

City Council Chamber, City Hall, Tuesday, October 31, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, October 31, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Rob Todd out of the city on personal business. Council Member Orlando Sanchez absent on personal business.

At 1:57 p.m. Mayor Brown called the meeting to order and called on Council Member Quan to lead all in prayer. Council Member Quan stated that he was pleased as Members of the Jewish Federation of Greater Houston were present and invited Mr. Ron Brewens to the podium to lead all in prayer. Mr. Brewens stated that it was ironic they were asked to deliver the prayer today when a short time ago members of their delegation were visiting with Council at lunch and explaining why they thought the opening prayer should be eliminated; and asked for a moment of silence for everyone to reflect on the issues of the day or to express their faith in private. Council Member Quan led all in the pledge of allegiance.

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

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

Council Member Galloway moved to suspend the rules to hear Ms. Mary Taylor, Ms. Leverage Smith and Mr. Verne Kirby after the three minute speakers on Aquasource, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Todd out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2000-1320 ADOPTED.

Council Member Parker moved to suspend the rules to add Ms. Frances Boyd after those speaking on Aquasource and that Rep. Turner be placed at the top of the list, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Todd out of the city on personal business. Council Member Sanchez absent on personal business. MOTION 2000-1321 ADOPTED.

Council Member Ellis stated that he would like a moment of personal privilege; that there were 31 students and three teachers and one parent with the Sharpstown Leadership Academy present in the Chamber and asked them to stand to be recognized. Council Member Boney absent.

Mayor Brown welcomed the group and stated that Council was glad they could come and he hoped they enjoyed the session. Council Member Boney absent.

State Rep. Sylvester Turner, 3722 Cypress Grove, Houston, Texas 77088 (713-650-3688) appeared and stated that he was present today with a number of constituents from the Acres Home Area and the Willow Run North Plaza Area in

reference to a water increase; that Council Member Galloway had been working with them and they were all appreciative of her work; that Aquasource had acquired a private water company last year and then immediately moved for a rate increase and on average bills had jumped from \$30.00 to \$80.00 and up and many were seniors and on fixed incomes; that Aquasource has proposed a statewide water increase and it was not for just that region, they would tell you the increase they were proposing for Willow Run exceeded the cost to improve their system so they were not just trying to recoup cost for that system for that area but for cost that they may be incurring in other parts of the state and that was unfair; that the first step in getting that corrected was for Council to come forth with its rate proposal and the one proposed by F & A was acceptable to those in Willow Run North Plaza and that would mean their rates would immediately be brought down to those proposed rates and he would suspect that Aquasource would appeal and kick it to the state level and then it would be appealed to the TNRCC and then there would be a hearing, but Council's decision today would bring immediate relief to those in the Willow Run North Plaza Area, it would bring their rates down; and urged Council to vote yes for the item tomorrow so the State of Texas could do their part. Council Members Tatro and Bell absent.

Mayor Brown stated that he knew there were many present to speak on the subject and it was brought to the Administration's attention by Council Member Galloway and in addition he had received a letter from Rep. Turner articulating what he just said and he did agree with them and that was why he put Item 30 on the Agenda and that would reject the rate proposed by Aquasource Utilities, Inc., and instead insert the rate all residents in Houston paid which was considerably less, it was the fair thing to do and he would ask all Council Members to vote yes on that item. Council Members Tatro and Bell absent.

Upon questions by Council Member Boney, Rep. Turner stated that Aquasource was owned by a utility company out of Pittsburgh and had come to the state and purchased one water system per week since they had acquired the companies; that they were buying systems poor in quality and in need of repairs and no one was arguing with them about recouping money for repair of the system but the president of Aquasource along with his attorney told him the rates imposed on the Willow Run North Plaza area exceeded cost to repair their system because it was a statewide cost so their rates were going up and people in other jurisdictions had their rates coming down. Council Member Boney stated that instead of charging each jurisdiction for their necessary repairs they were averaging it out and it had an unfair impact on Willow Run; that he did support them and he would be looking at the responsiveness of TNRCC; that the system should not have been allowed to deteriorate as it did; and he asked that Rep. Turner let him know when the appeal would be heard because if possible he would like to attend with him. Rep. Turner stated that he would notify all Council Members of the time of the hearing. Council Member Bell absent.

Council Member Galloway thanked Mayor Brown and his staff for getting the item on the Agenda right a way and thanked Rep. Turner for his assistance in getting the TNRCC representatives to their last hearing and Council Member Robinson for attending the hearing and lending his support; that she was sure her constituents would be voting with her on the item and hopefully there would be relief for them effective tomorrow. Rep. Turner stated that Aquasource would appeal and then the Administrative Law Judge

along with the TNRCC would look to see if their rates were reasonable and necessary and then act accordingly. Council Members Boney and Bell absent.

Council Member Parker stated that she could not add to what Council Members Boney and Galloway said, but she did know many were present to speak on the subject and maybe now some would choose not to speak, but asked that Rep. Turner ask them to stand to be recognized. Council Member Boney absent.

Mayor Brown thanked all for coming and stated that their presence made a strong statement. Council Member Boney absent.

Rep. Turner stated that he would ask that those present in large allow him to represent them on the issue so Council could expedite their Agenda and that they not feel the need to speak. Council Member Boney absent.

Upon questions by Council Member Keller, Rep. Turner stated that if those present were polled they would want to be on the City's water system, but did not think there was a mechanism in the State of Texas right now that would make sure if the city moved to purchase that it would be for the market value so they needed to be sure there were added safeguards to achieve that purpose, but the end result he thought would be for the city to purchase that system. Council Member Boney absent.

Upon questions by Council Member Keller. Council Member Galloway stated that she wanted him to know that she had expressed to the Mayor the need to purchase Aquasource and bring those in Willow Run and North Plaza into the city service but they would not elaborate on it now. Council Member Boney absent.

Council Member Vasquez thanked Rep. Turner for coming and representing his constituents and for working with Council Member Galloway and other Council Members and he hoped the relationship continued into the legislative session in the spring; that they looked forward to working with him and having his support as well. Rep. Turner stated that he looked forward to the beginning of the legislative session and to helping the City of Houston achieve its goals and objectives. Council Members Boney and Parker absent.

Council Member Robinson thanked Rep. Turner for what he did and for all who appeared with him as it was an important issue. Council Members Boney and Parker absent.

Council Member Galloway stated that Ms. Avis Jones had been so instrumental in enlightening the community on what was going on and she would ask her to stand; that Ms. Spivey and others had also done a lot and she wanted to thank them all for their efforts. Council Members Boney and Parker absent.

Council Member Tatro stated that they should have to prove what the cost of service was in the area before they started imposing such significant rate increases; that he appreciated him coming today and looked forward to supporting the item. Council Members Boney and Bell absent.

Mayor Brown stated that was the end of the questions and he thanked Rep. Turner and everyone else who came and also thanked them for allowing Rep. Turner to speak on their behalf; that they got the message and everyone had his and Council's support. Council Member Boney absent.

Ms. Jeanette Anderson, Ms. Sheryl Washington, Ms. Ada Jones, Mr. James Sanders, Ms. Anita Spivey, Ms. Regina Green, Ms. Donna Davis, Ms. Mary Taylor and Ms. Leverne Smith had reserved time to speak and as previously discussed did not speak as Rep. Turner spoke on their behalf. Council Member Boney absent.

Mr. Bennie Beal had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Christopher Cato but was not present when his name was called. Council Member Boney absent.

Mr. Cornelia McBride, 3255 Elgin, Houston, Texas 77004 (713-650-2725) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Boney absent.

Mr. Aaron Potier, 2920 Shadowbriar #214, Houston, Texas 77082 (281-630-1870) appeared and stated it was only fitting to come on Halloween to bring Council's attention to a situation he considered to be somewhat out of control, as he looked around the city he saw Council had authorized the decorating of the city for Halloween with the downtown streets dressed up as the Gaza Strip, cars parked were disguised as earth movers and bulldozers. Mr. Potier continued his comparison of the construction going on in the Downtown area and the traffic congestion it caused relating it to Halloween; and also stated that the new ordinance relating to cars blocking the intersections was unfair. Council Members Galloway and Castillo absent.

Mayor Brown stated that TxDOT was building four bridges across 59 and those in the neighborhoods surrounding it were very upset with the construction but not too long ago he went to a ribbon cutting on the opening of the bridges and the people were extremely happy, it made their neighborhood better than before and he thought that the same thing was happening Downtown, so it was a little pain for a long-term gain; that there was inconvenience and a program was put together to manage it and he guaranteed when it was over if he came back he could say again that he loved Downtown Houston; that Mr. Richard Lewis coordinated it so if he had specific questions he would be the one to answer them. Council Members Galloway and Castillo absent.

Mr. William Bryant, 8937 Shady Dr., Houston, Texas 77017 (713-633-5720) appeared and stated that he had problems around his house for years and had the Police Department out many times and each time they came they would say they did not have the manpower to have someone just watch his house; that on October 2 at 9:00 p.m. people were on top of his house and they caught one guy; that his garage was about ten feet high and they were telling him to jump and he would not jump; that he and the policeman walked to the garage and the officer pulled his gun and told him to jump down and he did not and they took him to the car; that he went to the Police Department the next day asking about the District Attorney who would be handling the case so he could tell him of his past experiences and he was given a name and number but no one ever

answered and then he received a call saying the case was that day and he had been calling the wrong number; that he wrote the Police Chief about three letters and wrote the Mayor a letter and the Mayor's assistant, but at this point he was afraid for his life and wanted something done. Mayor Brown, Council Member Ellis and Castillo absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that on October 2 the police did arrest someone at his home and he was charged with criminal mischief and with regard to that case when the police concluded an arrest it became a matter for the District Attorney's Office and that was separate from the Police Department and it was handled by Harris County; that Chief Richards was present from the Police Department and he would be able to provide him with a case number and he could then follow-up with the Harris County District Attorney's Office on prosecution of that incident and if he wanted to share other continuing information he could share it with Chief Richards and they would try and make sure officers were investigating and trying to resolve his problem. Mayor Brown absent. Mayor Pro Tem Boney presiding. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Carl Thomas, 614 Bold Ruler Dr., Stafford, Texas 77477 (713-702-5525) appeared and stated that he wanted to bring an issue to Council concerning its Affirmative Action Program and contractors; that he represented Russell Hodges, R. H. Hodges Construction, a minority contractor who performed work for the city under MEB Engineering; that they worked at Carverdale Park and McGregor Park and they as yet had not been paid by the general contractor; that they had been in contact with Affirmative Action Dispute Resolution Department, Don Casanave and Bernard Porter, and he was present asking Council to give them the full leverage they needed to help resolve the issue; that they had an outstanding \$77,000 invoice with the general contractor, but MEB seemed to have some not so prudent business practices where they would get a sub to do work and then find a reason to delay payment and most were minority contractors who had been certified through the city for the work but they were not wealthy and could not hold out while MEB procrastinated in paying them; that they had other work to do and could not go forward without the funds. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that they had tried to contact him prior to his coming today and were unable to reach him; that Mr. Wes Johnson was present in the Chamber and he should brief him and then follow-up; that legally the city did not have authority to force the prime contractor to pay their subs, that was a legal contractual relationship between the subcontractor and prime contractor, however, through the dispute resolution process in Affirmative Action they would like to make sure all subcontractors were treated fairly and in most cases had been able to reach a positive resolution; and after the final questions from Council he could speak with Mr. Johnson. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Keller, Mr. Thomas stated that MEB Engineering was the general contractor. Council Member Keller stated that a member of his staff would give him his business card and he would like him to call so they could talk in more detail; and upon further questions, Mr. Thomas stated that both projects they completed last month and they submitted their invoice to MEB and MEB then submitted their invoice to the city and through the dispute resolution they had been able to hold the

check up but it was to be issued Friday; that MEB had collected their mobilization money from the city which was over \$100,000 but they had not been paid on the draw on the contract as of today. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Mr. Johnson should also talk with Mr. Spellman to make sure all parties were trying to work this out; and thanked Mr. Thomas for coming. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present today concerning lead base paint matters, he had been before Council before and he was in the lead base paint business; that the city had a long standing contract which called for lead base paint inspections, new home acquisitions through a HUD Program, and it had never been enforced and there was a serious question whether the Health Department knew what they were doing; that the state just issued notices of violations for a contractor who was providing services under a HUD contract, a CDC contract, that had determined to be deficient and improper so the question was if there was anyone at the city who knew about lead base paint and if they did would they start enforcing it; that he sent a letter to Dr. Berger and asked the Mayor to ask the OIG to initiate another investigation and when they had the results would they be kind enough to disclose it to the public because the city had twice now asked the Texas Attorney General to shield OIG reports from the public Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Ms. Marino with the Health Department was present and she would meet with him and pass along to him information; that most of such things were regulated by the state and there was not an intervention the city could do, but she would advise him of where their legal authority began and ended and they would try and help as much as possible. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Gabriel Luke, 6050 Warm Springs, Houston, Texas 77035 (713-721-4610) appeared and stated that he was present to speak about cadets in the Houston Fire Academy; that he had problems and was terminated two days before graduation and his problems started when an instructor grabbed him; that they figured he may try and file a grievance and so they had to get rid of him and used an injury to do it; that he was not the only cadet to have problems, they had gotten rid of a lot of cadets who would be good firefighters; that he talked with Chief Britt and after his hearing he told him he had not read his transcript from his case and yet he had terminated him, how could he terminate him when he had not fully read on his case; that 30% of his class, over half, was lost and it was not because of grades it was because instructors felt they would not be good firefighters because they were not followers but leaders and that may not matter to instructors but it did matter to those trying to be firefighters and he thought it would matter to those who would be placed in danger and need them. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that he was not sure if Council had the authority to intervene in such a matter to provide him any particular relief in that he was a probationary employee; and upon questions, Mr. Bibler stated that he was correct. Mayor Pro Tem Boney stated that his other matters regarding equitable treatment and whether



his case was fairly heard was a policy matter and something that could be reviewed and he would ask that he visit with Chief Britt and go over all his concerns and then they would visit with Chief Britt and Chief Connealy and see if other action was warranted. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Mr. D. L. Johnson, (713-718-8016) appeared and stated that a matter he was continuing to pursue was with regard to what he and his family had come to recognize as being a matter for small claims court jurisdiction and malfeasance and that was just one element that had gone into the battle between his family and public utilities regarding water rates from a prior property they rented, it was rented with a latent defect and in short the water bill got to be more than \$1,500.00 and the landlord conducted himself in a very shabby way and did not recognize any written communication they had forwarded to him; that some communication was certified but anyone of reasonable mind would know there was no reason they would not forward such communication particularly when the public utility would not accept the estimates of the problem they presented as tenants and they continued to be dogged by paying the landlord's bill who in the small claims court threatened he and his wife because of facts they brought and in getting ahead to help this make sense they were completing a complaint with the agency of judicial misconduct against a small claims court judge who in the proceedings the entire day seemed to be preoccupied about the dinner luncheon he had with some court observers; and Mr. Johnson's time expired. Mayor Brown, Council Members Vasquez, Quan and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that he thought Council had the jest of the issues and in fact he understood an administrative hearing was held on the matter in October 1999, it was a long standing problem, and as a result of the hearing a leak adjustment of \$859.00 was applied to his account and late charges of \$76.00 were removed and that they had agreed to a long-term payment plan; and the dispute he referenced now was really between he and the property owner and the account was in his name and even though it may be true that the responsibility for repair may be on the landlord the city had to deal with where the account was. Mr. Johnson stated that there was fraud here and threats and there was a sense of fair play and doing the right thing and he landlord actually owed it. Mayor Pro Tem Boney stated that the city had waived all most \$1,000 in fees and they were not allowed by state law to give away or waive fees that were belonging to the taxpayers of Houston whether they thought it would be fair and just or not and the party his disagreement was primarily with was the owner of the property and the city could not intervene and forgive the debt so the bottom line of the matter was he could either find compensation for what he believed he was unfairly being held to from the property owner through a court of law or to move to another place and seek to establish another account, but not in the same person's name; that the charges could not legally be waived because taxpayer assets could not be given away. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 appeared and stated behavior of Cunney Homes; 1972 to 2000, 28 years of disrespect; why; who are they; check out Cory Gilbert and his brother; also the Wilson boys, Sammy Ray and

Robert Wilson; they will use families, children, kids, babies, infants; and continued to express personal opinions until his time expired. Mayor Brown, Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Verne Kirby, 7210 Leader, Houston, Texas 77074 (713-877-1072) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. D. J. Blanton, 3610 Dalstorm, Houston, Texas 77074 (713-733-6666) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Vinita Hicks, 416 Rhode Island, Houston, Texas 77029 (713-674-8701) appeared and stated that since August 2000 she had been bringing to the Mayor and Council's attention the fact that she was wrongly evicted from the City of Houston Housing Authority and even though she brought it to their attention she understood the Mayor had been referring her to members of Citizens Assistance Office, but unfortunately it was not successful and her problem was not yet resolved; that on September 26, 2000, she had an opportunity to speak with the board of commissioners to express her concerns but it was not enough time for them to make an assessment; and Ms. Hicks' time expired. Mayor Brown, Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Ms. Hicks should summarize her concerns; and Ms. Hicks stated that it was getting colder, the holidays were coming and her problem was not resolved; that she was asking the Housing Authority to reconsider their decision and her family was suffering behind the mismanagement and misrepresentation from those members of the Housing Authority. Mayor Pro Tem Boney stated that she could be referred to an office to try and locate other housing opportunities, but the matter of governance of the Housing Authority and whether they operated properly or if there should be a review of their appeal would be a federal matter of Housing and Urban Development as HUD provided the funding for public housing of citizens in the City of Houston; and asked her to speak with Mr. Cantu who was present to see if he could find her housing while that matter was being reviewed. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. David Schovajsa, 4800 W. 34th, Houston, Texas 77092 (713-956-6662) appeared and stated that he was president of the Limousine Association of Houston and they particularly wanted to thank Council Member Galloway for taking the lead and allowing them to more fully address their concerns; that a couple of weeks ago they listened to Yellow Cab clarify limousine industry issues to Council, but their concerns were addressed to the point where they were minimal and manageable; that they felt the limousine service license should be transferable, they were unsure about the license amendment since it was new to the revisions; adding a vehicle to the fleet should not require a license amendment but the add/delete form currently being used; and Mr. Schovajsa's time expired. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.



Mayor Pro Tem Boney stated that Mr. Schovajsa should summarize his statement; and Mr. Schovajsa stated that their remaining concerns were that the city limousine drivers license did not allow provisions for temporary drivers and they also felt SUVs should be allowed for seven years instead of six. Mayor Pro Tem Boney stated that there was an ongoing effort to reach consensus on some matters raised and had primarily been compromised when they could and he would refer him to Ms. Jacqui Croy who was present in the Chamber and who could tell him where they were on the matters raised. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he noticed on the proposal that SUVs be certain brands and he was surprised of that; and upon questions, Mr. Schovajsa stated that he thought it was a very good suggestion to place only certain brands of SUVs, the minimal allowed was the Excursion in terms of dollar view; that they did not feel the market should be opened to any SUV but instead the higher class SUV. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney requested that Ms. Croy meet with Mr. Schovajsa and that Council Member Quan may also want to meet with Ms. Croy; that one experience Council had with the taxicab, wrecker and limousine ordinance was the industry often had varying views in itself and they had finally been able to understand the different parties interest and find a consensus so each part of the industry was not in conflict with each other so there was a reason for it all. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

At 3:08 p.m. upon motion by Council Members Tatro and Ellis the City Council recessed until Wednesday, November 1, 2000 at 9:00 a.m. Council Member Todd out of the city on personal business. Council Member Sanchez absent on personal business. Mayor Brown, Council Members Keller, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, November 1, 2000, with Mayor Pro Tem Jew Don Boney, Jr. presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Ms. Silvia Garcia, City Controller; Ms. Sara Culbreth, Director, Finance and Administration; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Rob Todd absent on personal business.

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

At 9:23 a.m. Mayor Pro Tem Boney called the meeting to order and stated that the first order of business was the report from the City Controller on the Monthly Financial and Quarterly Investment Report. Council Members Goldberg and Sanchez absent.

## **MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Ms. Silvia Garcia, City Controller, stated that she was pleased to present the Monthly Financial and Operations Report for the period ending September 2000, with regard to the General Fund for FY2000, that their estimates indicated that the Fiscal Year 2000 ending fund balance was \$69.4 million and it was unchanged from last month's estimate and would complete the Fiscal Year at an estimated \$10.6 million below the 7.5% cushion for excess reserve fund balance, that as to the General Fund revenue projections for the current fiscal year all their numbers corresponded at budget except four items, (1) property tax numbers, that it had a change to reflect the adopted tax rate through Council action on October 9, 2000, that they had simply added those numbers and kept all of their other formula in projections and it reflected a change, (2) that sales tax projections were based on the Fiscal Year End 2000 estimated revenue plus an additional 4.74% for the year and this was unchanged also from last month, (3) that with regard to electrical franchise, they were also unchanged since last month, they had simply projected to exceed budget by \$4.2 million due to the fuel factor rate increase and it would be nearly offset with \$1.5 million by additional electrical cost within the General Fund, (4) that franchise fees again as reported last month they had added \$2 million to reflect the two \$1 million payments made by the cable companies, that they continued to use a conservative approach in monitoring all forecasted revenues and encouraged the Mayor and Council to consider the fiscal impact the City should have if any revenue shortfalls should occur, that on the expenditure side it was the same as last month and again they had noted the \$2.6 million electrical cost to the General Fund in the Contingency Fund in the General Government area, that the Building Services budget was revised by \$150,000 to reflect the reassignment of personnel from police with a corresponding reduction in budgeted expenditures, that the Mayor had initiated spending controls in most General Fund departments and no corresponding budget adjustments had been made by them at this time, and that concluded the Monthly Financial Report. Council Members Goldberg and Sanchez absent.

Ms. Garcia stated she would move to the Quarterly Investment Report, that the report was for the quarter ending September 30, 2000, that the General Pool Book Value as of September 30, 2000 was \$1.29 billion, about \$133 million more than three months ago, that the increase was due to normal seasonal fluctuations, that at the July 25, 2000 Investment Committee meeting the decision was made to increase their mortgage backed allocation in the General Pool from \$50 million to \$100 million and the increase was in progress and should be completed within the next few weeks, that the Airport Construction Pool Book Value was \$271 million as of September 30, 2000, a decrease of about \$64 million over the past three months, that the decrease was a result of airport spending on construction and improvements over that period of time, that the recent airport bond pricing on October 24, 2000 would provide approximately \$600 million in funds that would be placed in the City's General Pool for investments, that once the bonds were received the total funds held by the City for investment would exceed \$2 billion, that in general not much had changed since the June 30, 2000 Quarterly Investment Report. Council Members Goldberg and Sanchez absent.

Ms. Sara Culbreth, Director, Finance and Administration stated that Finance and Administration had also prepared their Financial Report for the month ending September 30, 2000, that in the General Fund they had revised their revenue projections upward by \$2.9 million and that was a result of recognizing the additional electric franchise revenues anticipated due to the fuel factor adjustment increase that was approved by the Public Utility Commission earlier in the summer, that they had adjusted that upward by \$5.8 million, that they had also adjusted upward their other franchise revenues by \$2 million to recognize funds received by the two cable company franchise agreements that were also approved earlier in the summer, that they had lowered three revenue items and that being the General Property Taxes and Industrial Assessments and that was as a result of the tax rate adopted of \$.655 and the total reduction in those two categories total about \$3.7 or \$3.8 million, that they had also lowered their sales tax revenue projection by \$1 million and that was to be in line with the projections provided to them off of the economic model prepared by Dr. Smith which was presented to Fiscal Affairs earlier this month, that on the expenditure side they had recognized the additional electricity cost as a result of the fuel factor to the General Fund in the General Government and they had increased that projection by \$3.4 million, that in the departmental expenditure categories they had indicated or reduced their projections by \$5.1 million, which incorporated the spending controls of 1% across the board spending reductions in all departments except for the Police Department which was a .5% reduction and no reduction or spending controls placed on the Solid Waste Department or the Fire Department, that those departments were projected at budget, that left the General Fund having a net current activity for the Fiscal Year of \$4.6 million, that all of the other funds were projected at budget and would like to point out however that there was a change in this months financial report in the format and if they would notice on page 7 they had now indicated two columns, they now had a column for Adopted Budget and a column for Current Budget and that was to indicate or report changes in the adopted budget versus what was actually in the system for the month, that if they noticed on the Police Department Budget and on Building Services there was a transfer of \$150,000 which again as the Controller indicated was a reassignment of personnel related to building management services for that department. Council Member Sanchez absent.

Council Member Tatro stated that it was important to point out that even with the tax rate reduction and the budget that was passed by Council a couple of months ago that the revenues were still projected to be \$3 million more in total than the budget that they passed and that was their discussion during the tax rate reduction, that even with the budget that they passed revenues would still equal the revenues that they budgeted for, and what obviously Council could not control much on a day by day basis was on the expenditure side. Council Member Tatro absent.

Council Member Ellis asked if they adjusted the Industrial Assessments and asked if they could explain the calculation, and Ms. Culbreth stated that the Industrial Assessment Revenues were controlled or limited by contractual agreements and were based on the industrial entities they had under contract, based on their property values as well as the tax rate, so as property values or the values associated with those entities change and the tax rate changes it was going to have an impact on the revenues that they had projected for those, so as the property tax rate went down their projection had to go down as well, and when the property values all came in and they had those numbers, again their numbers would have to adjust as it would relate to whatever the property values ended up being on the roll, that it was a component of both, and Council Member Ellis asked Ms. Garcia if she did not feel

the need to adjust at this time, and she stated no. Council Members Sanchez and Robinson absent.

Council Member Castillo moved to accept the reports, seconded by Council Member Vasquez. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. Council Members Sanchez and Robinson absent. MOTION 2000-1322 ADOPTED.

Council Member Galloway moved to suspend the rules to take Item 30 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. Council Members Sanchez and Robinson absent. MOTION 2000-1323 ADOPTED.

30. ORDINANCE relating to the Water & Sewer Rates of **AQUASOURCE UTILITY, INC** within the City of Houston, Texas; determining just and reasonable rates to be observed within the City of Houston, Texas; ordering rate reductions and credits to ratepayer's bills; fixing the rates that shall constitute the legal rates within the City of Houston, Texas until changed as provided by the Water Code; providing for filing of Rate Schedules and Tariffs; providing for the repeal of conflicting ordinances; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Ellis stated that yesterday after listening to State Representative Turner and Council Member Galloway he was thoroughly convinced that they needed to move forward with the agenda item, but after yesterday he had a call from Aquasource and met with them this morning and was not as comfortable to move forward with it.

Council Member Ellis moved to suspend the rules to hear from Finance and Administration and Mr. Rick Melcher, Aquasource, seconded by Council Member Keller.

Council Member Castillo stated that there had been a motion made to suspend the rules to bring someone from Aquasource to answer questions and asked if that in any way jeopardize their position in objecting to any appeal from Aquasource before the TNRCC, that he did not want to divulge or argument that they may have to use before a regulatory body. Council Members Sanchez and Robinson absent.

Council Member Ellis asked if they were saying that they did not want the City to answer any questions or they did not want Aquasource, and Mayor Pro Tem Boney stated that the thrust of Council Member Castillo's question was would there be any legal impediments. Council Members Sanchez and Robinson absent.

Mr. Bibler stated that Ms. Taylor stated that the appeal at the State was de novo and made no difference what they did down here.

A vote was called on the motion to suspend the rules to hear from representatives of F&A and Aquasource. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. Council Members Sanchez and Robinson absent. MOTION 2000-1324 ADOPTED.

Upon questions by Council Member Ellis, Mr. Melcher stated that he was the Public Relations Manager for Aquasource, that it was correct that in Acres Homes the 1% increase

would not be equivalent to what the City was presently charging in its water rates, that the previous rates in the Willow Run Subdivision in Acres Homes was \$6.80 as a flat rate, that he did not have in front of him the exact numbers for the City of Houston, however the base rate was more than double for Willow Run, that they had proposed something that was higher than what the City was proposing, that they were now coming back to the table and saying that the 1% increase would not afford them the same rate collection as the City of Houston; that they were certainly doing capital improvements, that they had spent currently approximately \$200,000 in Willow Run and had targeted or identified approximately \$300,000 more in system improvements that were needed to comply with TNRCC regulations. Council Members Castillo, Sanchez and Robinson absent.

Upon questions by Council Member Ellis, Ms. Jacqui Croy, Finance and Administration, stated that it was correct that the 1% increase would not be equivalent to what the City charged in its water rate, that it was not the same rate structure as the City had but they needed to be mindful that in regulatory rate making they could only consider the company's costs to serve, that it did not have anything to do whatsoever with the level of the City of Houston rates, that the City of Houston rates were designed on the City of Houston costs to serve its water customers, and Aquasource rates should be designed on the costs to serve the customers of the Willow Run System, that the City was looking at their cost and allowing them to charge a rate because of their profit margin, that they allowed the profit margin that was requested in their rate filing package, however they had a unique issue with respect to statewide rates, that the rates that they requested were the rates that were to be put in place on a statewide basis and were not unique to the Willow Run System and the rates that the City was recommended were based on just the Willow Run System. Council Members Castillo and Sanchez.

Upon questions by Council Member Ellis, Ms. Mosley stated that the ALP Fund was a whole different thing and handled by the Public Utilities Department and was not handled by Rates and Regulatory, that their job was to handle the City's local regulatory responsibility and when they did that they had to look at what State law was and what it allowed a company operating in Houston, subject to their jurisdiction, to include in those rates, that what the City of Houston charged for their system was not the same thing, it did not relate, the City of Houston rates were based on their cost and their rate design, however they decided to spread those costs amongst their customers and they would be different, there would be no two systems with the same rates. Council Member Castillo absent.

Mayor Pro Tem Boney asked if the City operated its system to make a profit as they did in other areas. Ms. Mosley stated no, and Mayor Pro Tem Boney asked Mr. Melcher if Council chose to increase the water rate to the level more akin to what he stated they needed would they still appeal it to the State authority, and Mr. Melcher stated that as Public Relations Manager he certainly could not agree at this point to not appeal the decision to the TNRCC level; that as to the 1% increase, the recommendation was structured upon 1993 cost analysis of the Willow Run System when the last rate application was filed for that system, that they had filed currently for a statewide increase for all of the approximately 250 systems, that there was no individual system data in that filing, that what they would request was a one week period to offer that information specifically regarding to Willow Run to the City Council, so that they might make a recommendation for the rates that were applied to current rate structure, and Mayor Pro Tem Boney asked if he had provided that information to Finance and Administration previously, and Mr. Melcher stated no, they had not done that, and Ms. Mosley stated they had asked for but did not get the information, and Mr. Melcher stated that he did

not know what the difficulty was, but had been requested to request one week to get the information to the Council.

Council Member Galloway urged her colleagues to move forward on the item and stated that the citizens of Willow Run were given a bill not knowing that their rates were going to increase so high, that they needed some relief, that those citizens were paying taxes to the City and they, as a City body, needed to protect their citizens.

Upon further discussion by Council, Council Member Ellis stated that Council Member Galloway had stated yesterday that she had done some work with the administration and Aquasource in regards to the City purchasing that contract and asked how far along was the City with that and what guarantees might they had, and Council Member Galloway stated that the Mayor was aware of it and Mr. Ordat had met with Aquasource in March and that was when they found out that Aquasource had purchased Touchtone back in 1999, that she and Representative Turner had worked on some legislation to make it easier for the City to purchase, that she had already spoken to F&A on some matters that perhaps would go before the Legislature at the next Legislative session.

Mayor Pro Tem Boney stated that it was not something that was imminent and would require some legal as well as negotiation work to occur and they would not want to put the City of Houston taxpayers at jeopardy in terms of the City of Houston purchasing a system at a non favorable and fair cost.

Council Member Castillo stated that he would urge his colleagues not delay the item, that if there were any questions of fact or argument he would rather err on the side of the citizens and rate payers of Acres Homes and let the company take it chances proving up its case before the PUC.

Council Member Tatro stated that Representative Turner mentioned yesterday the calculations of Aquasource rates and stated that in their rate base they were using other outside companies or outside areas that they had bought and considered the capital improvement that they would need also and asked if that was the case within the rate structure they calculated, and Mr. Melcher stated that the current rate application applied evenly to all approximately 250 systems and 32,000 customers across Texas, that he would not agree that the customers of Willow Run were absolutely subsidizing other areas of the State, that it had been pointed out that the Willow Run System was certainly in need of capital expenditures as well as other systems within the State, and Council Member Tatro asked if the funds in total were set throughout and could be utilized in one of the other systems and Mr. Melcher stated yes, that it was a statewide rate plan, and Council Member Tatro asked if he had sat with F&A and gone over the capital requirements and operating and profit line by line to have them arrive at what was being proposed today, and Mr. Melcher stated that it was his understanding that it had not been done, that the 1% recommendation for an increase was based upon the 1993 information included in the previous rate case by Mr. Touchtone, and Council Member Tatro asked F&A if they had sat with Aquasource and their accountants or business people and gone into what a fair rate structure was, and Ms. Mosley stated that the process they normally went through was that the company files the case and F&A reviews the case and asks questions and gets answers, that one of the most significant questions they asked was if in their filing when they requested statewide rates to give them the Aquasource information related to those areas in the City only and that information was not forthcoming,



that if Aquasource did not give them any information they had nothing to sit down at the table to discuss.

Council Member Tatro stated that they also had private utilities supplying water in his area and a lot of people were not totally happy with the situation that they were in so if the City was going to start talking about specifically purchasing individual companies they ought to take a step back and look at that on a citywide basis.

Upon questions by Mayor Pro Tem Boney, Mr. Melcher stated that there was no one else from Aquasource present at Council and that he did not have any current data with him and that was the basis for the one week request, and Mayor Pro Tem Boney asked when the process began, and Ms. Croy stated that the process began in early October, that Aquasource filed the case late in July, that it was a huge amount of information and it was for all the systems in the State, they then prepared requests for information which they did not get a response to and that was four weeks ago, and Mayor Pro Tem Boney asked Mr. Melcher to explain what had been the delay in providing that specific information to F&A, and Mr. Melcher stated that he could be completely frank in that regard, that their rate plan and the rate team that they had analyzing and orchestrating the rate application had gone with the priority of the concept of a statewide rate plan, that in the several municipalities that had jurisdiction in areas around the State where they had systems within a municipality, it was their opinion that the City Council's in each of those areas would necessarily deny their rate application and the process would most likely be for the rate case to go on to the TNRCC along with the other privately owned systems that Aquasource held and that was the reason he thought they did not stop to negotiate with each city, that as Finance and Administration pointed out the process seemed to be for the City to deny the rate application and then move on to the State, that if there was information at this time as he had begun to believe that the City might be willing to look at a reasonable rate to set for Willow Run, and he just learned that yesterday, then they wanted to come forward and request that.

Mayor Pro Team Boney stated that they could go ahead and continue with questions from Council but thought that the matter was fairly clear, that if the company was not willing to stipulate to some reasonable rate in which the City of Houston and Aquasource were in agreement that they would not appeal that at the TNRCC for some higher rate then what would be gained by a weeks delay since they ended to pursue their avenues of redress and appeal at the State level at the TNRCC to try to get the rate they wanted and the profit margin that they wanted, that Aquasource ought to be sensitive to the awesome and heavy burden that was placed on the residents of Willow Run with the significant jump in price and cost.

Council Member Vasquez stated that he was struck by Mr. Melcher's comment, that earlier when they began the discussion Mr. Melcher stated that he did not know why his company had not submitted the documents, yet as the conversation progressed he provided the explanation, that it was very disingenuous of him to come before Council and speak out of both sides of his mouth on the same issue and the same question, that he did not support a weeks delay and hoped that Council would vote against the delay and vote on the item today.

Council Member Parker asked how often was Council called upon to set rates for MUD's, and Ms. Mosley stated that these were not MUD's, they were pre MUD's from annexations; that in regards to the information to be provided she was just informed that they were told under oath in response to their question that the information on a stand alone basis for the system did not exist, and now it did and that concerned her, and Council Member

Parker stated that it was not a MUD in the way they treated other MUD's and asked how many did they deal with in the City, and Ms. Croy stated about 5 or 6 and the last time they were called upon to do something like this was in 1995, and they used a similar formula in 1995 based on State Law, so it was a fairly routine procedure. Council Member Tatro absent.

Council Member Bell asked what was the procedure for raising the rate, and Ms. Croy stated that the first step was for the company to file a rate increase request and application which they filed with the City Secretary, and the second step was for F&A to review it with respect to the State utility laws which govern reasonable costs of operating the system and then a reasonable return based on the plan in service at that time, that there was a set of rules that they went through, that Aquasource's rates were not approved, that it was filed and F&A had to take the first action on it, but according to the water code they could implement their rates on an interim basis while it was being reviewed and that was where they were now, that if Council took action today to approve Item 30 the rates would go back down to the rate Council approves, that the review process that they conducted culminated with F&A bringing their recommendation to Council today.

Upon questions by Council Member Bell, Mr. Melcher stated that they bought the existing provider in December 1999, that they knew what the rates were at the time the company was purchased, that in the application to purchase the system in December stated that no immediate rate effect would take place upon the closing of that transaction, however the system could be under review for a future possible rate increase, that it was included with the other Aquasource systems to determine that rate structure, and Council Member Bell stated that if he was in the business of Public Relations for a water provider he knew that if people were hit with a significant increase that it was going to cause a very significant public outcry, that not always could a situation be guided by the public outcry, but in a situation such as this he thought that a lot of the Council Members were looking at it and saying it was just not adding up and seemed to violate a sense of fairness for this significant of an increase, and Mr. Melcher stated he understood, that it was his understanding that under TNRCC regulations the private utility company was not allowed to offer different rates to its customers so they were applying the proposed rate to all 32,000 of their customers on a statewide basis, that the support for a statewide regional rate plan came about through Senate Bill 1, last year, in providing for a statewide water plan to plan for the future.

Upon questions by Mayor Pro Tem Boney asked Mr. Melcher if the State did not allow them to change different rates for different regions of the State and Mr. Melcher stated that since it was a legal question he could not answer the question, and Mayor Pro Tem Boney asked F&A if they were aware of prohibition to a different rate structure being applied, for example, in West Texas than in Houston by the same provider, and Ms. Mosley stated that there was not State law or TNRCC rule that required them to have statewide rates. Council Member Sanchez

Council Member Robinson stated that he wanted to read some quick numbers, that he had gotten a chart from the F&A Office and in response to Council Member Ellis's questions what it showed were the current rates in Willow Run, the Aquasource requested and then the F&A proposed, that the previous rates for water in Willow Run ran from \$6.80 for 1,000 gallons up to \$16.20 for 10,000 gallons, Aquasource wanted to go to \$24.57 (261% increase) at the low end up to a \$44.67 over \$16.20 previously, which was a 167% increase, that F&A proposed in the water area a little over a 6% increase, and if they compared that to the City rates Aquasource would receive more money than the current City rates, that in the sewer

category and the Willow Run rates started at \$13.96 up to \$27.46, the Aquasource went up to \$34.97 all the way across the board, when they combined the water and sewer rates that was where they got about a 1% across the board increase, that ultimately when they combined water and sewer rates in six of eleven categories, Aquasource would be getting a higher dollar amount than the current rates charged for City water and sewer, that the argument that they were not getting a good deal did not withstand the test; that this would be the first time in the State that there was even going to be some consideration of a statewide rate. Council Member Sanchez absent.

Mayor Pro Tem Boney stated for the record, and hoped that TNRCC would be sensitive to it, that it seemed like an excellent business plan for someone who could provide water services for aging utilities, and that they could in a reasonable way or even beyond reason, justify profit margin and a cost of service to customers that would be so high that municipalities and governments around the State would be looking to try to take over the system to respond to constituents. Council Members Keller and Sanchez absent.

Council Member Ellis asked for how long of a period had the individuals had been charged a rate increase of 200%, and Ms. Croy stated that it varied, but mostly two months, and Council Member Ellis asked how long would the appeal process take in going to the TNRCC or would it create a rate reduction overnight, and Ms. Croy stated that when Council took action and it became effective the rates would be reduced, that they proposed that they receive bill credits over the same period of time. Council Members Keller and Sanchez absent.

Council Member Castillo moved to call the question, seconded by Council Member Galloway. Council Members Keller and Sanchez absent.

Council Member Tatro asked if after the appeal the TNRCC sets the rate at a slightly higher rate would that be retroactive or could that be within their request to make it retroactive, and Ms. Croy stated that they could do that and then surcharge the incremental amount, that it could be ordered by the TNRCC, that they did not know.

Mayor Pro Tem Boney called a vote on Council Member Castillo's motion, no vote was recorded inasmuch as there were no other speakers on the list. Council Members Keller and Sanchez absent.

Mayor Pro Tem Boney requested the City Secretary to call Item 30 and the City Secretary stated that Item 30 was an ordinance and listed on their pull sheet as not in and it had been received before it was discussed. Council Members Keller and Sanchez absent.

A vote was called on Item No. 30. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. Council Members Keller and Sanchez absent. MOTION 2000-1324 ADOPTED.

Mayor Pro Tem Boney recognized Council Member Robinson for a moment of personal privilege. Council Member Keller and Sanchez absent.

Council Member Robinson recognized a group of students from Hamlin Middle School who were accompanied by Ms. Kendra Davis and Mr. Cedric Patterson. Council Members Keller and Sanchez absent.

Council Member Vasquez moved to suspend the rules to call Items 34, 40 and 54 out of order. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. Council Members Keller and Sanchez absent. MOTION 2000-1325 ADOPTED.

34. ORDINANCE appropriating \$200,000.00 out of Low Income Housing Fund (Fund 872); appropriating \$300,000.00 out of Homeless and Housing Consolidated Fund (Fund 415); approving and authorizing agreement between the City of Houston and **MEMORIAL DRIVE ELDERLY I, L.L.C.** to pay eligible costs in connection with the Rehabilitation of 2100 Memorial Drive to provide Housing to low-income elderly persons - **DISTRICT H – VASQUEZ** - was presented.

Council Member Castillo asked Council Member Vasquez if he supported the item since it was in his district and Council Member Vasquez stated yes.

A vote was called on Item No. 34. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. ORDINANCE 2000 942 ADOPTED.

40. ORDINANCE correcting Item Number 28 in the Assessment Roll included within Ordinance Number 67-251, which ordinance levied assessments with respect to the improvement of portions of Stokes Street, Fulton Street, Airline Drive, East 34th Street, East 35th Street and Amasa Street in the City of Houston, Texas - **DISTRICT H – VASQUEZ** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. ORDINANCE 2000 943 ADOPTED.

54. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration to award to **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 – **(This was Item 14 on Agenda of October 25, 2000, TAGGED BY COUNCIL MEMBERS KELLER and VASQUEZ)** – was presented.

Council Member Vasquez stated that he wanted to publicly thank Mr. Calvin Wells and the General Manager for Tommie Vaughn Motors for working with their office, that they had a commitment for them to be more neighborhood friendly and to clean up some of their properties in the area and to work more closely with their neighbors in that area and encouraged Council Members to support the item and approve it today.

A vote was called on Item No. 54. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Todd absent on personal business. MOTION 2000-1326 ADOPTED.

**CONSENT AGENDA NUMBERS 1 through 51**

**MISCELLANEOUS** - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **ELECTRICAL BOARD**, for terms to expire January 2, 2002:
  - Position Two - **MR. ELIOT DOUCET**
  - Position Four - **MR. THOMAS THIERHEIMER**
  - Position Six- **MR. E. T. DICKERSON**
  - Position Eight- **MS. GEORGIANA GATES**
  - Position Ten - **MR. ANTONIO ORTA**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1327 ADOPTED.
  
2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS** as recommended by the Board of the Downtown Management District, for terms to expire June 1, 2004:
  - Position One - **MR. CHARLES BAUGHN**
  - Position Two - **MR. M. E. "Pete" PETREE**
  - Position Three- **MR. OSCAR GREENLEAF**
  - Position Four - **MR. JAMES J. SMITH**
  - Position Five - **MR. DENNIS L. GREER**
  - Position Six - **MS. VALERIE D. WILLIAMS**
  - Position Seven - **MR. WILLIAM E. PENLAND, JR.**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1328 ADOPTED.
  
3. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **HOUSTON DOWNTOWN MANAGEMENT CORPORATION BOARD OF DIRECTORS** as recommended by the Houston Downtown Management District:
  - Position One **MS. JANE BASS PAGE**, to complete an unexpired term ending August 1, 2003
  - Position Six - **MR. CHARLES RANDALL PARISH**, replacing Andy Icken, who has resigned, to complete an unexpired term ending August 1, 2003
  - Position Eight - **MR. M. E. "Pete" PETREE**, for a term to expire August 1, 2004
  - Position Nine - **MR. DENNIS L. GREER**, for a term to expire August 1, 2004
  - Position Ten - **MR. CHARLES BAUGHN**, for a term to expire August 1, 2004
  - Position Eleven - **MR. JAMES J. SMITH**, for a term to expire August 1, 2004
  - Position Twelve - **MR. WILLIAM E. PENLAND, JR.** for a term to expire August 1, 2004
  - Position Thirteen - **MR. OSCAR GREENLEAF**, for a term to expire August 1, 2004
  - Position Fourteen - **MS. VALERIE D. WILLIAMS**, for a term to expire August 1, 2004
  - Position Sixteen - **MS. SHARON MICHAEL OWENS**, to complete an unexpired term ending August 1, 2001
  - Position Seventeen **MR. WILLIAM FRANKS**, to complete an unexpired term ending August 1, 2001

Position Eighteen - **MR. GREGORY BROTHERS**, to complete an unexpired term ending August 1, 2001

Position Twenty-one-**MR. JESUS SOTO, JR.** to complete an unexpired term ending August 1, 2001

Position Twenty-three **MR. DAVID R. GARZA**, to complete an unexpired term ending August 1, 2002

Position Twenty-five - **MR. PAUL LAYNE**, to complete an unexpired term ending August 1, 2001

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1329 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER 8 GULFGATE BOARD OF DIRECTORS**, for terms to expire December 9, 2002:

Position 2 - **MS. MARY HANSEN**

Position 4 - **MR. MICHAEL MARQUEZ**

**MR. ERIC LIPPER** to serve as Chair, for a term to expire December 31, 2000

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1330 ADOPTED.

- 4a. REQUEST from Mayor for confirmation of the reappointment of the following to the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for terms to expire December 9, 2002:

Position 2 - **MS. MARY HANSEN**

Position 4 - **MR. MICHAEL MARQUEZ**

Position 6 - **MR. STEVEN PHELPS**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1331 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER 13 (OLD SIXTH WARD)**:

Position Three **MS. JANE CAHILL**, reappointment, for a term to expire December 31, 2002 and to serve as Chair, for an unexpired term ending December 31, 2000

Position Four - **MR. STEVEN KIRKLAND**, appointment, to complete an unexpired term ending December 31, 2000 and for a new term beginning January 1, 2001 and expiring December 31, 2002

Position Five - **MS. ELIZABETH MCMILLIN**, reappointment, for a term to expire December 31, 2002

Position Six- **MS. AMANDRE WILSON**, appointment, to complete an unexpired term ending December 31, 2001

Position Seven **MS. BENNIE FLORES ANSELL**, appointment, to complete and unexpired term ending December 31, 2001



- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1332 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following to **REINVESTMENT ZONE NUMBER 17 (MEMORIAL CITY):**

**MR. CHARLES S. TURET, JR.**, reappointment as Chair, for an unexpired term ending December 31, 2000

Position 2 - **MR. RONALD L. HEIGHT**, reappointment, for a term to expire July 20, 2002

Position 4 - **MR. ROBERT M. BRYANT**, reappointment, for a term to expire July 20, 2002

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1333 ADOPTED.

**ACCEPT WORK** - NUMBERS 8 through 12

8. Omitted

11. 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** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1334 ADOPTED.

**PROPERTY** - NUMBER 13

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mr. Randall L. Riley, Kerry R. Gilbert & Associates, Inc., on behalf of ML Acquisitions, Limited [MLCI Management, Inc. (Greg Fodell, Chairman and CEO), general partner] for a ±7.5-foot building encroachment into the Daugherty Street right of way, adjacent to Lots 1 and 16, Block 71, Port Houston, North Side Buffalo Bayou, located at 2232 Daugherty Street, Parcel ENY1-03 - **DISTRICT I – CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1335 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 17 through 28

**LOW BIDS**

17. **AIRGAS-SOUTHWEST** for Industrial, Medical and Specialty Gases Contract for Various Departments - \$695,162.35 - General, Enterprise and METRO Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting

aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1336 ADOPTED.

18. **LINDALE AUTO SUPPLY** for Heavy Duty Shock Absorbers for Various Departments \$125,000.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1337 ADOPTED.

#### OTHER

20. **STANLEY ACCESS TECHNOLOGIES** for Door Operators, Automatic for the Aviation Department \$47,000.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1338 ADOPTED.
21. **FIRE APPARATUS SPECIALIST, INC** for Waterous Pump Replacement Parts for Fire Department - \$55,000.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1339 ADOPTED.
22. **AMEND MOTION #98-1978, 12/9/98 and #99-1710, 9/29/99, TO EXTEND** expiration date for three months from November 25, 2000 to February 24, 2001 for Uniforms for Fire and Municipal Courts Administration Departments, awarded to **SKAGGS (Bid #2)** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1340 ADOPTED.
23. **VARIAN INSTRUMENT** for Maintenance Service for Gas Chromatographs for Health & Human Services Department - \$20,109.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1341 ADOPTED.
26. **U. S. TRAFFIC CORPORATION (Bid #1)** - \$178,359.36 and **TRAFFIC ENGINEERING & CONTROLS, INC** - \$115,200.00 for Pedestrian Signals Part II for Department of Public Works & Engineering - METRO Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1342 ADOPTED.
27. **LOGANS MARKETING** - \$23,424.66, **ALL IN ONE TECHNOLOGY** - \$118,344.00 and **ACS DATAPLEX** - \$29,128.70 for Microfilm Supplies for Various Departments - General, Enterprise and Central Service Revolving Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1343 ADOPTED.

28. **LONE STAR TRUCK CENTER** for Automotive White/GMC/Volvo Replacement Parts for Various Departments - \$536,900.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. MOTION 2000-1344 ADOPTED.

**ORDINANCES** - NUMBERS 39 through 46

39. 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 - \$500,000.00 - General Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
41. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **CITY OF SOUTH HOUSTON** for construction of Sludge Force Main Enlargement from WCID No. 47 to Howard Lift Station, GFS R-0523-02-2 (4718-2) and appropriating \$21,000.00 out of Water & Sewer System Consolidated Construction Fund No. 755 - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. ORDINANCE 2000-944 ADOPTED.
42. ORDINANCE appropriating \$1,633,040.00 out of Park Consolidated Construction Fund, \$114,512.00 out of General Improvement Consolidated Construction Fund, \$97,448.00 out of Accumulated Unexpended Fund, \$429,000.00 from the Police Consolidated Construction Fund, \$357,000.00 from the Convention & Entertainment Construction Fund; approving and authorizing contract for Project Management Support and for construction management services between the City of Houston and **SUNLAND ENGINEERING COMPANY**, CIP D-0110-01; providing funding for contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund, General Improvement Consolidated Construction Fund, Accumulated Unexpended Fund, Police Consolidated Construction Fund, Convention & Entertainment Construction Fund had been pulled from the Agenda by the Administration and was not considered.
45. ORDINANCE appropriating \$1,643,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **MONTGOMERY WATSON AMERICAS, INC** for the Design of Supervisory Control and Data Acquisition Systems, CIP S-0522-03-2 (WA10659); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund had been pulled from the Agenda by the Administration and was not considered.
46. ORDINANCE 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 - \$150,000.00 METRO Fund - was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. ORDINANCE 2000-945 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS**

**ACCEPT WORK**

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$3,450,634.96 and acceptance of work on contract with **T. G. THOMAS, INC** for Greater Houston Convention and Visitors Bureau Offices and Visitors Center, GFS B-0017-02-3 05.70% under the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Castillo, seconded by Council Member Vasquez and tagged by Council Member Sanchez. Mayor Brown absent on city business. Council Member Todd absent on personal business.
  
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,257,837.88 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-12-3 (4250-93) - 25.56% under the original contract amount - Enterprise Fund **DISTRICTS D - BONEY; G - KELLER; H - VASQUEZ and I - CASTILLO**- was presented, moved by Council Member Castillo, seconded by Council Member Sanchez.

Council Member Keller stated that he was thrilled and awed to see a project come through with 25.56% under the original contract amount, that Kinsel Industries was the contractor, that he had a feeling that Mr. Ordat, Mr. Lum and Mr. Rolan were to be complimented in great capacity on it, that he also noted that it was a 29.47 compliance with the MWBE which were high marks in every regard that they could imagine, that he was sure that internally some of their guys, like Mr. Ordat, were the ones that found that they could replace Bid Item 16 in a pipe bursting manner, and would like to know also with that contractor who was the engineering contractor who might have also discovered that alternative method so that he could call and compliment them on the taxpayers behalf, that it was unbelievably efficient.

Mayor Pro Tem Boney stated that the City of Houston designed the project so that was even more congratulations and commendations and was sure that the City department leadership and staff appreciated the recognition by Members of Council when things go well and they did a good job.

A vote was called on Item No. 9. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1345 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,712,983.12 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Sanitary Sewer Rehabilitation in West District, GFS R-1040-06-3 (4250-98R) - 10.02% under the original contract amount - Enterprise Fund **DISTRICT G – KELLER** – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor

Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1346 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,030,368.53 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Reroute of Water Well Collection Lines at Various Production Facilities, GFS S-0936-02-3 (10436) - 01.57% over the original contract amount - Enterprise Fund - **DISTRICTS B - GALLOWAY and F - ELLIS** – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1347 ADOPTED.

## **PROPERTY**

14. ORDINANCE appropriating \$253,060.00 out of Tax and Revenue Certificate of Obligation Series 2000A Fund Number 404 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Mohammed A. Kargar, et al., to acquire Parcel Number AYO-67, for **STREET IMPROVEMENTS FOR REINVESTMENT ZONE NUMBER ONE PROJECT**; GFS/CIP N-1033-03-1 - **DISTRICT C – GOLDBERG** – was presented.

Council Member Robinson asked if the \$253,060.00 was out of the revenues of the TIFF or was it City money, and if it was City money would they be reimbursed, and Mr. Bibler stated that Mr. Steve Lewis of the Legal Department, advised that it was out of the TIRZ fund. Council Member Vasquez absent.

A vote was called on Item No. 14. All voting aye. Nays none. ORDINANCE 2000-946 ADOPTED.

- 14a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Mohammed A. Kargar, et al, Cause Number 737,688; for acquisition of Parcel AYO-67 for **STREET IMPROVEMENTS FOR REINVESTMENT ZONE NUMBER ONE PROJECT**; GFS/CIP N-1033-03-1 - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1348 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

### **LOW BIDS**

15. **DXI INDUSTRIES, INC** for Chemical, Sodium Hypochlorite Contract for Department of Public Works & Engineering - \$6,606,000.00 - Enterprise Fund – was presented, moved by Council Member Castillo, seconded by Council Member Sanchez, and tagged by Council Member Castillo. Council Member Vasquez absent.

Council Member Castillo stated that he was tagging the item in order to give the Purchasing Department a chance to respond because Sodium Hypochlorite was actually a form of bleach and it was a commodity that was so common, that tying themselves into a 36 month contract so the price could be even lower, to him did not have a compelling reason, that the amount they were buying was something in the order of over 20 million pounds and it was a substantial amount to be tied into a commodity so far out, that he had not gotten any response that made a convincing argument why many of those things needed to be put on 36 month contracts and would like to take this one and make it a 12 month contract and see how the price varies over the next 12 months to see how much they would have left on the table if they had locked themselves in. Council Member Vasquez absent.

Mayor Pro Tem Boney stated they would have the Purchasing Department get with him to see if they could reach an agreement on the matter. Council Member Vasquez absent.

16. **INTERNATIONAL TRUCKS OF HOUSTON** for Two Communication Vans for Department of Public Works & Engineering - New - \$124,458.60 - Equipment Acquisition Consolidated Fund – was presented, and tagged by Council Members Parker, Quan and Goldberg. Council Member Vasquez absent.

Council Member Quan stated that he thought they all had the same concerns and appear to austerity that here they were asking for the two vehicles, that they had seen the police and fire use them well but it was a good question as to how often they would be used by Public Works and thought they needed further discussion on it. Council Member Vasquez absent.

Council Member Goldberg stated that he to questioned the validity of them, that he knew they got a memo just this morning and one of the examples of events when the vehicles would be used was for flooding situations and would like to see how the van would do in a flood situation, that obviously it needed to be able to transport people, that he would like to see more information on it. Council Member Vasquez absent.

19. **MEDIA RESOURCES, INC dba MEDIA TECHNOLOGY** - \$332,324.46 and **TUFCO TECHNOLOGIES, INC** - \$206,330.00 for Page Printer Paper and Supplies for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1349 ADOPTED.

#### OTHER

24. **AMEND MOTION #99-1922, 11/3/99, TO INCREASE** spending authority by \$33,817.50 from \$135,270.00 to \$169,087.50 for Water Kits, Colilert Reagents for Health & Human Services Department, awarded to **IDEXX LABORATORIES** - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1350 ADOPTED.



25. **AMEND MOTION #2000-611, 5/10/00, TO INCREASE** quantity and amount to purchase seven additional Hand-Held Radar Units for a total increase of \$23,765.00 for Police Department, awarded to **KUSTOM SIGNALS, INC** - New - Asset Forfeiture Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-1351 ADOPTED.

## **ORDINANCES**

29. ORDINANCE amending **SECTION 8-26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Record Keeping for Motor Vehicles and Motor Vehicle Components; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-947 ADOPTED.

31. ORDINANCE designating the Gateway U. S. 59/Midtown Area as a Scenic District under the Houston Sign Code; amending the Houston Sign Code and containing findings and provisions relating to the foregoing subject; providing for severability - **DISTRICTS C - GOLDBERG; D - BONEY; G - KELLER and I – CASTILLO** – was presented. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. MOTION 2000-948 ADOPTED.

Council Member Goldberg stated he wanted to add his support for the ordinance, that this was in District C and although they did not have a lot of mountains and pristine rivers in areas he thought that by removing some of the billboards and also they could add more green way and civic art to the area that had places like the Museum District, Greenway Plaza, Rice University and South Hampton, that he thought the corridor could become more attractive and business and consumer friendly area, especially in light of the fact that TXDOT had just done a major roadway project in putting up four extremely attractive bridges right across the freeway and urged everyone to vote for it.

Mayor Pro Tem Boney stated that Item 31 was carried. Council Member Vasquez absent.

32. ORDINANCE relating to the Relocation of certain Off-Premise Signs; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICTS A - TATRO and H - VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-948 ADOPTED.
33. ORDINANCE relating to the Alteration or Relocation of certain Off-Premise Signs; containing findings and provisions relating to the foregoing subject; providing for severability - **DISTRICTS A - TATRO; C - GOLDBERG; D - BONEY; G - KELLER and I – CASTILLO** – was presented.

Council Member Keller stated he was in favor of Item 33, that he really wanted to address a peripheral issue that he would like FM1093 to be included but since it was not

under construction at this time with TXDOT it could not be, but he was hopeful that it could, because on FM1093 which was also known as Westheimer they had been unable to communicate with the company Infinity and found it ironic to learn that he could not get letters or phone calls returned in a cerebral manner, but he understood that the City was in a lawsuit with that company and he would like to know the mounting cost of the lawsuit that was going to the taxpayers of the City of Houston, that they still continued to work in good faith with that company in future ways, yet at the same time he was positive that if they were in a lawsuit then mounting legal bills had occurred, not to mention time and inconvenience, that he would like to add an addition to the information that he requested yesterday on the file that was going to be sent over, to see if there was some estimation to the legal cost that had occurred to them in addition to the abhorrence and inconvenience to the neighborhood of his constituents in Tanglewilde. Council Member Ellis absent.

Mayor Pro Tem Boney stated that they had discussed it in committee the other day when they had the joint committee meeting on FM1093 or Old Westheimer and the issue that Council Member Keller had with the company and asked Mr. Bibler if he could facilitate some discussions with that company and Council Member Keller to try to see if they could get some closure or movement on it, and Mr. Bibler stated that in fact there was a proposed settlement working on that case and was being handled internally so any estimate that he could give him of the cost would be just an estimate because they did not keep time records of their own internal work, that the company had proposed to reopen the negotiations and discuss the possible relocation of a couple of signs that were not part of the lawsuit in the context of an overall settlement and they were negotiating that and setting up to visit with them about what they want and was not sure that they were all that amenable to it, but they at least wanted to talk to them before they said no, and Mayor Pro Tem Boney asked that he make sure that Council Member Keller got a full briefing, and Mr. Bibler stated that he had briefed Council Member Keller's staff this morning and would keep them posted.

Council Member Bell stated that he would like to take the opportunity to commend representatives of the scenic district as well as representatives of the billboard industry for working together to bring forward the related proposals and to try to find common ground so that there could be proposals that all of Council could accept and support, that a lot of them talked about compromise at City Hall and tried to bring various parties together with varying degrees of success, that there was a great effort to find common ground and at the end of the day everybody realized that while there may be a differing interest that there was room to agree. Council Member Robinson absent.

A vote was called on Item No. 33. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Member Robinson absent. ORDINANCE 2000-950 ADOPTED.

Mayor Pro Tem Boney stated that in an abundance of caution on Item 31 the Legal Department advised that they clarify a vote on it.

A vote was again called on Item No. 31. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Member Robinson absent. ORDINANCE 2000-948 ADOPTED. **Note: Council Member Vasquez was absent when the first vote was called on Item 31, and Council Member Robinson was absent when the vote was recalled. The first vote is recorded on the ordinance.**

35. ORDINANCE appropriating \$412,000.00 out of Parks Consolidated Construction Fund and approving and authorizing contract between the City and **FORT BEND COUNTY** for additional improvements to Blueridge Park, construction of a Community Center and giving the City a joint ownership interest in the Community Center, CIP F-0495 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Robinson absent. ORDINANCE 2000-951 ADOPTED.
36. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a lease agreement between **ALICE AND GEOFFREY CHOW**, as landlord, and the City of Houston, Texas, as Tenant, for Office Space at 6121 Hillcroft, Suite E for use by the Health & Human Services Department - 3 Years - **DISTRICT F – ELLIS** – was presented.

Council Member Keller stated that he was very pleased to see that (1) it looked just like a private sector deal and the rental rate was great, and (2) that he was very pleased to see that the expiration of the lease was not until May 2001 and they had seen in months and years past where expirations came in days before. Council Member Robinson absent.

A vote was called on Item No. 35. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Robinson absent. ORDINANCE 2000-952 ADOPTED.

37. ORDINANCE approving and authorizing Parking Agreement between the City and **AGBRI FANNIN LIMITED PARTNERSHIP** for Parking in the Fannin Garage - Revenue - **DISTRICT I – CASTILLO** – was presented.

Council Member Sanchez asked what department was the Fannin Garage revenue currently directed, and Mayor Pro Tem Boney stated Convention and Entertainment, and Council Member Sanchez asked if there was a restriction on the use of that revenue, and Mr. Haines stated that they were not aware of any restriction on it but it did belong to the fund however. Council Members Goldberg, Castillo and Quan absent.

A vote was called on Item No. 37. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Members Goldberg, Castillo and Quan absent. ORDINANCE 2000-953 ADOPTED.

38. ORDINANCE approving and authorizing lease agreement between the City of Houston and **CORNELIA DAMACUS, A Sole Proprietor d/b/a CORNELIA'S DELI** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Members Goldberg and Castillo absent. ORDINANCE 2000-954 ADOPTED.

Mayor Pro Tem Boney stated that the revenue from the parking garage was itemed back to that department, but that did not mean that it was restricted to that department, and asked if it could be spent on other programs and projects outside of Convention and Entertainment and Mr. Haines stated that no, that it flowed to the Convention and Entertainment Department and had to be used in that departments area. Council Member Goldberg absent.

43. ORDINANCE appropriating \$190,000.00 out of General Improvement Consolidated Construction Fund, \$362,000.00 out of Public Health Consolidated Construction Fund, and \$55,000.00 out of Solid Waste Consolidated Construction Fund approving and authorizing contract for project management support and construction management services between the City of Houston and **HANSCOMB, INC**, CIP D-0110-03; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund, the Public Health Consolidated Construction Fund, and the Solid Waste Consolidated Construction Fund – was presented, and tagged by Council Member Robinson.
44. ORDINANCE appropriating \$813,000.00 out of Fire Consolidated Construction Fund and \$403,000.00 out of Houston Public Library Consolidated Construction Fund and approving and authorizing project management support and construction management services contract between the City of Houston and **GREYHAWK NORTH AMERICA, LLC**, CIP D-0110-02; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund and the Public Library Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. ORDINANCE 2000-955 ADOPTED.
47. ORDINANCE appropriating \$600,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT) and approving and authorizing amendment No. 6 to contract for professional engineering services between the City of Houston and **HNTB CORPORATION** at George Bush Intercontinental Airport/Houston, CIP A-0351 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. ORDINANCE 2000-956 ADOPTED.
48. ORDINANCE appropriating \$559,325.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC** for Professional Architectural/Engineering Services for Renovations to and Expansion of the Houston Airport System Administration Building at George Bush Intercontinental Airport/Houston, Project No. 562, CIP A-390 - **DISTRICT B – GALLOWAY** – was presented and tagged by Council Member Galloway. **(Note: Council Member Galloway released her tag later in the meeting.)**
49. ORDINANCE appropriating \$897,841.00 out of Revenue Bond 2000 NONAMT Construction, CIP A-0222, \$11,508,547.00 out of Revenue Bond 2000 NONAMT Construction, CIP A-0374, \$72,062,575.00 out of Revenue Bond 2000 NONAMT Construction, CIP A-0378, \$165,750.00 out of Revenue Bond 2000 NONAMT Construction, CIP A-0391, and \$5,471,960.00 out of Revenue Bond 2000 NONAMT Construction, A-0416, awarding construction contract to **CHAMPAGNE-WEBBER INC, TEXAS** on low bid of \$82,632,134.74 and approving and authorizing professional services contracts for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$1,033,000.00 and **HERCULES ENGINEERING & TESTING SERVICES, INC** in the amount of \$1,033,000.00 for Runway 15R-33L Widening and Extension at George Bush Intercontinental Airport/Houston (IAH), Project No. 556 - **DISTRICT B – GALLOWAY** – was presented.

Council Member Tatro stated that he wanted to thank F&A for getting back to him with the information he requested, that in their continuing analysis of the ROCIP contracts that came before Council he had passed out at the table an analysis of this individual contract, that he had passed out Project 556 and if they referred to the right column from the documents that were provided by the contractor and F&A the project had a payroll of over \$10 million which meant that it was using about 11.6% of the premium they were paying in and if they computed that versus the City's cost of ROCIP, a little over \$10.7 million, the City's cost, was going to be \$1.2 million to provide insurance for the contractor, that the cost to the City was just over \$1 million, therefore enrolling it in the ROCIP program would cost the Aviation Department and the City of Houston by enrolling it \$160,000, and therefore he would request that the Council Members not support this item. Council Members Galloway, Bell and Robinson absent.

Council Member Castillo stated that he had heard Council Member Tatro's presentations before and wanted to make sure that they had a clear statement that from the standpoint of the Legal Department they were not doing anything that was illegal, that Council Member Tatro in his opinion felt that they were violating the ROCIP Ordinance and thought they may be doing things that were illegal, that he thought they had an opinion before but wanted it restated as to the Legal basis for doing what they did. Council Members Galloway, Bell and Robinson absent.

Ms. Wigginton stated that the Legal Department had looked at the current bid solicitation process, that what they allowed the bidders to do was to make a bid on their base bids for doing the construction project without any insurance cost, they then give them the option of providing their actual insurance cost 10 days later at their request, because they stated they could not provide it at the same time as the bid or accepting an amount that they had been advised by their insurance advisors was fairly typical of what insurance would cost, that they had the choice and if they chose not to do that then they had a not to exceed number that they used, that it was a common thing and they did it in a lot of bids where they had a plug or a not to exceed amount for a particular thing, so they could either bid lower than that or they could take that, that in this case she believed that Champagne Webber did provide all of the insurance information, proceeding with their option of giving the actual cost, and the actual cost of their insurance was higher than their calculated ROCIP cost, so yes they had determined that this bid was a legal model for doing.

Council Member Castillo asked if the contractor in fact had the opportunity to provide that information up until they had to make a decision to load it up to the agenda, and Ms. Wigginton stated that yes that was correct, and they even when one stop beyond that, that if they needed to verify it they could do it from an independent third party, and they talked about this last week, that as to the plug amount, their insurance consultant had done it and thought that it stated that averaging actual insurance contract costs on contracts that they had dealt with in the area, that they thought it was a valid number and the contractor always had the option of showing that his costs were less than that. Council Member Robinson absent.

Mayor Pro Tem Boney asked Ms. Mosley if there was anything she cared to add in terms of process and how they arrived at it, and Ms. Mosley stated that Ms. Wigginton covered it all, and Mayor Pro Tem Boney stated that the administration had also passed out a memorandum regarding the point raised by Council Member Tatro. Council Member Robinson absent.

Council Member Sanchez asked how the contracting industry felt about the process where the numbers were sort of adjusted after their bids were submitted, and Council Member Tatro stated that they did not appreciate the process, but were stuck between a rock and a hard place, that they were bidding on City work and this was basically a City policy, that the contracting community was on record early as opposing the program.

Mayor Pro Tem Boney stated that in all fairness there were opinions on both sides of the industry with regard to owner controlled insurance programs, that the industry was not unanimously opposed to owner controlled insurance, in fact the Metropolitan Transit Authority had just established an owner controlled insurance program in relationship to their rail plans and as they had also pointed out an owner controlled insurance program was used in the construction of the Austin airport, in fact their program was somewhat modeled by, that the issue of ROCIP was a political one and they had also said and agreed that at the end of one year there would be a overall review of the program to evaluate what its impact had been in terms of savings to the City and they had not yet reached that one year time, and they also had awarded a contract and had the legal obligation to allow that vendor to provide that service. Council Member Vasquez absent.

Council Member Goldberg asked on the documents that Council Member Tatro passed out it indicated that the insurance cost for the contractor was less than the ROCIP cost, and asked if the contractors insurance cost was \$1,089,000, and Ms. Mosley stated yes, that was correct, and Council Member Goldberg stated that it must mean that the City ROCIP cost for the insurance program was not \$1,248,000 as indicated on Council Member Tatro's handout, and Ms. Mosley stated that was correct, that as they had discussed it each time the contracts came up, it was the process that the Council Member went through with the computations where he allocated a percentage primarily of the claims cost to each project based on the payroll, that claims costs were not going to happen that way, some projects would have no claims, some would have the percentage and some may have more, that the contractors amount did not include claims cost, that they would be paying claims as well, that if an accident happened out there and they were insuring it they would be incurring those costs as well, and Council Member Goldberg stated that Mayor Pro Tem Boney had stated that they would possibly be liable or subject to a lawsuit if they did not go through with it and asked what exactly was their stance, were they liable for a premium that they had to pay, and Ms. Mosley stated that first of all there were several components of this, that they could not just cancel the ROCIP, that the construction projects out there underway that they had contracted with to provide ROCIP insurance, they were going to have to continue to cover those projects until the end, that the second thing was that yes there was a minimum premium within the Zurich contract of roughly \$3.2 million and some of that minimum premium had been used in that they had enrolled some projects and there would be at least half of that, if they were to stop the thing now, that would basically be money they would be spending for nothing in return, that they had to pay the \$3.2 million premium whether they used it or not, that she did not have those numbers in front of her, but they had made cash payments, and more important was what they had enrolled and they had not enrolled but roughly a third of the value of that \$3.2 million, and Council Member Goldberg asked if she was saying that as long as they had to pay \$3.2 million for a premium they may as well use it, and Ms. Mosley stated yes. Council Members Quan and Bell absent.

A vote was called on Item No. 49, with Council Members Sanchez, Ellis and Tatro voting no the balance voting aye. Mayor Brown absent on city business. Council Member Todd



absent on personal business. Council Members Quan and Bell absent. ORDINANCE 2000-957 ADOPTED.

Council Member Castillo moved to suspend the rules to take Items 56 and 57 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Members Quan and Bell absent. MOTION 2000-1352 ADOPTED.

56. 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 – (This was Item 33 on Agenda of October 25, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that he did not expect to change anybody's minds at the table, but felt that it was imperative that they continue to do the same analysis on this and had passed out his analysis of Project 544 with the same format and cost all supplied by the contractor or F&A, that by enrolling this particular project in ROCIP the City's cost would be \$222,000 and the contractors cost was \$182,000, and by his analysis they would be spending \$40,000 more than they needed to. Council Members Parker and Robinson absent.

A vote was called on Item No. 56, with Council Members Ellis, Sanchez, Tatro and Quan voting no, balance voting aye. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Members Parker and Robinson absent. ORDINANCE 2000-958 ADOPTED.

Council Member Galloway stated that she would release her tag on Item 48, and Mayor Pro Tem Boney stated they would take it up at the end of the agenda. Council Member Robinson absent.

57. 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** - This was item 35 on Agenda of October 26, 2000, **TAGGED BY COUNCIL MEMBER TATRO** – was presented.

Council Member Tatro stated that this was Project 522, that they had talked about the ROCIP amendment, that it was quite explicit, and asked Council Members to go back and

read it, that it was a very short document and it specifically stated that they would ask for the contractors insurance cost, that it would be done, that in this case the contractor decided not to submit his insurance cost therefore the City of Houston had to use the plug number, that in this case they did not know the contractors insurance cost, which when it came time to settle up would give them very little to no indication of what the cost savings was on this particular contract, and asked the Council not to support the agenda item. Council Member Robinson absent.

A vote was called on Item No. 57, with Council Members Ellis, Sanchez, Tatro and Quan voting no, balance voting aye. Mayor Brown absent on city business. Council Member Todd absent on personal business. Council Member Robinson absent. ORDINANCE 2000-959 ADOPTED.

50. ORDINANCE appropriating and transferring \$1,696,000.00 out of Accumulated Unexpended Fund to the Storm Sewer Control Fund, appropriating \$1,696,000.00 out of Storm Sewer Control Fund, awarding construction contract to **JFT CONSTRUCTION, INC** on low bid of \$1,495,594.00 and approving and authorizing professional services contract for engineering testing services with **HERCULES ENGINEERING & TESTING SERVICES, INC** in the amount of \$35,000.00 for Gessner/Warrenton Relief Storm Sewer, CIP M-0126-S3-3 - **DISTRICT G - KELLER** – was presented, and tagged by Council Member Tatro.

After discussion by Council, Council Member Keller stated that regardless of the philosophy and the tag he needed the Council to know that it was a critical umbilical cord to the most important drainage project in District G and hoped that next week Council would support the passage of Item 50. Council Member Robinson absent.

Council Member Ellis asked Council Member Tatro if the reason for his tag was so that he could receive additional information or was he just philosophically opposed to using ALP funds to fund this project, and Council Member Tatro stated it was a little of both. Council Member Robinson absent.

Council Member Tatro stated that they needed to take a step back and take a breath and get a picture on exactly what the administration planned to utilize water sewer revenues for non water and sewer purposes.

Mayor Pro Tem Boney stated that some of the information that he was asking for was not possible, that with regard to this project, the residents of that neighborhood in Council Member Keller's district, under the representation of Council Member Kelley, came and asked for special consideration with relationship to the flooding problems in that area and therefore this project came to be, that it was not possible to forecast in a crystal ball all of the various needs that would come up. Council Members Vasquez and Robinson absent.

Council Member Bell stated that he was prepared to move forward on the item today, that he did agree with him that they had to be careful about how they were going to spend the ALP money, but thought it was important that they take it on a case by case basis and so they could look at it and see the justification for it. Council Member Vasquez absent.

Council Member Parker stated that she agreed on the issue of the so called ALP or accumulated unexpended fund expenditures, however she thought he was also aware that on

this issue she disagreed, that she believed the storm sewer system and the drainage system was tied to and impacted the waste water sewer system and therefore was a legitimate expenditure of funds from water and sewer fees to facilitate improvements to the system and would encourage him to remove his tag and let them vote it up or down. Council Member Vasquez absent.

Council Member Robinson stated that he thought like Council Members Parker and Bell that this was the kind of thing that if they had excess revenues that were flowing off the system, it was the best use for those kind of funds and agreed that it was a case by case situation and was so closely related and made no sense not to invest in the infrastructure and protect homeowners and the like in the area, that he would encourage and would support overriding the tag if necessary to vote on the item. Council Member Vasquez absent.

Council Member Keller stated that he would respect his colleagues right to tag and would do so on everybody else's behalf, that this was in the CIP and in the budget that was approved and they should go forward with it, that it was critical to his district. Council Members Vasquez absent.

Mayor Pro Tem Boney asked Council Member Tatro if he would release his tag on Item 50 and he stated no. Council Member Vasquez absent.

51. ORDINANCE No. 2000-937, passed first reading October 25, 2000  
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 - **SECOND READING** – was presented.

Council Member Sanchez stated that this gave him an opportunity to talk about an issue that had been plaguing a number of Council Members, particularly district Council Members and it had to do with both franchise utilities and non-franchise holders in cutting up the streets, that two weeks ago there was an item on the agenda in excess of tens of millions of dollars for payment of the bill for reconstruction of Stella Link, between Bellaire and South Main and that street had still not been paid for, yet the other day as he was driving down the street he noticed that there was a construction crew making a sizeable cut in a street that had not been paid for, and upon further inquiry the contractor did not have a permit to close the street, and when he inquired it was a contractor operating on behalf of Southwestern Bell, that obviously Southwestern Bell had a mandate and a public responsibility to lay the necessary infrastructure for DSL throughout the City, that the contractor told him that there had been plans for several months to cutup Stella Link to lay the DSL lines, that it was disturbing to him that there was not enough coordination between the Department of Public Works and Engineering and the public utilities to know when they were about to lay new services in the right of way, and he urged Council Member Robinson and the members of the committee to get the ordinance that had been drafted by the Legal Department and debated by the committee voted out and put on the agenda, that they needed to do something to insure the investment that the taxpayers of the City of Houston were making on the roads. Council Member Vasquez absent.

Council Member Robinson stated that they had talked about the issue and it would be on their November agenda, and stated that Mr. Lewis had informed him that the latest version of the ordinance would be going out to the Council Members so that they would have several weeks to review it and make any necessary comments, that they had also been working with Public Works and Engineering on a second ordinance separate and distinct from the street cut ordinance and based on a model out of Austin, where if they did go in and cut the street and even if they repaired to standard because it had been cut it had degradation and simply would never be the same and Austin had come up with a unique idea that they were taking a look at to see if it was viable for the City to also apply a fee, and asked Council Members to review the ordinance and if they had any questions or comments to let him or Mr. Lewis know so they would be prepared when it came to committee. Council Member Vasquez absent.

Upon questions by Mayor Pro Tem Boney, Mr. Lewis stated that he wanted to remind the Council Members that the problem was not unique to the City of Houston, that they had 16,000 lane miles of street in the City that was worth over \$7 billion and since February 2000 the Mayor had directed a multi agency effort to protect the asset and as they knew they had been working very diligently to do that, that the problem had best been described as the last mile of the information super highway, which was that portion that tended to run through the City streets, that as they knew they provided an ordinance draft to the Council committee in April and it was suggested that there was some potential for litigation and that they should seek an Attorney General opinion which they had done, that the more time that went on without receiving that opinion the more the Mayor wanted to move forward with the ordinance, that the current draft was sent out to Council today, that he signed the transmittal memo and there were two other bits of information that were asked for at the same time, that the Chair had indicated that he was going to get committee action in November on the draft and they were looking at a degradation payment that might require an amendment, that they had an 8 point plan to improve the construction of the streets in the downtown, midtown and the entire City and this was one of the eight points, that yesterday a request for interest was advertised both nationally and locally to lay infrastructure in the street that would be available to anyone who would want to lease it as an alternative to an excavation for a fiber optic connection, that they were hopeful that the industry would come forward and express some interest, that it could lead to either contract negotiations or some other process where the City would be wired with some kind of common infrastructure, that the problem was that in Texas the Legislature had limited their ability to force people to use a common infrastructure, that they had a legal right under State law to come in and cut the street, and they had been limited to how they could charge for that, that they thought it was bad public policy but they did not have sufficient clout in Austin last session to prevent it. Council Member Vasquez

A vote was called on Item No. 51. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Member Vasquez absent. ORDINANCE 2000-937 ADOPTED. SECOND READING IN FULL.

### **NON CONSENT AGENDA** - NUMBER 52

#### **MISCELLANEOUS**

52. RECEIVE nominations for Position Ten on the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION** with a term to expire two years from the date of appointment – was presented.

Council Member Goldberg stated that he would like to nominate Mr. R. M. McDannald for the position, that he was president of the civic club and very active in other civic clubs and also active with different property companies and very qualified.

Council Member Quan moved to close nominations, seconded by Council Member Sanchez. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. MOTION 2000-1353 ADOPTED.

**MATTERS HELD** - NUMBERS 53 through 58

53. ORDINANCE amending **THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Limousine Services; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 65 on Agenda of October 18, 2000, POSTPONED BY MOTION #2000-1271, 10/18/00)** – was presented.

Council Member Castillo moved to amend Item 53 as shown on the handout to Council which would amend to provide the following, seconded by Council Member Parker.

1. An amendment to Section 46-191 that would add certain sport utility vehicles to the types of vehicles that may be operated as limousines.
2. An amendment to Section 46-233 that would require new limousine firms that wish to operate on City airports to have at least three limousines, including at least one stretched vehicle.

A vote was called on the motion to amend Item No. 53. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. MOTION 2000-1354 ADOPTED.

A vote was called on Item No. 53 as amended. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. ORDINANCE 2000-960 ADOPTED AS AMENDED.

55. 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 – **(This was Item 23 on Agenda of October 25, 2000, TAGGED BY COUNCIL MEMBERS KELLER and QUAN)** – was presented.

Council Member Quan moved to postpone Item No. 55 for one week, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. MOTION 2000-1355 ADOPTED.

58. 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** - (**This was Item 41 on Agenda of October 26, 2000, TAGGED BY COUNCIL MEMBER GOLDBERG**) – was presented.

Council Member Goldberg moved to postpone Item No. 58 for two weeks, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. MOTION 2000-1356 ADOPTED.

The City Secretary stated that Council Member Galloway previously released her tag on Item 48 and Item No. 48 was again before Council.

48. ORDINANCE appropriating \$559,325.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC** for Professional Architectural/Engineering Services for Renovations to and Expansion of the Houston Airport System Administration Building at George Bush Intercontinental Airport/Houston, Project No. 562, CIP A-390 - **DISTRICT B – GALLOWAY** – was presented and tagged by Council Member Galloway, was again before Council. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Vasquez and Robinson absent. ORDINANCE 2000-961 ADOPTED.

Mayor Pro Tem Boney stated that Mayor Brown had called from Atlanta and stated that he wanted them to know that the City of Houston had been chosen and awarded the Super Bowl in 2004. Council Members Vasquez and Robinson.

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

Council Member Castillo stated that he wanted to take the opportunity to bring up the fact that opponents of the Arena Proposal had been airing television ads and flyers that had gone out and it had been noted in the Chronicle the conflict between the substance of the articles and the truth, that it was important to say that one of the items in the article, by Mr. Berger, alleged that the City was going to be paying for a garage for the Sports Authority and that the money could be better used to immunize children, that the fact of the matter was that the City was not building a garage, that a group led by Mr. Ken Lay was making a no interest loan to the Sports Authority and revenue from the garage would pay off the loan and the Rockets and Comets would not keep all the parking revenue from that, that the other was that somehow the Rockets would put up no money for anything having to do with the Arena and in fact the Rockets were paying for 100% of the operating expenses and paying off the debt service from the proceeds and revenue stream from the operation of the Arena, that he knew that honorable people could disagree on factual matters, but both the substance of the television ads and the allegations in the flyers that had been circulated around the City certainly, in his opinion, were false and did not deserve the attention of any of the citizens and would urge all his constituents to vote for the Arena on Tuesday, November 7, 2000. Council Members Galloway, Ellis, Vasquez, Sanchez and Robinson absent.



Council Member Bell stated that he wanted to take the opportunity to talk about two park projects that he had a up close and personal look at over the weekend, that one was the opening of Helen's Park which was a private park made possible as the result of a trust that was set up on the passing of an individual who had asked that a park be created as a place for contemplation, that it was part of the Stella Link Redevelopment Campus, that it was a place for contemplation and no cycling, skate boarding, food or drink allowed, that it was an incredible addition to that campus and would encourage every Member of Council to see what had taken place in that area, that it was one of the greatest examples, that he had seen, of turning a negative into a positive; that a number of years ago in his neighborhood some very dedicated in the Braeswood Place subdivision and surrounding neighborhood began an effort to raise money for the renovation of Karl Young Park, that it proved to be the most successful campaign of its type, due to home tours, garage sales and all sort of different fund raising projects and the great generosity of a number of individuals, that they raised more than \$300,000 for the renovation of the park, that the playground was completely renovated, that it was important to remember that if they were willing to make the effort and put some amenities in the parks there were people in neighborhoods dying to take advantage of it and hoped they would find a way to do it on a much more wide scale basis across the City because it was truly phenomenal the effect it had on the neighborhood and he wanted to commend the people in his neighborhood who put forth the effort to renovate Karl Young Park. Council Members Galloway, Ellis, Vasquez, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that he and his wife were invited to join a Halloween Party at the Heights Park by families that had adopted children from China and how meaningful that was to see the little children, especially overwhelmingly girls, who were adopted by families in the Houston area and who were really making a difference in their life and wanted to commend those families for their love and effort in providing a better opportunity for those children; and wanted to acknowledge that Wednesday was All Saints Day and a very sacred holiday for many. Council Members Galloway, Ellis, Vasquez, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that they had this weekend the dedication of Hayden Park which was a huge community effort led by the American Leadership Forum and a significant number of residents, that if they had an opportunity to go to Hayden Park at Weedy Road and Long Point, that the dedication would be on Saturday morning at 10:30 and clearly an effort of private and public participation, that it was Phase I and a significant effort and would be moving into Phase II with City and public participation, that it was going to be a great asset to the community. Council Members Galloway, Ellis, Vasquez, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Tatro stated that they passed an item this morning having to do with assessments and liens due to street reconstruction, that the City used to charge or assess homeowners for street reconstruction that was done previous to 1993, that he had spoken to Ms. Culbreth on the issue and there were a lot of liens out there and a lot of street reconstruction projects all done prior to 1993 that had not been closed out and were in various stages of assessment of putting the actual amount as opposed to an estimated amount on the property, that they were sitting out there on peoples property and of them did not realize it until they went to sell their property, that he knew that Ms. Culbreth had been doing a lot of work in preparation for that and so had the Public

Works Department, that they had recently entertained a couple of the same items that Council Member Vasquez's district had put forward this morning about what to do with those liens, that there were a significant amount of projects out there and would ask the administration, Public Works and F&A to move those forward to completion, that many of those dated to 1970 and 1980, and what people had was an estimated lien that they may have just assessed the maximum value, \$12,000, and where the actual construction dollars might come back after all was assessed of \$3,000, so literally the City may have collected that money so they may have \$9,000 of somebody's money, that the construction project had been closed out but the paperwork of seven years ago had simply not been put through Public Works and they were sitting on a lot of taxpayers money, that they did not necessarily want to write constituents checks but it was a significant problem. Council Members Galloway, Ellis, Vasquez, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Boney stated that (1) they may not be sitting on a lot of taxpayers money in fact in may be the other way around, that there were a lot of instances where neighborhoods had gone through the petition process in order to get a street reconstructed and had been assessed but the City had been unable to collect the payment for those assessments, that they were legally restricted from giving away tax dollars, so why the books may not be clear he was not sure that they were in the position or capacity to be able to collect or whether those neighborhoods were able to pay but he doubted quite seriously that they had a significant amount of money that had been paid or overpaid into the City treasuries to disperse back to the taxpayers, so he agreed with the thrust in terms of trying to wrestle with and deal with the issue but doubted seriously that they had a lot of taxpayers money. Council Members Galloway, Ellis, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Keller stated he wanted to compliment the efforts of the Westchase district which also abutted Council Member Ellis's district and effected it on the efforts of their collection by property owners of \$110,000 to improve the beautification of that area, and he would also like to thank the administration for awarding them with the Certificate of Beautification, that it was a great example of the private sector getting together, organizing and working with the administration and local government and implementing beautification of an entire area. Council Members Galloway, Ellis, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:34 a.m. upon MOTION by Council Member Goldberg, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown out of city on city business. Council Member Todd absent on personal business. Council Members Galloway, Ellis, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT). MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary