

City Council Chamber, City Hall, Tuesday, September 26, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, September 26, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Randy Pourceau, Senior Assistant City Attorney, City Attorney's Office, Mr. Richard Cantu, Director, Mayors Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Jew Don Boney, Jr. out of city on personal business. Council Member Bert Keller absent on personal business.

At 2:08 p.m. Mayor Brown recognized Council Member Goldberg for the first presentation.

Council Member Goldberg stated that today the City of Houston would salute some Bellaire High School students from the Art Car Class, that they had come up with an art car design created by the students at Bellaire High School and the car was actually chosen to go to the Essen Motor Show in Essen Germany and after it is displayed there in exhibit it would go to the British Museum and permanently housed in the museum, that the students created the very first art car to win first place in the Art Car Parade and would travel to Germany to compete at the national level and invited the students and their teacher, Ms. Rebecca Bass, to the podium to receive their certificates. Council Members Ellis, Castillo, Parker and Quan absent.

Ms. Bass stated she was very proud, that she was an HISD teacher and had been doing it for ten years, that it was the first year that Houston had an art car that went International and it happened to be from HISD. Council Members Ellis, Castillo, Parker and Quan absent.

Council Member Vasquez stated it was his distinct honor and pleasure to introduce to them someone who was a distinguished member of the Hispanic Community and also served as the Mayor's Education Liaison who would come forward to make a presentation, and introduced Mr. Lionel Castillo. Council Members Ellis, Castillo, Parker and Quan absent.

Mr. Castillo stated he was delighted to present to them some of the outstanding sponsors who helped them for the last three years in the Annual Teacher's Excellency Award and invited Mr. Jackson Chang, one of the leaders in the community to present the awards. Council Members Ellis, Castillo, Parker and Quan absent.

Mr. Chang stated that Monday, October 2, 2000 they would be having the Annual Teacher's Excellency Awards at the Wortham Theatre and this year they would be honoring 35 teachers in the Houston area and all the recipients would receive an engraving of Confucius with the City of Houston on top and the teachers name on bottom and had passed out a key chain as a souvenir for all Council Members and introduced Mr. Edward Feng , Director, Taipei Economic and Cultural Office in Houston, who stated they were very honored to sponsor the program, that as the first Sister City, Taipei wanted to demonstrate a good example and hoped that it would arouse the other sister cities of Houston to participate in the function which was very important to

education and the citizens of Houston. Council Members Ellis, Castillo, Parker and Quan absent.

Mayor Brown thanked them for the program and stated that it was an outstanding program where they had the opportunity to give recognition to their educators, people who worked extremely hard and did not receive the recognition they should and expressed appreciation to them for their community spirit and sponsoring their Teachers Excellence Program. Council Member Ellis, Castillo, Parker and Quan absent.

At 2:20 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Goldberg invited Rabbi Steve Morgan, Assistant Rabbi at Beth Yeshurun, to offer the prayer and Council Member Goldberg led everyone in the pledge of allegiance. Council Members Ellis, Castillo, Parker and Quan absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Members Ellis, Castillo, Parker and Quan absent.

Council Members Sanchez and Robinson moved that the minutes of the preceding meeting be adopted. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Members Ellis, Castillo, Parker and Quan absent.

Council Member Bell moved to suspend the rules to add Mr. Ted Crandell to the speakers list for 1 minute, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Members Parker and Quan absent. MOTION 2000-1170 ADOPTED.

Council Member Tatro moved to suspend the rules to hear Mr. Michael Thibodeaux after Ms. Stacey Roussel, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Members Parker and Quan absent. MOTION 2000-1171 ADOPTED.

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

Mr. Johnny Mata, 3522 Polk, Houston, Texas 77003 (713-797-1883) had reserved time to speak, but was not present when his name was called. Council Member Quan absent.

Ms. Barbara Bailey, 3825 Dacoma, Houston, Texas 77092 (713-843-3700) appeared and stated that she was present to support the Contractor Debarment Ordinance and was present on behalf of the Association General Contractors of America, that they appreciated the opportunity they had to provide input on the ordinance and appreciated the City Legal and Building Services Departments working with them to insure the neutral third party review that was so important to the construction community. Council Member Quan absent.

Council Member Robinson thanked Ms. Bailey and the AGC and the other folks, Ms. McGilbra and Mr. Bibler for working with them to get the consensus ordinance and appreciated the industry coming down and sharing that fact with Council. Council Member Quan absent.

Mr. Gogu D. Reddy, 7505 Memorial Woods Dr., #54, Houston, Texas 77024 (713-683-0054) had reserved time to speak, but was not present when his name was called. Council Member Quan absent.

Council Member Sanchez moved to suspend the rules to hear Mr. Johnny Mata at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Member Quan absent. MOTION 2000-1172 ADOPTED.

Mr. Johnny Mata, 3522 Polk, Houston, Texas 77003 (713-797-1883) appeared and stated that he was present representing LULAC, that he wanted to thank Mayor Brown for taking into consideration the request from LULAC for a Red Ribbon Committee in regards to the Fire Department, that they were present on behalf of the League in support of Resolution 2000, which was English Plus, that LULAC felt that culture and linguistics was part of the true blue that held their great Nation together and had established an English Plus policy as far as 1980, that they saw a positive development several years back in their complaint to promote English Plus concept, that through a combined effort with the former Mayor of Atlanta, the honorable Andrew Young, the Council unanimously passed a resolution designating multi-lingual and multi-culture, that the resolution stipulated that Atlanta respect the linguistic and culture difference of its citizens, that it was passed as a response to the resolution passed by the Georgia State Legislation designated English as the official language of the State, that while California voters in 1976 approved Proposition 209 the so called civil rights initiative by a slim margin, it was a referendum to dismantle affirmative action programs in California, that the citizens of Houston conveyed a strong message when the wording was changed to reflect the true intent and defeated a similar referendum, as far as affirmative action, in the City and thought that spoke well of the citizens of the City, that on August 25, 2000 a similar incident occurred when an administrator from a facility management division of the Police Department issued an order prohibiting speaking Spanish during the working hours, that the memo read "affective today, August 25, 2000, only English is to be spoken during working hours by employees of facilities operations and maintenance, if there was a need to speak with a supervisor in Spanish do so in the supervisors office", that came in light of a judge that had ordered a family on a custody case to speak only Spanish to the child at home, so LULAC felt very strongly and felt that in particular to the neighbors to the south, which was Mexico and Latin America, and the amount of business they had and encouraged them to adopt it and commended Council Member Castillo for his vision in promoting English Plus. Council Member Quan absent.

Mr. Ted Crandall, 1820 Blalock, Houston, Texas 77080 appeared and stated that they had a situation where a number of years ago, back in 1972 a person who was no longer affiliated with the City business, she was no longer an employee of the City, passed before the City Council to redesign the major thoroughfares of Houston to let children ride bikes in the street, that he lived on a major thoroughfare, at 1918 Blalock and they had the signs already up and there was going to be children running up and down the streets with 18 wheelers flying by them, and he assured them, that even though

they redesigned it all and spent a lot of money, there was going to be people dead in the streets, that they had the sidewalks and the City had spent millions of dollars to redesign the sidewalks with ramps so they could ride a bicycle without going over one curb, that they were already there and in place and now they were going to block off a portion of the street with nothing but water, rocks, sewers and it was a dangerous situation, that if they would take a look at what they had when they had two lanes and there was 30 and 40 mile per hour 18 wheelers going by and they had children riding bikes in the streets, there were going to be deaths before it was over, that it might have been a good idea, but they should rethink it because it was wrong. Council Member Quan absent.

Upon questions by Council Member Sanchez, Mr. Crandall stated he was opposed to the bike ways the City was creating, that it was ridiculous, that he would not ride in the street and take his life in his hands.

Ms. Stacey Roussel, 1803 Bethlehem, Houston, Texas 77018 (713-683-9578) appeared and stated that she lived in Candlelight Estates, that she was present in order for Council to meet the people who lived in their neighborhoods and empathize with their situation, that they like their neighborhood because it was quite and culturally diverse, that they believed that their neighborhood was a small representation of Houston as a whole, that while they understood that Houston was going to grow, they asked for smart growth throughout the City, but especially in their neighborhoods, that she and her husband were expecting their first child in February and like many Houstonians they dreamed of raising a Comet or Rocket, but their basketball goal faced Rosslyn Road and the bridge across that bayou would bring additional traffic and their side yard would no longer be a place to bounce balls, that she was present because Council had the opportunity to save great neighborhoods in Houston, neighborhoods like theirs, that she knew that the people in the neighborhood enjoyed the greenspace at the end of Rosslyn Road and the solitude and flood protection that the space provides and she asked that if it came before Council that they consider not abandoning the property at the end of Rosslyn Road and not allowing the bridge and development to take place on the other side.

Upon questions by Council Member Tatro, Ms. Roussel stated they had been in their home for over a month, that they found out about the bridge the weekend before they closed on their house, and Council Member Tatro stated they had the developer to do a traffic study because that was the first thing that had to be done for the City to contemplate abandonment, whether to the north and what they were pushing for was to the south of the ditch, that the traffic study had to be done because Rosslyn had not been removed from the City's plans on right of ways and that was still two or three weeks away, that if abandonment was not granted and it would stay on the City's thoroughfare for future plans it would be a detriment to everybody that lived from Judiway all the way to Acres Homes on the north and that would be a good two to three mile stretch of solid residents, that the neighborhood would be in the traffic study, and he thanked the neighborhood for coming down to inform Council of the significant neighborhood issue. Council Members Todd, Castillo and Parker absent.

Mr. Michael Thibodeaux, 6913 Covington, Houston, Texas 77091 (281-546-4260) had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Parker absent.

Mr. Charles Alcorn, 623 Rancho Bauer, Houston, Texas 77079 (281-497-1073) had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Parker absent.

Mr. Christopher Cato, 710 Voggess, Houston, Texas 77016 (713-633-3515) had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Parker absent.

Mr. James Paul Ewens, Jr., 2517 Bering Dr., Houston, Texas 77057-4919 (713-789-4101) had reserved time to speak, but was not present when his name was called. Council Members Todd, Castillo and Parker absent.

Ms. Julie Hamilton, 1221 Lamar, Houston, Texas 77010 (713-241-6431) had reserved time to speak, but was not present when her name was called. Council Members Todd, Castillo and Parker absent.

Mr. Dale Eddins, 1101 Wakefield, Houston, Texas 77018 (713-744-8906) appeared and stated that he was present to address the "gang of eight", that he was disappointed in them because according to projections the City was going to intake somewhere around \$65 million dollars more because of property tax values going up over the new appraisals, that with the \$16 million dollars that are to be reduced he was disappointed that they had \$51 million dollars more to go, that he the individual had to live on a fixed budget and the City had over a billion dollars in budget and they could look for 5% to try to save, that he had to do it and thought the City ought to do it, that one of the things that had come up was the new library down in Clear Lake that was very interesting, that they were using water and sewer money to build the library and that meant that his water and sewer was too high and should be cut, that the City could in one respect find some new money in that the EPA was telling them that the air was still not going to be clean enough under the TNRCC plan that they were adjusting to, that they might want to look at taking Harris County and the City of Houston together and telling the government to keep the one billion dollars and tax the gas that left the Harris County and Houston area and make up the difference and they might be able to get their \$16 million dollars back, that he could not afford any more money and the problem was that his billfold was empty, and since the \$16 dollars was so important to Mayor Brown then he would like to get at least \$8 for the parking because it was pretty expensive to park, and one of the areas where they might be able to cut was all the traveling the Mayor did, that maybe there was three or four million dollars right there he might be able to cut for them. Council Member Todd absent.

Mayor Brown asked which ones would he cut and asked where had he been that Mr. Eddins knew of, and Mr. Eddins stated California, the Democratic Convention and Mayor Brown stated that the City did not pay a nickel for that and stated that Mr. Eddins was misinformed about what he did and when he came to speak he should have some facts on his side. Council Members Galloway, Todd and Castillo absent.

Mr. Mark Cowart, 6101 Southwest Freeway, Ste. 200, Houston, Texas 77057 (713-304-5995) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd and Castillo absent.

Mr. Bernard A. Maristany, 2819 Amber Dale Court, Houston, Texas 77059 (281-468-4014) appeared and stated that he was present on the tax issue, that the tax monies were monies just like any other monies, they were exactly like rent money, education money, food money or anything they would have spend and the tax money was really money they earned so they really did not have any money, that the main difference between the tax, entertainment, education or any of the other ones was that it was compulsory and had to be paid to them because everyone knew that if they did not pay they would send armed men to take away their freedom or property or maybe both so they needed to be very responsible with regard to the taxes that they levy on them because it was hard to earn money and he thought that the amount that was reduced was so tiny compared to the large budget of the City and the large expenditures that did not seem to have anything to do with government or maintaining safety, such as building hotels or entertainment facilities, and he thought that the whole thing had been blown entirely out of proportion and would ask both parties to reconsider and accept the fact that they who were taxed wanted to pay sufficient tax, but not tax for putting the City in businesses that they should not be and therefore they think it should be reduced, and he thanked the Mayor and Council Members for the opportunity they had given him to come to Council and speak, that he appreciated living in a Country where he could do so and no one would beat him up. Council Members Galloway, Todd and Castillo absent.

Mr. Joe Maruska, 12467 Pinerock Lane, Houston, Texas 77024 (713-464-3839) appeared and stated that many of Houston's problems started with profiling, which was followed by reduction of effective traffic law enforcement and the associated revenue, that City streets should be safe from traffic law criminals, that he probably would not have been plowed from the rear on August 28 by a motorist ignoring a red light, and he would have been present two weeks sooner, that no mugger could have inflicted more pain, suffering, inconvenience and financial loss, and he asked that the City go back to the old way of enforcing traffic laws, that the City had also proposed fining citizens for allowing a water leak to exist more than 24 hours, that the fines would generate revenue but it was not necessary, that a leak the size of his finger was 20 gallons per minute, which was 28,800 gallons per day, or \$156 per day at \$5.43 per thousand gallons, that 700 leaks calculated to \$110,000 per day or \$3.3 million per month, that twenty gallons per minute as a small leak but was equivalent to a very large summer residential monthly water usage, that most leaks were much larger and would cost water customers much more, that the cost of the water provided incentive to repair leaks immediately, if not sooner, that is if they were paying for water, that he read where the City lost 15% of the water it pumped to leaks, which somebody considered acceptable, that if it were true, the City leaked in a week what the City's water customers purchased in a day, that he came from the petroleum industry and could never stand before any group and claim that any amount of leakage of any fluid that they paid for was in any way acceptable, therefore he recommended that the amount of leakage be identified and quantified and treated as an expense line item in the Public Works budget, that the City needed to operate under the same incentives to remove leaks that everyone else had, that it was not funny money, that water in their lakes was a precious resource waiting to be sold to a customer, that the City had already pumped and filtered the water and the leaks would be fixed someday and the question was how much money would be wasted until the City got around to it, that the City needed to realize the value of the water the same as did the water customers, even if the City did not need the money, he guaranteed that one day they would need the water. Council Members Galloway, Todd, Vasquez, Castillo and Sanchez absent.



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

Reverend Ruby McClary, 2213 Wichita, Houston, Texas 77004 (713-528-2865) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Todd, Vasquez, Castillo and Sanchez absent.

Ms. Joyce Brown, 1205 Calles, Houston, Texas 77020 (713-674-4103) appeared and stated that she was owner of Browns Limousine Service and a Director of the Limousine Association of Houston, that she was present to bring to their attention a couple of points in the Limousine Ordinance, that first of all the Limousine Ordinance revision allows the director to decide both guilt and punishment for alleged infractions of the ordinance and did not allow an avenue for appeal, that they were deeply concerned that it took away their rights to due process and directly infringed on their civil rights, that under the proposed revision, Section 46-244, Paragraphs A and B it gives the director that authority and directly states that the directors decision should be found, that the director could decide on his own initiative upon complaint that the licensee or driver was not complying with the ordinance, that the director could even post a hearing and decide guilt or punishment, they felt that no one individual should have the sole authority to dictate an operators fate with finality, that decisions should always be made by numerous members of a wise council, thereby encouraging judicial integrity, that in essence their livelihood was subject to someone else's perception without inclusion of their story or all the facts of the matter, that secondly on the matter of the SUV's, she also felt that the revision severely hindered an operators ability to fully serve the public by not approving sport utility vehicles under the limousine license, that vehicles like the Suburban, Excursion and Navigators were in common use across the Country, but they were not allowed to use them in Houston, that the revision directly tied a luxury motor vehicle to the selling price of a Cadillac, Sedan Deville or Lincoln Townecar Sedan and they felt the same rules should be applied to SUV's and that they be permitted for use under the limousine licensee. Council Members Galloway, Todd, Vasquez, Castillo and Sanchez absent.

Mr. Robert Antonelli, 4045 Linkwood, Houston, Texas 77025 (713-660-0942) appeared and stated that he was owner of Allantra Limousine Service and a Director of the Limousine Association of Houston, that they were concerned that several proposed draft revisions for limousines would greatly impeded and limit their constitutional rights to make a fair and honest living in the City and in the State of Texas, that instead of properly enforcing the current Limousine Ordinance they were about to add additional requirements for enforcement that would also not be enforced, that as an example he would single out one issue, solicitation at the airports, that the current Solicitation Ordinance was not being enforced and adding a City limousine drivers licensee would do primarily three things, add unnecessary administrative tasks for the transportation personnel at 601 Sawyer which was already under staffed, that taxpayers in the long run could actually legitimize solicitation, that proposed enforcement was apparently by means of periodic stings as suggested in F&A's recommendation, yet the majority of those caught in the stings were the drivers who had proper reservations to meet their clients, that instead of controlling the 3% of the drivers who engage in the solicitation, they would add more requirements to the 97% who were in compliance, that solicitors were often on

holiday or working in the hotels instead while the sting was going on, that they were also extremely concerned about the total authority granted to the director under the revision, that it appeared to eliminate the due process and stripped away their civil rights through lack of an appeal process, nor did it allow the driver or operator a reasonable period time to correct the deficiency and return to compliance, that the limitations could open the door for class action lawsuits or other means of redress, which they were most anxious to avoid, and he strongly urged Council to refashion the provisions to make them more fair and reasonable to the industry. Council Members Galloway, Todd, Ellis, Castillo, Sanchez and Robinson absent.

Mr. Wadih Elhaji, 9800 Pagewood, Houston, Texas 77042 (713-303-5216) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Ellis, Castillo, Sanchez and Robinson absent.

Mr. Joseph Jordan, 7805 Old Haven, Houston, Texas 77074 (713-680-3181) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Ellis, Castillo, Sanchez and Robinson absent.

Mr. David Schovajsa, 4800 W. 34th, Houston, Texas 77092 (713-956-6662) appeared and stated that he was with Corporate Houston Car Service and President of the Limousine Association of Houston, that when it was announced the Limousine Ordinance was to be revised they had high hopes that certain portions of it would be strengthened, that was the anti solicitation provision, that a certain ability to more fully serve their clientele could be gained, such as approval of sport utility vehicles, and that in general the ordinance could be improved, that instead they found that a new set of enforcement regulations were under consideration and a properly requested vehicle category was to be denied, and certain licensee's were to be mandated to invest in vehicles that they neither had a desire for or experience with and an entire layer of requirements were written to control a bare minority of violators who's scope had apparently never been identified, that they had quite accepted that drug testing, in depth background checks and driver physicals would be required, that those were common sense measures for the protection of the general public, but they had not idea of how far Council's Committee would go to mollify the taxicab industry. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Council Member Todd thanked Mr. Schovajsa for taking part in the discussions at the committee level, that as he knew the committee passed the Limousine Ordinance out about a week and a half ago and the Legal Department was currently meeting with the Agenda Office about putting it on the City Council Agenda, that there was no one present from F&A who could directly respond to his assertions, that when the item did get on the agenda they would be present to answer questions in the public forum so he encouraged Mr. Schovajsa to have his members, if they wanted to have input, to come back when it was actually on the agenda. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Mayor Brown stated it would be helpful if Mr. Schovajsa would send a letter outlining the items in the proposal that he disagreed with and why and they could all take a look at his position since he represented the Industry. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.



Mr. Sonny Karim, 518 Marblehill, Katy, Texas 77450 (713-789-7890) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Mr. Gary Cameron, 2000 Blalock, Houston, Texas 77080 (713-973-6190) appeared and stated that he was present in reference to the bicycle signs in Spring Branch, that the law was implanted in 1993 by a Council Member who was no longer on Council, and since then most of the streets like Blalock, Clay Road, Kempwood and Wirt had all been widened and there had been a lot of traffic up and down the streets, that they put up the signs that cost \$11 million dollars to do, the bicycle signs, and they spent \$1.7 million dollars to fix the water leaks, that he wanted to know if the bicyclists who were going to be riding in the streets going to carry liability insurance, that it was not if they caused an accident, it was when they caused an accident, and were they going to have license plates on their bikes, so they could tell if they caused an accident and just started riding off, that he thought it was a real bad idea, that it was like loading a gun and giving it to somebody, because bicyclists were not made to ride in the streets, that the sidewalks were all made for the bicyclists there were no curbs they had to go over, and he just wondered why they spent so much money on it and was very concerned about the whole situation since he was a small business owner on Blalock. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Upon questions by Council Member Quan, Mr. Cameron stated that he felt the program was a waste of money, that when there was blood on the streets that's when they would pull the signs, that they do have other pathways on the sidewalks, that they spent a lot of money taking the curb sections out, that they were riding the sidewalks at present because the signs were covered up by bags, that those bagged signs also covered up the speed limit signs too and all other kind of signs that were on the road, and Council Member Quan stated they had public hearings 5 years ago about the bicycle lanes and asked Mr. Cameron if they should have new hearings on it, and Mr. Cameron stated yes they should, because they had widened streets like Blalock and now they had 18 wheelers going down there and there were ambulances going down the street, and there was still rain out there because there was no drainage, that if there were hearings he would take time to attend. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Council Member Tatro stated that Blalock was in his area and agreed with him that putting the bike stripping in the four foot dedicated lanes on highly commercialized travel streets were detrimental to both parties, motorists and bicyclists, if the bicyclists were ever to use them due to debris, storm drainage, inlets on the street, and it took away pavement that was meant for motorists, and that he had asked the Mayor repeatedly to review it, that it was sort of like the water rationing ordinance, that it was great when they first put it into play but when it came time to actually enact it they found out it was not such a good ordinance after all and thought that when it was all said and done they would find that it was not such a good mobility issue and not a good mobility alternative and as Mr. Cameron stated it put people in close proximity and made it dangerous for both and hoped they would reconsider very quickly.

Upon questions by Council Member Parker, Mr. Cameron stated that he got his number of \$11 million dollars to pay for bicycle signs from a girl named Vale in the Transportation Department, that she put up the signs, and Council Member Parker stated

they had a briefing that morning on the Bicycle Program and it was about a \$43 million dollar program and the vast majority of that money went into putting in trails and striping so she thought his number was wrong and asked for the number of the person who gave him that information and Mr. Cameron stated 713-837-0051, and Council Member Parker stated that they did not put curb cuts in for bicycles because bicycles were not supposed to go down the sidewalks, the curb cuts were for wheelchairs, mom's pushing baby carriages and that sort of thing and stated that pavement was for vehicles which included bicycles and bicyclists had the right to the streets. Council Members Galloway, Ellis, Sanchez and Robinson absent.

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

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Sanchez and Robinson absent.

Mr. Raul Navarro, 8807 Dover, Houston, Texas 77061 (713-926-2601) appeared and stated that he was present on behalf of the M.D. Anderson YMCA Senior Centers, that he appealed to them to find a remedy to a rather absurd situation, that last year they were asked to move out of the building for a remodeling project, that one of the specifications was the renovation of a section suited for the meetings of the senior citizens, that offices were provided, two wheelchair accessible bathrooms, a store room, all very beautiful, but no provisions were made for a water fountain, that they had no drinking water, that the YMCA leased to the Chicano Family Center and neither would accept responsibility, the Area Agency on Aging should be aware of the situation because he mailed them a letter, that they had to interrupt children classes in order to go get a drink from the water fountain, that the other alternative was to walk 75 to 100 feet away to a gymnasium and some of their members had to use walkers and canes to move around, that how could they refuse the senior citizens one of the basic needs of life, they believed it was a top priority item in a center which was licensed and pledged to the safety and health of the senior citizens. Council Members Galloway, Ellis, Sanchez and Robinson absent.

Mayor Brown stated that the center was not a City facility and asked if he had brought the concern to the management at the facility and Mr. Navarro stated that he had and was told they should be glad they were paying for the utilities otherwise the YWCA would have shut down and they would be out in the street, and Mayor Brown stated that since it was not a City facility they could not take care of the problem, and Mr. Navarro stated that the City sponsored the agency for aging citizens and believed that all the requisitions that were required by a center like that to operate had to be within the City codes and thought when they proposed the remodeling the item of the water fountain should have been taken into account before the plans were approved, and Mayor Brown asked Gloria Moreno, Health Department to meet with him and if there were any code requirements they would follow up on it. Council Members Galloway, Ellis, Sanchez and Robinson absent.

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

Mr. Freddy Blanco, 1839 Alta Vista, Houston, Texas 77023 (713-631-7811) appeared and stated that he hoped they approved the Resolution 2000 on Wednesday, that he was present to talk to them about their street again, Alta Vista, the street that took them almost 10 years to be totally reconstructed, that it was supposed to be started this week or next week, but one of his neighbors asked about the waterline and was told they were not going to put in a new waterline, that they would come back later and tear up the sidewalks to install the new waterlines in the street, that it took them 10 years to start the project and it was a bad plan to him for whoever was in charge, that they should install the waterlines at the same time instead of coming back and tearing up the sidewalks and street. Council Members Galloway, Ellis, Parker, Sanchez and Robinson absent.

Council Member Castillo stated that he had explained to Mr. Blanco that they had asked the Public Works Department to give them the schedule of installation of new waterlines in that area, that they agreed with Mr. Blanco that they did not want to construct brand new sidewalks and then come right behind a few months later and replace the waterlines and take a long time to fix the sidewalks again, that they were waiting for the response from Mr. Rolen, Public Works, and it may take some coordination of the installation of the sidewalks and waterlines. Council Members Galloway, Ellis, Sanchez and Robinson absent.

Mayor Brown stated that Mr. Wes Johnson was present to meet with him and give him the schedule, that it was his understanding that there would be no conflict between the waterlines and pavement of the streets. Council Members Galloway, Ellis, Sanchez 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](http://www.galvan.org) and happy birthday to Council Member Keller, that it was interesting that he was a Libra and Council Member Sanchez was a Libra and Libra's were masculine signs, they were leaders of the air signs, that basically he did not have too much to say and wanted to give out his website address again [www.galvan.org](http://www.galvan.org), that the main thing that stood out was the resolution on English Plus for Wednesday, Item 18, that he supported it and thought that it should be English Plus, that it should be English, Espanol, Italiano, Frances, Aleman and all that stuff and thanked Council Member Todd for the key chain, that he would add it on to his Harry Brown for president button. Council Members Galloway and Sanchez absent.

At 3:12 p.m. upon motion by Council Members Vasquez and Tatro the City Council recessed until Wednesday, September 27, 2000 at 9:00 a.m. Council Member Boney out of city on personal business. Council Member Keller absent on personal business. Council Members Galloway and Sanchez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, September 27, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, 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; Ms. Cheryl Dotson, Chief of Staff, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Karen Kelley, Agenda Office, present. Council Member Jew Don Boney, Jr. out of the city on personal business.

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

At 9:15 a.m. Mayor Brown called the meeting to order. Council Member Boney out of the city on personal business. Council Members Galloway and Keller 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 and Keller absent.

Mr. Jerry Wood, Planning and Development Department, stated that this morning's hearing was the second of the hearings regarding a strategic partnership agreement with the Baybrook Municipal Utility District No. 1 and the limited purpose annexation of the district; that as described last week it was entered into voluntarily by the district and considered to be advantageous to the city, utility district and property owners within the utility district; that it would allow the utility district to develop their infrastructure while allowing the city to collect sales tax which would be divided by that utility district. Council Members Galloway and Keller absent.

Council Member Sanchez moved to close the hearing, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Galloway and Keller absent. MOTION 2000-1173 ADOPTED.

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 Galloway and Keller absent.

Mr. Wood stated that this was a second hearing for the full purpose annexation of right of way in association with the limited purpose annexation of Baybrook Municipal District No. 1 and the right of way in question was not located within the district and otherwise would be located surrounded by City of Houston jurisdiction so in order to

eliminate confusion over emergency service delivery they were proposing to annex the rights of way of I-45, El Dorado Blvd. and Bay Area Blvd. within the Baybrook Municipal Utility District No. 1, full purposes. Council Members Galloway and Keller absent.

Council Member Sanchez moved to close the hearing, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Galloway and Keller absent. MOTION 2000-1174 ADOPTED.

Council Member Robinson moved to suspend the rules to take Item 47 out of order, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Galloway and Keller absent. MOTION 2000-1175 ADOPTED.

47. RECEIVE nominations for Positions Eight and Nine on the **CIVIC ART COMMISSION** for terms to expire two years from date of appointment – **(This was Item 37 on Agenda of September 20, 2000, POSTPONED BY MOTION #2000-1164)** – was presented.

Council Member Sanchez moved to refer Item 47 back to the Administration, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Galloway and Keller absent. MOTION 2000-1176 ADOPTED.

**Consent Agenda (Items 1 through 42) were considered as follows:**

**MISCELLANEOUS** - NUMBERS 3 through 6

4. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:
- Position 12 - **MR. JIM HORTENSTINE**, to complete an unexpired term ending 2/1/2002
  - Position 13 - **MS. CHARLOTTE ANN HAYNES**, to complete an unexpired term ending 2/1/2001
  - Position 30 - **MR. WILLIAM CECIL LINTHICUM**, for a term to expire 2/1/2002
- was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1177 ADOPTED.
5. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**, for terms to expire September 30, 2002:
- Position Four - **MR. M. MARVIN KATZ**
  - Position Eleven - **MS. JAN KISH**
  - Position Eighteen - **MR. CARLOS GARZA**
- was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1178 ADOPTED.

6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY CONSTABLE PRECINCT 5** and the **TWO WORLDS COOK ROAD RESIDENTS ASSOCIATION, INC** for Law Enforcement Services of 1 Sergeant - **DISTRICT C – GOLDBERG** - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1179 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 17A

**LOW BIDS**

11. **CHARLOTTE'S SADDLERY, INC** for Mounted Patrol Equipment and Supplies Contract for Police Department - \$65,991.80 - General Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1180 ADOPTED.

**OTHER**

12. **UNITED MEDICAL SUPPLY** - \$281,728.66 and **DIVERSIFIED MEDICAL SVCS (Bid No. 1)** \$21,240.00 for Vacutainer Tubes for Health and Human Services and Fire Departments - General and Grant Funds - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1181 ADOPTED.
14. **TURF INDUSTRIES** for Perennial Rye Grass Seeds for Parks & Recreation Department \$58,935.00 - General and Parks Special Revenue Funds - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1182 ADOPTED.
15. **LARGE SYSTEMS CONFIGURATIONS, INC (LSC)** for Hardware and Software Upgrades for the Integrated Data Server for Planning & Development - \$111,716.93 - Building Inspection Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1183 ADOPTED.
17. ORDINANCE appropriating \$516,200.00 out of Water & Sewer System Consolidated Construction Fund, \$444,000.00 payable to **T&C CONSTRUCTION, INC** for construction services, related to Sims Bayou South Wastewater Treatment Plant Temporary Lift Station Improvements, GFS R-0265-16-3 (WW4800); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – CASTILLO** - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member



Boney out of the city on personal business. Council Member Galloway absent.  
ORDINANCE 2000-845 ADOPTED.

- 17a. **T & C CONSTRUCTION, INC** for Emergency Purchase for Sims South Wastewater Treatment Plant Temporary Lift Station Improvements - \$444,000.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1184 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 18 through 42

19. ORDINANCE consenting to the addition of 42.7603 acres of land to **NORTH BELT UTILITY DISTRICT** for inclusion in its district - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-846 ADOPTED.
20. ORDINANCE consenting to the addition of 27.418 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5** for inclusion in its district - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-847 ADOPTED.
24. ORDINANCE appropriating \$201,000.00 out of Airports Improvement Fund and approving the purchase of approximately 0.5747 acre of land, and the improvements located thereon, out of the Peter Mann Survey, Abstract 562, Houston, Harris County, Texas, for the expansion of the William P. Hobby Airport, CIP A-0170, and approving a purchase and sale agreement with Investment Capital Corporation to acquire the land and improvements for a purchase price, including Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT E – TODD** - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-848 ADOPTED.
25. ORDINANCE with respect to the issuance of Special Facilities Revenue Bonds to finance cargo improvements to be undertaken by **MLR EAST CARGO, LLC** at George Bush Intercontinental Airport; authorizing a Public Hearing - **DISTRICT B – GALLOWAY** - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-849 ADOPTED.
26. ORDINANCE with respect to the issuance of Special Facilities Revenue Bonds to finance cargo improvements to be undertaken by **LYNXS HOUSTON CARGOPORT, LLC** at George Bush Intercontinental Airport; authorizing a Public Hearing - **DISTRICT B – GALLOWAY** - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-850 ADOPTED.
27. ORDINANCE with respect to the issuance of Special Facilities Revenue Bonds to finance cargo improvements to be undertaken by **TCC/AMB AVIATION IAM, LP, a Delaware Limited Partnership** at George Bush Intercontinental Airport; authorizing a Public Hearing - **DISTRICT B – GALLOWAY** - was presented.

Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-851 ADOPTED.

30. ORDINANCE appropriating \$300,000.00 out of Homeless and Housing General Obligation Commercial Paper Fund; approving and authorizing an application to the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)** for the Lead-based Paint Hazard Reduction Control Grant Program; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$3,000,000.00 - Grant Fund - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-852 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City and the **HOUSTON GALVESTON AREA COUNCIL** for a Neighborhood Environmental Education Training Program \$84,000.00 - Grant Fund - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-853 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and **GRAY'S TOWING SERVICE** for Removal and Disposal of Junked Motor Vehicles for Public Works & Engineering Department - 3 Years with two one-year options - \$40,250.00 – Revenue – had been pulled from the Agenda by the Administration, and was not considered.
36. ORDINANCE amending Ordinance No. 98-513 to increase the maximum contract amount to contract between the City of Houston and **MAYOR, DAY, CALDWELL & KEETON, L.L.P.** for Legal Services relating to lawsuit styled Maguire Oil v. City of Houston, Case No. 9355813, in the 55th Judicial District Court of Harris County, Texas - \$150,000.00 - Enterprise Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
38. ORDINANCE approving and authorizing a Utility Service contract by and between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132 - DISTRICT B – GALLOWAY** - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-854 ADOPTED.
39. ORDINANCE amending Ordinance Number 95-950 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of Oxygen Plant at the City of Houston 69th Street Wastewater Treatment Facility - \$325,000.00 - Enterprise Fund - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-855 ADOPTED.
40. ORDINANCE approving and authorizing the second contract amendment to professional environmental consulting services contract between the City of Houston and **HARDING LAWSON ASSOCIATES, INC** for the Brownfields

Redevelopment Program, CIP I-0042-01-2 - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-856 ADOPTED.

41. ORDINANCE appropriating \$55,000.00 out of General Improvements Consolidated Construction Fund 441 as an additional appropriation to professional environmental consulting services contract with **ENVIRONMENTAL CONSULTING SERVICES, INC**, GFS I-0053-AS-2, (approved by Ordinance No. 1999-1036 dated 09/29/99 and Ordinance 2000-0083 dated 02/02/00 \$41,000.00 - Enterprise Fund - **DISTRICTS C - GOLDBERG; D - BONEY; E - TODD; H - VASQUEZ and I – CASTILLO** – had been pulled from the Agenda by the Administration, and was not considered.
42. ORDINANCE appropriating \$2,012,460.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$1,786,000.00 and approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$30,000.00 for Miscellaneous Improvements at East Water Purification Plant, GFS S-0056-WP-3 (10211-23); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-857 ADOPTED.

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

**MISCELLANEOUS**

3. CONFIRMATION of the appointment of **MS. SHERRY FERGUSON** to Position 3 of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for a two year term to expire December 31, 2001 – was presented, and Council Member Bell stated that he needed to withdraw his nomination as Ms. Ferguson did not live within the City of Houston.

Council Member Sanchez moved to postpone the matter for one week for re-posting to receive nominations, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1185 ADOPTED.

**ACCEPT WORK**

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$268,360.47 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Accessibility Compliance and Renovation for Fleet Management at Teague and Burrell Sites, GFS R-0521-06-3 (4291-4) - 04.02% over the original contract amount Enterprise Fund - **DISTRICTS A - TATRO and H – VASQUEZ** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none.

Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1186 ADOPTED.

The City Secretary advised that she had failed to call the property category when Council considered the Consent Agenda and would call Items 7 and 7a at this time. Council Member Galloway absent.

## PROPERTY

7. ORDINANCE appropriating \$1,333,140.00 out of Airport System Commercial Paper Series A, C (AMT) Number 537 to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. George H. Bishop, et al, to acquire Parcel Numbers EY1-007 and EY1-008, for **RUNWAY 8L LAND ACQUISITION PROJECT**, GFS/CIP Number A-0024 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-858 ADOPTED.
- 7a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. George Bishop, et al, Cause Number 734,883; for acquisition of Parcels EY1-007 and EY1-008 for **RUNWAY 8L LAND ACQUISITION PROJECT**, GFS/CIP Number A-0024 - **DISTRICT B–GALLOWAY** – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1187 ADOPTED.

## ACCEPT WORK

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,626,455.66 and acceptance of work on contract with **BOYER, INC** for Construction of Plant 3 and Intertie Switchgear Electrical System Improvements at the East Water Purification Plant, GFS S-0056-22-3 (10430-1) - 01.59% under the original contract amount - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1188 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,036,557.42 and acceptance of work on contract with **COLT UTILITIES, INC** for Construction of Drainage and Paving at Acres Homes, Braes Utility District, District 51-2 and Interwood and Installation of Emergency Power Generators for District 123 and Ridgemont Water Plants, GFS S-1000-02-3 (10433) - 04.49% over the original contract amount - Enterprise Fund - **DISTRICTS B - GALLOWAY; D - BONEY; F - ELLIS and G – KELLER** – was presented, moved by Council Member Sanchez, and seconded by Council Member

Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1189 ADOPTED.

## PURCHASING AND TABULATION OF BIDS

### OTHER

13. **VESCO, INC** for Computer Furniture from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Finance & Administration Department - \$55,147.00 - Revolving Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1190 ADOPTED.
16. **ALFA-LAVAL SEPARATION, INC** for Rotating Assemblies Preventative Maintenance Service for Department of Public Works & Engineering - \$92,470.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1191 ADOPTED.

## RESOLUTIONS AND ORDINANCES

18. RESOLUTION relating to supporting an English Plus Environment – was presented.

Council Member Vasquez stated that he had asked Legal for an opinion and they had not yet responded; and moved to postpone Item 18 to the end of the Agenda, and was seconded by Council Member Todd. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. MOTION 2000-1192 ADOPTED.

21. ORDINANCE amending **CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new article concerning the Debarment of certain persons from contracting or subcontracting with the City on Public Works contracts; containing findings and other provisions relating to the subject; providing for severability – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-859 ADOPTED.
22. ORDINANCE amending **CHAPTER 42, CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the subdivision and development of property; containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-860 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for Promotion of the Arts – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-861 ADOPTED.
28. ORDINANCE approving and authorizing an occupancy agreement between the **ACRES HOMES COMMUNITY DEVELOPMENT CORPORATION**, as occupant, and the City of Houston, Texas, as owner, for Space in the Acres Homes Multi-Service Center - Revenue - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-862 ADOPTED.
29. ORDINANCE amending Ordinance Nos. 97-1133, 97-1629, 97-1132, 97-1131 and 99-171 to increase the maximum contract amounts for contracts between the City of Houston and the **CITY OF DEER PARK, the CITY OF SOUTH HOUSTON, THE FOUNDATION INTERFAITH RESEARCH AND MINISTRY, THE UNIVERSITY OF TEXAS, and CAGE’S MEDICAL SERVICES** for providing services to the elderly – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-863 ADOPTED.
32. ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an Arbitrage Rebate not to exceed \$543,588.67 relating to the City’s Tax and Revenue Certificates of Obligation, Series 1995B – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Galloway absent. ORDINANCE 2000-864 ADOPTED.
33. ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an Arbitrage Rebate not to exceed \$23,529.27 relating to the City’s Public Improvement Refunding Bonds, Series 1995C – was presented.

Council Member Castillo stated that this and the previous item were rebates to the IRS and included interest in payment because it was due in March and he would like an explanation for that. Mr. Hall stated that it would be appropriate for Controller’s Office to respond; and there being no one from the Controller’s Office in the Chamber Council Member Castillo moved to postpone Item 33 to the end of the Agenda, and was seconded by Council Member Ellis. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Member Sanchez absent. MOTION 2000-1193 ADOPTED.

Mayor Brown stated that Item 33 was postponed to the end of the Agenda and they would request someone from the Controller’s Office to be present for questions. Council Member Sanchez absent.

35. ORDINANCE awarding contract to **VANKIRK COLLISION SERVICES, INC** for Vehicle Body Repair Services for the Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$899,750.00 - General Fund – was presented. All voting aye. Nays none. Council Member Boney out of the



city on personal business. Council Member Sanchez absent. ORDINANCE 2000-865 ADOPTED.

37. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the maintenance of a Bayou Marker and Illumination System - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. ORDINANCE 2000-866 ADOPTED.

**MATTERS HELD** - NUMBERS 43 through 48

43. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt 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
- **(This was Item 5 on Agenda of September 20, 2000, POSTPONED BY MOTION #2000-1152)** – was presented.

Council Member Galloway moved to delete Position 2, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1194 ADOPTED.

A vote was called on Item 43 as amended. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1194 ADOPTED.

44. MOTION by Council Member Robinson/Seconded by Council Tatro to adopt 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

- **(This was Item 6 on Agenda of September 20, 2000, POSTPONED BY MOTION #2000-1153)** – was presented.

Council Member Galloway moved to delete Position 2, and was seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1195 ADOPTED.

A vote was called on Item 44 as amended. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1195 ADOPTED.

45. 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 – (This was Item 34 on Agenda of September 20, 2000, TAGGED BY COUNCIL MEMBER BONEY)** – was presented.

Council Member Tatro stated that he had submitted a letter to the Mayor regarding the bid by the contractor on the job versus what the RCA reflected and it was his understanding after looking at the bid documents and what the contractor submitted as his insurance credit, he submitted \$74,836.00 as his insurance credit and the RCA reflected \$178,380.00 and he would like to know why there was a change in what was submitted by the contractor versus what was posted as the contractor submittal on the RCA; and moved to suspend the rules to have someone answer questions on Item 45, and was seconded by Council Member Keller. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1196 ADOPTED.

Ms. Mosley appeared at the Council Table; and upon questions by Council Member Tatro, Ms. Mosley stated that the change occurred in the amount because of the change in procedures they were following; that she did want to say the procedure had no impact on the award of the contract and the amount of the award on the Agenda; that the amount awarded to Champagne-Webber was the amount before insurance and the amount they put on their bid. Council Member Tatro stated that she had said it was a change in procedure, a contractor bid one price and they reflected on the RCA another price and he was not sure what procedure they followed to change a contractor's bid and then submit them to Council for approval; and Ms. Mosley stated that she could explain that but it was important that everyone was clear that the procedure had no impact on the item before them either in the amount of the award or who the low bidder was; that for the procedure that was changed as she told Council several months ago one issue they ran across was in Council's wish that they get bids with and without insurance with

the intent to get a good and accurate credit was really having the opposite impact as they were not getting good numbers and in talking with the contractors they had a good reason, most of them did not know who their subcontractors were until putting in the bid so in trying to work with them and in trying to get a good and accurate credit they put in place a procedure to give the contractor the option of providing their own insurance number which could be documented by independent sources or using 2.29 and in addition that procedure made it very clear to the contractors that if they did not provide information that was verifiable then the city would substitute 2.29%. Council Member Tatro stated that the bid document did not state that and the amendment passed last year specifically stated that if the contractor's insurance amount could not be verified he would not be enrolled in the ROCIP and he would be made to furnish his own insurance at the cost stated and this had a significant cost effect on the city, the estimated city cost was \$145 and if he submitted \$75, he calculated it as roughly \$70,000.

Council Member Goldberg tagged Item 45. Council Member Boney out of the city on personal business.

46. 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 – (This was Item 36 on Agenda of September 20, 2000, TAGGED BY COUNCIL MEMBER PARKER and TATRO)** – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. ORDINANCE 2000-867 ADOPTED.
48. RECEIVE nominations for Positions One, Two and Four of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for two year terms to expire December 31, 2001 – **(This was a portion of Item 38 on Agenda of September 20, 2000, POSTPONED BY MOTION #2000-1166)** – was before Council. Council Member Parker nominated and distributed resumes for Mr. Burnis Earl Travis for Position Two, Mr. Sean Michael Hawkins for Position Four and Dr. Mark D. Purser D.V.M. for Position One. Council Member Sanchez moved to close nominations, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1197 ADOPTED.

**Item received during the meeting was considered as follows:**

36. ORDINANCE amending Ordinance No. 98-513 to increase the maximum contract amount to contract between the City of Houston and **MAYOR, DAY, CALDWELL & KEETON, L.L.P.** for Legal Services relating to lawsuit styled Maguire Oil v. City of Houston, Case No. 9355813, in the 55th Judicial District Court of Harris County, Texas - \$150,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Boney out of the city on personal business. ORDINANCE 2000-868 ADOPTED.

**Items postponed to the end of the Agenda were considered as follows:**

18. RESOLUTION relating to supporting an English Plus Environment – was presented.

Council Member Sanchez stated that he had an amendment to Item 18 and moved to Change Paragraph 1 in this manner:

WHEREAS, the City of Houston has the largest and most diverse population of any city in Texas, and the City's business and social interactions have been carried out in English, Spanish, and a multiplicity of languages since the time of the city's founding; and

Change Paragraph 2 in this manner:

WHEREAS, the City and the people of Houston take pride in the extraordinary and friendly relations ~~that~~ they enjoy with ~~Spanish speaking people of Mexico and Latin America, as well as with people who speak Vietnamese and other languages and other regions of the world;~~ and the peoples of diverse heritage and cultures;  
and

And change Section 1 in this manner:

Section 1. That the City of Houston ~~will encourage and support a~~ embraces and appreciates a multilingual environment wherein persons of ~~all ethnicities and races will not be discouraged from~~ multiple languages feel free to speaking the languages of their choice.

Council Member Castillo stated that he had previously reviewed the amendments and they were an improvement and he accepted them.

Council Member Vasquez seconded Council Member Sanchez's amendment. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1198 ADOPTED.

Council Member Vasquez stated that he had submitted a written amendment to Item 18 and presented a WRITTEN MOTION as follows:

"Amendment to Agenda Item 18

Section 2. That the City Council encourages application of the foregoing policy to City employees in the workplace, subject to deviations, in a manner consistent with business necessity and applicable federal laws and regulations."

Upon questions by Council Member Todd, Council Member Vasquez stated that the main section of Section 2 had "subject to deviations that are authorized", and it begged the question who was the authorizing agent, was there an appeals process, etc., etc.; that he felt his clarified and made it explicit.

Upon questions by Council Member Todd, Ms. Connie Acosta, Legal Department, stated that Title 7 was the only law that governed what language could be spoken in the workplace, there was no state law to her recollection. Council Member Todd stated that the rule in Title 7 was essentially that employers could prohibit speaking a language other than English as long as there was a business necessity and as long as it did not create a hostile environment; and Ms. Acosta stated that it did not go to the extent of creating a hostile environment, but to the extent that there was a business necessity, it was narrowly circumscribed in order to meet the circumstances in which the business

necessity arose. Council Member Todd asked that she describe a business necessity; and Ms. Acosta stated that if there was a safety issue involved for example if you were in a high-tech industry or high-tech area of the airport for example and all instructions were in English, supervisors must speak in English because they used the same terminology used in the high-tech industry so that they understand what was going on, so in those circumstances where it would go to the safety of the persons involved for the public you could have an English only policy, but then that would not go to break times, etc., it would be only when conversing with supervisors or in those situations. Upon further questions by Council Member Todd, Ms. Acosta stated that the City of Houston was governed by Title 7 and they already had to comply with it; that Item 18 did not add any duties to what Title 7 placed on them and it changed no civil service rules in Houston; that basically the resolution was an expression of the sentiment of Council on a policy issue and really had no legal effect; that they were required to comply with a law and this basically stated the law they were required to follow.

Upon questions by Council Member Todd, Council Member Castillo stated that his intent was that he believed there was a general lack of expression of what the policy was with respect to the language in general in the workplace in particular; that to use an example it was more like encouraging everyone to salute the flag, you did not have to if you did not want to; that he was trying to exhibit their desire to see multilingualism encouraged and not discouraged. Council Member Todd stated that he could appreciate the intent on that basis, but with all the amendments presented he would tag Item 18. Council Member Boney out of the city on personal business. **(Note: Council Member Todd released his tag later in the meeting.)**

Council Member Sanchez stated that his concern was precisely what was addressed, whether Council Member Castillo's resolution caused a conflict in the workplace and as he understood the city had a right to insure everyone spoke English in a safety environment; and Ms. Acosta stated he was correct. Council Member Sanchez stated that the resolution was an embrace of diverse cultures and languages of which Houston had prided itself on and as chair of the International Trade Committee he would suspect that the 73 plus consulate generals would see this as a very positive step and a very embracing step and he could see no downside to it, especially when Title 7 took precedent.

Council Member Todd stated that he had a clean copy of changes and with the understanding this was not being offered as a change to the civil service rules or as any intention of Council to change or broaden any Title 7 rules he would release his tag.

Council Member Robinson stated that like Council Member Sanchez and Council Member Castillo he felt it was good to have a welcoming environment for the multiplicity of languages and diversity and cultures which made up the broad array of the city and government set the tone and to be successful there should be different dialects and he wanted to encourage the reality of the city that Houston was and this was consistent with the law.

Council Member Vasquez thanked Council Member Todd for his flexibility and for releasing his tag; that he believed there was value in Council restating what the law was in the sense that they each made a vote to support it and it sent a clear message to the employees and Administration and also sent a message to businesses to let them know

of their commitment to multilingualism and their openness and appreciation and respect for diverse cultures and moved to call the question.

There being no one remaining on the list to speak a vote was called on Council Member Vasquez's motion to amend Item 18. All voting aye. Nays none. Council Member Boney out of the city on personal business. MOTION 2000-1199 ADOPTED.

A vote was called on Item 18 as amended. All voting aye. Nays none. Council Member Boney out of the city on personal business. RESOLUTION 2000-45 ADOPTED.

33. ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an Arbitrage Rebate not to exceed \$23,529.27 relating to the City's Public Improvement Refunding Bonds, Series 1995C – was again presented.

Mayor Brown stated that there was previously a motion to hear from someone from the Controller's Office and Ms. Judy Johnson was present and invited her to come forward.

Upon questions by Council Member Castillo, Ms. Johnson stated it was normal to file for an extension on this type of rebate claim; that from the calculation of computation date they normally had 60 days to file and they did not find it practical to file in 60 days on that type of complicated calculation and on this case they extended longer than normal because they did not have at the time a contract with an arbitrage rebate consultant, but they had since gotten their contract and caught up with the calculations. Council Member Castillo stated that was a good explanation and they probably saved more money with correct calculations.

A vote was called on Item 33. All voting aye. Nays none. Council Member Boney out of the city on personal business. ORDINANCE 2000-869 ADOPTED.

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

Council Member Vasquez stated that this Sunday, October 1, was the Heights Festival and it was put on by the Heights Civic Association and was usually attended by 15,000 people; that it began with a parade and his office would have an entry in the parade and a booth; and he would encourage all Council Members who were unfamiliar with the Heights or who wanted to have a good time to come by and visit; that it was a fun family event and he would encourage all to stop by.

Council Member Vasquez stated that this month began Hispanic Heritage Month and in celebration his office in partnership with LaRosa, a 501C3 nonprofit, and the Convention and Visitor's Bureau were sponsoring a free ballet featuring Azteca, a very talented group of people ages 5 to 22; that they were recently named state champions in a competition in Corpus Christi last summer and it was scheduled for Sunday, October 8 in the Cullen Theater of the Wortham Center; that it was a free family event to celebrate the Hispanic heritage and culture and he invited all Council Members and the public to attend.



Council Member Vasquez stated that on October 12 there would be another townhall meeting from 7:00 p.m. to 9:00 p.m. at Davis High School and he would invite all At-Large Council Members to stop by and see what concerns were and visit.

Council Member Keller stated that today Council passed what he believed was an important ordinance on the debarment program and he believed it was a measure that could be used to or summed up to say stop the bleeding as for as the projects they inherited that possibly could be large overruns; that he also appreciated that in an offensive way with this Administration they had thought ahead to improve the current and future projects; that basically he applauded that as a part of the equation of more efficient government.

Council Member Sanchez stated that yesterday at the Infrastructure and Transportation Committee they heard about a proposed ordinance against blocking intersections and one of his concerns was enforcement which brought to mind an issue he had talked about before; that it was more acute in the Galleria area, but at any given day there were more than half a dozen individuals either selling items or washing windshields and the problem was if you were exiting the freeway and turning left on Westheimer the traffic would backup all the way to 59 and there must be a law against going into the intersection and obstructing traffic and it was beyond him why HPD did not have a policy of warning them to get off the road; and upon questions, Mayor Brown stated that he would have the Police Chief look into it, he had experienced the same thing and agreed with him. Council Member Todd absent.

Council Member Sanchez stated that the Link Valley Area was dubbed Death Valley by HPD in the late 1980s, there were eight homicides on the street at one time, but the entire Stella Link corridor had been cleaned up with the help of a number of organizations; that the last parcel that needed to be cleaned up was what was formerly called Death Valley and it was sad to see citizens and nonprofit organizations had done their part and yet the city had not taken effective measures to put a substantial parcel of land which was a drain to the city in terms of abatement and cleanups and hazards to citizens, to foreclose the properties and auction them off and place them back on the tax roll for development; that it was blighted and had not produced income to the city for more than a decade; that he had talked about it for a number of years and would like to see some action; and Mayor Brown stated that he would ask Mr. Hall to look at that and report back what progress was being made. Council Members Todd and Vasquez absent.

Council Member Parker stated that earlier today Council passed an amendment to Chapter 42 and she wanted to thank all parties involved; that the Council Neighborhood Protection Quality of Life Committee had changes to Chapter 42 with unintended consequences pointed out by the development community and Mr. Litke called a meeting which resulted in consensus changes and the passage this morning was a result of how well they had done their work. Council Member Todd absent.

Council Member Parker stated that in March and April they were dealing with a situation where a neighbor of a legally operating business, a restaurant, was using city Code Enforcement personnel to harass the business, the Fox Diner, inspectors would go out and find no violations and then the next week others would go out and no violations and he was being visited time after time; that it came to her attention and she pointed it out and the Administration did look into it, she had asked that common sense be used

and if someone was inspected last week and they were operating legally then did they really need to go out the next week looking for the same thing; that clearly they did not want to back off on enforcement of safety issues but they also did not want to allow the city to be used in vendettas; that over the summer some of the issues raised in the complaints resulted in a petition before the Joint Referral Committee and about June a person in Citizen's Assistance received an anonymous complaint and went to the site and requested traffic tickets be placed on cars at the restaurant, she received another call from the restaurant owner and she talked with the person in Citizen's Assistance and to the supervisor explaining the situation and said it was in a legal process in the city and they were trying to work out the issues and could they let the process work, but here months later there were now lawsuits between the owner and the neighbor complaining and it was still in the Joint Referral Committee and the city was still working on the issue and the same member of Citizen's Assistance responded to the neighbor and decided to call and ask officers to place tickets on cars who had parked there for years and thought they were legally parked and she received another call and this time she had her staff call his supervisor and she called his director and said how many times did they have to go through this, the situation was being worked on and they wanted public safety enforcement but there was a process here; that then Mr. W. R. Morris who identified himself as Community Liaison from the Mayor's Citizen's Assistance Office called a press conference yesterday explaining he had been given a directive by top Administrative officials to look the other way on public safety issues due to a complaint from a Council Member At-Large and that was insulting to her and inaccurate, she felt it was an abuse of his authority that he called a press conference officially as a community liaison and she would not have said anything except that today as a result of his press conference the business owner was visited by a camera crew and several newspaper reporters last night asking why he discriminated against the Hispanic community; that they accused him of having a pattern of harassment of his Hispanic employees, which was not true, and that this was somehow involved in a racist manner with the Hispanic community; that she wanted a complete investigation of his actions, she felt he had seriously abused his office and she felt the city owed an apology to the owner of the Fox Diner for bringing it on his head; and Mayor Brown stated that he would direct OIG to immediately conduct an investigation into all that surrounded this and to get back to her as rapidly as possible.

Council Member Castillo stated that he wanted to thank Council for their support of the English plus resolution; that he thought it would speak well to the city and he knew they joined other major cities in the state who adopted similar resolutions

Council Member Castillo stated that he wanted to remind the Administration there was a storefront going into Chavez High School and he would urge that it be on the Agenda next week so the officers could be moved in.

Council Member Castillo stated that he wanted to remind the audience that the deadline for voter registration was fast approaching and was very important for all eligible to register do so; that the deadline was 30 days prior to the election.

Council Member Castillo stated that he would ask the indulgence of Council as he understood Mario Andretti was on his way to the Chamber for a presentation and he had been detained by traffic; and he would ask that they stay around.

Council Member Bell stated that he was requesting a status report; that he was told Southwestern Bell made a proposal to the city in January and under a new law they could change the terms of service whereby the city could save approximately \$1,000,000 on phone service per year and with a four year term that would be around \$4,000,000; that with the concern for city finances he would think the city would want to move in a rapid fashion and take advantage of such offers; that he understood the proposal had been in Legal now for a number of months and would appreciate an update on the status; and Mayor Brown stated that he would appreciate information on who the offer was made to.

Council Member Bell stated that he wanted to remind viewers that the Smoke Detector Alert Program was ongoing and volunteers would once again be going out on October 7 to install smoke detectors in the homes of eligible individuals; that the program was started several years ago by Council Member Robinson and he had asked that he continue the program after he ended his service on Council; that it continued to draw a huge number of requests and the elderly and low income could call 713-247-2032 and their eligibility would be checked on and if eligible someone would me out on October 7 to install them a smoke detector.

Council Member Ellis wished Council Member Keller a happy birthday.

Council Member Ellis stated that he wanted to use the remainder of his time to get clarification from the Administration as well as Mr. Hall; that it had been a couple of weeks letting the tax rate issue settle and there had been a lot of bickering as to where they go from here; that his understanding from the memo Mr. Hall circulated was that they would need to amend the budgets for a balanced budget; and upon questions, Mr. Hall stated he was correct, the requirement was that the bottom line number between expenditures and revenues match, but at the moment they were required to do nothing and the reason was they had 60 days from the time the certified roll was delivered to set a tax rate so in that period of time which they were still in nothing happened and that would expire October 10; that if by October 10 they had not set a tax rate then the law said the effective tax rate was inadequate so it would only be if they did nothing until then, following the 60 days they would be required to do something; that the question Council voted on was a specific tax rate and they could not come back with the specific tax rate again unless there were 10 votes of Council to suspend Council rules.

Upon questions by Council Member Ellis, Mayor Brown stated that Council already voted on the tax rate, they had the effective tax rate in place now and that was what they did and that would be what was adopted unless they voted differently; that he did not support it.

Upon further questions by Council Member Ellis, Mr. Hall stated that he wanted to be clear; that under the law if Council did nothing they had not adopted a tax rate, if Council did nothing by October 10 then the law enacted the effective tax rate; that from the date of October 10 the law said that within five days there had to be a vote of Council confirming that legally enacted tax rate.

Council Member Ellis yielded to Council Member Parker who stated that if Council were to enact that tax, to adopt the effective tax rate in advance of that time would be alright and then they would have an established tax rate; and Mr. Hall stated that the

opinion suggested that the law was they could not adopt a tax rate that had a budget larger than it was so in effect if the revenue estimate stayed the same...Council Member Parker stated that because they were required to have a balanced budget they would have to bring their budget in alignment with whatever tax rate was adopted.

Council Member Ellis stated that if Council came to the table and decided that even with the tax rate reduction revenue was higher they could not by law adopt the budget; and Mr. Hall stated that adopting the budget meant the two numbers had to match; that it was important to understand that except for the beginning fund balance on the revenue side every number was an estimate and eight votes decided what those estimates were so if they chose they could adjust them with the vote.

Upon questions by Council Member Ellis, Mr. Haines stated that if there were excess revenues it would not go to the beginning fund balance at all, if surplus revenue was identified it would go to the ending fund balance.

Council Member Ellis yielded to Council Member Castillo who stated that he wanted to point out there was another option, it was possible to bring up another tax rate for adoption as long as it was not the exact same one; that if it was posted properly a majority of Council could offer an amended tax rate and an amended budget and with the majority vote it would prevail.

Council Member Ellis yielded to Council Member Bell; and upon questions by Council Member Bell, Mr. Hall stated that under the posting of adoption for a specific tax rate it was not out of order for someone to make an amendment to adopt another number and that would not have been out of order at the time. Council Member Castillo absent.

Council Member Goldberg stated that last night he visited a civic club within District C near the Med Center and Rice University and they were hit hard with parking on their streets and wondered what happened to a previous proposal on decal parking; and in a different area others wondered what happened to the Scenic District Ordinance proposal along Highway 59; and Mayor Brown stated that someone would get him an answer. Council Member Castillo absent.

Council Member Goldberg yielded to Council Member Parker who stated that on the decal parking when the Neighborhood Protection and Quality of Life Committee set its Agenda that was one of the pending items; that she spoke to Mr. Litke this week and asked that he review the drafted ordinance in probably 1995 and then brief her so she would have a presentation for the committee; that she was not excited about it but it would be put to the committee in the near future. Council Member Castillo absent.

Council Member Sanchez stated that when Council Member Huey chaired the decal parking issue he had raised the question that if you were a homeowner in the area and had tenants on the property and they occupied the driveway and you needed to make repairs and had no decal you had no right to park and there was no answer to that question. Council Member Goldberg stated that other cities had that ordinance and maybe theirs should be looked into. Council Member Castillo absent.

Council Member Todd stated that to follow-up on Council Member Ellis' and Council Member Bell's questions he was not sure the question was answered; that there were two issues here, the tax rate and the balanced budget; and upon questions, Mr. Hall stated that the law allowed 60 days for Council to set a tax rate after delivery of the certified tax roll and that expiration date was October 10; that if Council did not then the law said the effective tax rate on that day would be enacted and it said further that Council had within five days to confirm that effective tax rate and their review of the law said they were limited to doing that; that in that further five day period they could not set another one; that the Mayor could not ask for reconsideration of what was defeated because under Council rules he was not on the prevailing side but if he changed the rate from what was proposed two weeks ago it could still be posted but obviously that was policy and not a legal issue. Council Member Todd stated that he would like to visit with Mr. Hall. Council Member Sanchez absent.

Council Member Galloway stated that the Lockwood Bridge was being repaired and what was happening was the eighteen wheeler trucks were not adhering to the road signs which stated road closed and she was requesting that perhaps a sign be posted stating no truck with hazardous materials as Monday an eighteen wheeler turned into the ditch and hazardous material spilled into the ditch and another tankard had to be brought in to get the material from his truck; and she would like the rerouting of the trucks be more clearly stated at the main intersection where the road was closed; and Mayor Brown stated that Public Works would work on that right away. Council Member Sanchez absent.

Council Member Robinson stated that he hoped discussion would be looked at with Tx DOT and other appropriate agencies regarding moving the hazardous route further outside the city. Council Member Sanchez absent.

Council Member Keller stated that he also wanted to thank the Administration and all those involved for work on the debarment ordinance. Council Members Vasquez and Sanchez absent.

Council Member Robinson stated that he would appreciate a status on the delinquent traffic ticket contract; that \$30,000,000 was delinquent and only \$10,000,000 was collected and if they could up it to even 50% there would be an additional \$5,000,000 more taken in. Council Members Vasquez and Sanchez absent.

Council Member Robinson stated that there was litigation out there with Reliant Energy relative to rates and he would appreciate an update on that lawsuit and what the City's position was; that they were talking about the potential of millions of dollars to the city. Council Members Vasquez and Sanchez absent.

Council Member Robinson stated that if after the expiration of the 60 days and within the five day window there was no action taken by Council to confirm the effective rate what happened; and Mr. Hall stated that was a good question of which there had never been given any judicial answer; that the explanation he was given as they had visited across the state about the issue was that it was written not for big cities but for very small towns and counties who could forget the steps in the process and he was advised that informally it did lend itself to the tax assessor collector to whom the tax rate after being set was deliberate to call and say they had not gotten it and they needed to

vote, but it had not gotten to that in a big city or anywhere where people had refused to do it; that they knew what the rate would be, but did not know what the tax assessor would do with regard to sending out the tax notices if it had not been confirmed; that the rate would be enacted but what would happen if it were not confirmed. Upon further questions by Council Member Robinson, Mr. Hall stated that what actually established the revenue estimates was the eight votes of Council, they had to vote those specific estimates to constitute the total revenue. Council Member Robinson stated that if expenditures were \$100 and he showed revenues of \$150 would that be illegal; and Mr. Hall stated that it was important to explain that fund balance was a budgeted item so they could put it into fund balance, it was budgeted if it were put into fund balance. Council Members Galloway, Todd and Vasquez absent.

Council Member Quan stated that at this time Council was joined by distinguished racecar driver Mario Andretti; and invited him to the podium. Council Members Galloway, Todd and Vasquez absent.

Mayor Brown stated that he also wanted to recognize Rep. Ron Wilson and Mr. Jim Melton, General Manager of the Grand Prix; that Council was very honored to have Mr. Andretti visiting today; that he was recently named the "driver of the century" by a panel of experts assembled by the Associated Press; that he was the only racecar driver to win the Indianapolis 500, Daytona 500 and Formula 1 Championship; that he had a very distinctive career and had been a good friend to Houston working tirelessly to promote the Texaco Havoline Grand Prix of Houston; that the race would be run for the third year in a row this weekend in the downtown area and Mr. Andretti had been a gracious ambassador for Houston's Grand Prix ever since it was started and his efforts had paid off; that it helped the Grand Prix to fill 10,000 hotel rooms during the race week, created an economic impact of \$30,000,000 within the city and in recognition of his efforts he would present him with a one of a kind gift from Houston's Hospitality Community and it represented some 8,000 restaurants and 300 hotels and motels who wanted to say thank you and presented him with a specially made black leather jacket, across the back it read Houston Texaco Grand Prix with the Houston downtown skyline and a portion of the racetrack in front with racecar. Mr. Andretti stated that it was a great jacket and he would wear it with pride; that he shared in the excitement of the event and clearly understood why A. J. Foyt bragged about Houston ever since he had known him, it was a beautiful and great town and a wonderful host for the car series; that Texaco was proud to be the title sponsor and they looked forward to a long relationship in the future as it was a win/win situation for all. Council Members Galloway, Todd, Vasquez and Sanchez absent.

Council Member Quan stated that yesterday there was a very information presentation at the TTI Committee regarding bicycle trails and it was obvious that a lot of discussion that went on with the plan was done well before much of the development was done that they were seeing in Houston and he would encourage a public discussion of the program to make sure all citizens were aware of what the overall plans and goals were for the trails. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

Council Member Quan stated that he would like to see the ROCIP program work but was beginning to share concerns that Council Member Tatro had expressed; that they had to take some people at their word if they were saying they could provide



insurance at a certain amount and if they were wrong then let them pay the consequences but citizens should reap the benefit. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

Council Member Quan stated that yesterday Council was presented a key chain on the Mayor's Teachers Excellency Awards with the image of Confucius, a very noted Chinese philosopher, and the Con family was actually in Houston and direct descendents of Confucius; that his name was really not one word but Con was the family name and Fucius the first name and they were happy to have in this city where they passed a resolution welcoming diversity and languages descendents of the great Chinese philosopher Confucius in Houston; and Mayor Brown thanked Council Member Quan and stated he appreciated the history also. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

Council Member Tatro thanked Council Member Parker for her work on the amendments to Chapter 42; that he was glad it was all ironed out and passed today. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

Council Member Tatro stated that to follow-up on Council Members Bell and Robinson's remarks the Legal Department had a couple of contracts under its wing, the Southwestern Bell and Municipal Courts delinquency, and both could have revenue affects to the city and he would reiterate that those need to be moved through. .Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

Council Member Tatro stated that regarding the budget they had only next week to address it and he wondered if it was the Mayor's intention to have something on the Agenda to do so; and Mayor Brown stated that they were still examining the consequences of the last vote. Council Member Tatro stated that it was obviously important to have a clear understanding of the timeframe because there was only one Council Meeting left before the date and it was an important issue and he would like to move on it and bring closure to it and adopt the effective tax rate as soon as possible. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent.

There being no further business before Council, the City Council adjourned at 10:54 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Quan. Council Members Galloway, Goldberg, Todd, Vasquez, Castillo and Sanchez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary