

City Council Chamber, City Hall, Tuesday, August 22, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, August 22, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Citizens Assistance; Ms. Marty Stein, Agenda Director present. Council Member John E. Castillo absent on city business.

At 1:55 p.m. Mayor Pro Tem Boney stated there would be a few presentations before they began the public session and the first would be by Council Member Quan. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that it was his pleasure to introduce a group of students from Dalian, China, that he and Mayor Brown had an opportunity to visit Dalian last year and was very pleased that Dalian High School #24 had entered into an exchange program with Lamar High School, and recognized Dr. James McSwain, Principal of Lamar High School and the students from Dalian, China, that a similar group from Lamar High School would be going to Dalian to study in China, that it was the first exchange program they had with China and looked to establish others in the future, that Waltrip High School was considering a program at this time, and on behalf of the City he welcomed the students from Dalian to Houston. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Todd, Ellis, Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated he had another presentation to make and invited Ms Carleta Sandeen, Vice President of the Houston Region of Kelley Services to the podium and stated that this year the Houston Region won the Texas Award for Performance Excellence for the Year 2000, which was consistent with the history and record that the City of Houston had, and all the businesses in City government, for excellence, that they wanted to commend and congratulate Kelley Services Inc. of the Houston Region for receipt of the Texas Quality Foundations Texas Award for Performance Excellence for the Year 2000. Mayor Brown, Council Members Todd, Keller and Vasquez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney recognized Council Member Robinson for the next presentation relating to the Olympics. Mayor Brown, Council Members Todd, Vasquez and Parker absent Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he was home the other night and watched the competition and Shawn Townsend, who made the gymnastic team was dynamite, that they were so excited to continue to showcase the Houston area athletes who had made the Olympic team and would be traveling to Sydney and presented Mr. Townsend with a proclamation on behalf of Mayor Brown and Members of Council. Mayor Brown, Council Members Todd, Vasquez and Parker absent. Mayor Pro Tem Boney presiding.

Mr. Townsend stated that it was such a great honor to be present and thanked the Houston City Council for the proclamation, and stated that when he went to Sydney,

Australia he not only was representing the U.S. he was representing Houston. Mayor Pro Tem Boney presiding.

Mr. McCoy Mclemore, Media Director for Houston 2012 thanked Council for allowing them to salute another young Houstonian and on behalf of the Chairman of the Board, George DeMontrond and Executive Director Susan Bandy they were especially happy that Sean Townsend was able to make the Olympic Team, that he was already one of their poster guys, and presented Mr. Townsend with a 2012 cap and shirt. Mayor Pro Tem Boney presiding.

At 2:07 p.m. Mayor Pro Tem Boney called to order the meeting of the City Council and Council Member Sanchez lead everyone in prayer and pledge of allegiance.

Mayor Pro Tem Boney requested the City Secretary to call the roll. Council Member Castillo absent on city business. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Members Keller and Robinson moved that the minutes of the preceding meeting be adopted. Council Member Castillo absent on city business. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney requested the City Secretary to call the list of speakers.

Ms. Ruby Cooper, 8814 Linda Vista, Houston, Texas 77078 (713-631-4198) appeared and asked if the Council Members had their cell phones with them to turn them off please, that she got tired of going to meetings and telephones ringing because what she had to say was very important, that she was not complaining this time, that she wanted to express the greatest of thanks to Council Member Galloway and Mayor Brown for cleaning up their brown lake in northeast Houston, that they had a lake that had some water lily's in it and they were smothering out everything thing and someone put some stuff in it and made all the flowers brown and it was ugly and smelled terrible, that Council Member Galloway brought the Mayor out and showed him and he listened to their concerns about the lake and the park, that their park was one of the few parks that had a lake in it and they were very proud of it and had been trying for years to get it cleaned up and Council Member Galloway got it going, that the Mayor was out on a Tuesday and by that Friday afternoon people were out there cleaning it up, that she would also like to thank the Public Works and Parks and Recreation Departments and the Fire Department for their little airboat that pushed all that stuff up, that they had some new benches and tables, but the gangs or hoodlums had already put their graffiti all over the new tables, that they were very hurt and upset by it because they had tried for so long to get their lake improved; that they did appreciate it and they had young kids out there with their little fishing poles already fishing, that at one time they had about two dozens ducks and now they had three, that the ducks were very happy now swimming around out there in the water now, that they were very pleased and extended their extreme thanks to Council Member Galloway and Mayor Brown and everyone who had a part in cleaning up their lake; that they were not happy with Republic Waste but would come back with that later. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Galloway thanked Ms. Cooper for being present and expressing her thanks to the Mayor and herself, that it was such a close knit community out there

and they did marvelous things in the community and to have a nice park, and she recognized the other members of the civic club that were also present. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Council Member Galloway may want to contact Neighborhood Protection about the graffiti and also the Police Department about putting a little extra patrol out there and see if they could not stop the graffiti writers. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Wade Butler, 3123 Post Oak Blvd., Houston, Texas (713-629-7779) appeared and stated that he was present to give something back so Houston, a proclamation to the City Council, that so often they gave them out for the many different charities and events and so many wonderful people like the young athlete who was just there, that the Stelzig Family was celebrating their 130th anniversary as the City's, State's and Nation's oldest western store, they were now in their fifth generation, that they were introducing something, that they had just lost Mrs. Stelzig three weeks ago, a dear and wonderful lady, and they made a decision that they get back in the fight working with other programs to help raise money for the fight against Cancer and Diabetes and with the fight for help in covering the work in Autism, that five years ago Council started working with the Roundup for Autism out of Fort Worth and they had partnered with them and their family was joining together in a program called "Partners in a Fight Against Debilitating Disease's" throughout the State, that their goal was to help raise funds for awareness, prevention and cure of disease's that affect so many of their families in the community, that in combining their efforts they intend to give back to Houston and Texas part of the blessings they had received over the past 130 years, that 1843 their family left Austria and came to the United States as saddle makers and leather craftsmen and they finally settle in Houston, a little city on the bayou and began what had been a 130 year tradition in the City not three blocks from City Hall where they were until 15 years ago, that they had come together to form a partnership program, Partners in the West, and their first partner program was the Pony Express Ride for Autism, they had a historic event coming up on Thursday night, they were going to run a pony express ride up and down Post Oak Blvd. collecting from all the Galleria area merchants funds they had collected for the fight against Autism, that they would have a party to kickoff that celebration at the store afterwards with barbecue, the Texas Dutchoven Society was going to be cooking, the Lone Star Brewery and Saint Arnolds Brewery were going to be contributing, that they set a goal to raise \$20,000 to send back to Fort Worth and let them know that Houston had a part in the fight against Autism and that the City of Houston was going to take a stand and participate and help, that the Pony Express would meet at City Hall on September 9, 2000 to receive a proclamation from City Council and they would put it in the saddlebags that Stelzig's had made and run all the way to Fort Worth for a gala where last year they raised over \$250,000, that they had set a goal of \$20,000 and were nearly there already and were excited to see what would be raised from the Pony Express Ride, and he invited all Council Members to stop by for a few moments, that it would be an exciting evening and a fun event, good food, good times and good friends.

Ms. Brenda Flores, 2041 Mornel, Houston, Texas 770 (713-722-9258) appeared and stated that Housnitch had gotten a lot of e-mails from citizens who watch the Municipal Channel and were really not sure why a Council Member would fight so hard for something or against something or asks so many questions, so she thought today that instead of sending them e-mails she would come and complain in person, that tomorrow

Council would be asked to vote on Item 18-1, that was \$400,000 for emergency water repairs, that they did need the repairs but she wanted them to stop a minute and take a look at the contract, that she did not know if the company was good or bad, all she was saying that it was put out for bid and the bid came in 68% over what their guys figured it should be, and another bid was 25% over and the third bid was 5% over, that she thought when they put things out for bid it was to go to the lowest bidder and not the highest one and thought that was good enough for a tag and to be sent back to the administration, that in November 1999 City Council allocated \$1,050,000 to BRC Services to do water repair leaks, they were a good company and in April they gave them another \$1,900,000 and to date they had done work orders totaling \$100,000, that before they gave another company any money they should get their work orders in order and take advantage and utilize the \$3,850,000 they still had left to use. Council Member Sanchez absent.

Upon questions by Council Member Keller, Ms. Flores stated that as to the 68% over, the bid was put out and their guys figured out it was going to take roughly about \$300,000 to do the job, that they were the highest bid, that the lowest bid was BRC Services who they had already given a lot of money to but not utilized them, that BRC had asked for more work and had the manpower, but the work orders were just not getting out to them and Council Member Keller stated he would pull all the backup on it and let her know. Council Member Sanchez absent.

Council Member Tatro stated that there might be an item or two on the agenda tomorrow that they would want to have public discussion over and requested that other than just a tag that they would have somebody from the Water Department to give them a two or three minute briefing on the contract itself, and Mayor Brown stated they would have someone present to answer their questions. Council Member Sanchez absent.

Ms. Janet Erwin, 12714 Corning, Houston, Texas 77089 (281-481-8136) appeared and stated that she lived in the Scarsdale Subdivision, that in June 1998 they had a water leak underneath their driveway that caused the driveway to split and crumble, that she had photographs, that pursued it a little bit and then gave up on it, that in May 2000 the City to her surprise was next door to her neighbor's home who also had damage that was a little less severe than hers, at least she could back out of her driveway without popping her tires, that they replaced her entire driveway and sidewalk, that she went outside and proceeded to ask questions, that she had talked to 10 different people and had basically been going on since May, that she was a taxpayer just as her neighbor and could not get any questions answered as to why her neighbors damage was repaired and hers was not, that she had gone on and on with it and had spoken with Bud Taylor from Council Member Todd's office, that she had started calling on it since May 9, 2000 and was not notified until August 15, 2000 that she would have to submit a claim in writing, and that kind of boggled her mind as to why she had been making all those telephone calls and had just found out she needed to submit a claim, that they had even gone so far as to tell her that it was a mistake, that the City did not follow procedure and did it basically to hush that person up and thought they could just do hers and be done with it when it actually just opened up a can of worms because she and her neighbors had seen the damage and were asking why, that the City workers who did the work would face disciplinary action and have to repay for it, that she was very frustrated because she could not get any answers and people were passing the buck, that she lived one block from the elementary school where her son attends school and the sidewalks were so unstable and uneven that he had to ride his bicycle or walk to school on the street.

Mayor Brown asked who she called that gave her the run around, and Ms. Erwin stated that she had a page of notes and made a copy to give him, and Mayor Brown requested that she meet with Mr. Wes Johnson and give him the notes and he would find out why she was not given the right information immediately and follow-up with her and see what could be done and would let her know, and Ms. Erwin stated that she felt Mr. Taylor, from Council Member Todd's office was tired of dealing with her and she stated that he basically told her "lady they said no what do you want me to do", and Mayor Brown stated that was not appropriate response from anyone who worked for the City. Council Member Sanchez absent

Upon discussion by Council, Council Member Todd stated that Mr. Gary Ordat informed him that the repair of that driveway by the City was illegal and the Public Works Department had stated they would not repair any driveways because the repair of the driveway, that they could see in the photographs, was not done in accordance with law and so the City had basically taken the position that they were not willing to engage in the course of illegal conduct and apologized for it taking that long, that it was an unusual situation where the City had done something and realized that it was illegal, and Council Member Bell asked what were they saying was illegal, and Council Member Todd stated that because the damage of the driveway was the fault of the property owner, essentially since it was on private property the City was not willing to make improvements, that the neighbors driveway was repaired, and Ms. Erwin stated that if they went down the whole street where the water lines ran under everyone's driveway it was all the same, that it had started to crumble and the curb was missing, and she stated she had been told that the sidewalk was private property and was her responsibility to keep it up, which made no sense to her, and she wanted to tear it up and put grass there but was told she could not do that either. Council Members Goldberg and Sanchez absent.

Council Member Keller asked what was illegal, and Council Member Boney stated that he did not know everything about the situation, but had faced similar situations, that when they had a water or sewer connection they were responsible for the main lines when they were in the public right of way, but if something happened on the part that was owned by the property owner then the City did not have the obligation or responsibility to fix it, that every now and then the City guys make a mistake and go and fix something on private property that is the property owners responsibility and obligation, and Council Member Keller asked if they mistakenly fixed something or through negligence break something then they had to fix it, but if they were not supposed to be there in the first place was that the case in this situation and Council Member Boney stated it sounded like it, and Mayor Brown asked Mr. Bibler to explain the law. Council Members Goldberg and Sanchez absent.

Mr. Bibler stated that they first had to start with the facts, and all the facts that had been related were essentially incorrect, that in fact the work was done by a City contractor, that the driveways they saw pictures of were in bad shape before the contractors even got there and in this case they had been told that after the City contractor left there was an allegation that City machinery caused damage to the neighbors driveway and for that reason Public Works replaced it, but what they had not been able to understand was why they replaced her entire driveway instead of the part that was broken, but as the Mayor pointed out normally their only responsibility for

property damage was where it was caused by motorized equipment. Council Members Goldberg and Sanchez absent.

Mayor Brown requested that Ms. Erwin meet with Mr. Johnson, that he would give her all the facts and hopefully satisfy her, that it may not be the answer that she wanted but she would not have to keep running around to different places trying to get answers. Council Members Goldberg and Sanchez absent.

Mr. Jack Moore, no address, no phone had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Mr. Christopher Cato, 710 Vogges, Houston, Texas 77016 (713-633-3515) had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Mr. Charles Foster, 11430 Cliffgate Dr., Houston, Texas 77072 (281-568-7299) had reserved time to speak, but was not present when his name was called. Council Member Sanchez absent.

Ms. Judy Siverson, 3710 Grennoch, Houston, Texas 77025 (713-349-9270) appeared and distributed information to Council and stated that she was present to discuss the need for street reconstruction for Braeswood Place and to share with them a little history of the project so they would understand now important it was to their neighborhood, that as shown on the map she passed out they were basically south of West University and east of Bellaire Blvd., that in 1997 during her first year as president of Braeswood Place Homeowners Association they submitted to the City 400 citizen request forms, it was unprecedented and to her understanding only 4,000 were submitted in the entire City so 1/10th of them came from their neighborhood, that the majority had to do with the poor condition of the streets and drainage, that letter for letter and form for form the street responded that complete street reconstruction was necessary and so they began a street reconstruction petition process, the city provided the system, the Neighborhood Street Reconstruction Program, and they provided the manpower, hundreds of hours and over 100 volunteers collected 1,869 petitions. Ms. Siverson displayed a box full of petitions and stated that she wanted them to know how many petitions that was, that their neighborhood only had 2,200 homes, that all of their streets, 108 blocks, were accepted into the program last year and now they were asking Council to make sure that the program was funded, that as they could imagine a groundswell of support was generated for street reconstruction and they submitted the petitions and they were approved last year, that they wanted to particularly thank Ms. Diane Dixon from Public Works who was the lady who actually processed the petitions and okayed them, that if they were not familiar with her, she was a wonderful asset to the Public Works Department, that she now wanted to ask Council to make sure they funded the project, that they schedule it and fund it, that the streets in Braeswood Place were built in the 1940s, that by the time the City begins work on the project the streets would be over 60 years old, that they were pleased to hear that the City felt that the project could be started by the year 2004 and finished by the year 2007, and to that end they were asking the City

to provide them in writing a timeline of benchmarks for the project, that they wanted to know the date by which they could expect to see the project funded in the Capital Improvement Budget, when they could expect to see money allocated for design and when they could see money allocated for construction, and that was not an area where delay would be acceptable, that it was crucial that the City keep its word with the 5 to 7 year timeframe and that they continue to work towards the timeframe of 2004 to 2007, that if more money was needed to fund the Neighborhood Street Reconstruction Program then now was the time for Council, as the City leaders, to find that money and make sure that it is there as the projects come through the pipeline, that their future was in the Council's hands, that Braeswood Place residents needed their assistance to complete the project, see that it was funded and to see that construction begins. Council Member Sanchez absent.

Council Member Goldberg stated that he thought that Braeswood Place Subdivision was the City of Houston's cash cow, that the City makes money on that area, that they pay for their own parks, they raised \$350,000 to refurbish their own park, that the Stella Link Project raised close to \$10 million dollars and there was space there now for a library, which they made sure that the City of Houston could put in a library, that the number of police calls was low, that the fire station in their area did not even have an ambulance, that they did not use as much of the City services as some of the other neighborhoods in the area, and really thought that this was one of the ways that they could see they were getting some return on the taxes that they pay. Council Member Sanchez absent.

Council Member Tatro asked when their application was turned in, and Ms. Siverson stated that petitions were submitted in March and July and accepted last year, the project covered every single lot on the map she distributed to Council, that it was 108 blocks, that the estimated cost was \$30 to \$35 million dollars to complete the blocks requested.

Upon questions by Council Member Keller, Ms. Siverson stated that the point was that the program was offered by the City and they were encouraged with many letters to participate in the program, that the City knew the size of their neighborhood when they undertook the project and now she agreed that \$30 to \$35 million dollars was many dollars but the expectation was that they participated in the City's program and felt it was their responsibility to help them have a successful end, and their residents and voters were looking to that end, and Council Member Goldberg's point that they had invested sizable dollars in their own community for many years, this was one way that the City could help make a return on that investment and the residents were expecting it and looking forward to seeing how they could accomplish it, however it needed to be. Council Member Sanchez absent.

Ms. Janet Maxian, 3835 Gramerry, Houston, Texas 77025 (713-668-4645) appeared and stated that she was present concerning street reconstruction in Braeswood Place, that she had lived in Braeswood Place for 25 years and had served on the Board of Directors of the Braeswood Place Homeowners Association for all 25 years and currently served as an area director and Chairman of the Security Committee, that she had seen neighborhood streets deteriorate and had experienced personally the problems created by asphalt overlay, that asphalt patching in front of her home had created a permanent drainage problem, that she and her family were faced with standing water in

front of their home for weeks at a time, that she became aware of the City's Neighborhood Street Reconstruction Program in 1998 and eagerly volunteered to help secure signature for several blocks so that all streets in Braeswood Place could be included in the program, that she spent many hours talking to neighbors and they all agreed that streets in Braeswood Place needed to be reconstructed as soon as possible, that as a member of the Street Reconstruction Committee she was pleased to hear from Cheryl Dotson and Richard Lewis that they felt their project could be started by 2004 and completed no later than 2007, that the reconstruction project could not be started early enough, she was familiar with two instances where residents were injured due to the poor conditions of the streets, that asphalt overlay was not the answer and their residents overwhelmingly support complete street reconstruction, they appreciated Council's efforts on their behalf and wanted to make sure that current plans and budget included the Braeswood Place Street Reconstruction Project, that while their neighborhood was large, and they recognized that the project represented a sizeable investment they felt that money spent to reconstruct their neighborhood streets was necessary to insure the health and safety of their residents. Council Member Sanchez absent.

Council Member Vasquez asked Ms. Maxian if she was not suggesting that they take money from other Council Districts, but that they reshuffle the dollars in Council Member Goldberg's district, and Ms. Maxian stated she did not know all of those particulars, she only knew that they did the petition process like they were instructed, that she did go to a meeting that they had at Mark Twain Middle School about street reconstruction and asphalt overlay and it was real discouraging to hear all the needs that the City had and that there was not a big overall plan to do all of it and that there was not the money to do it, that they lived in a neighborhood of 50 plus years streets, and Council Member Vasquez stated that 50 years was a relatively short period of time for some other Houston neighborhoods and asked again if she was not suggesting that they take money from other districts just to provide this for Council Member Goldberg's area and Ms. Maxian stated that she just said what she said. Council Member Sanchez absent.

Ms. Nancy Daly, 3507 Bluebonnet, Houston, Texas 77025 (713-665-4448) appeared and stated that she wanted to thank Council Member Goldberg, that her husband served on the Street Reconstruction Committee and Council Member Goldberg was willing to meet with them and talk with them and try to do all he could to help the project along, that she had lived in Braeswood Place since 1972 and in 1981 she and her husband took a very big gamble and tore down their house and built the first new house in Braeswood Place and were very lonely with that new house for a long time until everybody else realized what they had known all along, that it was a great neighborhood and they started tearing down and rebuilding to, that she would say that as this point over a third of the neighborhood was new construction and getting more that way all that time, that their tax base was greatly enhanced and they were really looking forward, now that they had those beautiful new expensive homes, to getting some decent streets to get to them, and hoped and prayed since they worked so hard walking those bumpy streets to get those petitions, that they would be getting results from the City, especially because of the real danger to pedestrians, little kids on bikes and mothers and fathers pushing those strollers, that they did not want to be accident statistics but those streets were making it very probable they would be, that they hoped they got their new streets and when they had that new library, which she could not tell them how much they were looking forward to it, she hoped they would have a new street running right by it. Council Members Todd and Sanchez absent.

Council Member Goldberg stated it was a pleasure to work with the committee, they were extremely well organized, that they were very easy to meet with and that was one of the reasons that they were able to get it into the CIP this year, and he wanted sway at any fears that Council Member Vasquez had about their taking money away from his district, that it was in the CIP and was glad that they got it there, that the amount of work that the subdivision put in if they could possibly build streets themselves they would do it and would not even come to Council, he was sure of that, that in the past ten years they had been able to raise their property values from \$40,000 to \$400,000, that they needed to remember that they got money from the high property values and they needed to respect that. Council Member Sanchez absent.

Council Member Boney stated that he was very supportive of neighborhood civic clubs that were actively involved to set priorities for what happens in the neighborhoods, that they generally had tried to work with district Council Members to help evaluate and set priorities on how to best allocate scarce dollars and certainly understood the point that was made by Council Member Vasquez, that he had one neighborhood in his district that waited 27 years after they turned in petitions before the streets were actually reconstructed. Council Member Sanchez absent.

Council Member Vasquez stated that it was important for Council Member Goldberg to realize that they got dollars from all taxpayers and once they started placing a higher value on one over another that it would invariably lead to bias and inequities, so while he applauded this particular civic clubs activism and their ability to organize, they also had to monitor how they provided the funding and to make sure there was equity in funding to all the neighborhoods, those that had waited 27 years and those that had been around for longer than 40 and 50 years, that he could tell them that if they went through that particular project it would cause lots of problems because they had other neighborhoods in the City that had waited in line longer and were just as deserving of the money, that he hoped that it was reshuffled within Council Member Goldberg's CIP as opposed to taking from other districts.

Council Member Boney stated that one of the points that he very much agreed, which he mentioned in terms on how they framed arguments, was how did they bring about equity and justice in a society which had historically been inequitable and unjust and what they tried to do was basically manage in an equitable way while they were present and also try to catch up in some areas of past inequities that had never been addressed, that it was a very big management issue and they tried to make it a management and administrative issue and not a political one, and that was why he so often urged them to be statesmen like as much as possible and try to be collaborative and try to build a consensus, because they could get a lot more done that way. Council Members Sanchez and Bell absent.

Council Member Tatro stated that as a district Council Member they had also seen those petitions and tried to get a couple of their subdivisions, not the scope or the size of that undertaking, into the process and into getting the petitions and getting them signed, because for various reasons sometimes the only way to fix things like drainage problems was with street reconstruction, that no amount of ditch digging or regrading would do, and stated to Council Member Goldberg that he thought that when the administration was presenting the CIP for the budget that it said that basically all of the NSR's, Neighborhood

Street Reconstruction Projects, that had been submitted and approved were funded and did he recall that statement being made during the budget process, because they had some in the works and it made an impact on him knowing that supposedly the slate had been cleared of all pending NSR projects, and Council Member Goldberg stated he was not sure exactly what he was referring to, and Council Member Tatro stated that one of his concerns was when doing an NSR, aside from water and sewer, and Council Member Boney had talked about equity, when they looked at this years CIP there was not a lot of equity between Council districts in the Neighborhood Street Reconstruction or the construction dollars of non water and sewer projects, that it was very lopsided, so determining which ones to do within the City often was a balancing act, so when they talked about equity throughout the City, it may be over a 10 to 15 year period, but often time within the scope of the 6 years of the district Council Member there was a tremendous inequity of capital projects outside of the water and sewer, and stated that he would like to get from Public Works the pending NSR's, that he had no idea that the project was out there and that their neighborhood had done so much work do get it on the scope of projects out there, and he requested from Mayor Brown, that they do an inventory of the pending Neighborhood Reconstruction Projects that were complete and on the shelf and the dollars involved in each, because he thought it would give them a better indication as they approached next years CIP where the demands had been from the public and where the public had done so much work to put the projects together. Council Members Todd, Sanchez, Bell and Robinson absent.

Mr. 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 Todd, Sanchez, Bell and Robinson absent.

Mr. Trent Winters, 7961 West Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Todd, Sanchez, Bell and Robinson absent.

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

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Todd, Sanchez, Bell and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that was quick, that he did not think he had ever been in one that was that quick, that www.galvan.org was his website address, that the only thing he wanted to say today was first of all he wanted to wish his younger brother, Henry Michael Galvan a happy birthday today, that he was 35, that second he wanted to wish former U.S. President and native Texan, LBJ, a happy birthday this weekend August 27, which was his birthday also, that he would turn 44, but most important of all he wanted to wish the City of Houston a happy birthday this weekend also, because the City of Houston birthday was August 30th, that for all those birthdays he wanted to wish everybody who was a Virgo and the last of the Leo's a happy birthday and go out and drink some Corona and smoke some marijuana. Council Members Goldberg, Sanchez, Bell and Robinson absent.

Council Member Keller stated that he would like to report that they had gotten some good numbers from their blood drive thus far and the blood donor coach was still located until 4:00 p.m. and all of the City employees that were watching the meeting and maybe some of the Council Members that could inform their staff and thanked Council Member Parker's office for also helping him, that as they had said before they were at the lowest capacity that they had been in a long time and was really thrilled that it had gone as well as it had. Council Members Goldberg, Sanchez, Bell and Robinson absent.

At 2:57 p.m. upon motion by Council Members Boney and Vasquez the City Council recessed until Wednesday, August 23, 2000 at 9:00 a.m. Council Member Castillo absent on city business.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 23, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell, Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Marty Stein, Agenda Director; Ms. Linda Layton, Agenda Office, present.

At 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Goldberg, Boney, Castillo and Quan absent.

MAYOR'S REPORT

Briefing by representatives of the Harris County-Houston Sports Authority on the proposed Downtown Arena Project – was presented.

Mr. Billy Burge appeared at the podium along with Mr. Grover Jackson, Mr. Gene Locke, Mr. Ric Campo and Mr. Larry Catuse. Mr. Burge stated that he would be giving an overview on the evolution of the deal itself; and stated that the proposition was about more than just sports, the arena added a lot to downtown just as Enron Field did; that they were able to work what they felt was a fair deal with the Rockets in that it was the Enron project almost in its entirety and a better deal in that the partnership of the Rockets and Sports Authority looked at what caused the referendum to lose and made it better for the citizens of Houston. Mr. Grover Jackson stated that together with the Council and the rest of the community the Sports Authority had completed Enron Field, a new football/rodeo stadium was under construction and they reserved enough of their capacity to build a multi use arena downtown if the voters and county agree to designate it as an approved venue; that they believed the deal was fair, taking out what people did not like last year and adding things to enhance benefits to the public and would speak to those enhancements which were that the arena would be state of the art and a multi purpose facility; that the center of the site would be at Clay and Crawford and they contemplated the land would be owned by the city and leased to the Sports Authority for 30 years and the financing would be the city's enterprise fund and not general revenues; that the arena would be built and owned by the Sports Authority and the city would obtain ownership at

the end of the lease term with no additional costs; that the budget was \$175,000,000 and cost overruns would be the responsibility of the NBA club and the completion date was on or before September 1, 2003; that the financial structure was similar to Enron Field, the team paid rent and the HOT and car rental tax would be used to finance the facility and the NBA would pay an annual rent of \$8,500,000 which generated approximately \$105,000,000 on a present value basis; that it would add over 200 event days to downtown each year compared to the 81 days at Enron field; that the parking garage would be built with private sector support and the city would not be asked to finance land acquisition or the garage; that the cost of land acquisition for the city was less and that and the related infrastructure work was estimated to be \$20,000,000 and for that the city would get cash and direct value in excess of \$1,400,000 annually for a return of over 7% on the \$20,000,000 contribution and the city received 20 dates in the arena as opposed to 10 and 5% for naming rights up to \$200,000 annually and have use of a marketing facility for the Convention and Visitors Bureau which would otherwise cost between \$250,000 and \$500,000 a year; that the Rockets would be contributing \$105,000,000; more jobs downtown would be created; 60% of the work would be done by local firms with particular attention paid to diversity; there would be no new taxes in the form of ticket taxes or other taxes or tax abatements or rebates; the city would require ownership of the garage and land at the end of the 30 year lease term; and it provided a boost to the downtown area and community image and pride and quality of life.

Council Member Robinson stated that he was waiting on a response from his July 5, 2000, letter where he outlined a number of concerns; that he did not think the city was receiving a sufficient return on the investment they were being asked to make; that he wanted substantive information on the pricing of the land and whatever that number it needed to be reasonable and in his mind it was about \$15,000,000 and it could not be general revenue dollars; that if the arena had an incremental impact what was it separate and distinct from increased property value they would have seen anyway as a result of what had already been done; that the only return he had seen was the \$200,000 on the naming rights and that was a cap, but if it was a true representation of 5% naming rights were going for more than \$100,000,000 and if it did go for more than \$100,000,000 that would mean he would not get any share of the increment above \$100,000,000 so he thought the \$200,000 should be a floor; that he also thought the city should have additional days to make money off of; that he would also appreciate the impact in terms of to the city a garage would have; that his concern was refinancing a deal at 15 years, if it was refinanced at 15 years and there was a 30 year lease he would be concerned about anything that would go beyond the last 15 years on the life of the arena in light of the fact that you had a non-compete clause and essentially people were saying they would be getting rid of the Compaq Center, why would he want to refurbish an arena when at the end of the 30 years people would say it was worth nothing and it should be torn down; that second there was a hockey subsidy and that needed to be capped; that there was a revenue stream out there and that should be used for arenas but also for amenities and he wanted to see a specific plan of what the Sports Authority was going to do regarding parks, libraries and any other amenities they could build with that revenue stream. Mr. Jackson stated that answers would be put in writing and sent to him, but he felt the return to the city was about 8% cash value and the estimate for the land the city was asked to contribute with the infrastructure around it was about \$20,000,000, the land about twelve or fifteen and other amenity preparations about 20 so \$20,000,000 and then about \$1,400,000 gave a 7% or 8% return. Council Members Boney and Bell absent.

Mayor Brown advised Council that each would be allowed five minutes for questions as they had an agenda to deal with.

Upon questions by Council Member Keller, Mr. Locke stated that the public would not be responsible for the garage and at the end of 30 years the city would get the garage so they were getting a double bonus. Council Member Galloway absent.

Council Member Robinson stated that he wanted to touch on the ticket tax and he would like to see an itemized list as to what the returns were which constituted a 7% or 8% as opposed to digging through the document; and Mr. Jackson stated there was no ticket tax and no provision made for one. Council Members Galloway, Vasquez and Quan absent.

Upon questions by Council Member Goldberg, Mr. Campo stated that the new compete clause would not affect the Compaq Center language, the Compaq Center was setup to not compete with the new arena and the logic was that if there were two competing facilities the value went down; that a number of entities were interested in the Compaq Center including schools and churches. Mayor Brown stated that was not a decision the Sports Authority would make. Council Member Quan absent.

Council Member Todd stated that he would like to know how long it would take to recover the \$20,000,000 to \$30,000,000 in cost and if that estimate included the diminution of value to the Compaq Center; and Mayor Brown stated that the city would have to do that for him. Council Member Todd stated that was an important part of the consideration and he would like to request that when the agreement was entered that they cut the city out of the clause. Council Members Ellis, Keller and Bell absent.

Council Member Vasquez stated that he would like answers in writing also and he would like it broken down financially how they got to \$175,000,000 and he would like it very specific in terms of who was contributing what amount to allow them to reach that \$175,000,000; that secondly there were a couple of comments about the allocation and how it was to be used and whether it could be used for other amenities such as parks and libraries as his understanding was that the Sports Authority was formed in the legislature and the taxes could not be used for the amenities and he would like a clear articulate statement in writing on the legislative process. Council Member Vasquez stated that he would like to advance the public debate and he would ask the Mayor to place this on the Agenda next week so they could advance the discussion. Council Members Todd and Castillo absent.

Mr. Burge gave a recap stating that it was important to look at the other venues, that the city look at this facility as the county looked at the NFL when they put up the land and infrastructure and all and that would be a long-term asset; and in the case of Enron the city did not have an asset and when the bonds were paid off it would belong to the Sports Authority so this was an opportunity for the city to basically control the arena, having it on the city's land and the debt paid off.

Upon questions by Mayor Brown, Mr. Burge gave a comparison on the NBA arena compared to the NFL and Enron arenas stating the cost on Enron was \$250,000,000 giving 42,000 seats and a 1,000,000 square foot facility with 80 playable dates; the NFL was almost 2,000,000 square feet available area with 70,000 seats, 60 revenue days and

\$367,000,000; that this facility was 20,000 seats, 200 plus revenue event nights a year and going up \$175,000,000.

Council Members discussed the matter at length with Mr. Burge, Mr. Jackson and Mr. Campo and Mayor Brown and Council Members thanked them for coming and applauded their efforts.

Council Member Todd moved to suspend the rules to take Items 22, 20, 48, 54, 60, 18-1 and 30 out of order, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-1019 ADOPTED.

20. ORDINANCE authorizing Special Assignment Pay for members of the Police Department of the City of Houston; establishing the amount of such assignment pay; making other provisions related to the subject; providing for severability – was presented, and was tagged by Council Member Tatro.
22. ORDINANCE approving and authorizing a Special Warranty Deed Conveying to B. D. Simpkins, Jr., a parcel of land containing 152,460 square feet, more or less, and being out of the Sylvester Murphy League, A-53, Harris County, Texas, in consideration of the payment of \$236,350.00 by B. D. Simpkins, Jr., and other good and valuable consideration to the City - Revenue - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-729 ADOPTED.
48. ORDINANCE appropriating \$535,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC D/B/A SCIENTECH** for the Design of Studewood Street Roadway Improvements from White Oak Drive to E. 12th Street, CIP N-0611-42-2 (SB9031); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented, and was tagged by Council Member Todd. **(NOTE: Council Member Todd released his tag later in the meeting.)**
54. 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 39 on Agenda of August 2, 2000, POSTPONED BY MOTION #2000-984)** – was presented.

Council Member Bell stated that he had a motion to amend the final paragraph in Item 54 and presented a MOTION as follows: “Amend the final paragraph of Article IV of the Articles of Incorporation of the Houston Area Water Corporation to be amended to include the following sentence: In addition, the Corporation will comply with the provisions of the Professional Services Procurement Act (Vernon’s Texas Codes Annotated, Texas Government Code 2254.001 to 2254.005)., and was seconded by Council Member Tatro.

Council Member Bell stated that there was no case law associated with this and there was a good chance if this provision was not accepted it would end up in litigation; and he hoped this would be accepted.

Mayor Brown stated there was a motion before Council and seconded, but there was a letter distributed saying what was being proposed would not work under the law; and upon questions, Mr. Hall stated that a couple of hours was spent yesterday ventilating the issue considerably and explained to Council Members that if in fact their judgement and the judgement of a number of other law firms who had some participation in various aspects of this process that if this amendment was adopted the option indicated so often of pursuing design build could not be pursued if the amendment was adopted; that this would essentially kill the primary purpose for doing this.

Upon further discussion Council Members a roll call vote was called on Council Member Bell's amendment to Item 54.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting aye.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting aye.
Council Member Boney voting no.	Council Member Sanchez voting no.
Council Member Todd voting no.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-1020 FAILED.

Council Member Tatro stated that he had a motion to amend the sixth sentence of the first paragraph of Article VI of Exhibit A (Articles of Incorporation) to Item 54; and moved that: Any Director may be removed from office at any time with cause by the Mayor of the City, and the Mayor of the City shall have the right to appoint a replacement for such Director, such appointment to be subject to confirmation by the City Council of the City, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-1021 ADOPTED.

Council Member Tatro stated that he had a motion to amend the second sentence of the third paragraph of Article VI of Exhibit A (Articles of Incorporation) to Item 54; and moved that: The Mayor of the City shall have the right to remove any such non-voting, advisory members at any time with cause, and, with the confirmation by the City Council of the City, to appoint replacements for such removed persons, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-1022 ADOPTED.

Council Member Tatro stated that he had a motion to amend the second sentence of the second paragraph of Article XI of Exhibit A (Articles of Incorporation) to Item 54; and moved that: Unless otherwise directed by the City or required by applicable law, any income of the Corporation received by the City shall be deposited into the Water and Sewer Enterprise Fund, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-1023 ADOPTED.

Council Member Tatro stated that he had a motion to amend the last sentence of the last paragraph of Section 2.01 of Exhibit B (Bylaws) to Item 54; and moved that: The Mayor of the City shall have the right to remove any such non-voting, advisory member of the Board of Directors at any time with cause, and, subject to confirmation by the City Council of the City, to appoint replacements for such removed persons, and was

seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-1024 ADOPTED.

Council Member Tatro stated that he had a motion to amend the third sentence of Section 2.02 of Exhibit B (Bylaws) to Item 54; and moved that: As provided for in the Articles of Incorporation of the Corporation, any Director may be removed from office at anytime with cause by the Mayor of the City, such removal to be effective immediately, and was seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-1025 ADOPTED.

Council Member Tatro stated that he distributed his amendments on another sheet of paper and he would pull down the amendment which suggested Council have oversight of expenditures over \$15,000 and just address the last amendment, the resolution; and presented a WRITTEN MOTION as follows: "The Houston Area Water Corporation (LGC) shall aid and act on behalf of the City of Houston to conduct all necessary inquiries and analysis required to prepare an initial Project Definition Document (PDD) for the Northeast Water Purification Plant (NEWPP) and prepare a "short list" of candidates from the initial six submittals (not to exceed three), that are fully capable and qualified to meet the full scope of the PDD. The PDD will then be submitted to City Council for approval."; that the subtext would be: "The PDD shall contain, but not be limited to: 1) The method of project delivery of the NEWPP,. (ie: Design/Build, Operate-(DBO) or, Build/Own/Operate/Transfer-(BOOT); 2) The sizing/capacity of the initial Water Treatment plant and estimated time schedule for future expansions.; 3) The # of transmission lines, sizing of lines, and destination points.; 4) The plan for contracting plant operations and the duration of the contract."

Mayor Brown stated that he would ask Mr. Hall to give a response on the implication of that amendment; and Mr. Hall stated that at the request of the Council Committee they prepared a written response and in short they had consistently advised Council since the beginning of these discussions that Council could not be involved in the procurement process if they were going to pursue alternative delivery methods; and it was obvious that this would do that. Mayor Brown stated that based on his opinion and the opinion of other lawyers they had solicited opinions from this would be illegal if they were to pursue the method of design, build and operate.

Council Member Todd stated that he would release his tag on Item 48; and Mayor Brown stated that it would be taken up at the end of the Agenda.

Council Members discussed at length the amendment; and Mayor Brown stated that he would add there was an assurance that Council would be briefed regularly on this and Public Works would be the agency that would staff this and anytime Council wanted a briefing they could call and ask Public Works to come and provide the briefing, but hopefully that would not be necessary because regular briefings could be scheduled to keep Council up to date on what was going on. Council Member Todd absent.

Mr. Hall stated that their position was that if the amendment was placed on this agreement they would then be forced to pursue the traditional procurement method and they had said repeatedly they could not satisfy the time requirements the city was under if they pursued that and they had also said it would be more costly. Council Member Todd absent.

Council Member Boney moved to call the question, and was seconded by Council Member Galloway. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1026 ADOPTED.

A roll call vote was called on the motion by Council Member Tatro to amend Item 54.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting aye.	Council Member Castillo voting no.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting aye.
Council Member Boney voting no.	Council Member Sanchez voting no.
Council Member Todd absent.	Council Member Bell voting aye.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-1027 FAILED.

Council Member Keller presented a written a motion to amend Item 54; as follows: "Add one additional engineer to the Local Government Corporation board." Council Member Todd absent.

Upon questions by Council Member Tatro, Council Member Keller stated that his third amendment would be more appropriate and he would withdraw his amendment. Council Member Todd absent.

Council Member Keller stated that he had a motion to amend Item 54 and presented a WRITTEN MOTION as follows: "That the local government corporation board may not drop below seven members." Council Member Todd absent.

Council Member Ellis stated that he had a friendly amendment which would be to also amend the articles of incorporation to include seven to nine board members; and Council Member Keller stated that he would accept that as a friendly amendment. Council Member Todd absent.

Mayor Brown stated that they were now debating whether to amend the corporation documents to say there would be no less than seven and no more than nine board members. Council Member Todd absent.

Upon questions by Council Member Castillo, Mr. Hall stated that this provision would solve the problem he was trying to address because it would allow them to start. Council Member Todd absent.

Mayor Brown stated that Council Member Keller had presented a written amendment, but had accepted a friendly amendment which needed a second; and was then seconded by Council Member Ellis. Council Member Todd absent.

Mr. Hall stated that for clarity they were changing Article VI of the Bylaws to say not less than seven or more than nine board members. Council Member Todd absent.

Upon questions by Council Member Robinson, Mr. Hall stated that quorum requirements were not addressed so Roberts Rules would apply and that was a majority. Council Member Todd absent.

Council Member Castillo moved to suspend the rules to stay in session beyond the noon hour to complete the meeting, and was seconded by Council Member Galloway. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1027-A ADOPTED.

Council Member Boney moved to call the question, and was seconded by Council Member Galloway. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1028 ADOPTED.

Mayor Brown stated that the item before Council was to change the Articles and the Bylaws to stipulate there would be no less than seven or more than nine members. Council Member Todd absent.

A roll call vote was called on the motion by Council Member Keller to amend Item 54.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting aye.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting aye.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting aye.
Council Member Todd absent.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson voting no.
Council Member Keller voting aye.	MOTION 2000-1029 ADOPTED.

Council Member Keller presented a WRITTEN MOTION to amend Item 54 as follows: "The Local Government Corporation board may not have less than Three Professional Engineers sitting on the LGC board." Council Member Todd absent.

Upon questions by Members of Council Mr. Tom Rolen stated that it was a team effort with engineering, legal and fiscal expertise; and at different points in time they would be looking at different expertise and in the future it may be someone with rates expertise. Upon questions by Council Member Sanchez, Mr. Hall stated that the Mayor's policy was that all nominees on boards live within the City of Houston. Council Member Todd absent.

A roll call vote was called on the motion by Council Member Keller to amend Item 54.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting no.
Council Member Tatro voting aye.	Council Member Castillo voting no.

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

Council Member Parker voting no.
Council Member Quan voting no.
Council Member Sanchez voting aye.
Council Member Bell voting no.
Council Member Robinson voting no.
MOTION 2000-1030 FAILED.

Council Member Keller presented a WRITTEN MOTION to amend Item 54 as follows: "The Mayor may terminate any member of the LGC board with Council approval."
Council Member Todd absent.

A roll call vote was called on Council Member Keller's amendment.

ROLL CALL VOTE:

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

Council Member Vasquez voting no.
Council Member Castillo voting no.
Council Member Parker voting no.
Council Member Quan voting no.
Council Member Sanchez voting no.
Council Member Bell voting no.
Council Member Robinson voting no.
MOTION 2000-1031 FAILED.

Council Member Sanchez stated that he would like to propose an amendment and moved to amend the appropriate section of the Bylaws and Articles of Incorporation to reflect that seven of the nine board members be Houston residents, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd absent.
MOTION 2000-1032 ADOPTED.

Mayor Brown called for a vote on the main item, Item 54, as amended. After discussion by Council, Council Member Robinson thanked all who worked with the TTI Committee, the TTI Committee, Council Member Bell for coming and for his input as he was not a member; and stated that he thought the work done made this a much better product. Mayor Brown expressed appreciation to all Council Members for their hard work and consideration of the issue as it was probably one of the most important issues they would vote on for a long time and dealing with one of the most important issues facing the city and this region and that was the water issue; and thanked Council Member Robinson for his leadership and the others on the committee; and called for a roll call vote on Item 54 as amended. Council Member Todd absent.

ROLL CALL VOTE:

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

Council Member Vasquez voting aye.
Council Member Castillo voting aye.
Council Member Parker voting aye.
Council Member Quan voting aye.
Council Member Sanchez voting aye.
Council Member Bell voting no.
Council Member Robinson voting aye.

Council Member Keller voting aye.

RESOLUTION 2000-42 ADOPTED AS
AMENDED.

60. ORDINANCE amending **CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Obstruction of Crosswalks and Intersections; containing other provisions relating to the foregoing subject; providing for severability - (This was Item 31 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER PARKER) – was presented.

Council Member Robinson moved to refer Item 60 back to the Administration for re-posting on September 27, 2000, and was seconded by Council Member Keller. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1033 ADOPTED.

- 18-1. **TROY CONSTRUCTION, INC** for Emergency Repair of Water Lines/Leaks for Department of Public Works & Engineering - \$672,000.00 and contingencies for an amount not to exceed \$705,600.00 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez.

Council Member Bell stated that a citizen in yesterday's meeting stated the money previously allocated for repairs had not yet been spent; and moved to suspend the rules to hear from Mr. Tom Rolan, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1034 ADOPTED.

Mr. Rolan stated that they had not spent all the money, but they were trying to get several contracts going so they could keep up with the water breaks; that they had two and this would be the third; that on the first contract they had about \$1,000,000 remaining; that between this contractor and the second one approved a few weeks ago it was their hope to come very close in knocking out the backlog. Council Member Todd absent.

Upon questions of Council Member Tatro, Mr. Rolan stated that on the first contract about 10% was utilized and on the one just approved a few weeks ago they would start Monday; that when the first contractor started they were using one crew, but has now gone to three crews and they were busy. Council Member Tatro stated that he wanted to meet with Mr. Rolan on this over the next week. Council Member Todd absent.

Mayor Brown stated that the implication from testimony received yesterday was that Public Works was not getting the paperwork out fast enough; and upon questions, Mr. Rolan stated that he understood initially several months ago that was the case, but the process was corrected and there were no internal problems. Council Member Todd absent.

Upon questions by Council Member Boney, Council Member Tatro stated that one of the questions yesterday was the bid process utilized to get the company on board and that they were actually the highest bid; and Mr. Rolan stated that what happened on the bid was the same thing that happened to the previous two, some years ago there were concerns raised about these type contracts bidding a price and then doing different quantities and the question came up that if they had known they would do "x" number they would have bid differently so these were bid as an estimate and the numbers were one year old now; that the city estimated what they thought it might cost to do the

different items of work and then the contractors indicated a markup that would be applied against all items so regardless of how many they did it would be the same factor for all of them and it was intended to level the playing field; and with this particular contract they were recommending to Council the lowest factor bid. Council Member Tatro stated that he still wanted to review several points that were raised. Council Member Todd absent.

Upon questions by Council Member Keller, Mr. Rolan stated that this was a very busy time for contractors; that the contractors who bid here were invited because they were larger contractors with experience in this type of work; that the repair of water mains was not something that every contractor had personnel on board; that not all contractors invited to bid did bid and this was an emergency, it was a 120 day short-term contract.

Upon questions by Council Member Bell, Mr. Rolan stated that in June they had some of the lowest numbers for backlog from any recent years and they went forward with a contract to address the problem; that the contractor was only able to provide so many crews; that when they saw they would not be able to move as quickly as they wanted they took emergency bids so they could be responsive and he felt the department and staff did have a plan, they were making progress and were determined to insure the level of service needed was provided and he would be remiss if he did not publicly thank employees in the Public Works and Engineering Department, specifically Public Utilities who had worked days, nights, weekends, long hours and 100° temperatures; and he did appreciate their efforts.

After further discussion a vote was called on Item 18-1. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1035 ADOPTED.

30. ORDINANCE approving and authorizing a memorandum of agreement with the **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** relating to Oxides of Nitrogen Emission Reductions at the City's Airports - **DISTRICTS B - GALLOWAY and E – TODD** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-730 ADOPTED.

Consent Agenda (Items 1 through 52) were considered as follows:

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$307,476.98 and acceptance of work on contract with **B. R. C. SERVICES, INC** for Construction of Water Backflow Prevention Program, GFS S-0700-JC-3 (10452-1) - 16.88% under the original contract amount - Enterprise Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - BONEY; E - TODD; F - ELLIS and I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1036 ADOPTED.

PROPERTY - NUMBERS 8 through 12

8. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request

from Marcel Meijer of Interplan Architects, Inc., on behalf of King Fuels, Inc. (Zaki Niazi, president), property owner, for abandonment and sale of portions of a 16-foot wide utility easement and a 2-foot wide aerial easement, located within a 1.047 acre tract, Unrestricted Reserve B, Block 2, Alameda Square, Parcels SY1-002A and SY1-002B - **STAFF APPRAISERS - DISTRICT D - BONEY** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1037 ADOPTED.

9. ORDINANCE appropriating \$17,193.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Beverly Ann Green, et al, to acquire Parcel Number C99-4, for the **LEAR DRIVE LIFT STATION PROJECT**, GFS/CIP Number R-0267-00-1 - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-731 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Beverly Ann Green, et al, Cause Number 731,440; for acquisition of Parcel C99-4 for the **LEAR DRIVE LIFT STATION PROJECT**, GFS/CIP Number R-0267-00-1 - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1038 ADOPTED.
10. ORDINANCE appropriating \$13,397.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. H. Ben Taub, et al, to acquire Parcel Number D97-69, for the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP Number R-0018-90-1 – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-732 ADOPTED.
- 10a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. H. Ben Taub, et al, Cause Number 705,676; for acquisition of Parcel D97-69 for the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP Number R-0018-90-1 – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1039 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 18-1

LOW BIDS

13. **JAEGER PRODUCTS, INC** for Fiberglass Grating for Department of Public Works & Engineering \$52,287.69 - Enterprise Fund – was presented, moved by Council

Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1040 ADOPTED.

14. **VEHICLE MAINTENANCE PROGRAM (Bid #3)** for Automotive Wiper Blades for Various Departments - \$54,817.45 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1041 ADOPTED.

OTHER

15. **HAL, INC** for Asbestos and Lead Abatement Services for Fire Department - \$58,496.00 and contingencies for an amount not to exceed \$61,420.80 - Fire Department Revolving Fund **DISTRICT A – TATRO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1042 ADOPTED.
16. **RECOVERY CONTRACTORS, INC** for Demolition and Site Clean-up Services for the Department of Public Works & Engineering - \$39,820.00 and contingencies for an amount not to exceed \$41,811.00 - Dangerous Building Consolidated Fund - **DISTRICTS B - GALLOWAY; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1043 ADOPTED.
17. **SMITH-MOBLEY, INC** for Securing Dangerous Buildings and Site Clean-up Services for Department of Public Works & Engineering - \$16,113.00 and contingencies for an amount not to exceed \$16,918.65 - CDBG Grant Fund - **DISTRICTS B - GALLOWAY; D - BONEY; E - TODD; H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1044 ADOPTED.

ORDINANCES - NUMBERS 19 through 52

21. ORDINANCE consenting to the addition of 1.3434 acres of land to **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-733 ADOPTED.
25. ORDINANCE approving and authorizing an application for grant assistance from the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for the establishment of a Distance Learning Center as part of the Campus Park development in the Stella Link Community; declaring the City's eligibility for such grant; authorizing the Director of the Houston Public Library to act as the City's Representative in the application process; authorizing the Director of the Houston Public Library to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$693,750.00 - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-734 ADOPTED.

26. ORDINANCE approving and authorizing Intergovernmental agreement between the City and **HOUSTON GALVESTON AREA COUNCIL (HGAC)** for a grant award to provide routine water quality sampling under the Texas Clean Rivers Program - \$100,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-735 ADOPTED.
31. ORDINANCE appropriating \$18,100.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase of approximately 1.562 acre of land out of the Amos Barber Survey, Abstract 125, Houston, Harris County, Texas, for the expansion of the Bush Intercontinental Airport, CIP A-0024, and approving a purchase and sale agreement with 27.2671 M & N Limited to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-736 ADOPTED.
32. ORDINANCE appropriating \$13,833.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase of an undivided 7/12 interest in approximately 1.0 acre of land out of the T. S. Roberts Survey, Abstract 659, Houston, Harris County, Texas, for the expansion of the Bush Intercontinental Airport, CIP A-0024, and approving a purchase and sale agreement with Jay Dean Kersh to acquire his interest in the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-737 ADOPTED.
33. ORDINANCE appropriating \$380,000.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase from Harris County, Texas, of three tracts of land being approximately (i) 1.431 acre, (ii) 0.7764 acre, and (iii) 29.85 acres out of the T. S. Roberts Survey, A-659, Houston, Harris County, Texas, for the expansion of the Bush Intercontinental Airport, CIP A-0024, for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-738 ADOPTED.
34. ORDINANCE appropriating \$23,000.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase from County Judge and successors in Office of Harris County, Texas in Trust for Public Free School purposes of District No. 29 Common School District of Harris County, Texas, of approximately 1.0175 acre of land out of the T. S. Roberts Survey, A-659, Houston, Harris County, Texas, for the expansion of the Bush Intercontinental Airport, CIP A-0024, for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-739 ADOPTED.
39. ORDINANCE appropriating \$560,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional services contract between the City of Houston and **RICONDO & ASSOCIATES, INC** for General Planning Services for the Houston Airport System, Project 547, CIP A-0368 -

DISTRICT B – GALLOWAY – had been pulled from the Agenda by the Administration, and was not considered.

40. ORDINANCE approving and authorizing amendment No. 1 to contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for HVAC Systems and Equipment 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 Todd absent. ORDINANCE 2000-740 ADOPTED.
43. ORDINANCE awarding contract to **CORRECTIONAL FOODSERVICE MANAGEMENT** for Jail Food Services for Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,120,551.00 - General Fund - **DISTRICTS E - TODD and I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-741 ADOPTED.
44. ORDINANCE approving and authorizing contract between the City and **SOUTHWESTERN BELL TELEPHONE COMPANY** for Jail Inmate Telephone and Security/Surveillance Systems for the Police Department - 5 Years with one five-year option – Revenue – had been pulled from the Agenda by the Administration, and was not considered.
47. ORDINANCE appropriating \$512,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for the Design of Studewood Street Roadway Improvements from E. 12th Street to N. Main Street, CIP N-0611-37-2 (SB9030); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-742 ADOPTED.
49. ORDINANCE appropriating \$130,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing the Mayor to execute a Reimbursement Agreement with **NETCO PIPELINE, TEXAS, a Texas Limited Liability Company**, for the Relocation of a fourteen-inch High Pressure Natural Gas Pipeline which crosses both Westview Drive and Lumpkin Road at their intersection in connection with Westview Drive Paving Project, GFS N-0549-04-3 (N-0549-04) - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-743 ADOPTED.
50. ORDINANCE appropriating \$816,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RAY SMITH CONSTRUCTION, INC** on low bid of \$716,856.50 and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$20,000.00 for construction of Westview Drive Extension - Brittmoore Road to Clarborough Drive, GFS N-0549-02-3 (N-0549-02); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A –**

TATRO – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-744 ADOPTED.

51. ORDINANCE appropriating \$123,048.34 out of Water & Sewer System Consolidated Construction Fund for the City's Cost Participation in construction of the 135 linear feet of 57-inch diameter steel casing pipe to support a future 36-inch water line at the intersection of Scarsdale Boulevard and Beamer Road, approved by City Council under Ordinance No. 99-393 on April 28, 1999, GFS S-0521-DB-2 (10570) - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-745 ADOPTED.
52. ORDINANCE granting authority to **PF.NET NETWORK SERVICES CORPORATION**, a Delaware corporation, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using and operating therein, telecommunications facilities for providing authorized telecommunications services; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-746 PASSED FIRST READING IN FULL.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

1. RECOMMENDATION from Acting Director Finance & Administration Department that the City Council receive the 2000 Appraisal Roll Information, the Certified Anticipated Collection Rate for "Truth-In-Taxation" purposes and appoint James C. Gill, to calculate and publish the City's Effective and Rollback Tax Rates – was presented, moved by Council Member Boney, and seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1045 ADOPTED.

Council Member Robinson stated that there was an article in the paper about how they evaluated property and the like between Bentencourt and Rylander and he would like someone in F & A to look at what the possible implications were over the next couple of fiscal years; and Mayor Brown stated that would be taken care of. Council Member Todd absent.

2. RECOMMENDATION from Mayor's Office of Public Safety & Drug Policy 3-1-1 Core Implementation Team for supplemental allocation in the amount of \$2,288,917.00 to contract with **UNISYS CORPORATION** for Houston Service Center System Integration Services to implement a 3-1-1 Call Center - Equipment Acquisition and Dangerous Building Consolidated Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and was tagged by Council Member Tatro. Council Member Todd absent.

Council Member Castillo stated that he met with Mr. Hollingsworth and they went over many details; that several times they had asked for an estimate of the total cost they were looking at and to what ever degree he could give would be helpful; that as a result

of this technology there would be a huge increase for services and then they would have a moral obligation to deliver the goods; and maybe they could have a worse and best case scenarios; and Mayor Brown stated that he would ask Mr. Hollingsworth to give the best estimation he could to all Council Members. Council Member Todd absent.

3. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **D. D. SOLOMON**, Employee Number 62667 – was presented, moved by Council Member Tatro, and seconded by Council Member Vasquez.

Council Member Quan stated that an officer was on disability for a year and he was unable to find out the policy on what other services such officers could perform; and moved to suspend the rules to hear from Chief Breshears, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1046 ADOPTED.

Chief Breshears stated that there was a policy for all officers who were injured on duty and allowed by their physicians to do light duty there were several assignments they could do including working in the dispatch position and desk jobs throughout the department; that in this case the officer had not been released to do any duty, not even light duty; that they were asking for another three months, but they were also asking for a second opinion and they could do no more until the second opinion had been rendered. Council Member Todd absent.

A vote was called on Item 3. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1047 ADOPTED.

4. RECOMMENDATION from Acting Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$45,355.57 Enterprise Water & Sewer Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. Council Member Todd absent.

Council Member Quan stated that he had pointed out it seemed last time there was an oversight concerning authorization as to the item regarding water refunds and there was discussion about the City Attorney looking into changing the rules of the ordinances to increase it to \$15,000 and he did not know if anything had been done; and Mayor Brown stated that the Legal Department was addressing the issue and it had not been resolved as yet.

A vote was called on Item 4. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1048 ADOPTED.

5. RECOMMENDATION from Acting Director Department of Public Works & Engineering to approve refunds over \$5,000.00 for Water & Sewer Accounts for various customers - \$6,781.54 Enterprise Water & Sewer Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1049 ADOPTED.

DAMAGES

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, et al.** v. City of Houston; Cause No. 98-15425; in the 55th Judicial District Court of Harris County, Texas- \$90,000.00 - Property and Casualty Fund – was presented, moved by Council Member Boney, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1050 ADOPTED.

PROPERTY

11. ORDINANCE appropriating \$70,631.12 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Donald Bartlett Moore, et al, to acquire Parcel Numbers DYO-29 and DYO-29A, for Sanitary Sewer purposes in connection with the **WEST BELLFORT PAVING PROJECT (Huntington Village - West Bellfort)**; GFS/CIP Number N-0466-01-1 - **DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-747 ADOPTED.
- 11a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Donald Bartlett Moore, et al; for acquisition of Parcel Numbers DYO-29 and DYO-29A, for Sanitary Sewer purposes in connection with the **WEST BELLFORT PAVING PROJECT (Huntington Village - West Bellfort)**; GFS/CIP Number N-0466-01-1 - **DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1051 ADOPTED.
12. RECOMMENDATION from Acting Director Department of Public Works & Engineering for condemnation of Parcel A95-85, located at 4418 South Kirkwood Road, owned by Pesai N. V., a Netherlands Antilles corporation, Issac Penhas-Samuel, owner, for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 **DISTRICT F – ELLIS** – was presented, moved by Council Member Boney, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1052 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

18. **CENTERLINE INDUSTRIES, INC** for Street Marking Paint for Public Works & Engineering and Solid Waste Management Departments - \$716,103.00 - General, Enterprise and METRO Funds – was presented, moved by Council Member Boney, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1053 ADOPTED.

ORDINANCES

19. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2000-573 by deleting one (1) Deputy Chief Position, by adding three (3) District Chief Positions, by adding five (5) Senior Captain Positions, by adding four (4) Engineer/Operator Positions, and by adding one (1) Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented, and was tagged by Council Member Goldberg. Council Member Todd absent.
23. ORDINANCE approving an assignment of the leasehold interest of **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP ("GTE")** under a lease agreement between the City and GTE, approved under Ordinance 1994-316, to **CROWN CASTLE GT COMPANY LLC - DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-748 ADOPTED.
24. ORDINANCE approving and authorizing an amendment to lease agreement between the City of Houston and the **HOUSTON BALLET FOUNDATION** regarding space at the Wortham Center; subject to the terms and conditions of the amendment to the lease agreement - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-749 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City and **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for an Ambient Air Quality Monitoring System \$52,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-750 ADOPTED.
28. ORDINANCE appropriating \$27,000.00 out of Homeless and Housing Consolidated Fund (Fund 415) and approving and authorizing an agreement between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM** to provide, in addition to the funds appropriated herein, \$365,000.00 in Community Development Block Grant Funds, for the implementation of the Youthbuild Program – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-751 ADOPTED.
29. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the United States Federal Aviation Administration for Project No. 417B at William P. Hobby Airport; declaring the City's eligibility for such grant - \$14,182,446.00 - Grant Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-752 ADOPTED.
35. ORDINANCE appropriating \$777,000.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase from Harris County Flood Control District of approximately 16.83 acres of land out of the W.C.R.R. Survey, Section 3, Block 5, Abstract 927, Houston, Harris County, Texas, for the expansion of the

Bush Intercontinental Airport, CIP A-0024, for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-753 ADOPTED.

36. ORDINANCE appropriating \$21,000.00 out of Airport System Commercial Paper Series A, C (AMT), and approving the purchase of Lot 16, Lakeview Park, an unrecorded subdivision in the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, for the expansion of the Bush Intercontinental Airport, CIP A-0024, and approving a purchase and sale agreement with Kathy A. Kaldis to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-754 ADOPTED.
37. ORDINANCE approving and authorizing amendment No. 1 to Ground Lease agreement between the City of Houston and **HOUSTON AERONAUTICAL INVESTMENT, INC** at William P. Hobby Airport - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-755 ADOPTED.
38. ORDINANCE approving and authorizing amendment No. 2 to contract between the City of Houston and **ZUCKERT, SCOTT & RASENBERGER** for Specialized Aviation Legal Services for the Houston Airport System - \$200,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-756 ADOPTED.
41. ORDINANCE approving and authorizing contract between the City and **BANK ONE, TEXAS, NA** for Securities Safekeeping Services for the Controller's Office – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-757 ADOPTED.
42. ORDINANCE approving and authorizing a merchant services agreement between the City of Houston and **AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-758 ADOPTED.
45. ORDINANCE amending Ordinance No. 97-1405, which authorized contract between the City and **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for the Houston Police Department, to increase the maximum contract amount - \$229,371.88 - General Fund - **DISTRICTS B - GALLOWAY; E - TODD and G – KELLER** – was presented, and was tagged by Council Members Keller, Quan and Tatro Council Member Todd absent.

Council Member Keller stated that he wanted to know the price per square foot they were currently paying for the facility they were managing and if it was in unison with the ones being added; and Mayor Brown stated that he would get an answer. Council Member Todd absent.

Council Member Quan stated that he would like to know what bid process was used; and Mayor Brown stated that he would get and answer for him. Council Member Todd absent.

46. ORDINANCE approving and authorizing professional architectural services contract between the City of Houston and **ROBERT W. MCKINNEY, AIA** in connection with the Maintenance Complex-Memorial Park Golf Course, GFS F-0464-01-2 - \$218,350.00 - Parks Special Revenue Fund **DISTRICT G – KELLER** – was presented, and was tagged by Council Member Keller. Council Member Todd absent.

The Non Consent Agenda (Item 53) was considered as follows:

PROPERTY

53. RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tom Dunne, T D. Realty, on behalf of Houston Auto Auction Properties, Inc (Jim Bowers, president), the abutting owner, for abandonment and sale of a portion of Gulflow Street and a 1-foot Buffer in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, all adjacent to Tracts 24Y and 24K-1, Jacob Thomas Survey, Abstract 74, Parcels SYO-077 and DY0-044 - **APPRAISERS DISTRICT I – CASTILLO** – was presented. Council Member Castillo named Ms. Roberta Conerly and Mr. Frank D. Flores as appraisers and moved approval of the recommendation, and was seconded by Council Member Boney . All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1054 ADOPTED.

MATTERS HELD - NUMBERS 54 through 65

55. MOTION by Council Member Ellis/Seconded by Council Member Tatro to adopt recommendation from Director Department of Solid Waste Management for additional funding in the amount of \$1,320,000.00 on contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal - General Fund – **(This was Item 5 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1055 ADOPTED.
56. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$13,181,911.50 and acceptance of work on contract with **STEWART BUILDERS, INC/STEWART-MATL, LTD. CO.** for Construction of Wastewater Operations Laboratory, GFS R-0526-01-3 (4287-2) - 02.39% over the original contract amount - **DISTRICT F - ELLIS - (This was Item 7 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1056 ADOPTED.

57. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **EMERGENCY ONE, INC** for Pumper Truck Repair Service for the Fire Department - \$183,094.12 - General Fund - **(This was Item 22 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1057 ADOPTED.
58. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HACH COMPANY** for Chemicals, Water Test Materials for Various Departments - \$614,198.66 - General and Enterprise Funds - **(This was Item 27 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1058 ADOPTED.
59. ORDINANCE authorizing the issuance of City of Houston, Texas, Airport System Subordinate Lien Revenue Bonds, Series 2000A, Series 2000P1 and Series 2000P2; authorizing the Mayor and City Controller to approve the amount, the interest rate, price and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; awarding the sale of the Bonds; authorizing the refunding and defeasance of certain refunded Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance and Reserve Fund Surety Policy; authorizing the form of the Reserve Fund Surety Policy Agreement; authorizing and engaging an Escrow Verification Agent and an Escrow Agent; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - **(This was Item 30 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBERS BELL, ELLIS and KELLER)** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-759 ADOPTED.
61. ORDINANCE approving and authorizing contract between the City of Houston and **NEW HOPE COUNSELING CENTER, INC** providing up to \$370,216.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration of a Counseling and Supportive Services Program, which sum includes a limitation of additional funding in the amount of \$185,108.00 – **(This was Item 34 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-760 ADOPTED.
62. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON H.E.L.P., INC** providing up to \$413,630.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration of a Child Care and Supportive Services Project, which sum includes a limitation of additional funding in the amount of \$275,753.00 – **(This was Item 35 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-761 ADOPTED.

63. 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 – (This was Item 52 on Agenda of August 16, 2000, POSTPONED BY MOTION #2000-1018)** – was presented.

Council Member Keller stated that he wanted to compliment Charles Juhasz and Janice Phillips for doing an exemplary job in having their numbers together. Council Member Todd absent.

A vote was called on Item 63. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-762 ADOPTED.

64. 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 Alameda 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 - (This was Item 53 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-763 ADOPTED.
65. 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 - (This was Item 54 on Agenda of August 16, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-764 ADOPTED.

Item received during the meeting was considered as follows:

- 54a. ORDINANCE appropriating \$1,000,000.00 out of Water Contributed Capital Fund (733) 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 54A is not a Matter Held, however its passage is contingent upon passage of Item 54**
- was presented; and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg voting no.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting aye.
Council Member Todd absent.	Council Member Bell voting no.
Council Member Ellis voting aye.	Council Member Robinson voting aye.
Council Member Keller voting aye.	ORDINANCE 2000-765 ADOPTED.

Item released during the meeting was considered as follows:

Council Member Todd previously released his tag on Item 48.

48. ORDINANCE appropriating \$535,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC D/B/A SCIENTECH** for the Design of Studewood Street Roadway Improvements from White Oak Drive to E. 12th Street, CIP N-0611-42-2 (SB9031); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-766 ADOPTED.

MATTERS PRESENTED BY COUNCIL MEMBERS

Council Member Robinson stated that he wanted someone to visit with him on the Mayor's memo regarding the downtown arena; and Mayor Brown stated he would make sure that happened. Council Member Todd absent.

Council Member Quan stated that he would like a follow-up with the City Attorney; that he was waiting for clarification on the surveillance cameras and lights in convenience stores and had asked last around six weeks ago. Council Member Todd absent.

Council Member Vasquez stated that two students were abducted at Marshall Middle School and he would like information as to what the Police Department was doing to beef up security around the school; that he would also like to remind them that during the budget process he asked for someone from the Police Department to visit with him about the relationship between them and the Hispanic community and as yet no one had come to visit with him; and he would ask that the department act very judiciously on getting this situated; and Mayor Brown stated that he wanted to make sure the Chief sent someone by to visit with Council Member Vasquez; and he could say that security was stepped up around the school.

Council Member Sanchez stated that he wanted to congratulate the Bellaire Little League and the Comets and wish them the best of luck.

Council Member Parker stated that she too wanted to wish the Bellaire Little League and the Comets the best of luck.

Council Member Bell stated that he had called the main number to customer service because he could not reach someone in his office and the phone just outside the Council lobby rang 25 times yesterday morning; that the receptionist said it was a frequent problem as they were understaffed and had a difficult time with the phone; and urged the Administration to take care of it; that he never did get an answer; and Mayor Brown stated that Mr. Lewis should take care of that and see that it was taken care of immediately, that should not happen.

Council Member Ellis stated that he wanted to talk about the Southwest Public Improvement District and the fact that he sent a letter to the Planning Department July 31, 2000, and had no response; that they were in a critical time right now so they could make the Harris County Tax Rolls for October and he had a staff member call over there and was told they were really busy; that what happened was the TIF Board approved everything and sent it to the Planning Department and based on the Local Government Code governing the creation of TIFs the city was now required to 1) approve the memorandum of agreement; 2) approve by ordinance the service and assessment Plan; 3) publish a notice of public hearing for the proposed assessment roll and levy; 4) hold the public hearing and 5) approve by ordinances the assessment roll and levy of assessment; and he hoped to get assistance from the Mayor to get Planning to move forward so the Public Improvement District which passed some years ago could get up and running; and Mayor Brown stated that he would make sure that happened. Council Members Tatro, Keller, Vasquez and Robinson absent.

Council Member Ellis stated that in going back to the bicycle lanes there was a nursing home in his district and the lane impeded on the parking area for visitation; that someone in the Mayor's Office had worked with them, but he had not heard anything and he hoped to get assistance on that as well; and Mayor Brown stated that would be followed up on as well. Council Members Tatro, Keller, Vasquez and Robinson absent.

Council Member Ellis stated that he wanted to congratulate the boys on the Bellaire Little League Team and he hoped they would be in the playoff game as he would be there watching them. Council Members Tatro, Keller, Vasquez and Robinson absent.

Council Member Todd stated that he had received a memo from Chief Bradford on the auto accident in Kingwood regarding the HPD officer and he wanted to request that as soon as there was a finding he get a copy; that they had received a number of phone calls and E-Mails on the subject and he knew it was under investigation, but he would appreciate getting the information. Council Members Tatro, Keller, Vasquez and Robinson absent.

Council Member Todd stated that he did want his yes vote recorded on the water corporation; and Mayor Brown stated that Council Member Todd would be recorded as voting yes if he would have been present during the vote, but he was not present. Council Members Tatro, Keller, Vasquez and Robinson absent.

There being no further business before Council, the City Council adjourned at 1:19 p.m. upon MOTION by Council Member Ellis, seconded by Council Member Quan. Council Members Tatro, Keller, Vasquez and Robinson absent.. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary