

City Council Chamber, City Hall, Tuesday, October 17, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, October 17, 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, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Steve Lewis, Senior Assistant City Attorney, Ms. Debra Dillard, Mayors Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Jew Don Boney, Jr. absent on personal business. Council Member Gordon Quan absent on city business.

At 2:03 p.m. the City Secretary stated that Vice Mayor Pro Tem Castillo would begin with presentations. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Parker, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Castillo stated that his first presentation was to the Houston Legal Assistant's Association and invited those present with the association to the podium. Vice Mayor Pro Tem Castillo stated that he was presenting them a proclamation for their striving to enhance professional development, education and employment in qualified legal assistance; commending them for their dedication, commitment and contributions; and proclaiming October 23, 2000 as "Legal Assistant's Day" in Houston. A spokesperson for the group thanked the City for their support and for the proclamation. Mayor Brown, Council Members Goldberg, Todd, Ellis, Keller, Parker, Sanchez, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Castillo stated that his second presentation was for Wings Over Houston and invited Mr. Dick Buelteel to the podium. Vice Mayor Pro Tem Castillo stated that October 21 and 22 was the Wings Over Houston Air Show Festival at Ellington Field; that the proclamation was celebrating Wings Over Houston's sixteenth year for their air show festival and it would be held October 21 and 22 and it was a family oriented event and a premier air show; that it showcased vintage WWII aircraft and had one of the finest displays of both modern military and WWII aircraft; that the show was produced by an all volunteer effort and since its inception it supported many worthy groups; extended best wishes for a successful and rewarding event and proclaimed October 16 through 22, 2000, as "Wings Over Houston Week", in Houston. Mr. Buelteel thanked the Mayor and Council and the Department of Aviation for their support and stated that they were considered one of the top three air shows in the United States and their goal was to become the number one air show. Mayor Brown, Council Members Todd, Parker, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding

At 2:10 p.m. Vice Mayor Pro Tem Castillo called the meeting to order and called on Council Member Galloway to lead all in prayer. Council Member Galloway introduced Pastor Joel Osteen of Lakewood Church, the Oasis of Love, who appeared at the podium and led all in prayer. Council Member Galloway led all in the pledge of allegiance. Mayor Brown, Council Members Todd, Parker and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

The City Secretary called the roll. Council Member Boney absent on personal business. Council Member Quan absent on city business. Mayor Brown, Council Members Todd, Parker and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

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

Council Member Vasquez stated that he would move to suspend the rules to group the speakers listed at the end of the Speakers List on the limousines after Mr. Koumantos, and was seconded by Council Member Tatro. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Member Quan absent on city business. Mayor Brown, Council Members Todd, Parker and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1246 ADOPTED.

### **CONSIDERATION OF AGENDA ITEM NO. 1**

1. ORDINANCE establishing City of Houston Election Precincts and designating Polling Places for the City of Houston Special Election to be held jointly pursuant to Ordinance No. 2000-768 on November 7, 2000; making other provisions related to the subject – was presented. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Member Quan absent on city business. Mayor Brown, Council Members Todd, Parker and Robinson absent. Vice Mayor Pro Tem Castillo presiding. ORDINANCE 2000-888 ADOPTED.

Vice Mayor Pro Tem Castillo requested the City Secretary to call the list of speakers. Mayor Brown, Council Members Todd, Parker and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Felix Halper, 10405 Town and Country Way, Houston, Texas 77024 (713-463-8111) appeared and stated that he was present to speak on the limousine ordinance, especially subparagraph g on page 20 which stated that every operating company needed to have a stretch limo, they considered this forcing companies into cars not needed; that they were told by the Administration the reason was to stop people who tried to circumvent the taxicab license and instead get a limousine license, but they felt that could also be achieved by setting a minimum investment similar to a stretch limo; that today most companies did not like stretch limousines and instead preferred a luxury sedan; and asked that Council try to consider other ways of circumvention of the taxicab license. Mayor Brown, Council Members Todd and Parker absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Rudy Bruhns, 1406 Hays, Houston, Texas 77009 (713-224-4445) appeared, presented a chart and stated that he was senior executive vice president of the Greater Houston Transportation Company and their company appreciated F & A's resolve to address regulatory problems not addressed by the current limousine ordinance; and their company strongly supported the proposed revisions and felt they updated the limousine ordinance and brought it in line with the new taxicab ordinance; that they also felt it went a long way in resolving other problems, one being individuals holding limousine permits but operating as taxicabs and charging taxicab rates; that his chart showed in 1992 there

were 67 limousine companies and 207 vehicles and today there were 286 companies and 804 vehicles; that many new limousine operators continued to operate as taxicabs taking business from legitimate taxicab drivers; that the second problem the new ordinance addressed was solicitation of passengers at airports, taxicab drivers often had to wait four to six hours to get a trip and limousine operators were in the terminal soliciting passengers and the revised ordinance would give the transportation section of F & A and the Airports the ability to resolve their enforcement problems. Mayor Brown and Council Member Galloway absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Goldberg, Mr. Bruhns stated that the proposed ordinance only required new entrants into the limousine market to have a stretch limousine; that there were already 286 limo companies and all existing companies were grandfathered and did not have to have a stretch limousine unless they needed to expand; that limousine rates required a minimum of two hours with \$25.00 an hour. Mayor Brown and Council Member Galloway absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Todd thanked Mr. Bruhns for coming today and for working with the Regulatory Affairs Committee on the proposed limousine ordinance and the newest taxicab ordinance and stated that he had a sheet with the basic framework for proposals and he was interested in his feedback once he read it. Mayor Brown and Council Member Galloway absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Keller, Mr. Bruhns stated that the main concern now was that limousine drivers parked in the limousine zone and then went in to solicit and a city inspector could not go up to the driver to ask for identification, but under the new ordinance they would be licensed like taxi drivers and an inspector could ask for ID; that a taxicab had to wait in the waiting area even if it was reserved in the standby lot and a starter would call them up; that a taxicab had to give the starter at the airport the name of the person he was picking up and the flight they were coming in on and currently a limo did not have to do that, but would under the new ordinance. Council Member Keller stated that he thought that was where the problem was and would like to see it focussed on; that basically they were trying to make it more fair. Mr. Bruhns stated that the problem was not just at the airport, but limousines operating as taxicabs was almost unenforceable; that in the last 90 days 50 taxicab drivers had applied for limousine permits and got them and obviously their intention was not to operate as limousines and the only way to deter this was to have an ordinance and have new operators coming into the limousine business make sure they were legitimate operators and have them make the investment to have at least one limousine. Mayor Brown and Council Member Galloway absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Ellis Houston, 7202 Irvington Blvd., Houston, Texas 77022 (713-699-8040) appeared and stated that he was vice president of United Transportation Services which operated over 200 taxicabs, para transit, limousine and shuttle vehicles and was present today supporting the passage of the proposed limousine ordinance in its current form; that the Regulatory Affairs Division had done an exceptional job of molding together an ordinance which they strongly believed to be in the best interest of the Houston transportation industry and taxi and limousine dependent customers they served. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Joe Jordan, 2615 Waugh Dr., Houston, Texas 77006 (713-680-3181) appeared and stated that he owned Jordan Limousine Service and they also approved most of the ordinance, but what Council needed to understand was that limousine was a French word that meant fancy car, it did not mean a certain amount of passengers; that they felt SUV's should be added, 55% of all cars sold in America today were SUV's and that was a clue that most of the American people liked to ride in an SUV; that executives were prohibited from riding in a stretch limousine because they were ostentatious and sent the wrong image that they were running a lean and mean operation and an SUV should be used along with Lincoln Townecars and stretch Lincoln; that they also felt the issuance of the drivers licenses was unnecessary, they had so many decals on their windshield now they could hardly see to drive; that they were also concerned as the new ordinance said you could not sell or transfer and in his will he could not leave his company to a relative and upon his death the license would terminate and someone would have to apply totally new and there should be a mechanism to transfer to anyone. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo absent.

Council Member Parker stated that it was her understanding that since the number of limousines and limousine companies were not limited in Houston he could leave his company to anyone he wanted; that taxicabs were strictly controlled with the number on the street; that he could leave his company to anyone and they would simply reregister as a limousine company; and she had questions; and moved to suspend the rules to hear from Jacqui Croy with F & A, and was seconded by Council Member Todd. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Member Quan absent on city business. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1247 ADOPTED.

Ms. Croy stated that Council Member Parker had correctly stated that the number of limousine permits on the street were not regulated and as long as the person he left his company to met all background checks he would be issued the license; that unlike taxies there was no intrinsic value to the permit itself because they did not limit the number. Mayor Brown, Council Members Galloway and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Parker, Mr. Jordan stated that you did not have to have a certain brand of luxury townecar, it had to be a Lincoln Townecar Luxury Addition or comparable vehicle of equal value so the same standard could be applied to the SUV; and Houston was the only city in the United States which did not license standard SUVs as limousines Mayor Brown, Council Members Galloway, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Todd, Mr. Jordan stated that he thought anyone in a position to affect public safety should have their background checked and he had no opposition to drug testing, fingerprinting or criminal background checks; and under the current ordinance the person you wanted to transfer your business to had to meet the criminal background requirements and they felt the way it was currently was fine. Mayor Brown, Council Members Galloway and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Constantine Koumantos, 11202 Sageblossom Dr., Houston, Texas 77089 (281-922-4449) appeared and stated that he would like Council to approve the Sport

Utility Vehicles; that they understood all vehicles were not the same, but they were considering the upper class; that townecars and even stretch limousines were getting smaller and they had a hard time getting a family of four and luggage into the car; that as previously stated Houston was the only city that did not allow an SUV to have a limousine license; that requiring drivers to wear their license on the airport grounds was like soliciting, it was like saying here I am hire me. Mayor Brown, Council Members Galloway, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Robert Antonelli, 4045 Linkwood, Houston, Texas 77025 (713 –660-0942) appeared and stated that he was owner of Allantra Limousine Service and on the board of the Limousine Association of Houston and he would also urge Council to approve the standard model Sport Utility Vehicle which was a vehicle in demand in a market place because of the added ability to carry additional passengers and luggage and the corporate sector requested them for two reasons, they provided ample space and did not present the appearance of luxury that many corporate policies prohibited; that Houston was the only city not recognizing an SUV for a limousine license and since they were highly acceptable there was no reason to not approve them. Mayor Brown, Council Members Galloway, Goldberg, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. David Schovajsa, 4800 W. 34th, Houston, Texas 77092 (713-956-6662) appeared and stated that he was president of the Limousine Association of Houston and their problems with the limousine ordinance provisions had been few; that they had repeatedly requested the use of a vehicle category clearly accepted nationwide and they were hesitant to have their entire industry punished because of misdeeds of a mere 3% of the participants; that SUVs were not likely competition to taxicabs because of the investment and higher operating cost rates almost had to be at an elevated level and there went the competitive edge; and if the possibility still existed for possible discussion it would be welcomed. Mayor Brown, Council Members Galloway, Goldberg, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Todd thanked Mr. Schovajsa for participating in discussions at the committee level and stated that a proposal was being made to allow limited use of SUVs and he would like him to review the proposal and then give him feedback; and upon questions, Mr. Schovajsa stated that he would be glad to review it. Mayor Brown, Council Members Galloway, Goldberg, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Joyce Brown, 1205 Calles, Houston, Texas 77020 (713-674-4103) had reserved time to speak, but was not present in the Chamber when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Neal Blanton, 1611 Cherryhurst, Houston, Texas 77006 (713-523-9084) appeared and stated that he lived in the Montrose area and was present in support of their prevailing building line application, Item 42, to make it like it was before the recently passed ordinance; that the city was now doing major renovations to their park and they were a few feet from it and were trying to preserve the quality of their neighborhood. Mayor Brown, Council Members Galloway, Goldberg, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Evelyn White, 8509 Glenview, Houston, Texas 77017 (713-641-2506) appeared and stated that she was present asking Council to vote in favor of an agenda item tomorrow which was an ordinance approving a lease agreement between the Houston Independent School District and the City of Houston for a community storefront service center at Cesar Chavez High School; that it was the final step in a five year process and a win/win situation for everyone; that the lease to the city was only \$1.00 and if the city could not afford it their civic club would pay; that HISD won because there was peace of mind in having police on campus and the community won because it was a resource asked for five years; and urged for a yes vote. Mayor Brown, Council Members Galloway, Ellis, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo stated that Council knew she and the civic club had worked very hard to raise money for the equipment and that this was the last step and their hard work was appreciated. Mayor Brown, Council Members Galloway, Ellis, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Ayesha Matope, 3330 Potwood Dr., Houston, Texas 77021 (713-529-9092) appeared and stated that she was a big supporter of the Rutherford B. H. Yates Museum which was being developed in the historic Fourth Ward Area; that it was great for the area and other improvements were on line; that they were interested in purchasing five and a half lots surrounding the museum which would be used for beautification and greenspace and that would enhance the area and bring tourist dollars; that there were plans for that area for affordable housing and the group trying to build the museum were running into obstacles; that Council was being asked to help loosen the process and allow the Rutherford B. H. Museum to purchase the property. Mayor Brown, Council Members Galloway, Ellis, Keller and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Lanelle Gregory, 2215 Bethlehem St., Houston, Texas 77018 (713-686-1780) appeared and stated that she lived in Candlelight Estates, Section One and their community did not want the proposed bridge over the drainage ditch at the end of Rosslyn; that the ditch did not have the capacity to hold water and it was their understanding the developer was only required to pay \$3,000 per acre and was not required to build a retention pond when already there was bad drainage on Ella and when there was a hard rain the Oaks Christian Church had water inside and that had happened for a few years now, but the main concern was for the safety of their children; that there was no need for a bridge on Roslyn as the developer already had access to his property by way of Del Norte and Pinemont; that they loved their neighborhood and neighborhoods were the heart of Houston; and asked that Council please not grant his proposal when he had access already and when it would ruin their neighborhood. Council Members Galloway, Keller and Sanchez absent.

Ms. Marian Brooks, 4002 Corder, Houston, Texas 77021 (713-747-8251) had reserved time to speak, but was not present in the Chamber when her name was called. Council Members Galloway, Keller and Sanchez absent.

Mr. David Person, 1100 Louisiana St. 4450, Houston, Texas 77002 (713-655-1500) appeared and stated that his car was booted on September 20, 2000, he was legally parked at a meter on Capital and the Parking Management Division was running plates



and found him on the boot list so he was booted about 1:00 p.m.; that there was a paper on his window stating he should go to 601 Sawyer and he was entitled to a hearing so he went and was told they did not have hearings anymore and he needed to pay \$850 or his car would be impounded at 4:00 p.m. because he was at a meter and you could not park there between 4:00 p.m. and 6:00 p.m. so he paid the \$850 and there were 17 allegedly delinquent tickets; that you did not need to be a lawyer to know the city could not just boot people and take their cars and demand payment for tickets which had not been proven received, so earlier today he spoke with Mr. Albright and was told that was the policy; that he had now sued the city over it and wanted the policy changed. Council Members Galloway, Keller and Sanchez absent.

Upon questions by Mayor Brown, Mr. Person stated that he did not remember getting any notice indicating that his vehicle was eligible for booting, but he could request a hearing within 15 days. Mayor Brown stated that records indicated he had received such a notice. Mr. Person stated that Mr. Albright said he had never sent anything by certified mail. Council Members Galloway, Keller and Sanchez absent.

Council Member Tatro stated that Mr. Person should finish his statement; and Mr. Person stated that something needed to change; that sometimes people allowed others to drive their car and if ticketed they would not know and there needed to be a better way around it; that Section 45 of the Ordinance stated there should be a hearing and he was told they no longer had them. Council Members Galloway, Todd, Keller, Castillo and Sanchez absent.

Upon questions by Council Member Bell, Mr. Steve Lewis stated parking tickets were handled as an Administrative matter, however, he checked with Mr. Beylotte before the meeting and was told a hearing was available if booted during the business day and offices were open; that the purpose of the hearing was to determine if you had the citations issued against you and was to adjudicate them; that there was also the option to post a bond so you could challenge them through normal courts. Council Members Galloway, Keller, Castillo and Sanchez absent.

Upon questions by Council Member Bell, Mr. Person stated that he would have posted a bond if given the option. Council Member Bell stated that it should be checked into to be sure the ordinance was being followed. Council Members Galloway, Keller, Castillo and Sanchez absent.

Mayor Brown stated that Mr. Joel Albright was in the Chamber and when Council Members finished their questions he would meet with him. Council Members Galloway, Keller, Castillo and Sanchez absent.

Council Member Bell moved to suspend the rules to hear from Mr. Albright, and was seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent on personal business. Council Member Quan absent on city business. Council Members Galloway, Keller, Castillo and Sanchez absent. MOTION 2000-1248 ADOPTED.

Upon questions by Mayor Brown, Mr. Albright stated that during the course of the year 17 citations were issued to the vehicle owned by Mr. Person and they became delinquent and May 11 he was sent notice to the last known address stating he had 15

days to come to the office and dispute the citations or it would be boot eligible; that it was sent normal mail and he did not avail himself to the hearing and received notice the vehicle was boot eligible; that on the 20th of last month officers saw the vehicle and realized it was boot eligible and then booted it; that once a vehicle was booted and they came in for a hearing the only thing to be heard to the hearing officer was whether the officers handled the case properly, if notice was sent; that they could not adjudicate the citations at all. Council Members Galloway, Keller and Sanchez absent.

Upon questions by Council Member Parker, Mr. Person stated that he believed he received five of the tickets they said he received. Council Member Parker stated she thought he should pay them; and Mr. Person stated that was fine, but he should still have a hearing. Council Members Galloway, Keller and Sanchez absent.

Upon questions by Council Member Robinson, Mr. Albright stated that generally two notices were sent per citation prior to the notice telling the individual that they were delinquent and in this case there were 17 citations and 34 notices sent to him beside the notice telling him he would be boot eligible if the situation was not taken care of so in his case they estimated 36 notices were sent to him. Council Member Robinson stated that he did not mind someone being booted, but it was frustrating if you were booted and showed up and no one was there to help you; and he would suggest sending it certified mail with return receipt requested and then even if it was not picked up they had the green card letting them know it was sent. Council Members Galloway, Keller and Sanchez absent.

Upon questions by Council Member Tatro, Mr. Albright stated that the sticker placed on the window when a car was booted informed them where to go and that bonding was available. Council Member Tatro stated that it was important that at such a crucial point in the transaction that the person working the window make sure all options were given and relayed correctly. Council Members Galloway, Keller and Sanchez absent.

Mayor Brown stated that Mr. Albright would meet with him at this time and assure all his legal rights were taken care of. Council Members Galloway, Keller and Sanchez absent.

Mr. John Florez, 524 Westheimer B, Houston, Texas 77006 (713-522-6548) appeared and stated that he was one of the keepers of the Westheimer Street Festival and he was present as there was a regulation in the Parks Department which stated no dangerous or exotic animals could be brought to the event and one interesting thing of their festival was that people were able to bring their lizards, boa constrictors and parrots and wear them; that they were told flatly they could not have dogs, but he hoped he could find common sense in the Chamber and they would allow parrots, lizards and such which only ate mice or seed; that Ms. Christian in Parks said they could not allow it because the next promoter may want to have lions, etc., but they were asking that the silly regulation be bent and allow them to bring their harmless pets to the event. Council Members Galloway, Keller and Sanchez absent.

Council Member Bell stated that Mr. Florez should complete his statement; and Mr. Florez stated that Council bent the rules and made a parade into a festival and he was begging them to make their animals into a decoration. Council Member Bell stated that a boa constrictor could choke someone, etc., and Mr. Florez stated it had never



happened and he was being silly and he was only asking them to use common sense. Council Members Galloway, Keller and Sanchez absent.

Council Member Parker stated that it would be in violation of city ordinance to bring a poisonous reptile or dangerous or exotic animal to the area, but the small snakes and lizards did not fall under the ordinance it was a park regulation and they began banning dogs after some unfortunate incidents at festivals; that while his festival was unique in encouraging other types of creatures and she was sympathetic in wanting to continue the atmosphere of the Westheimer Festival, but did not think it was healthy or wise to have the animals baking in the heat anyway. Council Members Galloway, Keller, Vasquez and Sanchez absent.

Ms. Hayet Gasmi, 6736 Demoss #152, Houston, Texas 77074 (713-635-4604) appeared at the podium with an interpreter who stated she came to the United States in 1997 and was diagnosed with Lupus which was a rare but devastating disease like Cancer; that she had treatment for one year at the Houston Medical Center but then stopped treatment because she could not afford it and she could not afford the insurance or drugs; that her doctor was prescribing chemotherapy which she could not take and in her country they did not have the treatment; and she was asking Council to help her get insurance for the chemotherapy. Council Members Galloway, Keller, Vasquez and Sanchez absent.

Mayor Brown stated that Ms. Debra Dillard in Citizens Assistance was present in the Chamber and would meet with her at this time to get all details necessary and see how to get help to her; that they would make sure all that could be done would be done. Council Members Galloway, Keller, Vasquez and Sanchez absent.

Mr. Christopher Cato, 7710 Boggess Rd., Houston, Texas 77016 (713-635-4604) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Galloway, Keller, Vasquez and Sanchez absent.

Ms. Alice Johnson, 14400 Highway 59, Houston, Texas 77039 (281-441-6460) appeared at the podium and stated that she was from Heart of Faith Church off Homestead in the Riverwood area and her basic concern was the children; that over 65% of the congregation were small children and at present they were holding service out of a storefront church; that they were donated 5.7 acres in 1996 and her concern was to have an activity place as any function they had the children could only play in the parking lot and it was dangerous; that they were near the Barbara Jordan Park but that was infested with this, that and the other; that she was in prison ministry and when entering the prisons she saw little faces of children and wanted to make sure there was a focus to keep them in the church and not just in the parking lot listening to the loud music; that she was a troubled youth at one time and God gave her an opportunity and she wanted to help all children. Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent.

Upon questions by Mayor Brown, Ms. Johnson stated that she was asking Council to help with a multi-purpose center. Mayor Brown stated that there was a procedure in which multi-purpose centers were funded and that was through the Capital Improvement Projects; that hearings were held yearly and they were put on a list before it was done; that she could get with Citizens Assistance and they would tell them the process; and Ms. Johnson stated that she called two years ago and Ms. May Walker said they did not do

such things and hung up, but she called back and Ms. Walker assured her they would be at the top of the list next year, but when she called back Ms. Walker was no longer present. Mayor Brown stated that first of all she was given the wrong information as the city did not donate money to churches and Ms. Walker did not work with the city any longer, but someone would meet with her now and explain how to make her request known through the Capital Improvement Process. Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent.

Ms. Catherine Roberts, P. O. Box 79425, Houston, Texas (713-739-0103) appeared, presented a pamphlet and stated that she was present to request the full participation of the Mayor and Council in a very important project for Houston; that the Rutherford B. H. Yates Museum board members would like to acquire five lots needed to complete the Rutherford Yates Museum Homestead Project and they needed a written letter from the City of Houston stating they had a signed option agreement to buy the lots and they would like it by the end of the month; that this was very imperative and it was a very critical project to the City of Houston development; that she started the journey in 1995 with Ms. Olee Yates McCullough to start an important museum of African American heritage for the City of Houston and had made personal sacrifices financial as well as her time totaling over \$200,000; that this citizens effort of hundreds of volunteers and thousands of dollars has been spent on the project to create one museum of African American heritage in a city which should have several; that this was a national historic district, the only remaining post civil war freed slave community of its kind in the United States which had been allowed to deteriorate and they were trying to save something of it; that since 1997 many letters, international calls and presentations had been made to City Council and others and no one seemed to know who she should be buying the lot from; that there was a great deal said about saving historical property but no actual follow-through; that January 31 she received a most gracious letter from Mayor Brown, an encouraging letter full cooperation stating they may purchase lots from the CDC of Churches to contact various people which they did; and Ms. Robert's time expired. Council Members Galloway, Goldberg, Todd, Keller, Vasquez and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that Ms. Roberts should sum up her statements; and Ms. Roberts stated that what it amounted to was they needed the lots assigned to the CDC reassigned to new lots and they have the power to purchase. Mayor Brown stated that he understood there was a meeting being set up with city employees on October 19 at 1:00 p.m. and all issues could be addressed at that time; that he was also told she had been advised the lots were owned by the CDC and were dedicated to affordable housing; and Ms. Roberts stated that they were also told by the Houston Housing Finance Corp. that they were not deed restricted for affordable housing and other lots could be substituted and Jeff Smith advised if they took their nonprofit donations and purchased other lots that HRI did not acquire they could come back and request a swap. Mayor Brown stated that the city's commitment was for and continued to be for affordable housing; and Ms. Roberts stated that there were other lots that could be swapped. Mayor Brown stated that was not something the city could legally do and was between her and the organization and the CDC and that Council had dedicated the property for affordable housing and no one had authority to overrule what Council decided, but Council could come back and undo whatever they did with another ordinance though their will to use the property for affordable housing had not changed; that he would be glad to help in

anyway he could and those attending the meeting on the 19th would be representing his office as well. Council Members Galloway, Todd, Keller and Sanchez absent.

Council Member Parker stated that it seemed the only way Council would be inclined to change the lots for affordable housing would be to have similar lots available to swap and she may as well not go down that road if they were not available; and upon questions, Ms. Roberts stated that there were contiguous lots not assigned and would have been more to the liking of Antioch and CDC when she viewed the map, but she had no idea if they were still available; that in the last few months Hou-Tex had not returned any calls. Council Member Parker stated that it would take another vote to overturn the decision and Council would not be inclined to overturn the decision without the lots and the first thing would be to see if there was any reason to yet proceed and if she could not get an answer as to whether lots were still available she would try to get the answer and she would advise her to take the Mayor's advise and meet with Mr. Litke and Mr. Haines. Council Members Galloway, Goldberg, Todd, Keller and Sanchez absent.

Dr. Sarah Trotty, 5926 Black Maple Lane, Houston, Texas 77088 (281-445-1613) appeared and stated that she was an associate professor of art at Texas Southern University and museum educator there and served on the board of the Rutherford B. H. Yates Museum located in Freedmen's Town and was a national historic district, a designation granted in 1986; that Rutherford B. H. Yates was the son of Jack Yates and the Jack Yates home was in the Heritage Park, he was a very important educator and contributor to Houston; that cultural tourism was the fastest growing industry in the United States and in Texas alike and according to the Texas Commission of the Arts visitors to historic sites was the number one reason many tourist traveled and the history of Freedmen's Town was parallel and equally significant to that of the City of Houston, it was the only former slave community in the United States built from the ground up by its residents; that the bottomland no one wanted housed many of Houston's first professionals of African American descent; that their museum plans had been hampered because of the property previously mentioned and it was their hope the City of Houston would embrace their goals to help make this important and historical contribution to the city relevant to its citizens and they were asking for their help. Council Members Galloway, Keller, Todd and Sanchez absent.

Ms. Joan Denkler, 823 Chester, Houston (713-467-2996) appeared and stated that she was also a board member of the Rutherford B. H. Yates Museum and this historic property could add real estate value to the city; that she had worked for affordable housing for 15 years in Houston, but thought making room for this valuable history and having value monetarily was also very important; that if the board was allowed to buy five lots by the museum from Hou-Tex the greenspace would be available to everyone in the city, particularly the neighbors, their project was the only quality of life in the extreme high density area of Freedmen's Town; that there was insufficient greenspace in the development and this was a beautiful gift to the City; that they recognized affordable housing and wanted to work for it, but felt they were being shutout by the answer that affordable housing was the only priority in the district; that they thanked Council Member Parker for her recognition of one of the problems, the trading of lots and they hoped it could be worked out because with their 465 individual donors, six large supporting foundations and hundreds of volunteers the admiration of the residents of Freedmen's Town they were positive they should be given straight answers at the meeting setup with Mr. Haines and Mr. Litke and they felt they deserved a positive

response and not just a meeting as they worked to the contract for buying the lots, the trading and initiation of one historic project of significance. Council Members Galloway, Todd, Keller and Sanchez absent.

Mr. Luther Brown, 3726 Tartan, Houston, Texas 77025 (713-661-7734) appeared and stated that he did not want to go into what had already been said, but would like to mention that he was a retired HISD volunteer and board member of the museum; that they did have much support with six large foundations, 465 financial donors and volunteers helping and supporting the complex and they also just acquired the assistance of the Harris County Retired Teachers Association; that many were very interested in the program and he hoped the Mayor and Council could find some way to help get the museum open. Council Members Galloway, Todd, Keller and Sanchez absent.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Galloway, Todd, Keller and Sanchez absent.

Mr. Richard Benitez, 2600 Hamilton, Houston, 77004 (713-752-0727) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Galloway, Todd, Keller and Sanchez absent.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77028 had reserved time to speak, but was not present in the Chamber when her name was called. Council Members Galloway, Todd, Keller and Sanchez absent.

Ms. Isidra Mauricio Ramirez, 5434 W. Bellfort, Houston, Texas 77035 (713-283-9274) appeared, presented a statement and had an interpreter who translated for her stating that she wanted to thank the City Secretary's Office and especially Louis Gonzalez for helping them every time they came to speak; that twice they were turned away by security guards because they could not speak Spanish and Mr. Gonzalez advised their supervisor to call him and he would translate for any Spanish speaking citizen that had business at City Hall and the Hispanic Community would be grateful that Mr. Gonzalez would take the time to help; that she used to work for Deama Cleaning Services until she began to complain about not being paid overtime and her check being short almost every week; that since her last visit to Council she had only heard from Affirmative Action; that if she remembered correctly Mayor Brown said Mr. Calvin Wells would investigate Deama Cleaning Services and she would like to know his findings since he had a month now to investigate; that Affirmative Action

Mayor Brown stated that Mr. DeLeon in charge of the Affirmative Action Office was present in the Chamber and did conduct an investigation; and asked if there would be a motion to hear from him. Council Members Galloway, Todd, Keller and Sanchez absent.

Council Member Vasquez moved to suspend the rules to Hear from Mr. DeLeon, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Boney absent on personal business. Council Member Quan absent on city business. Council Members Galloway, Todd, Keller and Sanchez absent. MOTION 2000-1249 ADOPTED

Mr. De Leon appeared and stated that they were investigating now and had looked into the facts that they were given; that the problem was they may not be covered under the Fair Labor Standards Act which meant they may not get overtime nor minimum wage; that they were working with the Legal Department to determine whether there was any other local or state statutes that would require the company to pay overtime or minimum wage to their employees. Council Members Todd, Keller, Parker and Sanchez absent.

Council Member Vasquez stated that he would like Mr. DeLeon to send his office information on the Fair Labor Act; and upon questions, Mr. DeLeon stated that right now they were waiting for Legal to tell them something; that they had talked with the U. S. Department of Labor and the company was earning less than \$500,000 a year and because of that designation they did not fall under the FSLA; that he had checked with every federal government statute there was and were checking to see if there were any other requirements by the state. Council Member Vasquez stated that he would like Mayor Brown to ask Legal to expedite that as soon as possible; and Mayor Brown stated that he would take care of it. Council Members Todd, Keller, Parker and Sanchez absent.

Upon questions by Council Member Robinson, Mr. DeLeon stated that he did not know the state's minimum wage right now nor did he know how many companies earned \$500,000 a year or less. Council Member Robinson stated that he knew a number of cities around the city had implemented city minimum wage ordinances and he wondered who those applied to and he would be interested in visiting with him and Legal on that issue; that for him the starting point was contract compliance and what they paid or said they would pay; and upon questions Mr. DeLeon stated that the City's Contract Compliance authority did not extend to that, it only dealt with construction contracts; that they had no authority, but they were investigating it; that the U. S. Department of Labor had done their own investigation and found they were not covered under the FSLA and that was where this question came into play, it seemed they were not covered under anything right now. Council Members Todd, Keller, Parker and Sanchez absent.

Council Member Castillo stated that he heard in the discussion by the complainant that there may be some aspect of discrimination under EEOC in that Hispanic employees were being treated differently than others and he would want that office to look at that aspect; that secondly there was allegation that the complainant was retaliated against because she and others spoke up about their treatment and there was a state as well as national Whistle Blowers statute which prohibited retaliation so there were aspects which went beyond the matter she originally complained about and he would like that investigated as well. Council Members Todd, Keller, Parker and Sanchez absent.

Mayor Brown asked if Mr. DeLeon had all that; and Mr. DeLeon stated that he did. Mayor Brown thanked Ms. Mauriceo for coming and stated that Mr. DeLeon would follow-up and see what could be done. Council Members Todd, Keller, Parker and Sanchez absent.

Ms. Carmen Zuniga, 5170 Glen Ridge, Houston, Texas 77053 (713-433-3518) appeared with an interpreter and presented a statement which was translated and stated that she used to work for Deama Cleaning Services but was told to leave for complaining about the checks and that was not just; that they, the immigrants, did the work no one wanted to do and they were not being treated as they should; that no one here knew the

job they did, but Council's families fought for them and sacrificed for them to have things in this country and they wanted to know their rights because they came here looking for a better life also and were not treated right; that they wanted their money returned which was held from their checks and it was just to have the money returned. Council Members Todd, Keller and Sanchez absent.

Mayor Brown stated that Mr. DeLeon would continue to follow-up and they would do whatever could be done as rapidly as possible to address their concerns. Council Members Todd, Keller and Sanchez absent.

Council Member Vasquez stated that when Mr. DeLeon was investigating he would like to also know when this contract was up and also whether they paid their proper federal and state taxes and if they did not. Council Members Todd, Keller and Sanchez absent.

Ms. Thelma Limbrick, 5746 Reed, Houston, Texas 77033 (713-734-7871) had reserved time to speak, but was not present in the Chamber when her name was called. Council Members Todd, Keller and Sanchez absent.

Ms. Rosemary Covalt, 10622 Riverview, Houston, Texas 77042 (832-236-8037) appeared and stated that she was representing taxpayers, parents, grandparents and was also chairman of the Hispanic Education Committee Life Safety School Inspection Team; that today she was also representing 5,500 staff and faculty members for the Houston Federation of Teachers; that their group was created in 1995 with the blessing of Mayor Lanier and Chief Torres in conjunction with cooperation of Dr. Rod Page in getting schools inspected and coming up to compliance; that they also supported school bonds in 1998 so they could get the money allocated to bring in all schools; that they had approximately 300 schools now and the bonds of \$678,000,000 would only cover 70 of those schools; that they were being built faster now and still there was life safety compliance issues needing to be addressed; that today she was present because Chief Tyra told her there would be no major changes in the school team inspections, but now found out after meeting with him that the school inspection team was practically gutted with there being a moratorium on life safety issues for HISD and that was not acceptable and they would not tolerate it; that some buildings were built as early as 1926 and still housed children and they were representing approximately 207,000 children and the facilities were used a lot and if the quality of inspection was not maintained the buildings would be lost; that the way Chief Tyra and Assistant Chief Dan Pruitt wanted to develop the team was maybe a school would be inspected every three years and it was not acceptable. Council Members Todd, Keller and Sanchez absent.

Council Member Vasquez moved to suspend the rules to hear from chief Britt; and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Member Quan absent on city business. Council Members Todd, Keller and Sanchez absent. MOTION 2000-1250 ADOPTED.

Chief Britt appeared and stated that there were some reassignments done in that division as far as the School Inspection Team, but as for gutting the whole team he did not believe that was done; that what he could find out was reassignments were done; and Ms. Covalt stated that she would beg to differ, she was given a list of the reorganization



by Chief Tyra after a knockdown drag out they had and after which she had filed a formal complaint with the Office of the Inspector General because of his behavior. Council Members Todd, Keller and Sanchez absent.

Upon questions by Council Member Ellis, Ms. Covalt stated that she was the chair of the Hispanic Education Committee Life Safety School Inspection Team developed in 1995; that they made sure the money was spent for life safety. Council Members Todd, Keller and Sanchez absent.

Upon questions by Council Member Ellis, Chief Britt stated that he could not tell him the exact number of the School Inspection Team, he believed there were seven presently and they covered school districts in the city. Upon further questions by Council Member Ellis to Ms. Covalt, Ms. Covalt stated that her complaint was they were given an additional 600 nurseries, charter schools and other facilities with the same amount of men. Upon further questions by Council Member Ellis to Chief Britt, Chief Britt stated that the number of inspections had increased and she was right that she and the group had worked tirelessly to bring the schools up to code and the Houston Fire Department placed the children's safety at one of their highest priorities; and he would get information on how many inspectors there were, how many inspections completed and how many the Tri-Data Report said was needed. Council Members Todd, Keller, Parker and Sanchez absent.

Upon questions by Mayor Brown, Chief Britt stated that the Fire Department had a good working relationship with the group and he would assure him it would continue. Council Members Todd, Keller, Parker and Sanchez absent.

Council Member Galloway stated that she knew what a good job Ms. Covalt did and believed she was here regarding the money allocated in the bonds to upgrade the schools toward the Fire Code; and Ms. Covalt stated that if they stayed with the 600 schools and inspectors would be okay, but now the leadership was taken away from the gentleman who developed the team and taken two men off the team and given them 600 more schools; that each school was to be inspected once a year and now would only get inspected every three years and with that they would deteriorate again. Mayor Brown stated that they did intend to take care of all of that; that the Fire Department would take care of her concerns. Council Members Todd, Keller, Parker and Sanchez absent.

Mayor Brown stated that Council was very pleased to have a delegation of 27 from Ningbo, China visiting today and asked them to stand to be recognized. Council Members Todd, Keller, Parker and Sanchez absent.

Mr. Willard Hunter, 4801 Scott, Houston, Texas 77004 (713-572-9854) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Todd, Keller, Parker and Sanchez absent.

Mr. Arthur Moore, Jr., 8800 Broadway #4812 (713-645-3056) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Todd, Keller, Parker and Sanchez absent.

Mr. Jarvis Butler, 4101 San Jacinto, Houston, Texas 77004 (713-768-4202) appeared and stated that he was president of the Houston Black Professional Firefighters

Association and a 21 year veteran of the Houston Fire Department; that often city government was asked to respond to a public safety need and when they did respond they did not in-kind thank them; that he looked in his computer and saw about eight letters he had generated to Mayor Brown recommending surveys and studies and talked with him on several occasions and he did appreciate his time and effort and that of the entire Council; that he thought Tri-Data put needs forth and his organization would look at the report and respond and he was sure that Local 341 would do the same; and they did appreciate him looking out after the public's safety. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mayor Brown thanked Mr. Butler and stated that he and Council appreciated his continuous interest to make sure he had a professional fire department. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mr. R. J. (Bobby) Taylor, had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Ms. Ruby Dixon, 6463 Cambridge Glen, Houston, Texas 77035 (713-728-0741) appeared and stated that she spoke to Council before on the state of persons with disabilities here in Houston and advised that Corporate America had closed their doors and hiring practices in Houston was near none; that she was executive director of We Are People Too and they were incorporated with the State of Texas on December 17, 1999, and they had not yet received funding; that they had a performing quire which had performed at some city events and they had a support group and were trying to get a magazine over the Internet; that it was important for the picture to change for disabled persons as Social Security and SSI and such incomes could barely meet the needs of a person in Houston and they were asking for the Mayor and Council's assistance in getting their corporation off the ground; that they were also approved through the State of Texas to start a music label called Houston Sound; and they would like any assistance available. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mayor Brown thanked Ms. Dixon for coming and stated that Ms. Kim King, Director of the Mayor's Office for People with Disabilities was present and he would ask that she meet with her and see what could be done to be helpful to her cause. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mr. Griff Griffin, 3218 Suffolk, Houston, Texas 77027 (713-503-8064) had reserved time to speak, but was not present in the Chamber when his name was called. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that this was October 17, 2000, [www.galvan.org](http://www.galvan.org) and that this past week during the Monday night City Council Session he witnessed a bunch of hypocritical politicians fighting for power and money; that as he stated Monday he looked at this like a college class and had to do a better job of mastering it; that he first wanted the city to

mow 1611 Holman and he had already called Council Member Castillo's office two or three times; that Council Member Parker told Mr. Person earlier to pay his tickets but she should quit acting like a Communist and start voting to support the freedom of dogs and cats and other pets at the Westheimer Street Festival which she was helping to destroy; galvanism, galvanismo; James Partsch-Galvan Libertarian Candidate for Texas Rep. 147. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Ms. Yolanda Barraza, 3910 Sherwood Lane #32, Houston, Texas (713-683-6353) appeared with an interpreter who translated that she had worked for Deama Cleaning Services and was present before Council about 10 days ago and had no response; that she was told it would be investigated, but she needed a response to her problem. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

Mayor Brown stated that he would like her interpreter to explain what was said to the other two ladies on the same subject; that Mr. DeLeon with Affirmative Action was working on it and he did conduct an investigation; that he was looking at different issues and would do what could be done to address their concerns. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

At 3:23 p.m. upon motion by Council Members Castillo and Galloway the City Council recessed until Wednesday, October 18, 2000 at 9:00 a.m. Council Member Bony absent on personal business. Council Member Quan absent on city business. Council Members Todd, Ellis, Keller, Parker and Sanchez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 18, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Gerard J. Tollett, Director, Convention and Entertainment Facilities; Ms. Martha Stein, Agenda Director and Ms. Karen Kelley, Agenda Office, present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:24 a.m. Mayor Brown called the meeting to order. Council Members Tatro, Galloway and Keller absent.

### **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 59 were considered as follows:**

### **MISCELLANEOUS** - NUMBERS 2 through 12

2. CONFIRMATION of the appointment of **MS. KAPPY MUENZER** to Position Three of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for a two year term to expire December 31, 2001 – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye.

Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1251 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES:**

Position Two **MS. VERNITTA LENOR**, appointment, for a term to expire July 26, 2002

Position Four - **MS. LINDA PICKLE**, appointment, for a term to expire July 26, 2002

Position Six - **MR. RICHARD PEREZ**, appointment, for a term to expire July 26, 2002

Position Eight - **MR. JON A. SIMMONS**, reappointment, for a term to expire July 26, 2002

Position Ten - **MS. DETRA D. STEWART**, reappointment, for a term to expire July 26, 2002

Position Twelve **MR. SAMUEL HOM**, reappointment, for a term to expire July 26, 2002

ALTERNATE POSITIONS

Position One - **MS. MERCEDES ALEJANDRO**, appointment, for a term to expire July 26, 2001

Position Two - **MR. MALAIKA ADAN**, appointment, for a term to expire July 26, 2002

Position Three - **MR. ROBERT BARTLETT**, appointment, for a term to expire July 26, 2001

Position Four - **MR. LUIS SOTO, II**, appointment, for a term to expire July 26, 2002 - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1252 ADOPTED.

7. RECOMMENDATION from Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2001 - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1253 ADOPTED.
9. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and the **CENTRAL CITY INDUSTRIAL PARK (C.C.I.P.)** for Law Enforcement Services of 1 Sergeant and 7 Deputies - **DISTRICT I - CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1254 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$39,816.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Calendar Year 2000 Ground Water Withdrawal - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1255 ADOPTED.
11. RECOMMENDATION from Director of the Department of Public Works & Engineering for payment of invoice from the **WATER ENVIRONMENT RESEARCH FEDERATION** Utility

Subscription Program Fee - 1 Year - \$77,064.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1256 ADOPTED.

12. RECOMMENDATION from Director of Department of Public Works & Engineering for supplemental allocation of funds in the amount of \$346,801.00 for the joint funding agreement with **U.S.G.S.** for water resource monitoring - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1257 ADOPTED.

#### **ACCEPT WORK Items 13 and 13a**

13. ORDINANCE appropriating \$113,444.18 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Reconstruction of Long Point from Campbell to Hollister, GFS N-0674-01-3, under construction contract with **SOUTH COAST CONSTRUCTION COMPANY, INC**, approved by Ordinance No. 96-1394 - **DISTRICT A – TATRO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 13a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$211,019.00, final contract amount of \$2,694,135.44 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION COMPANY, INC** for Reconstruction of Long Point from Campbell to Hollister, GFS N-0674-01-3 - 09.62% over the original contract amount - **DISTRICT A – TATRO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

#### **PROPERTY Items 21 and 22**

21. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel HYO-3, located at 10621 South Main Street, owned by Teena Knight Reese, Janet Knight Musselman, Gary Knight, Dorothy Knight, Cynthia Knight Bruce, Sterling T. Knight, Sandra Gail Knight Cole, Etta Mae Glass, and an interest each to the Rabby Revocable Trust and the Testamentary Family Trust, both created under the will of Chester Kenneth Rabby and naming James Howard Rabby the trustee, for the **FIRE STATION 21 PARKING LOT EXPANSION PROJECT**, CIP C-0089-00-1 - \$41,643.00 - Fire Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway and Keller absent. MOTION 2000 1258 ADOPTED.
22. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KYO-14, located at 3333 Holly Hall, owned by VVP America, Inc., a Delaware corporation, William M. Minderman, Vice President, for the **WATER LINE EASEMENTS FOR THE SOUTH UNION SUBDIVISION PROJECT**, CIP S-0035-48-1 - \$9,925.00 - Enterprise Fund - **DISTRICT D – BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays

none. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1259 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 23 through 35

23. **PARALLAX SERVICES, INC** for Replacement of Seven A/C Units for Finance & Administration Department - \$58,000.00 and contingencies for an amount not to exceed \$60,900.00 - Equipment Acquisition Consolidated Fund had been pulled from the Agenda by the Administration and was not considered.

**LOW BIDS**

25. **AMERICAN CORPORATE SERVICES, INC** for Medical Record Folders and Index Dividers for the Health and Human Services Department - \$115,025.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000 1260 ADOPTED.
26. ORDINANCE appropriating \$55,474.65 out of the Water & Sewer System Consolidated Construction Fund for providing services to Cut and Plug Water Pipes for the Public Works & Engineering Department had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 26a. **J. T. B. SERVICES, INC** to Cut and Plug Water Pipes for Department of Public Works & Engineering - \$52,833.00 and contingencies for an amount not to exceed \$55,474.65 had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
27. **SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC** - \$770,285.00 and **BADGER METER, INC** - \$18,723.91 for Turbine and Magnetic Type Water Meters for Department of Public Works & Engineering - New and Replacement - Enterprise Fund had been pulled from the Agenda by the Administration and was not considered.
28. **IDENTATRONICS, INC** - \$30,378.32 and **LAMINATION SERVICE, INC** - \$80,749.02 for Security Badging Equipment for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000-1261 ADOPTED.

**OTHER**

29. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/Re-certification of Firefighters for Fire Department - \$66,440.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000 1262 ADOPTED.



30. **AMEND MOTION #2000-376, 3/8/2000, TO INCREASE** quantity of Item No. 1 by one unit, awarded to **A.M.C. INDUSTRIES** - \$10,507.00, increase Item No. 2 by two units awarded to **BROOKSIDE EQUIPMENT SALES, INC** - \$170,189.00 and Item No. 8 by four units awarded to **LANSDOWNE MOODY CO., INC** - \$42,400.00 for Grounds Keeping Equipment for Parks & Recreation Department - Equipment Acquisition Consolidated and Park Special Revenue Funds - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000-1263 ADOPTED.
31. **AMC INDUSTRIES, INC** for Jacobsen Kut Kwik Equipment for Parks & Recreation Department \$93,260.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000-1264 ADOPTED.
33. **AMEND MOTION #98-768, 5/6/98, TO INCREASE** award amount to **SIRCHIE FINGERPRINT LABS** by \$7,302.72, **LYNN PEAVEY COMPANY** by \$2,853.66, **MODUS OPERANDI UNLIMITED** by \$2,765.63, **CENTRAL POLICE SUPPLY** by \$2,131.97 and **CRIMINALISTICS, INC** by \$2,757.00 for Fingerprint Supplies for the Police Department - \$17,810.98 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000-1265 ADOPTED.
34. **AMEND MOTION #99-338, 3/3/99**, amended by Motion Nos. 99-1154, 6/30/99 and 99-1747, 10/6/99, **TO INCREASE** quantity to purchase two additional Sewer Cleaning Trucks for Department of Public Works & Engineering, awarded to **UNDERGROUND, INC** for a total increase of \$342,778.00 - Replacement - Street & Drainage Maintenance Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000-1266 ADOPTED.
35. **ROSEMOUNT, INC** for Process Instrumentation and Parts for Water Purification Plants for the Department of Public Works & Engineering - \$235,000.00 - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Keller absent. MOTION 2000 1267 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 38 through 59

38. ORDINANCE amending City of Houston Ordinance No. 1999-1286 relating to the Rescheduling or Postponement of certain City Council meetings; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-890 ADOPTED.
39. ORDINANCE issuing a permit to **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** for building, constructing, using, occupying, operating, maintaining and repairing a retention system consisting of piers and tiebacks, and a basement wall and vault room, all within portions of Austin Street, McKinney Avenue, La Branch Street, and Walker Avenue, and abutting Block 129, S.S.B.B.; being within public street rights-of-

- way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued – **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-891 ADOPTED.
40. ORDINANCE establishing the south side of the 1600 Block of Cherryhurst Street within the City of Houston as a Special Building Line Requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-892 ADOPTED.
42. ORDINANCE approving and authorizing lease agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT**, as lessor, and the City of Houston, Texas, as lessee, for space in Cesar E. Chavez High School for a Storefront Community Police Service Center - **DISTRICT I - CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
44. ORDINANCE relating to the City of Houston Special Election to be held on November 7, 2000; providing for the appointment of the Presiding Judges of the Early Voting Ballot Boards and Central Counting Stations and the Precinct Judges and Alternate Precinct Judges for the Special Election; prescribing the maximum number of Clerks for each precinct; containing other provisions related to the subject – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-893 ADOPTED.
45. ORDINANCE approving and authorizing an Election Services contract between the City of Houston and **HARRIS COUNTY** for the November 7, 2000 Special Election; making various findings and provisions relating to the subject - \$145,000.00 - General 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.
46. ORDINANCE approving and authorizing amendment No. 1 to Ground Lease Agreement between the City of Houston and **ANADARKO PETROLEUM CORPORATION** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-894 ADOPTED.
47. ORDINANCE approving and authorizing amendment No. 5 to Lease Agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION** at William P. Hobby Airport - Revenue **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-895 ADOPTED.
48. ORDINANCE approving and authorizing lease agreement for an Airport Surveillance Radar Site at George Bush Intercontinental Airport/Houston by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** - **DISTRICT B - GALLOWAY** – was

presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-896 ADOPTED.

49. ORDINANCE approving and authorizing lease agreement for an Environmental Support Unit Facility at George Bush Intercontinental Airport/Houston by and between the City of Houston and **THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** - Revenue - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-897 ADOPTED.
50. ORDINANCE approving and authorizing the submission of an application for grant assistance from the **STATE CRIMINAL JUSTICE DIVISION (CJD), OFFICE OF THE GOVERNOR**, to fund the Drugfire Program in the City of Houston; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds, if any, and to apply for an accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-898 ADOPTED.
51. ORDINANCE approving and authorizing a Texas Highway Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Safe Trucks Driven Safely Selective Traffic Enforcement Program (STDS STEP) Grant; authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such funds and to act as the City's Representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-899 ADOPTED.
52. ORDINANCE approving and authorizing Regional Law Enforcement Training Services contract between the City and the **HOUSTON-GALVESTON AREA COUNCIL** (For local enforcement of Illegal Dumping Laws through Rat-on-a-Rat Program) – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-900 ADOPTED.
55. ORDINANCE awarding contract to **ANTHONY HUTCHISON EXTERIOR DESIGN** for Grounds Maintenance and Landscaping Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$447,789.90 - Enterprise and Transtar Funds - **DISTRICTS A - TATRO; G - KELLER and I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Tatro and Keller absent. ORDINANCE 2000-901 ADOPTED.
57. ORDINANCE appropriating \$255,392.86 out of Parks Consolidated Construction Fund and \$816,857.14 out of Park Capital Fund, awarding construction contract to **GULF COAST GOLF, INC** on low bid of \$975,000.00 and approving and authorizing professional services contract for engineering testing services with **BANDY & ASSOCIATES, INC** in the amount of \$29,000.00 for Parks to Standard Program Phase II - Bid Package No. 8 - Brock Golf Course and Brock Park Bridge, F-0363-8A-3 and F-0363-8B-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

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

58. ORDINANCE appropriating \$422,360.86 out of Parks Consolidated Construction Fund and \$290,000.00 out of Park Capital Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** on low bid of \$648,000.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** in the amount of \$19,000.00 for Parks to Standard Program Phase II - Bid Package No. 7 - Homer Ford Tennis Center and Lee LeClear Tennis Center, F-0363-7A-3 and F-0363-7B-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS D - BONEY and F - ELLIS** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
59. ORDINANCE appropriating \$862,380.00 out of Parks Consolidated Construction Fund, awarding construction contract to **PRIME CONTRACTORS, INC** on low bid of \$784,000.00 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$23,500.00 for Parks to Standard Program Phase II - Bid Package No. 41 Miller Outdoor Theatre Life Safety Package, F-0363-41-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund **DISTRICT D - BONEY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

#### **END OF CONSENT AGENDA**

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

##### **MISCELLANEOUS**

4. RECOMMENDATION from Chief Administrative Officer, Mayor's Office for approval of supplemental budget submitted by the Greater Houston Convention and Visitors Bureau - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1268 ADOPTED.
5. RECOMMENDATION from Director Convention & Entertainment Facilities for approval of supplemental budget submitted by the Arts Council of Houston/Harris County - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1269 ADOPTED.

Council Member Todd moved to suspend the rules to take Item 65 out of order, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 1270 ADOPTED.

65. ORDINANCE amending **THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Limousine Services; containing other provisions relating to the foregoing subject; providing for severability. **(This was Item 15 on Agenda of October 4, 2000 - TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Council Member Todd moved to delay Item 65 for two weeks, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 1271 ADOPTED.

6. RECOMMENDATION from Director Department of Health & Human Services for approval of third year funding for an Interlocal Agreement with **HARRIS COUNTY** for the Houston/Harris County Child Fatality Review Team - \$44,732.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1272 ADOPTED.
8. RECOMMENDATION from the City Attorney for approval of City of Houston Legislative Principles for the 77th Session of the Texas Legislature submitted by the City Council Legislative Affairs Committee – was presented.

Council Member Robinson stated he had an amendment to make to the principles that was previously distributed to Council Members asking that they include as one of their legislative priorities a request of the Legislature to lower the cap on how high residential property values could be raised by the appraisal district in each year, seconded by Council Member Tatro.

Council Member Castillo stated he would like the maker of the motion to expound on it because he had not had a chance to look at it.

Council Member Robinson stated that all the amendment stated was that they were asking the Legislature to look to lowering from 10% to a number below that, what they could increase residential property values in any given year, that they could raise it above 10% but only 10% was applicable each year and anything above that carried over to the next and they were asking that they look at lowering the 10% to some number below that, so if the property values went up 13% under the current law they would apply 10% this year and the following year they would add the 3% to whatever increase up to 10% and the amendment simply asks that they ask them to look at lowering that, that for instance if they went to 5% and the property was appraised at increasing 10% they could only apply 5% in a given year .

Council Member Castillo stated that he tended to read what the Council Member's intent was but he noticed that that principles were general statements of philosophy and general statements of broad objectives and this one was fairly specific and asked if they could do what Council Member Robinson wanted without amending the list of principles.

Mayor Brown stated that first of all he had not seen Council Member Robinson's amendment and maybe Mr. Hall could look at it in context of whether it was a specific and not a generality.

Mr. Hall stated that he did get a chance to see a copy of what was proposed and thought Council Member Castillo was correct it was a proposition that Council Member Robinson submitted to the Legislative Affairs Committee and it was not approved as were a good many things, that the document represented substantially the broad principle goals that the Legislative team would pursue in Austin, there would be probably 1,500 or so different legislative proposals of one sort or another that would impact the City so there had not been an effort to try and put specific pieces of legislation in the principles themselves and it did not preclude Council from proposing specific positions on specific things as the Legislative Session actually proceeded, but it would be unusual to put a specific thing and if they read the

principles not one of them related to specific proposals in terms of numbers and all that kind of thing.

Council Member Robinson stated that the way he wrote the amendment, and stated that copies were being distributed again and copies were sent to the Mayor's office, the City Attorney, the CAO, the Deputy CAO and the Chief of Staff and everybody he could think of, that somehow the mail system in the City was not working and they ought to look at that, that it had been sent out by fax and interoffice, hand delivered to all the Council Members and hand delivered to the Mayor's office, that his point was that there was no percentage relative to lowering it, but if it was viewed as too specific a statement then he would assume a more general statement was that the City ought to be on record asking the Legislature to look at ways to provide additional property tax relief, but thought the amendment was a general statement of asking them to look at lowering the current Constitutional maximum of 10%.

Council Member Ellis asked Council Member Robinson if basically he wanted to put a cap and wanted the State to make the appraisal districts put a cap on how much they could increase homesteaded residential properties, and Council Member Robinson stated yes, that there was a State Constitution Cap now of 10%, and Council Member Ellis asked for Council Member Robinson to take a friendly amendment and in his sentence where it states "legislation to lower the cap on how high" to put "homesteaded residential property values", and Council Member Robinson stated he would accept that as a friendly amendment.

Council Member Boney stated he was in agreement with the spirit of Council Member Robinson's proposed amendment and had two questions for the City Attorney, did they have the opportunity to add additional principles later on or was it the last time that Council would have the opportunity to consider such an amendment to the principles, and Mr. Hall stated that noting would preclude adding principles but that had never been done before in the last 12 or 14 years, because what people had done was to direct attention to specific pieces of legislation, some of which they might not know now was going to be filed, and that did happen throughout the session, there had not been an effort in the past to go and amend the principles in the middle of a session, that the reason for that was obviously they could not determine now all of the legislation that was going to be considered and introduced in the Legislative Session which was why about six or seven sessions ago this process was developed to give direction to and a lot became of how they were to handle all the various pieces of legislation and amendments that came up in the Legislative Session.

Council Member Boney stated that the second question he had was about a proposed amendment that he had, it was not in writing but he had discussed it at the table before, that the would like the Legislature in light of the HIV and AIDS epidemic in Houston to consider legislation that might provide for the distribution of condoms in State prisons and a syringe exchange program, and Mr. Hall stated that he would put that in the same class as the amendment that was offered, that it could be a proposition offered before the Council for specific support, and the reason he suggested that was that those things took so many different turns, and as they took the turns people might be for them in one form and not for them in another which was why it was kind of dangerous to get involved with more than just those broad principles.

Council Member Parker stated that she had a few issues with the amendment, that one, they did consider it in the Legislative Affairs Committee and it did not pass out of committee, but the problem she was having at the table was that she thought there was some confusion,



there was not a cap on how much their assessed values could go up, there was a cap on how much their payments could rise each year, and she did not know if the statement she saw in the memo was the one he was trying to address, that it stated to "lower the cap on how high residential property values could be increased each year" and she did not realize there was a cap on how high the assessed value could go up, and Council Member Robinson stated that he was more than happy to take a friendly amendment to change the value to the assessed value, and Council Member Parker stated that what Council Member Ellis was talking about was assessed values and what Council Member Robinson's was about annual payments, and Council Member Robinson stated that clearly they were just talking about vocabulary because the intent was the applicable 10% for purposes of payment, because assessment could be anything.

Council Member Castillo stated that he would propose that the Council would consider and vote upon the list of principles and would make a commitment that he would listen to any specific piece of legislation that Council Member Robinson wanted to propose in addition to the list for specific action or promotion by the Legislative team depending on action by Council, that it had been done before like that where they had a general plan of action and then they specifically debate pieces of legislation that were then debated long enough to get a consensus or not from the Council and would suggest that to Council Member Robinson and not taking anything away from the merits of what he was proposing today.

Council Member Boney stated that he was fully in support of consideration of efforts to deal with lowering tax obligations on citizens of the State and of Houston, but would like to at least have some input from Finance and Administration or others as to what if any significant impact it might have on the revenue stream.

Council Member Robinson moved for a two week delay on the main item so they could hash out the language, seconded by Council Member Todd.

Council Member Boney asked if the two week delay would have any significant impact on what they had to do in Austin on the matter, and Mr. Hall stated that they could accommodate that if the Chairman of the committee did not have a problem.

Mayor Brown stated that the motion before them was to delay for two weeks the main item and the amendment. All voting aye. Nays none. MOTION 2000-1273 ADOPTED.

Council Member Todd requested some additional backup on some of the items and understood that they were wording the things fairly broadly, that he could not really tell exactly what they were calling for on some of the items, that for example under Criminal Justice it states to support legislation to improve the enforcement of the Hate Crimes Enhancement Statute, that there was an effort last session to expand it which failed, that he had asked both Council Member Sanchez and Mr. Hall if they had any backup and they stated they were not sure.

Council Member Boney stated that it was not necessarily a part of what he understood was the general effort in terms of improving the enforcement of hate crimes enhancement, but he served on a special committee established by State and local law enforcement and federal government as well, that there were some problems in the way the current hate crimes statute was drafted which made it difficult to enforce at the District Attorney's level, that was one

issue, and secondly it did not cover people who were victims of hate crimes because of a particular sexual preference.

Council Member Ellis moved to suspend the rules to take Item 37 out of order, seconded by Council Member Tatro.

Council Member Boney moved to postpone Item 8 three weeks instead of two weeks.

Council Member Castillo stated that it would fall on the day when they were setting a one day session on the 8th of November, and Council Member Boney stated that the work would be done prior to the three weeks so they would not extend Council debate.

Mayor Brown stated they had a motion before them to take Item 37 out of order.

Council Member Boney moved to suspend the rules to consider the Item 8 so that he could offer a motion that would delay the matter three weeks instead of two weeks, seconded by Council Member Todd

Council Member Robinson stated that he just wanted to be clear that the Legal Department was going to be a part of the process of reviewing his amendment to put it in the broad language they were talking about because he was a little confused because he was a big supporter of enhancing the Hate Crimes Statute and certainly could not see any distinction between the language relative to technical amendments to a specific statute and the argument that was leveled against his amendment that it was too specific so he was just trying to find out where the demarcation point was.

Council Member Keller stated that some of his concerns were meeting the timeframes of the State Legislature, that he thought they were already late, and Mr. Hall stated that over the last 10 to 12 year the principles had never been approved earlier than December so they were considerably ahead of when they had done it for the last 10 to 12 years. Council Members Goldberg and Castillo absent.

Council Member Bell stated that he just had one question for the Legal Department because they had a lot of talk during the last few weeks about reconsideration of items and they had voted on the motion to delay two weeks and could that just be brought up by the mere suspension of the rules, that it was his understanding that in order to reconsider something that had already been voted on there was a certain process under the Council rules that had to be followed. Council Members Goldberg and Castillo absent.

Mr. Hall stated that there were several issues to be considered in the question of reconsideration, that the first was the reconsideration of what, that if it were an ordinance the Legal Department, had through the years, argued that it had to be reconsidered by an ordinance, that they could not repeal an ordinance without having an ordinance, so the first question was what was it they were talking about reconsidering, that procedural motions typically were never in the form of an ordinance and that was what it was, it was a delay issue, and at that point the only prohibition against reconsideration would be the 90 day rule, that they would have to have a person on the prevailing side and thought that passed unanimously so everybody was on the prevailing side, so if the rules were suspended then they did not have to wait the requisite 90 days, and Council Member Bell stated that just for a point of clarification, the way the Council rules were actually written it referred to the question, it did

not refer to ordinance, motion or matter, so it seemed pretty broad, and Mr. Hall stated that he would argue that if they were changing a specific time of the delay they were voting on a specific question, and that was why he suggested that they had to suspend the rules, that the question was how long they were going to delay it for, not whether they were going to delay it in the first place.

A vote was called on Council Member Boney's motion to suspend the rules to reconsider Item 8 so that he could offer a motion that would delay the matter three weeks instead of two weeks, with Council Member Keller voting no, balance voting aye. MOTION 2000-1274 ADOPTED.

Council Member Boney moved to postpone Item 8 three weeks instead of two weeks, seconded by Council Member Todd, with Council Members Keller and Vasquez voting no, balance voting aye. MOTION 2000-1275 ADOPTED.

The City Secretary stated that there was a motion to consider Item 37 out of order and was not voted on.

A vote was taken on the motion to suspend the rules to take Item 37 out of order. All voting aye. Nays none. MOTION 2000-1276 ADOPTED.

37. RESOLUTION regarding assurances to the NFL concerning support for Super Bowl XXXVIII – was presented.

Council Member Castillo moved to suspend the rules to ask questions of Mr. Gerard J. Tollett, Director, Convention and Entertainment Facilities, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2000-1277 ADOPTED.

Council Member Castillo asked Mr. Tollett to give them a synopsis what kind of commitment they were making with the resolution and what could they expect to be the City's benefit if they passed it.

Mr. Tollett stated it was a joint venture between the new NFL owner, Mr. Bob McNair, of the Texans, the NFL, the County and the City, that as they knew the County was building a new football stadium with the Sports Authority and that was where the Texans would play and they were replacing the Astro Hall with a new 1.3 million square foot exposition center for the Livestock Show and other industrial trade shows, that they would host the game and extravaganza in County facilities on County property, that the new hotel would be the headquarters for the media center along with using the George R. Brown Convention Center for other media related activity and may use it for some high profile functions there, that what they were committing to, and the resolution stated, was that the airport would be supportive with signage, people to assist as to where they were going, because they were going to be bringing in 60,000 people, that the number that actually flew was 72% of the 60,000, and there was actually more than 60,000, that there was about 30,000 that came in who would not even go to the game, that they would come to the extravaganza and be part of the happening, that it would use every hotel they had from Galveston to Conroe, and they would have to guarantee a four night stay at a minimum, that there would be 60,000 rooms tied up for at least four days, that the economic impact for the City, and as conservative as they could figure it, and in direct spending, was between \$120 million to \$180 million spent in the community, that the overall indirect impact was in the range of \$300 million to \$400 million, that it was the

most watched sporting event in the world, that 800 million television viewers from 190 countries would be watching the game, that they could conservatively calculate \$1.2 million to \$1.5 million in just sales tax generated by the event and that was not counting mixed beverage tax, that it definitely would create over 5,000 direct and indirect jobs, that 45% of the fans would rent cars and they thought it was a very small price, that they were asking them to provide some people for giving direction at the airport and they had to provide a number of officers where the teams would be staying and not more than two at each headquarter hotel for the teams, and to provide escort service when the teams went to practices and then the day of the game, but inside the fence it would really be County facilities, but they would have some traffic outside, that they estimated that their out of pocket expenses would be around \$400,000 and they way they looked at it would be to invest \$400,000 to make \$1.5 million was a good venture, not counting the hotel occupancy, the car rental tax or any other benefits of having 60,000 or 90,000 people in their community for a minimum of four days or more like ten days. Council Members Boney, Todd and Vasquez absent.

Council Member Castillo stated that just from the international exposure of the City via the games and the media attention was something that would be of great benefit to the City and thought that exposing the City to that much mass media was certainly something to look forward to, that apart of the investment issue the rate of return for the amount of money they were going to spend would yield not just a direct benefit of the sales taxes but of all the other ripple effect on the economic benefits of the games. Council Members Boney, Todd and Vasquez absent.

Council Member Ellis stated that he supported the fact that they were trying to host the Super Bowl in Houston in 2004 and thought it would be a great benefit to the City, that they stated that it would generate \$1.2 million to \$1.5 million in sales tax and asked how much would they generate in hotel/motel tax, and Mr. Tollett stated that the City's portion would be about \$1 million to \$1.5 million, and Council Member Ellis stated that it was basically about the same for sales tax as it was for hotel/motel tax, and Mr. Tollett stated that yes that was correct, and Council Member Ellis stated that the only issue he had was that he would rather they pledged hotel/motel tax money to support the item as opposed to sales tax, that sales tax went into the General Fund and the hotel/motel tax went to C&E (Convention and Entertainment) and it had to be spend on restricted areas, so with that said asked if there would be a problem with Mr. Tollett's department if they were to change it and pledge the hotel/motel tax as opposed to the sales tax, and Mr. Tollett stated he had discussed it with the Mayor and Mayor Brown stated that it was okay to do that. Council Members Boney, Todd, Vasquez and Sanchez absent.

Council Member Ellis moved to pledge the hotel/motel tax for Item 37 as opposed to the sales tax. Seconded by Council Member Robinson. All voting aye. Nays none. Council Members Boney, Todd, Vasquez and Sanchez absent. MOTION 2000-1278 ADOPTED.

Council Member Keller stated that he supported the item no matter what, but asked if there was any plan or discussion of a reimbursement of some of the expenses even before the Super Bowl, and Mr. Tollett stated that expenses up to date had been taken care of by the owner of the new NFL team, that so far to put together the bid they were going to submit this week, that would be voted on November 1, those expenses to get them that far had been paid for by the Texans. Council Members Boney, Todd, Vasquez and Sanchez absent.

A vote was called on Item 37. All voting aye. Nays none. Council Members Todd and Vasquez absent. RESOLUTION 2000-46 ADOPTED AS AMENDED.

Mayor Brown stated that they had passed Item 3 and they had some of the persons appointed to the Houston Commission On Disabilities in the audience and expressed his thanks for serving, and Council Member Castillo stated that Mr. Richard Perez was standing in the back and was very active in the Veterans organizations and a member of the Chicano Historical Society and a decorated marine and they were proud to have him on the committee, and Mayor Brown thanked him for giving his service to the City. Council Member Ellis absent.

### **ACCEPT WORK**

14. ORDINANCE appropriating \$325,649.62 out of Street & Bridge Consolidated Construction Fund and \$133,658.73 out of Water & Sewer Systems Consolidated Construction Fund for a total of \$459,308.35 as an additional appropriation for Construction of Stella Link Road from South Main to Grammercy, CIP N-644E, under construction contract with **BROWN & ROOT, INC**, approved by Ordinance No. 97-393 - **DISTRICTS C - GOLDBERG and D – BONEY** – was presented.

Council Member Keller stated that he wanted to compliment Mr. Bravenec and Mr. Lum for coming as soon as they could to discuss it, but he was sorry that the backup he was sent was on Item 13 and not on Item 14, that what he really requested was PBU (pull backup) and PABU (pull all backup), that when he asked for all backup he would like an original contract that was let with the breakdown, not just what was before them, which was the change order, but the original RCA based on the original contract with the breakdown in that original RCA that was bid, and when he asked to bring the box it was with all the original plans, specifications and bids and stated that he was tagging Item 14 and Item 14a, and requested again the original RCA with the backup and a breakdown of that backup with all subcontractors and anything else regarding that, that one thing that was alarming to him with the item was that they had six previous change orders all of which ranged from \$34,000 to \$60,000 and then the last change order, number seven, was \$549,000, so it was six change orders that were five digits and the last one was six digits, that he was sure that it was justified; and he would tag Item 14.

Mayor Brown stated they would make sure that he would get the information, that they did hold a special meeting for Council to discuss all the items up to Item 19, but they would make sure he would get all the information he requested.

Council Member Sanchez stated that he would tag Item 14 as well for the same reasons that Council Member Keller had, that the other question he had was that there were portions of the road that had begun to deteriorate already and thought they had some discussion around the table about a warranty, and asked what sort of claim did the City have when it had not even paid for a road project and it began to deteriorate, what were the remedies to the City if any.

Mr. Hall stated that he thought that the approach that was taken on road projects and similar projects was conformance with the specifications of the material and work done and did not think there was a specific warranty for time, that they had the right to test the materials to obviously inspect the work itself, but he was not aware that there was any time warranty

involved, that they probably could get some specific information from Public Works about how they did that and how regularly and intensely they did that. Council Member Castillo absent.

Council Member Sanchez stated that he would ask that Public Works be made aware of some deterioration on the road and the adjacent sidewalks were separating from the curb substantially in many areas, creating a hazard for children that were riding their bikes, that the concrete barely had time to settle, and Mayor Brown stated they would have Public Works take a look at it and see what they could do. Council Member Castillo absent.

Council Member Robinson stated that he would be interested also in finding out about the warranty issue, that last year he met with a subsidiary of the Coke Industry and one of the things they did was to warranty their work for a time certain where they took care of all the backend maintenance and their cost was substantially reduced and he asked Public Works to look into it and thought they were doing so, but certainly thought it was a model, that if they were not warranting their work through the other contractors they ought to start looking at probably developing some process. Council Member Castillo absent.

- 14a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$549,267.91, final contract amount of \$7,765,722.46 and acceptance of work on contract with **BROWN & ROOT, INC** for Construction of Stella Link Road from South Main to Grammercy, GFS N-644E-01-3 (N-644E) - 11.60% over the original contract amount - **DISTRICTS C - GOLDBERG and D - BONEY** – was presented and was tagged by Council Members Keller and Sanchez.
15. ORDINANCE appropriating \$39,958.52 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **KINGSLEY CONSTRUCTORS, INC** for Water and Sewer Services in Holloway Heights Subdivision, GFS R-0801-03-3, approved by Ordinance No. 97-1078 - **DISTRICT D - BONEY** – was presented and was tagged by Council Member Keller.
- 15a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$111,605.79, final contract amount of \$1,931,294.75 and acceptance of work on contract with **KINGSLEY CONSTRUCTORS, INC** for Construction of Water and Sewer Services in Holloway Heights Subdivision, GFS R-0801-03-3 (4504-3) - 07.22% over the original contract amount - **DISTRICT D - BONEY** – was presented.

Council Member Keller stated that the change orders were avoidable, that in the backup of the RCA, Item 1 justification, due to differences between the planning specifications in the original quantities shown on the contract proposal adjustments in quantities were required to construct, that all of those were items going in, those were the first things they did with the plans and specifications in the original quantities that were needed and shown on that contract, so he requested and got all of the bids on that, that he was going to tag the item and review it, that the difference between the first contractor and second contractor was \$75,000 and he would be looking to see if one of the other contractors did note some of the specifications that were overlooked by the contractor that was awarded the job, and tagged Item 15a.



Council Member Boney stated that the project was in District D and was to provide construction of water and sewer services that were needed in the district, that he had not problem with the one week delay tag and if he found some things that still troubled him after his review, to please advise his office and let him know.

16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,871,108.54 and acceptance of work on contract with **RAMOS INDUSTRIES, INC** for Royal Oaks Subdivision/NSR 425, GFS N-0351-01-3 (N-0351-01) 11.0% over the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICT A – TATRO** – was presented.

Council Member Keller stated that he had some concerns about the overages of the item and what he would like to point out was the 11% and it did add up with the backup and the briefing was exact by Mr. Brevenec and the contractors and it looked like it was very coherent with the original drawings and it was a very justifiable change order.

A vote was called on Item 16. All voting aye. Nays none. MOTION 2000-1279 ADOPTED.

17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$108,558.90, final contract amount of \$792,893.20 and acceptance of work on contract with **BROWN & ROOT, INC** for Construction of Neighborhood to Standard Tier V, Manchester Place Overlay Project (OL-229-97), GFS Q-1129-01-3 (Q-1129) 08.72% over the original contract amount - \$27,162.40 from General Mobility Improvement Fund **DISTRICT I – CASTILLO** – was presented.

Council Member Keller stated that he wanted to compliment Council Member Castillo on how thorough his office went over it, that he had the same meeting and questions, that everything did match up and was very justifiable by the department. Council Member Boney absent.

Council Member Quan stated that in looking over the item there was a 10% goal in the MWBE Program and they only got to 2.12 and was disturbed by the continuing pattern in today's agenda regarding how those companies had responded, that Brown and Root was certainly a fine company and had been able to perform well in other contracts with the City, and he would tag Item 17. Council Members Tatro and Boney absent.

Council Member Castillo stated that he shared Council Member Quan's concerns and thought that part of the problem was that it just got so far behind and ate up more time that did not involve minorities and needed to find the root cause of that.

18. ORDINANCE appropriating \$247,765.25 out of Street & Bridge Consolidated Construction Fund and \$179,416.22 out of Water & Sewer Systems Consolidated Construction Fund for a total of \$427,181.47 as an additional appropriation for Reconstruction of Angeline, Arlington, Busiek, Chestnut, Crestwood and various other streets in Neighborhood Street Reconstruction Project No. 428, GFS N-0360-01-3, under construction contract with **BROWN & ROOT, INC**, approved by Ordinance No. 97-481 - **DISTRICTS A - TATRO; D - BONEY; G - KELLER and H – VASQUEZ** – was

presented and tagged by Council Members Sanchez, Keller and Quan. Council Members Boney and Todd absent.

Council Member Sanchez stated that he had not seen that number of change orders coming out of Public Works in a long time and it caused some concern, that in just reviewing the previous Brown and Root request, the one on Stella Link Road, he noticed that change order number three was requiring the contractor to provide drainage in Midtown and that was an area of concern because they had some problems in the City taking money from one account and appropriating it to another project totally unrelated to the scope, and that was another item he would like to discuss with Public Works. Council Members Boney and Robinson absent.

Mayor Brown stated that these were all coming out at this time because Mr. Rolan was cleaning up a lot of the old contracts. Council Members Boney and Robinson absent.

Council Member Quan stated that earlier Mayor Brown had alluded to the fact that there was a special meeting regarding the items and that they were given a briefing, and stated that he did not hear about the meeting and asked when was it held, and Mayor Brown stated October 1, 2000. Council Members Boney and Robinson absent.

18a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$515,278.34, final contract amount of \$5,761,494.63 and acceptance of work on contract with **BROWN & ROOT, INC** for Reconstruction of Angeline, Arlington, Busiek, Chestnut, Crestwood and various other streets in Neighborhood Street Reconstruction Project No. 428, GFS N-0360-01-3 (N-0360) - 13.41% over the original contract amount - **DISTRICTS A - TATRO; D - BONEY; G - KELLER and H – VASQUEZ** – was presented.

Council Member Keller stated that he wanted the original bid documents, the original RCA with the breakdown and thought that it was going to be fine but what was alarming was all the previous change orders adding up to it added up to \$165,000 and there were four of them, and today they had one that equaled \$515,000. Council Members Keller and Quan tagged Item 18a.

Mayor Brown stated that these were very old items, some going back to 1997, that it was an attempt on behalf of the new Director of Public Works to bring it all up to date.

Council Member Sanchez stated that he was still trying to get the dates of some of the change orders, but one of the areas of concern was that some of them did not date back prior to 1997, that if they looked at the first item they tagged on change order number seven, one of the difficulties was that they had already spent the money and Council was now being asked to rubber stamp it, which was the same issue they raised and thought they put an end to it, that he wanted to point that out and reiterate to Public Works that it was exactly what they tried to discourage and thought they had it under control.

19. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$164,769.73, final contract amount of \$2,310,459.23 and acceptance of work on contract with **HUBCO, INC** for Construction of NTS, Tier II-Magnolia Park, Phase IV Overlay Project (OL-218-97, GFS Q-1118-01-3 (Q-

1118) - 12.86% over the original contract amount - \$160,860.38 from General Mobility Improvement Fund - DISTRICT I – CASTILLO was presented.

Council Member Boney asked if they ever crafted the ordinance that would allow Council if it approved that it would eliminate the possibility of sanctioning a company so that they could not do work for the City, and Council Member Keller stated that yes they had and it passed, and Council Member Boney stated that as it was old work that HUBCO had done he wanted to oppose their getting final payment, but again they knew the problems they had with HUBCO and citizens should not be subjected to that kind of continuing work.

Council Member Castillo stated that he wanted to use the item to bring up a point, that under the Neighborhoods to Standards Program a large component of that was street overlay and reconstruction in some cases, and in this particular case the surface and waterlines under the street were in such condition that it took total replacement of the base and repair of waterlines that were just underneath the surface so that when the street was being reconstructed waterlines were broken, so he would suggest that when they went into old neighborhoods, which was mostly where the neighborhoods to standards streets were that they look very carefully at the condition of the street so they could know that they may have to replace all the base and they may have to replace the curbs, that in this particular case the other subject was that there was a tie in from the street to the driveways and when they go in and take out the old pavement they sometimes affect the abutting pavement in the driveways and they have to replace that, so he would suggest that they take extra care in the old neighborhoods to insure that the scope of the work includes enough to take care of the add on's so they do not come back as additional cost, because they were part of the original work and should have been included in the scope. Council Member Tatro absent.

Council Member Sanchez stated he agreed with Council Member Castillo, that not only did the Department of Public Works spend the contingency authorized without coming to Council, but they went above and beyond and in effect had executed a change order unilaterally without coming to Council and again that was problematic and a continuation of a problem that existed some time ago, that the change orders needed to come to Council ahead of time rather than after the fact. Council Member Tatro absent.

Council Member Castillo stated that that they encounter a problem when they do that, that in this particular case all of the streets were torn up because they went and removed all of the pavement at once, and so they had every street down to the base and just plain dirt, and so if they had to backup to accomplish a back order it might take weeks or months to come to the Council and that whole time the neighborhood was mired in mud and they had the exact same problem on Majestic Street, where the priest at Resurrection Church burns the telephone lines because parishioners could not get to the parking lot because Majestic Street was all torn up, that even though it was a contractor problem, they should establish a procedure where minor changes could be made on site without having to delay the actual work to accommodate and expedite the construction. Council Members Tatro and Ellis absent.

Council Member Sanchez stated he thought there was a mechanism in the ordinances when they pass them in that they give them a contingency for minor unforeseen issues, if they took the bulk of the items that had been brought to Council it was not minor, they were talking about million of dollars that had been expended in violation of the rules, that they could not spend that kind of money without asking for Council's approval and as he stated before, if the

Department of Public Works was going to spend millions of dollars unilaterally and they were going to rubber stamp it then they might as well go home, because one of the biggest mandates was the appropriation and oversight of money. Council Member Ellis absent.

Mayor Brown stated that the policies in Public Works had been changed and did not expect to see it come up again in the future. Council Member Ellis absent.

Council Member Keller stated that in the item they had a testing contract which was engineering testing and in the project cost they had an engineering allowance, that the problem was not increasing the scope of services or the money, but maybe the execution and efficiency of the money when they were allotting the jobs and holding the people accountable for that . Council Member Goldberg absent.

Council Member Sanchez tagged Item 19.

20. ORDINANCE appropriating \$20,459.90 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for construction of Street and Storm Sewer Maintenance Center 8002 Airline under construction contract with **TIMES CONSTRUCTION, INC**, CIP D-0063-01-3 approved by Ordinance No. 98-251; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented.

Council Member Keller stated that the project description of the item was to improve operation and meet the requirements of the Americans With Disabilities Act, that was the goal they were trying to do, that what was before them today was a change order to modify hand rails and doors to meet ADA codes, that the goal was to meet ADA standards, and asked why that would that be a change order and stated that he would tag the item, that since they were at the bottom of the list they had \$2,163,788.11 of change orders, that if they exercised a lot of efficiency, which they were trying to do with the current Public Works, and what they were doing in Building Services, that there was money there and if they focused on an ounce of prevention to save a pound of cure, such as the \$2.5 million, which could be used for other noteworthy services then they could do greater good for the people of the City.

Council Member Quan stated that he would also like to add his tag to the item, that in looking at some of the change order descriptions they seemed pretty excessive.

Council Member Sanchez added his tag to Item 20 also.

- 20a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 3 in the amount of \$20,459.90, final contract amount of \$890,053.19 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Construction of Street and Storm Sewer Maintenance Center 8002 Airline, GFS D-0063-01-3 - 07.47% over the original contract amount **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Quan, Keller and Sanchez.

## **PURCHASING AND TABULATION OF BIDS**

### **LOW BIDS**

24. **BELLCO DRUG CORPORATION** for Medical, Depo-Provera Kits for the Health and Human Services Department - \$1,368,000.00 - General Fund, was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. Council Member Sanchez, Ellis, Keller, Tatro and Quan voting no, balance voting aye. MOTION 2000-1280 ADOPTED.

Council Member Sanchez wanted to articulate his no vote on the item, that he had consistently voted against the item and when it first came up the question he asked was what measures did the Health Department take, that he recalled that Depo-Provera was provided to persons under 18 years of age without parental consent, that part of the problem with the medication was that there had to be a full and complete family medical history and it was recommended that a full and complete family history be taken, that there were some adolescents that sought the medication that maybe unaware of a medical problem that could pose a threat to them and did not think that adequate measures were taken to account for that potential and so therefore he opposed the item.

Mayor Brown stated that Council Members Keller, Tatro and Quan requested that their no vote be added to the item.

32. **E.D.H., INC dba TEE'S PLUS SCREENPRINTING CO.** - \$647,540.00, **D.A.R.E. AMERICA MERCHANDISE** - \$731,740.00 and **R & T SPECIALTY, DIVISION OF LEE WAYNE CORP.** \$284,074.50 for D.A.R.E. Educational Items for the Police Department - Asset Forfeiture Fund-State and Asset Forfeiture Fund-Justice – was presented and tagged by Council Member Sanchez.

Council Member Sanchez stated there was some confusion on Item 24 and requested that they get how many yes's and no's, and the City Secretary stated that Council Members Sanchez, Ellis, Keller, Quan and Tatro voted no.

36. **HOUSTON-GALVESTON AREA COUNCIL** for Cab & Chassis, Backhoe Loaders and Hydraulic Concrete Breaker Attachments through the Interlocal Agreement for Cooperative Purchasing for Various Departments - \$819,109.47 - Equipment Acquisition Consolidated and Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1281 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

- .41. ORDINANCE approving and authorizing an assignment with Assumption and Release Agreement from **HOUSTON TEXAS VOLUNTEERS OF AMERICA, INC** to **SPECIAL RECREATION SERVICES, INC** under a lease of 7301 Avenue F and 7228 Canal; subject to the terms and conditions of the assignment with Assumption and Release Agreement - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-902 ADOPTED.
43. ORDINANCE authorizing the Mayor to make certain arrangements and procure certain supplies and services not provided under Election Services Agreements in connection with the City of Houston Special Election on Proposition 2012 to be held November 7, 2000; authorizing the payment of certain costs of such elections; making other

provisions related to the subject \$250,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-903 ADOPTED.

Council Member Todd requested that someone from the appropriate department meet with him on Item 32 regarding the fine language.

53. ORDINANCE amending Ordinance No. 97-1462 to increase the maximum contract amount to various contractors for HIV Services for the Health and Human Services Department \$109,837.92 - General Fund – was presented and was tagged by Council Member Sanchez.
54. ORDINANCE amending Ordinance No. 97-1404 to increase the maximum contract amount for contract between the City of Houston and **BFI WASTE SYSTEMS OF NORTH AMERICA, INC** for providing Nonhazardous Waste Collection and Disposal Services for Various Departments \$603,342.99 - General and Enterprise Funds – was presented. All voting aye. Nays none. ORDINANCE 2000-904 ADOPTED.
56. ORDINANCE appropriating \$217,499.00 out of Fire Consolidated Construction Fund for, and approving and authorizing the purchase from **ADCO TECHNOLOGY, INC** a tract of land, authorizing payment for Title Policy/Services, for and in connection with the expansion of the Fire Training Academy Project, located in the 8800 Block of Braniff Street, being 214,985 square feet, more or less out of the J. R. Brockman Survey, Abstract 1647, Parcel H99-2, CIP C-0068-00-1 **DISTRICT E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-905 ADOPTED.

#### **END OF CONSENT AGENDA**

#### **ANNEXATION MATTERS**

60. RECOMMENDATION from Director Planning & Development Department that Council receive the recommendation of the Regional Planning and Charter Ordinance Committee concerning the proposed annexation of **BAYBROOK MUD #1** for limited purposes, and certain other territory for general purposes – was presented, moved by Council Member Boney and seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1282 ADOPTED.
61. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **BAYBROOK MUD NO. 1**; consenting to the acquisition and exercise of Road Utility District Powers by Baybrook MUD No. 1 – was presented. All voting aye. Nays none. ORDINANCE 2000-906 ADOPTED.
- 61a. ORDINANCE annexing to the City of Houston, Texas for Limited purposes all of the area in **BAYBROOK MUNICIPAL UTILITY DISTRICT #1**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such area; imposing the sales tax of the City of Houston, Texas in such area; providing an effective date; and providing for severability - **FIRST READING**– was presented. All voting aye. Nays none. ORDINANCE 2000-907 PASSED FIRST READING IN FULL.



- 61b. ORDINANCE annexing to the City of Houston, Texas for general purposes territory located 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; containing findings and other provisions relating to the foregoing subject; instituting proceedings to annex to its corporate limits the territory included in such boundaries; extending the corporate limits of the City of Houston, Texas to embrace and include territory within such boundaries; approving a service plan for such territory; providing an effective date; and providing for severability - **FIRST READING** - was presented. All voting aye. Nays none. ORDINANCE 2000-908 PASSED FIRST READING IN FULL.

### **NON CONSENT AGENDA**

#### **MISCELLANEOUS**

62. RECEIVE nominations for Position One of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for a two year term to expire December 31, 2001 – was presented.

Council Member Boney stated that he had distributed the resume of Mr. Harold Mark for Position One on the Animal Shelter Advisory Committee, that he had a great deal of experience in Veterinary Science and was very much interested in the position and currently served on the Board of the Houston Humane Association and respectfully asked for the Council's support for the nominee.

Council Member Castillo moved to close the nominations, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1283 ADOPTED.

#### **PROPERTY**

63. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Louis Ringold, on behalf of William Jacobe, the property owner, for the abandonment and sale of a 10-foot wide storm sewer easement traversing Lots 6, 7, 8 and 10, Block 2, Leverkusen Addition, John Austin 2 League Grant, Hollingsworth Survey, Parcel SY1-008 - **APPRAISERS - DISTRICT F – ELLIS** had been pulled from the Agenda by the Administration and was not considered.

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

64. Recommendation from Finance & Administration Department to make the following awards for Chemicals, Fungicides, Herbicides and Insecticides for Various Departments - \$4,098,749.12 General, Enterprise, Park Special Revenue, METRO and Street & Drainage Maintenance Funds  
**AGRO DISTRIBUTION L.L.P.** - \$43,777.20;  
**BWI COMPANIES** - \$331,876.60;  
**ESTES, INC** - \$173,250.76;  
**HELENA CHEMICAL COMPANY (Bid No. 2)** - \$1,069,513.00;  
**PARKWAY RESEARCH COMPANY** - \$67,293.00;

**RED RIVER SPECIALTIES, INC** - \$1,940,822.60;  
**SAN JACINTO ENVIRONMENTAL SUPPLIES** - \$22,273.00;  
**TURF INDUSTRIES, INC** - \$354,826.84

#### **COUNCIL DRAW LOTS**

**ITEM NO. 47** due to receiving identical bids from **BWI COMPANIES, ESTES, INC, HELENA CHEMICAL COMPANY (Bid No. 2) and TURF INDUSTRIES, INC** in the amount of \$6,900.00 – was before Council, and Council Member Keller drew **TURF INDUSTRIES, INC** as the successful bidder.

**ITEM NO. 58** due to receiving identical bids from **BWI COMPANIES** and **RED RIVER SPECIALTIES, INC** in the amount of \$34,003.00 – was before Council, and Council Member Keller drew **BWI COMPANIES** as the successful bidder.

**ITEM NO. 68 AND 71** due to receiving identical bids from **ESTES, INC., HELENA CHEMICAL COMPANY (Bid No. 2) and RED RIVER SPECIALTIES, INC** in the amount of \$54,213.12 – was before Council, and Council Member Keller drew **ESTES, INC.** as the successful bidder.

Council Member Keller moved that the recommendation be adopted and awarded as drawn, and seconded by Council Member Quan. All voting aye. Nays none. MOTION 2000-1284 ADOPTED.

#### **MATTERS HELD**

66. ORDINANCE authorizing the City of Houston to accept a \$1,000,000.00 Community Technology Initiative Grant awarded by the United States Department of Housing and Urban Development in connection with the City's Enhanced Enterprise Community; authorizing the Mayor to execute grant documents - **DISTRICTS B - GALLOWAY; D - BONEY; H - VASQUEZ and I - CASTILLO** – (**This was Item 26 on Agenda of October 4, 2000, TAGGED BY COUNCIL MEMBERS PARKER AND ROBINSON**) - was presented. All voting aye. Nays none. ORDINANCE 2000-909 ADOPTED.
67. ORDINANCE approving and authorizing contract between the City and **LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM, PENA & SAMPSON, L.L.P.**, for Collection Services relating to Delinquent Parking and Non-Parking Citations – (**This was Item 28 on Agenda of October 4, 2000, TAGGED BY COUNCIL MEMBERS TODD AND BONEY**) – was presented.

Council Member Castillo stated that an amendment that he was submitting was being passed around the Council table and pertained to a section of the contract that dealt with the allocation of funds/limitation of the City's duty to pay and amended the original wording of the provision in the contract, that basically what it did was make it clearer, and a double lock, that the payments for the contract could only be made from the fine proceeds that were collected by the contractor, that he was talking about the amendment to Section C of the contract that dealt with emphasizing that the amounts paid to the contractor was limited to fines collected by the contractor.

Mr. Hall stated that the Controller raised a concern that there was not a certification under the agreement and could be construed that there was an expenditure under it though it was arranged to come out of what was collected, that they did not disagree with that and thought the Controller's office had approved the language and thought it was appropriate and urged its adoption.

Council Member Castillo moved to amend Item 67, Section C of Article IV and presented the following motion to substitute the following provision in its entirety:

C. Allocation of Funds/Limitation of City's Duty to Pay – The City's duties to pay money to the Contractor for any purpose under this Agreement are limited in their entirety by the provisions of this Section C. In order to comply with Article II, Section 19 and 19a of the City's Charter and Article XI, Section 5 of the Texas Constitution, the City has allocated any Fine Amounts collected by Contractor under this Agreement equal to the City's obligations to pay hereunder to be used to discharge its duties to pay money under this Agreement and no other funds are allocated hereunder. Notwithstanding anything herein to the contrary, Contractor agrees that the City's obligations under this agreement are limited to Fine Amounts collected under this Agreement and that the City is permanently excused from making payments due under this Agreement for any calendar month (either of fees or reimbursable expenses) if (and to the extent that) during such calendar month, Fine Amounts sufficient to make such payments are not collected. Motion seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2000-1285 ADOPTED.

A vote was taken on Item 67 as amended. All voting aye. Nays none. ORDINANCE 2000 910 ADOPTED AS AMENDED.

68. MOTION by Council Member Vasquez/Seconded by Council Member Quan that the paragraph titled "Increase Revenues", as shown below, of the Fiscal Reform and Accountability Proposal is hereby adopted by the City Council:

Increase Revenues: The Mayor will identify and implement initiatives to increase revenues including but not limited to the following areas:

- Outsourcing collections of ambulance fees, parking and traffic citations.
- Cable television franchise fees.
- Electrical franchise fees.
- Implementation of revenue enhancing initiatives from the continuous management improvement effort.
- A solution to improve efficiency in the municipal court system.
- Fee study.

**(TAGGED BY COUNCIL MEMBERS TATRO AND TODD ON OCTOBER 9, 2000)**

- was presented.

Council Member Parker stated that Items 68 through 72 were items tagged from the special Council meeting on Monday night, October 9, 2000, and considering the level of discussion and some confusion and also some real interesting digging into the items she intended to make a series of motions with Council Members Vasquez and Quan to send them to various Council committees as they got to them.

Council Member Parker moved that Item 68 be referred to the Regulatory Affairs Committee, seconded by Council Member Galloway.

Upon discussion by Council, Council Member Goldberg stated that he would like to see a date certain that they were referred back from committee for approval by Council and Council Member Parker stated that she would accept a friendly amendment and considering that it would take some time to schedule those meetings and they may have some other items and asked if two months was sufficient, and Council Member Goldberg stated he had no objection with two months.

Council Member Ellis stated that he would agreed that some of them probably could and needed to go back to certain committees, but would probably oppose all of them going back to committee, that as to Item 68 he would assume that the Mayor's office was already trying to increase revenues and was addressing each of the issues, and Mayor Brown stated they presented it to the Finance Committee.

Council Member Robinson stated that amendments offered around the table would be part of the process and would be laid out before they made any motions to try to send them to committee.

Council Member Bell stated that the only purpose of sending something to committee was if there had not been adequate discussion in the past at the table on a particular item and would like to ask that they vote against the motion and go ahead and vote for the item today.

Council Member Keller stated that if the intent was to save time then they should vote them up or down today because they were so discussed at the late night meeting and if they went to committee maybe some of their memories might be jogged to where they would have to re-discuss it more to remember what they said at the late night meeting and would vote against the motion.

Council Member Galloway stated that she was in support of the items going back to committee.

Council Member Parker stated she was very pleased to have so many Council Members feel and express that they trust the administration to carry out the wishes of Council without necessarily a motion to do that, however she stood by her original motion and thought that because of the debate Monday night they were worthy of discussion, that there was not intent to kill the items and they did put a time limit on them, that she was not intending to send all of them.

A roll call vote was requested on Council Member Parker's motion to refer Item 68 to the Regulatory Affairs Committee with a friendly amendment of a two month time frame.

ROLL CALL VOTE:

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

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

Council Member Keller voting no. MOTION 2000-1286 ADOPTED.

69. MOTION by Council Member Bell/Seconded by Council Member Ellis to amend the motion shown below in Item 69A to delete the language where it read “or performance-based or a combination thereof” and to add “FY” and change to “2002” Budget **(TAGGED BY COUNCIL MEMBER VASQUEZ ON OCTOBER 9, 2000)** – was presented.
- 69a. MOTION by Council Member Castillo/Seconded by Council Member Parker that the paragraph titled “Increase Fiscal Accountability,” as shown below, of the Fiscal Reform and Accountability Proposal, is hereby adopted by the City Council:  
**Increase Fiscal Accountability:** Establish the Finance and Administration Department as the administrative oversight over departmental budget units with responsibility for establishing standards of accountability pertaining to the budget. Further, the Finance and Administrative Department will adopt and implement a Zero-based or Performance-based or a combination thereof budget process by the 2003 budget – **(TAGGED BY COUNCIL MEMBERS VASQUEZ AND GALLOWAY ON OCTOBER 9, 2000)** – was presented.

Council Member Parker moved to refer Item 69 and 69a to the Fiscal Affairs Committee with the two month reporting period, second by Council Member Galloway.

Council Member Sanchez stated that he had an amendment to Item 69 that he had circulated around the Council table and would like for Council to consider the amendment as well.

Council Member Sanchez presented a written amendment to Item 69 as follows: “Abolish the budget of the Mayor Pro-Tem. Create a new Council Budget Office (C.B.O.) to perform administrative functions for Council Offices. Create a Council Budget Committee with power of oversight of the C.B.O. Use one half of the Mayor Pro-Tem Budget for the new Council Budget Office and the remaining half of the budget to be returned to the General Fund.”

Council Member Parker stated that she would accept the friendly amendment and send the whole package to the Fiscal Affairs Committee.

Council Member Bell stated that this item was an example of one that he thought needed to go to the committee, that if they were going to move to a zero based budget system that they needed to know exactly what the implications of that were going to be and what the timeframe would be for implementing such a strategy.

Council Member Boney stated that he was opposed to Council Member Sanchez’s proposed amendment on a number of grounds, that if Council Member Parker wanted to accept it as a friendly amendment and let it go to committee and be hashed out in committee he would not be opposed to that, that several things he would like to put on record in regard to it were, (1) that he had tried to operate with a certain amount of collegiality so that if it was something involving a Council Member’s responsibility or district he would talk to the Council Member first as opposed to bringing it up at the table and that was not done in this case, (2) that Council Member’s may not be aware of the functions and responsibilities that the Pro Tem office had, that there was no staff capacity to become a budget office for Council, that if

Council really wanted to establish a budget office then they needed to fund a budget office as they did at the federal level, that the administrative function and responsibility of the Pro Tem office of keeping the records and so forth for various Council offices was not only traditional it was a burden in itself.

Council Member Vasquez stated that he would support sending the amendment to committee so they could hash it all out and anticipated that there would be good discussion and also thought it was important to send it to committee so they could be clear on the definitions of what a zero based budget and performance based budget was.

Council Member Robinson stated that it was widely important, based on experience, that Council have a budget person and that the Members of Council ought to figure out some way to bring somebody on board that would report and respond to Council's fiscal concerns. Council Member Keller absent.

Council Member Tatro stated that it did need to go back, that during the budget process they passed an amendment that said one department would be done on a zero based budget manner for next year, and was not sure that they all understood what zero based budgeting was and would hate to show up at the budget process next year with an understanding of Council one way and an understanding of the administration another way.

A vote was called on Council Member Parker's motion to refer Item 69, 69a and Council Member Sanchez's amendment to the Finance Committee. All voting aye. Nays none. MOTION 2000-1287 ADOPTED.

70. MOTION by Council Member Bell/Seconded by Council Member Ellis to amend the motion shown below in Item 70A to add "The Controller is further requested to provide a detailed written account of all such efforts" – **(TAGGED BY COUNCIL MEMBERS VASQUEZ AND GALLOWAY ON OCTOBER 9, 2000)** – was presented

Council Member Parker stated that she was not in support of Item 70 and 70a, that the administration had already embraced and was moving forward on it and thought they should proceed to vote on the items.

Council Member Vasquez agreed with Council Member Parker and did not know that Item 70 was necessary, that the Controller, he believed, would act on which she felt was the best manner for the City and at the same time did not think they needed a detailed written account of all such efforts from the Controllers office in order to move forward on the particular policies.

Council Member Bell stated that in reviewing some of the comments that were made at the table last week everyone seemed to agree that it would be the role of the Controller anyway to weigh into the process and offer some oversight and did not think it was going to dramatically effect things one way or the other and thought it made sense to have the Controllers office involved in the process as well as they tried to navigate through the process and move forward and asked for their support on Item 70, and Council Member Vasquez stated that they both agreed that the Controller had some oversight and had a role and voice in it, but his concern was that as a formal amendment it overly politicizes the amendment and process and what they were trying to do was minimize the politics on it and that was how he interpreted it Monday night and today as well so he did not think it was necessary, and



Council Member Bell stated he failed to see how it could over politicize when they were bringing the person who was actually charged with some of the duties anyway into the process and obviously that was not his intent and he was sorry that Council Member Vasquez read it that way, but did think that the more folks they had involved in the process the better off the City would be, and Council Member Vasquez stated that the implication was that by formally including the Controller that there was some move to exclude her and there was no move or intent to exclude the Controller whatsoever.

Council Member Tatro asked the Council Members to support Council Member Bell's amendment, that they often hoped that a financial work product being recommended would have the workings of the F&A Department, the administration and the Controller behind it, but they often did not see that, that he believed that it would be well for the City and Council to have them work on it up front as to opposed recommendations coming before Council.

Council Member Keller stated that he would prefer for them to get into a room and deal with a lot of things before they came before Council with different numbers, that two heads were better than one.

Council Member Boney stated he thought it was an ill conceived proposal, that what would really cause them to work together better was for them to make the effort to work more closely and collegiately together, that there was nothing that precluded anyone from picking up the phone and calling the Controller or meeting with Controller, and suggested that they would be best served by voting the amendment down and work toward more toward rustling up the facts and articulating policy.

Council Member Vasquez stated that he wanted to offer a friendly amendment that they change the language of Item 70 to read as follows: "the Controller is further requested to work with the administration to develop these policies", and believed that Council Member Bell accepted his friendly amendment.

Mayor Brown stated there was a friendly amendment that was accepted by the maker that the Controller was respectfully requested to work with the administration to develop the policies and called for a vote on Item 70. All voting aye. Nays none. MOTION 2000-1288 ADOPTED.

70A. MOTION by Council Member Boney/Seconded by Council Member Parker that the paragraph titled "Fast-Track Fiscal Management Policies," as shown below, of the Fiscal Reform and Accountability Proposal, is hereby adopted by the City Council:

**Fast-Track Fiscal Management Policies:** The Mayor will fast-track efforts for the cash management, and debt refinancing policy initiatives as passed in the Fiscal Year 2001 budget – **(TAGGED BY COUNCIL MEMBER BELL ON OCTOBER 9, 2000)** – was presented as amended.

A vote was taken on Item 70a as amended. All voting aye. Nays none. MOTION 2000 1288 ADOPTED.

71. MOTION by Council Member Quan/Seconded by Council Member Boney that the paragraph titled "Targeted Tax Relief for Seniors", as shown below, of the Fiscal Reform and Accountability Proposal is hereby adopted by the City Council:

Targeted Tax Relief for Seniors: The Mayor and Council will increase the homestead exemption rate for senior citizens to the maximum level over a three-year period. Said increase shall begin after the transfer of Metro dollars is complete or as compatible with financial conditions not to exceed five calendar years henceforth – **(TAGGED BY COUNCIL MEMBER GALLOWAY ON OCTOBER 9, 2000)** – was presented.

Council Member Parker moved to refer Item 71 to the Fiscal Affairs Committee with a 60 day window, seconded by Council Member Vasquez.

Council Member Robinson stated that he had put an amendment on the table, and Council Member Parker stated that she would expand her motion to include Council Member Robinson's proposed amendment that was passed around the table as written: "Amend Item 71 to increase the City's Senior Citizens and Disable Citizens Property Tax Exemption to \$50,000.00 from the current \$34,000.00 effective immediately."

Council Member Boney stated that he would support and urged Council's support for the amendment, and reminded Council that they cut Finance & Administration's budget \$315,000 and now they were asking for them to give back all of the data so they could consider it and wanted to make mention of it.

A vote was taken on Council Member Parker's motion to refer Item 71 to the Fiscal Affairs Committee including Council Member Robinson's proposed amendment. All voting aye. Nays none. MOTION 2000-1289 ADOPTED.

72. MOTION by Council Member Vasquez/Seconded by Council Member Quan that the paragraph titled "Tax Dividend Program", as shown below, of the Fiscal Reform and Accountability Proposal is hereby adopted by the City Council:  
Tax Dividend Program: A Tax Dividend Program proposal shall accompany the 2001-2002 proposed budget – **(TAGGED BY COUNCIL MEMBER GALLOWAY ON OCTOBER 9, 2000)** – was presented, Council Member Parker moved to refer Item 72 to the Fiscal Affairs Committee, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000 1290 ADOPTED.

The City Secretary stated that Item 42 and 45 had not been received earlier and had now been received.

**Items received during the meeting were considered as follows:**

42. ORDINANCE approving and authorizing lease agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT**, as lessor, and the City of Houston, Texas, as lessee, for space in Cesar E. Chavez High School for a Storefront Community Police Service Center - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. ORDINANCE 911 ADOPTED.
45. ORDINANCE approving and authorizing an Election Services contract between the City of Houston and **HARRIS COUNTY** for the November 7, 2000 Special Election; making various findings and provisions relating to the subject - \$145,000.00 - General 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 - was presented. All voting aye. Nays none. ORDINANCE 912 ADOPTED.

Council Member Castillo stated that he would recommend that Council Members look at the list of precincts and precinct locations that were being contracted for the election so that precincts in their respective districts were okay, that sometimes they changed and people did not know about it, so they had an opportunity to change it somewhat.

Mayor Brown stated that one of their employees, Ms. Helen Gros, Division Chief of the General Counsel, of the Legal Department, passed away and would request that they take a moment of silence in memory of her passing.

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

Council Member Boney stated that he wanted to make note of Ms. Gross's absolutely outstanding and superior service to the City and the Legal Department, that he had worked with her for a number of years and she was one of the best, that he was sure it was a tremendous loss for the City, Legal Department and also for her family, that death had struck several City employees as of late, that Mr. Vernon Sampson, City Parks Department, was killed in a motorcycle accident, that Mr. Don Payne, Communications Office, lost his son this weekend, and asked for a moment of silence for all of the losses. Council Member Goldberg absent.

Council Member Galloway presented a short video on the Best Kept Secret, that the video would enlighten her colleagues on the educational opportunities that were provided for the citizens of Houston to become qualified and certified in various construction trades. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Galloway stated that Aqua Source was a water company that was in the Acres Homes Community and they held a hearing last night and would have another hearing on Thursday night at the Acres Homes Multi Purpose Center, that the people out there were really in need of support because of their water rate increase and encouraged her colleagues to go to the meeting on Thursday at 7:00 p.m., and Mayor Brown asked if they were proposing the rates as were in Council Member Galloway's letter and in the newspaper, and Council Member Galloway stated yes, that it was a very sad situation, and Mayor Brown stated that it was extremely excessive and wanted the Legal Department not only to look into it, but also to intervene on behalf of those citizens. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Sanchez asked for a moment of silence for the men and women who were lost in the Middle East in the Port of Yemen, that it was a tragic loss particularly since it was so close to home, that they had a couple of Texas service members who perished. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Sanchez stated that he was pleased to see that the Mayor had asked the Legal Department to look into the situation in Acres Homes, that in his many visits to Acres Homes it was shown that there were many elderly folks living in that community with limited income, that he planned to attend the next meeting and support the community of Acres Homes. Council Members Goldberg, Vasquez and Robinson absent.

Council Member Parker thanked Council Member Galloway for the video she presented, that while it was a union video there were a number of non union apprentice programs as well and if they were credited apprentice programs they were all good and beneficial, that they had a huge deficit in the skilled trades and it was a particularly good avenue for women to get into high paying jobs, that in the prevailing wage proposal they were going to be considering soon in Council there was an incentive to use apprentice labor from certified apprentice programs and hoped to see that proposal pass but was really glad for the training they were trying to encourage. Council Members Goldberg, Boney, Vasquez and Robinson absent.

Council Member Castillo stated he wanted to bring to the Mayor's attention that back in June the Regulatory Affairs Committee passed some amendments out of committee to Chapter 8 pertaining to recording requirements for auto recycling facilities and most of the items passed by more than 8 votes, but due to the delay of not getting it on the agenda, Council Members Vasquez and Parker wrote to request the item placed on the Council Agenda and because it had been delayed for so long the committee was asked to vote it out a second time which it did on September 19, 2000 and they thought that the amendments would be on the agenda of September 27, 2000 but then the police chief was out of town and understood that he had some objections to some if not all of the items and then when he got back they were informed that Mr. Paul Bibler was out of town until November 1, 2000 so it was still not on the agenda, that he understood that the chief did have some objections and a lot of those came from the employees of the Police Department within the loop of the decisions that were made and so they asked that the items be placed on the City agenda so they could discuss it as a whole and perhaps prior to it being on the agenda the police chief could give them his concerns in writing so that they could have adequate time to reflect on it and not bring them just on the day that it was on the agenda, that the committee spent almost a year working on them. Council Members Goldberg, Boney and Robinson absent.

Council Member Todd stated he agreed that he would like to see them on the Council agenda and asked Ms. Stein if she knew where it was in the process, and Mayor Brown stated that they expected them to be on November 1, 2000, and Council Member Todd agreed that the committee had spent a considerable amount of time working on the proposals and it was the opinion of the committee that it was in the best interest of the City that they pass and that they would not have any negative effect on law enforcement, that in reality they were common sense type proposals that would make it easier for people to basically recycle their vehicles, Mayor Brown stated that the police chief would contact them and voice the position of the Police Department on the proposed change. Council Members Goldberg, Boney and Robinson absent.

Council Member Bell stated that he also wanted to take the opportunity to extend his condolences to the family of Ms. Helen Gros, that any one who had the opportunity to work with Helen at the City knew that she was a battler and if they happened to be on the opposite side of Helen on an issue they knew they had a battle on their hands because no one was going to be more thorough or more well prepared than Helen on a particular issue when it came to offering advice, and if they were fortunate to have her on their side they knew they were going to have a true advocate and someone who was going to work very hard on a particular issue, that she would be sorely missed and he had a great deal of respect for her in that she battled right up to the end, when a lot of people probably would have given up Helen was still coming back to City Hall and trying

to work as much as she possibly could and doing a very extremely high quality work, and she would be missed, and Council Member Parker stated that they should acknowledge that in addition to her work with the City her many years with the ACLU and all off her work on behalf of the greater community. Council Members Goldberg, Boney and Robinson absent.

Council Member Quan stated that World Hunger Day was celebrated this week and there were many people within the community who were working hard to address the needs of hunger in the City and wanted to especially mention that Kid Care would be having a gala this weekend honoring Cynthia Wood Mitchell and Ron McMillan for their work in addressing hunger for children, that he would also like to acknowledge the work of the End Hunger Network, that they would be having an event next week, that they were working with restaurants and taking left over food and providing it to the needy as well. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Quan stated that he would like to take the opportunity to publicly acknowledge the work of Ms. Culbreth, that he knew she had tendered her resignation to the City and thought she had done a fine job during his time in Council and knew her work would be missed. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Vasquez requested an update on the court action regarding abandoned vehicles, that in January they were told they would hear something in May or June and wanted to see if there had been any movement on that, that it affected a lot of his neighborhoods in terms of abandoned vehicles and also abandoned houses as well. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Vasquez stated that he wanted to bring a new policy that was in the Parks Department, it was called the Three Strike Policy and basically established a set of performance standards for selected groups that used the parks and believed that the policy was unfair and there were about 15 groups that were coming together to oppose the policy and were very concerned on its impact on the various soccer leagues, little leagues and football leagues that may or may not be registered with the City but the policy basically was a zero tolerance policy, that they were also opposed to vulgar language, alcohol and mischievous behavior, but they were being singled out in the sense that if there was anything in the park that was related to one of the items in the policy they got blamed for it, so it was not a fair policy and hoped that they could take a look into it and hoped that Mr. Spellman would take a personal interest in looking at it and working with the various groups in modifying the policy and make it more even handed, that anybody who was going to use the parks should be subject to the policy not just those particular groups who just happened to be predominantly Spanish speaking and immigrant groups, that he was open to meeting with Mr. Spellman to discuss it. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Vasquez stated that he echoed Council Member Quan's comments about Ms. Culbreth, that he appreciated all her efforts, her tenure and her reputation with the City. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Keller stated he would be very glad to offer any recommendation to Ms. Culbreth. Council Members Goldberg, Boney, Todd and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:41 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Quan. Council Members Goldberg, Boney, Todd and Robinson 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