to recoup his car and was never charged or given a reason; that he went to him and then an internal affairs investigation was launched, but a week or so ago the community was asking what corrective measures were taken against the officer and he asked Mayor Brown to assist him and he had sent a written memo to the department July 5 and today was July 26 and still there was no communication and not even after his appeal to the Mayor; that the citizen was asking him for answers and he was not able to give any to him or to the community who had followed this; that he also received a call from a woman who was pregnant and went to the hospital and was made to wait for over 12 hours in pain at the reception center because of lack of an interpreter and the woman miscarried and had to be hospitalized for some time and these things were disturbing and he would urge people in leadership, particularly department heads, to instruct personnel to be more sensitive to needs of a community who had trouble communicating and who may not be sure of their rights and rather than looking at people as a certain race or group to just treat them in a humanitarian way as a human being; that he could not imagine someone denying help to a young man or a father ailing or a woman in her pregnancy begging for help, it was unconscionable and he could not see how it could happen and those people just like everyone else in Houston paid taxes; and he would urge that Mayor Brown, and the Fire Chief make that appeal. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Bell absent

Council Member Castillo stated that in yesterday's discussion with Chief Tyra there was candid and open discussion and he wanted to assure firefighters that he supported the Fire Department and firefighters in general who a great majority of whom did a great job under trying circumstances but he could not and would not countenance those who did not do a good job and who shirked their responsibility and he called on the firefighter core and the union to help resolve the problems and to remember they were fighters first and union second. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Bell absent

Council Member Castillo stated that August 1 all would be celebrating National Night Out and in Meadowbrook last week a church was having a bazaar and serving food and someone called a food inspector and they were told they needed a food permit,

but the outcome was they mentioned National Night Out and asked if they would need a permit and were told if serving food at a park they would need the permit and he wondered what could be done; and Mayor Brown stated that he would see what could be done on that. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Bell absent.

Council Member Todd stated that he received a call from an apartment dweller downtown who commented with all the street construction going on downtown it was frequently happening on the weekend or after hours and he knew that in neighborhoods they tried to be sensitive to times and downtown was now a neighborhood and they should be doing the same thing and he was not sure of the written policy, but it would probably make sense around areas downtown where people did live to have the same and requested Public Works look into it; and Mayor Brown stated that Public Works would look into it and then get back to him. Council Members Galloway, Goldberg, Keller, Vasquez, Parker and Bell absent.

There being no further business before Council, the City Council adjourned at 12:05 p.m. upon MOTION by Council Member Robinson, seconded by Council Member Todd. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Vasquez, Parker and Bell 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