

City Council Chamber, City Hall, Tuesday, October 24, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, October 24, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director Mayors Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Jew Don Boney, Jr. out of the city on personal business.

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

Council Member Bell stated that he was presenting a proclamation for Celebrate Construction Week; that the Construction Workforce Coalition was a group of local contractors and construction related associations and their mission was to make sure there was an adequate supply of workers for the construction industry in the future and invited Mr. Larry Williams, president of the coalition, Mr. Al Nicholas, vice president of the coalition, and his wife Allison Bell who served as the executive director, to the podium. Council Member Bell stated that they were hosting a special week for observance which was October 30 through November 3 and hosted events promoting the construction industry and would be having a Career Day Fair where students could get a hands on look at the industry; and presented them a proclamation recognizing the contributions of the construction industry and did extend best wishes to all for a successful and rewarding celebration; and proclaimed October 30 through November 3, 2000, as "Celebrate Construction Week." A spokesperson stated that there were many men and women in the community that had no direction for career; that many aspired to go to college and they did support that, but the job market for the new millennium did not require everyone to go to college and the construction industry provided good opportunity to help make people successful; that in Houston they were about 125,000 jobs short and they wanted to spread the word. A second spokesperson stated that Monday 30 teams would build projects out of can goods and be judged then compete with local architects, afterwards the food would be given to local food banks; Tuesday - Thursday 20 school districts would bring in students for a career fair with hands on opportunity to work with tools and heavy equipment and have questions answered. Mayor Brown, Council Members Galloway, Todd, and Robinson absent.

Council Member Quan stated that he had enjoyed working with the Area Planning Advisory Council for the Houston/Harris County Area Agency on Aging who did wonderful work; and invited members of the board to the podium, Mr. Frank Janard, Dr. Sin, Ms. Gail Walker, Ms. Charlotte Mangum, Ms. Joyce Punch and Charleyne James, and stated that good nutrition was a fundamental requirement for every individual; that more than 650,000 area residents struggled with poverty and hunger each day in Harris County; that during the week of October 22 – 28, 2000, the Area Planning Advisory Council of the Houston/Harris County Area Agency on Aging would host its support Meals on Wheels Campaign to benefit the home delivery program; and presented a proclamation commending those dedicated to the worthwhile endeavor, extended best

wishes for a successful and rewarding campaign, and proclaimed October 22 – 28, 2000, as “Support Means on Wheels Week” in Houston, Texas. A Spokesperson thanked Council for the proclamation and stated that Meals on Wheels was a very important program and over the past year had served over 1,100,000 home delivered meals to seniors and disabled and at the same time checked on the individuals which allowed them to remain independent; that it was also for those just coming out of the hospital and needing assistance. Council Members Galloway and Todd absent.

Council Member Quan stated that he had a proclamation for Disabilities Mentoring Day and invited Ms. Kim King, Director for Persons with Disabilities, and two young people, Ms. Kristen Jones and Mr. Lamar White to the podium. Council Member Quan stated that new generations of young people with disabilities were growing up, graduating and going to work and they had a right to maximize their potential by making the most of their intellect, talents and abilities; that October 25, 2000, was disabilities Mentoring Day and would provide an opportunity for young people with disabilities to gain insight in career options by spending part of their day in the workplace; that it was a public/private partnership sponsored by the White House and the American Association for People with Disabilities; and presented them a proclamation saluting those committed to the worthwhile effort, and proclaiming October 25, 2000, as “Disabilities Mentoring Day” in Houston, Texas. Ms. King stated that Kristen Jones was the local coordinator for Disabilities Mentoring Day and former intern at the White House, currently at the University of St. Thomas majoring in Special Education and Government and appointed by Mayor Brown to the Houston Commission on Disabilities and selected two years in a row to be on the Executive Planning Committee for the Youth Leadership Conference in Washington, D. C.; that Mr. Lamar White was one of the mentors who would be participating in the City program and would be working with Council Member Quan and his staff, he was 18 years old and going to Rice University majoring in Political Science and a star debate team member. Council Members Todd, Castillo and Sanchez absent.

At 2:19 p.m. Mayor Brown called the meeting to order and called on Council Member Robinson to lead all in prayer. Council Member Robinson introduced Rev. Terry Brown who appeared at the podium and led all in prayer. Council Member Robinson led all in the pledge of allegiance. Council Members Todd and Sanchez absent.

The City Secretary called the roll. Council Member Boney out of the city on personal business. Council Member Todd absent.

Council Members Sanchez and Castillo moved that the minutes of the preceding meeting be adopted. Council Member Boney out of the city on personal business. Council Member Todd absent. MOTION ADOPTED.

Mr. Lonnie Lischka, 266 Hwy. 36 South, Houston, Texas 77481 (979-865-5941) appeared and stated that he was with the Lonnie Lishka Company and was present regarding Agenda Item 34, Project 522B at George Bush Intercontinental Airport/Houston; that a couple of facts were that the bidding was conducted on two parts, Part I had a July 13 date for the base bid and Part II was within 10 days of the base bid with alternate bid for insurance and ROCIP information, Forms 690 and 691 and his company's base bid was \$11,982,830.00 and alternate bid for insurance was \$0.00 cost

to the city with a total bid of \$11,982,830.00; that Champagne-Webber's base bid was \$11,958,330.00 and their alternate bid for insurance was \$61,449.00 with a total bid of \$12,019,779.00; that his company was the low bid by \$36,949.00 and fact two was that Champagne-Webber's second part to their bid alternate bid for insurance and ROCIP information, Forms 690 and 691 were inclusive therefore according to the bid documents the 2.29% ROCIP plug should have been added to their base bid and it would result in their bid being \$12,232,175.00 and that was \$249,345.00 higher than his bid, but in either case the Lonnie Lischka Company was the low bid on this project; that he would ask Council to seek the city's best interest and reject Item 34 which awarded to the second lowest bidder. Council Members Galloway, Goldberg, Castillo, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that the road of ROCIP had been a rocky one; that in August he had requested from F & A a list of insurance cost submitted by the contractor's; and upon questions, Mr. Lischka stated that he did submit the 690 Form and his total was not \$101,713.02 on that form; that he would provide him the bottom line totals on his 690 and 691 Forms. Council Member Tatro stated that he would give him a copy of the memo he had as F & A represented Lischka's insurance cost as being that amount. Mr. Lischka stated that he had a correspondence along with his 690 Form stating the insurance would be provided at no additional cost to the city and the information was filled out because it was a part of the bid document and every part of a bid document had to be filled out in order for it to be acceptable that if his 690 and 691 Forms were not in compliance according to the bid documents they would plug the 2.29 so they should be able to go right to his forms and see if they were filled out correctly and he thought the 690 and 691 Forms were to verify ROCIP information, to verify whether the rates were justified. Council Members Goldberg, Keller, Vasquez, Castillo, Sanchez, Bell and Robinson absent. 9NO QUORUM PRESENT)

Ms. Laverne Smith, 1435 Fashion Hill, Houston, Texas 77088 (281-445-0031) appeared and stated that she was present to complain about a water bill from the Aqua Source Company; that they were making a monopoly and raising rates more than double; that they had broken equipment and leaks and customers were paying for it. Council Members Goldberg, Castillo, Sanchez, Bell and Robinson absent.

Council Member Galloway stated that they held hearings and Aqua Source was trying to have the community pay for a statewide upgrade program and the rates were quite high; that it would be coming before Council and she was in support of the community. Council Members Goldberg, Castillo, Sanchez, Bell and Robinson absent.

Ms. Geneva Kirk Brooks, P. O. Box 20523, Houston, Texas 77225 (713-664-2717) appeared and stated that she was the director of the Property Rights Foundation and wanted to thank the Houston Chronicle for giving all the reasons they must vote against the new Arena; that she also wanted to acknowledge a young minister, B. Wayne Clark, who had been so helpful in helping them understand the problems of another new arena; that she was asking for the 5% hotel and car rental tax to be repealed since 99% of those who rented hotels and cars did not attend games; that the old Astrodome was not paid for and more was still owed on it now than when it was built; that the proposal for the new hotel would cost \$100,000.00 a room and she was asking Council to vote no on that new Arena. Council Members Goldberg, Castillo, Sanchez, Bell and Robinson absent.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas (713-923-9473) appeared and stated that he was present today as a worker's advocate; that last year they had presented a document to Council entitled "Houston's Dirty Little Secret" and it was a report that basically documented the cheating of workers on the tax dollar funded projects; that they were mostly Hispanic and sometimes immigrants; that they went to various job sites over the past year with some being operated by the city, county, school district, federal and even hospital district jobs and in almost every instance workers were being misclassified to the work they were performing and that it was mostly happening in the subcontractor area; that many workers had no idea what they were supposed to be getting paid because if the wages were posted it was in an office where workers were not supposed to be and none were organized labor members and they had no voice to speak for them until now; that the members of the Houston Gulf Coast Buildings Trade Council and the Harris County AFLCIO had partnered together to try and inform the public and workers; that Pat Kiley of the AGC called them renegade contractors and they too felt the workers were being cheated and the public entities were being cheated by being charged for tradesman and paying for helpers; that when a worker was cheated out of earnings it had a ripple effect in town as less income to worker meant less income to spend and no money got healthcare meant more burden on the city; and urged that all read the report and get involved in stopping the underground economy from getting worse and help them to help the workers from being cheated. Council Members Castillo, Sanchez, Bell and Robinson absent.

Council Member Quan thanked Mr. Wortham for his work and stated that he knew he and Mr. Richard Shaw had both been very involved in this; that various recommendations had been made and he indicated some agencies had taken action; and Mr. Wortham stated that some action had been taken; that some would post wages out front in English and Spanish so the worker would know what they should be making; that the EEOC had hearings, but he could not think of any offhand dealing with this issue. Council Member Quan stated that he would read the report and see what could be done on their side. Council Members Castillo, Sanchez, Bell and Robinson absent.

Council Member Galloway stated that she appreciated Mr. Wortham bringing this to Council's attention; that she saw in his presentation where Mr. Kleinberg had made a report in January; and upon questions, Mr. Wortham stated that he believed he had a copy of Mr. Kleinberg's report and some of what he presented today was covered in that report and he would get a copy to her. Council Members Castillo, Sanchez, Bell and Robinson absent.

Ms. Marrah Hylton, 16535 Monte Carlo, Houston, Texas 77053 (281-437-5718) had reserved time to speak, but was not in the Chamber when her name was called. Council Members Castillo, Sanchez, Bell and Robinson absent.

Mr. George Figueroa, 10327 Piping Rock, Houston, Texas 77042 (713-974-8090) appeared and stated that he was present today to express views on the new park policy, the three strike rule which related to drinking, etc.; that he would like to know if they could work it out with Parks, they were against violence, alcohol and misuse of parks and they formed a coalition of organized sports groups and came up with a set of rules that could be applied to all groups regarding discipline, however, they did not think applying the three strike rule would be a positive solution; that they thought the violators should be

punished and that just everyone should not be run off. Council Members Castillo, Sanchez, Bell and Robinson absent.

Upon questions by Mayor Brown, Mr. Figueroa stated that they told Parks they had formed a coalition and yesterday Mr. Spellman met with their chairman and he believed they were now beginning to walk in the right direction. Mayor Brown stated that he was going to tell Mr. Spellman to continue working with them and to work out a compromise that would be satisfactory. Council Members Castillo, Bell and Robinson absent.

Mr. Thomas Garcia, 13707 Candleshade, Houston, Texas 77045 (713-433-8807) had reserved time to speak, but was not in the Chamber when his name was called. Council Members Castillo, Bell and Robinson absent.

Mr. Dexter Norris, 5846 Southvilla, Houston, Texas 77033 (713-643-7023) appeared and stated that he had a safety issue he had been trying to resolve in front of his house; that an elementary school was right across from his house and every time it rained the rain would cover the street and sidewalk and he had tried to get it fixed but was told the entire street would have to be redone to fix the problem and that he would need to get the entire street to sign the petition to get it done, but the problem was not in front of everyone's house only his and he had brought pictures for Council Members to view; that he felt his part was done when he called the city and notified them of the problem and did not feel he needed to do anything else; that Mr. A. Thomas in Council Member Todd's office had been real rude with him and that was when he decided to take it to the next level and brought it here today. Council Members Castillo, Sanchez, Bell and Robinson absent.

Council Member Todd stated that this was a situation where a road had so many overlays there was essentially no more curbs; that they were originally contacted by Mr. Norris last year and sent a request to Public Works, Jerry King at the time, requesting that they go out and work with the constituent or make grooves in the sides which had been done in other parts of the city, but they said another overlay was not possible; that in the Chamber was Mr. Johnson who had his file on this and he again requested that Mr. Johnson work with him to get his problem solved and would encourage Mr. Norris to get the other residents on the street to sign his petition. Council Members Castillo, Sanchez, Parker, Bell and Robinson absent.

Mayor Brown stated that since it was a problem in front of one residence he wanted Mr. Johnson to go out to view the problem and see what could be done to correct it. Council Members Castillo, Sanchez, Parker, Bell and Robinson absent.

Ms. Dorothy Olmos, 6678 1/2 Sylvan rd., Houston, Texas 77023 (713-928-3538) appeared, presented booklets and stated that she was present on a proposed project she had been working on collectively with The Marine Engineers Beneficial Association and the proposed project was asking for funding to relocate or renovate the theatre for Hispanic Fine Arts; that she was present in May and asked to submit a letter of some kind to recognize the issue so she went further and put the proposal together, however, after meeting with other organizations and agencies to ask for space availability they were limited; that the east end area of Houston had not had the opportunity to provide such state of the art training as what they had to offer; that in speaking with MEBA, Marine Engineers Beneficial Association, they too had been trying to relocate or renovate their

facility and had applied for an HIB Visa Grant to provide training in electronic engineering and telecommunications and if awarded would be informed by December 2000 and with that possibility the Hispanic Association for Fine Arts Theatre On Broadway had come together with MEBA and other agencies to ask the city for a facility in the east end area near the Ship Channel; that it was important to their area and with the Mayor and Council's support they ask them to consider a new community arts center in the east end and it would be much appreciated. Council Members Vasquez, Castillo, Parker, Sanchez, Bell and Robinson absent.

Mayor Brown stated that they would work with Council Member Castillo on this as he knew he was interested in it as well. Council Members Vasquez, Castillo, Parker, Sanchez, Bell and Robinson absent.

Ms. Wanda Sterling, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) appeared with all others present on the subject of upgrading the salary in Municipal Courts and stated that today they were present from the Municipal Courts to address the issues of salary upgrade, especially Pay Grade 8, that they had grown weary of being mistreated and defeated as far as salary issues were concerned; that their area was the backbone of the courts system and without them there would be no court or revenue; that they were angry about being told there was never money in the budget for them and they were being constantly overlooked while others received salary upgrades with no added duties, they were told to apply for other positions to get more money, she had written letters to address the issues to Mayor Brown and all Council Members with no response from anyone but Council Member Orlando Sanchez and she did thank Council Member Sanchez; that they did hope their issues and concerns would be given very close consideration; that they had expected to hear from Mr. Donald Hollingsworth, they had a meeting with him about a year ago with no good outcome, so they were present to do whatever was necessary to get more money to support themselves and their families. Council Members Vasquez, Castillo, Parker, Sanchez, Bell and Robinson absent.

Upon questions by Mayor Brown, Ms. Sterling stated that the only increase they had ever received that she was aware of was the \$2.00 longevity and the across the board 2%, but you did not see it; that they wanted to be paid for what they did; that they were very overworked and had a lot of manual things that had to be done, she worked in Pending Files and it was actually a dumping ground, it was very stressful; that supposedly there was a survey conducted on the work they did, but they had not seen it and no one had been in their area to get any background; that Mr. Mangus had said something about a financial analysts but their concerns was how could they know the duties they performed if they had not come in. Council Members Vasquez, Castillo, Parker, Sanchez, Bell and Robinson absent.

Council Member Quan stated that he was sorry he did not recall receiving the letter and would like a copy and would be glad to respond; and upon questions, Ms. Sterling stated that those with her were also Pay Grade 8 but her duties were a little different; that she worked in Pending Files and they were from different areas of the courts; that Mr. Mangus was their director, but their AD was Joyce Bethany; that they felt they were being selectively overlooked, she had been there 10 years and at the same pay. Council Members Castillo, Parker, Sanchez, Bell and Robinson absent.

Council Member Quan moved to suspend the rules to hear from Mr. Ron Mangus, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Castillo, Parker, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Quan, Mr. Mangus stated that a survey was requested for the Pay Grade 8 Senior Clerk's in 1999 and it was concluded in February of 2000, it was conducted by the Human Resources department and it was concluded that the job classification was appropriate and the average by-weekly salary exceeded the citywide average; that he met with employees twice, on September 14 and September 25, regarding the issues and again with Ms. Sterling on October 9 so he did not want anyone to have the perception that he was non-responsive or unavailable; that his office door was always open and two Friday's a month he reserved for any employee to come by and talk with him without an appointment on any issue; that he believed what they were referring to when saying they felt they were being discriminated against was that there may be employees coming in at a higher pay grade and making a higher salary for that pay grade. Ms. Sterling stated and doing the same duties. Mr. Mangus stated that he had talked to the employees on about 13 different issues with the first being salary and the audit and they felt the audit was done inappropriately and they went through different issues on that; that he met with six employees on the 14th and seven or eight on the 25th; that he also met with Vivica Songberg, Lonnie Vara and Mr. Hollingsworth and they went over the process surrounding the audit and he was convinced it was done according to basic auditing principals and done fairly and was complete; that they began the audit with the PIQ, personnel questionnaire, and employees indicated to him that they did not take it serious and many did not bother to fill it out; that he had requested from directors a complete organizational chart for their area with information as to what each employee did and was implementing a daily performance and productivity report to measure what the employees were doing so he could determine for himself whether they did have pay grade 8 employees doing more than what they should; that they were dealing with an antiquated system which they were working to replace and many functions were manual and the pay grade 8, 9, 10, 11, 12, 13 and 15 were the backbone and kept things flowing; that they docket 2.4 million cases a year and according to the system support group there were more than 400,000 case related transactions a month and those were the people who did perform those functions and they were very important and intracal and he did not take their comments, questions and concerns lightly; that he had 476 employees with 49 different job classifications and some employees worked seven days a week, 24 hours a day, 365 days a year and he had to consider all of them. Council Member Quan stated that as a lawyer he understood how important they were and it was tedious work and very important that it was correct; that he would like to be kept apprised of this and would like to see what could be done. Council Members Castillo, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Tatro, Mr. Mangus stated that in the pay grades he mentioned each job classification had different qualifications and requirements; that with the same educational requirements a person could be a different pay grade but there were different skill level requirements; that if you were looking at the same education level only you could probably work at a pay grade 8 to 15 level, but there were different areas, different job duties and requirements and skill levels so you did not just look at education alone; that he was not aware of a survey but was aware of the audit requested and it was performed, to his understanding they reviewed the PIQs, interviewed the

assistant chief clerk, managers, supervisors and some of the staff and indicated to him that they did review what was going on in the areas and as a part of the audit surveyed other municipalities; that the Municipal courts had been neglected for 25 years and the Mayor had a press conference regarding their technology initiatives and realized they had been neglected and they had catch up to do. Council Members Castillo, Sanchez, Bell and Robinson absent. Council Members Todd, Castillo, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Galloway, Mr. Mangus stated that the audit was done by the Human Resources Department; that employees had received a PIQ, he was informed the employees in Docket Preparation and Pending Files which was where the audit was requested each received a PIQ, when he met with the employees on the 14th and 25th many informed him they did not fill it out or quickly did so and turned it over to their manager; that on the 25th he was informed the manager lost some of their PIQs and he was looking into that. Council Member Galloway stated that if they were serious about the audit and serious about wanting to upgrade and do what was necessary for the employees it would have been controlled by the supervisor to make sure that every employee filled it out, to let them know the importance of it and why it should be filled out and that it should have every job duty listed so that they would know how to reclassify, but that was if they were serious; that it would keep moral up if they did not bring persons in making more with less experience and she hoped he would look into it seriously and get information from employees and since it was done in-house she could see no reason to give them another PIQ so they could understand what was being done. Council Members Todd, Parker, Sanchez and Robinson absent.

Ms. Sterling stated that another problem was that when the new people came in they made more than them and yet they were the ones training them and it was just not fair. Council Member Galloway stated that was happening probably because they came in at a higher pay grade and that was bad for moral and thanked them for coming to Council and enlightening them. Council Members Todd, Sanchez and Robinson absent.

Mayor Brown stated that they had all signed up to speak and did they still want that right; and Council Member Galloway stated that since Council really got to the base of what they were talking about she did not think they all wanted to speak; that they had pretty well covered the entire factors of the situation and if someone wanted to ask a question Council Members Todd, Sanchez and Robinson absent.

Ms. Donna Morris, 1400 Lubbock, Houston, Texas 77020 (713-247-4992) stated that she did not understand why they could not be placed at the top of their pay grade, even that would be additional income. Mayor Brown stated that they had done an excellent job in making him and Council aware of their concerns and he believed he could speak for every Member of Council that what they did was appreciated, they provided a very important function and he would have them go back and look at the issues brought to their attention to see what could be done to be responsive to their concerns; and upon questions, Ms. Morris stated that she was a senior clerk, Pay Grade 8 and had been in the courts 22 years. Council Members Todd, Sanchez and Robinson absent.

Ms. Jennifer Escalona, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Dorthea Johnson, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Sheila Johnson, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Patricia Reyes, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Cheryl Sollid, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Teresa Williams, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Karen Guillory, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Marva Thorne, 1400 Lubbock, Houston, Texas 77020 (713-247-4355) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Ardean Barefield, 1400 Lubbock, Houston, Texas 77020 (713-247-5787) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

Ms. Mary Johnson, 1400 Lubbock, Houston, Texas 77020 (713-247-4992) had reserved time to speak, but passed since the facts of their concerns had been well covered. Council Members Todd, Sanchez and Robinson absent.

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

Mr. Juan Garcia 9217 Kerrwood Lane, Houston, Texas 77080 (713-465-3936) appeared and stated that the City of Houston was doing Veteran's Day on November 11 and St. Joseph Catholic Church bounded by McCain, Lubbock and Houston Avenue for the last 13 years had been honoring veterans of all wars along with POWs and MIAs; that this year would be 14 years they had honored them and it was the only church they knew of that had done so and they were present asking for a proclamation for the church. Council Members Todd, Sanchez and Robinson absent.

Mr. Joe Rodriguez, 1811 Tabor, Houston, Texas 77009 (713-862-5168) appeared and stated that November 12 at 12:30 a.m. they were holding a Veteran's Day Mass at St. Joseph Catholic Church and they were inviting all veterans from all branches, MIAs, POWs, everyone. Council Members Todd, Sanchez and Robinson absent.

Mr. Garcia stated that they would be presenting some Korean War medals; that the government had not accepted the medals until last year and they had already run out and some would not get them, but he had gotten a hold of eight and they would be presented ; that after the mass there would be a dinner and the Mayor and Council was invited. Council Members Todd, Sanchez and Robinson absent.

Mayor Brown thanked Mr. Rodriguez and Mr. Garcia for their service and stated that Mr. Cantu would meet with them at this time to make sure they received the proclamation they had asked for. Council Members Todd, Sanchez and Robinson absent.

Mr. Jacob Padilla, 7418 Alderson, Houston, Texas 77020 (281-963-0027) appeared and stated that his community paid taxes and voted, but was it because they were an inner-city community or a minority community that they had problems; that his problem concerned the Denver Harbor Football League, he was a coach and the children were ages 4 to 6; that they were having a problem with the port-a-cans, they were put at the highest point in the parking lot and leaking septic water; that toilet paper was exposed on the outside and the children were walking in the water; that he had contacted the Parks Department and told it would be taken care of ten days ago, but last night it wasn't; that he understood the contract said they were to be cleaned three times a week and that was not happening because he could smell the odor; that they had over 250 children a night at the park and they had three port-a-cans and the contract needed to be looked into because they were not getting what they were supposed to get; that if they would just move the port-a-cans across the parking lot on level ground the water would not run out. Council Members Todd, Sanchez and Robinson absent.

Mayor Brown stated that Mr. Brian Hill, with Parks and Recreation, was present at this time and he would ask that he take care of that problem, to do whatever it took to get it corrected. Council Members Todd, Sanchez and Robinson absent.

Council Member Castillo stated that sometimes the port-a-can companies took it upon themselves to put it where it was convenient, but they needed to use common sense; and it was incumbent on the Parks Department to say where they wanted them placed; and Mayor Brown stated that common sense should prevail and they would make sure it was taken care of. Council Members Todd, Sanchez and Robinson absent.

Council Member Keller stated that the contract status with the different companies should be evaluated; that he was sure every district had similar things and he believed it was more than moving it, it was incumbent that they make sure the companies were responding as soon as a citizen responded to the city. Council Members Todd, Sanchez and Robinson absent.

Upon questions by Council Member Tatro, Mr. Padilla stated that the port-a-cans were not defective, but set at the highest point and on a slant and that was why they leaked. Council Members Todd, Sanchez and Robinson absent.

Mr. Rudy Vasquez, 501 Talent, Houston, Texas 77076 (713-224-7333) appeared and stated that he was present as chairman of the Coalition of Sports Association of Houston, independent leagues who would rent ball fields from the City of Houston and then ran private leagues utilizing those fields; that they were present regarding their most recent problem with the Parks Department, he had met with Mr. Spellman yesterday and was assured the right people would be brought together to get the problem resolved; that their stronger concern was that the Parks Department did not take them serious or for the customers they were; that they represented about 17,000 amateur athletes different ages and paid over a quarter million dollars in rental fees to the city; that they only wanted a little respect and to be treated with dignity, like the customers they felt they were; that many times when going to Parks they were treated like they were doing them a favor; that today they were present regarding the three strike policy they were trying to implement and it was city government at its worst, it was inefficient, non-enforceable and did not work; that if people were not doing as they should then they would help kick them out, but they did not want to hear it they just said if they did not sign off on the policy they could get no more permits and could use no city fields; that games were scheduled and that was blackmail; that they did not support any violence and would work with the city on such problems. Council Members Todd, Sanchez and Robinson absent.

Upon questions by Council Member Ellis, Mr. Vasquez stated that the three strike policy brought them together to form the coalition, but the basics of the policy punished those who actually ran this, the league directors, it put the City of Houston and them in an adversarial position; that normally if he had a problem he would call HPD, they would be gone and not back in their leagues, but under the three strike policy if he did that he would be retaliated against and forced to hire police officers at the park which would cause him to go bankrupt in three weeks; and another opposition was they were looking at the independent leagues like they were the only one having the problems and that was a double standard as none of the city leagues had to abide by it. Council Members Tatro, Todd, Sanchez and Robinson absent.

Mr. Richard Llanes, 12850 Whittington, Houston, Texas 77007 (713-653-8795) appeared and stated that he represented the Corporate Soccer Association of Houston and they also rented county fields and to the best of their understanding they did not have to abide by that type of policy on a county level, several concerns had been brought up by county representatives but they had stayed on a one to one level and had been very understanding; that when there was a problem they tried to figure out how to solve the problem league by league. Council Members Tatro, Todd, Castillo, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Goldberg, Mr. Vasquez stated that the policy was mailed to all league directors about two weeks in advance to come to a meeting and once there they were told to sign; that they had a lot of questions and asked for an opportunity to meet with them and they said they would give them 10 days; that where they were now is where they hoped they would be a month ago with Director Spellman who was now having people to meet with them tomorrow to come up with solutions to rid the problems and still allow them, the leagues, to be there; and they were advocating that they be allowed to report themselves any problems and take them out of the punishment, yet allow them to get rid of any problems. Council Members Tatro, Galloway, Todd, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Keller stated that Mr. Vasquez brought up a valid point if in fact the city did not have a policy and they would certainly look into that; and upon questions, Mr. Vasquez stated that they dealt with all sports and there were probably about 100 fields, 80 fields were playable, there were about 30 independent leagues and 20 had joined their association and that was who they were representing today; that it was possible they may could raise their fee and hire an officer, but many games were played where absolutely nothing went on and a blanket policy was bad and did not work. Council Members Tatro, Galloway, Todd, Ellis, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that Mr. Vasquez had represented his concerns today and in private meetings and letters with one being the double standard in terms of the policy not applying to all leagues who used the parks and he believed there should be a commitment to clean up the games period and not just games from certain groups; that he also identified the problem that anything happening in the park while they were there was attributed to their games and that was also inappropriate; that the hearing process was discussed and making sure there was due process and Mr. Spellman was aware, but he believed that he needed to emphasize to the Council and to Mr. Spellman was that he did support the idea of cleaning up the games and eliminating problems and not just within their own groups but all groups at the parks; that Mr. Spellman was one of the City's best directors and he encouraged him to visit with him and continue discussions and his being flexible; that he had done a very good job in articulating his problems and now they should be able to come up with some collaborative solutions. Council Members Tatro, Galloway, Todd, Sanchez, Bell and Robinson absent.

Upon questions by Council Member Parker, Mr. Vasquez stated that their coalition had been in existence about two months, after the last policy was instituted. Council Member Parker stated that she was glad they were now formed into an organization; that she believed part of the problem was there was no one to negotiate with and she hoped they now followed through. Council Members Galloway, Todd, Sanchez, Bell and Robinson absent.

Mr. Joe Padilla, 7418 Alderson, Houston, Texas 77020 (713-674-8317) appeared and stated that he had been with the Magnolia Soccer Association for 18 years and had been involved in baseball and football and he was asking the Mayor and Council to also get the Police Department involved with the coalition that he thought prevention would help a lot; that years back there was park police, but now they don't and he knew the police had a lot of priorities and parks may not be one of them, but just their presence helped; that they had park rangers but only about 15 or 16 of them. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent.

Mayor Brown stated that he would ask the Police Chief to also work with them and with the Chief and Director of Parks working with them he felt they could get a solution. Council Members Galloway Todd, Keller, Sanchez, Bell and Robinson absent.

Mr. Ralph Vasquez, 501 Tallant, Houston, Texas 77076 (713-695-8347) appeared and stated that in the two months they had been organized two groups had come to them who were youth, 4 to 18, one from Melrose Park and their lights were cut off and they came to them for help that the same identical problem happened at Guitierrez Ball Field in Port of Houston and they were youth not men and the city had failed those youth they

had promised them uniforms, etc., there was a youth program directed by someone in the city and he would like someone to get him a number or send him to someone; and Memorial Park had park rangers and they wanted the same consideration at their parks and the lights turned on. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent.

Mayor Brown stated that he would talk to the Chief and someone would meet with them and on the young people he would ask that he meet with Mr. Cantu and give him all the details and he would follow-up on that commitment and see what needed to be done. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent.

Mr. Norman Adams, P. O. Box 7011, Houston, Texas 77248-7011 (713-869-8346) appeared, presented information and stated that he was inviting the Mayor and Council Members to the Heights Chamber Luncheon on November 1, 2000, it was a sell out but he would make sure they had a seat; that he was present regarding ROCIP and he wanted to see the new method adopted by F & A, evidently in their frustration with the fact that they did not think contractors were bidding a high enough number for insurance or for credit for insurance they had devised a plan to make it almost impossible for the contractor to bid anything other than their 2.29% and discussed the pink sheet in his packet stating that ROCIP cost was not based on total dollars it was based on payroll and if F & A wanted to try and tie it to something meaningful they should tie it to payroll; that they were telling contractors to bid their insurance at 2.29% or to follow the next two paragraphs and if it was understood that in itself was amazing, but in going to what was passed originally they were originally told that if they bought the City ROCIP Program the reduction in the contractor's bid would pay for their insurance program and save an additional 3% on the hard dollars of construction, but the one thing they did which complicated the issue was they took a recommendation requesting bids both with and without insurance so they could find the real credit and then in the first amendment they stated that if they were unable to verify the contractor's insurance or if they thought it was bid too cheap then they would force him to furnish his own insurance at that price and not enroll him in the ROCIP; and Mr. Adam's Time expired. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that Mr. Adams should continue; and Mr. Adams stated that in going to page 5 it concluded if the insurance cost submitted in the bid could not be substantiated the contractor would not be enrolled in the ROCIP and he did not know how much clearer that needed to be; that today Council heard from Lischka and there was a deal between Champagne-Webber and Lischka where the city had stepped in and actually changed the bids; that the original bid was \$12,019,000 and then the city increased it and was asking that it be approved at \$12,083,000. Council Member Tatro thanked Mr. Adams for coming and presenting another variation in the bid process and the liberties the Administration changed in changing the process around, but if they went back to what was passed in 1999 it specifically stated that when submitting a bid for construction projects a contractor shall be required to bid a project excluding the contractors cost of insurance coverage and then stated that they would also furnish and include an alternate bid of the total cost of insurance and the subcontractors was to provide such insurance coverage and in plain English that meant the contractor was required to furnish those in the bid process and any bid process that went around that was in violation of the ordinance passed and as Mr. Adams pointed out the contractor's actual bid price was the \$12,019,000 and on the RCA F & A had shown the contractor's

bid price as \$12,083,000. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that it sounded as if Mr. Adams was saying the Tatro amendment did not work; and upon questions, Mr. Adams stated that it worked, but it was just not being complied with; that if the insurance bid was not high enough then F & A was trying to figure out how to raise it; that the contractors were giving exactly what he told them the bids would be in November 1999, there average cost would run between 1% and 2% and the cost would come in at 1.4%, the city program cost would come in over 3%; that on 522B the cost of insurance was 1/2% but that was probably because of the degree of labor; that they would find on all of Champagne-Webber's bids their insurance cost had come in at less than 1%; that they required the contractor to bid it and the point was it made no difference what the cost of insurance was and the only thing that mattered to the taxpayer and should matter to Council Members was how much credit were they going to get on the bid if they finished city insurance instead of the contractor furnishing his own, so far they were spending twice what they received; that he had spent so much time on this himself that today he would volunteer to pay for an outside auditor to come in and audit and prove beyond a shadow of a doubt that they were pouring money down the drain. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she had not been present for awhile, but her main issue today was water; that she had lived in Willow Run for 30 years and it was a beautiful neighborhood; that they had a good company until they decided to not fix their equipment and they were getting bad water; that another company bought the company and they want to charge them \$60.00 right off the top, without using one ounce, many in the community were retired and they could not pay for them to fix their equipment; that one tank overflowed and ran into people's yards and after a meeting it was fixed the very next day so she wondered why it was so hard to fix in the beginning; and it was unfair and not legal for them to charge the customers to repair the equipment. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that their Council Member had brought it to Council's attention earlier and the Legal Department was looking into it to see what could be done, how they could be helpful to them. Ms. Taylor stated that she also wanted them to check on the tank they took out because their water pressure was low now because of that. Council Members Galloway, Todd, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 appeared and stated that he had in the public and private sector the ordinance court; behavior Memphis, Tennessee, Beale Street; King's Place conspiracy; Texas; Louisiana; Alabama; whose Millie J. Jackson was she born the Gladys Knight family; concerning children, babies, infants; and continued until his time expired. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent.

Mr. Michael Cunningham, 2704 Sutherland, Houston, Texas 77023 (713-926-4433) had reserved time to speak, but was not in the Chamber when his name was called. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Tatro moved to suspend the rules to hear Mr. Thomas Garcia after Mr. Dwayne Lark, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney out of the city on personal business. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Erik Leonard, 2207 Lazy Book, Houston, Texas 77008 (713-861-7675) appeared and stated that the City's Legal Department was familiar with him as two years ago he had filed the baseball stadium lawsuit which was still ongoing and today was present because the 2000 Arena Ballot language clearly indicated the intent of the Sport's Authority if the referendum passed to use the 1996 referendum as the basis for their authority to build a downtown arena and this referendum had a basis for their authority to build an additional arena for Chuck Watson in 2012 inside the Astrodome; that in 1996 voters authorized construction of stadiums, arenas and other facilities for professional football teams and the Downtown arena was being built in part for a professional football team, the Thunder Bears was an arena football team, a year ago he assumed that the Sports Authority had no intent of trying to claim the Downtown arena was for professional football, but the 2000 ballot language was different and told an entirely different story; that a plan was already discussed to build a hockey rink 10 years from now and Robert Eckels made a point of insuring the agreement between the Rockets and the Sport's Authority did not preclude building such a facility in 2012 and the things they knew about such an arena was that it was not downtown, it was likely to be built with entirely new taxes, the Rockets would not pay a penny for it and the Sports Authority was likely to consider ticket tax as a favorable option for them to finance the facility; that the current ballot language did accommodate using this referendum for the basis as authority to build that additional arena and the stipulation that it be built downtown was removed from the ballot language a year ago and the stipulation that it use any current existing taxes at all was removed from the ballot; that there was no reason for the Sports Authority to make special effort to ensure the referendum could be used for the basis as authority to build the additional arena except that they did intend to use it that way; that the voters were currently being hoodwinked into thinking this current referendum dealt entirely with the basketball arena and he was requesting the Council to investigate the ballot language and force the Sports Authority to come clean on what the referendum was all about. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Jim Davidson, 5303 Allum Road, Houston, Texas 77045 (713-726-1434) had reserved time to speak, but was not in the Chamber when his name was called. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Dwayne Lark, P. O. Box 300905, Houston, Texas 77230 appeared, presented a Bulletin and stated that he was representing the Metropolitan Coalition Organizations and himself and he had founded newarena.org; that he believed some Council Members would vote on the new arena under any circumstances but those who had a little grain of salt when voting for it, that is the proposed referendum or interlocal agreement, and those who voted against he would give rise to their ear that they may in fact at least request the ballot language be investigated; that in 1996 they expected they were voting for one

stadium and in fact got hoodwinked with several venues authorized under that legislation and they were not going to let it happen this time; that they wanted the public to know and wanted the Sports Authority to come clean that in fact they did extract in the original language of 1999 that in fact the basketball arena would be located downtown and that was no longer in the fact, the agreement or under referendum and based on Mr. Watson's acquiesce there would be an arena built germane for Rockets, germane for hockey and they should not play games with tax money, voters or people; that he knew Council Member Quan had a concern about families and their access to the mega million dollar facilities they were giving to billionaires, but it had not been addressed, would not be addressed and there was a hoodwink bamboozle going on. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Ellis stated that Mr. Lark should continue; and Mr. Lark stated that he wanted the public to know the truth, they were being lied to as different numbers of seats were being given depending on where you were reading as an ad in the Black newspaper, the Forward Times, said to vote for it because 50,000 seats would be given per year at less than \$15.00 and that was what was told to Black people, but then Mr. Griff gets a deal, for White people he would guess, saying there would be 40,000 seats at \$20.00 and that was a propinquity to lie. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Castillo stated that as a point of order Council Member Ellis extended Mr. Lark's time to complete his remarks and he would like him to wrap it up. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Lark stated that they believed the public was being bamboozled and hoodwinked one more time and they were asking for a full investigation by Council and by the county and that if that was not done by election day they were asking the public to send a message that this was wrong. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Vasquez stated that Mr. Lark made a lot of assertions and he wondered if he had facts to support those assertions; and Mr. Lark stated that he should be specific as to what facts he wanted. Council Member Vasquez stated that he had said the public was being hoodwinked and he wanted facts to prove that; and Mr. Lark stated that 50,000 seats at less than \$15.00 was printed and thousands of circulation went across the city endemic to Black neighborhoods and in contrast 40,000 seats at \$20.00 a ticket was an inconsistency. Council Member Vasquez asked how that was a hoodwink, and Mr. Lark stated that it was a hoodwink to him, it was a lie and a deception; that he would be frank because he knew what side he stood on and would take the opportunity to let the public investigate and see who was telling the truth. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Parker stated that she felt he had a great deal of difficulty with the wording of the ballot language; that Council had nothing to do with approving the ballot language and had he raised the issue with the county who did approve that language; and Mr. Lark stated that he had and if Council Members had signed onto the interlocal agreement they had every bit of a responsibility to make sure what was being voted on..... Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Quan stated that he would like to clarify why the numbers were different; that what they had been advocating for was descent seats in a family section and not the seats at the very top, as it was 25% of the tickets were under \$20.00 right now but they were very poorly placed seats and there probably were over 50,000 tickets under \$15.00, but they did not just want leftover seats they wanted descent seats for families and that was where the 1,000 times 41 games equaling 40,000 came out to so those were different numbers but he felt they were also talking about different seats. Mr. Lark stated that Council Member Quan did not know where the seats were, they had no agreement written; and Council Member Quan stated that he was correct, but the city designed the stadium and they had the right to work with the Rockets to get that commitment and that was what they were working on. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Vasquez stated that now since Mr. Lark had heard the explanation did he still believe the public was being hoodwinked and bamboozled; and Mr. Lark stated that there was no written agreement as to where the seats would be. Council Member Vasquez stated he just wanted to know yes or no did he still think the public was being bamboozled and Mr. Lark did not answer specifically and Council Member Vasquez stated that he appreciated his answer, to have a good day. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Thomas Garcia, 13707 Candleshade, Houston, Texas (713-433-8807) was recalled. Mr. Garcia appeared and stated that he was present speaking as a member of the Latino Voters League on what Mr. Lark and Mr. Leonard had just referred to; that Mr. Leonard gave Council and him a paper which indicated there was something going on that was close to a conspiracy in negotiations or what was put out by the Rockets to the public, if they changed the language so they could have their water later and that to him was a conspiracy which was a criminal act and Council needed to be aware they may be held accountable for that later on; that to him seating was not a problem because they did not know where seating was at this time, but what was a problem was it would cost \$100.00 for a family of four and that only included one drink with tickets; that they needed money spent in the neighborhoods. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Vasquez stated that he and Mr. Lark mentioned the difference in seats and once Mr. Lark received his explanation for the difference between the 40,000 and the 50,000 he began to argue that they did not know where the seats were and still did not see the explanation so on the explanation as to how they were being allocated did he still think the public was being hoodwinked; and Mr. Garcia stated that he believed they were being hoodwinked in the sense that they took a better deal and now gave a worse deal. Council Member Vasquez stated that he came today to demand an explanation on the difference and the explanation was provided in a very articulate manner and when the explanation was provided he changed his position to demand an explanation of where the exact location would be, but the arena was not built; that his second point was the money should be used for other neighborhood improvements and the Sports Authority when created by the Legislature did not allow those tax dollars to be allocated for anything but sports facilities so they could not be used for neighborhood improvements; that he had wanted to be clear on those facts and he did appreciate him coming today. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Council Member Quan stated that he wanted to mention Mr. Garcia was right at \$100.00 a lot of families still could not go, but there were cheaper seats, the Rockets were actually doubling the amount of affordable tickets required by the NBA to promote an arena where families could go; and Council was still making efforts to try and make sure everyone had a chance to go to the games. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Mr. Vern Kirby, 7210 Leader, Houston, Texas 77074 (713-877-1072) appeared and stated that sometimes during the course of events you just got fed up with the way things were going and he was that way now with the Water Department; that he had lived in Houston 28 years and about the last five years he had paid attention to the Water Department as he had made an addition to his home so his mother could move in; that last month the Water Department said he had used 78,000 gallons of water and that was for two people; that he did water his grass and paid \$540.00 in September and then said the grass would not be watered, but after carefully watching the water it was 18,000 gallons; that after trying to talk logic to the department he got bureaucracy and an ultimatum that he had to go to Fiesta with a check for \$930.00 to keep his water on; that he wanted to have his meter checked and had to fill out a form and was told it would be about 10 days and the meter would be removed so he took a reading to be sure he would be getting the same meter back and he believed taking the meter was obstruction of justice. Council Members Galloway, Todd, Keller, Sanchez, Bell and Robinson absent

Upon questions by Mayor Brown, Mr. Kirby stated that inspectors did go to his property today after all Council Members had been notified by him and they found a leak they had caused yesterday, the leak was put there by the city when they removed the meter, it was not previously there; that 30 minutes before he came down he was given a \$900.00 credit but was owed \$6,000.; that a new meter was put in but he had not wanted it and told he would be given a \$900.00 credit and justified it on a leak that did not exist; that the city had been charging him three to four times what his water bill was by measuring it on common logic for five to seven years; that he had not used 18,000 gallons of water and to his knowledge they had done nothing except get nervous when he E-mailed all Council Members earlier this morning and he was going to hold the Mayor and Council accountable. Mayor Brown stated that his understanding was he was offered credit and if he was not satisfied he could go to an Administrative hearing; that Mr. Johnson was in the Council Chamber and he would go through it all with him so that he could understand it. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Kirby stated that in 1997 the city said he used 8,000 gallons; that the meter was checked and he was told nothing was wrong with it and when it was removed the city personnel said there was no leak, but last night when they replaced the meter that was when they created the leak now his front yard was full of water and that was not so before. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Johnson would work with him and get the matter resolved. Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 had reserved time to speak, but was not in the Chamber when her name was called. . Council Members Galloway, Todd, Keller, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Brenda Petrovich, 7202 Oak Village, Humble, Texas 77396 (281-441-1143) appeared, presented information and stated that she was present on behalf of the Neighborhood Oriented Government as well as Youth Outreach; that the last time she was present Mayor Brown directed her to meet with Mr. Vara and they were given approval on October 3 for distribution of their brochures and cover letter to all City of Houston employees; that a resolution, Listen to the Cries of the Children National Campaign brought awareness to the problems the handicap, youth and elderly faced; that the resolution was signed by the Mayor and Council and what brought her here today was examples of confusion; that she was curious as to why the city would sign a resolution and not allow it to be distributed to employees and how they would be expanding programs for libraries and schools without utilizing a program which had a platform to be used in the private and public sectors and when it was something the city aggressively promoted; that they were offering the PowerCard Benefits Plus Program and it as a unique employee consumer benefits program which was coupled with community empowerment features; that they understood the city did not sponsor the program because it was a privately funded endeavor but for them not to endorse it made no sense. Council Members Galloway, Todd, Keller, Vasquez, Sanchez, Bell and Robinson absent (NO QUORUM PRESENT)

Upon questions by Mayor Brown, Ms. Petrovich stated that the program was for profit but they did sponsor not for profit community action; that 50% went back to community causes. Mayor Brown stated that what she handed out would be looked at and someone would be responding to her; that the proclamation was different from the Power Card and the City's Library system started the Power Card concept and apparently she had adopted the concept; and upon questions, Ms. Petrovich stated that PowerCard, Inc. was incorporated in 1996 and the city could utilize it to expand, but they made it clear it was not related to it. Council Members Galloway, Todd, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that on the Arena deal he believed those at noarena.com and that was why he planned to vote no, the first thing the money should go to is healthcare; that he was sick and when going to a public hospital they took forever, 8 to 12 hours, before you were seen; that he believed the citizens of Houston were getting hoodwinked; and he wanted to wish a happy belated birthday to Council Member Todd and to give out his web site address www.galvan.org ; noarena.com, let's defeat it together. Council Members Galloway, Todd, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

At 4:47 p.m. upon motion by Council Members Castillo and Tatro the City Council recessed until Wednesday, October 18, 2000 at 9:00 a.m. Council Member Bony out of the city on personal business. Council Members Galloway, Todd, Keller, Vasquez, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT).

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 25, 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, Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director and Ms. Karen Kelley, Agenda Office, present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor Brown called the meeting to order and stated that the first item was a public hearing.

PUBLIC HEARING to consider the proposed **GATEWAY U.S. 59/MIDTOWN SCENIC DISTRICT**

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

Ms. Mary Lou Henry, 1656 Banks, Houston, Texas 77006 (713-627-8666) appeared and stated that she was present to support the passage of the scenic district, that she had lived in the area her entire adult life and had owned property for the last 28 years, that they needed to protect their visual environment from any further degradation, that as an urban planner she had worked with many developers and builders for the revitalization of the portion in the area that was in pretty sad shape 10 years ago, and knew how concerned they were that the relocation of the billboards and the proliferation of signs not be allowed to ruin what they had started, that Mr. Charles LeBlanc, Executive Director of the Midtown TIRZ was present to show the support of the Midtown TIRZ Board which two years ago adopted a resolution in favor of the creation of the district and they would be most appreciative when it was passed. Council Members Galloway and Boney absent.

Ms. Kay Crooker, 3711 San Felipe, Houston, Texas 77027 (713-621-4591) appeared and stated that she was a long time member of the City Planning Commission and was present as a private citizen and asked for their vote and support of Gateway 59, the Scenic District, that it was very important to the City and a vote for the future, for beauty and a vote for quality of life, that they all knew that ugly did not sell, beauty did, that the City did not have a good image nationwide and this was a step forward to improve that image and was important to the City and citizens, that in the very recent past there was a poll taken citywide that supported the fact that 80% of Houstonians supported scenic beauty and were opposed to billboard and visual blight, that they had something to protect, that they had future and image and had the future beautification and quality of life of the City and asked them to vote yes for the future. Council Members Galloway and Boney absent.

Ms. Susan Young, 1020 Holcombe, Houston, Texas 77030 (713-790-1020) appeared and stated that she was a resident of the district and helped carry petitions and displayed a stack of petitions, that in fact they were limited by how many people were going and getting petitions because everybody she asked said yes and that was true of everyone she knew who carried petitions, that she was also the President of the South Main Center Association and as such served on the Main Street Coalition Board and they had voted unanimously to support

the scenic district, that the South Main Center Association Board had voted unanimously to support the district, that a board member had pointed out that there was a very dramatic demonstration of the value of scenic districts, that if they drove on 610 on the west side of town they would see the Galleria on one side and when they saw the other side the difference was really dramatic, that she knew that it would take time for them to get there, but the sooner they started and the less degradation they had the faster they would get there, that she had also spoken to folks who had business and they stated they were just as happy if an area was free of billboards then they were not compelled to compete in that area and so she thought it was a very important element for the area that she lived in and to continue the beautiful scenic areas they had on 288 and at Greenway and to help make Main Street a beautiful signature boulevard. Council Members Galloway, Boney and Vasquez absent.

Upon questions by Council Member Goldberg, stated that the district would include off and on premise signs, the limitation was to height, that as to a compromise for new establishments coming in that would not be allowed the size of signs of their competitors who would be grandfathered, and Ms. Young stated that what it did was to phase out over time the larger signs and everyone who was starting new was starting on the same terms. Council Members Galloway, Boney and Vasquez absent.

Ms. Jamie Brewster, 1712 Kipling, Houston, Texas 77098 (713-524-8000) appeared and stated that in the sign ordinance the public hearing was to evaluate the merits of creating a scenic district and having been involved with the Upper Kirby District for 12 years, had they had a scenic district in place 12 years ago, a lot of the development that they had they would have signage that was not quite as high, but also they would not have had 5 of the billboards that they now had on the Southwest Freeway and she displayed a map of the proposed district and stated that the yellow areas represented 500 signatures within the City limits of Houston, that they had to have at least 20% of the area within the district to sign off on it by property owners, that the yellow area was in excess of 20% of the property owners and stated that she could make available to Council Members a list of the businesses that had signed off on it. Council Members Boney, Keller and Vasquez absent.

Council Member Quan stated that he thought that everybody that was asked if they wanted a scenic district in their neighborhood they would say yes and asked if it was fully explained to each of them what the parameters of the scenic district meant to them and their business, and Ms. Brewster stated they explained what the geographic boundaries were and explained that it would limit billboards and that the billboard and signage on premises that were there now would be grandfathered, and Council Member Quan requested a sample copy of the petition. Council Member Vasquez absent.

Ms. Mary Ann Young, 3807 Purdue, Houston, Texas 77005 (713-663-7159) appeared and stated that she was President of the Sunset Terrace Montclair Civic Association, that their neighborhood was located under the neon Budweiser sign, that there had been an explosion of commercial development in their neighborhood in recent years and a subsequent explosion of commercial signage, and she was present because she wanted them to know how easy it was for the folks she asked to sign the petition to give their signatures, almost no one declined, that she knew that it did not go far in offering very serious scenic enhancement because of existing conditions but if it made a dime's worth of difference in controlling the number and size of commercial signs in their area then it would be well worth her coming down and giving them her two cents worth today. Council Member Vasquez absent.

Mr. Michael Points, P.O. Box 66602, Houston, Texas 77266 (713-520-8068) appeared and stated that he was District Director for State Representative Debra Danburg, that she represented the area in the City that they were speaking about, that he had passed out a letter from Representative Danburg in her support for the scenic district, that unfortunately she could not be present, but he echoed the sentiments and remarks of the previous speakers and thought it was an important thing not only for the neighborhood but for the City of Houston to make it more beautiful and create a first class City that they all wanted.

Ms. Evalyn Krudy, 2038 Milford, Houston, Texas 77098 (713-523-1314) appeared and stated that she was present on behalf of University Place Association and also University Place Super Neighborhood Council, that their number one wish and desire in life was to have the scenic district, that when they became a super neighborhood it became their number one goal on the project list that they submitted to the City along with their application and they hoped and asked for Council's support, that they thought it was very important to the protection of the neighborhood and the surrounding area and important to the revitalization of Main Street, and read a letter of support from former Council Member Martha Wong. Council Member Robinson absent.

Council Member Todd asked Mr. Robert Norris from the Sign Administration if as a result of doing the scenic district would there be any impact on State and Federal road funds, Mr. Norris stated that no, there would not, that they confirmed that through TXDOT and the only way they would loose road funding would be if they were to disallow the taking of signs, that the scenic district would not cause the relocation of any signs out of the area other than what right of way had already been taken and that had already been worked out with TXDOT, and Council Member Todd asked if scenic districts proliferated throughout the City was there a potential impact on Federal or State funding, and Mr. Norris stated that once they were to run out of complying locations where billboards could be located to then TXDOT may have some question on how to spend their money, but the City would not automatically loose any Federal funding. Council Members Boney, Quan and Robinson absent.

Mr. Mike O'Brien, 12800 Briar Forest House No. 54, Houston, Texas 77077 (281 496 0752) appeared and stated that he was President of the Houston Homeowners Association and they had been supportive of the Gateway Houston Scenic District from day one, that they had a different interest in the success of it and that was the viability of scenic districts as a tool for residential neighborhoods to eliminate visual blight and this was the first one in 14 years and thought the last one was in 1986 and they had several member groups who would like to have scenic districts, and they would like to make sure that this tool was available to other neighborhoods in the future and would like to get a commitment from the Council that it would be a viable tool and asked for their support, and stated that they had an opportunity to get Federal Funds for beautification for scenic districts and Mr. Norris stated that was a possibility in some of the landscaping aspects of some of the State Programs but that was something that would go through TXDOT; and Mr. O'Brien stated he knew a lot of people watched the Council sessions live and on rebroadcast and urged all the neighborhood leaders to get their neighborhoods registered with the Planning Department so they could be notified of the expanded notification under Chapter 42 for requests for variances and special exceptions. Council Members Boney Quan and Bell absent.

Council Member Ellis asked Mr. Norris that for scenic districts was he stating that there were additional revenues for landscaping or did it just go with TXDOT's program of the 1% of construction costs, and Mr. Norris stated it would not come from the proposed scenic district

directly, that there were mechanisms within TXDOT in how some of the Federal monies were spent.

Council Member Todd asked as to the funding or some other form of money for beautification, if there was a loss of funds for highway construction, the beautification money could not be used to fill in the cap, and Mr. Norris stated that it would probably be a questioned better directed to TXDOT directly and he would find out and get an answer for him.

Council Member Keller stated that there were number of signs in right of ways and they were not necessarily paying for them, so with the regulation they would then have them paying taxes on them and would be a net gain to the City. Council Member Todd absent.

Mr. Bob Shultz, 2701 Westheimer No. 13N, Houston, Texas 77098 (713-526-6895) had reserved time to speak, but was not present when his name was called. Council Member Todd absent.

Mr. David Crossley, 1200 Kirby Dr., Houston, Texas 77046 (713-523-5757) appeared and stated that he was with the Gulf Coast Institute and they were facilitating the smart growth initiative in the region, that he had been traveling around the Country and talking to elected officials and planners and leaders of community groups such as his to find out what they were doing to their cities and what was going on out there, that he was astonished to discover that nearly every city in the Country was reinventing itself, that they were trying to attract young knowledge workers to their cities and the quality of life, and what the City felt and looked like was absolutely paramount to their decision to move here, that he had a community image survey and he showed pictures and had them graded and after discussing the pictures the biggest problem was always signs and wires, so he urged Council to take this small step. Council Member Vasquez absent.

Mr. Ed Wulfe, 12 Greenway Plaza, Houston, Texas 77046 (713-621-1700) appeared and stated that he was Chairman of the Main Street Coalition, a non-profit organization formed to work as a catalyst to transform Main Street into a signature boulevard, that they strongly endorsed the Gateway 59 initiative which would provide scenic district protection for the Southwest Freeway east of Loop 610 and would include the proposed Highway 59 exit to Main Street and along the Main Street Corridor would encompass Midtown and their world class museum district and medical center, that they say prospective employees express major concerns about Houston's quality of life and they must aggressively address and pursue every opportunity to visually enhance and beautify their neighborhoods and the City, that the proposed scenic district would reduce visual pollution and add important protection from unwanted new and relocated billboards and oversized signs, that the Gateway 59 Scenic District would add a critical component for scenic protection. Council Member Vasquez and Castillo absent.

Ms. Cece Fowler, 1411 North Blvd., Houston, Texas 77006 (713-629-0481) appeared and stated that she was President of the Boulevard Oaks Civic Association, a Board Member of Scenic Houston and a concerned citizen, that the Gateway 59 proposed scenic district had been a long time in the making, that since City law allowed temporary relocations ten years without Council approval a scenic district became their only option, that many people had been instrumental in shepherding the plan, that Gateway 59 was not a half baked idea of a few but a scrupulously considered concept of a concerned cross section of dedicated Houstonians, that hundreds of thousands of citizens and tourist travel the gateway to newly

revitalized downtown, world class museums, universities, zoo and to the internationally respected medical center, that it needed to be an appropriate route that announces Houston's greatness, that all the I's had been dotted and all the T's had been crossed and it was time for Gateway 59 to join the City's other scenic districts and its scenic roadways and urged Council to support the worthy project and leave a lasting legacy, one they would point to with pride as a sure and meaningful gift to the City. Council Members Boney, Todd, Castillo and Vasquez absent.

Ms. Katie Dorfman, 1710 Albans, Houston, Texas 77005 (713-524-8146) appeared and stated that she was present on behalf of Scenic Houston, South Hampton East Civic Association and herself, that as they knew there was currently a lot of ongoing TXDOT construction within the proposed Gateway 59 Scenic District and as a result many drivers were more focused on avoiding collisions and finding their exits than on the beauty of the area, but that did not mean it did not exist, that the proposed district would wind its way through Greenway Plaza and many of Houston's older neighborhoods and all of those areas display some of Houston's finest architecture as well as some of the finest trees to travelers along the scenic district, that the scenic beauty did exist and was being enhanced daily as TXDOT construction progresses towards completion and enhancements that had been a dream for so long become a reality, that they needed to insure that the scenic appeal was not destroyed and to do that they needed to provide the protection of the scenic district so that the proper incentives were in place and urged Council to provide the protection by voting in favor of the proposed scenic district. Council Members Boney and Todd absent.

There being no further speakers Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1293 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 43

MISCELLANEOUS - NUMBER 2

2. CONFIRMATION of the appointment of **MR. HAROLD MICHAEL MARK, D.V.M.** to 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, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1294 ADOPTED.

ACCEPT WORK – NUMBER 4 through 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,818,906.65 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Construction of Sanitary Sewer Rehabilitation in Southwest, GFS R-1032-01-3 (4732-01) - 02.75% under the original contract amount - Enterprise Fund **DISTRICTS C - GOLDBERG and D - BONEY** had been pulled from the Agenda by the Administration and was not considered.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,334,834.62 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Construction of Texas Avenue Lift Station, GFS R-1225-40-3 (4458NS2-2) - 01.54% over the original contract amount - Enterprise Fund - **DISTRICT H - VASQUEZ**- was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1295 ADOPTED.

PROPERTY - NUMBER 6

6. 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, Leverkusuh Addition, John Austin 2 League Grant, Hollingsworth Survey, Parcel SY1-008 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ**- was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1296 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

LOW BIDS

7. 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 – was presented. All voting aye. Nays none. ORDINANCE 2000-913 ADOPTED.
- 7a. **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 was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1297 ADOPTED.
8. **VULCAN, INC dba VULCAN SIGNS** for Signage, Hardware, Part II, for Various Departments New and Replacement - \$98,379.12 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1298 ADOPTED.

OTHER

10. **LUCENT TECHNOLOGIES, INC** for Telecommunications Equipment, Software and Services for 3-1-1 Houston Service Center for Various Departments - \$320,000.00 - Grant Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1299 ADOPTED.
11. **AMEND MOTION #2000-546, 4/19/00, TO INCREASE** quantity and amount to purchase eight additional Heavy Trash Loader Trucks for a total increase of \$694,032.00 for Solid Waste Management Department, awarded to **LAWRENCE MARSHALL CHEVROLET, L. P.** Replacement - Equipment Acquisition Consolidated Fund - was presented, moved

by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1300 ADOPTED.

12. **AMEND MOTION #98-1762, 11/4/98**, amended by Motion No. 99-1863, 10/27/99, **TO INCREASE** quantity to purchase 43 additional Medium and Heavy-duty Cabs and Chassis for a total increase of \$2,454,032.90 for Various Departments, awarded to **OLYMPIC INTERNATIONAL TRUCKS, INC** - \$268,489.66, **LAWRENCE MARSHALL CHEV-OLDS, INC (Bid #1)** - \$466,556.00 and **CHASTANG ENTERPRISES, INC d.b.a. LONE STAR TRUCK CENTER (Bid #1)** \$1,718,987.24 - New and Replacement - Grant, Enterprise, Equipment Acquisition Consolidated and Street & Drainage Maintenance Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1301 ADOPTED.

ORDINANCES - NUMBERS 15 through 43

15. ORDINANCE amending City of Houston Ordinance No. 99-1062 relating to the consent to the addition of 55.8730 acres of land to **MALCOMSON ROAD UTILITY DISTRICT** for inclusion in its district; ratifying the City's consent to the addition of 55.8730 acres of land into the district – was presented. All voting aye. Nays none. ORDINANCE 2000-914 ADOPTED.
19. ORDINANCE amending Ordinance No. 97-1185 to increase the maximum contract amount for contract between the City of Houston and **THOMAS COLLINS d/b/a MOBILUBE FLEET & ENVIRONMENTAL SERVICES** for On-Site Lubrication Services for Various Departments \$36,272.03 - General and Enterprise Funds had been pulled from the Agenda by the Administration and was not considered.
- 23-1 ORDINANCE approving and authorizing contract between the City and **KPMG CONSULTING, L.L.C.** for Texas Electronic Framework Standard Service Level Agreement; providing a maximum contract amount had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
24. ORDINANCE appropriating \$2,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Pipeline Crossing Agreement with **UNION PACIFIC RAILROAD COMPANY** for the Construction, Maintenance and Operation by the City of a Wastewater Pipeline within the Railroad's right-of-way, for and in connection with the Willow Meadows Relief Sewer Project (South of South Braeswood Boulevard near Union Pacific Railroad Mile Post 373.27), GFS R-2011-05-3 (4715) - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2000-915 ADOPTED.
26. ORDINANCE appropriating \$27,996.13 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **NU HOMES DESIGNS, L.L.C.** for construction of Water and Sanitary Sewer Lines along Verdant Brook and Frosty Brook, CIP S-0800-22-3 and R-0800-22-3 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-916 ADOPTED.

27. ORDINANCE appropriating \$150,000.00 out of Street Maintenance and Traffic Control Fund and approving and authorizing contract between the City of Houston and **PROFESSIONAL SERVICES INDUSTRIES, INC** for the Performance of Engineering Inspection and Testing Services in connection with various street maintenance projects had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
28. ORDINANCE appropriating \$122,500.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving and authorizing purchase of approximately 1.723 acres of land out of the R. B. West Survey, Abstract 860, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a purchase and sale agreement with **CARL B.** and **INGRID J. YOUNG** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-917 ADOPTED.
29. ORDINANCE appropriating \$1,402,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving and authorizing purchase of approximately 19.36 acres of land, more or less, situated in the Amos Barber Survey, A-125, and the T. S. Roberts Survey, A-659, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a purchase and sale agreement with the **HOUSTON ARTS COMBINED ENDOWMENT FOUNDATION, JULES BLOCH, JR. FAMILY LIMITED PARTNERSHIP, THERESE WEIL LANSBURGH, ANNETTE BLOCH OPPENHEIM, CECIL A. ALEXANDER, JR.,** and Trusts under the Will of **HERMIONE W. ALEXANDER, JR.,** deceased, to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-918 ADOPTED.
30. ORDINANCE appropriating \$510,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving and authorizing purchase of approximately 4.575 acres of land out of the John Skorupski Survey, Abstract 720, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a purchase and sale agreement with **HSIEN DAO CHANG,** Trustee to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-919 ADOPTED.
31. ORDINANCE appropriating \$810,000.00 out of the Airports Improvement Fund and approving and authorizing professional architectural/engineering services contract between the City of Houston and **THOMPSON PROFESSIONAL GROUP, INC** for Design and Preparation of construction of documents for the Consolidated Police Facility at George Bush Intercontinental Airport/Houston Project No. 573, CIP A-0430 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-920 ADOPTED.

Items removed from the consent agenda were considered as follows:

ACCEPT WORK

3. 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** – was presented. All voting aye. Nays none. ORDINANCE 2000-921 ADOPTED.
- 3a. 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** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 1302 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

9. **BECKMAN COULTER, INC** for Reagent Kits for Health & Human Services Department \$30,459.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 1303 ADOPTED.
13. **HOUSTON-GALVESTON AREA COUNCIL** for Vehicles, Sewer Cleaners, Street Sweeper and Grounds Keeping Equipment through the Interlocal Agreement for Cooperative Purchasing for Various Departments - New and Replacement - \$935,778.66 - Enterprise, Equipment Acquisition Consolidated and Park Special Revenue Funds - was presented, moved by Council Member Boney, seconded by Council Member Sanchez and was tagged by Council Member Todd. **(Note: Council Member Todd released his tag later in the meeting.)**
14. **TOMMIE VAUGHN MOTORS** for Ford Motor Car/Light Truck Replacement Parts and Service for Various Departments - \$3,220,300.00 - General, Enterprise and Fleet Management Funds – was presented and was tagged by Council Members Keller and Vasquez.

Council Member Vasquez stated that he had received a lot of complaints from the neighbors surrounding Tommie Vaughn Ford in that area and they had been unresponsive so to speak to the neighbors and to the civic clubs in that area, and stated that his tag was related to the financial aspects but also to the civic aspects and hoped that as they moved forward to next week that the administration would be supportive of meeting with the representatives of Tommie Vaughn and hopefully help them to be more neighborhood friendly, that it was something that he would make an issue of in terms of helping them to be more neighborhood friendly, but hoped that it was something that could be resolved so that the City could benefit from the replacement parts and services for the various departments.

ORDINANCES - NUMBERS 15 through 43

16. ORDINANCE authorizing an interim borrowing from the Accumulated Unexpended Fund (Fund 754) by the General Fund of an amount not to exceed \$40 Million Dollars, declaring an intent to reimburse the Accumulated Unexpended Fund – was presented.

Council Member Keller stated that he had a written motion to amend Item 16, authorizing an interim borrowing from the Accumulated Unexpended Fund (Fund 754) by the General Fund of an amount not to exceed \$40 Million Dollars but to make it \$20 million declaring an intent to reimburse the Accumulated Unexpended Fund, that they had done it twice before and in the spirit of being cautious and judicious with the volume of millions of dollars they were transferring, that twice before they had borrowed \$40 million but only used \$20 million and then almost the exact time last year they borrowed \$20 million and only used \$6 million, and thought that it would be prudent since they did have a cash flow problem to get \$20 million through with the motion and with the following \$20 million come before a committee that was not on the motion, but would accept a friendly motion from another Member, where there would be a plan to address some of the expenditures or itemizations of the needs of the additional \$20 million.

Council Member Robinson stated they had gotten a memo from Ms. Culbreth dated October 25 and for about the last three or four months in committee and at every Fiscal Affairs meeting he had specifically asked what was the financial condition to both the F&A and City Controller and on every occasion that he inquired into the subject he was reassured that they had sufficient cash on hand or sufficient trans authority, that they had all responded that they had no situation at hand and now this item showed up on the agenda, that his only concern was that if they were not going to be told in committee it raised his antenna, that he did not know what changed from the time they had the Fiscal Affairs Committee meeting and the time the item was placed on the agenda and asked if Ms. Culbreth or someone could speak to what was the circumstances that changed when he was reassured that they had enough money in the bank to pay about two to three months worth of bills.

Ms. Culbreth stated that when they originally planned the size of the trans they estimated what they believed the cash balance would be at the time, that they would be requiring a secondary borrowing in the fall, which at the time they authorized the trans they anticipated the possible need to do that and that was why they asked for the authorization of the \$200 million, however time had gone by and timing the closeness of when they would actually start receiving property tax collections she did not want to be caught in a situation where she was short and did not have time and then to come to Council to get the authorization to move the monies from the ALP to the General Fund in order to make expenditures such as payroll, that at the time they asked for authorization for the full \$200 million was indication to her that they were at least anticipating the need for a potential secondary borrowing as was historically done and that was why they asked at that point in order to get up to the \$200 million so that once it was approved they would initially borrow \$160 million hoping that would be the maximum amount they would need to borrow, but at this point it was too close, that rather than going to the outside open market they now had available funds in the Any Lawful Purpose so she was borrowing those funds internally.

Council Member Ellis referenced the letter they received at the table dated October 25, 2000, paragraph 3, and stated that he assumed they switched the percentage, that they were going to pay 4.69% from themselves, but would only have to pay 4.5% if they went out into the market, and Ms. Culbreth stated yes, that it was not switched, that if they borrowed internally

from themselves they could draw the funds as they needed it rather than if they went to the open market they would draw the full \$40 million dollars down up front and pay that interest, and Council Member Ellis asked why could they not borrow from themselves at 4.5%, and Ms. Culbreth stated that when they borrowed the funds from ALP before what they paid them was 75% of a 6 month treasury note because that was to kind of get between what they would be paying to the outside and what they would be earning on their fund should they keep it invested, and Council Member Ellis referenced the last sentence, that the borrowing would be outstanding for about 90 days and would not have an effect on any of the planned projects in the ALP monies and stated that he had heard something differently from Mr. Haines last week as to that he was going to stop some projects, borrow from the ALP and use it for the Fire Department and Ms. Culbreth stated that sure priorities could change and that would incorporate those priorities in there, but what she was trying to articulate was that they were not going to be taking any of that money and it not being available for any of the planned needs, be it the drainage programs previously approved.

Council Member Ellis asked Council Member Keller how he came up with the amount of \$20 million and why did he want to change it from \$40 million to \$20 million, and Council Member Keller stated that there were two different sets of numbers, \$55 million from the Controllers Office as far as the available funds in the ALP and \$49 million from F&A, that as of October 4, 2000 \$46,364,000, that if they did \$40 million they would have \$6 million left in it and thought it was just prudent if they were going by those numbers supplied on October 4th that they just do a little bit at a time until they knew, and Council Member Ellis stated that one of the things that Ms. Culbreth just explained was that they would only pull down that money as needed so they might only pull down \$20 million and the maximum they could pull down would be \$40 million.

Mayor Brown asked how much was in the fund, and Ms. Culbreth stated that in the ALP fund today the actual cash balance was approximately \$28 million actual cash, however the year end flow of funds had been complete and the entry had been made to put about another \$47 million to \$50 million in the fund, so it was closer to \$90 million in that fund.

Council Member Ellis stated that he would tag Council Member Keller's motion.

Council Member Castillo stated that he was simply going to point out that (1) the total amount of borrowing was authorized by a previous ordinance and what was different here was that they were going to borrow the balance of the \$40 million from the ALP as opposed to going to the outside which was a cash savings, that primarily the cost of issuance of the trans, but in addition there was a potential arbitrage penalty that would have to be paid and asked that Ms. Culbreth explain what that aspect was, and Ms. Culbreth stated that yes he was correct there was the potential, that whenever they went out for the trans at that point and time they were estimating what would be considered as available working capital reserve or working cash reserve and there were a number of funds involved in that, the General Fund, ALP Fund and another fund that was considered the ALP CIP, that it was all derived from ALP money and that was because those monies were available for any lawful purpose, that they anticipate and estimate those funds back in the Spring on what they believed at that point and time what the flow of funds would result, that at that time the arbitrage certificate indicated that they believed they would have about \$65 million in the working capital reserve therefore they would need to spend down that trans amount and not have available more than \$65 million in the working capital reserve, that as the year progressed the flow of funds to the ALP resulted in a higher amount which could potentially result, if they did not spend the funds down within

that 180 day window, in a arbitrage issue, because they ended up with more money in the ALP Fund than what they originally anticipated on the arbitrage certificate, and Council Member Castillo stated that they were not having an unanticipated cash shortfall, that it was a shortfall that was the basis for the first trans borrowing and the next trans borrowing beyond the \$200 million was also planned if they needed to do it, that in the case today they were simply borrowing the balance of the authorized authority by Council and did not see any reason to micro manage the fund, that they had enough things to keep them busy at the table.

Council Member Boney asked approximately, bottom line, how much money did she think they would save by passing the ordinance and borrowing the money from the ALP, and Ms. Culbreth stated about \$80,000, assuming that they borrow the full \$40 million in the increments that she estimated, and Council Member Boney stated that it was primarily an effort to save the City a little money.

Council Member Bell stated that he wanted to clarify a couple of points that had been raised, and asked Ms. Culbreth that on the paragraph that Council Member Ellis was referring to she referenced that if they borrowed the money from the ALP Fund they would be looking at an interest rate of 4.69% or about \$391,000 and then she stated that if they went outside the City it would be 4.5%, a lower interest rate but they would be looking at more money, and Ms. Culbreth stated that if they went to the outside to borrow the funds they would actually draw the full \$40 million at that time and would be outstanding for 90 days, therefore she would pay interest for the full 90 days, but if she borrowed it from the ALP Fund she would draw the monies down as needed and in the example she had used she had made the assumption that she would draw \$20 million that would be outstanding for 90 days and \$20 million that would be outstanding for 60 days thus the total less interest then, and Council Member Bell stated this was not a new practice, and asked that as far as needing to borrow money to meet the budget that had been a common practice for a number of years in the City of Houston and Ms. Culbreth stated yes, that in the research she had done they had borrowed the trans and then a secondary borrowing in the fall, that the only difference this year was that they got total authorization for the full \$200 million at one time then it would only require a motion should they need to come back for the secondary borrowing, but in this case because they had the available funds in the ALP they had requested the use of that and it requires an ordinance and Council action to move it from those funds as previously discussed, and Council Member Bell stated it was important that they be consistent, that a lot of them as they had talked about City finances over the course of the last couple of months had talked about the need for the various departments to look for ways to save money for the City and in this particular instance it did represent a savings and did not think it put the City at any great risk and thought it would be wise to go ahead and support it and pass it today. Council Member Castillo absent.

Council Member Tatro stated that to understand the flow of funds a little better, monies that flowed into the ALP Fund did not come from the R&R Fund they came from the general water and sewer directly into ALP, and Ms. Culbreth stated that actually they determined their operating needs and then met the 5% R&R requirement, and Council Member Tatro asked if funds flowed to the ALP only by ordinance or Council action, and Ms. Culbreth stated that they could only spend those monies by an appropriation ordinance and Council action, that the only thing that was appropriated by Council up front were those things that they included in the budget, which they always appropriated the 4% transfer and also this year they had put in the monies for the NPDES as well as the capital projects, that yes with the bond covenant it determined the amount that was eligible in the ALP Fund, but only by City ordinance did they

expend those, that the full \$40 million would be appropriated and then draw against it as they needed, and Council Member Tatro asked through the calendar year how much more was anticipated to be eligible to flow into the ALP, and Ms. Culbreth stated that it included the flow of funds from Fiscal Year 2000 that they would not make the sweep on 2001 until next year, that the entry had been made to re-flow the cash from the operating fund to the ALP and the actual transfer of cash had not taken place, that it was about \$47 million total above the \$28 million, and Council Member Tatro stated that they had a total of the \$47 million plus the \$28 million which effectively meant cash over and above their operating costs, debt service and R&R, and Ms. Culbreth stated that yes, over the last two fiscal years.

Council Member Todd stated he would release his tag on Item 13. Council Member Galloway absent.

Council Member Todd stated that he had tried to trace what the history was of the City borrowing out of the ALP and did not recall prior to this term the City borrowing out of ALP and knew that they did it earlier, last fiscal year, and asked if there was a history of doing it before that, and Ms. Culbreth stated that to her knowledge only last fall they initiated the first borrowing from the ALP which was paid back 90 days later, and then in the first part of June they borrowed another \$20 million which was paid back in July and prior to that all of the secondary borrowings that happened in the fall were with outside institutions, and Council Member Todd asked if they could go out and borrowing the money on the market at 4.5% what was the reason they were going to borrow from the ALP at 4.69%, and Ms. Culbreth stated that if the funds were left in the ALP and not used they would be sitting there invested and earning an interest rate, so what they had done in the past was paid them 75% of a 6 month treasury note that they would have otherwise been earning money on their money, that the effect was to make the ALP whole. Council Members Galloway, Boney, Ellis and Parker absent.

Council Member Todd stated that it was interesting that Metro was going to be taking \$48.6 million dollars out of their one cent tax reserves to pay for the rail project and that was because the federal money was not going to be there, that the way they had done it a few years ago the \$48.6 million was money that they would have taken into the City for general mobility projects within the City and thought that Council would be asked in the next few weeks to consider dedicating Main Street for a rail project and they ought to be mindful that when they tried to balance the budget that there options available and if Metro was going to spend that money on a rail project with no transportation purposes then perhaps they ought to reconsider their decision to phase out the Metro transfer. Council Members Galloway, Boney, Ellis and Parker absent.

Mayor Brown asked Council Member Todd if he wanted them to phase back in the Metro money, and he stated that he wanted them to tell Metro that if their rail plan did not have a transportation purpose they could not build it. Council Members Galloway, Boney, Ellis and Parker absent. Council Members Galloway, Boney and Ellis absent.

Council Member Robinson stated that if someone had stated to him that they were borrowing from the ALP as opposed to trans because of the interest rates and the charge impact it would not have been a surprise to see the issue on the agenda, and they knew they would do one more borrowing and he would ask the same kind of question he would ask in the monthly Fiscal Affairs meeting when they would go to do the second round of borrowing did they had enough trans authority and if they did not when was somebody from the

administration going to come to Council and say they needed to increase because they only had \$40 million left or they did not want to increase trans authority because they were going to do a combination of trans and ALP, that his only point was that if they had a plan it was only appropriate that they share the plan with Council Members, and Ms. Culbreth stated that was why they requested the initial authorization of \$200 million, that on the long end they would need \$200 million, that they sized the initial borrowing to \$160 million because she had the 180 day window that she had to spend the cash down in order to prevent an arbitrage issue, that they had the initial authorization but they did not make their flow of funds computations until the audit was complete so they would be sure that they recognized all of their accrued revenues and expenditures which impacted what was ultimately available to flow down through those funds and that did not happen until this time of year. Council Members Galloway, Boney, Todd and Ellis absent.

Council Member Keller stated they were talking a lot of money and there was a lot of money on the agenda and what he was not hearing a lot of was a lot of definition of the use and need and the prioritization of the set funds, that he was for the transfer of \$20 million and at the next Fiscal Affairs Committee Meeting outlining some of the uses of the remaining \$20 million and asked what was the harm in doing that, and Ms. Culbreth stated that there was no expectation at this point that they would change the prioritized use of those funds. Council Member Boney absent.

Mr. Haines stated that Council Member Keller was really asking questions that were dealing with two totally different issues, that the first was that the availability of cash in order to meet payroll and other General Fund and other obligations they had, and that cash of \$40 million was something they knew they were going to need, and the question was, and until last week, they did not know that there was sufficient cash availability in the ALP to enable them to borrow from themselves and to pay themselves interest and that was all they were talking about, that the \$40 million was cash they needed, that what Council Member Keller was talking about in reference to his memorandum had to do with the CIP that was adopted by the City Council and the item today had nothing to do with that CIP, it was approved by Council and would be coming to Council for the different projects that were contained within it and would be addressed in the course of the fiscal year, that this would not impact or infringe in any way on that CIP. Council Member Goldberg and Sanchez absent.

Council Member Castillo moved to call the question on Item 16, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1304 ADOPTED. Council Member Goldberg and Sanchez absent.

A vote was called on Item 16. All voting aye. Nays none. Council Member Sanchez absent. ORDINANCE 2000-922 ADOPTED.

17. ORDINANCE approving and authorizing an application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the 2000 Local Law Enforcement Block Grants Program; 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 of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application – was presented. All voting aye. Nays none. ORDINANCE 2000-923 ADOPTED.

18. ORDINANCE approving and authorizing interlocal agreement between the City of Houston, Texas, North Harris Montgomery Community College District, Reinvestment Zone Number Eleven, City of Houston, Texas (Greenspoint Zone), and Greater Greenspoint Redevelopment Authority - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-924 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and **FAXON ROWECOM ACADEMIC SERVICES** for Subscription Services for the Library Department; providing a maximum contract amount - 3 Years with two one-year options - \$4,275,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-925 ADOPTED.
21. ORDINANCE amending Ordinance No. 95-1198 to increase the maximum contract amount and approving and authorizing third amendment to contract between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY** for Mobile Cellular Telephone Equipment and Cellular Telephone Network Access - \$315,000.00 - 3 Months - Central Service Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-926 ADOPTED.
22. ORDINANCE approving and authorizing second contract amendment between the City of Houston and **VERIZON WIRELESS** for Mobile Cellular Telephone Equipment and Cellular Telephone Network Access - 3 Months – was presented. All voting aye. Nays none. ORDINANCE 2000-927 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City and **DMG-MAXIMUS, INC** for Consulting Services for Vehicle Fleet Operations for Various Departments - 2 Years \$176,269.00 - General Fund was presented, and was tagged by Council Members Keller and Quan.

Council Member Quan stated that he would like to have someone visit with him about the concept, that he like managed competition but did not know if they could not just do it within their own department, and Mayor Brown stated that someone would visit with him.
25. ORDINANCE appropriating \$1,293,238.00 out of Water & Sewer System Consolidated Construction Fund for construction of the City's Water and Sanitary Sewer lines in Metro Downtown/Midtown Transit Street Program under Transportation Improvement Agreement with the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** (approved by Ordinance No. 93-274, CIP S-0443-15-3 and R-0537-06-3 - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-928 ADOPTED.
28. ORDINANCE appropriating \$122,500.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving and authorizing purchase of approximately 1.723 acres of land out of the R. B. West Survey, Abstract 860, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a purchase and sale agreement with **CARL B.** and **INGRID J. YOUNG** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was again

presented through error by the City Secretary inasmuch as Item 28 was adopted on the Consent Agenda and no vote was recorded at this time.

32. ORDINANCE appropriating \$21,024,959.00 out of the Airport System Commercial Paper Series A, C (AMT) and approving and authorizing amendment No. 2 to contract between the City of Houston and **BROWN & ROOT, INC** for Professional Architectural, Engineering, Construction Management and Program Management Services in connection with the Airside Improvements Program at George Bush Intercontinental Airport/Houston (Project Nos. 554, 555, 556, 558, 560, 560A, 561, 569, 522, 522B, 522C and 509), CIP A-0377, A-0393, A-0374, A-0378, A-0392, A-0304, A-0396 and A-0116 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-929 ADOPTED.
33. ORDINANCE appropriating \$1,500,000.00 out of Airports Improvements Fund (CIP A-0153), \$231,600.00 out of Airports Improvement Fund (CIP A-0347), \$17,310,674.00 out of Airports Improvement Fund (CIP A-0361), \$469,300.00 out of Airports Improvement Fund (CIP A-0413), and \$265,600.00 out of Airports Improvement Fund (CIP A-0415), awarding construction contract to **J. D. ABRAMS, INC** on low bid of \$17,840,464.80 and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$706,300.00 for Rehabilitation of Runway 17R-35L and Taxiway “E” and Miscellaneous Airfield Pavements and Fencing at Ellington Field (EFD), (Project No. 544) - **DISTRICT E - TODD** – was presented, and was tagged by Council Member Tatro.

Council Member Boney moved to hear from Mr. Vacar, Director of Aviation, at this time, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2000-1305 ADOPTED.

Upon questions by Council Member Boney, Mr. Vacar stated that they could live with the one week delay.

34. ORDINANCE appropriating \$13,273,750.00 out of Airport System Commercial Paper Series B, C (NON-AMT) (CIP A-0304), awarding construction contract to **CHAMPAGNE-WEBBER INC., TEXAS** on low bid of \$12,083,962.50 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION, INC** in the amount of \$358,750.00 for Runway 8L-26R Clearing, Grading and Drainage at George Bush Intercontinental Airport/Houston (IAH), Project No. 522B - **DISTRICT B – GALLOWAY** – was presented.

Council Member Tatro stated that Item 34 was Project 522B at the airport and a ROCIP project, that they had been tracking the progress of many of those projects, but this one had a significant history to it and asked Council Members to refer to the analysis that they passed out at the table, that the concern he had was the total bid price and what the contractors insurance cost was, that they had an opportunity to look at the bid documents, that the original bid submitted by the contractor was \$11,958,000 and ten days later the contractor submitted his insurance cost as \$61,499 and if they totaled those two bids it simply totaled up to \$12,019, 782, that it meant that the contractor would do the job, and under bid law must do the job, for \$12,019,782, that they find on the RCA that the contractor turned in a bid of \$11,958,000 but they find from F&A that the cost of insurance was \$125,629 for a total cost of

\$12,083,000 and it simply did not match the bid documents and the cost the contractor was obligated to perform the job in, that the total bid submitted by the contractor did not equal the RCA. Council Members Keller and Castillo absent.

Council Member Tatro moved to refer Item 34 back to the administration, seconded by Council Member Sanchez. Council Members Keller and Castillo absent.

Council Member Sanchez stated that Council Member Tatro had made the remark that the RCA for Item 34 did not match the bid document, but in reading through it, under the recommendations, the administration was recommending an award for the construction contract to Champagne Webber in the amount of \$11,958,333 which matched the original bid submitted and stated that he did not understand the concern and guessed that Council Member Tatro was indicating that the insurance amounts were not reflected, in other words there was some discrepancy, and Council Member Tatro stated that was correct, that obviously the total cost of the contract would be his original submittal plus the added cost of insurance, and Council Member Sanchez asked if he was saying that the RCA amount should be closer to \$12 million, and Council Member Tatro stated it should reflect the contractors bid and they were elected to enroll or not enroll the project in ROCIP, and Council Member Sanchez stated that there might be an explanation as to why there was that discrepancy. Council Member Vasquez absent.

Mr. Haines stated that he believed Ms. Mosley responded to everyone of his points in writing and certainly their position was that it was follow the bid process and it was the low bid and what they had before them was correct, that Ms. Mosley was present and could address the details of Council Member Tatro's specific concerns. Council Member Vasquez absent.

Council Member Sanchez moved to suspend the rules to hear from Ms. Mosley at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-1306 ADOPTED.

Upon questions by Council, Ms. Mosley stated that if the question was that the \$11,958,333.50 was the number on the bid that yes it was correct, that was the amount that Champagne Webber put on their bid documents, that the project was recommended to be enrolled in the ROCIP and therefore it would not include any amount for the contractors insurance, that the \$11,958,333 was indeed the amount that Champagne Webber bid without insurance, and Council Member Tatro asked why was \$61,000 submitted and why was \$125,000 reflected for the insurance, and Ms. Mosley stated that upon receipt of the bids, according to the Legal Department, they could make one phone call to get clarifying information, that they had gone through this when Project 541 came before Council, that they followed that same procedure with this item and when they got clarifying information they found out that the number should be higher, that they received the information from AON Insurance Company, the insurance company for Champagne Webber, that they verified that the amount should be \$125,629 instead the submitted amount of \$61,449, that they gave them additional information to help understand what was provided, that the way the ordinance was written it allowed them to verify the numbers submitted by the contractors, when the ordinance was passed the enrollment period was to run a year, which would be May 13, 2001, and they committed to give a report next month at the Fiscal Affairs meeting as soon as she had enrolled enough to count and would give another report at the end of that year and evaluate whether or not it should proceed at that point, that the report would include some actual numbers and some estimates but it would be the first report out and would give them

an idea of where they stood, that they had not used the 2.29% in this contract as it stood now, but as it turned out they did not have to, that the \$125,000 was what it would cost Champagne Webber to provide them insurance and when they compared that amount to a comparable figure for their ROCIP then it was determined that they should enroll it because their cost was indeed higher than the City's cost, that they could provide it for less so at that point they would not use their figure in the contract price, they would go to the number without insurance and Champagne Webber was lower, that the ordinance, which they all referred to as the ROCIP Ordinance was the HOBBS/APEX Contract and that required them to verify the information that they received regarding insurance, that it was generally the bid law and bid practices and perhaps Legal could refer to that in more detail, but they had been told that they could make calls to independent parties to get clarifying information, that the way the phone call went was they got information and were told that they did have excess liability insurance and did have general liability insurance and it was difficult to tell on what they got what could be attributed to the project, that the phone call was made to let them know what the precise rate was and how much would be applicable to the project, etc., and would defer to Ms. Jo Wigginton in Legal regarding how that was actually accomplished. Council Member Vasquez absent.

Council Member Sanchez asked what provision of the contract allowed them to essentially shop the premium, and Ms. Wigginton stated they were not shopping the premium, that there had been a long standing position in the City Attorney's Office with the Bid Committee in regard to the bid law about instances in which it may be possible to confirm something by an independent third party, that the bidder did not get another shop at providing the information, but if it could be provided independently it had been their policy to do that, that in this case as in 522B the issue was that there were certain coverage's that the bidder did not give them the price for, that they were able to contact an independent third party, the insurance agent, and determine that the excess coverage and the general liability coverage were provided and what the premium was for them. Council Member Vasquez absent.

Council Member Bell stated that they needed to remember the history of the ordinance and when it was originally passed there was widespread speculation that there could be some submissions that were not all together accurate in an effort to derail the program in the beginning and asked if that was why they built in the verification and was any of the verification brought forth in writing, and Ms. Mosley stated yes, that was the reason they put that in the contracts, to get the right information, and when they got the information from the agent they required rate schedules, the actual statement that they give the client as to what they were being charged, that on the \$125,000 amount it was in writing, that the information was considered by the industry to be competitive in nature and was considered confidential, that they could allow anyone to come see it and look at it, but hesitated to make copies because they did not want to do anything that would mess up the competitive nature of the bid process. Council Members Todd and Vasquez absent.

Council Member Boney moved to call the question on Item 34, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-1307 ADOPTED.

A roll call vote was called on Council Member Tatro's motion to refer Item 34 back to the administration..

ROLL CALL VOTE:

Mayor Brown voting no

Council Member Vasquez voting no

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

Council Member Castillo voting no
Council Member Parker voting no
Council Member Quan voting aye
Council Member Sanchez voting aye
Council Member Bell voting no
Council Member Robinson voting no
MOTION 2000-1308 FAILED

A vote was called on Item 34. Council Members Tatro, Sanchez and Ellis voting no, balance voting aye. ORDINANCE 2000-930 ADOPTED.

35. ORDINANCE appropriating \$14,355,805.00 out of Airport System Commercial Paper Series B, C (NON-AMT) (CIP A-0444), awarding construction contract to **WRS INFRASTRUCTURE & ENVIRONMENTAL, INC** on low bid of \$12,521,817.15 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$490,800.00 for Harris County Landfill #2 Removal at George Bush Intercontinental Airport/Houston (IAH), Project No. 522C - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Member Galloway. (Note: Council Member Galloway released her tag later in the meeting and the item was tagged by Council Member Tatro.)
36. 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** – was presented. All voting aye. Nays none. ORDINANCE 2000-931 ADOPTED.
37. 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** – was presented. All voting aye. Nays none. ORDINANCE 2000-932 ADOPTED.
38. 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 – was presented. All voting aye. Nays none. ORDINANCE 2000-933 ADOPTED.

39. ORDINANCE appropriating \$181,000.00 out of METRO Special Fund, awarding contract to **KINSEL INDUSTRIES, INC** on low bid of \$150,483.40 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$7,500.00 for Neighborhoods to Standard Tier VII - Genoa/Gulf Palms Subdivision, GFS N-1037-12-3 (OL2012); providing funding for construction management and contingencies relating to construction of facilities financed by the METRO Special Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-934 ADOPTED.
40. ORDINANCE appropriating \$415,000.00 out of METRO Special Fund, awarding contract to **PEDKO PAVING, INC** on low bid of \$345,064.88 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$18,000.00 for Neighborhoods to Standard Tier II - Independence Heights Subdivision, GFS N-1037-13-3 (OL2013); providing funding for construction management and contingencies relating to construction of facilities financed by the METRO Special Fund **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2000-935 ADOPTED.
41. ORDINANCE appropriating \$594,000.00 out of METRO Special Fund, awarding contract to **FERGUSON CONTRACTORS, LTD** on low bid of \$494,361.25 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$24,500.00 for Neighborhoods to Standard Tier VII - Meyerland Subdivision, GFS N-1037-14-3 (OL2014); providing funding for construction management and contingencies relating to construction of facilities financed by the METRO Special Fund - **DISTRICT C – GOLDBERG** – was presented, and was tagged by Council Member Goldberg.
42. ORDINANCE appropriating \$577,000.00 out of METRO Special Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES LTD** on low bid of \$480,812.80 and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$24,000.00 for Neighborhoods to Standard Tier VII - Parkwood Subdivision, GFS N-1037-15-3 (OL2015); providing funding for construction management and contingencies relating to construction of facilities financed by the METRO Special Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-936 ADOPTED.
43. ORDINANCE granting authority to **EL PASO GLOBAL NETWORKS COMPANY, A Delaware corporation**, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, construction, leasing, maintaining, repairing, replacing, removing, using, and operating therein, Telecommunications Facilities for providing authorized telecommunications services; providing for related terms and conditions; and making certain findings related thereto - FIRST READING- was presented.

Council Member Sanchez stated there was some discussion on Tuesday at the committee meeting on Infrastructure and Transportation about the language in terms of preserving their investment in the right of way and streets when they cut them up and asked if there was any language that was inserted in future ordinances allowing the use of right of way to strengthen the preservation of street cuts, and Mr. Hall stated he did not think so because Council had yet to adopt the changes and did not think there was any additional language, and stated that Mr. Bibler had advised that there was no different language in the contract because the issue was still pending. Council Members Ellis and Bell absent.

Council Member Sanchez asked if it would not be prudent to craft some tightening of language that would further preserve their investment, short of running afoul of any regulatory statutes, and Mr. Hall stated that the primary problem was a question of some notification from them, what had been suggested was a permit, that would give them some idea of who and when so they could enforce any additional language which was put in.

Mr. Bibler stated that their position was that this franchise and all the other franchises were subject to valid police prior ordinances including if the street cut ordinance was adopted, that the issue that was before the Attorney General at the behest of Reliant Energy was whether City Council had the authority, and if it wished to do so, to excuse the franchise holders from compliance with that ordinance and imply it to the non-franchise holders, such as the telecommunications providers, but in the meantime he thought the ordinance was as strong as it needed to be if City Council elected to require the franchisees to comply with the street cut ordinance, that the question was did they have to make the franchisees comply if they made the non-franchisees comply, that the ordinance that they presented to City Council was going to make everyone including the franchisees comply, but they were asked by the committee if they could come back with an ordinance that would excuse the franchisees and that was the question before the Attorney General, not whether they had to but could they excuse them. Council Member Todd absent.

Council Member Castillo stated that apparently the administration was working on some plans to require more strict compliance with their requirement to put streets back in the order in which they originally were, including a penalty or degradation fee to restore the integrity of the roadway system, and wanted to know whether there was anything that they could do within their administrative powers to make sure that when they plug back the cuts that they made that they actually do it and that they compact it to the standards that they require when building a road, that he had seen them use a two by four with a plank on the end of it tamping down the dirt and that did not provide the compaction that was required to sustain the roadway. Council Members Galloway, Todd and Parker absent.

Mayor Brown asked Mr. Bibler if he had heard the question, and Mr. Bibler stated that they were first advised of it yesterday that Austin had a concept that even if they repaired the street back to the best engineering practices they were going to degrade the street and they were going to charge them a fee for just having been there, they were looking into it and determining where they thought there was any validity to it from an engineering perspective and a legal perspective, and Council Member Castillo asked if there was anything they could now do within their administrative powers to require contractors when they were restoring the street to use best practices, for instance using power compactors to compact the dirt, and Mr. Bibler stated that the fee was above and beyond that, that the theory was that even if they used the absolute best practices they could not put the street back as good as they found it, that Public Works was allowed, under the present ordinance that was presently written, even

with the fee being added, to specify the engineering practices. Council Members Galloway, Todd and Parker absent.

Council Member Sanchez stated that he had inquired as to the number of inspectors that Public Works had to go back and verify that best practices were used in the reparation after the cut, that the number of inspectors was astonishingly slim and thought that it was incumbent on the administration to let the Public Works Department know that they had to bolster the number of inspectors that went out and inspected the reparations made on the degradation of the roads. Council Members Galloway, Todd and Parker absent.

Council Member Sanchez moved to suspend the rules to hear from Mr. Tom Rolen, seconded by Council Member Robinson. Council Members Galloway, Todd and Parker absent. MOTION 2000-1309 ADOPTED.

Council Member Robinson stated that Mr. Rolen had spoken to the committee yesterday and in the context of ordinance he laid out some of the things he was now doing under the current ordinance and what they were trying to do to enhance not only the new street cut ordinance but also as Mr. Bibler pointed out they were looking at the Austin example of the degradation ordinance and knew that Mr. Rolen specifically mentioned his efforts to augment his inspection staff that was out there.

Upon questions by Council, Mr. Rolen stated that they did have inspectors on the street, that they had prescribed procedures to follow in restoring the streets, that they had contractors that were monitoring that and there might be an instance when a contractor was going from one job to another or maybe he just stepped away from a job whenever they were doing what Council Member Castillo mentioned, but they were inspecting the jobs and they did have inspectors out there, that they worked normal and strange hours for a variety of reasons, that they tried to inspect all the jobs as best they could and make sure that they were repaired in conformance with the specs, however he did agree that it was extremely difficult, at best, to restore the street to the condition that it was before in terms of the long term, that they currently had 6 inspectors, that is staff was telling him that the number of contractors out there doing the work varied, that it literally went up and down on an almost weekly basis and a few weeks ago they had 3 inspectors gainfully busy because the number was so low, that they did have plans and did have it budgeted where with all to increase that number by 5 additional inspectors if the need existed, that they were monitoring it very closely because they had a vested interest in it, because if they did not make sure it was restored properly then his people were going to have to go back and make it right and serviceable. Council Members Galloway, Todd, Vasquez and Quan absent.

Council Member Robinson stated that Richard Lewis and Mr. Rolen and the folks from Public Works had been having meetings at the George R. Brown and as a result of those meetings and the information they were gathering it was his understanding they would have a website up and running come January 2001 with all the work that was going on inside the City relative to street cuts, street construction, street repair and whatever it was so they could make the use of the inspection for them even more efficient, so they were doing a lot of things, that even with 100 inspectors they would still be behind in some places. Council Member Galloway, Vasquez and Quan absent.

Council Member Keller asked Mr. Rolen what percentage would he attribute to the street repairs to bandit contractors, and Mr. Rolen stated that he could not even venture a guess as

to the percent and that was due to the nature of the beast, that as he had indicated those were bandit and some people called them bootleg, and they found out about them typically when somebody reported it or someone ran through a depressed area and they went out to check and found out it was not on any of the permits or authorizations that they had given to work in an area, that in terms of it being legal or not he would defer to the City Attorney. Council Members Boney, Quan and Robinson absent.

Mr. Hall stated that the problem that he was having in answering his question was that their general franchise utilities for instance had contract persons also out there and they did not have to get any permission from anybody so they did not know often who was out there checking, that they suffered many times as much as anybody else, that it was not criminal because they were performing a function that they were authorized to do by the franchise they had given Houston Lighting and Power and Southwestern Bell that Council voted for. Council Members Boney, Quan and Robinson absent.

Mr. Bibler stated that the majority of the work was being done by the folks putting in the new communications cables, that before the recent amendments to State and Federal law they would have required a franchise to be there, but now they did not and that was one of the main reasons for the permit ordinance that was before Council Member Robinson's committee so they would have a permit system that covered everybody, that many of the Council Members had asked if it was possible to excuse the historical traditional franchisees such as the gas or light company from the ordinance and that was the answer they were seeking from the Attorney General, that they were comfortable that it was okay to include them and if City Council wanted to adopt the ordinance as it was they would not have a problem with that. Council Members Boney, Quan and Robinson absent.

Council Member Bell asked what would be needed for them to require signage on the various projects in order that they be identified in terms of whose project it was and who was carrying out the work and perhaps a project number, and Mr. Hall stated that if in fact the ordinance that was presented to the committee were adopted requiring permits to be issued to everybody doing it they would have a project number and that provision was in the proposed ordinance, that there was some form of signage, and Council Member Robinson stated that he would make sure that Council Member Bell got a copy of the last version ordinance. Council Members Boney, Todd, Castillo and Quan absent.

A vote was called on Item 43. All voting aye. Nays none. Council Members Boney, Todd, Castillo and Quan absent. ORDINANCE 2000-937 PASSED FIRST READING IN FULL.

Council Member Galloway released her tag on Item 35 and Mayor Brown stated that Council Member Todd released his tag on Item 13 and they would be taken at the end of the Agenda. Council Members Boney, Todd, Castillo and Quan absent.

NON CONSENT AGENDA - NUMBER 44

MISCELLANEOUS

44. MOTION to set a date not less than seven (7) days from October 18, to receive nominations for Position Ten on the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION** with terms to expire two years from the date of appointment was

presented, and Council Member Castillo moved to set November 1, 2000 to receive nominations, seconded by Council Member Parker. Council Member Boney absent. MOTION 2000-1310 ADOPTED.

MATTERS HELD - NUMBERS 45 through 52

45. 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 Sanchez moved to delay Item 45 and 45a for two weeks, seconded by Council Member Parker.

Council Member Castillo asked if the delay would stop any ongoing work, that he had a real concern when things were moving along and then they delay them and it stops construction. Council Member Galloway and Robinson absent.

Council Member Sanchez stated that for all intent and purposes the project, as he understood, was complete, that in fact the change orders did not even come to Council, the changes had been made, the construction work had been done and Council was again asked to rubber stamp these things, that he had to take issue with (1) the opinion he had received from the Legal Department which in his lay persons opinion was wrong and in contradiction to the plain reading of State statutes, and there were a number of other questions that he had, in particular and to give them background, the projects took money and appropriated money out of scope in an unrelated project on the other side of town without Council approval, without submission of bids and without going through the State regulatory and statutory requirements and awarded the contract to someone else in Midtown and apparently in Cotswold, that it seemed to him that they approved Midtown and Cotswold with development plans that they would fund through their own increments, so there were a whole host of issues that he wanted to look at and it would take two weeks to get through it. Council Member Robinson absent.

Mayor Brown requested Mr. Rolan to respond to Council Member Sanchez's concerns.

Mr. Rolan stated that project started in June 1997 and the actual physical work was completed in early 1999 and then they went through the process of the closeout and everything and as it indicated in the RCA the paperwork and everything was completed in January 2000, but the work was physically completed in early 1999, that in regard to a delay, what it would do was just delay them paying the contractor the money that they owed him, that the money had been owed to him for quite a while.

Upon further discussion by Council, Council Member Sanchez stated that he did not want to discuss it at the table, but would like two weeks to look into it, and Council Member Boney stated that if it was a question of a delay so that he could meet with Public Works and Legal to understand the rationale he would support the delay.

A vote was called on Council Member Sanchez's motion to delay Item 45 and 45a for two weeks. All voting aye. Nays none. MOTION 2000-1311 ADOPTED.

45a. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt 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 (These were Items 14 and 14A on Agenda of October 18, 2000) TAGGED BY COUNCIL MEMBERS KELLER and SANCHEZ** – was postponed for two weeks by MOTION 2000-1311.

46. 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 – (This was Item 15 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2000-938 ADOPTED.
- 46a. MOTION by Council Member Castillo/Seconded by Council Member Tatro to adopt 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 - (This was Item 15A on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. MOTION 2000-1312 ADOPTED.
47. MOTION by Council Member Vasquez/Seconded by Council Member Castillo to adopt 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 – (This was Item 17 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. MOTION 2000-1313 ADOPTED.
48. 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 – (This was item 18 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ, KELLER and QUAN)** - was presented.

Council Member Sanchez moved to delay Item 48 and 48a for two weeks, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-1314 ADOPTED.

48a. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt 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** - **(This was item 18a on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBERS KELLER and QUAN)** – was postponed for two weeks by MOTION 2000-1314.

49. MOTION by Council Member Vasquez/Seconded by Council Member Parker to adopt 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** – **(This was Item 19 on Agenda of October 18, 2000 TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented.

Council Member Boney asked where they were on the Legal Department initiative to be able to have the authority to ban contractors from continuing to do unacceptable work for the City, and Mr. Rolan stated that he was advised that currently they did not have any ongoing contracts with HUBCO.

Council Member Boney asked where they stood on the debarment ordinance that they were developing and Mr. Hall stated that Council passed it about a month ago, and the administrator of that was the Building Services Department, and Council Member Boney asked if invoking the matter was an administrative procedure or a Council procedure, and Mr. Hall stated that Council ultimately decided, but the matter is initiated by the department.

Council Member Bell stated that certainly the ordinance did not allow them to go back and dig up old projects where there were complaints in the past and bring them forward to try to debar them on the basis of those projects, and Mr. Hall stated there were several standards by which the debarment decision was to be based and one of them was track record of non-compliance performance.

A vote was called on Item 49. All voting aye. Nays none. MOTION 2000-1315 ADOPTED.

50. 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 – (This was Item 20 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBERS KELLER, QUAN and SANCHEZ)** – was presented.

Upon discussion by Council, Council Member Keller stated that he would never pay it in a million years and did not know whose fault it was, that they should figure it among themselves whether it was the architecture, engineer or contractor and would vote no on the item.

Council Member Quan stated that his studies showed that Times Construction had done the work in good faith a year and a half ago and the error was clearly with the designer and architect on the project and they were taking action against them to recoup the monies, but thought that it was unfair that Times, who did the work, would be penalized any further.

Council Member Sanchez stated that as long as he had been in Council they had a plethora of bad designs and he had yet to see a list or the City saying they finally collected money for the poor design, that it was also an area that perhaps the administration needed to look at. Council Member Todd absent.

Mayor Brown stated he would ask the Legal Department to address it as an issue, that these were all very old projects that Mr. Rolan was cleaning out and hopefully it would not be a problem in the future. Council Member Todd absent.

Council Member Robinson stated that during the course of the committee deliberations on the debarment ordinance all of the departments provided in writing their process for dealing with professional services and hoped that they would in fact invoke the rule and take the appropriate action when necessary, and asked Mr. Hall if they were in some kind of negotiations or Legal process against the engineer in this instance, and Mr. Hall stated that it was his understanding that the process was in claims. Council Member Todd absent.

A vote was called on Item 50. Council Members Sanchez, Keller and Ellis voting no, balance voting aye. ORDINANCE 2000-939 ADOPTED.

50a. MOTION by Council Member Parker/Seconded by Council Member Castillo to adopt 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 - (This was Item 20a on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBERS KELLER, QUAN and SANCHEZ)** – was presented. Council Members Sanchez, Keller and Ellis voting no, balance voting aye. MOTION 2000 1316 ADOPTED.

51. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 – (This was Item 32 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ) – was presented.

Council Member Sanchez asked if this money had to be used for tee shirts and merchandise or could the Police Department use the money for other activities within the Police Department, and Mayor Brown stated that he was not sure that there was a requirement but it was part of the program that the D.A.R.E. Program operated, and Council Member Sanchez stated that the only issue that concerned him was that it was a substantial amount of money and it would seem to him that if the money could be used within the Police Department on other activities perhaps it could relieve some of the budgetary pressures that they were experiencing, and Mayor Brown stated that they would have someone visit with him on the issue.

A roll call vote was called on Item 51.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Boney voting aye	Council Member Sanchez voting no
Council Member Todd aye	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2000-1317 ADOPTED

52. 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 – (This was Item 53 on Agenda of October 18, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ) – was presented. All voting aye. Nays none. ORDINANCE 940 ADOPTED.

The City Secretary stated that Council Members Todd and Galloway previously released their tags on Items 13 and 35.

13. **HOUSTON-GALVESTON AREA COUNCIL** for Vehicles, Sewer Cleaners, Street Sweeper and Grounds Keeping Equipment through the Interlocal Agreement for Cooperative Purchasing for Various Departments - New and Replacement - \$935,778.66 - Enterprise, Equipment Acquisition Consolidated and Park Special Revenue Funds - was presented, moved by Council Member Boney, seconded by Council Member Sanchez and was tagged by Council Member Todd - was again before Council. All voting aye. Nays none. MOTION 2000-1318 ADOPTED.

35. ORDINANCE appropriating \$14,355,805.00 out of Airport System Commercial Paper Series B, C (NON-AMT) (CIP A-0444), awarding construction contract to **WRS INFRASTRUCTURE & ENVIRONMENTAL, INC** on low bid of \$12,521,817.15 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$490,800.00 for Harris County Landfill #2 Removal at George Bush Intercontinental Airport/Houston

(IAH), Project No. 522C - **DISTRICT B – GALLOWAY** – was presented, and was tagged by Council Member Galloway – was again before Council, and was tagged by Council Member Tatro.

Mayor Brown recognized Council Member Todd's parents who were present in Council, and also invited the Acting Fire Chief Chris Connealy to the podium and stated that ordinarily he would not do this, but it was a very special occasion and stated that it was a great pleasure to recognize the acting chief upon the completion of the National Fire Academies Executive Fire Officer Program, that it was the Premier Senior Management Development Program in the American Fire Service and he presented a certificate to Acting Chief Connealy which he earned and thus joined an elite group of less than 1% of the senior fire executives in the Nations 44,000 fire departments and that was why it was significant, that as part of the four year program Chief Connealy had completed research projects, warranty administration, development of a comprehensive customer service program for the Fire Department Strategic Planning and improving the eligibility requirements for senior executive positions in the Houston Fire Department, that also as a graduate of the Executive Fire Officer Program he was now a candidate for the Harvard University Fire Executive Fellowship Program and that was the Nations top Fire Executive Development Program, and presented him with the Executive Fire Officer Certificate from the National Fire Academy expressed congratulations on behalf of the entire Houston Fire Department and the citizens of the City of Houston and the Houston City Council.

Fire Chief Connealy thanked the Mayor for the opportunity and recognized his wife and son, and stated that it was a great opportunity, and they were trying to raise the professional status of their senior executives. Council Member Todd absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Castillo stated that he had requests for items to be placed on the agenda of the Fiscal Affairs Committee, with one being a review of the report on the Fire Department, that unfortunately their agenda was pretty well filled up for the next meeting and asked the administration if at any time it was going to have a re-briefing or a response to the report, and Mayor Brown stated that the administration was doing its response to the report right now and as soon as it was completed they would let them know and would be prepared to schedule it anytime they wanted. Council Members Todd and Keller absent.

Council Member Castillo stated that he attended a training session for the American Heart Association where they gave instructions on the use of automatic external defibrillators and stated that perhaps they could arrange Council Members or anybody else in the administration to take instructions in that so they could know how to use them, and Mayor Brown stated that they had given an instructions class and would have them organize one for Council Members and their staff. Council Members Todd and Keller absent.

Council Member Bell stated that there was a very disturbing report on Channel 13 on Friday concerning the state of fire hydrants in the City, that he had not seen the actual report but based on his understanding the report said that some 1,500 fire hydrants were malfunctioning and some had been broken for a number of years, some were irreparable and some had been waiting for a long time to be repaired, and was a

little bit unclear as to what they were doing in the City about the problem and why there had been no notice or mention of it in the past.

Council Member Bell moved to suspend the rules to hear from Mr. Tom Rolan, Director, Public Works and Engineering, seconded by Council Member Ellis. Council Member Todd and Vasquez absent. MOTION 2000-1319 ADOPTED.

Upon questions by Council, Mr. Rolan stated that the story was done on television and they started looking at it and there were some 920 work orders or locations sited on the list that was on the website for the reporting station, that they had gone through it and there were approximately 180 that they had already taken corrective action on, that it was not uncommon because when they looked at the period when they were told about it and the report and get back and the interchange of information with the Fire Department they could understand where there would be a lapse in time, that the Fire Department gave them a list monthly, that last week the Fire Department gave them an updated list and there were considerably more items on the list and he needed to emphasize that it was a comprehensive list, everything from out of water to a fire hydrant need to be painted, grass needing to be cut around it or a cap off at one of the locations, that on the most current list there were about 225 fire hydrants that the Fire Department termed no water, that they had the list and analyzed it and were working on it, that they had an excess of 20 people in the field who were checking them out to determine what exactly the status was, that they felt they could go through the entire list they received last week within three weeks and would take appropriate action, that the highest priority were the ones that said no water, that a system was in place so when they received information from the Fire Department it was shared with the Public Works Department, that there were some things that needed to improve the communications and he had visited with Acting Chief Connealy and he was committed to refine the system as much as they possibly could as they needed to in order to make the flow as best as possible, that he would send an updated list of the 250 fire hydrants that did not have water broken out by districts to the Council Members. Council Members Galloway, Todd, Vasquez, Castillo and Parker absent.

Council Member Goldberg thanked all the speakers that were present in support of the scenic district; that the Houston Zoo was having the grand opening of the Children's Zoo on October 28, 2000 at 1:30 p.m.; that the Jewish Community Center, 5601 South Braeswood, was having their annual book fair. Council Members Galloway, Boney, Todd, Vasquez, and Parker absent.

Council Member Robinson stated that in the last couple of weeks he sent out to all Members of Council some correspondence from TXDOT about the designated truck routes, that recently Conroe and Pearland had designated by-pass truck routes around their cities and would like to see if they could put together an appropriate task force to look at moving the hazardous material route off 610 and out further to a highway location in the area and also designating a by-pass truck route around the City combined with a limitation on truck traffic on 610 and 59 through the heart of the City and limiting that truck traffic to only those trucks who were picking up or delivering cargo inside the City or who were headquartered here. Council Members Galloway, Boney, Todd, Vasquez, and Parker absent.

Council Member Quan stated they were celebrating the 49th Anniversary of the Consular Forum, a project of the Junior Chamber of Commerce, that they were celebrating the Kingdom of Thailand, that this week several activities were being scheduled, the Royal Thai Dance Troup would be performing at Rice University on Thursday night, that it was a free performance, that Friday the Greater Houston Partnership would be having a business forum about doing business in Thailand, that on Saturday they would have the Annual White Tie Gala of the Consular Forum at the Double Tree Post Oak and the Thai Ambassador to the United States as well as the U.S. Ambassador to Thailand and also the Deputy Prime Minister of Thailand, Minister Akorn, that he had an opportunity to travel to Thailand on behalf of the City with the Consular Forum and was very pleased with the response of Thailand to their City, that they do over \$150 million of business every year between Houston and the Kingdom of Thailand. Council Members Galloway, Boney, Todd, Vasquez, and Parker absent.

Council Member Quan stated that he commended the Fire Department, that they tried to utilize their time as best they could by going out and making sure that the hydrants worked as best as possible. Council Members Galloway, Boney, Todd, Vasquez, and Parker absent.

Council Member Tatro stated that while he supported the transfer discussed earlier he thought it was the best use of borrowing money at this time to fund the necessary cash flows of the City, but obviously the bigger question the taxpayers would have was why did they have \$40 million sitting around in the Water Sewer Enterprise Fund that they could borrow, and why were their water and sewer rates so high if there was accumulated cash and should they not be lower; that many other large cities around the Country had an enterprise fund much like the City's and they had made a commitment to do a zero based budget and hoped that in next year's budget cycle that they would adopt a financial policy within the water and sewer enterprise fund where they would address such things as debt policy, pay as you go or capital expenditures on current year revenue streams. Council Members Galloway, Boney, Todd, Vasquez, Parker, Sanchez and Bell absent.

Council Member Keller requested for a moment of silence for Harris County Sheriff Deputy J. C. Risley, who was shot and killed in the line of duty, and also for his family that was affected. Council Members Galloway, Boney, Todd, Vasquez, Parker, Sanchez and Bell absent.

There being no further business before Council, the City Council adjourned at 12:06 a.m. upon MOTION by Council Member Castillo, seconded by Council Member Quan. Council Members Galloway, Boney, Todd, Vasquez, Parker, Sanchez and Bell absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary