

City Council Chamber, City Hall, Tuesday, August 1, 2000

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

At 2:00 p.m. Mayor Pro Tem Boney stated they had two presentations with the first being Council Member Galloway for a proclamation to the U.S. Olympic Track and Field Team. Mayor Brown, Council Members Todd, Ellis, Vasquez, Quan and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Galloway stated that they had a fantastic young lady before Council, Ms. Sandra Glover and presented her with a proclamation that stated that Lee P. Brown, Mayor of the City of Houston proclaimed Tuesday, August 1, 2000 as Sandra Glover Day and also presented her with a Certificate of Recognition from City Council District B. Council Members Todd, Ellis, Quan and Sanchez absent.

Ms. Susan Bandy, representative of the Houston 2012 Association, presented Ms. Glover with a Houston 2012 shirt and hat to take with her to Sydney. Council Members Todd, Ellis, Keller, Quan and Sanchez absent.

Ms. Glover thanked the City of Houston and stated that she was glad to be proud of the Houston tradition, that as they all knew Houston had many Olympians and to God be the glory, that she was happy not only to represent God but also the City of Houston. Council Members Todd, Ellis, Keller, Quan and Sanchez absent.

Council Member Boney stated they had one more presentation by Council Member Keller. Council Members Parker and Sanchez absent.

Council Member Keller stated they had the Inner Change Initiative Program present, that it was the first of its kind in the Country, that it was a joint effort between the prison fellowship ministries and the Texas Department of Criminal Justice and Houston area churches, that the program had significantly reduced recidivism, which was basically the best way of rehabilitating criminals, that the thing they found most beneficial was that they visited it first hand in a group session and saw first hand how they had actually touched lives and could be seen in their eyes, that they were so excited about it that they wanted to have them present, that he wanted to introduce a few members present, Mr. Tommy Dorsett, Program Director, Mr. Phillip Dautrich, Program Manager, Mr. Larry Frank, Aftercare Director, Mr. Fred Becker, Warden, and they had guests from the United Kingdom, Mr. Ven David Fleming, Chaplain General and Reverend Tom Johns, Assistant Chaplain, Mr. Paul Manwaring, Prison Governor, Director of Correction, Mr. Peter Walker, Executive Director, Prison Fellowship and the person who got him involved with this from the get go, Ms. Adelaide Biggs, who was no stranger to City Hall and the IFI Choir singing "The Winds of Change", that the IFI Director of Operations, Mr. Jack Cowley would be speaking at the Republican Convention tonight, and read a proclamation that stated that, Lee P. Brown, Mayor of the City of Houston proclaimed,

Tuesday, August 1, 2000 as Inner Change Freedom Initiative Day. Council Members Parker and Sanchez absent.

Council Member Keller invited the IFI Choir to the podium and they sang "Amazing Grace". Council Members Parker and Sanchez absent.

Mayor Brown stated they wanted to express sincere thanks and appreciation to them for being present at the City Council meeting and extend their best wishes to each of them and prayers as they carry on and look forward to a very prosperous future for each of them and thanked them for bring their group. Council Members Parker and Sanchez absent.

Council Member Boney recognized the 19 representatives present from the 14 African airports who were attending the Airport Familiarization and Education Program sponsored by the Houston Airport System and asked them to stand and be recognized. Council Members Parker and Sanchez absent.

Mayor Brown stated he wanted to officially welcome them to the City, that they would find that Houston was a City that was very desirous of strengthening the ties between the continents of Africa and Houston in terms of trade and friendship, that their being present would assist them in accomplishing that objective and hoped that they had the time not only to study what the airport system did but also had the time to visit other parts of the City. Council Members Parker and Sanchez absent.

At 2:17 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Keller invited Mr. David Russell, a member of the Inner Change Freedom Initiative, to lead everyone in prayer and Council Member Keller led everyone in the pledge of allegiance. Council Member Sanchez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Goldberg absent on personal business. Council Member Carroll G. Robinson absent due to being ill. Council Member Sanchez absent.

Council Members Boney and Tatro moved that the minutes of the preceding meeting be adopted. Council Member Goldberg absent on personal business. Council Member Robinson absent due to being ill. Council Member Sanchez absent.

Council Member Vasquez moved to suspend the rules to hear Mr. Roland Curry, Mr. Gary Levering, Ms. Katie Dorfman, Mr. Carroll Shaddock, Ms. Cece Fowler and Ms. Nene Foxhall out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent due to being ill. Council Members Todd and Sanchez absent. MOTION 2000-0969- ADOPTED.

Council Member Tatro moved to suspend the rules to hear the speakers on the CARA Bill after speakers on the sign ordinance, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent due to being ill. Council Members Todd and Sanchez absent. MOTION 2000-0970- ADOPTED.

Mr. Roland Curry, 5519 Caplin Street, Houston, Texas 77026 (713-633-3829) had reserved time to speak, but was not present when his name was called. Council Members Todd and Sanchez absent.

Mr. Gary Levering, 705 Camelot, Houston, Texas 77024 (713-956-4050) appeared and stated that before addressing them directly, he wanted to address some remarks to two very fine gentlemen, Mr. Gordon Bethune and Mr. Greg Brenneman, the Chairman and President of Continental Airlines, because the ordinance primarily dealt with them, that those gentlemen were true giants of their industry, they are respected Houston businessmen, that had elevated out of bankruptcy a company that was destined to not be alive and made it one of the premier airlines in the world, they had nurtured an environment such that it was listed on the 100 best companies of American to work for, they had been recognized by JD Power and Associates as one of the best customers servers in the world and they had generously supported Houston charities, that he had not had an opportunity to meet Gordon and Greg and their top executives and he frankly must assume that the proposal must come from some place in the bowels of their advertising department and those fine gentlemen did not fully appreciate what was involved here, and that was that they were dealing with the health and beauty of downtown Houston, that on the slim chance that Gordon and Greg had not heard it or would not listen to him and the rest of them who felt that way or the Chronicle editorial pages he would like to speak to Council directly as one who had spent more than a year working for the City on a dollar a year basis back in the 1980's when the principle word for downtown Houston was one of despair and when they thought that the City could well decay and rot at its very core, that now he urged them to remember what great things Council and their predecessors had done to bring back the central business district to a dynamically successful and increasingly beautiful area, please resist opening the floodgates to the inevitable more and more signs if they allowed the ordinance to pass on the downtown buildings, that the visual cheapening that would occur would loose a lot of the hard won gains that they had accomplished, that it would be difficult to resist it, but please they must resist. Council Members Boney, Todd and Sanchez absent.

Upon questions by Council Member Keller, Mr. Levering stated he had been a developer and property owner for about thirty years, that he had not read the ordinance carefully, that his strongest objection to downtown was that if they opened it to one it was going to be almost inevitable they were going to have to open it to others, that they did not have an attractive drive from the airports to downtown Houston and when they reached downtown Houston they had an unblemished skyline, and once they open the flood gates he did not know how they were going to stop it, that as an alternative he would hope that they would withdraw their request, but absent that they just needed to draw the line and say no signs on top of the buildings downtown. Council Members Boney, Todd and Sanchez absent.

Mayor Brown stated Mr. Levering indicated he had not read the ordinance and was speaking from just secondary information, and asked if he drove down at nighttime and saw a laser sign and then drove down in the daytime, as he did everyday, and saw no sign would that make a difference in the position he took, and Mr. Levering stated that he would prefer not to see the laser sign either, that it was different from a sign, and Mayor Brown stated it was different from a sign and it would only be seen at nighttime, it was a laser beam that would project on the top of the building, an emblem of the logo and not even the words Continental on it, and Mr. Levering stated that it sounded inconsistent

with what they now had downtown, and Mayor Brown asked Mr. Levering if he found that against the health of the City to do something like that, that he had stated something about the health of the City when he made his opening statements, and Mr. Levering stated the health of the central business district, and Mayor Brown asked to explain why he thought so and Mr. Levering stated that they did not know who would be next, that they had many powerful companies downtown any of which could start a similar campaign to have a sign on their building and where would they be five or ten years from now, that the message he was trying to convey was that they would agree that the drive from the airports to downtown did not project wealth to the City of Houston, that the health of the business community, jobs for their citizens, were impacted by the impression that others got when they came to the City, that right now the downtown area was a wonderful impression to outsiders as contrasted with the drives in the City, that he did not like any downtown signs, and Mayor Brown stated he still did not see the connection between driving in from the airport and the laser beam at night time only on one building. Council Members Boney, Todd, Castillo and Sanchez absent.

Council Member Bell asked if it was only the one particular building and they could be assured of that, and he assumed Mr. Levering had seen the picture of the logo, would he have a problem with that, and Mr. Levering stated he did not think they could be assured of that, that it was a question that could not be answered because no one could be assured of that, that they could not be assured of what would happen in the future, and once they set a precedent it could be a very danger. Council Members Boney, Todd and Castillo absent.

Council Member Galloway stated this would not be words spelled out, that they were talking about lighting, that they had lighting around many buildings downtown, that if they looked at the skyline at night they could see lights all around the buildings, and asked if the lighting that Continental wanted to put on top of their building was decorative and Mr. Levering stated he did not like it, that he did not like the idea of starting down that road, and Council Member Galloway asked what about the green lights around the building that went from top to bottom and Mr. Levering stated that was more architectural. Council Members Boney, Todd and Sanchez absent.

Council Member Ellis asked Mr. Bibler what restriction were written in the ordinance and how did they limit it for the downtown area, and Mr. Bibler stated that the ordinance was perceived as an economic development tool to attract large headquarters tenants to Houston, that there were several components to that, that the building had to have 750,000 square feet of rentable floor area, that the tenant had to occupy 45% of that area, that the tenant had to use the area as its national headquarters, international headquarters or world regional headquarters for a region that included the United States, and Council Member Ellis asked how many building fell in the category of 750,000 square feet, and Mr. Bibler stated he had been told somewhere in the range of 20 or so, that there were approximately 11 buildings that had an anchor tenant that had that much space, however a number of those buildings were not corporate headquarters as required by the ordinance, that also the way the ordinance works was they were projecting a beam onto a flat, unglazed surface of the building, that many of the buildings that exist in downtown were not constructed with a parapet wall or roof surface that could be used for that purpose, so that was an additional factor.

Council Member Keller stated that there were at least 45 tenants in the downtown area with 337,500 square feet which was 45% of 750,000 square feet, so the open possibility was for that to happen with that many since the size of the tenant was also a variable and not just the building, that if they had the ordinance written as to freeze frame the existing conditions of downtown today, then the numbers would be 9, but it was not close as to define it as the conditions of downtown today, that he thought the ordinance was as tightly written as a ball of yarn, that they should consider the 45 tenants that were over 337,000 square feet and their sophistication on how to hire people to get their name on the building and to more tightly write the ordinance from the left sign of the equal sign with the variables so they could grandfather certain conditions that were existing today, than what could possibly end up happening.

Council Member Bell moved to suspend the rules to hear Mr. Carroll Shaddock out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Robinson absent due to being ill. Council Members Boney, Todd and Sanchez absent. MOTION 2000-0971-ADOPTED.

Mr. Carroll Shaddock, 3400 Chase Tower, Houston, Texas 77002 (713-226-1223) appeared and stated that he was the Chairman of Scenic Houston, that he wanted to make a couple of brief points, that Continental was a model corporate citizen and their vote was not about Continental, their vote was about the downtown skyline and the signs there, that while it had been pointed out that the particular sign would have no words or letters it should be noted by everybody that the ordinance as drafted permits words and letters and names, so if they approved it, not a sign but an ordinance, which would lead to other signs, that the main point he wanted to make, was that something he had noticed in his life was that it was very hard to build anything up, it was very hard to create anything, it was very easy to tear things down, that it was the easiest thing in the world, and he urged Council to look at 40 years of experience of their predecessors, the leading developers of the City, and people who sat in the chairs where they sat, who had brought about the most magnificent signal of the City, the beautiful skyline. Council Members Boney, Todd and Sanchez absent.

Mayor Brown stated that in terms of predecessors, his predecessor made a commitment to Continental that if they would move their offices to downtown that the City would approve their logo, and he asked Mr. Shaddock if he would suggest that if such a commitment was made by their predecessor that Council refuse to honor that commitment, and Mr. Shaddock stated he thought it presented a very difficult question, that he understood the situation that Mayor Brown was especially in, sitting in the same chair as the previous Mayor, that the former Mayor was a developer and it was certainly the complicating factor in all of it, that it was a hard issue, but they had to look at everything and the significance and importance of the issue, and believed that in this particular case the matter was just simply so important that a majority of the City Council he very much hoped would preserve the beautiful downtown skyline, that if the ordinance was passed it was going to be a different story, that it was not something that would be forgotten, it would be a simple sitting out there everyday for the citizens of the City to look at and lament. Council Members Boney, Todd and Sanchez absent.

Council Member Bell stated that he had heard a lot of talk about the agreement that was allegedly entered into and was sure that Mr. Shaddock had seen a copy of the letter

from Mayor Lanier, and Mr. Shaddock stated he had not, and Council Member Bell stated that what it referenced was that Mayor Lanier stated that if Mr. Bethune recalled making that agreement then he was sure that an agreement was entered into, that he did not reference any type of independent recollection of such an agreement and was curious because he knew Mr. Shaddock was a lawyer, that if they were talking about two people and they were trying to determine if a contract existed and one individual said they had a contract and the other said he did not remember entering into any kind of agreement but if he said so there is, and he asked Mr. Shaddock that based on his legal training would that constitute a contract, and Mr. Shaddock stated that Mayor Lanier was a great mayor and a great man and Gordon Bethune had been a great business leader for the community and he did not in anyway which to impugn anything that those fine gentlemen had done, but he would state that if they went back and looked at the oath of office that each of them took when they came on to Council it was for the purpose of enacting ordinances according to the best interest of the citizens and their constituents, the voters, and he did not believe that it would ever be considered to be appropriate or proper in that respect to believe that any elected official other than the City Council could promise ordinances for the City Council. Council Members Boney, Todd and Sanchez absent.

Council Member Parker stated she hated to think the Council would never be in a position to change or reverse actions by previous administrations , that it was a fairly old southern city, that she was sure that there were things that they as City leaders in the past had done that would not want to be repeated today and would hate to be tied to them, that the question was asked earlier about whether a laser sign projected on the side of a building was still a sign, and asked Mr. Shaddock if he considered a laser projection to be a sign, and Mr. Shaddock stated that there were certainly all different kinds of signs, but he believed that the definition that was used generally in ordinances for a sign was a thing that was intended to commercially attract people. Council Members Todd and Sanchez absent.

Council Member Keller stated he found it preposterous that they would use it as an economic incentive tool, that infrastructure, regional water, clean air, regional transportation and lower taxes were incentives to business, that he did not find the sign offensive, that he was uncomfortable with the openness of what could possibly happen and the naiveté of Council of understanding how many possibly could end up there without being able to legislate taste or the kind of company that takes advantage of the situation, and he asked Mr. Shaddock what he would offer to Continental as an alternative and Mr. Shaddock stated that he thought that was a very good direction, that they needed to honor Continental and it was a good idea to think of some other way to make it up to them, but it just came down to the basic issue of whether or not it was felt that City Council must honor verbal commitments made by a former mayor. Council Members Todd and Sanchez absent.

Mayor Brown asked if the Downtown Association of Greater Houston Partnership endorsed it, that was much of the downtown business community, how would he respond to that, and Mr. Shaddock stated they had not endorsed it, that in fact he thought there was preponderates of opposition to the idea of the sign.

Council Member Vasquez asked for a point of order and stated that with all due respect to the speaker asked if they could invoke the five minute rule and move to the next speaker. Council Member Todd and Sanchez absent.



Mayor Brown stated that the five minute rule meant that it was five minutes for each speaker and all Council Members, not five minutes per Council Member, and stated if they wanted to invoke the five minute rule it was fine with him. Council Members Todd and Sanchez absent.

Ms. Katie Dorfman, 1710 Albans, Houston, Texas 77005 (713-629-0481) appeared and stated that she was the Public Policy Manager for Scenic Houston, that last week they heard some reasons why they should amend the sign code to allow signs atop the downtown buildings, that one of the predominant reasons was that it just made good business sense, that there was a sentiment that they needed to use the downtown signs to attract businesses to Houston, but the Houston business climate was prospering without the signs, that the worlds largest relocation company recently named Houston the most popular city for businesses seeking to transfer employees within the U.S., that according to their CEO, Houston offered an ideal environment for businesses looking to expand their operations while providing a favorable quality of life to their relocating employees, that she had also seen recent figures that indicated that the occupancy rates downtown were approaching 95%, so businesses were moving into Houston and to the downtown area for the same reasons that we live here, because the quality of life and the opportunities in Houston were exceptional, not because they could have a sign atop their building downtown, that they also heard arguments that they should amend the sign code as a reward to Continental, but how much of a reward would it be when Continental would have to compete for visibility with all the others who would follow suit in putting a sign on top of their building, that she understood that there were three new office towers proposed to be built in downtown Houston, no doubt that those buildings would be constructed with the possibility of projecting signs on top of them, that today Gerald Hines sent them all a letter in which he stated that most, if not all of the other buildings in the central business district had no signs because their owners and major tenants felt then and now that the skyline and the visual presentation that the City made to all who visited were more important than a single tenants desire for a sign, that he urged them all to reject the proposed amendment and many other citizens in Houston felt the same way, that a poll conducted by Council Member Tatro's office last week indicated that Houstonians opposed the amendment to the sign code by almost 6 to 1, and she urged Council to preserve the City skyline for the citizens and businesses of Houston and vote against the proposed amendment to the sign code. Council Members Todd, Ellis, Castillo and Sanchez absent.

Council Member Boney stated the sky was not going to fall with a few projections of logos and obviously would not want to see every building they had downtown with a sign, and people's position on aesthetics varied to some degree, that they should not do a sign just for Continental, that the ordinance was narrowly tailored, that preposterous as it may sound did think that there was some incentive for a national headquarters to have some national and local visibility by being able to have their logo projected onto their building, that how much that was worth he did not know, that he had always been surprised how much money people would pay for the naming rights of a sports arena, that they obviously found that there was some economic and advertising value to it, that he hoped that they could sit down when it was all over because he was very much impressed by Ms. Dorfman's presentations and the work her organization did. Council Member Todd absent.

Council Member Keller stated that the ordinance was not narrowly written, that anybody could build a parapet and for less than \$2,000 they could become an international company, that from anywhere from \$1million to \$7 million dollars they could build a parapet, that he wished they could get involved and really structure something that was narrowly written, and asked Ms. Dorfman what she would offer as an alternative to putting the sign, and Ms. Dorfman stated that she had wracked her brain thinking of an alternative but to tell the truth she did not know, but thought it was a good direction to head. Council Members Boney, Todd and Ellis absent.

Ms. Cece Fowler, 3015 Richmond, Houston, Texas 77098 (713-629-0481) appeared and stated that changing the Houston sign code to allow for advertisements atop the downtown skyline was a mistake, that the response from the citizens of Houston overwhelmingly had been on the side of protecting the downtown symbol, that while there had been those in the past week who had claimed that only the aesthetes cared about preserving the unadulterated skyline, that polls generated by concerned Council Members had revealed that it was not an evil scheme of some elitist group, but their own constituents making their desires known, that they heard quite divergent figures as to how the skyline might be impacted, that some said opening the floodgates meant 5 or 6 new signs and others estimated as many as 25, that even if they made a conservative estimate it was still going to be about 50 signs, and she urged Council to consider what the people wanted. Council Members Boney, Todd and Ellis absent.

Council Member Tatro stated that he did not even know what his poll said and he had been told by two people what the poll said, that he asked his office to tally up what they did, that he was interested to know what people in his district thought about the issue so they forwarded to almost 500 people the issue that was in the Chronicle and made some notes trying to be factual and get their reply, that what he was surprised at was not a whole lot of replies, that he was looking for more than just the no's and yes's, and he could not honestly tell them what the numbers were and was surprised that Ms. Fowler had determined from his office what the numbers were, and Ms. Fowler stated that as of Friday last week, out of the 500 e-mails that were sent, 130 people had responded, that 23 were in favor and 107 did not want the skyline to be polluted, and Council Member Tatro stated he would be happy to get the numbers when he knew what they were from his own staff. Council Members Boney, Todd and Ellis absent.

Council Member Parker stated that they could not draft an ordinance that applied only to Continental, that would be giving a special right or favor to a single company, but the ordinance was fairly narrowly crafted and there was discussion on Council as to how narrowly it was crafted, and asked Ms. Fowler what she thought was the likelihood, if they passed it, in a few years another corporate giant saying well they changed that ordinance for Continental a few years ago, why could they not change XYZ ordinance for them, and Ms. Fowler stated she was right, that they were setting a dangerous precedent. Council Members Todd and Ellis absent.

Ms. Nene Foxhall, 1600 Smith, Houston, Texas 77006 (713-324-5140) appeared and stated that she wanted to give a little bit of historical perspective to the issue, that when they decided to consolidate their worldwide headquarters in 1996 it was a significant decision for them, that they were obviously not going to leave the Houston area but they had many locations to consider throughout Houston and in the Woodlands, that the key considerations were of course cost, but access for their employees, many of



whom lived in the north and at the airport was also a key consideration, that the City did agree to work with them on those, and a third consideration was in fact corporate identity for their building, that was something that was important to them, that they did discuss all of that with the administration and asked for a commitment to help them with that, that there were considerations and thought that the move of 3,500 to 4,000 employees to downtown had been a significant boom to the central business district and that was a public benefit that had occurred. Council Members Todd and Ellis absent.

Council Member Keller asked if there was currently in the plans a monument or sculpture in tribute to Continental, anywhere in the City and Ms. Foxhall stated that not in tribute to Continental, that they were working with the City on artistic elements for the project which they were part of the funding for Intercontinental Airport, but certainly not in tribute to Continental, and Council Member Keller asked Ms. Foxhall if she would have a problem if they freeze framed the ordinance to the current conditions of downtown right now and ask Legal if that was legal, and Ms. Foxhall stated that as Continental's representative she appreciated all the attention Council, the Legal Department and Mayor had given to it already and would respectfully defer to the Legal Department on how the ordinance should be written. Council Members Boney and Todd absent.

Council Members Bell stated there were some figures thrown out earlier and asked if Continental had a position as to how many buildings would be affected and Ms. Foxhall stated that they worked with Cushman Realty who did represent them on the transaction to try to come up with a number and were still researching how many were actually the headquarters, but in fact they found 11 buildings that were large enough and had a 45% tenant, but thought only 5 or 6 of those were actually headquarter buildings that would qualify, that the issue of the roof structure, their experts view was that Continental's and possibly Texaco, that there were small structures on a couple of others, but it was such a judgement call on whether they were structures that could accept the projection, but thought it was a very small number, and Council Member Bell asked what reason she was given that it would not be art, and Ms. Foxhall stated that the reason they were given was that it did have part of their logo and fell within the definition of sign under the ordinance. Council Members Boney and Todd absent.

Ms. Kathy Lord, 2329 Bluebonnet, Houston, Texas 77030 (713-840-8733) appeared and stated that she was Executive Director of Trees for Houston, a non profit organization dedicated to planting trees on the thoroughfares, highways and schools, that she was present to ask their support of the Conservation and Reinvestment Act, CARA, which had passed the House of Representatives, that the Senate Energy and Natural Resources Committee sent the CARA Bill to the Senate floor on July 25th, that the bill directly affected trees for Houston through urban and community forestry funding, that a portion of the \$50 million would come to Texas and the Texas Forest Service for grant money distribution to Trees for Houston and other organizations in the Houston area and the entire State of Texas, that a portion of the \$75 billion for Urban Parks and Recreation Recovery could be used for tree planting in urban parks, that CARA addresses the problems associated with growth and sprawl by providing matching grants and technical assistance to local governments and non-profit organizations for tree planting, street beautification, urban planning and landscaping programs, that the \$50 million was \$20 million more than urban and community forestry had been funded in the past and would assure automatic funding through the United States Department of Agriculture, that Texas stood to receive \$234 million dollars with passage of the act, that Trees for

Houston requests that Houston City Council support the Conservation Reinvestment Act, Senate Bill 2123. Council Members Galloway, Boney, Todd, Vasquez and Quan absent.

Upon questions by Council, Ms. Lord stated that since the Senate was in recess the bill would be considered when they came back, that it did come out of the Senate committee and would go to the Senate floor when they were back in session, that the act was funded by revenues from offshore oil leases, that they had been spending the revenues on conservation of coastal lands, and the other things she had mentioned, in the past, that Urban and Community Forestry had not been part of it in the past, that \$234 million dollars would go to the State of Texas, that she was not sure how much of that money Houston would receive in terms of grants, that she did have the figures from the paper and could read it to them if they liked, that she could not tell them exactly how much Houston would get, that Texas Parks and Wildlife could better answer that question, that she did know that the Parks and Recreation Department could apply for grants through Texas Parks and Wildlife to acquire parkland and conserve land, that in fact the Westbury area, the whole Brays Bayou project that was going to be a retention area, was a grant from Texas Parks and Wildlife from that money, that other organizations in the Houston area would get \$20,000 in grants for urban and community forestry which was education as well as landscaping, that she would be happy to get those figures for them, that the Texas Forest Service grants were matching grants, that the split depended on what the grant was because every grant was different, that the Parks Board did have money to help with the grants, that some of the private sector could step up and help with the matching money. Council Members Galloway, Boney, Todd and Quan absent.

Mr. Tim Hogsett, 4200 Smith School Rd., Austin, Texas 78744 (512-912-7124) appeared and stated that he brought them greetings from the Department of Parks and Wildlife, that he was Director of Recreation Grants at the Parks and Wildlife Department and was present to ask Council to approve a resolution of support for the Conservation and Reinvestment Act which would soon be considered by the full United States Senate, that the historic legislation would dedicate more than \$40 billion dollars over the next 15 years nationally to conservation and recreation programs, that the act provided for reinvestment of offshore oil and gas leases to programs such as the Land and Water Conservation Fund, the Urban Parks and Recreation Recovery Program, historic preservation programs and many other conservation, recreation and outdoor education initiatives, that in the past the City of Houston had benefited from such programs as the Atlanta Water Conservation Fund in the acquisition and in some cases the development of cornerstones of their park system, such as Herman Brown Park, Cambridge Village, Buffalo Bayou, Riceville School Road and swimming pools, ball field, tennis courts and other facilities all over the City of Houston, that passage of the Conservation and Reinvestment Act would provide Texas with more than \$75 million dollars for the Land and Water Conservation Fund alone, to put that into perspective at it highest level of appropriation in the late 1980's Texas only received \$15 million dollars a year and had received since the early 1980's, that a large portion of the \$73 million dollars would be available for matching grants for cities including Houston, that more than 52 members of the Senate co-sponsored CARA and it passed out of Senate Committee with bipartisan support and the bill won overwhelming bipartisan approval in the U.S. House by 315 to 102 vote, that a couple of other examples that the State and City could benefit from the program, again the State side of the Land and Water Conservation Fund, 50% matching grants up to \$73 million dollars, State wildlife programs for games species, non-game

habitats \$17.5 million for Texas, the Urban Parks Recreation and Recovery Program to rehabilitate facilities in inner cities for parks and recreation \$4.4 million dollars, that more than two dozen Texas cities and counties had already passed resolutions urging Congress to pass CARA indicating a strong support for the landmark bill among local officials, that at the national level, the list of organizations, businesses, elected officials and government entities supporting CARA had topped 5,000, and that included the governors of all 50 states, that more than 100 daily newspapers, including New York, Chicago, Los Angeles, Dallas and San Antonio had signed on for the bill and hoped that City Council would sign on as well. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Mr. Paul Virgadamo, P.O. Box 3066, Conroe, Texas 77305 (936-525-4783) appeared and stated that he represented the Texas Recreation and Parks Society, that they were present to ask the City Council for support of the CARA Bill, that potential funding creates many benefits, especially in Houston with their vast resources such as the bayous, the ability to work with private foundations for development and also the ability to create more parks in Houston, that the funding creates leisure and recreational opportunities for not only present Houstonians, but also future Houstonians, that it also created a quality of life issue, that their support would not only help Houston but would also help all the other cities in Texas if the bill was passed, and he hoped that they would support the CARA Bill. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Ms. Glenda Barrett, 14958 Bramblewood, Houston, Texas 77079 (713-942-7275) appeared and stated that she was Executive Director of the Park People and was present on behalf of their Board of Directors to ask that Council support the Conservation and Reinvestment Act, that she spoke before them last week on the issue and was pleased that a resolution was passed in support of the Conservation and Reinvestment Act, that she was present to repeat the Park People's request, that please do not allow the opportunity for parks and greenspace funding to slip by, that the bill which breathes new life into the old Land and Water Conservation Act provides funding to create or expand parks, conserve forests, coastlines, wildlife refuges and open space, that as they had heard Texas would receive more than \$243 million dollars annually and a portion of that was specifically designated for urban parks, that as she stated last week with a new Parks Master Plan that called for major additions to Houston city parks system Houstonians could not afford to let the issue fail. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Ms. Shirley Collins, 7822 Richland, Houston, Texas 77028 (281-468-9159) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Mr. Dewey Bratcher, 9025 Gabriel St., Houston, Texas 77063 (713-780-7681) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Ms. Gennella Gray, 3124 Taum, Houston, Texas 77004 (713-659-3286) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Keller and Quan absent.

Mr. James Hicks, 5506 Elm Tree, Houston, Texas 77048 (713-738-1201) appeared and stated that he was the pastor of Cavalry Baptist Church, that he wanted to share with the Council about a problem they had with their sanctuary, that their sanctuary was in a very deteriorated state and the Neighborhood Protection determined that the building was a dangerous building and as a result they had them sign a contract with a private contractor to demolish the building, but at the same time they asked Ms. Bea Link, who was in charge of Neighborhood Protection, whether they would be able to get their furniture out and she agreed they would be able to get it out because of the fact that the contractors were professionals and they would be able to work around furniture and they would be able to get some of the furniture out, however, by the time the demolition was through, out of all of their furniture, which they estimated amounted to \$125,000, they were only able to get out about \$500 worth of furniture, which included an organ that was damaged and did not know the extent of the damage, that the only other things they were able to get out were a few folding chairs and one room air conditioner, that everything else they lost, that along with that they were charged for the demolition \$35,000, so they were in debt, not only the \$35,000 but when they looked at what they lost, it came pretty close to over \$150,000, that they as a small church could not afford that kind of debt, that they had hopes of putting a daycare center at that location but because of the lien that would be on the property it would take a while before they would be able to put the daycare center there so they could put something back into the neighborhood. Council Members Boney, Todd, Quan and Bell absent.

Mayor Brown asked Mr. Hicks what he was asking the Council to do, and Mr. Hicks stated they were asking Council to pay back some of what they lost, and also if they would be partners with them in putting something back in the City in regard to the daycare center, and Mayor Brown stated that Mr. Greg Simpson was present and would meet with him and would get back with him with the response. Council Members Boney, Todd, Quan and Bell absent.

Upon questions by Council Member Castillo, Mr. Hicks stated that the church was brought to the present location where it was demolished in 1947, that it was relocated from Clay Street, that it was founded in 1893, besides the furniture they saved they got the cornerstone plus a few chairs and one framed stained glass, that they attempted to remove the items before it was torn down but they were told that they building was too dangerous to go in, that they were told to get out on March 19, 2000. Council Members Boney, Quan and Bell absent.

Mr. David Bell, 2529 Prospect, Houston, Texas 77004 (281-265-4996) appeared and stated that he was present on behalf of the Cavalry Baptist Church concerning the demolition of their building, that the Neighborhood Protection Office handled the situation wrong, that more time should have been given to them and more explanation concerning the condition of their building, that they knew that the building was in bad need of repair, but they should have allowed them a plan of action to retrieve their history out of the building, that they were told that the demolishers would allow them to do it, but on that day once they started demolishing the building there was no way that anything could be saved, that other avenues should have been looked at concerning it. Council Members Boney, Todd, Keller and Bell absent.

Mayor Brown stated that Mr. Simpson was meeting with the pastor and asked Mr. Bell to join them and find out what direction to take as a result of their being present at

the Council meeting, that it was his understanding that the City did not permit them to enter the building because of the liability and the church was told they could assume the liability themselves but did not do so, then the demolition allowed them to get a few things out. Council Members Boney, Todd, Keller, Vasquez and Bell absent.

Upon questions by Council, Mr. Bell stated that they were presently worshiping at the Greater Zion Missionary Baptist Church and had about 100 members, that prior to the demolition they had a contractor working on the building and were attempting to make it a one story building and in that process some of the bricks fell and hit a residence next door and that was when the City came out and took their plan of action, that all they wanted was an opportunity to go into the church and retrieve the artifacts and mementos of the congregation, that they did not want anyone else to go through the same situation, that some guidelines should be set that when it happened they should give people ample time for people to remove possessions before demolition. Council Members Tatro, Boney, Todd, Keller and Bell absent.

Ms. Oneder Hicks, 5506 Elm Tree, Houston, Texas 77048 (713-738-1201) appeared and stated that she too was a member of the Calvary Baptist Church and was present at most of the meetings with Ms. Link when they were getting ready to bring the church down, that as it had been stated they knew that the church had to come down, but she specifically told Ms. Link on Sunday the 11th when the incident happened that they had a lot of valuables inside the church and needed to go in and get them, that they were all on the first floor and they could go through the side door, that Ms. Link stated it was too dangerous and told her that the building was leaning and any little movement or any truck that came down the street would bring down the building down, that on the 12th she and Reverend Hicks went to Ms. Link's office and she stated the same thing and that she had experienced contractors and that they knew how to work around most of what they had, that they would not be able to save everything but they knew how to save some of it, but it seemed that they went in with no intentions of saving anything, because they started from the back and bulldozed through the whole church, so all of their major things were lost, that they lost everything. Council Members Boney, Todd, Ellis, Keller and Bell absent.

Mayor Brown stated that they would see what could be done after talking with Mr. Simpson and see where they could take it. Council Members Boney, Todd, Ellis, Keller and Bell absent.

Mr. Abe Hicks, 3806 Boldgett, Houston, Texas 77004 (713-529-7167) appeared and stated that he too was a member of Cavalry Baptist Church, the church that was recently demolished, that they were informed that they could not go in and retrieve and material that was in the church because he asked personally if they would be able to go in the church and retrieve anything out of it and he was told that humanity or human beings were more important than materials, so they would not let them go in at all, so they could not retrieve anything, that everything they had was still in the church, that it could have been done in a different way. Council Members Boney, Todd, Keller and Bell absent.

Council Member Sanchez asked if the leadership of the church was afforded the opportunity to go into the structure at any point and time prior to the City declaring it a dangerous structure and taking out some of the materials that were valuable to the congregation, and Mr. Hicks stated that when the City came out they said that no one

could go into the church period, and Council Member Sanchez stated that once the City had declared the building a dangerous building had the duty to protect the citizens, and wondered if they understood that, and Mr. Hicks stated yes, they understood that, and Mayor Brown stated that when it was declared an unsafe building the church was given the opportunity to go in, but to assume the liability themselves, and they refused that. Council Members Boney, Todd, Ellis, Keller and Bell absent.

Mr. Charles Bingham was called and the City Secretary asked Mr. Bingham if he was going to make a complaint against a Houston police officer, and Mr. Bingham stated yes, and the City Secretary asked if he would swear to his complaint, and he stated yes, and the City Secretary administered the oath to Mr. Bingham. Council Members Boney, Todd and Keller absent.

Mr. Charles Bingham, 5931 Bellfort, Houston, Texas 77033 (713-738-7782) appeared and stated that he was present because his sibling Ms. Freda Bennings and his nephew, Cedrick Bennings had been misused for something that was allegedly done by Ms. Bennings son, that he thought they were victimized because the officer could not get Ms. Bennings son and did not follow procedure like an officer should have followed, that he had never been a police officer but had worked for lawyers and knew a lot about it, so that was why he was present, that he would not be wasting their time, but the officer did some things that he should not have and that was why he was present, that the officer first went to their house and had Cedrick Bennings name who he was looking for but he had a picture of Shawn Bennings and when he asked for Cedrick Bennings they stated he had the wrong information, that he had the right name of her son but had the wrong picture and the information did not match up, that the officer did not take that under consideration so he talked to quite a few people in the house and left, that he also went on Cedrick Bennings job and talked to people. Council Members Boney, Todd and Keller absent.

Mayor Brown stated that Assistant Chief Richards was present to meet with him, and asked if what he was saying was that the officer came to the residence with a picture of the wrong person and then went back and got a warrant for the arrest of Freda and Cedrick Bennings for hindering apprehension, and Mr. Bingham stated yes, and Mayor Brown ask Chief Richards to get all the facts and see what they could do, that they would look at the investigation and make sure that everything that needed to be done to do the right thing would be done, that if he had a complaint against one of the officers, Chief Richards would tell him how to file the complaint in the Internal Affairs Unit. Council Members Boney, Todd and Keller absent.

Council Member Castillo asked that they all get a copy of the report, because there had been several that he knew and probably many that he did not know, instances where arrests were made and even if it was an illegal arrest the citizen could not interfere with an officers execution of the arrest and did not know if it was State Law or local policy, and Mayor Brown asked Chief Richards to make sure that Council got the result of the report. Council Members Boney, Todd and Keller absent.

The City Secretary asked if both Ms. Freda Bennings and Mr. Cedrick Bennings intended to make a complaint of alleged misconduct against a police officer and they stated yes and the City Secretary administered the oath to both Ms. Freda Bennings and Mr. Cedrick Bennings. Council Members Boney, Todd and Keller absent.



Ms. Freda Bennings, 5900 Selinsky No. 184, Houston, Texas 77033 (713-987-0822) appeared and stated that on July 26, 2000 between 2:30 p.m. and 3:00 p.m. a neighbor knocked on her door and told her that her son Cedrick was being arrested, that as she proceeded to go out the gate she saw her son's truck coming at a high speed back into the gate and she followed the truck and when she got to the truck the officer told her she was under arrest and they snatched her arm and threw her against the car and her clothes came open and she asked if she could go and change her clothes and they told her no, that it was very embarrassing, that they put her in the car and she was sweating, that the officer went back to the police car and put on a bullet proof vest and Houston Police jacket and went into her son's house with another officer, that she kept asking if she could put on some more clothes and he would not let her, that she had to go downtown in a house coat that was open and it was very embarrassing, that she would like to know what she could do about the officer treating her that way because she was a human being and not a dog. Council Members Boney, Todd and Keller absent.

Mayor Brown stated that Chief Richards was out talking with Mr. Charles Bingham and asked that Ms. Bennings do the same thing, that he would explain to her the procedure for following a complaint against the officer or officers involved, that they wanted her to file an Internal Affairs complaint and it would initiate an investigation and someone would conduct an investigation to determine exactly what happened and then if there were rules or regulations that were violated then the police chief would take the appropriate disciplinary action, but first they needed her to file the complaint and then they would see where that would take them. Council Members Boney, Todd and Keller absent.

Mr. Cedrick Bennings, 5900 Selinsky No. 184, Houston, Texas 77033 (713-987-0822) appeared and stated that he was leaving his apartment to go to the store and as he left out the parking lot he saw a police car come up behind him and a police car come up on the side of him, that he turned his truck off and the officer asked him for his drivers license and insurance, that he gave it to him and the officer told him that they were conducting an investigation and could he please step out of the vehicle, so he got out and put his hands on the truck and let them search him and they put him in the back of the police car and the officer that had them search him came back and said that they had a search warrant for his arrest and he asked what he was being arrested for and was told that he was being arrested for hindering apprehension and he did not know what they were talking, that the officer handcuffed him and put him in the back of the car and did not read him his rights, that they went back to his apartment and got his mom and took them downtown, that the officer was who took them downtown was driving at a high rate of speed, that he was terrified and scared about what happened, that he was having day and nightmares, and could not concentrate at work and was getting to the point where he was going to have to seek counseling. Council Members Boney, Todd and Keller absent.

Mayor Brown asked him to do the same thing that he had suggested earlier, that he needed to file a complaint so they could get his statement as to what transpired from his perspective and that would be part of the investigation as well, that he needed to file the complaint with Internal Affairs and they in turn would conduct an investigation and based on the investigation the police chief would make some determination as to what to do. Council Members Tatro, Boney, Todd, Keller and Castillo absent.

Council Member Parker asked if he was charged ultimately for anything, and Mr. Bennings stated that the paper that the officer showed him stated that they had a warrant out for his arrest and the charge was \$1,500, that he had not gone to court and was out on bond, that he did not have an attorney, that he had to go to trial in the morning. Council Members Tatro, Boney, Todd, Keller and Castillo absent.

Mr. Steven Williams, no address, no phone appeared and voiced his personal opinions and jail experience until his time expired. Council Members Boney, Todd, Keller and Castillo absent.

Mr. Allen Laws, 15180 Tommy Smith Rd., Conroe, Texas 77306 (281-399-4295) appeared and stated that everyone should have a copy of an idea he came up with in September 1999, that it was concerning using the Intranet and Internet for the application process, that he believed there were several advantages for the City to implement it, that the elimination of drive time, the reduction of time filling out the application, the employee would be able to stay at the worksite and still apply for several or different promotions, employee application process would be more efficient, that productivity would remain high and believed it would help boost the morale of the employees and maybe even supervision by keeping the employees at the City site, that fewer vehicles on the road would be less accident potential, that he hoped they would take the time to look over the proposal and believed that it was a viable and reasonable idea to implement into the City. Council Members Boney, Todd, Keller, Vasquez and Castillo absent.

Upon questions by Council Member Tatro, Mr. Laws stated it was an employment on line application, that the applications were not posted on the Intranet, the City website, but they had no way to apply for the positions over the Intranet, that the resources were there and they were just not using them, that when he applied for a position he had to turn in a resume and a copy of each and every training class or documentation that he had to turn in with each and every application, that he had turned in his idea to the Good Idea Program, that he turned it into the Human Resources Department on September 19, 1999. Council Members Boney, Todd, Keller and Vasquez absent.

Upon questions by Council Member Parker, Mr. Laws stated that he had not heard back from them for a year, that the air that it was left up in was that it was in the works and that this type of program would be implemented, that he felt that it was overlooked, and Council Member Parker asked Mayor Brown for a memo to Council Members as to how the program worked and how the Human Resources Department followed up, and Mayor Brown stated they would do that. Council Members Boney, Todd, Keller and Vasquez absent.

Mayor Brown asked Mr. Laws if he was asking for just implementation or compensation and Mr. Laws stated that if compensation was part of the program it would be good, and Mayor Brown stated that the idea was first introduced in 1995 and again in 1997 and predated his suggestion therefore compensation would not be in order and Mr. Laws stated that he did not know that the idea had been introduced in 1995, and stated that the program was definitely one that needed to be implemented, and Mayor Brown stated that he would make sure that they got back with him as to an answer and also provide Council with information on the program. Council Members Boney, Todd, Keller and Vasquez absent.

Upon questions by Council Member Galloway, Mr. Laws stated that he would like to see the program implemented for both outside and in-house applications, that it was viable and there were a lot of companies that were already doing it and thought it was a viable solution to streamline the application process for the City. Council Members Boney, Todd, Keller and Vasquez absent.

Mr. Marvin Norman, 4000 Griggs Rd., No. 40, Houston, Texas 77021 (713-748-0775) appeared and stated that he resided at the Spanish Village Community Development Corporation located at 4000 Griggs in Southeast Houston, that he was present to bring to their attention some concerns associated with the formation and violation of rules associated with the Spanish Village Community Corporation, that he knew that the majority of the Council Members were not present when it was put together in 1995, that the chronology of events were as follows, that in 1996 they purchased the property from HUD for a dollar and received a \$2.2 million dollar grant to completely renovate the property, that they also obtained a \$498,000 loan from the City of Houston to complete the project funding, that the property should have been fully renovated within two years and that had not happened, that at this point they were struggling to get to a point where the work could begin, however the development team's lead member, Dr. Alvin I. Thomas had been paid a development fee from the HUD funds and City loan of about \$38,000 yet nothing had been developed at Spanish Village, that the architect, Cliff Ward of WP and Associates had been paid \$51,840 up front, yet there were to the point where they could not get an accept and inspect, that no one had regulated it but had acknowledged the problem with the management agent and the development team, however they were doing nothing but trying to push the thing forward hoping they would just go away, that to show their concern the residents had filed a lawsuit and the lawsuit was pending, that they were asking Council that if they could not halt the start of the project, which should have been completed in 1998, that it was the year 2000 and they still had not started anything, to investigate the Department of Housing and Community Development on how they operate and also asking that they stop the project until the litigation was resolved which was pending for August 21, 2000, that they had tried to get meetings with the Board of Directors who were hand picked and who by law stated they should have a democratic election, they had never had a democratic election, that HUD realized the problem and called for the election last year, that they had an election but it was not fair or democratic, that he personally went to the committee room to vote and the constable who was there told him that his name was on the ballot and could not vote, that Dr. Thomas was present and he had a problem with that, that they had a group of people that HUD recommended. Council Members Boney, Todd, Keller and Vasquez absent.

Upon questions by Council Member Bell, Mr. Norman stated that the address of the development was 4000 Griggs Road, that the developer was Dr. Alvin I. Thomas at Carver Institute/Carver Management, that Clifford Ward was the architect for WP and Associates, that the controversy had been ongoing for over 2 and 1/2 years, that he lived at the complex and was a resident owner and as HUD had indicated it was time for them to start acting as owners, that the bottom line was that they were allowing a lot of money to go basically out the window and they were not getting any services for it, that the property should have been fully renovated and the directors that they had in position were doing nothing for their benefit, and Council Member Bell thanked him for bringing it to their attention and for taking the time to do so. Council Members Boney, Todd, Keller and Vasquez absent.

Mayor Brown stated that Mr. McKenna was present and would meet with him to get all the details necessary to see what if anything they could do. Council Members Boney, Todd, Keller and Vasquez absent.

Ms. Arletha Johnson, 7104 Brendam Ln., Houston, Texas 77072 (281-988-5524) had reserved time to speak, but was not present when her name was called. Council Members Boney, Todd, Keller and Vasquez absent.

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

Mr. Tom Zakes, 1217 Prairie, Houston, Texas 77002 (713-228-2827) appeared and stated that they start with a moment of silence in remembrance of all the mufflers and tailpipes that had been lost in the construction of the Cotswold Project, that he had an office on Prairie where he had been for a little over 10 years and just in July 2000 he had some or all of his phone lines cut by the Cotswold workers four separate times, that in his work he relied on his phone lines and his fax machine, that he thought that the time had come to reevaluate the basic premise of should they even have the Cotswold Project, that the end goal of the project was to add additional parking spaces and take out lanes of traffic, that he thought that it would be unnecessary for him to come and ask them to stop the folly and saw the sign proclaiming the construction of two test blocks last year and thought that by any objective standard those two blocks failed whatever test was given them miserably, that the streets still did not drain a day after a storm, that mud and debris were already piling up, the landscaping did not grow as heartily as a patch of weeds and the cement was cracking at a rate even faster than normal, that in the short term and having suffered through it as much as he had already, Cotswold created less traffic lanes, torn up streets, sidewalks, less on street parking through the so called emergency banking of meters, mud everywhere when they did have rain, and dust everywhere when they did not, that on the subject of pollution they had the exhaust from the construction machinery and the blue air from motorists cursing still one more form of downtown delay, that in the long term they would end up with narrow streets in the northern downtown region where they just built a baseball stadium and now wanted to build a basketball, hockey and championship bull riding arena; was it his imagination or did it already take an hour to leave at the end of an Astros game, that they were now seeing how long it took to get emergency response vehicles through the mess, perhaps they should also authorize the purchase of a fleet of rescue choppers like they had on Mash, that another problem was they would still have 200 foot long Metro buses with 3 passengers running a red light going across both of those lanes and then stopping for the driver to run in and grab a bite, and they thought gridlock was only in Washington, that in short downtown revitalization was now going on in spite of and not as the result of the best efforts of their leaders, and urged that they shut the blight down as soon as possible and help them to have passable streets and sidewalks again. Council Members Boney, Todd, Keller and Vasquez absent.

Upon questions by Council, Mr. Zakes stated that the Metro work was not in the 1200 block of Prairie, that it all started when they tore up the 1200 block, that previous to the 1200 block it was the 1400 block being worked on and that was where he parked his car and could not get into the regular entrance to his contract parking lot and had to go

through a side entrance and the grade was different and three different vehicles had been affected by it, that he knew they were getting seven additional parking spaces per block, and Mayor Brown stated that he had made a number of complaints about the Cotswold Project and Mr. Robert DeYoung would meet with him and detail each of the complaints and they would follow-up and make sure that everything that needed to be done would be done. Council Members Boney, Todd, Keller and Vasquez absent.

Mr. Richard Healey, no address, (713-774-2253) had reserved time to speak, but was not present when his name was called. Council Members Boney, Todd, Keller and Vasquez absent.

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

Mr. Lionel Alexander, 7931 Booker, Houston, Texas (713-673-4765) appeared and stated that he was present to compliment Council Member Galloway who had been working in District B and appreciated all the work that had been done, in fact all over the City, that he appreciated all the great work, that she worked six and seven days a week. Council Members Boney, Todd, Keller and Vasquez absent.

Council Member Galloway thanked Mr. Alexander for being present, that she did do site visits, which was going to the constituents home and going around with them to see what the problems were and it did entail sometimes seven days a week, and she wanted to complement Mr. Robert DeYoung, that they had both been at Mr. Alexander's home that weekend and went around the community. Council Members Boney, Todd, Keller and Vasquez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that today was the anniversary of the worldwide web, that if the Economic Development Tool, Item 43, was projected onto the building using a computer or computers worldwide web it would be classified as an electronic banner or e-banner and he supported it, that was the position of James Partsch-Galvan, Libertarian Candidate for Texas Representative 147, [www.galvan.org](http://www.galvan.org), that Houston needed a global symbol, and thought that Houston could have the globe's largest clock projected onto the sky which could be seen by everyone, that Russia's latest rocket launch had a pizza company logo on it and it received a lot of publicity, that how about the gay flag and noticed all the flags, that how about the gay flag, that it was all about galvertising, and he wanted to know where President Joseph Charles was and did they really care. Council Members Boney, Todd and Keller absent.

At 4:20 p.m. upon motion by Council Members Vasquez and Ellis the City Council recessed until Wednesday, August 2, 2000 at 9:00 a.m. Council Member Mark Goldberg absent on personal business. Council Member Robinson absent due to being ill. Council Members Boney, Todd and Keller absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 2, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, 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. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Linda Layton, Agenda Office, present. Council Member Mark Goldberg absent on personal business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 a.m. Mayor Brown called the meeting to order. Council Member Goldberg absent on personal business. Council Member Galloway absent.

## **MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was called.

Ms. Judy Johnson, Chief Deputy City Controller, stated that she was pleased to present the monthly financial report ending June 30, 2000, the twelfth and last month of the fiscal year and because it was the last month she would clarify a few things about the way it was put together; that on page 5 of the report the year to date column included all corrections and additions they made through July 21, any additional investment they were aware of was included in the estimated column; that the General Fund revenue estimates were \$1.6 million less than last month; that the estimated expenditure estimates were \$5.9 million lower than one month ago and the Ending Fund balance was estimated at \$4.7 million more than last month's estimate which was \$74.6 million; that the only budget transfer made was \$750,000 from the General Government to the Solid Waste Department; that several departments were estimated to have overspent their budget but they were all less than what could be covered by budget transfers within the 5% limit; that Water and Sewer estimate was up \$11.6 million; that there was an error in the Child Safety Fund on page 37 which was discussed with the Fiscal Affairs Committee yesterday and the correction was in process; that expenditures for school crossing guards was recorded at an estimated \$3,341,000 which would leave an estimated Fund Balance of zero; that they had also presented the Quarterly Investment Report for the quarter ending June 30 and the combined portfolio had a market value of approximately \$1.5 billion; that market sectors were basically unchanged from the prior quarter and they had invested in agency securities at 66% of the portfolio with the second largest item being Treasury Securities at 13%; that the waited average maturity was about 1.8 years for the General Pool and the yield was 5.8%; that Airport Construction Pool at \$332 million declined about \$40 million due to expected construction spending and the waited average maturity of that pool was 205 days and a yield on the Airport Construction Pool was 5.3%; and that completed her report. Council Member Galloway absent.

Ms. Sara Culbreth, Acting Director F & A, stated that this was the last month of the fiscal year 2000 and F & A's report was presented on page 7 and as pointed out in the Fiscal Affairs Meeting yesterday where she had passed around a letter from F & A there



was an error which said the General Fund Balance requirement of 7 1/2% of \$65 million and the calculation was \$77.9 million and a corrected sheet was passed now to Council Members, but on page 7 the General Fund expenditures were expected to total \$one billion two hundred six million for the end of the fiscal year with total expenditures and other uses coming in at one billion two hundred ten million which was about \$4.2 million less than what was reported last month in both revenues and expenditures; that she did want to point out that their projection in year end did include an accrual of \$3 million for cable franchises and they would be reversing that entry in period 14; that there was also a number of other revenue sources they were looking at that they believed to be consistent with the revenue recognition of other revenues, there was an accrual of that amount if slightly not higher that should be accrued and she would be discussing that as she already had a couple of times with the auditors; that on the Water and Sewer Fund the revenues increased this month by \$12 million which was about \$40 million higher than their original budget and in the Aviation Fund this month they increased revenue \$10 million which was about \$12 million in excess of their original budget; and that concluded her report. Council Members Galloway, Boney and Castillo absent.

Council Member Tatro stated that there had been discussion lately about accruals and the revenues of the city would be what they were, but he would point out that on the electrical franchises Reliant Energy was predicting about the same as last year and month by month the Administration had back slipped, readjusted its accrual and was now in line with what they predicted it would be three months ago and that was a significant concern in the analysis, accruals and projections; that the Monthly Financial Report was an official book to be published and utilized from period to period and they should not issue the book with the \$3 million error of accrual and later he would move to have the report resubmitted by the Administration so it would be cleared; and upon questions, Ms. Culbreth stated that in looking at the end of the year revenues others were similar to property tax, specifically Municipal Court fines and forfeits, she wanted to discuss with the auditors as she understood in the past the concern with those two revenue sources and why they had not booked an accrual for that 60 day period after the end was because they were not comfortable with the reports they had in the past to track them and track the revenues collected against them in the following two months; that they had the reports and could generate them but she wanted to discuss it with them because she understood there was a concern previously with them, but it was similar to property tax in that the event that caused the revenue to be earned had happened. Council Member Tatro stated that he believed the accruals were inappropriate, clearly one of the franchise contracts had not even been brought back before them and he believed the official document needed to reflect what he believed was an improper accrual of the \$3 million and he applauded her willingness to back it up but a mistake was made and he believed it should be corrected. Council Members Boney and Castillo absent.

Upon questions by Council Member Keller, Ms. Culbreth stated that when she referred to the Municipal Courts report it was not what he had requested last week, there was another report that would show when the ticket or case was actually filed and its subsequent disposition; that the Age Report would only give the aging of the receivables. Council Member Tatro stated that he heard initial results were in the area of \$14 million for Municipal Courts Fines and Forfeits; and Ms. Culbreth stated that the total population out there was considerably higher; that weed liens and demolition she

believed may be closer to the \$14 million, but with Municipal Courts Fines and Forfeits the total population out there was much higher and she would be glad to get the number for him along with the Aging Report. Council Member Boney absent.

Council Member Tatro moved that the Administration resubmit the Quarterly Financial Reports for June and bring back to Council after removing the \$3 million accrual, and was seconded by Council Member Quan.

Council Member Castillo stated that this was discussed in committee yesterday and Ms. Culbreth stated that she was willing to give a letter that she was reversing that entry and to withhold the report on the rest of the activities of the city for it to be redone was a waste of time and made something more out of the issue than it really was; and he did not think it should be postponed.

Council Member Boney stated that he agreed with Council Member Castillo and a simple memorandum addendum to the monthly report stating that amount would be taken out would satisfy his issue and they did not need to put off accepting the financial report only to add a page to the report; and would urge doing that.

Mayor Brown stated that he would ask that F & A do as Council Member Boney suggested, make corrections to the report and make sure all Council Members received a copy. Ms. Culbreth stated that there would be additional adjustments during Period 14; and Mayor Brown stated that if the concern of the \$3 million was being taken out then she needed to make that necessary documentation so there would be no issues associated with it.

Council Member Tatro stated that monthly he had come to the table and commented on the electrical franchise fee and what the city's current revenues were and it was incumbent on Council to realize this was straight dollars and cents and they found themselves in the red for the second year in the row on current net activity; that they could agree to do things later but this was an official document and he found it personally irresponsible to identify numbers that were not there to accept that they would reverse something in a current period when it was clearly in error.

Council Member Castillo stated that he appreciated Council Member Tatro's concern, but they should be careful with words because words did tend to take meaning when recorded in the press; that Council Member Tatro made a comment that once again they were in the red and there was still a positive balance at the end of the page and that was a misstatement. Council Member Tatro stated that he had said they were in the red for net current activity and the financials did clearly reflect that.

Council Member Boney moved to accept the monthly report with the addendum addressing the removal of the \$3 million, and was seconded by Council Member Castillo.

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

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Mayor Brown voting aye.

Council Member Vasquez voting aye.

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

Council Member Castillo voting aye.  
Council Member Parker voting aye.  
Council Member Quan voting no.  
Council Member Sanchez voting aye.  
Council Member Bell voting aye.  
Council Member Robinson voting no.  
SUBSTITUTE  
MOTION 2000-0972 ADOPTED.

**Consent Agenda (Items 1 through 38) were considered as follows:**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON PARKS BOARD**:
  - Position Four - **MR. PETER WAREING**, reappointment, for a term expiring 1/1/2003
  - Position Five - **MS. ANITA STUDE**, reappointment, for a term expiring 1/1/2003
  - Position Six - **MR. REED MORIAN**, reappointment, for a term expiring 1/1/2003
  - Position Seven - **MS. TERRY HERSHEY**, reappointment, for a term expiring 1/1/2002
  - Position Eight - **MR. ROB ROWLAND**, reappointment, for a term expiring 1/1/2002
  - Position Nine - **MR. BRADY CARRUTH**, reappointment, for a term expiring 1/1/2002
  - Position Eleven - **MR. DON CLARK**, appointment, for a term expiring 1/1/2003
  - Position Twelve - **MR. ANTHONY CHASE**, reappointment, for a term expiring 1/1/2002
  - Position Fourteen - **MS. YVONNE CORMIER**, reappointment, for a term expiring 1/1/2003
  - Position Fifteen - **MS. GIGI HUANG**, reappointment, for a term expiring 1/1/2002

- was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0973 ADOPTED.
  
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **CITY OF HOUSTON REINVESTMENT ZONE NUMBER SEVEN BOARD OF DIRECTORS**, also known as the **OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE**:
  - Position One - **MS. ALGENITA SCOTT DAVIS**, reappointment, for an unexpired term ending 5/6/2001
  - Position Two - **MR. JAMES J. SMITH**, reappointment, for a term to expire 5/6/2002
  - Position Three - **MS. ZINETTA A. BURNEY**, reappointment, for an unexpired term ending 5/6/2001, 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
- was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0974 ADOPTED.

**ACCEPT WORK** - NUMBERS 3 and 4

4. RECOMMENDATION from Director Department of Aviation to accept work on contract with **STEWART-MATL, LTD, CO.** for Terminal C Parking Addition at George Bush Intercontinental Airport/Houston (IAH); Project 490C; CIP A-0371 - 00.40% under the original contract amount Enterprise Fund - **DISTRICT B – GALLOWAY** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0975 ADOPTED.

**PROPERTY** - NUMBERS 5 and 6

5. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John F. Caldwell of Alidade Group, Inc., on behalf of Burns Electric, Inc. (Larry W. Burns, president), for abandonment and sale of South D Street, from 75th Street west 100 feet to its dead-end terminus, located in Magnolia Terrace Subdivision, S. M. Williams Survey, Parcel SY1-001 - **STAFF APPRAISERS DISTRICT I – CASTILLO** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0976 ADOPTED.
6. RECOMMENDATION from Acting Director Department of Public Works & Engineering to purchase Parcel DYO-26, located along White Oak Bayou between Cortlandt and Harvard Streets, owned by Harris County Flood Control District, a body politic and corporate, Bob Gaskins, General Manager of Right-of-Way, for **WHITE OAK BAYOU SANITARY SEWER LINE EASEMENT PROJECT**, CIP R-2011-11-1 - \$2,570.00 - Enterprise Fund - **DISTRICT D – BONEY** - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0977 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9

**LOW BIDS**

7. **ADVANTAGE OFFICE FURNITURE** for Banquet Tables and Outdoor Furniture for Convention and Entertainment Facilities - \$70,816.00 - Enterprise Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0978 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 10 through 38

12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 5-foot wide utility easement containing 520 square feet (0.0119 acre) of land, more or less and a 5-foot wide aerial easement containing 520 square feet (0.0119 acre), referenced to the ground; both easements being out of Lot 32, Block 2, Field and Tashnek Subdivision, Harris County, Texas; vacating and abandoning said tracts to Galaxy Resources, Inc, abutting owner, in consideration of the owner's dedication of a 5-foot wide easement for utility purposes containing 931 square feet (0.0214 acre) of land, more or less, and payment of \$600.00 and other consideration to the City - **DISTRICT B – GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-692 ADOPTED.
14. ORDINANCE approving and authorizing submission of an application for grant assistance to the **TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD** to Upgrade existing Telecommunications Equipment; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Houston Public Library Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$867,753.77 Grant Fund \$25,394.00 HALAN Fund - \$63,000.00 Equipment Acquisition Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-693 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1** for Development, Operation and Maintenance of Post Oak Park - **DISTRICT G – KELLER** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-694 ADOPTED.
19. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **WALKERS MARK COMMUNITY ASSOCIATION, INC** for garbage collection service for the respective subdivisions - 12 Months - \$288.00 - **DISTRICT G – KELLER** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-695 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and **DISCOVER FINANCIAL SERVICES, INC** for Charge Card Processing Services for Various Departments - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
22. Omitted
24. ORDINANCE approving and authorizing amendment No. 1 to contract between the City of Houston and **JOHNSON CONTROLS WORLD SERVICES, INC** for

Interterminal Train System (ITT) Operations and Maintenance Services for the Houston Airport System at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

26. ORDINANCE correcting Item Number 21 in the assessment roll included within Ordinance Number 83-1130, which ordinance levied assessments with respect to the improvement of a portion of Antoine Drive in the City of Houston, Texas - **DISTRICTS A - TATRO and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-696 ADOPTED.
27. ORDINANCE appropriating \$3,520.00 out of General Improvements Consolidated Construction Fund with an additional \$6,080.00 in the Community Development Block Grant Funds and approving and authorizing second amendment to professional services contract between the City of Houston and **CLAUNCH & MILLER, INC** for Renovation of Parking Lots at Various Facilities, CIP E-0039-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - \$9,600.00 - **DISTRICTS B - GALLOWAY; D - BONEY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-697 ADOPTED.
28. ORDINANCE appropriating the additional sum of \$18,870.00 out of the General Improvements Consolidated Construction Fund 441 for construction of Storage Building at Fifth Ward Multi-Service Center and additional parking at Acres Homes and Fifth Ward Multi-Service Centers, GFS D-0071-01-3, previously approved by Ordinance No. 99-932 dated August 25, 1999 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-698 ADOPTED.
29. ORDINANCE appropriating \$7,449.43 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **PERRY HOMES** for construction of 8-inch sanitary sewer lines along Sutton Street, CIP R-0800-27-3 - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-699 ADOPTED.
30. ORDINANCE appropriating \$8,500,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to engineering services contract between the City of Houston and **MONTGOMERY WATSON AMERICAS, INC** for Neighborhood Sewer System Improvements, CIP R-0544-01-2 (4751) – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
31. ORDINANCE appropriating \$218,350.00 out of Parks Special Fund and approving and authorizing contract between the City and **ROBERT W. MCKINNEY, AIA** in



connection with the Maintenance Complex-Memorial Park Golf Course, GFS F-0464-01-2 - **DISTRICT G – KELLER** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Goldberg absent.

34. ORDINANCE accepting \$465,000.00 in funds from Harris County and depositing such funds in the Harris County Construction Fund, appropriating \$496,623.00 out of the Street and Bridge Consolidated Construction Fund, \$465,000.00 out of Harris County Construction Fund, \$54,164.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **MEB ENGINEERING, INC** on low bid of \$875,033.00 and approving and authorizing professional services contract for engineering testing services with **TERRA MAR, INC** in the amount of \$27,000.00 for construction of Lockwood Bridge over Hunting Bayou and approach Roadway Improvements, GFS N-0445J-01-3 (N-0445J-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, the Harris County Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-700 ADOPTED.
35. ORDINANCE appropriating \$1,788,100.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **MEB ENGINEERING, INC** on low bid of \$1,592,800.00 and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** in the amount of \$20,000.00 for construction of Water Line Replacement in Marion Addition Subdivision, GFS S-0476-01-3 (WA10479); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-701 ADOPTED.
36. ORDINANCE appropriating \$351,300.00 out of Parks Consolidated Construction Fund, awarding construction contract to **MEB ENGINEERING, INC** on low bid of \$1,590,000.00 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD d/b/a GEOTECH ENGINEERING & TESTING, a Texas Limited Partnership** in the amount of \$25,000.00 for Parks to Standard Program Phase II, Bid Package No. 6 - Carverdale and MacGregor Parks, F-0363-06-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund \$1,375,000.00 CDBG Grant Fund - **DISTRICTS A - TATRO and D – BONEY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-702 ADOPTED.

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

**ACCEPT WORK**

3. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$6,165,446.00 and acceptance of work on contract with **CAJUN CONTRACTORS** for Construction of Phase III Expansion to the Central Sewage Treatment Plant In Kingwood, GFS R-2011-09-03 (4701-9) - 04.32% over the original contract amount - **DISTRICT E – TODD** - was presented, moved by Council Member Boney, and seconded by Council Member Keller. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0979 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

#### **OTHER**

8. **TEXAS DEPARTMENT OF HEALTH** for Certification and Recertification Testing of Emergency Medical Technicians and Paramedics for Fire Department - \$47,500.00 - General Fund - was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-980 ADOPTED.
9. **COLE INFORMATION SERVICES, INC** for Criss-Cross Directories for Various Departments \$187,819.74 - General, Enterprise and METRO Funds - was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Tatro. Council Member Goldberg absent on personal business.

### **RESOLUTIONS AND ORDINANCES**

10. RESOLUTION of the City of Houston, Texas supporting Transportation Excellence for the 21st Century (TEX-21) - was presented, and was tagged by Council Members Todd, Tatro and Keller. Council Member Goldberg absent on personal business.
11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Hutchins Street right of way, which is described as six parcels containing, in the aggregate, 57,820 square feet of land, more or less, all parcels located in the James Wells Survey, A-832, Houston, Harris County, Texas; vacating and abandoning to the named abutting owners (i) Parcels S99-023A and S99-023B to Manfred Co., L.C., (ii) Parcels S99-032A, S99-032B and S99-048 to Louis Macey, Trustee, and (iii) Parcel SYO-015 to Cynthia Macey, Stephanie Macey and Louis A. Macey, in consideration of, respectively (i) Manfred Co., L.C.'s dedication of two easements for utility purposes containing 10,000 and 10,060 square feet of land, more or less, (ii) Louis Macey, Trustee's dedication of three (3) easements for utility purposes containing 7,700, 10,000 and 10,060 square feet of land, more or less, and (iii) Cynthia Macey's, Stephanie Macey's and Louis A. Macey's dedication of an easement for utility purposes, containing 10,000 square feet of land, more or less, and owners' payment of \$187,915.00 and other consideration to the City - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council

Member Goldberg absent on personal business. ORDINANCE 2000-703 ADOPTED.

13. ORDINANCE approving and authorizing the submission of the Immunization; Bureau of Nutritional Services; Tuberculosis; Women and Children, Title V, Parts A and B, and Bureau of Clinical and Nutrition Services, Title XX, and Bureau of Regional/Local Health Operations, Program Plans and 2001 Budgets to the Texas Department of Health (TDH Contract No. 7460011640-01); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of Interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Texas Department of Health for the WIC Program; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any \$12,828,613.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-704 ADOPTED.
16. ORDINANCE authorizing the imposition of a fuel cost surcharge by Taxicab Permittees and Drivers; containing other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Quan stated that he would like clarification as he understood the fuel surcharge would be imposed for one year, but it was his understanding it could be less; and upon questions, Mr. Bibler stated that there was a lengthy discussion of that at the Council Committee and it was agreed that it would be one year before Council could repeal or if they wanted to extend it they could do so, but if nothing else happened to end it sooner or to extend it then it would expire in one year.

Council Member Castillo stated that in addition to what Mr. Bibler pointed out the ordinance was effective in seven days so in fact there was a one week delay before it took effect and he would urge the passage to cover the driver's losses

Upon questions by Council Member Sanchez, Mr. Bibler stated that there was nothing sophisticated about this, it would just last a year unless it was killed or extended.

Council Member Ellis stated that in response to Council Member Sanchez's question the committee decided that they would reevaluate this in six months and that was why there was no thresholds put in.

Council Member Todd stated that since February 1999 gas prices had risen 59% and that was a substantial amount and he was comfortable with this and still cab drivers would be losing money, but most cab companies agreed that this was a good charge.

A vote was called on Item 16. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-705 ADOPTED.

17. ORDINANCE approving and authorizing contract between the City and **DISABILITY MANAGEMENT ALTERNATIVES, LLC** for Third Party Administrative Services for the City's Long Term Disability Plan; providing a maximum contract amount - \$281,000.00 - Long Term Disability Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-706 ADOPTED.
18. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **HOUSTON PINE SHADOWS CIVIC CLUB** for garbage collection service for the respective subdivisions - 11 Months - \$132.00 - **DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-707 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City and **WELLS FARGO MERCHANT SERVICES, L.L.C,** and **WELLS FARGO BANK, NA** for Charge Card Processing Services for Various Departments; making an exception to the equal opportunity ordinance – was presented, and was tagged by Council Member Boney. Council Member Goldberg absent on personal business. **(Note: Council Member Boney released his tag later in the meeting.)**
23. ORDINANCE amending Ordinance No. 95-686 to increase the maximum contract amount for contract between the City of Houston and **INTERNATIONAL BUSINESS MACHINES CORPORATION** for Software Licensing Program for the Municipal Data Center - 3 Years \$600,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-708 ADOPTED.
25. ORDINANCE appropriating \$509,983.20 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **EDWARDS AND KELCEY, INC** for the design and preparation of construction documents for Reconstruction of Aprons and Pavement Rehabilitation at Ellington Field (Project No. 568), CIP A-0153 and A-0388 - **DISTRICT E – TODD** – was presented.

Council Member Keller stated that unless he was talked out of it he would be tagging Item 25; that he had seen a lot of construction documents and was dying to see a \$500,000 construction document; that the item also did not point out the entire scope of work and he was hoping they were just not picking a 10% figure; and would tag the item until someone could speak with him. Council Member Goldberg absent.

31. ORDINANCE appropriating \$218,350.00 out of Parks Special Fund and approving and authorizing contract between the City and **ROBERT W. MCKINNEY, AIA** in connection with the Maintenance Complex-Memorial Park Golf Course, GFS F-0464-01-2 - **DISTRICT G – KELLER** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Goldberg absent.
32. ORDINANCE appropriating \$554,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract

between the City of Houston and **PTI, INCORPORATED**, for Design of Almeda Road Reconstruction from Alabama Street to Hermann Drive, CIP N-0736-01-2 (N-0736-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - BONEY and I - CASTILLO** – was presented, and was tagged by Council Member Tatro. Council Member Goldberg absent.

33. ORDINANCE appropriating \$461,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **TSC ENGINEERING COMPANY** for Design of Waterline Replacement in the Meyerland Subdivision, CIP S-0035-65-2 (WA10592); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented, and was tagged by Council Members Tatro and Keller. Council Member Goldberg absent.
37. ORDINANCE No. 2000-678, passed first reading July 26, 2000  
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-678 PASSED SECOND READING IN FULL.
38. ORDINANCE No. 2000-679, passed first reading July 26, 2000  
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-679 PASSED SECOND READING IN FULL.

**MATTERS HELD** - NUMBERS 39 through 44

39. 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 – **(This was Item 14 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented.

Council Member Castillo stated that he was passing out two amendments amending a section he brought up at the last meeting having to do with income earned; and presented a WRITTEN MOTION as follows: “I move that Item 39, a proposed Resolution creating the Houston Area Water Corporation, be amended by changing certain language in Exhibit A of the Resolution as follows: 1. Amend the second sentence of the second paragraph of Article XI to read as follows: Any such income shall be deposited with the City. 2. Amend the last sentence of the last paragraph of Article XI to read as follows: In the event of dissolution or liquidation of the Corporation, all assets of the Corporation shall vest in the City.”

Mr. Bibler stated that Ms. Taylor was on her way, but he would explain this part of it and the concern was that the original document stated that funds would be deposited into the Public Works Department and that department did not exist as a legal entity, it did not have a bank account and the funds should in fact be turned over to the city.

Council Member Bell stated that he would speak to the issue as a whole and thought he would be delaying the item, but they could speak to the amendment and then he would speak to delay.

Upon questions by Council Member Robinson, Mr. Bibler stated that this did not impose restrictions it only said the money went to the city and did not say where in the city; that there could be, but this did not address that. Council Member Todd absent.

Upon questions by Council Member Robinson, Ms. Susan Taylor stated that the provision was simply that the Enterprise Fund or Public Works Department was not a legal entity, it was simply an organization within the City of Houston which was a legal entity and the dollars would come back to the entity, the City of Houston, but because they were Enterprise Fund dollars initially it was reimbursement of the Enterprise expenditure within the city and that reimbursement would be credited back to the Enterprise when it came back in because that was the source originally. Council Member Robinson stated that her answer seemed to contemplate the million dollars only and he was talking about the provision relating to all revenues beyond the million dollars, the surplus; and Ms. Taylor stated that reimbursement of these dollars would definitely go to the Water and Sewer Enterprise Fund and if the other revenues were a result of the water and sewer system then they would; that it was conceivable there would be revenues going to the General Fund but she would suspect the majority would go to the Enterprise Fund. Council Member Robinson stated that for clarity purposes he would like her to place in writing which funds she would suspect would windup in the General fund. Council Member Todd absent.

Upon questions by Council Member Keller, Council Member Robinson stated that he was fine with the amendments. Council Member Keller stated that this may justify why they would want to delay it; that he was better with numbers than words and if amendments were being made today then it may be fair to have others and fair to say that with the discussion that just took place there was justification and they may want to take a look at it.

Council Member Castillo stated that he would like to know the timeline for the project and whether this would be a harmful delay. Council Member Boney stated that he would suggest dealing with that after the amendments.

Mayor Brown called for a vote on the motion presented by Council Member Castillo amendments to Item 39. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Todd absent. MOTION 2000-0981 ADOPTED.

Council Member Bell stated that his concern was that the policy ramifications of Items 39 and 39a were gigantic, this was a very large project and he was bothered by the fact that this body would choose to see the authority making decision for who would be responsible for this project with all the policy ramifications to an unelected body; that some have used the comparison of the Convention Center Hotel when Council created



the Local Government Corporation for doing so in this instance and he believed they were very different; that the policy question with the Convention Center Hotel was whether you believed the city should be involved in the process of building one and once beyond that question it was just who would make decisions on the building process and he did not think that was true in this case with the water treatment plant because there were a number of different proposals on how the city should go about it and in the end there were policy considerations that would have big implications for the future and he did not think they should secede the authority, he thought that they marginalized themselves by doing it; that he knew they were being told legally that was the only way they would be able to do it but found that interesting because originally when the whole idea of privatizing the treatment plant was being shopped no one said a decision was going to have to be made by a local government corporation, it was always shopped in terms that it would be Council's decision and they would have a chance to weigh the proposals for the various teams and perhaps in the end it would prove that was the only legal way, but he was willing to try to do independent research and find others more experienced in the area to do so as well and thought a one week delay was justified; and urged Council Members to please support the delay. Council Member Todd absent.

Council Member Keller stated that he supported the process of the LGC and he would support the delay because in the instance of the Convention Center Hotel there was a simpler formula but there was a delay and it proved productive; and what he liked about the hotel was there was a special meeting just for articles of incorporation where each Council Member was allowed to vote up or down on amendments; that his main concern in this monumental project was the transmission lines and his questions were complex and there was quite a few of them; that he supported the delay and looked forward to hearing from the Administration on whether Council Members could get that special meeting. Council Member Todd absent.

Council Member Robinson stated that he was not opposed to the delay, as everyone knows he tagged it last week and hoped that Council Members would have an opportunity to do what Council Member Castillo did, but if they needed more time so be it; that he felt Council Member Bell raised a legitimate question and essentially what he was hearing was did they need an LGC as a matter of law to do what it was they were trying to do; that they had an opinion from the City Attorney and it may need more clarification and he understood there was an attorney as a part of the CMH2Hill team and it would be helpful to get an opinion from that attorney separate and distinct and it would be interesting if it were legally permissible to find out from all the proposers attorneys in the deal if they considered the subjects they submitted on how they would do the deal, without getting into the substance of it, whether yes or no an LGC was required and then see if all attorneys agreed. Council Members Todd and Sanchez absent.

Council Member Tatro stated that he supported Council Member Bell's motion and would second it if it had not been seconded; that the way the document was written he thought Council should be concerned about the LGC, which he thought should be formed, could go out, craft a proposal and select a team and capacity, number of lines, all legal work and then submit an RCA to Council; that there were significant policy implications and plant implications; that the capacity of the plant was an important factor because the city was interested in maybe floating the entire bond debt and at the same time they were expanding the East Water Plant and if they did not get a lot of customers

signed up quick then City of Houston rate payers would be floating the entire bond debt and obviously the city's relationship with the unincorporated areas and the Regional Water Authority and MUDs individually not only had monetary ramifications but also state Legislature ramifications and it was important to delay and look for steps Council could be apprised of in the process before a final deal was crafted. Council Members Todd and Sanchez absent.

Council Member Castillo stated that he would like to point out that a one week delay could be a two week delay and likely a three week delay because there was no Council Meeting next week and after that was the Democratic Convention and he knew some Council Members would be there and he would like to know what a potential two or three week delay would have; that in his opinion it was not good and it needed to be moved on. Council Members Todd and Sanchez absent.

Council Member Castillo moved to suspend the rules to hear from someone able to answer questions, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Todd and Sanchez absent. MOTION 2000-0982 ADOPTED.

Mr. Haines stated that as they presented to both the Transportation Technology Infrastructure Committee and Council Members, they had presented a very aggressive project schedule particularly as it related to consideration of an alternative service delivery structure; that they were advised a short time ago in order to consider procurement options available they could not proceed as a city without creating a Local Government Corporation and they brought it to the Council Committee's attention and everyone and their concern was essentially meeting a time critical objective of having a contract in place and Council confirmation of the contract assuming that the corporation considered moving forward with an alternative service delivery; that it represented the most time efficient approach by a factor of approximately two years between the traditional approach and the alternative delivery approach; that it also represented up to 20% – 30% of savings over traditional approaches and those kind of arguments were presented as they made their presentation; that their concern was they had received very definitive legal advice that the only way they could move forward with any other kind of consideration other than the traditional approach was through the creation of a Local Government Corporation and in order for that to happen and for them to meet what they considered to be a critical time deadline, the end of December, they were very concerned that a delay for the minimum of two weeks would place the project in jeopardy and he believed placed one of the most significant and valuable resource assets of the city at stake and that was its ownership and regional proprietary interest in its water and he believed that was something the city needed to protect with all its heart and to get there they believed by introducing such a delay would in the end create a very very serious problem and placed an onerous burden on the Public Works Director and would recommend that Mr. Rolan also speak on the subject. Council Members Todd and Sanchez absent.

Council Member Castillo moved to suspend the rules to hear Mr. Tom Rolan, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Todd and Sanchez absent. MOTION 2000-0983 ADOPTED.

Mr. Tom Rolen, Acting Director Public Works Department, stated that Mr. Haines had explained the timetable and they had looked at this long and hard with their consultant and there was a real need to have the process completed, completed being in terms of the contract with the agent who would construct and design the facility and a notice to proceed by the end of the year, as indicated in their presentation to the committee they were obliged to complete and submit a ground water reduction plan by the end of the prescribed time table and they had worked backwards to try and get as much time as they could to get there; that the schedule given to the committee was already significantly compressed from what was typically experienced in this type activity, but the department and consultant were committed to work with the LGC to meet the timetable and if it were delayed another two to three weeks it would be very precarious at best that they would be able to meet the end of the year deadline needed to have the prices tied in so they could begin negotiations and work of the (GRP) Groundwater Reduction Plan; that he would strongly urge Council to move forward with this action, as Mr. Haines indicated they had sought advice on this decision, a lot of effort was put into it and they felt it was in the best interest of the city. Council Member Sanchez absent.

Council Member Parker stated that whenever they were confronted with the idea of extreme emergency to pass something it raised her resistance; that they did have a Local Government Corporation to do their hotel and as they let contracts for that were the contract with the LGC or with the city; and Mr. Haines stated that the contracts were with the Local Government Corporation. Upon further questions, Mr. Haines stated that she was correct contracts associated with the water plant would be executed with the LGC also, however, under the terms of the agreement Council would be approving the contracts; that at present a contract would be executed between the City of Houston and other entity or jurisdiction; that at this time under the articles of incorporation they had not vested the responsibility of how the water would be sold, it was a policy matter to be decided by Council. Council Members Galloway and Sanchez absent.

Upon questions by Council Member Ellis, Mr. Haines stated that according to the legal basis upon which they had proceeded the mechanism put in place, the Local Government Corporation, they could not consider the spectrum of alternatives available that they found throughout the country; that they had not selected the approach, the LGC would make the determination and then it would go back to Council for approval. Council Members Galloway and Sanchez absent.

Council Member Keller stated that he supported the LGC, but his concern was the input Council may have in the transmission lines; and upon questions, Mr. Haines stated that the issue of the transmission lines had not been addressed, that was a matter that would need to go back for presentation to Council and probably through the Infrastructure Committee; that the go ahead on the issuance of the corporation would simply allow within a fairly restricted framework the board and corporation to proceed and explore the most efficient procurement alternative, the designing, building and operating a water purification plant on the northeast side was critical for a number of reasons and would be the repository for purchasing raw water from the city. Council Members Ellis and Sanchez absent.

Ms. Susan Taylor stated that she would like to add that in the articles of incorporation that were before Council the definition of water facilities included

distribution facilities and Council in the articles were authorized or required to approve any contract that would relate to a contract with an engineer contractor or design contractor for design, construction or overall management of water facilities which would include the distribution facilities so to the extent the LGC was the entity that would build the transmission lines then the articles of incorporation would require those contracts for construction go back to City Council.

Mayor Brown stated that it seemed there were a number of unanswered questions on the issue and he certainly appreciated the timeliness of getting it done, but would suggest time to have Council Members have questions answered and would request to Council Member Robinson to bring it up at one of his committee meetings and have their questions answered; and Council Member Robinson stated that he would schedule a special meeting between now and the next three weeks so Council Members could have questions answered.

Council Member Robinson stated that some questions at the table were previously raised in committee and the fundamental question to be decided was if they needed a Local Government Corporation and if they did then what Council Members had to understand was that there were a number of questions contingent upon what kind of deals they made on who would purchase water because it would make no sense to go and lay a distribution system anywhere outside the city's jurisdictional limits; that the northeast plant was needed and notwithstanding their upgrades to the east and southeast water plants; that his recollection in committee was the representation that the Administration had made a decision relative to design build operate and it was not an open question and he would like that issue raised because he would have the same concern as Council Members and not want to create an LGC if it was an open question, but he was under the impression a directional decision had been made and that was why they were going with a Local Government Corporation and why he felt comfortable representing to Council Members that it was something they ought to do and when it came back they should have good discussion on what he called the open ended nature because depending on who was selected and the delivery method decided they could end up in partnership with a MUD or County or County and MUD and that was why it was difficult to say "X" would be the size of the system.

Council Member Boney stated that he had asked that Council Member Bell accept a friendly amendment of three weeks so it would allow all Council Members to be present and he knew it put pressure on the timelines but it was a very large and significant issue and it offered opportunity for everyone to gain closure on their issues and he would like to ask for a gentlemen's agreement among Council that as they take this additional delay of three weeks that anyone who had amendments to propose bring them at that time so the issue could be closed out; and he understood that Council Member Bell accepted that as a friendly amendment; and Council Member Bell stated that was correct.

Council Member Bell moved to postpone Item 39 for three weeks, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0984 ADOPTED.

- 39a. 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

**NOTE: Item 39A is not a Matter Held, however its passage is contingent upon passage of Item 39**

- had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

40. RESOLUTION calling for the enactment into Federal Law of the Conservation and Reinvestment Act – **(This was Item 15 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBER TODD)** – was presented. Council Members Todd and Tatro voting no. Balance voting aye. Council Member Goldberg absent on personal business. RESOLUTION 2000-36 ADOPTED.

Council Member Castillo stated that he wanted to recognize an intern who had been working in his office, Marcella Pena, and asked that she stand to be recognized. Mayor Brown thanked her for her service.

41. 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 – (This was Item 16 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was presented. Council Member Tatro voting no. Balance voting aye. Council Member Goldberg absent on personal business. RESOLUTION 2000-37 ADOPTED.
42. 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 - **(This was Item 17 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was presented.

Council Member Bell stated that this was an item he tagged last week and the more time he had to think about what Council Members were told last week the bigger he thought the problems were with this particular contract; that they were told they had been encouraged to explore alternative fee arrangements and that was a practice for sometime, but the alternative was usually to save money and in this particular instance it seemed it may insure paying more money than the hours involved and he based that on being told that the firm was guaranteed \$160,000 and 320 hours of work contemplated at \$330.00 an hour; that the government rate was usually more generous, but putting that aside if you multiplied the 320 hours times \$330.00 that was \$105,600.00 so why then were they guaranteeing \$160,000 and he would say that it needed to be sent back to legal for consideration; and moved to send Item 42 back to Legal for consideration, and was seconded by Council Member Tatro. Council Member Goldberg absent on personal business. Council Member Robinson absent.

Upon questions by Mayor Brown, Mr. Bibler stated that they had spent several hundred thousand dollars on consultants who said they should be innovative and try such things and thought they had done this in a way to potentially offer the city savings; that Ms. Hargrove had negotiated and he would be glad to let her answer questions. Council Member Robinson absent.

Council Member Ellis stated that he was glad to hear they were trying to be creative; that this was brought up last week and he was sure someone from Legal would try and come to explain how they assumed they would save money, but he would ask questions here; and upon questions, Ms. Hargrove stated that the contract stated based upon the current knowledge of the scope of the contract the parties estimated the 320 hours; that if the negotiations were protracted and took more time than estimated with Landry's and they were billed more than 368 hours then the contract immediately went to an hourly rate base; that they asked Mr. Moore to compose several different methods of billing and one was on a straight hourly rate basis and looking at the potential number of hours that might be involved with a flat fee they thought this was a good deal for the city. Council Member Ellis stated that he did not want to hold up Item 41 and he was not in favor of Item 42, but if they could amend the ordinance to bill on an hourly rate; and moved a substitute motion to amend Item 42 to go to an hourly rate, and was seconded by Council Member Castillo. Council Member Goldberg absent on personal business. Council Members Keller and Robinson absent.

Council Member Boney stated that he was not opposed one way or the other, but what was represented was what Legal thought would save money and somewhere in the gap they were not convincing; that he wanted to move the item and if Jordy and Legal were saying they were willing to accept an amendment that they thought would cost more money in an abundance to save time he would do it, but they should be able to flush this out better than they had in two weeks, it had already been delayed. Council Member Robinson absent.

Council Member Sanchez stated that he would like to offer an alternative friendly motion and rather than the hourly billing to consider authorizing \$100,000 setting a cap and then let the balance come back for discussion. Council Member Robinson absent.

Council Member Bell stated that his suggestion would be rather than putting it on an hourly basis and then upping the hours to get the \$300,000 it would be to use their figures and cap at \$105,600 on an hourly rate of \$320.00 an hour; and Council Member Ellis stated that he would accept that as a friendly amendment.

Upon questions by Council Member Boney, Mr. Bibler stated that he did not know if they would offer the same rate or the attorney's regular rate if they asked that it be done on an hourly basis, plus they had signed a contract and he did not know if they would sign any different contract.

After further discussion by Council, Council Member Bell stated that if all Council Members would withdraw their motions he would withdraw his original amendment and propose a compromise. Council Members withdrew their motions; and Council Member Bell stated that for the purpose of compromise he would propose Item 42 be amended to allow the contract to go forward with an hourly rate of \$330.00 per hour with a cap of \$160,000.



Council Member Todd stated that the contract had a negotiated rate of \$330.00 per hour for Tom Moore and \$250.00 an hour for Phyllis Stevenson.

Council Member Bell stated he would try again and would move that Item 42 be amended to use an hourly rate of \$330.00 for Tom Moore and \$250.00 for Phyllis Stevenson and an overall cap of \$160,000.

Council Member Parker asked about the expenses; and Council Member Bell stated, plus expenses.

A vote was called on the motion to amend Item 42 to allow an hourly rate of \$330.00 for Tom Moore and \$250.00 for Phyllis Stevenson, plus expenses and an overall cap of \$160,000, and was seconded by Council Member Tatro. Council Member Vasquez voting no. Balance voting aye. Council Member Goldberg absent on personal business. Council Member Robinson absent. MOTION 2000-0985 ADOPTED.

A vote was called on Item 42 as amended. All voting aye. Nays none. Council Member Goldberg absent on personal business. ORDINANCE 2000-709 ADOPTED.

43. 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 – **(This was Item 18 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBERS TATRO, KELLER, PARKER and BELL)** – was presented.

Council Member Keller stated that basically this was discussed at length and he thought it was on record as to how many felt and he did not think it was a business incentive program and was on record of that; that he also felt that \$200,000,000 monuments should not possibly be turned into advertising; that all agreed it was tasteful and Continental exemplified the character of the city, but he would hope there was another monumental way to reward them in a more tasteful manner; and upon questions, Mr. Bibler stated that the Scenic Houston Group had brought up having no words, letters or numbers in the ordinance and it was looked at, but if they put in restrictions of the logo, it was a first amendment activity and any sort of restriction on content on a first amendment context was subject to substantial scrutiny and so far no one had advanced to him a reason that he believed they could articulate to a federal court that would withstand the test. Council Member Keller stated that in the ordinance's current form did he feel a building owner of 700,000 square feet could possibly file suit and litigate with the city on a basis of discrimination of size or a tenant with 35% of the building, would he think the city was completely protected under that scenario; and Mr. Bibler that with assistance from several groups they had tried to come up with a rational basis, but again that was not getting into content, they were less restricted there than telling people what their logo could be; that they were prepared to defend the ordinance and had substantial confidence they would win. Council Member Castillo absent.

Council Member Bell stated that this issue had become what he and others feared it would become in the beginning and that was in order to express their liking for Continental Airlines they would be inclined to support the measure and that was not the

issue, there was virtual unanimous agreement in the city that Continental had been a great corporate citizen and would continue to be one and did add tremendously to the fabric of life in this city; that many feared while this particular sign would not change life as they knew it, it would open the door and could lead to the proliferation of signs on buildings throughout the Houston skyline and that would be a huge mistake; that everyone at the table took a pro-business approach and issues did present themselves such as tax abatements and when those presented themselves you had to do a balancing test and you could see it weighing in favor of the abatement but also of the public good; that when you did a similar balancing test with this issue there was no public good, the only excuse to do it was that it would benefit a major corporation and if that was the test in this city they may as well hang a big for sale sign on City Hall and let people come with their wishes; that it was said this was a major factor in the relocation of Continental Airlines to downtown Houston but the comparison was the Woodlands because supposedly that was who they were competing against and their sign ordinance was that they must be ground mounted and it was one of the strictest sign ordinances he had ever seen; that individuals who came before this Council and helped to shape downtown made a decision there should be no signs on top of buildings and what grew out of that was a skyline that was internationally recognized as one of the top five and it made no sense to spoil that; that a number of years ago there was a light show in downtown Houston and a poster grew out of that and sold across the nation and the world which came to symbolize the City of Houston in many people's eyes and was passing around the picture for Council Members to view. Council Member Bell stated that signs would dramatically change the skyline and it was a bad decision and he would request sending it back to the Administration for further consideration and find something to satisfy Continental Airlines and yet not risk the City of Houston's skyline.

Council Member Castillo stated that he thought it was stretching a point and it was a matter of opinion and taste and he thought the skyline was pretty sterile; that he thought people marveled at the buildings which spoke for themselves and he did not think a sign would change that; that he thought they should opt for a skyline which sparkled during the day and shined at night for all to see; and he would like the projection on the building.

Council Member Boney stated that he did not see this as making an exception for one corporation; that Continental was the driving initiator behind this, but other national headquarters who made that a kind of commitment and large dollars and those kind of employees he felt there was an advantage for Council to help that; and this would not make them look like Times Square but it would allow them to have some corporate identity and he would be supporting the item.

Council Member Todd stated that when the item first came up he knew it would be subject to controversy because certainly downtown Houston had extremely attractive buildings and all could be extremely proud of them; that the current ordinance which he supported the recommended changes to were reasonable and a compromise and it would not have an affect during the day; that there were plenty of signs downtown already over the Rice Hotel, Bayou Loft, Double Tree and a number of others and he thought it particularly ironic that the Chronicle editorial board took the position against the proposed revision when they had a sign over their building and that was the ultimate irony and if it was taste they were talking about he wanted to go on record saying the Houston Chronicle building was one of the ugliest buildings downtown and if they

wanted to do something more of an architectural marvel he would suggest getting a new building; and what he thought was most beautiful about this was 20,000 jobs and would urge all to support the amendments. Council Member Boney absent.

Council Member Sanchez stated that if they would remember not long ago Continental was the laughing stock of the airline business and it was widely recognized that they had gone from worst to best and the commitment to make them one of the best was in large a commitment made by 18,000 local Houstonians who plaid a major part and by the same token Houston was grabbling with the issue of whether or not they should celebrate that accomplishment and he thought the answer was yes; that Houston was one of the best and dynamic cities in the world and corporations who may even be struggling could come to Houston and take advantage of that workforce which made them go from worst to best and he saw this as an accomplishment of 18,000 Houstonians and encouraged all to support it. Council Member Boney absent.

Council Member Parker stated that it was unfortunate that Council kept trying to make this a referendum on Continental Airlines, it was not and had never been, it was not whether they were a good corporate citizen or whether they had contributed to Houston as they clearly had and all, even those who opposed the ordinance, believed it; that she grew up in Houston and remembered the weather ball and the Gulf sign, but Jesse Jones, Mr. Houston, was the first to decide Houston should be a city reaching for the sky and the next generation of developers and the next and the next agreed and decided as they built the current skyline that it should speak for itself and it did not need words or advertisement to be recognized; that this ordinance would not be the end of the world or open the flood gates, but they accepted a trust from those who developed and built this city and they had a responsibility to present the best of Houston to the world; that it should not be about rewarding a corporate citizen and in her opinion if this was passed they had acknowledged that money did speak louder than anything else in Houston.

Council Member Robinson stated that he wanted to go back to Council Member Bell's balancing test and he heard Council Member Parker, but he agreed with Council Member Todd, if he could attract more corporate headquarters downtown that would take up approximately 350,000 square feet of buildings, pay rent and have jobs the balance would be there; that there were issues of questions and taste, but he thought Houston had beautiful buildings and he did not think they were violating any judiciary trust and he wanted those jobs and resources for the city.

Upon questions by Council Member Sanchez, Mr. Tollett stated that downtown Houston was closer to Intercontinental Airport than the Woodlands.

Council Member Keller stated that he would second Council Member Bell's motion if it had not been seconded; that zero jobs would come from this and the reason it was not in contracts, the owner's conveyance, was because it was a law subject to review; that in contracts there was language that the buyer must adhere to state and local laws and ordinances and unless they were certain it did not open the flood gates they should be conservative or protective enough of their image to assume it was possible; that he was going to vote against this and hoped it would be seen as an all or nothing vote, if they allowed one building they were allowing every building.

Council Member Boney move to call the question, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Member Goldberg absent on personal business. MOTION 2000-0986 ADOPTED.

A roll call vote was called on Item 43.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting aye.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting no.
Council Member Goldberg absent on personal business.	Council Member Quan voting no.
Council Member Boney voting aye.	Council Member Sanchez voting aye.
Council Member Todd voting aye.	Council Member Bell voting no.
Council Member Ellis voting aye.	Council Member Robinson voting aye.
Council Member Keller voting no.	ORDINANCE 2000-710 ADOPTED.

44. 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) – (This was Item 22 on Agenda of July 26, 2000, TAGGED BY COUNCIL MEMBER TODD) – was presented.

Council Member Ellis stated that he would have to vote against the item, he did not understand why they were spending \$76,000 to Wimberly, Texas when it could be used here; and Mayor Brown stated that the reason was because all the children there were Houston children. Council Member Robinson absent.

Council Member Todd stated that there were two issues on this and one was legal the other policy; and upon questions, Mr. Bibler stated that there were also activity based options on spending block grant money; that this was not going to Wimberly but along I-45 north of Conroe to Willis; that he knew they could do this and the attorney who prepared this was thoroughly knowledgeable in what they could use CDBG money for but this was turning into a pop quiz and if he would like they could delay the meeting and he could ask that she come over. Council Members Galloway, Vasquez, Keller and Robinson absent.

Upon questions by Council Member Todd, Council Member Castillo stated that for over 20 years the city had been providing the grant because it grew out of the Model Cities Program and the reason it was in Willis was because when the Job Corp went out of business they donated that facility to the Gulf Coast Trades Center and utilized it for the training of participants in the program who were referred by Houston courts and they were referred as an alternative to undergo rehabilitation; that it had been delayed a week and there may be a gap in funding if delayed again; that it did benefit Houston residents exclusively and it had been done 20 years because it was so effective; and moved to suspend the rules to hear from Dr. Ron Rea, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Galloway, Vasquez, Keller and Robinson absent.

Dr. Ron Rea appeared at the podium and stated that he was secretary of the board of trustees of the Gulf Coast Trades Center which had been founded in the Mayor's Conference Room in the basement of City Hall under Mayor Welch's Administration; that the Untied Way informed the city that the facility which was an abandoned Job Corp camp could be made available to the city if it had a good use for it and after planning many decided it would be a good facility for delinquency prevention and all the youth would have to come from the City of Houston; that it was clearly eligible and they had been receiving funds for about 25 years through the city, through the Model City Program and then Community Development; and would like to know how he could help on the matter. Council Members Galloway, Vasquez, Keller and Robinson absent.

Upon questions by Council Member Castillo, Dr. Rea stated that the program was audited regularly by external auditors and HUD and it was clearly a legal expenditure by the city; that about 200 were in the program, one facility was in the National Forest and the other was the one they were talking about here which was a transitional housing with independent skills and training; that he had a PHD in social work and practiced in his profession in the City of Houston for about 30 years and assisted Mayor Welch chair the committee he talked about earlier which was involved in planning the program; that the program was recognized nationally and had received awards. Council Members Galloway, Vasquez, Keller and Robinson absent.

Council Member Todd stated that on a policy basis he could see how this was a good use of money, but his question was still on the legal side regarding the spending of the money; and upon questions, Dr. Rea stated that he could see no problem if it was delayed two weeks, but initially it was approved by the Community Development Committee in October and the city even hired a contract manager to work out the plans and he could see no reason to delay, but if it was the will of Council they would obviously go in that direction. Council Member Todd stated that as a compromise if Mr. Bibler could get the attorney to send him a detailed explanation of what the exception was to this, how exactly it read, he would support the item today. Council Members Vasquez and Robinson absent.

Mayor Brown stated that they would make sure he received what he asked for in writing. Council Members Vasquez and Robinson absent.

Council Member Ellis stated that after Dr. Rea's explanation he had changed his opinion and would be voting for the item. Council Members Vasquez and Robinson absent.

Council Member Galloway stated that this program really instilled responsibility in the youth who came through the court system and she would urge support. Council Members Vasquez and Robinson absent.

A vote was called on Item 44. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Members Vasquez and Robinson absent. ORDINANCE 2000-711 ADOPTED.

The City Secretary stated that three items previously not in had been received. Council Members Vasquez and Robinson absent.

Council Member Boney stated that he would remove his tag on Item 21. Council Members Vasquez and Robinson absent.

Mayor Brown stated that Council Member Boney had removed his tag on Item 21; and that Items 20, 24 and 30 were now in and asked that the City Secretary call them next. Council Members Vasquez and Robinson absent.

20. ORDINANCE approving and authorizing contract between the City and **DISCOVER FINANCIAL SERVICES, INC** for Charge Card Processing Services for Various Departments – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-712 ADOPTED.
24. ORDINANCE approving and authorizing amendment No. 1 to contract between the City of Houston and **JOHNSON CONTROLS WORLD SERVICES, INC** for Interterminal Train System (ITT) Operations and Maintenance Services for the Houston Airport System at George Bush Intercontinental Airport/Houston - **DISTRICT B – GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-713 ADOPTED.
30. ORDINANCE appropriating \$8,500,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to engineering services contract between the City of Houston and **MONTGOMERY WATSON AMERICAS, INC** for Neighborhood Sewer System Improvements, CIP R-0544-01-2 (4751) – was presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-714 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City and **WELLS FARGO MERCHANT SERVICES, L.L.C,** and **WELLS FARGO BANK, NA** for Charge Card Processing Services for Various Departments; making an exception to the equal opportunity ordinance – was again presented. All voting aye. Nays none. Council Member Goldberg absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-715 ADOPTED.

RESOLUTION 2000-38, a resolution commending Ross C. Allyn for his contributions to the success of the Census 2000 project in Houston, Texas, and wishing him continued success. Council Member Vasquez absent.

RESOLUTION 2000-39, a resolution commending Carol Alvarado for her contributions to the success of the Census 2000 project in Houston, Texas, and wishing her continued success. Council Member Vasquez absent.

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

Council Member Ellis stated that as everyone was aware the Houston Rockets and Sports Authority had come to an agreement and he had sent a letter to the Mayor and



the Sports Authority as he had questions; that presently there was no one to build the garage and he wanted to know the county's participation, how much it would cost to replace Fire station No. 8, what would the infrastructure cost be to the city, the street, sewage and utility replacement, and he and other Council Members would need to know before they could feel comfortable. Council Member Vasquez absent.

Council Member Ellis stated that the Bellaire Little League All Star Team was playing for the state championship tonight and if they won they would go regional and he wanted to congratulate them and wish them the best of luck. Council Member Vasquez absent.

Council Member Robinson stated that he had some of the same concerns as Council Member Ellis had; that some folks from the Sports Authority visited with him and he still had substantive questions he got no significant clarification on; that as he understood the Rockets have not agreed to the deal and he did not know where they were but he hoped someone from there would come to visit also; that from a procedural point of view it was represented that the Rockets made the issue contingent on the approval of the Big Four and he would hate the Sports Authority to send something and he vote for it and then the Big Four decide they were against it and the Rockets pull and go home so he would like the Big Four to vote first, the Big Four being Paul Bettencourt, Chuck Watson, McNair and County Judge so he did not know what his vote meant at this stage and would like that clarified, but specifically his questions were, what was the upside cap on the financial side of the city in terms of acquisition and preparation of the potential tax and also as it related to property tax what was now being generated and what would be lost; that there was a question as to who was buying Fire Station No. 8 and he would like some idea of what kind of financial commitment and capacity would be left at the Convention and Visitor's Bureau; that he would also like to know what the upside cap was on the Hockey subsidy; that there were questions the city's financial advisors had to answer for him to be comfortable. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Robinson stated that he voted against the Monthly Financial Report earlier and what concerned him was that the offsetting revenue was going to come from out of the Municipal Court area and they had a significant issue with revenues from that area and that was what made him uncomfortable; that they had also talked for months now about receiving a contract for online collection of Municipal Court tickets and delinquent tickets and he had not seen it and if they were going to be looking to that department for revenue they needed to do all they could to get the contract done. Council Members Galloway, Todd, Vasquez and Sanchez.

Council Member Robinson stated that he read in the Houston Chronicle that the 2012 Foundation wanted the Olympic referendum on the ballot and maybe they sent everyone else something, but he had not seen it; that he read it would take \$145,000 to place it on the ballot and he did not remember it being budgeted and he was concerned that everyone wanted to dip into his pocket. Council Members Galloway, Todd, Vasquez and Sanchez absent..

Council Member Keller stated that Tuesday, August 22, 2000, the City of Houston Employee Blood Drive would be held and there would be a donor coach behind the

Annex and there would also be someone on the third floor of the Annex. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Robinson stated that the TTI Meeting was set for Tuesday, August 27, 2000, at 10:00 a.m. to take a look at the LGC. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Parker stated that she agreed with Council Member Robinson that it was humbling to see where Council was in the overall arena order, way down on the list. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Parker stated that those who took care of the plants around City Hall did a great job, but someone had evidently forgotten to mow the well in the parking lot and the weeds were getting high; and Mayor Brown stated that would be taken care of immediately. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Castillo stated that there was a great turnout on the National Night Out festivities in District I and he hoped before the next one they could amend the food ordinance to allow some kind of blanket sponsorship by the city so they did not have to impose a burden on Civic Clubs. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Castillo stated that something pointed out to him was there continued to be a lot of drinking in the parks and it was particularly dangerous in parks with adult soccer leagues, the heat of passion was prevalent in soccer because it was such a competitive game; and he would recommend look at linking the league's permit to drinking where they would get a warning with one violation and with two violations their permit be pulled; and Mayor Brown stated that he would make sure the Parks Director did address that. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Bell stated that since the Sports Authority had come into discussion today he would comment; that last year there was a great deal of discussion regarding communication between Council and the Sports Authority and how it desperately needed to be improved to keep Council informed and he would like to hear from his colleagues what their experience had been since that time as today would be his first chance to engage with them on an official basis; that he would agree with Council Member Robinson's assessment and would like to say that he thought it a brilliant strategy to point out four elected officials in town thereby offending the rest in the process, but if that was how they wanted to go about their business he would guess they would; that he did think there were serious concerns and was interested in their responses when he met with them, the idea of the language they put in where it does not contemplate a ticket tax he did think Mr. Bettencourt had a legitimate point and he was interested in the Sports Authority's response. Council Members Galloway, Todd, Vasquez, Castillo and Sanchez absent.

There being no further business before Council, the City Council adjourned at twelve noon upon MOTION by Council Member Ellis, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Todd, Vasquez, Castillo and Sanchez 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