

City Council Chamber, City Hall, Wednesday, November 8, 2000

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 8, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Richard Cantu, Director, Mayor Citizens Assistance Office; Ms. Martha Stein, Agenda Director, Ms. Karen Kelley, Agenda Office present.

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

At 9:21 a.m. Vice Mayor Pro Tem Castillo called to order the meeting of the City Council and Council Member Tatro led everyone in the prayer and pledge of allegiance. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo requested the City Secretary to call the roll. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Council Members Quan and Vasquez moved that the minutes of the preceding meeting be adopted. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

MAYOR'S REPORT

MISCELLANEOUS - NUMBERS 2 through 9

2. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to **REINVESTMENT ZONE NUMBER 15 (EAST DOWNTOWN AREA) BOARD OF DIRECTORS**, for terms ending July 6, 2002:
 - Position 2 - **MS. KARIN R. WERNESS**, appointment
 - Position 4 - **MR. ART MORALES**, reappointment

- was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1357 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MR. SHELTON BADY** to Position 2 of the **REINVESTMENT ZONE NUMBER 11 (GREATER GREENSPPOINT AREA) BOARD OF DIRECTORS**, for an unexpired term ending August 25, 2001 - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1358 ADOPTED.

- 3a. REQUEST from Mayor for confirmation of the appointment of **MR. SHELTON BADY** to Position 2 of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending August 25, 2001 - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1359 ADOPTED.
4. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **MICHAEL J. LOMBARDO**, Employee Number 97588 – had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.
5. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **R. L. LOVE**, Employee Number 55238 - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1360 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice in the amount of \$18,975.00 from the **ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES (AMSA)** for 2001 Membership Fee - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1361 ADOPTED.
7. RECOMMENDATION from Acting Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - 1 Year - \$29,692.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1362 ADOPTED.
8. RECOMMENDATION from Acting Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$56,720.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1363 ADOPTED.
9. RECOMMENDATION from Acting Director Finance & Administration Department for renewal of membership in the **UNITED STATES CONFERENCE OF MAYORS** - 1 Year - \$25,686.00 General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1364 ADOPTED.

ACCEPT WORK - NUMBER 13

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,823,928.34 and acceptance of work on contract with **COLT UTILITIES, INC** for Construction of Atwell Street Storm Sewer System, GFS M-0187-01-3 (M-0187-01) - 02.44% under the original contract amount - Storm Sewer Consolidated Construction Fund - **DISTRICT F - ELLIS** - was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1365 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 19

14. ORDINANCE appropriating \$58,065.00 out of Fire Consolidated Construction Fund for providing services to Replace Concrete Parking Lot for Fire Department – had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.
- 14A. **DIVISION 1** for Replacement of Concrete Parking Lot at Fire Station No. 40 for Fire Department \$55,300.00 and contingencies for an amount not to exceed \$58,065.00 – had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding.
15. **AMEND MOTION #98-1989, 12/9/98, TO EXTEND** expiration date for five months from December 9, 2000 to May 9, 2001, for Emergency Medical Supplies for Fire Department, awarded to various vendors - No additional funds required - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1366 ADOPTED.
19. **KEMIRON NORTH AMERICA CORP.** for Chemical, Liquid Ferrous Iron Solution Contract for Department of Public Works & Engineering - \$2,277,880.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway and Robinson absent. Vice Mayor Pro Tem Castillo presiding. MOTION 2000-1367 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 42

20. RESOLUTION amending Resolution No. 1999-62 to correct a legal description - **DISTRICT I - CASTILLO** (Relating to historical designation of the Chamber of Commerce Building at 914 Main) – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. RESOLUTION 2000-47 ADOPTED.

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide utility easement out of Lots 181 through 188 and Lots 197 through 199, Block 11, Camden Woods Subdivision, containing 4,613 square feet of land, more or less; vacating and abandoning said tract of land to Iglesia Del Dios Vivo Columna Y Apoyo De La Verdad La Luz Del Mundo, Inc, abutting owner, in consideration of the owner's dedication of a 15-foot wide utility easement out of Lot 188, Block 11, Camden Woods Subdivision, containing 2,211 square feet of land, more or less, and payment of \$3,002.00 and other consideration to the City - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-962 ADOPTED.
22. ORDINANCE consenting to the creation of **FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 2** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-963 ADOPTED.
23. ORDINANCE consenting to the addition of 12.1938 acres of land to **LONGHORN TOWN UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-964 ADOPTED.
24. ORDINANCE approving and authorizing the execution of an Airport Use and Lease Agreement at William P. Hobby Airport with **AMERICAN AIRLINES, INC** - Revenue - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-965 ADOPTED.
31. ORDINANCE approving and authorizing an Occupancy Agreement between **MENTAL HEALTH AND MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY**, an Agency of the State of Texas, as occupant, and the City of Houston, Texas, as owner, for space in the Fifth Ward Multi-Service Center - Revenue - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-966 ADOPTED.
37. ORDINANCE appropriating \$82,500.00 out of Street & Bridge Consolidated Construction Fund for and approving and authorizing reimbursement agreement with **RELIANT ENERGY HL&P**, for the Relocation of an Electric Tower and Fiber Optic Cable, for and in connection with the Westview Drive Paving Project from Gessner Road to West Belt, CIP N-0549-01-01 – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-967 ADOPTED.
42. ORDINANCE approving and authorizing sponsorship agreement between the City and **WILLOW WALK TOWNHOMES ASSOCIATION, INC** for Garbage Collection Service for the Respective Subdivisions - 8 Months - \$576.00 - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and

Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-968
ADOPTED.

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

MISCELLANEOUS

1. CONFIRMATION of the appointment of **MR. R. M. McDANNALD** to Position Ten on the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION** with a term to expire two years from the date of appointment - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez.

Council Member Parker stated that she had no problems with Mr. McDannald and thought he would probably do a good job, but had been concerned about attendance at the Archaeological and Historical Commission and hoped that he, as well as a number of others, would commit to showing up and stated that she intended to monitor that committee and a number of others very closely and would be requesting that those people who were on those committees and commissions who did not meet the attendance requirements get replaced as rapidly as possible. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

A vote was called on Item No. 1. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000 1368 ADOPTED.

10. RECOMMENDATION from the Council Committee on Ethics regarding prohibition of City contractors paying contingent fees to secure proposals for City contracts and the administration include this prohibition in all bid packages and requests for professional services - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro.

Council Member Keller stated that the thought this set a good example for working with the City and also wanted to point out that they had a lot of input from the contractors and engineers and thought it set a good example of how they did business in the City. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding

A vote was called on Item No. 10. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1369 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$106,475.00 Enterprise Water & Sewer Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1370 ADOPTED.

ACCEPT WORK

12. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$220,728.01 and acceptance of work on contract with **F. W. WALTON, INC** for Roof Replacement and Renovation at City of Houston Communications Building, Central Patrol Gymnasium Building, and Central Administration Building, GFS G-0066-02-3 - 06.74% over the original contract amount - Police Consolidated Fund - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1371 ADOPTED.

PURCHASING AND TABULATION OF BIDS

16. **DACON CORPORATION** for Emergency Repair of a Transformer for Department of Public Works & Engineering - \$43,408.89 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1372 ADOPTED.
17. **COMPUTEC TRAFFIC SYSTEMS, INC** - \$327,640.00, **CONTROL TECHNOLOGIES, INC** \$151,080.00, **LEOTEK ELECTRONICS USA CORP.** - \$169,311.70 and **U. S. TRAFFIC dba IDC** \$57,654.00 for Traffic Signal Equipment for Department of Public Works & Engineering - METRO Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez.

Council Member Parker stated that she had a number of questions about the item and thanked the department for answering her questions, that she had noted that number of school zones where the flashing lights were out of commission and would hope that they would move as rapidly as possible to get the battery problem taken care of and had been looking for something on the agenda, and Mayor Pro Tem Boney stated that it would be next week and as a matter of fact he understood that they were going to raise the device so that it could not be easily gotten to and put a lock on it, and Council Member Parker stated that the discussion was held at least two years ago when they had the problem once before where people were going through and dismantling the flashers and stealing the batteries, that they kept finding new ways to break into the boxes, that they just needed to weld them shut. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding

Council Member Quan stated that he would tag Item No. 17. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding

Mayor Pro Tem Boney stated that Item No. 17 was tagged, that they might meet with somebody during the meeting to resolve any issues, and Council Member Quan stated that it was an extensive discussion that he would like to have with them, but thought that one week was what he would need, and Mayor Pro Tem Boney stated that he only mentioned that because there were a number of constituents that had raised the issue about the school crossings. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

18. **ROCKFORD BUSINESS INTERIORS, INC** for Purchase of Modular Furniture from the State of Texas General Services Commission's Contract through the State of Texas

Cooperative Purchasing Program for Department of Public Works & Engineering - \$31,208.91 - Greater Houston TranStar Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1373 ADOPTED.

RESOLUTIONS AND ORDINANCES

25. ORDINANCE approving and authorizing lease agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT**, as lessor, and the City of Houston, Texas, as lessee, for a parcel of land containing 20 acres, more or less, located on W. 11th Street between Shirkmere Road and Shelterwood Drive, to be used for park purposes - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-969 ADOPTED.
26. ORDINANCE approving and authorizing lease agreement between **FIESTA MART, INC** as landlord, and the City of Houston, Texas, as tenant, for space at 9241 Mesa Road for Women, Infants and Children Program use by the Health and Human Services Department - 5 Years with two one-year options - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-970 ADOPTED.
27. ORDINANCE approving and authorizing eighth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$1,941,000.00 (\$1,241,000.00 from the Emergency Shelter Grants Program and \$700,000.00 from the Community Development Block Grant Program) for the administration of an Emergency Shelter Grants program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-971 ADOPTED.
28. ORDINANCE approving and authorizing ninth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$828,472.00 from the Community Development Block Grant Program for the administration of an Juvenile Delinquency Prevention Program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-972 ADOPTED.
29. ORDINANCE approving and authorizing eighth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$987,300.00 from the Community Development Block Grant Program for the administration of a Child Care Program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-973 ADOPTED.

30. ORDINANCE approving and authorizing first amendment to contract between the City and **HLP, INC** for Animal Management Software and Maintenance for the Health and Human Services Department - 5 Years - \$124,800.00 - General Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-974 ADOPTED.
32. ORDINANCE approving and authorizing an Occupancy Agreement between **FAMILIES UNDER URBAN AND SOCIAL ATTACK, INC**, a Texas non-profit corporation, as occupant, and the City of Houston, Texas, as owner, for space in the Acres Homes Multi-Service Center - Revenue **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-975 ADOPTED.

Council Member Parker stated that she knew they had already passed Item No. 25, but wanted to acknowledge the folks from that neighborhood who were present in Council today to show support and thanked them for all their efforts for getting that park in the neighborhood. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

33. ORDINANCE approving and authorizing contract between the City and the **HOUSTON READ COMMISSION** for Professional Literacy Services; providing a maximum contract amount 2 Years - \$800,000.00 - General Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-976 ADOPTED.

At 9:30 a.m. Mayor Pro Tem Boney stated they would move to the public session and requested the City Secretary to call the list of speakers. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Tatro moved to add Ms. Lorraine Cherry at the end of the 3 minute portion of the speakers list, seconded by Council Member Vasquez. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. MOTION 2000-1374 ADOPTED.

Ms. Cleo Glenn-Johnson, 5407 Chenevert, Houston, Texas 77004 (713-524-5767) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Galloway and Castillo 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 Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Mr. Vladimir Golovine, 8018 Braeburn, Houston, Texas 77074 (713-779-7313) appeared and stated that he was a voter and a resident of Sharpstown, that the reason he was present was to bring to Council's attention a situation with which he disagreed and thought was unfair and a double standard, that he was very pleased with and proud of the firefighters and police officers that protected the City, however he did not agree with one particular issue that one high ranking officer of the Houston Fire Department Training Academy had been implementing for some time, that he was present on behalf of the female cadets that had

accepted a conditional job offer as a firefighter, that the tentative starting date for the accelerated class was November 27, 2000 and the graduation date was currently set for February 1, 2001, that what he was about to reveal had been happening for a long time and did not want it to affect the female cadets entering the new class, that on Friday, November 3, 2000 he had spoken with Captain Throop of the Houston Fire Department Training Academy, that Captain Throop had stated to him that currently the accelerated class did not have any written policies, but none the less he had personal knowledge that two female cadets had been instructed in writing, which he provided a copy of, to have their hair cut to a length that equals to a common male hair length, that he personally knew about two cadets, but how many females had been singled out before and had not come forward, that his question was why did the Houston Fire Department allow their female firefighters to perform their daily duties with long hair, while the two female cadets had been threatened to be fired if they did not cut their hair to a ridiculous short length, that it was not only unfair but also setting a double standard, that the two females were State certified firefighters and had fought fires before with their long hair fixed up in a bun, just like the full time Houston female firefighters, that the length of their hair in no way affected their ability to perform all their duties as a fire fighter. Mayor Brown, Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Keller, Mr. Golovine stated that he talked to Captain Throop over the phone last Friday, that they could not give him a reason for implementing the rule, they just told him that there was not written policy for the accelerated class, only for State certified firefighters with previous experience, that he did not know if any other cities or States mandated it. Mayor Brown and Council Members Galloway, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Keller moved to suspend the rules to hear from Chief Britt, Houston Fire Department, seconded by Council Member Vasquez. Mayor Brown and Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding. MOTION 2000-1375 ADOPTED.

Chief Britt stated that the length of hair and the reason for the necessity of that in the Fire Training School was for safety reasons mainly and it was through that process, that after they graduated from the training school they were allowed to grow their hair at whatever length they would like to but they were still mandated to keep their hair up while on duty, that he thought that Mr. Golovine had it incorrect, that there were no rules or policies set out for the Fast Track Class as far as exactly as everything that was going to be done, that they were still in the process of working that out, that the rules for grooming and personal hygiene were still in effect for everyone of them, that the two fire fighters would be in training for 10 weeks because they had to take into account the holiday season, that normally it would be eight weeks, that after that time they would be sent to a fire station as probationary firefighters, that the two young ladies that Mr. Golovine was making reference to were some who had been accepted to the Fast Track Class that would not even start until November 27, 2000, and Mayor Pro Tem Boney asked if there was a way that the department could work out an accommodation, and Chief Britt stated they were more than willing to work it out, that this was the first he had heard of it, that as far as he knew other fire departments in the United States adhered to just about the same policies that they did, that there were certain federal guidelines that they were required to work under, and Mayor Pro Tem Boney requested that Chief Britt provide whatever written federal guidelines applied specifically to this matter to Mr. Golovine, the two cadets and Members of Council who might have an interest, and see if he

could meet with Mr. Golovine and provide him with information and see if they could work it out internally. Mayor Brown and Council Members Galloway and Castillo absent. Mayor Pro Tem Boney presiding.

Ms. Maria Villeareal, 1206 Lugon, Houston, Texas 77009 (713-225-1880) appeared and stated that she had been present on September 18, 2000 and left a package of information, that it was for emergency help that she was asking for back then for prescriptions from the doctor who released her husband in a very ill position, that two days later her husband passed away, that she lived in a Northside neighborhood that was 125 years old, that she had been complaining all the time with the District H office, that they were one block away from Jefferson Davis High School, that on Reynolds Street they had about six handicap people, that she had asked for sidewalks and ramps, that her husband used to clean the ditches, that they had a real problem with the sewer and it was real bad, that she had gotten signatures from the neighborhoods and turned them in. Mayor Brown and Council Members Galloway, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that as he understood Ms. Villareal had a question relating to a petition for street reconstruction and stated that it was in process, that the second issue of sidewalks and ramps and people who were handicapped, that they had provided information to her about that process, that it was an ongoing process and they were very sensitive to help in that area, that the third issue had to do with the sewer smell, that her sewer systems were being repaired right now, that they had crews on site working on that matter. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that on behalf of Council he offered condolences to Ms. Villareal on the loss of her husband, that they were very much aware of the issues in the Northside and was very much aware that the area had been neglected for a long period of time with the sidewalks, streets, curbs, gutters and sewers and any number of issues, that they were very aggressive right now about taking complaints and concerns and putting them in the process, but just because they did the job of taking the concern or petition it did not happen over night, that there was a process, but what he could assure her was that as they received the complaints they put them in the process properly and monitored them to get taken care of, that he had to compete with all the other Council Members for dollars to his area, so her appeal needed to be to them as well so they would understand the need for sidewalks, reconstructing the streets or the need for any number of things, including the sewers, that he understood that the neighborhood had been waiting for a very long time, that the previous Council Member's style of getting things done was to speak with him directly, but he had hired five full time people to receive complaints and concerns so that it did not have to rely specifically on him, that he worked through his staff, that they had taken her issues and the City was already working on it, but these things would not take place over night. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the administration would work with Council Member Vasquez on Ms. Villareal's issues. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Lee Perry, 2209 Pannell, Houston, Texas 77026 (281-650-5477) appeared and stated that he was a certified environmental auditor and had a degree in Biology and had been working as an auditor for 28 years, that he conducted the first survey of Lake Houston,

Peach Creek and Caney Creek for the Environmental Protection Agency in 1974, that he had been working with waste and drinking water for the past 28 years, that what he brought today was bad news and good news, that they had a problem, that he had just completed a six month survey of MUD districts in west Houston and far southwest Houston and what he had found was 48 unreported waste water violations that were not reported to the State of Texas, that there were 3 reported, but 48 that were not reported, that for example there was 48,000 gallons of raw sewage going back into a neighborhood in west Houston, too much solids going into the creeks and those type of problems caused health problems and they were going to have to pay hundreds of millions of dollars to have the canals and creeks dredged because too much sludge had been going into the creeks and the City of Houston was going to be responsible for dredging them because they were filling up with sludge; that he had pictures that he was passing around and what they would see in those pictures was what went into those creeks on those particular days and in the environmental area they called that solids, but that was actually human feces and chemicals that went into those creeks, that during his survey he had seen children playing in those creeks, and everyone knew and it was common sense that if they kept excreting discharge and human feces into any bayou or creek eventually they would have some serious health problems, that they would have to pay hundreds of millions of dollars to have the creeks on the west and on the far southwest dredged because the sludge had built up so much that the water could not even go through the creek, that he had spoken to Commissioners Court in Brazoria, Fort Bend and Harris County. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that he wanted Mr. Perry to realize that the City had no authority in the matter, that it was regulated by the TNRCC. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Tatro asked Mr. Perry who he worked for, and Mr. Perry stated that he was a certified environmental auditor and was an independent auditor, that he worked for different MUD districts and laboratories that tested water, and Council Member Tatro asked for a copy of the written information that Mr. Perry had, and asked if he had reported it to the TNRCC and Mr. Perry stated he had, that he filed the violations and TNRCC had responded, that they had 20 inspectors and there were 470 MUD districts alone in Harris County, that they inspected every two years, that he had not yet communicated with the board members of the 30 MUD districts that he had looked at, and Council Member Tatro requested a copy of the violations in the MUD districts that Mr. Perry had stated. Mayor Brown and Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Perry if he had discussed it with any members of the State Legislature and Mr. Perry stated no, he had not been that far yet, that he wanted to let the people know who lived in that area, and Mayor Pro Tem Boney stated that he understood the urgency, that he had seen the pictures and they were outrageous and the TNRCC was a State agency and it might be a good move to talk to members of the State Legislature, particularly those who represented the area where the dirty water and sewer was. Mayor Brown and Council Members Galloway, Keller, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell asked Mr. Perry who had actually hired him to conduct the study, and Mr. Perry stated that he did the study on his own, but he was a sampler in that area for all 30 of the MUD districts, that he worked in the lab and was the one who tested the water and

made sure that the water was safe, that the plant operators ran the plant and were the ones who committed the 48 violations that were unreported, that he gave the plant operators his file to show them what was actually going on and they were supposed to report it to the State, that he had been to the State and knew that only 3 were reported, and Council Member Bell stated that he was concerned about the impact of what Mr. Perry described and how it would eventually impact the City of Houston and which creeks they would have to dredge, and asked which creeks were directly impacted, and Mr. Perry stated that Keegans Bayou flowed directly into Houston and they would have to dredge Keegans Bayou, and Council Member Bell asked if it was the plant operators responsibility to report the findings to the TNRCC and Mr. Perry stated that he would not do it because he had a license and if he came up with too many violations he would loose his license, that they went on self check and they could not let it go with self check, they had to have random audits conducted on the plants to insure that they were doing what they were supposed to be doing. Mayor Brown and Council Members Galloway, Keller, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Todd, Mr. Perry stated that it was 30 different plants that he had done the survey on, that if he went down the list he could tell him some of them, that it was multiple MUD districts, that he was not working with anyone in the Legal Department, that he had contacted the TNRCC and had a copy of the letter that he submitted and would provide a copy of the letter to Council Member Todd, that some of the point sources were outside the City of Houston, that he did not do any City of Houston waste water plants, that he only did MUD districts, that the one that had the 40,000 gallons flow into Keegans Bayou was North Mission Glen and it flowed directly into Houston, and Council Member Todd requested a copy of the letter and stated that he would make certain that it would get over to the Legal Department, that he was not sure if it was the Legal Department or the Public Works Department was the correct place to start, that he agreed that if it was going on it needed to be addressed, and asked if the photographs that Mr. Perry provided were originals and Mr. Perry stated that yes they were originals and could provide copies, that he had hundreds of pictures that he had taken. Mayor Brown and Council Members Galloway, Keller, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she would request that the administration investigate it further and if it could be substantiated that they also contact the TNRCC and ask for some action on it, and Mr. Perry stated that someone from Public Works had contacted him yesterday. Mayor Brown and Council Members Galloway, Keller, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Bibler stated that the appropriate jurisdiction for this was the Pollution Office at the Health Department, that they had a big staff of people that look into things like this out by Hobby Airport and Mayor Pro Tem Boney asked if they could refer it to them and see if they could at least provide some support to the matter and also alert the appropriate State agencies. Mayor Brown and Council Members Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that obviously if it flowed downstream it did affect them and they were not the regulatory agency regulating them but thought they definitely had an obligation because it was a significant health concern. Mayor Brown and Council Members Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated they did have an environmental law office and thought they should just follow up on it and stated that Council Member Keller had told him that State Representative Turner had a great deal of success lately with the TNRCC so they might continue to use his allied support in that regard, that Ms. Moreno from the Health Department would meet with Mr. Perry. Mayor Brown and Council Members Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Mayor Brown and Council Members Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Ray Bush, 1719 Bethlehem, Houston, Texas 77018 (713-682-0789) appeared and stated that he was present just to emphasize a couple of points, that their whole neighborhood wanted to express their thanks and gratitude for the reception and for recognizing and responding to the problems that they would have if a bridge was allowed to be built over the drainage ditch in the 4400 block of Rosslyn Road, that they would have more traffic, the intersection of Bethlehem and Rosslyn was already overloaded because they were a one-way street with only cul-de-sacs and Rosslyn was the central avenue for people going east and west, that with an addition of 100 cars or more they would be looking for a substantial overflow of traffic that would pose a danger to all the kids, walkers and bicycles, that they had a bicycle trail they were proud of and wanted to keep it like it was in the neighborhood, that as to the flooding problem, with White Oak Bayou at the full capacity they felt like another development along the line would increase the flood zone and cause more insurance to a whole lot of people who definitely did not need flood insurance, that they did not want an abandonment on either side and no bridge, that he appreciated all the time that the Council had given them and thanked them for the cooperation. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that he wanted to give an update, that they had talked to traffic and had a preliminary traffic report that came back very favorable for the City possibility of giving up the right of way, which was a big plus, that traffic needed to sit and determine in final format whether the City could give up the Rosslyn right of way, that although it looked favorable they were going to meet with the Joint Referral Committee who took into account all the traffic patterns and development issues the City had they become the administration's final expert panel and then would make a recommendation. Mayor Brown and Council Member Galloway absent.

Mayor Pro Tem Boney stated that it was working its way through the process and the neighborhoods concerns had been heard. Mayor Brown and Council Member Galloway absent.

Ms. Lorraine Cherry appeared and thanked Council Member Tatro for adding her to the speakers list, that she wanted to express her gratitude and the gratitude of the owners of the 1,250 homes in Timbergrove Manner for what was just another agenda item for Council but which was the culmination of a dream for many of them in Timbergrove, that she was talking about Item No. 25, which they passed, that it was approving a lease between the City of Houston and Houston Independent School District for a 21 acre parcel of forested land that was in the middle of Timbergrove Manner inside the Loop, that it was the last large portion of native Texas forest that was still inside the Loop that was not protected in any way, and for the last year and a half since the first time they came before Council to ask for help they had been

working very hard gathering signatures on petitions, coming back to Council, going to the school board and doing everything they could think of to convince HISD that the land needed to be looked at as a natural habitat within the urban city and she was happy to say that on September 1, 2000 HISD agreed to sign the lease with the Parks Department and today Council put their stamp on that lease making it official, for at least the time being, a part of the Houston Parks Department, that they had trails going in that forest now and were up to 7 species of wood peckers that were nesting in that forest, that it was a wonderful area in the middle of a neighborhood, that they still had hopes that at sometime the land would actually be turned over completely to the City Parks Department, but until then it was a wonderful celebration for them today, that Council made them feel that as citizens of Houston they really had a part and they really had something to say in what happens to their neighborhoods and communities. Mayor Brown and Council Member Galloway absent.

Mayor Pro Tem Boney stated they appreciated that, that it was something that the Mayor worked on quite diligently, that the neighborhoods had expressed their concerns because the school district was interested in acquiring that property for a school but the neighborhood was more concerned in having a park like facility and was glad they were able to do it for the community. Mayor Brown and Council Member Galloway absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Ms. Vinita Hicks, 416 Rhode Island, Houston, Texas 77029 (713-674-8201) had reserved time to speak, but was not present when her name was called. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Ms. Linda Petrovich, 7202 Oak Village, Humble, Texas 77396 (281-441-1143) appeared and stated that she was with Power Card Incorporated and was present again on behalf of neighborhood oriented government as well as youth oriented outreach, that as they were aware the Power Card Benefits Plus had been distributed to all City employees and the last time she was present she had made a request that the disclaimer that was placed on the brochure, to be asked for a vote to be removed and to also have a resolution that had been signed by the City Council and Mayor, for Hear O'Israel Listen to the Cries of Children National Campaign which had been stated brought awareness to the problems of the youth and handicapped, that they would like to have an answer, that she was present on October 24, 2000 and the Mayor had stated that they would take a look at the material and get back with them on whether or not to allow the removal of the disclaimer. Mayor Brown and Council Member Galloway absent.

Mayor Pro Tem Boney stated they had some rather strict guidelines with regard to the City using or distributing information to the City employees, so that it would not appear that the Houston City Council had officially endorsed an effort or organization, however worthy it may be, so that was the guideline that was impacting the information she wanted put on the card, that the disclaimer protected any City employee to understand that they were neither endorsing or not supporting the project, that to put it on the back of the power card, which was primarily for the purpose of access to the library, would not really be appropriate to what he understood was the mission of this particular campaign. Mayor Brown and Council Members Galloway, Todd, Parker and Robinson absent.

Ms. Petrovich stated that she was not requesting to have it put on the back of the library card, that she presented to the City a brochure, which was the Power Card Benefits Plus, that she was told by the HR Department of the City that the disclaimer needed to be on there, but she asked if it could be removed or have it changed, and Mayor Pro Tem Boney stated that if it was not a City sponsored effort it would not be able to be removed, and Ms. Petrovich asked how she could get it there, to get it together with the City, and Mayor Pro Tem Boney stated that he would suggest that she talk to someone from the Citizens Assistance Office and see if that was a project that the City and the Mayor would want to consider, and Ms. Petrovich asked why the resolution was not allowed to be distributed to the City employees, the proclamation Listen to the Cries of the Children, and Mayor Pro Tem Boney stated that what they had, and it had come up before, that they had a 23,000 person workforce and if everybody who had a worthy cause or a project or program to access the City employees, then it would appear that the City was facilitating other organizations, not questioning their merit, initiatives with the 23,000 employee base and that was something that past Councils and the lawyers had said was a slippery slope that they may not want to go down. Mayor Brown and Council Members Galloway, Todd, Parker and Robinson absent.

Mr. Bibler stated that in fact there was a U.S. Supreme Court case on it within the last 20 years about a school district distributing materials to its employees, and they could if not careful, turn their mail system into a kind of open forum and then they would have to accept basically anything from any organization that would want it distributed and so it was something that they had to be very careful about. Mayor Brown and Council Members Galloway, Todd and Parker absent.

Mayor Pro Tem Boney asked if it was a non profit or a profit making organization, and Ms. Petrovich stated that Hear O'Israel was a non profit and Power Card Incorporated was profit and they sponsored non profits, that they incorporated in 1996, and Mayor Pro Tem Boney asked her to discuss it with the Legal Department after the meeting and maybe they could clarify what the guidelines were for her, that he would discuss it with Mr. Cantu, Citizens Assistance and they would provide her what was the legal opinion and guidelines they had with the City, and Ms. Petrovich stated that Ms. Olivia Reiner was present, who was president of Hear O'Israel and stated that she had a question on the resolution and why it was not being allowed to be distributed. Mayor Brown and Council Members Todd, Vasquez and Parker absent.

Council Member Castillo moved to suspend the rules to hear from Ms. Olivia Reiner for two minutes, seconded by Council Member Robinson. Mayor Brown, Council Members Todd, Vasquez, Parker and Bell absent. Mayor Pro Tem Boney presiding. MOTION 2000-1376 ADOPTED.

Ms. Olivia Reiner stated that since 1993 their national campaign of Listen to the Cries of the Children had been on, that it was endorsed in Washington, D.C., that they were working on the calendar year, that she was so grateful that all of them were listening to the cries of the children and had endorsed the campaign, that they had physical challenged people and they had done some visits with Council, that the campaign was really working, that it was a very effective campaign when they took the evidence of rebellion, and she asked what was it that they could do to promote the national campaign that all of Council had endorsed. Mayor Brown, Council Members Tatro, Todd, Vasquez, Parker and Bell absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that first of all the signatures of Council on a resolution that had been distributed to Council might not ought to be construed as an endorsement, that he was not saying that she could not use the resolution, but would be careful to submit it as an endorsement to the public for the organization, that she may want to talk to Council Members individually and see if they choose to have their names used as endorsers of the project, that with regard to getting further national or local publicity, they did not really have an arm of the City of Houston that did that as a rule, that various Council Members have on their staff some people who were involved in communication and may have some ideas regarding that, that she may want to talk to the United Way, that they may have some discretionary funds and they also match some skills of business persons in certain areas with non-profit efforts and initiatives, that she may be able to get some ideas as to how to get the marketing and public relations for it, and Ms. Reiner stated that her concern was the funds but not as much as the children that were crying out there, and Mayor Pro Tem Boney stated there was also an organization for people who were disabled and suggested that she contact Ms. Kim King of the Mayor's Office, and Ms. Reiner asked if there would be a problem to send out the resolution to the power card, and Mayor Pro Tem Boney stated that he thought that the resolution that had been passed out and signed by Members of Council she could use at her discretion. Mayor Brown, Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

At 10:20 a.m. the public session was completed. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

34. ORDINANCE approving and authorizing contract between the City and **KPMG CONSULTING, L.L.C.** for Texas Electronic Framework Standard Service Level Agreement – was presented, and tagged by Council Members Tatro and Goldberg. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that on the second page where it stated reimbursed for expenses incurred by assessing a convenience fee generated from the City, he wanted to know in the contract with KPMG did they define acceptable expenses, what were those expenses and did they have a ceiling, that he would like somebody during the week to explain to him the concept incurred by assessing a convenience fee generated from the City, it was something that he did not understand, and Mayor Pro Tem Boney stated they would have the staff meet with him during the week. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.

35. ORDINANCE amending Ordinance No. 97-1185 to increase the maximum contract amount for contract between the City of Houston and **THOMAS COLLINS d/b/a MOBILUBE FLEET & ENVIRONMENTAL SERVICES** for On-Site Lubrication Services for Various Departments \$20,046.09 - General Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-977 ADOPTED.
36. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for sponsorship of the Learning To Be Water Wise and Energy Efficient Program in the Houston Independent School District 3 Years - \$299,943.00 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-978 ADOPTED.

38. ORDINANCE appropriating \$107,500.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of Lot 22, Lakeview Park, an unrecorded subdivision in the J. Skorupski Survey, Abstract 20, Houston, Harris County, Texas, and the improvements located thereon for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a purchase and sale agreement with Teddy W. Clark to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-979 ADOPTED.
39. ORDINANCE appropriating \$19,381.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and authorizing replacement housing payment in the same amount, as required by the Federal Uniform Relocation Assistance Act, to Sheila Donalson, a tenant at 20124 Lakeview Drive, which property is required for the Expansion of Bush Intercontinental Airport, CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-980 ADOPTED.
40. ORDINANCE appropriating \$1,130,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **RATNALA & BAHL, INC** for Professional Engineering Services in connection with Airfield Pavement Rehabilitation at William P. Hobby Airport, Project No. 566; CIP A-0042, A-0381 and A-0385 - **DISTRICT E - TODD** – was presented, and tagged by Council Member Tatro. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding.
41. ORDINANCE approving and authorizing amendment to professional engineering services contract between the City and **R. G. MILLER ENGINEERS, INC** for Design of Infrastructure Improvements in St. George Place Subdivision (Formerly Lamar Terrace), GFS R-0018-15-2 (R-0018-15) - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-981 ADOPTED.
43. ORDINANCE appropriating \$97,448.00 out of Accumulated Unexpended Fund, transferring such funds to the Parks Special Fund, appropriating \$97,448.00 out of Parks Special Fund, appropriating \$1,633,040.00 out of Park Consolidated Construction Fund, \$114,512.00 out of General Improvement Consolidated Construction 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**, providing funding for contingencies relating to construction of facilities financed by the Parks Special Fund, General Improvement Consolidated Construction Fund, Police Consolidated Construction Fund and Convention & Entertainment Construction Fund – was presented.

Council Member Tatro stated this was a multifaceted request with monies requested for parks and convention centers, sort of like an evergreen engineering contract, with an engineering company doing multiple jobs around the City, that his concern was about the

funding apparatus that they were utilizing, that one particular component of the engineering contract was that they were getting monies from different areas depending if it was convention center or police or parks, that in this case they had monies coming out of what was referred to as the Accumulated Unexpended Fund which was water and sewer money for some parks redevelopment, that it was for renovation of pools and or renovation of fountains within the parks, but it was specifically park money, that this was again water sewer money from the ALP fund, that they were getting back to the policy of utilizing water sewer revenues for non water sewer purposes, that he had passed out some information to the Council Members and wanted to discuss basically water sewer use and water sewer money policy and the concern that a lot of people had about utilizing the water sewer money outside, that since 1993 a total of over \$200 million had been transferred out of the water sewer enterprise fund for use on non water sewer purposes, that in 1999, during the budget process, he submitted an amendment which passed unanimously and it read that all water sewer enterprise revenues qualifying for placement into the renewal and replacement fund should be placed in the renewal and replacement fund and that the Any Lawful Purpose Fund shall not receive any funds which would not be dedicated solely to water sewer related matters except for the storm drainage transfer, that it was the desire of Council at that time to keep water sewer money in the water sewer enterprise fund, that he had passed out three documents because they had to do with water sewer rates and water sewer policy, that the first document was a Black & Veatch rate study done in April 1999, that they spent about half a million dollars to do the rate study, and the study basically concluded on the second page that they did not need any rate adjustments, that revenues were sufficient for Fiscal Year 2001 and that options were currently available to the City to reduce its financial requirements and defer rate adjustments until Fiscal Year 2003 and all of the rate study was done without the policy of transferring water sewer money out, that they also did two other financial analysis, one by First Southwest, which was of the water sewer rate analysis in September 1999 and another by Coastal Securities in May 1999, that those financial companies sat and looked at the use of the R&R Fund to benefit water sewer rate fares and hold off a rate hike, that none of those rate analysis or financial policies incorporated utilizing water sewer money outside the water sewer enterprise fund, that they had paid for a rate analysis and had two financial studies done within the last two years all based on utilizing sewer monies exclusively within water sewer enterprise fund, that his concern was that they were disregarding the water sewer policy and disregarding the financial analysis that they had done and were possibly escalating the day by utilizing monies outside the water sewer enterprise fund that they were going to have raise peoples water sewer rates. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Galloway stated she would tag Item No. 43. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that he was very excited about the contract, that he fully respected his colleagues philosophy, that they were voting on a contract, regardless of the financial transfers, where they had specified their strengths and hired for their weaknesses, that instead of having one company they had three and all three companies were going to be educated as to the other projects that the other companies were working on and there was two weeks cancellation of the contract if they were not performing, so they could not hold the City for ransom on that, that he and Council Member Robinson had been working with Tran, Greg and Monique since March 13, 2000 on it and what they did was they got a number of private sector contracts and incorporated what was being used in the private sector as far as lowering the multipliers to defining the scope of services and increasing the accountability,

that in a nutshell they would save \$1,111,331 just with this today throughout the remainder in 2001. Mayor Brown and Council Member Quan absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that he appreciated Council Member Keller pointing out the fact that they would actually save the taxpayers money in this project, that he also wanted to point out the fact that if the funding was not allowed the project would not be able to be accomplished, and asked Mr. Haines to share where they were on this and how they got there. Mayor Brown and Council Member Quan absent. Mayor Pro Tem Boney presiding.

Mr. Haines stated that the City Council in Fiscal Year 2000 Budget CIP adopted a Pool Repair Program of \$6 million, that was two years ago, that the Pool Repair Program was predicated or based on a general statement of principal that this was a significant step towards water conservation, that there were serious problems in many of the City's pools as it related to water leakage, and that basis was adopted and approved by City Council, that the first years funding was \$420,000 in Fiscal Year 2000 and in Fiscal Year 2001 City Council adopted a \$3.7 million spending plan and in Fiscal Year 2002 a \$2.2 million spending plan, that the item that had been tagged allowed for a construction management initiative on the first three of what would be eight to nine pools, and thought it was important that if there was some concern or question regarding funding source that the full picture be presented to them at this time, that this was only the beginning, that in two weeks they would be bringing to Council a recommendation to award construction to three pools, Yellowstone, Wiley and Stude, that the recommended funding source would be the ALP as approved by City Council in the 5 year CIP Program, that those three pools were Dotson Lake, Sagemont and Cloverland, that within just a few short weeks the plan would be to come back under the construction management approach for design and engineering services to bring those facilities on line and then they would go to construction, that the plan was to have at least those six pools completed by Memorial Day of 2001 so that they could open up as attractive facilities for the neighborhoods that those pool facilities service, that the essence was that these were pools that were identified by project in the CIP, approved by City Council by a substantial majority and they were proceeding forward, that if there was to be consideration for another funding source for the pools then they would have to shut the program down to find out exactly where they could go, that the point was that the principal basis for going in this direction had to do with the fact that these were contributing factors to water waste, that it was a justifiable project, that they had been in the CIP and identified for the third year. Mayor Brown and Council Members Vasquez and Quan absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that many of them supported the overall CIP but may have problems with specific projects for specific funding for individual projects, yet in the budget they were confronted with all or nothing, that she did not want to vote for a CIP which she largely approved and then be criticized later if she voted against individual projects, that she would also note that out of the Accumulated Unexpended Fund rather than Any Lawful Purpose it was \$97,000 out of \$2.5 million that they were allocating in this item, that she did not have any problem with the construction contracts and appreciated the work that Council Member Keller had been doing and other Council Members and Council Member Robinson but it was the use of water and sewer funds, and did think there were some policy implications there, that she knew the need for repairing swimming pools and understood the rationale of saying that if they repaired swimming pools they were conserving water, and did not necessarily agree with it, that her concern was that they were using the Accumulated Unexpended Funds now and they were going to need a rate increase in the future, and looked

forward to someone meeting with her and explain how that would not happen. Mayor Brown and Council Members Vasquez and Quan absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he also thanked Monique, Tran and Council Member Keller for the work they had been doing and also acknowledged that the Mayor had given them the latitude to stick their nose in the area to see if they could be of some help, that they were talking about a potential savings of \$1.1 million, and asked if across the departments would they realize the \$1.1 million savings and what would they do with that savings, if anything would they rotate it back into the overall General Fund pot or was it going to be used to offset some of the cost in terms of the pressures they were managing too, and asked for some clarification on that point, because he understood Council Members Tatro's and Parker's issue, that in fact \$97,000 was not necessarily a significant sum of money in light of the potential savings; and asked since he came to Council how money had accumulated in the water and sewer unexpended fund and what had they drawn down against that total amount of money, and what were the plans for the rest of this year, that if he could look at that information in the coming week and if the rest of the Council had a chance to see it they may be able to get the last one done, and Mr. Haines stated they would provide that for him. Mayor Brown and Council Members Vasquez and Quan absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Item No. 34 was tagged by Council Member Galloway. Mayor Brown and Council Members Vasquez and Quan absent. Mayor Pro Tem Boney presiding.

44. ORDINANCE No. 2000-937, passed second reading November 1, 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 **THIRD AND FINAL READING** – was presented.

Council Member Sanchez stated there had been some indication that the administration was inclined to bring forward the ordinance which was produced by the TTI Committee with the help of the Legal Department and wanted to make sure that they had some timeline and asked if the administration planned to bring the ordinance forward for approval by City Council, and Mayor Pro Tem Boney stated yes, that they had spoken directly on that and Mr. Tom Rolen was working on it, that they did not have a date certain at this time but it was a priority item. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that the latest draft of the ordinance had been circulated to Council and was scheduled for a committee meeting on the 28th for a vote of Council, so if Council Members had any questions they wanted to get those off the table and would vote it out of committee on the 28th of November, that it usually took two to three weeks for the administration to set an item that had come out of their committee on the agenda. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that the other night he had noticed the Galleria area had closed off a number turning lanes at the esplanade causing a substantial amount of

backup in traffic and when he asked HPD no one could tell him whether or not the persons or entity closing off the streets had a permit to do so and asked if Public Works could tell him if they had a permit to close the City streets on Monday evening. Mayor Brown and Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

A vote was called on Item No. 51. All voting aye. Nays none. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-937 ADOPTED THIRD AND FINAL READING IN FULL.

NON CONSENT AGENDA - NUMBER 45

PROPERTY

45. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, on behalf of Gulf Publishing Company (Rusty Meador, president), for abandonment and sale of a 60-foot wide water and sanitary sewer easement, located within Blocks 1 and 2, Rochow Addition, Parcel SY1-014 - **APPRAISERS - DISTRICT D – BONEY** – was presented, and Mayor Pro Tem Boney stated that the Council Member would propose Mr. Charles G. Rencher and Mr. Travis R. Cooper, and Council Member Castillo moved to approve the recommendation and appointment of appraisers, seconded by Council Member Tatro. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1377 ADOPTED.

MATTERS HELD - NUMBERS 46 through 54

46. MOTION by Council Member Robinson/Seconded by Council Member Tatro to amend Item 46a below as follows:
Amend to include asking the Legislature to lower the cap on how high Homestead Residential Property assessed values can be increased each year
- was presented.

Council Member Sanchez moved to submit substitute language to Item 46 as follows:

Consider amending Sec. 23.23(a)(2)(A) of the Property Tax Code (“Limitation on Appraised Value of Residence Homestead”) to lower the 10% cap on annual appraised value applicable for property tax payment to 5%, seconded by Council Member Robinson. Mayor Brown and Council Member Bell absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he wanted to assure that by voting on it that he was not voting to approve the substance of the matter, that it would be a subsequent vote, and Council Member Robinson stated that it was his understanding that it was just simply so they could put it up and take the place holder down and then debate the merits of it and asked if they even needed a vote to substitute. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that yes they needed a vote, but he was trying to understand the point they just made, and Council Member Robinson stated they had an amendment on the table and he wanted to take it down and put the substitute as the

amendment to be debated and voted up or down on its merits. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Hall stated that Council Member Sanchez, who chaired the committee, was offering the substitute, that in reality it was a form of an amendment, but was a complete substitute for what was earlier offered, that was the motion that was on the floor, and Mayor Pro Tem Boney asked if there had been any review of the financial impact of it on the City in terms of the City revenue. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Hall stated there had been some consideration but had not been quantified for them in the Legislative Affairs Committee, that obviously reducing the cap from 10% to 5% would affect all of the properties whose average value ranged between 5% or 10%, that he did not know what that was and did not know if anyone knew what it was at this moment, that they were taking the amendment that was offered by Council Member Robinson as an effort to do all that was necessary to affect the change, they might be aware that for the Legislature to do it they first had to amend the State Constitution. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that Mr. Jim Gill from Finance and Administration was present and he asked him off the record and he verified that the 10% cap that existed as of now meant that the City of Houston was not able to levy approximately \$11 million worth of property values because of the exemption at 10%, and Mr. Hall stated that this would be exponentially greater than that, and Council Member Castillo stated that the problem with increasing the exemption and lowering the amount of increase on each year, would mean a deeper rebate for the first year and not only that it would carry over to more than one year if the increase in property value was big enough, that consequently the City would be deprived of the use of that revenue for public purposes for that duration, that it had been argued that eventually the value of the property was eventually recaptured, that was true, but the revenue that was forgone was never recaptured, that it was like the revenue that they forgo in August of each year, they never get that back, that although the intent had merit, the affect that it would have on various levels of properties had not been ascertained, and stated that he would tag the amendment that had been offered as well until they determined that. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Council Member Robinson if in his amendment was there an attempt to provide some tax relief to homestead residential homeowners, and Council Member Robinson stated that it was not really tax relief but tax deferral in the sense that they were going to recoup the money, that Council Member Castillo raised the issue of the sales tax holiday and there was a distinction between sales taxes and property taxes because if they purchased something without any sales tax applicable they never recoup that money unless the savings that the consumer realized at some future point instead of plowing it into a tax exempt item during the holiday or post holiday they go out and spend it, whereas on the property taxes if their values went above 10% now the 2, 3, 4 or 5 or whatever carried over, the next year it carry's on to their property tax bill, that the assumption underlying Council Member Castillo's argument was that every year a homestead exempt property would meet the maximum or exceed the 10% cap so they never catch up, so every year their property goes up more than 10% so they were always getting a year additional time, that the reality was assuming that they did not exceed the 10% cap every year or whatever the new cap was they would get that money in some period of time and it depended on the model they wanted to use. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Castillo asked in what year they would be able to recapture the \$11 million that they did not collect this year, and Council Member Robinson stated that certainly, if they gave him the property tax roll and the individual property owner and what their rate of increase was and if their max evaluation was 12% they would recapture 10% of the 12% and carry the 2% over to next and year and wait to see what the Harris County Appraisal District was for next year and if it was less than 10% it was combined with the 2% and they capture that 2% plus next years, and Council Member Castillo stated they would never pickup the value that they absolved this year, and Mayor Pro Tem Boney stated they would never pickup the 2% that was absolved this year, they might pick some up the following year but never recapture the 2% this year, and Council Member Robinson stated that yes they would, the only differential would be just as a matter of money, unless they were saying the old rule was money now was worth more than money later and if the valuation was 12% this year, 10% was applied to their bill for tax purposes, the 2% carries over, because the 2% carries over to 2001, they pick it up in 2001 so long as the total valuation next year was 8% or less they would combine the 8% with the 2% and that was 10%, they would recover the maximum 10% and the only loss they would have was what money the 2% would have been worth if they had taken it to the bank, that they would lose the value of money for purposes of inflation, that was the only loss if anything. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the question he had was that they continued to be addressing issues of the revenue stream at the same time they knew there were going to be issues related to expenditures and not 7 days ago there were a number of Council Members that spoke at the firefighter protest and pledged more monies for the firefighters, but it seemed to him that the most prudent way to approach all of those issues was to find out what all of the potential expenditures were going to be first and then what all the revenue was first and then began to make judgement about how to apply what relief or additional compensation or a cut on expenditures where. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that this was obviously about tax relief and that was the issue they talked about during the tax rate reduction, that this was really a statewide issue and there were a lot of different reasons why they would want property appraised at its market value, but the bottom line was that they controlled the tax rate and therefore they had the ability to set peoples taxes and they did it on a yearly basis, that he thought it was more incumbent upon each taxing jurisdiction to make sure that the appraisal districts were consistent and fair and then adjust their rate accordingly, that was the way he believed they got tax relief, that limiting it on the appraisal side he thought they got into other market forces and other real estate issues that could or could not be productive and then the City had to contend with those, that it was best to focus on their tax rate and then let the market and appraisal values reach a market rate. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that a significant number of individuals who went in and contested their property tax rates got a reduction on average of about 7% this cycle and most instances it was not for anything unique, it was based on the mistakes of application of comps or comparable properties in an area, and what was interesting was that when one individual property owner got a reduction after they contested their property value and the basis for that was that the comps did not apply or there were mistakes in the comps everybody in the neighborhood does not get a reduction in their property tax rate, that if they wanted to be fair, if they reduced one persons tax rate through a contest why don't they go in and reduce everybody in the area, that he would not mind changing or getting rid of his

amendment if they asked the legislature that if the appraisal district lowers someone appraisal based on the issue of comps then they should go in and lower everybody in the area that they made that determination on. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that if they were going up there and talking to them about decreasing it 5% then maybe increasing sales tax a penny, and internet commerce ought to be considered in a much more aggressive manner. Mayor Brown, Council Members Tatro, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that Mr. Gill was in the audience and she would not call on him but would hope that they could generate some scenarios for Council showing the impact of a rollback from 10% to 5%, that it took them about an hour in the Legislative Affairs Committee to figure out what they were talking about and get everybody on the same page so she was glad they were going to take the time over the next two weeks to figure it out because she did not think the maker of the motion necessarily understood the financial impacts, and Mayor Pro Tem Boney asked if Council Member Parker was going to make a motion to bring Mr. Gill forward and Council Member Parker asked that Mr. Gill put the information in writing and submit it to them during the two week period, and Mayor Pro Tem Boney stated that it needed to be graphs, pie charts and figures in dollar amounts so that they were clear. Mayor Brown, Council Members Sanchez and Bell absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Council Member Castillo removed his tag on Council Member Robinson's motion to submit substitute language to Item 46. Mayor Brown and Council Member Bell absent. Mayor Pro Tem Boney presiding.

Council Member Robinson moved to postpone the proposed amendment to Item 46a and Item No. 46a for two weeks, seconded by Council Member Todd. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1378 ADOPTED.

- 46a. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from the City Attorney for approval of City of Houston Legislative Principles for the 77th Session of the Texas Legislature submitted by the City Council Legislative Affairs Committee – **(This was Item 8 on Agenda of October 18, 2000, POSTPONED BY MOTION #2000-1275, 10/18/00)** – was presented, and postponed for two weeks by MOTION 2000-1378.
47. ORDINANCE appropriating \$325,649.62 out of Street & Bridge Consolidated Construction Fund and \$133,658.73 out of Water & Sewer Systems Consolidated Construction Fund for a total of \$459,308.35 as an additional appropriation for Construction of Stella Link Road from South Main to Grammercy, CIP N-644E, under construction contract with **BROWN & ROOT, INC**, approved by Ordinance No. 97-393 - **DISTRICTS C - GOLDBERG and D – BONEY (This was Item 45 on Agenda of October 25, 2000, POSTPONED BY MOTION #2000-1311)** – was presented.

Council Member Sanchez stated that Items No. 47, 47a, 48 and 48a were on the agenda two weeks ago and he had asked for a two week delay and his colleagues allowed that, that he was still troubled by some of the issues that he saw, that he pulled up the State's statute that defined purchasing and how items should be procured by municipalities, that it was Section 252-021a, that today they were being asked to approve over a million dollars in

change orders that did not come before Council for approval, that was issue number one, that issue number two was that it was clearly contrary to public law that money from one contract not be used for another project without seeking sealed bids on projects that exceeded \$15,000, that he had asked for a legal opinion from the Legal Department on how they could take money from one project and use it on a completely unrelated project on the other side of town which had nothing to do with the original project that Council approved, that the Legal Department, on October 25, 2000, issued an opinion to him which in part read, "it had long been the opinion of the Legal Department that a contract appropriately entered into, after competitive bidding, could be amended by change orders to include a scope unrelated to the original project as long as the above referenced restrictions were met", that he suspected that after being at Council for 5 years he was sure there was a long list of opinions issued by the Legal Department, that while the reference to the long held opinions by the Legal Department said that they had issued at least one prior opinion on the subject, that the long held opinion was issued a couple of months ago when two City officials were being tried at the criminal courts, that there were a number of problems with the two projects and he placed a call to the District Attorney this morning and would like Council to allow him another week to investigate the issues associated with these two projects.

Council Member Sanchez moved to postpone Item No. 47 and Item No. 47a one week, seconded by Council Member Keller.

Mayor Pro Tem Boney asked Mr. Hall if he thought that a weeks delay on the matter would impact their business in such a way that it would hurt, and Mr. Hall stated that he thought that the Public Works Department would be the ones to respond. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez moved to suspend the rules to hear from Mr. Tom Rolan, Director, Public Works and Engineering at this time, seconded by Council Member Ellis. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that while Mr. Rolan was coming up maybe both sides could submit briefs to the chair and they could look at both their opinions, because really just talking about it did not do it for him. Mayor Brown, Council Members Keller, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the one point he wanted to make to Council Member Sanchez was that when that matter relating to 611 Walker did proceed through criminal review one of the things that was important to know was that it had never been alleged, asserted or demonstrated that any City employee personally profited from violation of those policies. Mayor Brown, Council Members Keller, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Rolan as to the motion to delay the items for one more week what would be the impact of that, and Mr. Rolan stated that both of the projects were extremely old projects, that in one case they had the work done in 1997 and the other in 1998, that the total sum of the money for the contractors was approximately one million dollars and the delay would just result in an additional week before they could begin the process of paying that contractor, that the contractor was asked to do the work and authorized by City to do that work and responded in good faith so the problem would be that they would just be delaying

longer the payment to the contractor. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell stated that Council Member Sanchez asked for his support for the delay and it was his understanding that it was for the purpose of getting more information and if he understood the remarks that Council Member Sanchez was making at the table was he seeking the delay so that he could have time to refer the matter and get some type of opinion from the District Attorney's Office and Council Member Sanchez stated no, that he would not be asking them for an opinion, and Council Member Bell asked if the purpose of the delay was so that he could have time to get all of the information over to the District Attorney's Office or did he need more information, and Council Member Sanchez stated both, that he had not finished looking at it. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell asked Mr. Rolan if he had a response to Council Member Sanchez's comments, and Mr. Rolan stated that based upon his review of the fact case the procedures that were followed were in accordance with the procedures that were in place at that time, that he was not aware of any improprieties in regard to the two change orders, and Council Member Bell stated that change orders were going to be a fact of life whether they were talking about public or private sector projects, that he agreed with Council Member Sanchez that there had been abuse in the past, but it was his understanding that certain procedures had been put in place in the Public Works Department to avoid those types of situations and Mr. Rolan stated that was correct, that they had initiated procedures several months ago whereby they monitor their projects much closer and when they even get close to the 5% they become aware of it and where there is a potential that the 5% would be exceeded they would bring it to Council, and Council Member Bell stated that where there was abuse he certainly thought that administrative action would be taken, that he had problems where they would reach the point of trying to handle every situation by shipping the complaint over to the District Attorney's Office, where it was called for he certainly would not stand in the way of anyone reporting a crime, but when they take matters that could be handled in an administrative fashion and try to turn them into criminal matters they had to be careful. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Castillo asked the City Attorney's Office to (1) comment on existing case law and payment for services rendered, and (2) their interpretation of Council Member Sanchez's opinion on State bidding laws, and anything else related to it. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Mr. Hall stated that when there had been a request for services by a person who had apparent authority to make such a request, in this instance a Public Works representative, and when those services have been performed and accepted there was a doctrine in the law called *quanta merit* which requires then that they pay fair value for those services, the services were requested, performed satisfactorily and were accepted and obviously under that theory they owe the fair value for those services; that Council Member Sanchez had raised some issues that needed to be corrected because they were confusing some things, that it was their opinion then and now, that if the persons involved in the 611 Walker controversy had issued change orders they would have had no problem at all, that the opinions that they had issued had said that the 25% limitation applies if in fact the money had been in fact appropriated, the contract could exceed the money by 25% in change orders if the money had been appropriated, that they had tried to explain that in this circumstance change orders were

issued and it was done appropriately, that subsequent to the issues at 611 Walker the Mayor had instituted a policy that change orders had to be restricted to the scope of the project that was originally passed as a contract, that was not the law, that the law contained no such restrictions, but for that policy there would be no such restrictions as long as it was kept in the 25% cap, that was the big distinction, there were no change orders issued at 611 Walker, but change orders were issued here. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that he did support his fellow colleagues request to delay and hoped that it would not be with the District Attorney, that he had sat down at three meetings with Herb Lum and George Brevenec and literally went through every single number, that in his rudimentary opinion the change orders were justified. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the administration would oppose delaying it again, that it was delayed for two weeks, that the work was done and authorized and no payment was made above normal market rate for the work that had been done or exceeded the 25%, therefore he saw nothing that could be gained by another two week delay except to leave the contractors out there hanging for another week when they had been waiting for months for their money, that there was not implication of criminal activity or personal individual profit or bribe. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that the contingency on the projects was 5% and change order number 7 put it over the 5% contingency, and asked what happens after they finished their contingency, did they need to come to Council for approval of change orders or could the department continue to issue change orders all the way to the 25%, what was the purpose of the 5%, and Mr. Hall stated that the State law requirement had only two limitations, that they ranged up or down, that they could not reduce it below 25% without the contractors approval also, that they had the 25% limitation, that if they were talking just about State law, the only requirement was that the money be appropriated, that was all. Mayor Brown, Council Members Todd, Castillo and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Quan moved to call the question, seconded by Council Member Galloway.

Mayor Pro Tem Boney stated that the question had been called and Council Member Bell was asking Council Member Quan to yield to him, and Council Member Quan stated he would yield to Council Member Bell.

Council Member Bell asked Mr. Hall what had been the change between the policy of the City pre 611 Walker and post 611 Walker, and Mr. Hall stated that pre 611 Walker there was, to his knowledge, no policy by the City of spending money outside the scope of the contracts that were initially issued, that it was not the State statute that Council Member Sanchez had been referring to, but the Mayor had established a policy now that they could not spend money outside the scope of the contract. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Bell asked Mr. Rolan how that was policed within the Public Works Department to make sure that it was not transpiring, and Mr. Rolan stated that they had

circulated the Mayor's instructions to staff and advised them to comply, that the various levels of management were responsible for making sure that it did not happen, that at the time that the actions took place that was not the policy of the City. Mayor Brown, Council Members Galloway and Robinson absent. Mayor Pro Tem Boney presiding.

A roll call vote was called for Council Member Sanchez's motion to postpone Item No. 47 and No. 47a for one week.

ROLL CALL VOTE:

Mayor Brown absent.	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Mayor Pro Tem Boney voting no	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson absent
Council Member Keller voting aye	MOTION 2000-1380 ADOPTED

- 47a. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt recommendation from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$549,267.91, final contract amount of \$7,765,722.46 and acceptance of work on contract with **BROWN & ROOT, INC** for Construction of Stella Link Road from South Main to Grammercy, GFS N-644E-01-3 (N-644E) - 11.60% over the original contract amount - **DISTRICTS C - GOLDBERG and D - BONEY (This was Item 45A on Agenda of October 25, 2000, POSTPONED BY MOTION #2000-1311)** – was presented and postponed for one week by MOTION 2000-1380. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.
48. ORDINANCE appropriating \$247,765.25 out of Street & Bridge Consolidated Construction Fund and \$179,416.22 out of Water & Sewer Systems Consolidated Construction Fund for a total of \$427,181.47 as an additional appropriation for Reconstruction of Angeline, Arlington, Busiek, Chestnut, Crestwood and various other streets in Neighborhood Street Reconstruction Project No. 428, GFS N-0360-01-3, under construction contract with **BROWN & ROOT, INC**, approved by Ordinance No. 97-481 - **DISTRICTS A - TATRO; D - BONEY; G - KELLER and H - VASQUEZ** - TAGGED BY COUNCIL MEMBERS SANCHEZ, KELLER and QUAN (**This was Item 48 on Agenda of October 25, 2000, POSTPONED BY MOTION #2000-1314**) – was presented.

Council Member Sanchez moved to postpone Item No. 48 and No. 48a for one week, seconded by Council Member Tatro. Mayor Pro Tem Boney, Council Members Galloway and Castillo voting no, balance voting aye. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1381 ADOPTED.

- 48a. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$515,278.34, final contract amount of \$5,761,494.63 and acceptance of work on contract with **BROWN & ROOT, INC** for Reconstruction of Angeline, Arlington, Busiek, Chestnut, Crestwood and various other

streets in Neighborhood Street Reconstruction Project No. 428, GFS N-0360-01-3 (N-0360) - 13.41% over the original contract amount - **DISTRICTS A - TATRO; D - BONEY; G - KELLER and H - VASQUEZ (This was Item 48A on Agenda of October 25, 2000, POSTPONED BY MOTION #2000-1314)** – was presented and postponed for one week by MOTION 2000-1381. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

49. MOTION by Council Member Castillo/Seconded by Council Member Vasquez to adopt 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 (This was Item 7 on Agenda of November 1, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1382 ADOPTED.

50. MOTION by Council Member Castillo/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **DXI INDUSTRIES, INC** for Chemical, Sodium Hypochlorite Contract for Department of Public Works & Engineering \$6,606,000.00 - Enterprise Fund – **(This was Item 15 on Agenda of November 1, 2000, TAGGED BY COUNCIL MEMBER CASTILLO)** – was presented.

Council Member Castillo moved to postpone Item No. 50 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1383 ADOPTED.

51. MOTION by Council Member Sanchez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **INTERNATIONAL TRUCKS OF HOUSTON** for Two Communication Vans for Department of Public Works & Engineering - New - \$124,458.60 - Equipment Acquisition Consolidated Fund – **(This was Item 16 on Agenda of November 1, 2000, TAGGED BY COUNCIL MEMBERS PARKER, QUAN and GOLDBERG)** – was presented.

Council Member Quan stated that last week he and Council Member Goldberg tagged the item and while Public Works had provided a great deal of information to them he still remained unconvinced that in this time of budget austerity that they needed these communications vans and would vote no on the item and encouraged others to do so. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that he noticed that the money was just to acquire the communication vans and wanted to find out if they could get someone from Public Works to tell them exactly how much more money was involved accessorize them to be communication vans and where that money was coming from. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg moved to suspend the rules to hear from Mr. Tom Rolen, Public Works and Engineering, seconded by Council Member Vasquez. All voting aye. Nays

none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1384 ADOPTED.

Upon questions from Council, Mr. Rolen stated that the vans would be used to allow them to properly respond during a variety of events, special events such as the opening of Enron Field, the Grand Prix, previously the Power of Houston, where the department had a significant involvement in terms of resources that were spread over an area that required coordination, that the proximity by having a facility like this allowed them to do their job much better, that where they first came up with the idea was that many years ago when the San Jacinto River flooded they had significant flooding up around Lake Houston and the southern part of the City and they used an old van at that time to go out and actually coordinated their efforts, that it allowed them to operate much more effectively and efficiently by being there in the area that they were working and marshalling and controlling the resources, so it was a piece of equipment that would enable them to do their job better in a variety of situations, that in terms of equipping them, they would be doing that with in house forces, that it would be used as basically a work station where the supervisor overseeing the activities would have a place to office and have one on one eyeball communications, that they were talking about maybe \$40,000 to \$50,000 per unit to equip, that the vans would not go into flooded areas per se, because when they worked a flooded area they worked from the outside, that it would allow them to get much closer than some other pieces of equipment, that the money would come out of Public Works budget funds. Mayor Brown and Council Members Vasquez and Parker absent. Mayor Pro Tem Boney presiding.

A vote was called on Item No. 51. Council Members Goldberg, Tatro and Quan voting no, balance voting aye. Council Members Vasquez and Parker absent. MOTION 2000-1385 ADOPTED.

Council Member Boney stated that they needed some more mobile health vans, and stated that the Health Department had brought to his attention that the City of Los Angeles had six mobile health vans for HIV/AIDS testing and other testing and they had one. Council Members Vasquez and Parker absent.

52. 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 – (This was Item 43 on Agenda of November 1, 2000, TAGGED BY COUNCIL MEMBER ROBINSON) – was presented. All voting aye. Nays none. ORDINANCE 2000-982 ADOPTED.
53. 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** – **(This was Item 50 on Agenda of November 1, 2000, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Keller stated that he wanted to thank some of his constituents for their patience over the years waiting for it and thanked the administration for recognizing the serious needs of the drainage problems affecting the area, that it was a critical project to the biggest drainage improvement project of District G and hoped that it would pass.

Council Member Tatro moved to refer Item No. 53 back to the administration for more appropriate funding of the project. Mayor Brown called for a second time. MOTION 2000-1386 DIED FOR LACK OF A SECOND.

A vote was called on Item No. 53. Council Member Tatro voting no, balance voting aye. ORDINANCE 2000-983 ADOPTED.

54. 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 55 on Agenda of November 1, 2000, POSTPONED BY MOTION #2000-1355, 11/1/00)** – was presented.

Council Member Quan thanked Mr. Rod Anderson, Mr. Richard Lewis and Mr. Calvin Wells for meeting with him on the item last week, regarding the fleet operations, that he had passed out to each Council Member a time table of how they anticipated the contracts would go and they agreed to work on a two year agreement, where the first year they would fund Phases I and II and come back to Council to see how that went before they would fund Phase III.

Council Member Quan moved to amend Item No. 54 with the following:

This agreement is effective on the Countersignature Date and that \$104,076 be approved for Phases I and II for the Police and Fire Managed Competition efforts to be completed within one year. Following the completion of Phases I and II, the Administration will seek approval from City Council for continuation of the Managed Competition process. After approval, the work on Phase III Managed Competition in Public Works and Engineering (\$72,193) would commence and be completed no later than 15 months.

Seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2000-1387 ADOPTED.

A vote was called on Item No. 54 as amended. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2000-984 ADOPTED.

Council Member Castillo moved that all necessary provisions of the City Council Rules of Procedure be suspended in order to authorize consideration during the City Council meeting session on Tuesday, November 14, 2000, of an ordinance or ordinance amendment relating to canvassing returns of the City of Houston Special Election regarding the 2012

Olympic Games proposition held on November 7, 2000, seconded by Council Member Vasquez. Council Member Quan absent..

Council Member Castillo stated that the reason for this was that it may be necessary for them to be able to canvass mail ballots that may come in up to the legal deadline and would not be possible for them to canvass when they met on Monday for the purpose of canvassing the City elections. Council Member Quan absent.

Mayor Brown asked Mr. Bibler to explain what it was all about, and Mr. Bibler stated that it was the Florida problem compounded because they had a State law that stated that they had to canvass within 6 days, but they also passed a State law saying that if the counties had to count votes that came in within 7 days the results they had on Monday would be incomplete, but in the spirit of the election code the Secretary of State suggested that they do what they could by 6 days and then correct it later if they had to. Council Member Quan absent.

A vote was called on Council Member Castillo's motion. All voting aye. Nays none. Council Member Quan absent. MOTION 2000-1388 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Parker stated she had passed out copies of last weeks Houston Business Journal, the article entitled "Tax Entities Face Electricity Shock", that as a consequence of deregulation there may be some reappraisals of power plants in the area and an estimate of a loss of \$228 million in tax revenues for the County and about \$103 million for the City and asked Council Members to look that over. Council Member Quan absent.

Council Member Boney stated that they really had to look carefully on the impacts to the revenue stream or they were going to help co-create and be victim of some financial fiscal issues that otherwise they could avoid, that he was supportive of every effort to lower taxes, but for the City they had to put everything on the table at the same time and try to generate a consensus and not do it in between. Council Member Quan absent.

Council Member Ellis stated that he read an article regarding that the City of Houston was getting a bum rap from the DNC and that the Greater Houston Partnership was preparing some type of post election public relations campaign and was wondering whether or not this administration felt that they might come out with some public relations campaign, and Mayor Brown stated they were working in conjunction with the Greater Houston Partnership, so it was a public private effort on the part of the City and the Greater Houston Partnership. Council Members Parker, Quan and Sanchez absent.

Council Member Ellis stated that his second issue was the accuracy of the new water meters, that he had a number of constituent complaints where they had been watching their water usage and since they had the new electronic water meters put in by Public Works the usage had doubled and tripled in some cases and was curious if other Council Members had been getting complaints from constituents and whether or not Public Works was addressing the issue and hoped to get some response. Council Members Parker, Quan and Sanchez absent.

Council Member Todd stated that there was some sort of street cut that occurred close to Hobby Airport today and as a result of the street cut there was an electrical line that was cut and there were a lot of businesses along Hobby Airport that were without electricity, that apparently it was a street cut done by a contractor, that once again it was another one of the issues that they had been trying to deal with at the City, that it was another example of why it was that they really needed to focus on street cuts, that during the Lanier administration he was given a tour of the Greater Houston waste water facility, the program office, and at that time there was a plan to have some sort of extremely sophisticated map and data base involving all Public Works projects, City, County, Metro and private that were going to be going on, that he thought it was really a marvelous idea to have this sort of resource and they ought to do what they could to encourage it and encourage contractors to enroll in it and put their projects on it so that situations like what they had now would not happen, but apparently it never really took off like it should have. Council Members Boney, Castillo, Parker, Quan, Sanchez and Bell absent.

Mayor Brown stated that he would ask Mr. Rolan to take a look at the mapping issue, that it made good sense to do that. Council Members Boney, Castillo, Parker, Quan, Sanchez and Bell absent.

Council Member Robinson stated that he had a meeting with a number of folks that were working on the GIS Project and the base map with that information would go operational in January and that he asked the folks from TranStar to visit with individual Council Members to show them the project, that they were all working on a task force with Mr. Lewis; that he had to make an adjustment on the agenda for the committee on the 28th, that he had found out that the Developer Participation Agreement Ordinance was ready to come forward, and stated to Mr. Lewis that Saturday work would make sense and was wondering why not build a contract around doing Saturday work so they would not block up and increase the congestion in some areas, and Mr. Lewis stated that he would check on it and get back with him. Council Members Boney, Todd, Castillo, Parker, Quan and Sanchez absent.

Council Member Robinson stated that he and Council Members Quan, Parker, Tatro, Vasquez and Keller were holding a "What's Up With Those Bike Lanes" public dialog on Tuesday, November 14, 2000 from 6:30 p.m. to 8:30 p.m. at the First Baptist Church Fellowship Center, that Public Works and TxDot had all agreed to come out and give the community an update as Council Member Quan had requested. Council Members Boney, Todd, Castillo, Parker, Quan and Sanchez absent.

Council Member Tatro stated that the HGAC had recently put out a substantial brochure about air quality in the area, that it was on line and posted on the internet, that it had some of the facts as opposed to some of the misinformation that had come across the Nation about Houston's air quality, and thanked the HGAC for putting that together. Council Members Galloway, Boney, Todd, Parker, Quan and Sanchez absent.

Council Member Vasquez stated that while they did not know who won the election, they did know that the Arena and the Olympics both passed last night by an overwhelming margins, that it was very important for the City and a great victory.

Council Member Vasquez stated that on Thursday, November 9, 2000 they were hosting a town hall meeting for residents of Independence Heights and Yale Victoria area, that it would be the third in a series of town hall meetings and would be starting at 7:00 p.m. at the

Knights of Columbus Hall located at 607 E. Whitney and invited all Council Members.. Council Members Galloway, Todd, Parker, Quan and Sanchez absent.

At 12:10 p.m. per motion by Council Members Castillo and Robinson the City Council recessed until Monday, November 13, 2000 at 3:00 p.m. for the purpose of Canvassing the Special Election held November 7, 2000

City Council reconvened in the City Council Chamber at 3:00 p.m. Monday, November 13, 2000, with Mayor Lee P. Brown, presiding and with Council Members, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez and Carroll G. Robinson; Ms. Susan Taylor, Assistant City Attorney, City Attorney's Office; Ms. Martha Stein, Agenda Director present. Council Members Bruce Tatro, Mark A. Ellis and Chris Bell absent on personal business. Council Member Bert Keller absent on city business. Council Member Sanchez out of city on city business.

At 3:18 a.m. Mayor Brown called the meeting to order and stated that it was for the purpose of canvassing the returns of the City of Houston Special Election that was held on November 7, 2000 for the purpose of submitting to the qualified voters of the City of Houston the proposition supporting the City's effort to be designated the host city for the 2012 Olympics. Council Members Boney and Todd absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Tatro, Ellis and Bell absent on personal business. Council Member Keller absent on city business. Council Member Sanchez out of city on city business. Council Members Boney and Todd absent.

Mayor Brown requested the City Secretary to read the Item. Council Members Boney and Todd absent.

55. ORDINANCE canvassing the returns of the City of Houston Special Election held on November 7, 2000, for the purpose of submitting to the qualified voters of the City of Houston, Texas a proposition supporting the City's efforts to be designated the Host City for the 2012 Olympic Games by authorizing the contribution of a portion of the City's Sales and Use Taxes; counting the votes cast; making various findings and provisions related to the subject; declaring the Official Results of the Special Election; and declaring an emergency

NOTE: An amendment to the canvass is expected to be presented at the City Council meeting that convenes on November 14, 2000, to add ballots received by mail to the vote totals – was presented.

Council Member Castillo stated that he wanted to point out for the record that it was for the reconvening of the meeting of last week and not a special meeting because a special meeting would require a re-posting. Council Members Boney and Todd absent.

A vote was called on Item No. 55. All voting aye. Nays none. Council Members Tatro, Ellis and Bell absent on personal business. Council Member Keller absent on city business. Council Member Sanchez out of city on city business. ORDINANCE 2000 985 ADOPTED.

Mayor Brown requested Ms. Susan Taylor, City Attorney's Office to make comments relative to it and the next step.

Ms. Taylor stated that the circumstances that they found themselves in was a bit unusual and that was that the City was required by the Election Code to canvass its elections not later than the 6th day after the election, however under the Election Code and its most recent amendments counties had up until the 7th day to receive ballots by mail from out of the Country and therefore there were still some mail ballots in Harris and Fort Bend County's that were being counted today so they had another item posted for tomorrow afternoon's meeting for Council to consider an amendment to the canvass to allow them to add to the vote totals any additional ballots that may be received, that with the number of ballots that were out there was no possibility that the result would change but they would like to have accurate totals so they would present to Council for passage tomorrow, if the information was all in from both County's, an ordinance to amend the canvass that they just passed to add those numbers to the vote totals, if the information was not available by tomorrow afternoon's meeting they would then also have an item posted for Wednesday and would take up the amendment at that time.

Council Member Boney asked who was the controlling authority at Harris County that ran the election, and Ms. Taylor stated it was Ms. Beverly Kaufman's office in Harris County and then there were election administrators in Montgomery and Fort Bend County and Council Member Boney asked if it was possible at some relatively soon future date they could invite Ms. Kaufman to address either a committee or Council, that he was interested in reviewing the procedures in Texas as to how they operated and the guide and standards, that it was for information rather than any question about the results or how they operated in Texas.

Ms. Taylor stated that Ms. Kaufman had an Elections Division and the head of the division was Mr. Tony Sirvello and was sure that either he or Ms. Kaufman would be happy to make a presentation.

Council Member Boney moved to adjourn, seconded by Council Member Todd. Council Members Tatro, Ellis and Bell absent on personal business. Council Member Keller absent on city business. Council Member Sanchez out of city on city business.

Council Member Boney moved to suspend the rules to hear from Ms. Susan Bandy, Olympic 2012 Committee, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Ellis and Bell absent on personal business. Council Member Keller absent on city business. Council Member Sanchez out of city on city business. MOTION 2000-1389 ADOPTED.

Council Member Todd stated that they had a motion on the table already, and Council Member Boney withdrew his motion to adjourn.

Ms. Bandy thanked Council and stated that they had been incredibly supportive during the process and on behalf of Mr. George DeMontrond and the Foundation she just wanted to thank them and stated that she had brought some 2012 Election Celebration Pins for Council.

There being no further business before Council, the City Council adjourned at 3:25 p.m. upon MOTION by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Bell absent on personal business. Council Member Keller absent on city business. Council Member Sanchez out of city on city business. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary