

City Council Chamber, City Hall, Tuesday, September 19, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, September 19, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Mayors Citizens Assistance Office; Ms. Marty Stein, Agenda Director, Ms. Linda Layton, Agenda Office present. Council Member Mark Goldberg out of the city on city business. Council Member Orlando Sanchez absent on personal business.

At 2:06 p.m. Mayor Brown recognized Council Member Galloway for a presentation.

Council Member Galloway stated that the presentation was very close and dear to her heart, that it was the NAACP ACT-SO Competition winners, that the young people competed in Baltimore, Maryland and came back winners to Houston, that ACT-SO stood for Afro Academic Cultural Technical Scientific Olympics, and invited Mr. Howard Jefferson, President of the NAACP, the sponsors Mrs. Andrea Arceneaux, Mr. Clarence Johnson and Mrs. Florida Cooper and the winners to the podium to accept their certificates. Council Members Todd, Keller, Parker, Bell and Robinson.

Mr. Jefferson stated that Council Member Galloway was on the Executive Board of the NAACP and had played a major role in working with ACT-SO, that they were very proud that they had 2,200 unit branches throughout the Nation and for the past 7 or 8 years they had come in at the top 5, not 5%, but top 5 and were very proud and the person behind them was Mrs. Andrea Arceneaux. Council Members Todd, Keller, Parker, Bell and Robinson.

Mrs. Arceneaux stated that ACT-SO was an acronym for Afro Academic Cultural Technological and Scientific Olympics, Olympics of the mind, that it was a major youth initiative for African American students to encourage them not only to excel in the areas of athletics, which were important, but also the areas of academics, that they had a local competition in Houston every year and advanced their gold medal winners to the national convention which was in Baltimore, Maryland in July, that they had 5 national winners, that they had competed with students from across the United States, over 1,500 students, that they all knew that it took education, knowledge, diligence and dedication to be successful, and she invited the students to introduce themselves. Council Members Todd, Keller, Parker, Bell and Robinson.

Mayor Brown thanked them for being present and congratulated them and stated they were very proud of their accomplishments. Council Members Tatro, Todd, Keller, Parker, Bell and Robinson.

Council Member Parker stated that over the last several months they had been honoring Olympians who were heading off to Sydney, that today she had the honor of introducing someone who was participating in another field of endeavor but had to get through a pretty tough competition to achieve success, that Ms. Gilbert was a Houston playwright and would have one of her plays performed in Athens, Greece during the week of October 1 – 7, 2000, that the play was called the Children of Other Mothers, that

there were 300 entrants for the competition, that Ms. Gilbert was present along with one of the actresses who would be traveling to Athens to be in the play, that Ms. Gilbert had gotten her start through a CATCH Grant, Houston's support for the arts that enabled her to take some time off and devote some time to writing the play, and read a proclamation that state that Lee P. Brown, Mayor of the City of Houston, proclaimed, Tuesday, September 19, 2000 as Elizabeth Gilbert Day in the City of Houston. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Gilbert thanked City Council and the Cultural Arts Council of Houston Harris County, that in 1990 she was awarded her first grant from the Cultural Arts Council which allowed her to leave a full time teaching job and had been writing ever since and introduced one of the actresses who would be performing in Athens Greece. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that at lunch he was discussing what made a corporation successful, that the keys for success were realizing who the clients were and serving the clients, that their clients were obviously the taxpayers of the City, that second on the list were the employees, that knowing who their employees were and treating them well, that today it was his honor and privilege to recognize some outstanding employees of the City of Houston and invited and congratulated Mr. Pete Radowick for leading Convention and Entertainment Facilities in their annual report and its selection as the winner of the City-County Communications and Marketing Association SAVVY Award, Ms. Suzie Hartgrove for leading the planning and development of the Mayor's Town Hall Meeting to its selection as the winner of the City-County Communications and Marketing Associations Silver Circle Award, September 8, 2000 in San Diego, California and Ms. Cynthia Sax who had earned two recognition's, one for leading the Human Resources City Savvy Newsletter to its selection as the winner of the City-County Communications and Marketing Association SAVVY Award and another for leading the Human Resources Benefits Pulse and Benefits Line newsletter to its selection as the winner of the City-County Communications and Marketing Association Silver Circle Award. Mayor Brown, Council Members Todd, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

At 2:23 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Ellis led everyone in prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Member Vasquez absent.

Council Members Keller and Quan moved that the minutes of the preceding meeting be adopted. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Member Vasquez absent.

Council Member Tatro moved to suspend the rules to hear Mr. H. R. Bush after Mr. Tim Sawyer, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Member Vasquez absent. MOTION 2000-1138 ADOPTED.

Council Member Quan moved to suspend the rules to hear Mr. Ray Driscoll out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Member Vasquez absent. MOTION 2000-1139 ADOPTED.

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

Ms. Janet Stansbury, 4702 Burning Tree, Baytown, Texas 77521 281-424-9887 appeared and stated that she was present on behalf of the Mayor's ASP after school program, that she knew they had seen the evaluation and wanted to point out that it was a very good evaluation, that 11,786 children attended each month and over 50% improved in academic behavior or attendance of the kids who had participated in the after school program, that another thing that had recently been in the news was all of the violence in schools, that one of the things that came out last week was the FBI profile of the students who were committing the heinous crimes on school campuses and some of the personality traits and the family and social dynamics were very much like most of the kids who attended the after school programs, that one of the things that crossed the whole spectrum was the lack of school attachment or a feeling of not belonging, that was something that could not be measured as far as the evaluations were concerned for after school programs, but thought it was really a very important one because that was one of the main reasons kids dropped out of school as well, that she just wanted to bring that to their attention because sometimes they could not measure, that they could measure crime in the area, but they could not measure prevention of crime and that was the only thing they were not able to show some success and that was the reduction of crime, that there were some non tangibles that went with after school programs that she thought needed to be taken into consideration as well and she thanked them for their support and urged them to continue the after school programs because they were a very important part of the children's lives. Council Members Vasquez and Castillo absent.

Upon questions by Council Member Bell, Ms. Stansbury stated that she was from Baytown and was on the joint City County Commission for Children, that she was initially awarded the first Gang Prevention After School Program Grant from the State, that while on the commission she helped with the birth of the Mayor's After School Program and had followed it very carefully as it had grown into what it was today, that she helped in the selection process, the goals, objectives, criteria, screening process and the system that was in place today, that the program had exceeded her expectations, that the collaboration that was going on between the schools, community agencies and the City was unbelievable and could not be measured as well, that the evaluation spoke for itself about the number of students who participated because they could not keep the numbers up if it was not successful. Council Members Vasquez and Castillo.

Upon questions by Council Member Boney, Ms. Stansbury stated that they had to increase the City's financial participation in the after school program, not only the City but at all levels of government really needed to look at the need for after school programs, those critical hours between 3:00 p.m. and 6:00 p.m. where not only crime but risky behavior were so prevalent when kids were not supervised, that it was all of their duty to continue to expand the after school program, that they needed to expand not reduce, that they needed to figure out how to even go to the State level, that Nationally funding was coming down for after school programs and they needed to figure out how to match childcare after school and remove some of those barriers so they could take advantage of

all the funding that was available, and Council Member Boney asked Ms. Stansbury how she would respond to public officials or members of Council who believed that it was not a role for City government to play that in fact if the school district could not handle it the City should not be involved, Ms. Stansbury stated it was a different question than education, that it was an extended day, that it was the biggest problem about kids feeling connected, that many times counselors did not have time to work with children during the day and teachers certainly did not, they were teaching and that was time for academics and the only time that they could have social and negotiation skills and all those things was after school, so she thought it was a different issue, that a safe place for tutoring and homework was the after school program, that it was a child safe haven for children to do academics as well as learn things they were not learning. Council Members Galloway, Todd, Vasquez and Castillo absent.

Council Member Boney stated that the City of San Diego had just instituted a program that cost about \$15 million or \$18 million dollars, but it was a 100% after school program for all elementary, middle and senior high schools up until 6:00 p.m. and they were just so pleased with it because it had eliminated so many social problems and reduced crime. Council Members Galloway, Todd, Vasquez and Castillo absent.

Upon questions by Council Member Keller, Ms. Stansbury stated that there was not one entity that could take on the whole thing, that they had to partner with schools, the State or whatever agencies that were out there, that she had been at a Texas Council for Child Welfare last week and they were adding money for foster children to have childcare and those were the same kids she was talking about in the after school program, so somehow they needed to be partnering to work more efficiently with the funds that were out there, that the activities at the after school programs were community service, to teach kids to give back to their community, small group activities, where they learned to relate to one another and now to communicate, that many times kids did not really communicate effectively, plus other skills that made learning fun, that they could have school academic activities going on in a fun way after school, and conflict resolution and social skills, how to play in a team and team building skills, that all of the activities that went on had a purpose, and Council Member Keller stated it would be great if some of the larger law firms donated some of their time maybe once a month and Ms. Stansbury stated that it would be wonderful, because those were the things that they had to brainstorm and tap into, that they had to be creative if they were going to match San Diego. Council Members Tatro, Galloway, Todd and Robinson absent.

Mayor Brown thanked Ms. Stansbury for all she did and stated that he had dedicated his administration to the children of the City and had been a strong supporter of the after school programs because he knew that when young people were left alone after school between 3:00 p.m. and 6:00 p.m., when both parents were working trying to make ends meet or a single parent who was head of household, that was when they so often got in trouble, that 25% of the children in the City who were victimized were victimized during that time frame and 25% of the children who got in trouble did so between 3:00 p.m. and 6:00 p.m., so what the after school program did helped tremendously, that the last evaluation they had indicated that based on the program the crime and victimization went down and grades and attendance went up and behavior improved, so they could not ask anymore than that in a program. Council Members Galloway and Robinson absent.

Council Member Todd stated that Council Member Boney had stated that San Diego had a program in all their schools and it was 100% of all the students, and asked if the administration could prepare a number if they extended the after school program to every single child of school age in Houston what would the cost be to the City and if so which fund would they suggest they take the money from if they mimicked the San Diego program, and Mayor Brown stated they were not proposing to do the same, that the San Diego School District did that not the City of San Diego, and Council Member Todd stated that he was just curious because he could kind of see a trend with the program where they were gradually enlarging it and would like to get an idea where they were going with the program eventually, and Mayor Brown stated they would get him the information even though they were not proposing the same. Council Members Galloway and Robinson absent.

Mr. Raul Hinojosa, 501 W. 21st., Houston, Texas 77008 (713-891-8824) appeared and stated that he was a principal in the Houston Independent School District, that Helms Community Learning Center which was an inner city public elementary school with an after school program, that they had an at risk population of 430 students that were low socioeconomic that attended their school, that Helms had been providing Mayor Brown's after school program for the past two years and looked forward to offering it in the upcoming school year to meet the needs of the children who were oftentimes unsupervised after school, latchkey kids entering an empty house because their parents were working, economically disadvantaged and could not afford programs that charged a fee, had no one at home to assist them with their homework, need additional tutorial assistance and had no other social or enrichment opportunities, that on a daily basis they served about 120 students from 3:15 p.m. to 5:30 p.m., that the students received a snack, additional economic opportunities such as reading, writing and math tutorials for the first hour and then enrichment opportunities such as soccer, gardening, boy and girl scouts, dance, arts and crafts, chess club, drama, choir, business club and an odyssey of the mind for the second hour, that in addition to the benefits to the students less of the were being retained, the TAAS scored had increased about 30 points and the students self-esteem had increased as well, that it also gave the parents opportunity to continue working or taking college classes until 5:00 p.m. as well as having the peace of mind that their children were safe and supervised, that the Houston Police Department and HISD Police officers had reported that the juvenile crime was down in neighborhoods that had after school programs, that he and his community applauded Mayor Brown and City Council for having the vision and foresight to provide the financial backing for such programs and welcomed them to visit their school and after school program. Council Members Galloway, Ellis, Castillo and Robinson absent.

Upon questions by Council Member Quan, Mr. Hinojosa, stated that funding was the primary factor, obviously the more funding they had the more people they could hire to take care of the kids, that they did allow all children open enrollment, that they had them apply and their parents helped select which enrichment opportunity they liked, that all children received the first hour of academic tutorial assistance and the second hour would be an enrichment club, but it was open to all children, that there were not enough spaces for all who wished to enroll, they usually had about 50 children on a waiting list because of lack of funding, that about 80% of the classes were taught by teachers, and every now and then they had volunteers such as people from the boy and girl scouts or some of the neighborhood businesses, but for consistency purposes 80% of the staff

were teachers on the campus. Council Members Galloway, Ellis, Castillo and Robinson absent.

Mayor Brown thanked Mr. Hinojosa for being present and stated he had one of the most important jobs in the society and that was taking care of the children. Council Members Galloway, Ellis, Castillo and Robinson absent.

Mr. Alvin Leaks, 602 Sawyer, No. 110, Houston, Texas 77007 (281-627-1444) appeared and stated that he was the State Director for PEBSCO and that the contract was up for renewal and up for bid and there had been a request for proposal for it, that he was out of town last Tuesday when some of the providers had gotten an opportunity to say what they had to offer and maybe even say some things concerning PEPSCO and he just wanted the opportunity to take the time to say some of the things they had been able to do themselves, that he would like to say some of the accomplishments they had made since they had the contract since 1992, that there had been a 32% increase since 1992 through the third quarter of 2000, that participation levels in 1992 were at 20% and today it was at 52%, that the level of assets in the account in 1992 were \$73,965,598 and to date it was \$384,065,956, that some of the things being offered they were currently providing, that which the City was seeking in a request for proposal, that they were currently providing stand alone mutual funds, they unwrapped the variable annuity, that they also had on their statements fee disclosures and the performance of the different mutual funds were reported in shares rather than in units, which would be inside a variable annuity, that their pricing standards were at 0% for administration fees, that they were so committed to being a long term provider of the plan to the City that they put in performance standards that would agree to the terms, that if they were not able to provide statements on time, if they were not able to provide the standards of the 22 they elected, and if they fell short of that in anyway they would agree to pay the City money, so they were very committed to being a provider of the retirement plan and had some information for Council to look over and strongly consider, that they did not believe that they should change just for the sake of change, if they could offer everything that someone else could offer and were willing to do that and objectively had the fundamental things in place to do that they certainly would like an opportunity to do that and asked for Council's careful consideration and passed out information for Council's review. Council Members Tatro, Galloway, Ellis, Keller, Castillo and Robinson absent.

Mr. Ralph Marsh, 1200 Travis, Houston, Texas 77002 (713-308-8700) appeared and stated that he was president as chairman of the City's Differed Compensation Advisory Committee, that the committee was comprised of 7 employees of the City, representatives of the Police, Fire, Public Works and Engineering, Human Resources, F&A departments and a Member of Council, that they had for a little over a year worked diligently trying to assist the Director of F&A with the search process to look at the deferred compensation administrator, that as many of them knew the current plan administrator was hired in 1992, that in 1996 there was a change in the federal statutes that required the plan assets to be held in trust by the City for their employees which thereby placed a fiduciary duty upon them, that they had been in the process of looking at a methodical process whereby they had hired a consultant and gone through a review process in order to look at what their plan contained and what was standard in the industry today and tried to develop an RFP and go out and see if they could provide the best quality plan available to their employees, that he had passed out to Council in detail a kind of process, that as he understood it a couple of issues had come up and one had

to do with employee participation, that he had been on the committee since 1992 and happened to be a police officer and represented the employees there, that the committee had public meetings and all of them were posted, that in the eight years that he had been on the committee he did not recall a single instance in which an employee group representative of police or fire had ever attended a meeting and believed that several years ago representatives of ASME, the municipal group, used to attend but had not attended in the last couple of years, and he thought they could do a better job in trying to communicate to the employee groups what they were doing, but thought it could be proactive on their part as well and thought it was a two-way street and both sides really needed to communicate better, they had proved it through distribution of newsletters and identified who the members of the committee were and very few of them ever received phone calls from any of the employee group representatives, that they had gone through a very methodical process and in the end they supported the administration's recommendation to Council to hire Great West. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that he wanted to ask Mr. Marsh a couple of questions just to put some information out in the open because he knew that there had been a lot of concern and a lot of visits going around about the American General proposal and his first question was that they actually did do diligence on all of the RFP's that came in and Mr. Marsh stated yes, that was correct, and it was correct that the RFP requested that the information be both bundled and unbundled, and Council Member Vasquez stated that American General did not unbundle it and did not actually put a per participant fee anywhere in their RFP, and Mr. Marsh stated that was accurate and as he understood it all potential bidders were given the same information as far as the RFP and all were given the opportunity for clarification if they did not understand something in the RFP and his understanding was they were supposed to submit their best bid and as he understood it there had been a lot of discussion and a lot of visits going on regarding American General's bid and it seemed to be something that was after the fact and after they knew what the other parties had bid they were now coming back, and Council Member Vasquez stated that was the point that needed to be brought out, that nowhere in their response was there a per participant fee and only after that the other information was released to the public, did they come forward with what their specific fee was, in essence they did not answer the specifics of the RFP and became very concerned afterwards so it was really disingenuous for them to come forward with their per participant fee at this point and time after the fact, and Mr. Marsh stated that he agreed and there was fiduciary responsibility and what they would be held to was whether they struck by the process and they had a very disciplined and methodical process by which they stuck by and in the end it was the recommendation and thought that if they circumvented the bidding process where they let somebody come back in after the fact, after they knew other bidders details, he thought they would be doing a disservice to the entire process and the reputation of the City and the industry, and Council Member Vasquez stated it would open them up for a legal liability from the other companies as well, so he was against sending it back to committee or administration, that it was unfortunate that a company of that stature somehow got confused about what the RFP said, but it was ultimately their responsibility to answer the RFP and not the City's responsibility to read their minds and read through the lines of the RFP. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Upon question by Council Member Quan, Mr. Marsh stated they met at least every other month and during the process they actually met more frequently than that, that he had articulated the process and would try to give them a synopsis, that there was a change in the Director of F&A about half way through the process, that Mr. Cruz-Aedo had started the process along that way and the committee was involved in selecting and they had a lot of discussion about a fiduciary responsibility of the City and to make sure they developed a solid process, that along the way what they did was the committee actually selected who the consultant would be to assist the City in the selection process and when there was a change in the director of F&A she took the bulls by the horn and tried to get the process complete because it had drug on for a while and they had some concerns about the contract expiring and so she kept them fully apprised of the process and the decision but they were not necessary as intricately involved as they were maybe at the beginning, but they were all satisfied that they were informed and based on the information they would use were comfortable with the recommendation, and Council Member Quan stated that Council Member Vasquez talked about the formatting of bundled and unbundled and it was his understanding that three of the bidders did not have the breakdown of per unit cost, and Mr. Marsh stated he believed it was, that there were three process, bundle, unbundled and then they could be self directed depending on how big the plan was depended which process made more since, and Council Member Quan stated that even though fee was not specified it seemed like fee was a factor in the analysis of the due diligence so fee was known. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Council Member Vasquez stated it was a fact that there were three submissions that did not unbundle, however the American General perspective or there position was that they were all three confused, well if they asked the American General representative did they talk to the other two vendors to see if they were confused they would tell them no, and so they were making the assumption that the other two were confused and had not actually gone out and checked their facts on that and thought it was a point that they needed to lay out and be real clear about as well. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Council Member Quan asked Mr. Marsh if he was involved in the site visit at all to any of the places and was it done purely by the administration, and Mr. Marsh stated that he did not visit, that it was his understanding that the committee secretary, the F&A Director and an employee participant from Human Resources was involved. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Council Member Keller asked for a copy of the RFP and the actual language, and asked if the same bid that was submitted by the five companies was the same being analyzed, and Mr. Marsh stated that his understanding was that they had come back after the fact stating they did not understand, it was not clear, and they wanted to reorganize their bid to make it clear and in that respect it would allow a rebid, that it was just a personal opinion. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that it was a national company, and yes they may be locally based and contributed to many aspects of the quality of life, but at the same time they were a national company that did the bids on a regular basis and for them to say they were confused and then to attack the City for what they say was a bad process

he thought was questionable and they should not be allowed to do that in that regard. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Dr. Fred Aguilar, 6410 Fannin No. 927, Houston, Texas 7700 (713-797-0085) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Castillo and Robinson absent.

Mr. Ray Driscoll, 8814 Mobud, Houston, Texas 77036 (713-782-3888) appeared and stated he was present regarding an issue that had come up recently concerning a tax rollback, that he wanted to discuss four things, the tax rollback, the Council itself, the Mayor and then a conclusion, that the tax rollback or tax relief as it was called was in his estimation a mistake under the tax relief for citizens, that they were putting the cart before the horse, that they had a reduction in revenues before they had a reduction in expenses, that a corporation having financial budget difficulties did not devise a scheme to reduce revenues, rather it devised a scheme to reduce expenses and increase revenues, that they heard that the City should give a dividend like a corporation, that first of all not all corporations issue dividends and those that did issued the dividend out of earned surplus or in the market it was called net profit, not out of projected surplus or projected profit, that there was the idea that the City should wait until the end of the fiscal year to determine what the surplus was, but in his mind it was kind of ludicrous, that no one was going to buy the idea that there would be a surplus at the end of the City's fiscal year, that he had brought to their attention a couple of years that in projecting revenues it was more important to follow the trends in sales tax before property tax, that the major gauge for a immediate revenue was the sales tax which was reported on a monthly basis, that property tax was down the road after evaluation, etc., that his recommendation was not accepted and they knew what happened in the area of sales tax. Mr. Driscoll's time expired and Mayor Brown asked if he would like to finish his statement, and Mr. Driscoll further stated that to save the amount of money that the tax rebate gave per month a person need only avoid the purchase of one Sunday edition of the Chronicle per month or drink one less can of beer per month or one or two less cups of coffee per month, that he had talked to a lot of people about it and had yet to hear anyone cheer about the tax relief, what brought the divisiveness about, that what brought about the divisiveness right now was immaterial, that he did not intend to assume the reasons for anyone's vote, the deed was done and each Council Member and the Mayor must examination their own conscience to determine what the motives were for each of the votes, that they had talked partisanship, that partisanship raised its ugly head again and those on Council knew how he felt about political partisanship in City government, that in City politics it was contrary to good government, a Legislative platform should do what was good for the City and its residents, not some platform or philosophy imposed by an outside group, that while on Council his energy was consumed by what was best for the City and its residents, without regard to one party or another, did Council not have the negotiating ability to sit down and work things out before drafting and setting in stone legislation only for the purpose of sending a message, did the Mayor and administration not have the negotiating ability and initiative to sit down and work things out with clear heads before matters fell apart, that revenues never reached projections last year and the Mayor and his administration asked the different departments to cut expenses and they did, but what expenses and how did they cut them, that the bureaucracy ran the City and asking the bureaucracy to set their own budget without oversight was negligent at least, that the Mayor and his advisors must lead the department directors and show initiative and guide the City to a reduction of expenses, that they had to start now and attempt to develop a

zero based budget for next year, that citizens were concerned with people dying, whether by mistakes or heat or murder, that those were problems that the City must address, that citizens were concerned with roads that were buckled because of the heat and with broken water mains, with flooding, with sewers backing up into City ditches and with excessive traffic, that attempting to reverse the City Council action on the rollback would further aggravate a rift between the Mayor and Council, that each Council Member should make a commitment to work with the administration in resolving the matter of fiscal responsibility. Council Member Galloway and Castillo absent.

Mayor Brown thanked Mr. Driscoll for being present, that he had very fond memories of working with him on Council, that he was someone who would look at the facts, make up his mind and do what he thought was in the best interest of the City, which what they were all supposed to do, that his advice was well received. Council Member Galloway and Castillo absent.

Council Member Robinson stated that Mr. Driscoll made a comment to a dividend program that nobody would believe there would be a dividend at the end of the year and that spoke to the fact that the assumption would be that they would spend everything they got in the door and that was why the public would not believe them if they started out the budget process and said during the particular year they were targeting x number of dollars as a potential part of reserve that they could share with the public, that as to expenditures, he had been talking about that for 2 1/2 years as well as other Council Members and they had never really had that full blown discussion, that as to the property tax cut or any kind of tax relief, if they fundamentally disagreed with the end result then there was no means to the end. Council Member Galloway, Castillo, Parker and Quan absent.

Council Member Boney stated there had been a lot of games that had been played and there were a lot of personal motives that were inappropriate and it was not in the best interest of the City, that he was right that there was a dollar or two in some departments that really needed to be cut, but what really made that particular proposal lose all validity was the fact that there were some financial issues they had coming, that health care cost to employees was going to be a multi million dollar issue they had to deal with, the police, fire and classified employee raises, civilian employee raises, fuel costs, that if they really wanted to provide some real tax relief at some point and time it ought to be at the end of they year when they had the money on the table. Council Member Galloway, Castillo, Parker, Quan, Bell and Robinson absent.

Council Member Keller stated that to him it was an efficiency equation and not a partisan equation, that he did not know why they would find it so ironic that the City level might find a surplus, that if the Nation and State could find a surplus then he did not see why it was absurd that the City could find a surplus, that he took issue with the thing of games because he felt that it was important that they as representatives of districts and the City to stay loyal to the taxpayers and not to games or reading each others minds. Council Member Galloway, Vasquez, Castillo, Quan and Robinson absent.

Mayor Brown stated he would be pleased to know they were doing at least one department in the zero based budgeting, that they had not picked it out yet, that he had done a lot of research on the whole issue and at least to the academicians and best thinkers in other cities the performance based budget seemed to be the better thing these

days and they were looking at that as well. Council Member Galloway, Vasquez, Castillo, Quan and Robinson absent.

Ms. Anna Norsworthy, 8737 Pagewood Ln., Houston, Texas 77063 (713-975-0267) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Vasquez, Castillo, Quan and Robinson absent.

Mr. Alvin Freeman, 5011 Andrea, Houston, Texas 77021 (713-748-4487) had reserved time to speak, but was not present when his name was called. Council Member Galloway, Vasquez, Castillo, Quan and Robinson absent.

Ms. Maria Rita Villarreal, 1206 Luzon, Houston, Texas 77009 (713-225-1880) appeared and stated that she had been complaining since Council Member Fraga was on Council regarding some sidewalks because they did not have any and it was only two blocks from Jefferson High School, that there were three disabled people who had to walk through the street instead of a sidewalk, and they did not have any ramps, that they also had trouble with the water quality, that the inspectors had been there but stated that he did not see any problem with it but stated that it was the sewer that was smelling real bad, that she felt bad because they did have a Council Member with a Spanish last name because all the neighborhood that she was talking about were Spanish people, that she believed that the Council Member that they had right now did not understand their people and he should put more attention to their neighborhood because it was very close to downtown, that she was not present on baseball, football or car racing, that it was something about a very serious problem because her husband was disabled and they did need quality water and it was no sense to her to be paying \$149 for water just because someone misread the meter, that they were very low income, that she had called to the Council Member and received a lot of letters back, but she wanted facts, that the street she was talking about had students walking in the street and when it rained the cars pushed them to the ditch, that when her husband was able to walk he used to clean the ditches, but now who would do it, that it was supposed to be a City problem. Council Member Galloway, Todd, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Wes Johnson would meet with her and see how they could be of help to her, and he would let Council Member Vasquez know that she wanted to get a hold of him and certainly he would want to get back with her. Council Member Galloway, Todd, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Ms. Angel Berlin, 4300 S. Shaver, Houston, Texas 77034 (713-943-3438) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Todd, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Gerson Cweren, 9106 Pontiac, Houston, Texas 77096 (713-778-1684) appeared and stated that his father owned a piece of land located in the 2000 block of St. Emanuel where the police department was preparing to expand their police substation and were present to ask for Council's help, that they did not want to sell the land and were hoping they could help them, that the police substation was located at the 2200 block of St. Emanuel an was called the McNair Police Substation near Chinatown, that

their property was located in the 2300 block where the City was hoping to go southward into their block and take over their property, that they had the property for quite some time and it had a lot of value to them personally and they did not want to see it torn down. Council Member Galloway, Boney, Todd, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown asked what department they had been in contact with, and Mr. Cweren stated that Public Works Real Estate Acquisition had been their direct contact, they were the ones in negotiation with them, they had also met with Assistant Chief Richards as well, that he had been very open with them and very cooperative as much as he could, that they had learned that the original intent was not to take their property and the design was not to go that far, that there was nothing but vacant lots between the current police substation and their property, that they were only going to take the vacant lots and now they had decided to take their lot and leave their neighbors alone who were just on the other side of them, that the City should stick with their original plan, that the plan now was to put a parking lot and a car wash and those were items that could be located anywhere instead of taking a house that had a lot of value, that his dad was in poor health and very upset about it, and Mayor Brown stated they would take a look at it and get all the details, that Public Works would do that and come back with other options. Council Member Galloway, Boney, Todd, Keller, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Cweren stated that the police substation was in a former HISD school building and according to Assistant Chief Richards the plan was to tear down the former structure and build a new police substation on the parking lot and go further toward their property and put in the parking lot and a car wash along with gas pumps, that they had owned the property for 50 years, that they had two houses on the property, one was rented and the other was in the process of being rented, that it was in the process of an initial offer and he was trying to work with the City Real Estate Acquisition people but at first they told him there was no time to hire an appraiser, that they were blaming his father for not getting back with them soon enough, but his father had medical problems that he had been focusing his attention on, that he was hoping to work on it more with them, that the property was 50 feet wide by 117 feet deep. Council Member Galloway, Boney, Todd, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Tim Sawyer, 4402 Deer Lodge, Houston, Texas 77018 (713-866-6958) appeared and stated that he was present with his neighbors to once again emphasize the position of the neighborhood and surrounding communities in regards to the extension of Rosslyn Road, that they as voters and citizens of Houston emphatically state for the record, no bridge no compromise, that in addition he would like to submit for the record a response from David Eng to developer Tom Shepherd's recent article in the Leader Newspaper supporting the extension of Rosslyn Road, that they had received many replies from Council Members regarding their concerns and each and every time those replies address the discontinuation of Rosslyn at Pinemont as though it was some sort of predetermined edged in stone compromise, that they had been patronized and told that many of the Council Members were on their side yet unaware of a single voice that had stood and stated for the record, in writing, before City Council, no bridge, therefore he urged them today to stand up and support their constituency and let them know that they were indeed on their side, that they had their addresses, both e-mail and physical, tell

them in writing that they did not support the construction of a bridge across the drainage canal, could they and would they do that, could they and would they protect their neighborhood and their people, could they and would they do what was right to protect their elderly and children to use the serene neighborhood for walking, jogging, bike riding and visiting with neighbors or would they submit them to an onslaught of traffic, would they be there and accountable when the first child or elderly person was run down by one of the 300 plus vehicles that would cross that bridge at the Bethlehem and Rosslyn intersection daily, would they be there to console the parent of a dead or maimed child or console the child of a dead or crippled parent or grandparent, would they be accountable, that those were not rhetorical questions, they were future realities if the bridge was allowed to be built, that on his block alone, one street over on Deer Lodge there were ten children under the age of ten and just as many elderly over the age of 70 that would be in harms way if the bridge were built, that was just one of many streets in their neighborhood full of young, vibrant kids and loving elderly adults, that the developer would have them believe that his project would increase the value of the area and benefit all, but please do not be misled, that there were some things in life for which they could not place a value and their neighborhood and way of life was one of those things, therefore please do not compromise their ethics, do what was morally right and let them know in their clearest voice and written word, no bridge, no compromise, no extension of Rosslyn Road, help them end once and for all the potential devastation to their beautiful neighborhood and families. Council Members Galloway, Boney, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated he knew there were only two speakers on the list but knew there were other people present from Rosslyn and asked all those present to stand up, and stated that he appreciated their coming down today. Council Members Galloway, Boney, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. H. R. Bush, 1719 Bethlehem, Houston, Texas 77018 (713-682-0789) appeared and stated that he would like to take the time to show their vision of what Rosslyn Road at the end of the 4400 block should look like and displayed a black and white picture, that a bridge meant much more traffic concentrated on one side of Rosslyn at Bethlehem which was already at full capacity, with neighbors coming and going east and west on Bethlehem, that with the extra traffic and with only one way in and one way out would result in a serious safety factor, plus the possibility of flooding and loss of greenspace, that the overriding concern about the bridge was the possibility of future expansion of Rosslyn Road and hoped they had time to review the report from Mr. Eng last week, that a copy was issued to each Council Member's office and they were awaiting their comments and response as well as from the Regulatory Agencies overseeing the environmental issues, and displayed a black and white copy of the dead end at Rosslyn Road and also displayed a color copy of their vision that they would like to see at Rosslyn Road which showed a gazebo with a little greenspace, that was what they wanted to see on their street, not more traffic. Council Members Galloway, Boney, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated he wanted to give an update on their timeframe, that he understood that when the traffic study they needed for the abandonment was complete by traffic they would make their recommendation and it would be tacked on to the Council action that would be presented to them. Council Members Galloway, Boney, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Sohn, 6205 Grape, Houston, Texas 77074 (713-270-6440) appeared and stated that he was one of the Houston voters that was told he would have to pay a fine because he could not get his water usage down below the 4,000 gallons that he had used last summer at the same time, while the City of Houston poured a hundred million gallons of water a day down the nearest sewer pipe and did not know how to fix it, that Houston was built on gumbo they had been told, but Entex installed plastic lines in that gumbo and they did not blow up, Southwestern Bell put delicate fiber optic cables in that same gumbo and his phones worked just fine, that unfortunately when it came to high technology Houston was still paving its streets with cobblestones, then they heard they could not afford it, but at the same time they heard they could afford hundred million dollar stadiums where millionaire team owners sell million dollars sky boxes to millionaire businessmen so they could watch millionaire athletes, that they could afford to give up a million dollars of highway funds because in Houston drunk drivers did not go to jail, that they could forfeit eight million dollars in traffic revenue because in Houston police did not give tickets anymore according to the way they drove put only according to the racial percentage of the population, that they had the money to send Council Members halfway across the Country to hangout in the hospitality suites of the Democratic Convention halls, and they had the money to send the Mayor halfway around the world, the Mayor and a hundred hangers on to go sightseeing in Africa and vacation in Paris, that they had seen the way the administration handled the money, that they had seen the fat consultant fees paid for little or no work, they had seen the urban renewal projects that went on for year after year with million after million dollars going into the pocket of the well connected and not one nail gets pounded into one board, meanwhile a 80 year old peanut farmer from Georgia could build a house in a day, and when they finally did build low cost public housing it came in at a price that was twice what he paid last year for his house in Sharpstown with a fenced in yard and own private pool, that he would be the first to admit that infrastructure was boring, that it was much more fun to fly around the Country giving speeches, fly around the world shaking hands with crooked politicians and dining with dictators, that they elected the Mayor to see that the streets were safe, that the sewer drained and that water flowed when they turned on the tab. Council Members Galloway, Boney, Castillo, Parker and Robinson absent.

Council Member Ellis stated that they had repealed the surcharge last week, and Mr. Sohn stated he understood that, but the fact that they even considered was what was wrong. Council Members Galloway, Boney, Castillo, Parker and Robinson absent.

Ms. Shirley Muse, 42 Briar Hollow No. 5, Houston, Texas 77027 (713-993-9494) appeared and stated that what they were about to hear was a true story, that on the night of July 27, 2000 she was home alone sleeping and about 3:30 a.m. that morning her burglar alarm went off, she rose and turned on the lights downstairs and did not hear anything, the alarm company phoned and asked if she wanted them to call the police and she stated yes, that from about 3:40 a.m. she waited for the police to arrive and in the interim a police woman called her a couple of times and the alarm company stayed in touch with her, that about 5:00 a.m. she called the police woman and stated to forget it because she was going back to bed, besides if there were someone in the house she would probably be dead by then and the police woman agreed with her, that at 5:20 a.m. the doorbell rang and there was an officer at the door who stated it was not his regular beat and could not find the address, that he was very nice and looked around and left, that in the last six months there was smoke coming from one of their units, that they were

twelve units in all, that the fire department was called and the neighbor next to the smoking unit stood out in the street waiting for a fire truck and he saw the truck turn onto another street and then backup and come down to their location, that as a member of Briarhollow townhomes, it was disconcerting and certainly not comforting to know that responses to emergencies could be so ineffective, that with all due respect to Council Member Keller, she did call his office 5 times over a two week period and thought she would speak to him about the matter, that she spoke to people in his office plus his chief of staff twice and assured them that she was not a crank, asking for money or did not want a street rerouted, that since she did not hear back from Council Member Keller's office at all she decided to come to Council. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mayor Brown stated that a response time of that amount was unacceptable and would certainly would be extraordinary, that he would have Assistant Chief Richards meet with her and see what happened and get to the bottom of it. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Council Member Keller apologized if she had asked for him to return a phone call and he did not, that they had a system and he called and checked and they said they did call her back every time but she would not tell them what it was in reference to, and Ms. Muse stated that no one called her back, that she had talked to his chief of staff and told him that it was a matter concerning the police and fire department, that no one called her back, that she would be happy to meet with them face to face and let them tell her they called her back, and Council Member Keller asked if she would still like to meet with him, and Ms. Muse stated he had the information now and it would be very helpful to know that the matters were going to be addressed and emergencies handled in a more effective manner. Council Members Galloway, Boney, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Ms. Thelma Limbrick, 5746 Reed Road, Houston, Texas 77033 (713-733-0730) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Ellis, Vasquez, Castillo, Quan and Robinson absent. (NO QUORUM PRESENT)

Ms. Carolyn Harding, 11639 Hartley, Houston, Texas 77093 (281-987-2821) appeared and stated that she was a member of Parents of Murdered Children and cordially invited them to the second National Day of Remembrance for all victims of violent crimes, that for survivors of homicide and victims having their loved ones remembered was vital, though survivors many individually and formally remember them in their own way, anniversary dates or other special occasions it was felt that it would be appropriate and beneficial for all survivors to have a special day to remember together, that on September 22, 2000 the Parents of Murdered Children Organization would be passing out ribbons to honor their loved ones for the National Day of Remembrance, that it would take place in front of the Harris County Criminal Justice Building, the criminal courthouse at 1201 Franklin beginning at 11:00 a.m., that they would like for everyone to please come out and show their support, that on September 25, 2000 they would like for each of them to join Parents of Murdered Children for the National Day of Remembrance candlelight service at the reflection pond in front of City Hall beginning at 7:00 p.m., that she knew it was not a great sports event or the opening of a large arena, but all of the

victims would love to have the support of the local City Council to show they cared. Council Members Galloway, Boney, Castillo, Quan and Robinson absent.

Mayor Brown stated they appreciated the work Ms. Harding did as well. Council Members Galloway, Boney, Castillo, Quan and Robinson absent.

Council Member Vasquez moved to suspend the rules to add Mr. Don Wang to the speakers list, seconded by Council Member Parker. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Members Galloway, Boney, Ellis, Keller, Castillo, Quan, Bell and Robinson absent. A vote was not recorded inasmuch as a quorum was not present. (NO QUORUM PRESENT)

Mr. Carlos Lozano, 10110 Kinney Rd., Houston, Texas 77099 (713-643-8264) appeared and stated that he was present three weeks ago, that he could not repeat the story because of the time, but they had not helped him yet, and now he hoped they understood him better now because if they did not attend Mayor Brown's orders what would they do for him, that he had been dealing with the problem for more than three months, that he did not have a place to live, that he was living in his daughter's house so he would like to ask for help again, that he did not know what was happening with the City of Houston departments, but hoped that the big buildings were constructed with little bricks and hoped that they did not forget that the little things were the ones that helped to build the bigger ones. Council Members Galloway, Boney, Ellis, Keller, Castillo, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown asked if they had not been able to locate the line yet, and Mr. Lozano stated that they did not do anything, that they came to him and asked for the blueprints because they could not find the original in the City department, that two guys had come to see all the digging he had done but did not do anything physically, and Mayor Brown asked Mr. Wes Johnson to meet with Mr. Lozano and take care of the problem, that he should not have to come to Council any more to address the problem, and asked that he report back to him the results. Council Members Galloway, Boney, Ellis, Keller, Castillo, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Norman E. Adams, P.O. Box 7011, Houston, Texas 77248 (713-869-8346) appeared and stated that he did not bring any red blocks, but brought a color coded report for them and passed out a copy for each Council Member, that he wanted to talk about ROCIP, but wanted to specifically talk about Agenda Item 34, that the blue colored sheet was back in December when Mr. Cruz-Aedo told them that the ROCIP would cost \$10.7 million dollars and that was before he knew it was going to be based on payroll, that he was basing it on \$529 million, the pilot ROCIP, that the hot pink sheet was dated May 23 and prepared by Ms. Mosley and she stated there were three ways to calculate the cost, a best case at \$6.5 million, a probable case at \$8.375 million and a worse case at \$10.75 million, that the green page was coming before them tomorrow and thought they had a copy of that also from Council Member Tatro and wanted to specifically call to their attention to the fact that they had heard him testify when Council Member Driscoll was still in Council about the fact that the credit they were going to get from the contractors was going to amount to about 1% to 1.5% and that the ROCIP was going to cost them more than that and it did not make sense, that in Item 34 it was recommended that they award the contractor the \$8 million dollar contract less the cost of insurance

which was \$178,000, that right there it was a misrepresentation, that evidently, from F&A, that it went on to say that F&A estimated the cost of ROCIP to be \$145,000, that on the yellow sheet they would see that the contractors bid was \$7,869,000, that his estimated payroll was \$2.5 million dollars and the contractors bid to furnish his own insurance was \$74,836, that F&A decided that they needed to use 2.29% and they evidently concluded they could not verify that his cost was correct and they instituted a new bidding process, and in the latest bid, which he had been keeping track of as they knew, and they decided if they could not positively satisfy themselves that the contractors insurance number was correct then they were going to plug it in for him at 2.29% of the total hard dollars, and they estimated that to be \$178,000 and they went on to conclude that they should enroll it in ROCIP because they estimated the ROCIP cost to be \$145,000 and he gave them some notes down on the bottom, and the best case, going back to the hot pink sheet, which included no claims, was \$145,000, that the probable case which included a 50% loss ratio was \$233,000 and the worst case, should they have a few claims, was \$279,000, that the contractor had offered to do it for less than \$75,000, that there were two things wrong, (1) they were changing the contractors bid and the City could not change the contractors bid, (2) if they went back to the original amendment, and he pointed to the light blue sheet, the original, the first amendment, when they first enrolled ROCIP he showed them how the savings was calculated and they amended it and he pointed to the third page in his scenario, page number 5, which was highlighted in yellow, it stated clearly that if insurance costs submitted in the bid could not be substantiated, via the form and rate schedule, the contractor would not be enrolled in ROCIP and would be required to complete the project at an amount equal to the total bid price, including the insurance cost submitted in its alternate bid, which in other words if the contractor gave them a number which they felt was too low they would force him to do it for his number and that was what they passed, but that was not what they were doing, they had decided that if his number was too low, they were going to tell him what it should be and were going to give him a number that was high enough so that it looked good and would enroll him in the ROCIP, that on the next attachment he had a letter from an outstanding law firm in town, Coats, Rose and it was on an upcoming bid, where somebody in the City had decided that the contractors insurance cost was not high enough and they should use their formula of 2.29% and they substituted for the contractors bid of \$61,000 they substituted \$273,000 and the result in that case was that it made the lowest bidder the second bidder and that had not come before them yet, that he was specifically addressing the deal tomorrow which was just dead wrong, that they had information coming before them telling them that the contractors insurance cost was \$178,000 when in fact his bid was less than \$75,000, that the bottom line was they could not buy it as cheap as the contractors were getting it and he did not know how much more proof they needed but did not think they ought to be in the business of changing the contractors bid. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated he had on the particular contract a procedural error on behalf of what they passed and what they had agreed on regarding the amendment, that the bid could not be substantiated via the forms submitted that it would not be enrolled in ROCIP, that he would ask Council to look at the facts and the numbers that he presented, that his recommendation would be that it be referred back to the administration and ultimately brought back and the contractor be made to supply his own insurance at the \$74,800 that he submitted, which would actually save the City about \$70,000. Council

Members Galloway, Boney, Todd, Ellis, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated she had the same concerns that Council Member Tatro had on the project, that she had been sticking with ROCIP all along and when they put the plug in of 2.29% clearly the contractors were putting phantom numbers in, that she thought it was a good fix and it was fair, but if a contractor came in and proved that they actually had a substantially lower cost of insurance than what ROCIP could provide then she thought they had to go with that number, she did not think they were playing fair and if they determined that the actual insurance cost submitted by the contractor was not a realistic number then she would like to know how they determined that, because it was her understanding that under the new ROCIP plug there would be certain forms they would have to submit and if they got those forms it was done and there would not be a lot of discretion on the part of the administration, that she was not happy and wished that some of her colleagues would look into it, that the more they tried to fix it the worse it seemed to be getting. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Elbert Robertson, 8534 Guinevere, Houston, Texas 77029 (713-673-4418) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Ellis, Keller, Castillo, Quan, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro moved to suspend the rules to hear Mr. Richard Shaw out of order, seconded by Council Member Parker. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. A vote was not recorded inasmuch as a quorum was not present. (NO QUORUM PRESENT)

Mr. Cao-My Nguyen, 11304 Beechnut, Houston, Texas 77072 (713-759-3702) appeared and stated that he was President of the Vietnamese Community and was present regarding the tax cut, that former Council Member Driscoll stated everything that he wanted to say, that on behalf of the Vietnamese Community they were a minority community and did care very much about streets and shopping centers and did care about the quality of fire protection and also the after school program, that he wanted to tell his people that they had come to a free and safe Country, especially the City of Houston which was one of the best cities in the Nation, that he wanted to ask the Mayor and Council Members to please not reduce the tax rate, that in order to save \$15.4 million dollars the property tax for the people who had a house over \$100,000 would only save \$15 and with that they could go to McDonalds to have some extra cheese on their double burger and thought that people did not need that kind of \$15, they needed to be safe and needed education for the future of their children. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Nguyen for being present and expressing his views, but as he knew the reduction was passed last week despite his feelings about it and asked if he was concerned that it would have an impact on the Asian Community, and Mr. Nguyen stated that he believed so, and even if they voted last week he asked that they reconsider the vote, that he would like to see the Mayor and Council Members vote based on the benefit of the Houstonians more than anything else. Council Members

Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Yasmena Samahy, 5919 Miller Houston, Texas 77006 (281-587-2653) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Munir Ibrahim, 8902 Windside Dr., Houston, Texas 77004 (713-467-3446) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Zafar Tahir, 3127 Ashlock Dr., Houston, Texas 77082 (713-504-0156) appeared and stated that he was present to talk about tax reduction, but wanted to approach the subject from two points of views that were very important to him, that he had recently gotten elected and was the first Muslim to represent a major party at a national convention and he represented a district that was comprised of Harris, parts of Brazoria and Fort Bend and one thing that he cherished was the way Houston handled diversity and how it used diversity to strengthen itself and champion its cause and showcase itself, but the diversity could not be a strength if the resources were not put to use, if the communities that comprised the diversity were not protected and not serviced by the City then that diversity could backfire and could become a problem like it had in the City of Los Angeles, that while they were in Los Angeles they had a lot of discussion about how Houston was handling diversity versus some other cities, that he was also a businessman and owned property in the inner City and West Houston, and he could tell them that they could use more City services and not less, that the tax reduction which was an insignificant amount, especially to residential property owners, was going to cause a significant amount of cut in expenses and would jeopardize some of the necessary services the City provides, not only to the entire population, but especially to business owners and to businesses he knew, immigrant owned business and businesses owned by minorities, that he had recently purchased a property in the Fifth Ward, at the intersection of Waco and I10, that the property had been abandoned for 3 years and was an eyesore, that he was encouraged to look at the property by the Fifth Ward Redevelopment Corporation and when he was negotiating the property it was a target of vandalism, and there was not much the City of Houston could do if proper resources were not there, that he contacted the police and sheriff departments, that he was concerned because he was trying to go into parts of the City that needed redevelopment and entrepreneurship and he wanted more City services, that he wanted the City to increase their budget towards law enforcement and towards providing basic services, and he heard last week was proposing having to cut their budget and it would affect some of the services that he received, that he would like to request for City Council to reconsider their decision and would also like to request the City Council to do it in a manner that brought harmony to the City, that it would be very unfortunate that the important issue would divide them, and thought it should be done in a way where they brought the diversity back to a positive focal point and not to a state where it would divide them on ethnic, religious and racial grounds. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Tahir for all the work he had done and for his leadership and stated that he had mentioned that as a businessman he had purchased property and there had been a representation to Council that by reducing their tax rate it would in fact attract more business people to invest in the City and asked if Mr. Tahir felt it was a true statement as far as what the tax reduction had done, and Mr. Tahir stated that of course everybody liked a tax cut, that he would like to have the extra dollars in his pocket, but as a businessman he had to see what he was getting in return for the tax cut, yes it would put a few more dollars in his pocket, but he was already concerned about the law enforcement situation and was concerned about the City's infrastructure in Fifth Ward and was afraid that the few dollars that he was going to get back was not a good trade for the services that he was going to lose. Council Members Galloway, Boney, Todd, Ellis, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Don Wang appeared and stated that he was present to talk about his opinion regarding the tax cut approved by eight of the City Council Members, that he appreciated that the City Council watched their tax money and they were very efficient and very good for the City, but it was also confusing some of the community people, that he remembered when they were in the economic downturn they had to cut these and cut that of the City services, that everybody took it because it was such a bad time, but now they had a good economic situation they have surpassed and they ask for a better living environment, that they needed better services, if they enhanced their services they would become a world class City, that was what they needed, not a tax cut, so it was about time they considered that, because the cut could cost them money in the long run. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Wang for being present and stated that Mr. Wang was selected International Businessman of the Year by the Greater Houston Partnership and stated that in looking at the services that the City provided how did they compete against other cities in attracting businesses as an international City and looking at that in lieu of the tax cut and what services the City offered, and Mr. Wang stated that Houston was one of the low cost big City in the United States, that the tax issue was not their issue, that their issue was the City service, that if the City service and infrastructure were not on the level of international recognition lower tax would not mean anything, that what they needed was a better quality City. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

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 Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Carper, 106 Pennsylvania, Houston, Texas 77029 (713-675-4575) appeared and stated that he was Precinct Judge at 164 and also the Vice-president of the Clinton Park Advisory Council, and was present to speak on the tax rate reduction also, that to him it showed a lack of common sense, that he was present in June when the City Council was discussing a budget, they were trying to get some improvements to their park, and just like everyone else they were trying to get some improvements to their area with City and fire services and at that time there was a question on whether there was going to be enough money or not, so it did not show good judgement to do a tax

rollback some few months after the budget was approved using the \$.665 tax rate back then and even then they were told that it was going to be tight for those kind of services to be forwarded to the low income community and now they wanted to do a tax rollback, that they did not have to have a major accounting firm to crunch any numbers to see that it was going to drastically affect those kind of things that they in low income neighborhoods were trying to achieve, that not only the low income, but upper scale neighborhoods were trying to achieve the same thing, that they just wanted to make sure that instead of numbers being crunched they did not want to be crunched at the lower ladder on the economic scale, they wanted to make sure that the park improvements they had been waiting on since 1971 were finally going to be done and that was just to bring them up to standards, they were trying to achieve further things, they were trying to have a private economic group to add on to whatever City improvement that were done, that they were trying to use that as a foundation to show the people in their community that by working with the City they could get things done such as they could build stadiums, etc., that even though he was a great baseball, basketball and football fan he personally believed that City money should not be used for stadiums they should take care of the potholes first and should take care of the water mains first and should take care of the basic City services first, that when he went to school that was the way he was taught, he was taught that the purpose for City government was to handle police, fire and protection first and things of that nature, that he was not going to lie to them and tell them he was not going to any of those venues, he was going to go and support them, but he was still concerned, that they should put everything back in perspective and use some good old Texas common sense and not even worry about motives or things of that nature, that was not the point, he was present to urge City Council to do something or anything to go back to the previous tax rate and he hated to say it, but if they had to raise taxes to improve upon the services he was for that also, that partisan politics were fine but it had its place, that when he grew up they all new that whether they were Democratic or Republican when it came down to the hard issues they compromised and got things done for the people just like it said on the Council Chamber wall. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Masrur Khan, 9644 Kirkwood, Houston, Texas 77099 (713-398-4829) appeared and stated that he was present to talk about the tax rollback that they passed a few days ago, that he was president of the Pakistan Association of Greater Houston which represented about 70,000 strong Pakistan American Community of greater Houston, that since the decision was made he had been getting a lot of calls and approached by members of the Pakistani community who were part of the City of Houston and who would be directly affected and would get \$15 in their pocket, that the question was being raised and he was being named to tell the Council Members about the sentiments of the Pakistani Community, that he was not just talking about the Pakistani Community but how the City at large, how would it affect the City, and he submitted to them as they all remembered this year alone they had lost 11 innocent lives in convenience store violence and those were 11 families that were totally devastated, that anybody he had talked to, Members of the City Council, police chief, experts in the field, community leaders and community members, one thing came out in common and that was that the City needed increased police protection, that they were afraid that the rollback would affect or may put pressure that instead of increasing the police protection for the City they may end up having less police protection and that would be a terrible price to pay for getting \$15 dollars in their pocket, that on principle he was all for tax cuts, that he did not believe in government getting all the money and government spending, that he believed he could

spend his money much better than the government could, but when it came to the point as to what was the tradeoff he submitted to them to please reconsider, and he did not believe that any of the Council Members made any decision without seeing what was in the best interest of the City, that out of millions of people they were the few chosen ones who had the privilege to be sitting where they were sitting and he refused to believe that any one of them would make a decision unless it was in the best interest of the City in their heart, and he hoped they would reconsider the decision they made and please put additional police and provide protection for the citizens of the City. Council Members Tatro, Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Khan for all his fine work on behalf of the Pakistani Community and knew that it had been a really difficult time but did appreciate how much time he had given to comfort those who had lost loved ones and to work closely with the police department. Council Members Tatro, Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that it was not a riddle but would sound like one, when was \$16 million dollars not a lot of money and when was it a lot of money, that it was not a lot of money when they took it and spread it among hundreds of thousands of homeowners and they all ended up with about \$1.34 per month and that was not a lot of money, but when they took \$16 million dollars and put it into after school programs, like what they had on the agenda on Wednesday, that was about \$2 million dollars, and if they put it into other needed services it became a lot of money, that he was present last week and they talked about a pay raise for municipal employees and \$16 million dollars was about a 2 1/2% pay increase and when they looked at what municipal employees had received, in 1998 they got 2% and in his recollection prior to that they had not had much in the previous 5 or 6 years, that \$16 million dollars was a lot of money if it was in the budget, but it was not a lot of money if they divided it up like they proposed it, and he urged them to reconsider their action and put it back in the budget. Council Members Tatro, Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

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

Mr. Ricky Hurt, 2500 W. Mt. Houston, #142, Houston, Texas 77038 (228-448-0959) appeared and stated that his topic was bandit signs, that 35 years ago the Astros were finishing their first season in the new Astrodome and the most popular song was Satisfaction by the Rolling Stones and on October 22, 1965, President Johnson signed the Highway Beautification Act, that the first lady, Lady Bird Johnson had a lot to do with it, plant a flower, plant a tree, plant a shrub, that 35 years later the Astros were finishing the first season in the Enron Field and his favorite song was still Can't Get No Satisfaction and the Houston Harris County roadways were still blighted, of course compared with the County, the Houston sign administration was doing a better job, that two week ago his employer received a sign of advertisement in the mail from Cheap Sign, that it advertised all kind of signs including bandit signs, aluminum signs, telephone pole

signs and wire stake signs, that Joe from Cheap Signs could print anything he wanted, according to the first amendment, but the general public needed to know that if they placed those kind of signs on telephone, utility or traffic poles and placed wire stakes or wooden stake signs on public right of ways or off premise on private land it was illegal and they would be confiscated by the City sign administration and they may receive a citation of \$150 to \$500 per sign per day, that if the Sign Administration did not get there first citizen activists like himself would destroy or confiscate them and they would end up in the dump because they are considered trash, so everybody should know they were considered illegal, that on weekends the City is blighted with home builder signs, and there was no special provisions for them, that they had been warned in the Houston Home Builders Association magazine with an announcement that the Houston Sign Administration was enforcing the law with the fines, that to get more civic associations and citizen activists involved if they had an easy access of dumping the signs such as a dumpster or dump truck placed at a local police station or Sheriff substation on weekends, that would help citizens dispose of signs, that the public service announcement on bandit signs was on the municipal channel and would be nice to see it on the local network channels and there was a national website on bandit signs based in Dallas, www.causs.org or Citizens Against Ugly Street Span. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated he would as the Solid Waste Department to look at the ability to put some type of receptacle someplace in the City that everyone would know about and asked Mr. Bibler if there was anything illegal with the mailing he received, and Mr. Bibler stated just as long as they did not put them up in Houston. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that Mayor Brown had answered one of her question regarding if there was some way to help the neighborhood groups that were actively cleaning up there neighborhoods figure out a drop off point for signs, and would also hope that the sign administration could send a letter to the company that was doing the advertising to make sure they would know they were encouraging violations of the law, and asked Mr. Hurt if he had problems with the Sheriff Departments in some of his activities and asked if he had any problems with the Houston Police Department in terms of pulling up bandit signs and Mr. Hurt stated no, he had not personally. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpster, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

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 Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Ms. Vinita Hicks, 8958 Forest Hollow, Houston, Texas 77078 (713-674-8701) appeared and stated that it was her first time speaking before Council, that the last time she was present she declined to speak, that she was down for one minute only and requested to be given 3 minutes to speak. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker moved to suspend the rules to allow Ms. Vinita Hicks 3 minutes to speak, seconded by Council Member Ellis. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent. A vote was not recorded inasmuch as a quorum was not present. (NO QUORUM PRESENT)

Ms. Hicks stated that as a few weeks ago she was a recipient of low income housing, but unfortunately she was wrongfully evicted, that it concerned her that person in authority over her were not being held accountable for their inappropriate behavior which cost her as a tenant to be evicted, that any agency was supposed to have within its office people in authority that were supposed to police the attitudes or the behaviors of its workers and if it was found that those workers had behaved inappropriately then those individuals were supposed to be reprimanded, however it was not the case with her, she found that the Chief of Staff, Mr. Ernie Etuk, who was the Executive Director of the City of Houston Housing Authority, did not correct certain behaviors from people who were under him, and basically because that behavior was not corrected she was eventually evicted, that it was very hurtful for her and her family because at this time they were suffering tremendous hardship that had been placed on them by losing their housing and she was trying to figure out what could be done about the situation, that she understood that it had gone to the courts and they had heard the case and unfortunately when it went to be heard she did not have representation and it did not go well for her, that it went in favor of the Houston Housing Authority because they had representation, but it did not take away from the fact that they abused her as a tenant and took advantage of her ignorance of her rights and they bypassed rules and regulations that were guaranteed to her by Congress and HUD, and yet they won in the courtroom and she was without a place to stay. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mayor Brown stated he was informed that it had gone through several courts and appeal process and asked that she meet with Mr. Cantu of the Citizens Assistance and see if they could help solve her problem and Ms. Hicks stated that she needed housing at this time. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Dr. Motapa, 5022 Cosby Street, Houston, Texas 77021 (713-741-5150) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his website address was www.galvan.org, that tomorrow was his ex-spouse Richard William Partsch birthday, 45 years old, that on Person to Person Michael Harris tried to censor him for telling the truth about having an affair with Bruce Austin who was now the President of the Houston Community College Board of Trustees, that HCC had proposed the biggest tax increase in the system's history and that was on

top of a lot of other taxes, that was one more reason he was voting against a new taxpayer subsidized arena, that if the Houston Chronicle wanted an arena then tax all the newspaper vending machines out in the streets and in public places and use that money for the arena, that the City of Houston did not need any more tax money if they had enough to send Council Member Parker to Australia on taxpayers expense and wanted to know how much it cost taxpayers to send her to Australia. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

At 4:42 p.m. upon motion by Council Members Quan and Tatro the City Council recessed until Wednesday, September 20, 2000 at 9:00 a.m. Council Member Goldberg out of the city on city business. Council Member Sanchez absent on personal business. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, September 20, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Karen Kelley, Agenda Office, present. Council Member Mark Goldberg out of the city on city business.

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

At 9:06 a.m. Mayor Brown stated that Council Member Keller would make a presentation. Council Member Keller stated that 68 seventh grade students of Grace Middle School were present today and they were very involved in painting houses with Texas A & M in the Fourth Ward and volunteered on a number of projects and invited them to the podium and presented them a certificate welcoming them on the occasion of their visit. Council Members Galloway, Boney, Todd, Quan, Sanchez, Bell and Robinson absent.

At 9:15 a.m. Mayor Brown called the meeting to order. Council Members Galloway, Boney, Sanchez and Bell absent.

MAYOR'S REPORT

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** for the City of Houston and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes all of the area in Baybrook Municipal Utility District No. 1 **DISTRICT E – TODD** – was called.

The City Secretary advised that no one had reserved time to be heard and Mr. Jerry Wood would make a presentation relative to the proposal. Council Members Galloway, Boney, Sanchez and Bell absent.

Mr. Jerry Wood, Planning and Development Department, stated that the proposed action was something new; that at the last legislative session the annexation laws were changed and one change was to provide an alternative to full purpose annexation and this case the City of Houston had negotiated with the Baybrook Municipal Utility District No. 1 to enter into a strategic partnership agreement and as a part of that agreement the city would annex the territory of the MUD for limited purposes; that prior to this time the only area ever annexed for limited purposes was the navigation district to the ship channel in 1913 and since that time the city had not had the power to do that type of annexation, however, the annexation for limited purposes meant that the utility district would continue to exist in order to continue to develop the utilities for the 850 acres included in that district; that the city would not collect a property tax and that would allow the district to continue to collect its property taxes and because the district would continue to exist the debt of the district would continue to be their responsibility; that the city would not assume any debt at the time of the limited purpose annexation; that at the time of annexation the city would impose a sales tax over the territory and as a part of the strategic partnership agreement the city and the district would split the sales tax which would be used by the city for general purposes and by the utility district for the same purposes it currently operated; that the purpose for the action was to encourage development within the district and full purpose annexation would occur when the district's infrastructure was 90% developed and the term of the agreement was for 30 years; that during the time it was annexed for limited purposes any residents would be able to vote in city elections but not in bond elections and the reason was they would not be paying property taxes; that as a part of the agreement the city would continue to provide emergency services and would extend the enforcement of ordinances which would allow the Police Department to view the area as fully a part of the City of Houston; that currently the only development within the 850 acres were shopping centers and an apartment complex which was immediately adjacent to the city limits of the City of Houston and for that reason police and fire agreed the area could be served without any additional deployment of resources from the facilities in the area. Council Members Keller, Vasquez, Bell and Robinson absent.

Council Member Todd stated that he was the district Council Member for the area and he had received no calls in opposition to the annexation and had three folks present who represented the land owner for all or most of the land and the president of the utility district and they were in agreement with the annexation.

Upon questions by Council Member Quan, Mr. Wood stated that the analysis of sales tax collected from the district appeared to be \$900,000 that would be split; that there was a plan to build a Lowes Improvement Center and that would increase the sales tax considerably; that at this time less than 1/4 of the area was developed; and though they would be able to vote on candidates they would not be able to run for office. Council Members Keller and Bell absent.

Council Member Sanchez moved to close the hearing, and was seconded by Council Member Boney. All voting aye. Nays none. Council Members Keller and Bell absent.

2. **PUBLIC HEARING** on the proposed annexation of two areas in the vicinity of the intersection of El Dorado Boulevard and Interstate Highway 45 and in the vicinity of

the intersection of Bay Area Boulevard and Glenwest Drive in Harris County, Texas - **DISTRICT E – TODD** – was called.

The City Secretary advised that no one had reserved time to be heard and Mr. Jerry Wood would make a presentation relative to the proposal. Council Members Keller and Bell absent.

Mr. Wood stated that this was a full purpose annexation with about 50 acres of right of way and the property was located in the right of way of I-45, El Dorado Blvd. and Bay Area Blvd.; that the right of ways were not included in the utility districts which surrounded them and the purpose of the full purpose annexation was to eliminate any islands of non-city territory surrounded by city territory for the purposes of providing emergency services; that the property in question was bordered by City of Houston current boundaries or by the utility district they were talking about annexing for limited purposes and since they would be providing fire and police in the utility district and already did in the city limits having streets in front of the territory would eliminate any confusion about provision of emergency services; that the full purpose annexation in this particular case did not include any property privately owned, it was strictly rights of way. Council Members Boney and Robinson absent.

Council Member Todd stated that he would echo his comments from the earlier item; that he had received no calls in opposition to the annexation and in fact most folks were happy it was being done. Council Members Boney and Robinson absent.

Council Member Vasquez moved to close the hearing, and was seconded by Council Member Keller. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2000-1141 ADOPTED.

3. **PUBLIC HEARING** on the proposed assessment roll and assessments within the Sharpstown Public Improvement District - **DISTRICT F - ELLIS** – was called.

The City Secretary advised that no one had reserved time to be heard and Mr. Bill Calderon would make a presentation relative to the matter. Council Members Boney and Robinson absent.

Mr. Bill Calderon, Planning and Development Department, stated that the Sharpstown Public Improvement District was created in 1998 as a result of a petition received from commercial property owners in the area; that the coalition of owners was now requesting Council approve an assessment levy to fund those activities in the service plan which were approved by Council two weeks ago; that the hearing was scheduled to receive public input on the proposed levy of six cents per \$100 value for the district; that pursuant to Chapter 372 of the Local Government Code the city mailed a copy of the hearing notice with written boundary description and map to all property owners that would be affected, 261 notices were sent out, the service and assessment plan covered a period for the years 2000 to 2005 with assessments received for this tax year, funding improvements beginning next year; that it was anticipated that the assessment would generate approximately \$240,000 annually or a total of \$1.2 million during the term of the assessment period and would pay for enhanced public safety and security, landscaping and maintenance to public esplanades, marketing and promotion of the area and cost associated with the establishment and administration of the PID;

that in addition supplemental services to be provided by the district included landscaping and irrigation improvements to be constructed on esplanades and public areas along the right of way; and that concluded his comments. Council Members Tatro, Boney and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Calderon stated that public improvement districts were created by Council and management districts were created by the state legislature; that the budget of the district would come to Council in the form of a service and assessment plan and it was a one time approval for the five year period with any changes or recommendations to be made by the advisory board of the PID, but he did not believe any amendments were approved by Council. Council Members Boney, Bell and Robinson absent.

Council Member Ellis stated that prior to being elected to Council he worked with the improvement district and was in strong support; that it was a way for the commercial and business owners to beef up security and improve the area; and urged approval from Council. Council Members Boney, Todd, Bell and Robinson absent.

Upon questions by Council Member Keller, Council Member Ellis stated that there were two separate things going on at once, a tax incremental reinvestment zone and a public improvement district; that the zones overlapped and the PID was driven by petition and was passed in 1998 and now was the hearing to allow the start of the assessment of the tax collections; that they were separate but came together as a unified effort to improve the area. Council Members Boney and Robinson absent.

Council Member Sanchez moved to close the hearing, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2000-1142 ADOPTED.

MAYOR'S REPORT

Consent Agenda (Items 1 through 36) were considered as follows:

MISCELLANEOUS - NUMBERS 4 through 9

9. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **CENTRAL CITY INDUSTRIAL PARK (C.C.I.P.)** for Law Enforcement Services of 1 Sergeant and 7 Deputies - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. Council Members Boney and Robinson absent. MOTION 2000-1143 ADOPTED.

DAMAGES - NUMBER 10

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MARIA ISABEL FACUNDO ARMENDARIZ, ET AL** v. City of Houston, et al; in the United States District Court for the Southern District of Texas, Houston Division; Civil Action No. H-99-0291 - \$22,500.00 Property and Casualty Fund – was presented,

moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1144 ADOPTED.

ACCEPT WORK - NUMBER 11

11. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$1,462,891.69 and acceptance of work on contract with **PEDKO PAVING, INC** for Reconstruction of South Post Oak from South Main to Allum, GFS N-0636-02-3 (N-0636-02) - 01.68% under the original contract amount - Street & Bridge Consolidated and Enterprise Funds - **DISTRICT D – BONEY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1145 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 20

LOW BIDS

12. **SNAP-TITE HOSE, INC** for Hose, Fire Booster and Attack, Part II for Fire Department \$49,647.40 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1146 ADOPTED.

OTHER

16. **FIRE APPARATUS SPECIALIST, INC** for Equipment, Spartan Fire Truck Replacement Parts for Fire Department - \$62,500.00 - General Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1147 ADOPTED.
17. **ALFA-LAVAL SEPARATION, INC** for Centrifuge Feed Tubes for Department of Public Works & Engineering - \$61,099.50 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1148 ADOPTED.
20. **NORTH SHORE SUPPLY CO., INC** - \$496,534.94 and **RYERSON TULL** - \$65,866.46 for Steel Construction Materials for Various Departments - General, Enterprise, Fleet Management, METRO and Street & Drainage Funds – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. Council Members Boney and Robinson absent. MOTION 2000-1149 ADOPTED.

ORDINANCES - NUMBERS 21 through 36

21. ORDINANCE repealing City of Houston Ordinance No. 2000-759; authorizing the issuance of City of Houston, Texas, Airport System Subordinate Lien Revenue Bonds, Series 2000A (AMT), Series 2000B (NON-AMT), 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 – had been pulled from the Agenda by the Administration, and was not considered.

30. ORDINANCE approving and authorizing contracts between the City and **ENGELHARD CORPORATION** and **SIEMENS WESTINGHOUSE POWER CORPORATION** for Diesel Emissions Technology Field Demonstration Projects - \$140,000.00 - Grant Fund – was presented. Council Members Boney and Robinson absent. ORDINANCE 2000-830 ADOPTED.
33. ORDINANCE awarding contract to **BUSINESSMART, INC** for AutoCAD Support Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$95,046.88 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – was presented. Council Members Boney and Robinson absent. ORDINANCE 2000-831 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

4. REQUEST from Mayor for confirmation of **MR. THOMAS J. ROLEN** as Director of the Department of Public Works & Engineering - was presented, moved by Council Member Sanchez, and seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2000-1150 ADOPTED.

Council Member Sanchez moved to suspend the rules to hear from Mr. Rolen, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2000-1151 ADOPTED.

Mr. Rolen appeared at the podium and stated that he wanted to thank Mayor Brown for having the confidence in him to nominate him as Director of Public Works and Council for confirming him; that he was honored to lead one of the most important departments in the fourth largest city in the country; that he and the men and women of the department were equal to the task and he was committed to minimize the bumps along the way; that it was a must to continue doing their mission as Houston continued to become the world class city it was destined to be; he acknowledged two predecessors, Jon Vanden Bosch and Jimmie Schindewolf, who offered him unique chances to prove himself and who were role models of what a director should be; thanked all employees he had the pleasure of working with over the years; acknowledged his current and former executive staff and asked them to stand to be recognized; introduced his family, his mother Claire Rolen who along with his dad made

him what he was, his wife Jeanie of 30 years who was his equal partner and who had supported him all along the way; his daughter Tammie, his son Matt, and grandchildren; that he looked forward in accomplishing their common goal of quality service to the City of Houston. Council Member Boney absent.

Council Members expressed congratulations to Mr. Rolan on his appointment and congratulated Mayor Brown on his selection. Council Member Boney absent.

Upon questions, Mr. Rolan stated that they were in the process of combining two major divisions, capital projects and construction, and that would allow the consolidation of many functions and would allow them to implement the Capital Improvement Program in a much more effective and timely manor; that he would be building a Planning Division for the department and that would allow the opportunity to get ahead of the power curve in many dealings with other governmental entities and projects they were involved with and they would be more able to aggressively pursue and avail themselves for federal moneys for various projects; and he felt it was of paramount importance that the department comply with what they were authorized to do, he was trying to get projects which exceeded funds authorized resolved and out of the way and brought to Council for action and then start a clean slate and hopefully that would not happen again.

Mayor Brown stated that a national search was done and the best man for the job was right here; that he was very happy he had accepted the position as it was a very important responsibility; and again congratulated him on his nomination.

5. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER 11 (GREATER GREENSPPOINT AREA)**:
 - Position 1 – **MR. WILLIE COLEMAN, JR**, for a term ending 8/25/2002
 - Position 2 – **MR. MICHAEL FRAZIER**, for an unexpired term ending 8/25/2001
 - Position 3 – **MR. WILLIAM B. DEANE**, for a term ending 8/25/2002 and as Chair, for a term ending 8/25/2001
 - Position 4 – **MS. EILEEN SUBINSKY**, for an unexpired term ending 8/25/2001
 - Position 5 – **MR. RICHARD AGUIRRE**, for a term ending 8/25/2002- was presented, moved by Council Member Boney, and seconded by Council Member Vasquez.

Council Member Galloway moved to postpone Item 5 for one week, and was seconded by Council Member Todd. All voting aye. Nays none. MOTION 2000-1152 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY**:
 - Position 1 – **MR. WILLIE COLEMAN, JR**, reappointment, for a term ending 8/25/2002
 - Position 2 – **MR. MICHAEL FRAZIER**, reappointment, for an unexpired term ending 8/25/2001
 - Position 3 – **MR. WILLIAM B. DEANE**, reappointment, for a term ending 8/25/2002 and as Chair, for a term ending 8/25/2001
 - Position 4 – **MS. EILEEN SUBINSKY**, reappointment, for an unexpired term ending 8/25/2001

Position 5 – **MR. RICHARD AGUIRRE**, reappointment, for a term ending 8/25/2002

Position 6 – **MR. ELVIN FRANKLIN, JR.**, appointment, representing the Harris County for an unexpired term ending 8/25/2001

Position 7 – **MS. SANDRA MCMULLAN**, appointment, representing North Harris County Montgomery Community College, for a term ending 8/25/2002

Position 8 – **MR. ALLYN R. SKELTON, II**, appointment, representing Spring Independent School District, for an unexpired term ending 8/25/2001

Position 9 – **MR. DALE BOWMAN**, appointment, representing Aldine Independent School District, for a term ending 8/25/2002

- was presented, moved by Council Member Robinson, and was seconded by Council Member Tatro.

Council Member Galloway moved to postpone Item 6 for one week, and was seconded by Council Member Todd. All voting aye. Nays none. MOTION 2000-1153 ADOPTED.

Council Member Todd moved to suspend the rules to take Item 39 at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1154 ADOPTED.

39. ORDINANCE appropriating \$5,900,000.00 out of the Accumulated Unexpended Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for construction of a Joint Library in Clear Lake – **(This was Item 24 on Agenda of September 13, 2000, TAGGED BY COUNCIL MEMBERS TATRO, PARKER and CASTILLO)** – was presented.

Council Member Castillo stated that he did support the library in Clear Lake, however, they were now in a position where they were considering all options with regard to the city's budget in terms of priorities; that he was willing to hear discussion, but believed a delay of two weeks would give an opportunity to see how it fit in the overall plan of balancing the budget and setting priorities for the fiscal year.

Council Member Todd stated that he would not support a delay and he had often spoken on the affects of annexation and when it came to the Clear Lake area the library was one of the things promised during the annexation discussions in the late 1970s; that to his knowledge it had been on the CIP since he had been in office in 1996 and before that the engineering was approved; that the CIP was approved by Council annually including that library; that this was appropriate and promised over and over again and he had submitted a memo from the Controller stating where the money was for that project; and urged all to vote for the project. Council Member Keller absent.

After a lengthy discussion Council Member Castillo moved to postpone Item 39 for one week, and was seconded by Council Member Parker.

After further discussion Council Member Castillo moved to call the question, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1155 ADOPTED.

A roll call vote was called on the motion to postpone Item 39 one week.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting no.
Council Member Tatro voting no.	Council Member Castillo voting aye.
Council Member Galloway voting aye.	Council Member Parker voting aye.
Council Member Goldberg out of the City on city business.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting no.
Council Member Todd voting no.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2000-1156 FAILED.

39. ORDINANCE appropriating \$5,900,000.00 out of the Accumulated Unexpended Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for construction of a Joint Library in Clear Lake – **(This was Item 24 on Agenda of September 13, 2000, TAGGED BY COUNCIL MEMBERS TATRO, PARKER and CASTILLO)** – was again before Council.

A roll call vote was called on Item 39.

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 no.
Council Member Goldberg out of the City on city business.	Council Member Quan voting aye.
Council Member Boney voting aye.	Council Member Sanchez voting aye.
Council Member Todd voting aye.	Council Member Bell voting aye.
Council Member Ellis voting aye.	Council Member Robinson voting aye.
Council Member Keller voting aye.	ORDINANCE 2000-832 ADOPTED.

7. CONFIRMATION of the appointment of **MR. JOHN MCLEAN** to Position 4 of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD** for two year terms expiring March 1, 2002 – was presented, moved by Council Member Tatro, and seconded by Council Member Sanchez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1157 ADOPTED.
8. RECOMMENDATION from Director Planning & Development Department to accept the July 2000 Semiannual Report and Recommendations of the Planning commission, acting as the Capital Improvements Advisory committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Sanchez, and seconded by Council Member Castillo. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1158 ADOPTED.
- 8a. RECOMMENDATION from the Acting Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,150,197.36 to Revenue Bond Debt

Service as recommended in the July 2000 Semi-annual Report of the Capital Improvements Advisory Committee (CIAC) was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1159 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

13. **HUGHES SUPPLY, INC dba INDUSTRIAL INTERNATIONAL, INC** for Butterfly Valves and Fittings Contract for Department of Public Works & Engineering - \$101,530.00 - Enterprise Fund - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1160 ADOPTED.

OTHER

14. REJECT all bids received for Relocation of North-South Ditch for the new Rental Car Facility at IAH, Project 444A, CIP A-0026 - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1161 ADOPTED.
15. **A & M ELECTRONICS SUPPLY, INC (Bid No. 2)** for Cable, Fiber Optic for the Finance & Administration Department - \$221,877.36 - Central Service Revolving Fund - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1162 ADOPTED.
18. **AMEND MOTION #97-2209, 12/17/97 and #99-1563, 9/1/99, TO EXTEND** expiration date for an additional 12 months from December 23, 2000 to December 22, 2001, for Pipe Steel Fittings for Department of Public Works & Engineering, awarded to **INDUSTRIAL QUALITY MACHINE WORKS** - was presented, moved by Council Member Quan, and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1163 ADOPTED.
19. **CORPORATE EXPRESS OFFICE PRODUCTS, INC dba CORPORATE EXPRESS IMAGING & COMPUTER GRAPHICS SUPPLIES** - \$224,333.73, **LOGANS MARKETING** - \$1,169,886.55 and **SDF PROFESSIONAL COMPUTERS, INC dba SAI COMPUTERS** - \$35,510.00 for Printer/Fax Toner Cartridge for Various Departments - General, Enterprise and Building Inspection Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez, and was tagged by Council Member Robinson. **(NOTE: Council Member Robinson released his tag later in the meeting.)**

ORDINANCES

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of a 20-foot wide drainage easement out of the Luke Moore League, Abstract No. 51; vacating and abandoning said drainage easement to the Board of Regents of the University of Houston System, the abutting owner, in consideration of owner's payment of \$24,698.00 and other consideration to the City - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-833 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City and **SMART CITY NETWORKS, LP** for Telecommunications Services at the George R. Brown Convention Center Revenue - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-834 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and the **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for the City's Air Pollution Control Program \$886,750.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-835 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Violence Prevention and Preventive Health Services \$49,920.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-836 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Preventive Medical and Dental Care Services to certain schools - **DISTRICTS B - GALLOWAY; C - GOLDBERG; F - ELLIS and I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-837 ADOPTED.
27. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of six (6) Independent School Districts (**ALDINE ISD, ALIEF ISD, HOUSTON ISD, CLEAR CREEK ISD, NORTH FOREST ISD** and **SPRING BRANCH ISD**) and each of Seventeen (17) non-profit organizations (**BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, BREAD OF LIFE, INC, CHINESE COMMUNITY CENTER, DEPELCHIN CHILDREN'S CENTER, HOUSTON ADVENTURE PLAY ASSOCIATION, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, THE IMANI SCHOOL, JULIA C. HESTER HOUSE, INC, KIPP, INC, NORTHSIDE URBAN COMMUNITY DEVELOPMENT CORPORATION, PHOENIX OUTREACH YOUTH CENTER MISSION, INC, SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION, TEXAS ACCOUNTANTS AND LAWYERS FOR THE ARTS, VOLUNTEERS OF AMERICA TEXAS, INC, WESLEY COMMUNITY CENTER, INC OF HOUSTON, TEXAS, WONDERLAND EDUCATIONAL ESTATE ASSOCIATION** and **YMCA OF THE GREATER HOUSTON AREA**) to administer an After School Achievement Program ("ASAP") – was presented.

Council Member Ellis stated that he visited with Ms. Cheryl Murray and she was going to allow him to work with her and contact some large corporations to see if some corporations could sponsor the program and Mr. Hall would help in seeing if they could

get a tax deduction; that every school that applied was accepted and he wanted to tell his constituents that if they did not apply for the program and he would want those west of Dairy Ashford who were interested in being included to get their principal to get with the city and fill out an application so they could be included in the program; and complimented Ms. Murray on her thoroughness in the report. Council Member Ellis absent.

Council Member Vasquez stated that he thought the study was a very good one and a rigorous academic one; that the recommendations were very clean and good and it would help improve the program and he did hope they would be taken into account in the future for the After School Program; that he encouraged Council Members to at least read the summary and many of their questions could be answered; that to do such a rigorous effort in such a short amount of time was a herculean effort and applauded Mayor Brown and the professors who worked on the study. Council Member Ellis absent.

Council Member Quan stated that this was the type of program they could hopefully look to fund through the possible arena and the 20 dates given the city. Council Member Ellis absent.

A vote was called on Item 27. Council Member Tatro voting no. Balance voting aye. Council Member Ellis absent. ORDINANCE 2000-838 ADOPTED.

28. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **CAM TECH INC D.B.A., CAM ENVIRONMENTAL SERVICES, INC** to settle a claim - \$19,935.72 - Consolidated Demolition Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-839 ADOPTED.
29. 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 – was presented. All voting aye. Nays none. ORDINANCE 2000-840 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City and **JOHNSON MATTHEY, INC** for Diesel Emissions Technology Field Demonstration Projects - \$120,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-841 ADOPTED.
32. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SUNLAND ENGINEERING COMPANY** for the Design of Water Main Replacement in Dumbarton Oaks Subdivision, CIP S-0035-64-2 (WA10589) - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-842 ADOPTED.
33. ORDINANCE awarding contract to **BUSINESSMART, INC** for AutoCAD Support Services for Houston Airport System; providing a maximum contract amount - 3

Years with two one-year options - \$95,046.88 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – was presented.

34. ORDINANCE appropriating \$2,050,000.00 out of Airport System Commercial Paper Series A, C (AMT), CIP A-0063, \$1,050,000.00 out of Airport Renewal and Replacement Fund, CIP A-0366, \$2,635,202.00 out of Airport System Commercial Paper Series A, C (AMT) CIP A-0392, and \$3,000,000.00 out of Airport System Commercial Paper Series A, C (AMT) CIP A-0416, awarding construction contract to **CHAMPAGNE-WEBBER, INC, TEXAS** on low bid and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$236,000.00 for Airfield Pavement Repair and Drainage Improvements at George Bush Intercontinental Airport/Houston (IAH), Project No. 541 **DISTRICT B – GALLOWAY** – was presented.

Council Member Tatro moved to refer Item 34 back to the Administration, and was seconded by Council Member Ellis.

Upon questions by Council Member Castillo, Council Member Tatro stated that a speaker yesterday pointed out there were irregularities in the process which gave the insurance cost and calculations; irregularities with procedure versus the amendment passed last November when ROCIP was amended and this was in contrast to what was passed and needed to go back to the Administration. Council Member Sanchez absent.

Council Member Quan stated that clearly the Champagne-Webber bid was the lowest and clearly it should be accepted he too had concerns with its enrollment in the ROCIP program and the numbers should be looked over. Council Member Sanchez absent.

Council Member Boney stated that he just did not have the strength for a ROCIP discussion this morning and would tag Item 34.

35. ORDINANCE appropriating \$68,118.75 out of Fire Department Consolidated Construction Fund, CIP C-0142 for Construction Services at Fire Station Nos. 19, 30, 45, 68, 75 and 78 for the Fire Department - **DISTRICTS B - GALLOWAY; F - ELLIS; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-843 ADOPTED.
36. ORDINANCE appropriating \$500,000.00 out of General Improvements Consolidated Construction Fund for Labor costs and other expenses related to In-House Capital Improvement Projects for Buildings operated and maintained by the Building Services Department (“Department”), CIP D-0106-01-3; declaring the Department’s intent to reimburse the General Fund for expenditures related to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I – CASTILLO** – was presented, and was tagged by Council Members Parker and Tatro.

The Non Consent Agenda (Items 37 and 38) were considered as follows:

MISCELLANEOUS

37. RECEIVE nominations for Positions Eight and Nine on the **CIVIC ART COMMISSION** for terms to expire two years from date of appointment was presented.

Council Member Vasquez moved to postpone Item 37 one week, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-1164 ADOPTED.

Upon questions by Council Member Sanchez, Mr. Hall stated that if in fact there was an infirmity with the posting they would have to post again once Council delayed it, but you could post a new item also if you needed to and if it were referred back to the Administration it became just a new item and not the old one and that was the difference.

38. RECEIVE nominations for Positions 1 through 4 of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for two year terms to expire December 31, 2001 – was before Council.

Council Member Bell stated that he was nominating Ms. Sherry Ferguson, executive director of the Houston Humane Society, that her resume reflected she lived in Missouri City and he would be checking on that. Mr. Hall stated that there was a general requirement that persons serving on boards in the City of Houston had to live in the City of Houston unless the statute which created the board exempted the requirement, but secondly, some with Missouri City addresses did live in the City of Houston.

Council Member Boney moved to close nominations for Position 3, and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-1165 ADOPTED.

Council Member Sanchez moved to postpone receipt of nominations for Positions one, two and four for one week, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1166 ADOPTED.

MATTERS HELD - NUMBERS 39 and 40

40. ORDINANCE approving and authorizing agreement between the City and **GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY** for Deferred Compensation Plan Administration Services; approving and authorizing an agreement with **WELLS FARGO BANK WEST, N.A.** for Section 457 Custodial Account Services; approving and authorizing second amended restated Deferred Compensation Plan – **(This was Item 28 on Agenda of September 13, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO and VASQUEZ)** – was presented.

Council Member Robinson stated that he had distributed a written amendment which stated “Amend Item 40 to mandate that 80% of all revenue sharing dollars received by the City under our Deferred Compensation Plan be reimbursed annually to the participants of the Plan on a pro-rata basis. Note: This amendment will return the

windfall profits of the Plan to city employees who originally paid the fees that generated the revenue sharing dollars.” and Council Member Ellis asked that he consider a friendly amendment; that he had visited with Ms. Culbreth in F & A on it and the amendment, with the modification, would limit for the first two years Administrative fees out of the revenue sharing dollars, the \$15,000, a year and at the close of the second year to come back with a presentation on a budgeted structure for use of the revenue sharing dollars and Ms. Culbreth had said that would be acceptable and reasonable to work with her to stabilize how much money would be coming in the first two years so she could do that. Council Members Boney and Bell absent.

Upon questions by Mayor Brown, Ms. Culbreth stated that she had spoken with the Council Member about that and was in agreement they could work with that, she did want to point out however that all of the revenue sharing received would first go toward reimbursing participants for their cost of the plan and then to accumulate the \$15,000. Council Members Boney and Bell absent.

Council Member Castillo moved to suspend the rules to hear from the consultants of Watson Wyatt; and Council Member Robinson asked for a second to his amendment; and was seconded by Council Member Ellis. Council Member Robinson stated that he would restate his amendment so there would be no confusion: that out of the revenue sharing dollars \$15,000 from each of the two years would be used for Administrative expenses with the other moneys going back to the participant, 100% of the remaining dollars going back to the plan participants; and as Ms. Culbreth pointed out their reimbursement would come off the top and then the \$15,000 would be left over. Council Members Boney and Bell absent.

A vote was called on the motion to amend Item 40. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-1167 ADOPTED.

Mayor Brown stated now for a vote on the main item. Council Members Boney and Bell absent.

Council Member Castillo moved to suspend the rules to hear from a representative of the consultant, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Bell absent. MOTION 2000-1168 ADOPTED.

Mayor Brown called the representatives forward and asked that the names and position be stated. Mr. Henry Noey stated that he was with Watson Wyatt and financial agent; and Ms. Kellogg stated that she was with Watson Wyatt and the contribution consultant. Council Members Boney and Bell absent.

Council Member Castillo asked that Mr. Noey explain his assessment of what the compensation to the Administrator of the plan would be under the Great West contract and the American General since that raised more questions. Mr. Noey stated that he would refer to correspondence and would preface his comments with regard to the American general information he was asked to speak to; that in the original proposals submitted by each of the firms they had been evaluating since the proposal was closed and at that time American General's proposal was 32 basis points and since that time American General submitted to Ms. Culbreth and Mayor Brown letters talking to the effect of a \$17.00 per participant fee and before he got into that wanted to say that to

consider any information outside the closed bid process would get you to a point where you were violating your purchasing process and this was a different proposal than what was stated in their original, however, since asked to comment on it the \$17.00 in the letter American General had on the 30th said they had a \$17.30 participant fee for Administration record keeping and compliance services and they were charging an additional \$417,000 on top of the \$17.30 fee for communication, education and financial planning cost; that if you took the additional \$417,000 per year and divided it by 17,000 participants as was the prior calculation you would come up with an additional \$24.53 per participant cost and taking the \$17.30 plus the \$24.53 you would come up with a per participant cost of about \$41.83; that in the Great West proposal they proposed \$20.27 per participant which included Administration, record keeping, compliance, communication, education and financial planning, so when comparing apples to apples for similar services you had \$20.27 for Great West and \$41.83 based on American General's correspondence which was submitted outside the proposal process, but comparing the two it was double the fee.

Upon further questions by Council Member Castillo, Mr. Noey stated that their job was to bring to the city what they thought....; that in any vendor process you would get to a point where a couple of vendors would rise to the top and there would be a razor thin edge on how you made your decision on the evaluation of the written proposals themselves and that was why you went to conduct site visits; that they surveyed the top two and it was now up to the city to make a decision based on those top two in the objective evaluation and in this case they were Great West and Fidelity. Council Member Boney absent.

After further discussion Council Member Vasquez moved to call the question, and was seconded by Council Member Galloway.

Council Member Castillo stated he would like to make a closing remark and stated that he regretted Council was brought in late in the process and hoped in the future they could be brought in early on; and Mayor Brown stated that he would ask the F & A Director to be cognizant of his concern and if they went through this again to do all they could to keep Council updated. Council Member Boney absent.

Council Member Ellis stated that in response to Council Member Castillo's statement he had to say in defense of Ms. Culbreth he had worked with her the last 60 days over the 90 day delay; that he requested information and she had always been there to give the answers; that he thought the issue was one company was unsatisfied and that was why it came to the forefront.

Council Member Sanchez stated that he had known about the issue for two months and it had been worked on awhile and did not think it appropriate to say the Administration had sprung it on Council over the last week or so as there had been ample time.

Council Member Castillo stated that he did not have time to defend himself and would take the criticism, but was basically speaking about the element of the RFP which was at the tail end of last year.

A vote was called on Item 40 as amended. All voting aye. Nays none.
ORDINANCE 2000-844 ADOPTED.

Council Member Robinson stated that he would release his tag on Item 19.

Council Member Vasquez stated that before Council moved on he wanted to thank Council Members for doing the due diligence on this, for getting the information and facts on the RFP and process and having their questions answered.

19. **CORPORATE EXPRESS OFFICE PRODUCTS, INC dba CORPORATE EXPRESS IMAGING & COMPUTER GRAPHICS SUPPLIES** - \$224,333.73, **LOGANS MARKETING** - \$1,169,886.55 and **SDF PROFESSIONAL COMPUTERS, INC dba SAI COMPUTERS** - \$35,510.00 for Printer/Fax Toner Cartridge for Various Departments - General, Enterprise and Building Inspection Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez, and again before Council. All voting aye. Nays none.
MOTION 2000-1169 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that he wanted to read a letter from a constituent of his written to Mayor Brown and Chief Tyra which stated that 911 had responded within minutes and treated her with the highest degree of professionalism and courtesy; that they did their job and more; and she wanted to publicly thank John Eby and the other members at Station 75, Shift A for their time, service, dedication and professional manor in performing their daily tasks; and Mayor Brown stated that he was sure they appreciated that and he appreciated him reading it. Council Member Vasquez absent.

Council Member Boney stated that he wanted to wish Council Member Castillo a happy birthday today. Council Member Vasquez absent.

Council Member Sanchez stated that he had a couple of questions; that recently, relating to firefighter Lopez, he understood the City had to reinstate him based on a decision by an independent arbitrator and he felt there was confusion in the community as to how the system worked; that if in the opinion of the Administration, Inspector General and management including the Chief of the Houston Fire Department dismissed personnel for what they believed to be violations of policy and procedures most citizens had the question as to how one independent individual could make the decision to reinstate the individual and most had difficulty with the concept that there was no appeal on behalf of the city; that the city had an interest in protecting its citizens and took the measure to insure it happened and then an independent individual made the decision to reinstate so how did they balance the interest of the public, what was the procedure that lead to this; and Mayor Brown stated that he was Police Chief when that legislation was passed by the state legislature, it was passed as state law for police and fire and it allowed the employee to go to an arbitrator and that person had the final authority on what the outcome was on the disciplinary action; that as chief he had complained about it then, it was particularly wrong that someone could have the authority to second judge the Fire Chief in this case who had the responsibility of managing the Fire Department; that it undermined management, but it was state law requested by the City of Houston at that time and that was the reason they had the problem. Council Member Sanchez

stated that he shared the Mayor's sentiments; that he felt it was difficult to reconcile an individual judgement of one person versus a body of professionals in the field; that he felt it was inconsistent and bad policy and should be reviewed; and it was hard to explain. Mayor Brown stated that state law overruled city law and that was the only reason. Council Members Boney and Vasquez absent.

Council Member Todd stated that during the past week a great Houstonian was lost, Ms. Kathrine Blizzard passed away and over the past many years had made many contributions; and asked for a moment of silence in her honor. Council Members Boney and Vasquez absent.

Council Member Galloway stated that she needed answers to concerns in the Acres Home Community; that the area was annexed some time ago and when homes were built it was just a little dirt road and then the city came and made a street and the houses were almost right at the road and the city was wanting them to move their homes back and they were going to be fined \$1,000 a day for their houses not being moved; and Mayor Brown stated that made no sense and he would have it checked on. Council Members Boney, Keller and Vasquez absent.

Council Member Quan stated that over the last week the murderer of two convenience store operators was convicted and he wanted to thank the police for their help; that they were about ready to finish the video for the safety of the convenience store operators and Chief Bradford's staff had been very helpful. Council Members Boney, Keller and Vasquez absent.

Council Member Quan stated that the City Council softball team would be having a scrimmage this Saturday in preparation of the City Employee's Picnic on October 7; and encouraged Council and their staff to come out and warm up. Council Members Boney, Keller and Vasquez absent.

Mayor Brown stated that he wanted to thank Council Member Quan for his leadership on the issue of the convenience stores and he hoped the conviction sent a strong message to those who wanted to victimize store owners that all stops would be pulled out to make sure they were arrested, convicted, prosecuted and punished accordingly; that the senseless killings needed to stop and he wanted the message sent all was being done to stop and punish them. Council Members Boney, Keller and Vasquez absent.

There being no further business before Council, the City Council adjourned at 10:59 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Castillo. Council Members Boney, Keller and Vasquez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary