

City Council Chamber, City Hall, Tuesday, November 14, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, November 14, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, John E. Castillo, Annise D. Parker, Gordon Quan, Chris Bell and Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Members Jew Don Boney, Jr., Orlando Sanchez and Carroll G. Robinson absent on city business. Council Member Gabriel Vasquez out of the city on city business.

At 2:00 p.m. Vice Mayor Pro Tem Castillo stated that Council Members would begin with presentations starting with Council Member Parker. Council Member Parker invited those present for National Adoption Month to the podium and stated that Council may remember a few months ago they hoped to kick off a project to increase the number of adoptions in the Houston/Harris County Area and today they were presenting a proclamation proclaiming National Adoption Month and presented a proclamation to Ms. Lorie Glaze, the managing director of Adopt 2000, stating that the family was the basic unit of society and strong families were essential to a healthy city, state and nation and adoption was a powerful, loving and generous way of building families and building secure and stable homes for children whose parents were unable to care for them; that the alliance of many for Adopt 2000 was committed to placing 700 abused and neglected children in the Houston area; wishing them success; and proclaiming November as "National Adoption Month." Council Member Parker stated that to help in the commitment the city had done several things, the Municipal Channel had run public service announcements, adoption information was being distributed at health and multi-service centers, parks and libraries, the Fire Department was providing their mobile safety trailer for the festival this weekend and they were working to put an insert in the city water bills and they hoped to have a fun event at the Houston Zoo; and introduced representatives with the associated agencies. Ms. Glaze thanked the Mayor and Council and especially Council Member Parker and her staff for all efforts and commitment made toward Adopt 2000 and stated that by the end of this year they would have placed 200 children with adopted parents; that this weekend for the first time they were having a citywide adoption festival which would bring together six of the adoption agencies and Children's Protective Services to inform the community of the waiting children, it would be held Saturday, at 3214 Austin from 11:00 a.m. to 3:00 p.m. and she hoped all would come. Council Members Todd and Ellis absent.

Council Member Castillo stated that he had a proclamation to present for the Living Bank which was founded in Houston 32 years ago when heart transplants were first being performed at the Texas Medical Center, there was no organized way to find donors so the Living Bank was created to inform the public and register donors; that today it was a national organization which remained based in Houston with thousands of volunteers around the country; that currently there were more than 72,000 people on the national waiting list and one person donating his or her organs and tissue could save up to 7 lives and enhance the quality of life for another 30 and that was why the Living Bank created Green Ribbon Awareness Week; and invited Mr. John Ikea, executive director of the Living Bank, and Ms. Carolyn Gerard, community relations director, to join him at the podium and presented a proclamation to Mr. Ikea for the transportation of tissue and organs becoming such a success story giving tens of thousands of desperately ill

Americans a chance at life each year; and proclaiming November 12 – 18 as “Green Ribbon Awareness Week”. Mr. Ikea stated that it was important for Texans to consider organ donation and registering with the Living Bank because last year the law was changed taking donor designation off the driver’s license and he would ask all to sign up and to inform their family of what they had done. Council Members Todd and Ellis absent.

At 2:17 p.m. Mayor Brown called the meeting to order and called on Council Member Keller who led all in prayer and in the pledge of allegiance. Council Members Todd and Ellis absent.

The City Secretary called the roll. Council Members Boney, Sanchez and Robinson absent on city business. Council Member Vasquez out of the city on city business. Council Members Todd and Ellis absent.

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

Council Member Castillo introduced 30 students from the eighth grade history class at Ryan Middle School and asked them to stand to be recognized. Mayor Brown welcomed all to the meeting and stated Council was glad to have them. Council Member Ellis absent.

1. ORDINANCE amending the canvass ordinance previously adopted 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: This Item will only be considered if it is required to reverse the vote totals to add any mail ballots

- was presented.

The City Secretary stated that she would advise Council that from the Ordinance yesterday they had added 66 yes votes and 28 no votes all in Harris County and there was no change in the results from Ft. Bend and Montgomery Counties.

A vote was called on Item 1. All voting aye. Nays none. Council Members Boney, Sanchez and Robinson absent on city business. Council Member Vasquez out of the city on city business. Council Member Ellis absent. ORDINANCE 2000-986 ADOPTED.

Mayor Brown stated that concluded the canvassing of the election and he wanted to take the opportunity to thank all the voters for approving the measure as it was the first step to be taken in order to be competitive for the 2012 Olympics which would be very important to Houston generating \$4.3 billion of economic development and also shining the spotlight of the world on the city. Council Member Ellis absent.

Mayor Brown requested the City Secretary to call the speakers. Council Member Ellis absent.

Ms. Tina Araujo, 16825 Northchase #720, Houston, Texas 77060 (281-874-2137) appeared and spoke in favor of Item 26 and stated that she was director of planning and capital projects of the Greater Greenspoint Management District and secretary treasurer for the North Corridor Coalition; that the North Corridor Coalition was an organization of civic and business groups located along the I-45 North and Hardy Toll Road corridor extending to the Woodlands and they did support implementation of METRO's High Capacity Transit Plan with the first phase being the Downtown to Astrodome light rail line; and they were asking for the city to approve the agreement with METRO and grant the appropriate right of way to facilitate the construction.

Mr. Gary Montgomery, 3 Northpoint Dr., Houston, Texas 77060 (281-260-8032) appeared and spoke in favor of Item 26 and stated that he was chairman of the North Corridor Coalition, a member of the board of directors of the North Houston Association, chairman of the San Jacinto River Authority Board and member of several transportation committees of Chambers of Commerce and the North Corridor Coalition did support METRO's 2025 High Capacity Transit Plan and the Downtown to Dome rail line; that he participated in the trip to Dallas METRO organized and was very impressed with what he saw on their light rail commuter program, but nothing impressed him more than the impact that it had on economic development and he believed that the rail would have the same impact on Houston; and urged Council to approve the agreement

Council Member Quan stated that his coalition would not be directly affected by the downtown rail; and upon questions, Mr. Montgomery stated that they believed the Downtown Program was the first step in a regional program which could impact the entire metropolitan area.

Mr. Jack Drake, 16825 Northchase, Houston, Texas 77060 (281-874-2132) appeared and spoke in favor of Item 26 and stated that he was president of the Greater Greenspoint Management District and he was representing the 550 commercial property owners who housed 70,000 residents of Houston and provided offices for over 40,000 employees; that their political subdivision encompassed over \$1.3 billion in property value; that they were projected to grow to over 100,000 individuals by 2020 and must plan for that future and they were in support of METRO's 2025 High Capacity Transit Plan which was a part of the Regional Millenium Mobility Plan approved last year; that they felt what was good for Downtown was also good for Sharpstown, Kingwood, the Fourth Ward; that they believed they would benefit from each component of the plan but there needed to be a beginning and if that was the Downtown to Dome rail line then they wanted to support the choice and their board of directors voted unanimously to support the plan; and today he was also representing the 700 member North Houston Greenspoint Chamber who also passed a resolution in support of METRO's plan and he would urge Council's support of the line. Council Members Keller and Castillo absent.

Upon questions by Council Member Galloway, Mr. Drake stated that the North Houston Greenspoint Chamber of Commerce had 715 businesses with a board of 20 individuals selected by members who unanimously supported the light rail and the 2025 Plan; that they did hope at some point Intercontinental Airport and Greenspoint

would demand through their ridership service to their areas. Council Members Keller and Castillo absent.

Upon questions by Council Member Todd, Mr. Drake stated that he did not know how much it would cost to run a line to Intercontinental but it would be more than \$1,000,000 and he did not know when such a phase would begin, but he had talked with METRO in general discussions about it and there had been no guarantees; that a small part of the rail was in relation to getting cars off the road, but he felt it was more of an image situation, part of becoming an international city and a major economic development tool and he believed it was inevitable to extend beyond the Downtown Dome line. Council Member Todd stated that he agreed eventually that rail would be the answer, but his question was when as he was not sure it was economically feasible at this time. Council Member Castillo absent.

Upon questions by Council Member Quan, Mr. Drake stated that he believed if one read the newspaper, watched television or had paid any attention to what happened in the community for the last 25 or so years he believed they were aware; that the public had been invited to speak, write or call at community meetings, hearings, forums, civic clubs, etc., and he believed input had been taken seriously; and he had great confidence in the people with which he had worked for the last 10 years at METRO, confidence in their plan to foresee, to look at the entire U. S. and outside the U. S. to see what worked and he believed they had done their job. Council Member Castillo absent.

Upon questions by Mayor Brown, Mr. Drake stated that he had worked for Mayor Whitmire from 1982 through 1986 and rail was considered during those years also; that rail had been taken to the voters twice and approved the one that was not yet started; that he believed it had been studied and studied here and it was still not begun, but he was for it. Council Members Todd and Castillo absent.

Ms. Zinetta Burney, 5445 Almeda #400, Houston, Texas (713-526-6404) had reserved time to speak, but was not present when her name was called. Council Members Todd and Castillo absent.

Ms. Susan Young, 2408 Bartlett, Houston, Texas 77098 (713-790-1020) spoke in favor of Item 26 and stated that she was president of the South Main Center Association, a non profit organization formed to serve the area along Main between the Pierce elevated and Loop 610, served on the Main Street Coalition Board, Miller Theater Advisory Board and the Museum District Board and METRO's investment in the rail connecting Downtown to the Dome offered very important urban development opportunities, it would create an attractive link for Houstonians and visitors to enjoy various cultural, educational, healthcare, sports and entertainment and convention exhibition venues and it was important for the Super Bowl and Reliant Park in 2004 and the potential Olympics in 2012 and other international sporting activities and it would reinforce transit connections between emerging residential areas to the Medical Center, etc., METRO was to be complimented on inviting extensive community input; and they encouraged Council to move forward with the investment. Council Member Castillo absent.

Upon questions by Mayor Brown, Ms. Young stated that the Main Street Coalition did support the rail and 75 organizations were active with that coalition with the board having 20 members. Council Member Castillo absent.

Upon questions by Council Member Keller, Ms. Young stated that at the start of the process the Coalition sent out a card to 20,000 addresses and the Planning Department had identified all properties that overlapped the relevant portion of Main and they used a variety of other mailing list to inform them that METRO was going through the process of deciding about light rail through the Major Investment Study so a strong effort was made to reach out and all meetings were publicized. Council Member Castillo absent.

Council Member Quan stated that he understood certain businesses would be closed and people would have to relocate their homes because of rail; and upon questions, Ms. Young stated that she had never been contacted by a group nor did she know of a group with opposition and in balance the belief was that any inconvenience was outweighed by the potential benefit to the corridor; and personally she did not think anyone would benefit by having another vote, but it was not an issue their membership had addressed. Council Member Castillo absent.

Mr. Jim Maxwell, 820 Franklin, Houston, Texas 77002 (713-222-6138) appeared in favor of Item 26 and stated that he was executive director for the Downtown Historic District of Houston and responsible for some 60 historic blocks and an additional 30 which they considered their service area; that their 42 person board of directors voted unanimously to support the METRO light rail project and his personal observations were that prior to coming to Houston he lived in Washington, D. C., before and after their rail program was completed and after getting a job there he bought a car and paid \$50.00 a month to park at his apartment and \$250.00 to park downtown each month, it took him an hour to get to work and after rail was complete an associate pointed out he could get to work in one and a half minutes on rail and have no parking to pay, etc., so he sold his car and never missed it once and he would encourage the same for Houston. Council Member Castillo absent.

Ms. Susan Hill, 16825 Northchase #140, Houston, Texas 77060 (281-872-8700) had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and spoke against Item 26 and stated that he was president of the Houston Property Rights Association and worked with a new group called Bus Car, which was against rail, he was present asking Council to withhold its permission to METRO to use city streets for a rail system until there was a popular vote within the city; that for a background on rail, Houston used to have a total of 90 miles and it was started in 1867 and electrified about 1890 with the last rail car being retired in 1940; that what happened in the meantime was automobiles and buses were more effective and attractive to persons wanting to travel in the city; that currently there were 15,000 miles of road in the Houston area with METRO having only 3,000 miles of bus routes and their plan to put in 7 miles of rail in that bus route system was redundant duplicating service they already had; that Mr. Maxwell who spoke of his pleasure with the Washington system did not know it was an \$8 billion system paid for by federal taxpayers or how many businesses went out of business during construction and that there was less ridership than what they had on the bus

program before rail was started or that it would have been a cheaper trip overall if they would have left it to only buses; that rail would cause less improvement to city streets and the transit dependent would be the victims as in other cities they had to pay higher fares with reduced service because money from the bus program would be diverted to the rail program; that Council was in a position to insist a referendum be held at least inside the city and he would urge Council to support Council Member Ellis's proposal. Council Members Todd and Castillo absent.

Upon questions by Council Member Tatro, Mr. Klein stated that the 1988 election did not mention rail or mandate from the public to build rail and the issue should be put before the public today. Council Member Castillo absent.

Ms. Deborah Sanchez, 502 Eleanor, Houston, Texas 77009 (713-962-3228) appeared and stated that she was present with two issues, one being the sewer system in her neighborhood; that on October 20 there was sewage leaking on her curb and there was water work being done in the area so she asked a passing worker if their work had anything to do with it and he said yes and it would be stopped when they were through, then on October 24 or 25 her neighbor called the Water Department and on the 26 someone knocked on her door saying she needed a clean out valve and the Health Department would be coming so she had a plumber come who said the problem should be addressed by the city, but she supposed it was a trouble shooting effort on the part of the Water Department at her expense; that a neighbor pointed out a sink hole near the curb so she began to dig and found the flood drain cracked into a v shape with a pool of sewer water and another passing worker saw her digging and said there was some type of stoppage between the leak and the manhole and it was the city's problem so she covered the hole with plywood and orange cones and waited for the Health Department who showed up on Saturday and still said she needed a clean out so she told them what the plumber said; that she finally called Council Member Vasquez's office and the next day the workers came and said the problem would be fixed and eventually it was and she wondered why she was threatened that she needed to fix the problem and today a neighbor said he saw the same problem and wanted to know how she resolved her problem. Council Member Castillo absent.

Upon questions by Mayor Brown, Ms. Sanchez stated that members of the Public Works Department visited her before and after she called the Council Member's Office but no one would do anything until she had called him; that she felt their whole sewer system should be checked as her neighbor was now having the same problem and she felt it would be more costly to keep patching it here and there; that her house was built around 1929 or 1939 and it was an old system; and her second problem was not resolved, her phone service had been cut off in October due to nonpayment and they kept promising to reconnect and it was now three weeks later and still no service and she would like to know who was in charge of those regulations as she felt she was representing a case of fraud between local phone companies. Mayor Brown stated that she should speak with Mr. Wes Johnson who was in the Chamber and he would assist her in both cases. Council Member Castillo absent.

Mr. Steven Williams, no address or phone, had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.



Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-635-4604) had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.

Mr. Kervis Thornton, 3318 Oakdale, Houston, Texas 77004 (713-522-7468) appeared and stated that he was the development director at St. Mary's Catholic Church and School in the Third Ward Area and he and his wife just experienced the American Dream of home ownership in that district, however, he was present because of a problem; that he went through all the proper steps he believed with them being their southwest subdivision, Council Member Boney's Office and Neighborhood Protection, but the problem was that his neighbors at 3314 Oakdale had approximately 10-15 young people living there with 10-15 vehicles and they had junk motor vehicles, trash and weeds and he was concerned because having gone to their Southwest Storefront, a PIP Meeting and all the way to Neighborhood Protection to the director Ms. Link, but unfortunately Ms. Link on November 6 browbeat him down and made him feel he was the guilty party; that this was an 18 month old problem and the inspector who came out to put tags on the junk motor vehicles was the same inspector who came out 18 months ago; that Ms. Link and those at the PIP Meeting shared with him 18 months of history on the situation so he felt compelled to come to the Mayor and Council as to why he should be browbeat down when he was only a new neighbor looking to live in a neighborhood not filled with junk cars and a bunch of kids messing up the community; that he would like pressure put on the household to bring some change. Council Member Castillo absent.

Mayor Brown stated that he should meet with Mr. Simpson who was present in the Chamber and he would see if he could find some solution to his problem; that there was only one legal issue and it was the city's inability to remove the junk and abandoned cars off private property, but Mr. Simpson would meet with him now and continue to update him as it was resolved. Council Member Castillo absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared, presented a stack of information including blank forms and medication statements, etc., and stated that voices carried, there was nothing pure in this world; that he had papers talking about how he ended up in the psychiatric clinic; well, well, well, ABC, NBC, CBS, BET, White House, Senate and Congress and he was donating his papers to the City of Houston; that his social security number was 313-64-1121 and any American wanting to read about him and his education and work and suffering now had access to his entire life; that the city wrote the papers so he thought he would give them back. Council Member Castillo absent.

Ms. Thelma Limbrick, 5746 Reed Rd., Houston, Texas 77033 had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Ms. Barbara Penkala, 3302 Aberdeen Way, Houston, Texas 77025 (713-207-2791) had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Mr. Willie Colson, 16234 Beck Ridge Dr., Houston, Texas 77053 (281-416-8955) appeared and stated that he was an ex-offender who had been out of prison now 13 years and for those 13 years he had only worked at little odd and end jobs; that he was on parole and had a child trying to finish school; that his mother had to come out of

retirement to help him because every door was slammed in his face; that he was in prison for murder, but what was he supposed to do, his family had to be taken care of and his bills had to be paid; that he had put in applications with the city and had no reply. Council Member Castillo absent.

Mayor Brown stated that Mr. Cantu was present and would meet with him and see what kind of agencies he could be referred to who might be able to assist him. Council Member Castillo absent.

Mr. R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.

Mr. Vladimir Golovine, 8018 Breburn, Houston, Texas 77074 (713-779-7313) appeared, presented information and stated that he was present to update Council on an issue he brought to their attention last Wednesday which was an unfair rule requiring short hair for female firefighter cadets; that in the Bible, Corinthians said if a woman had long hair it was her glory and additionally several Indian tribes believed their spirit was in their hair and it was only cut for certain rituals and he used that for examples, but one could see how the Houston Fire Department rules might easily conflict with religious and cultural convictions and it was infringing on their rights; that this may be the first time the rule had been brought to anyone's attention and he was convinced it would be amended promptly. Council Member Castillo absent.

Mayor Brown stated that he (Mr. Golovine) was to meet with the Acting Fire Chief, Chief Connealy, this week and they would then see what the outcome would be. Council Member Castillo absent.

Ms. Vinita Hicks, 416 Rhode Island, Houston, Texas 77029 (713-674-8701) had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his website address was [www.galvan.org](http://www.galvan.org) and he received 1,602 votes on his last campaign and that was 7% of the total and that was very good with having no money; that it was his sixth time to run for public office and he would start again for either Council Member Castillo, Council Member Parker or Council Member Sanchez's chair; that he also wanted Item 26 tagged and thought Shirley DeLibero at Metro should be fired for lying, a 30 day suspension was not enough. Council Member Castillo absent.

Mr. Steven Williams, no address and no phone, was recalled and appeared and stated that he also thought Ms. DeLibero should have been fired; that he was at the Fonde Recreation Center some time ago getting ready to take a shower and a Hispanic individual said he could not shower and said he needed to wait until 2:00 p.m. so he went out and talked to a female and she said he could take a shower so he went in and started to get paper to dry his hair with and the male said he was getting too much paper, then a man holding a mop put his hand on his shoulder and he told him to keep his hands to himself, but he kept talking and again he told him to keep his hands to himself and then punched at him; that the man then kicked toward his privates and his hand hit the wall



and it was now broken; that he was taken to jail and asked for an x-ray of his hand and it was broken; that another day since he went to take a shower and no problem, then recently he went to take a shower and an African-American fellow was whistling and in a certain way and then said he could not shower so he picked up his bag and said the female said there was no problem, but he said he ran things there; and Mr. Williams time expired. Council Member Castillo absent.

At 3:13 p.m. upon motion by Council Members Galloway and Quan the City Council recessed until Wednesday, November 15, 2000 at 9:00 a.m. Council Members Boney, Sanchez and Robinson absent on city business. Council Member Vasquez out of the city on city business. Council Member Castillo absent.

City Council Chamber, City Hall, Wednesday, November 15, 2000

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, November 15, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, Annise D. Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Cheryl Dotson, Chief of Staff, Mayor's Office; Mr. Richard Lewis, Deputy Chief Administrative Officer; Ms. Martha Stein, Agenda Director present. Council Member Jew Don Boney, Jr., absent on personal business. Council Members Gabriel Vasquez, John E. Castillo and Carroll G. Robinson out of city on city business.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 a.m. Mayor Brown called the meeting to order and recognized Council Member Sanchez. Council Members Galloway and Keller absent.

Council Member Sanchez stated he wanted to recognize his niece and students and teachers from Trafton Academy, and stated that they were present to observe government in action, and Mayor Brown welcomed them to City Hall and stated that they had a chance to see how City government worked. Council Members Tatro, Galloway and Keller absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 37A**

#### **MISCELLANEOUS** - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **FIRE CODE REVIEW BOARD**:
  - Position 1 – **MS. LAURA REICH**, appointment, for a term to expire December 31, 2002
  - Position 5 – **MR. TOM BALLOU**, reappointment, to complete an unexpired term ending December 31, 2001
  - Position 6 – **MR. RODNEY LEWIS**, reappointment, for a term to expire December

31, 2002

Position 7 – **MR. FRED K. WHITTY**, reappointment, for a term to expire December 31, 2002

Position 8 – **MS. MARGIA BLANKENSHIP**, appointment, to complete an unexpired term ending December 31, 2001

Position 9 – **MR. RALPH GREEN**, reappointment, for a term to expire December 31, 2002

Position 10 – **MR. JAMES H. BRAY**, reappointment, to complete an unexpired term ending December 31, 2001

Position 11– **MR. REY DE LA REZA**, reappointment, to complete an unexpired term ending December 31, 2001

- was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1390 ADOPTED.

3. RECOMMENDATION from Chief of Police for Extension of Leave of Absence for Police Officer **MICHAEL J. LOMBARDO**, Employee Number 97588 - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1391 ADOPTED.

4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY CONSTABLE PRECINCT 4** and the **BEAR BRANCH COMMUNITY ASSOCIATION** for Law Enforcement Services of 1 Deputy - **DISTRICT E – TODD** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1392 ADOPTED.

#### **PROPERTY** - NUMBERS 8 through 10

8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A97-305, located at 7233 Ley Road, owned by Armando DeLeon and Sonia Borrego, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - \$882.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B – GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1393 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY0-61, located at 5516 Alameda Road, owned by Festa Uno Limited Partnership, a Texas Limited partnership [Festa, Inc., a Texas corporation (Deborah Keyser, president) general partner], for a corner clip in connection with the **BINZ STREET IMPROVEMENTS PROJECT**, CIP N-0611A-35-1 - \$2,461.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT D – BONEY** - was presented, moved by

Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1394 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel HY0-1, located at 10621 South Main Street, owned by Kent McGaughy, Trustee, for the **FIRE STATION 21 PARKING LOT EXPANSION PROJECT**, CIP C-0089-00-1 - \$6,180.00 - Fire Consolidated Construction Fund - **DISTRICT C – GOLDBERG** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Tatro, Galloway and Keller absent. MOTION 2000-1395 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 16

##### **LOW BIDS**

11. ORDINANCE appropriating \$58,065.00 out of Fire Consolidated Construction Fund for providing services to Replace Concrete Parking Lot for Fire Department - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-987 ADOPTED.
- 11a. **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 - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1396 ADOPTED.
13. **LINBERRY AUTO PARTS** for Automotive Chemicals, Part II for Various Departments \$298,100.00 - General, Enterprise, Fleet Management and METRO Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1397 ADOPTED.

##### **OTHER**

16. **AMEND MOTION #99-502, 3/31/99, TO EXTEND** expiration date for an additional 12 months from March 16, 2001 to March 15, 2002, for Infield Soil Conditioner for Parks and Recreation Department, awarded to **DIAMOND PRO-TXI** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal

business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1398 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 37A

21. ORDINANCE granting the City's consent to the creation of **HARRIS COUNTY RURAL FIRE PREVENTION DISTRICT NO. 46** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent.
22. ORDINANCE consenting to the addition of 80.583 acres of land to **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-988 ADOPTED.
23. ORDINANCE consenting to the addition of 13.74 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-989 ADOPTED.
25. ORDINANCE approving and authorizing fifth contract amendment between the City of Houston and **RECOVERY CAMPUS OF HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$260,000.00 from the Community Development Block Grant Program to assist in the cost of leasing St. Elizabeth Hospital, which leased facility is utilized to provide Substance Abuse Treatment for the Addicted Indigent Population - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-990 ADOPTED.
27. ORDINANCE appropriating \$209,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Design of Improvements at the 69th Street Wastewater Treatment Plant, GFS R-0509-02-2, under professional engineering services contract with **S & B INFRASTRUCTURE, LTD**, (approved by Ordinance No. 97-174); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-991 ADOPTED.
28. ORDINANCE awarding contract to **NETCO ELECTRICAL SERVICES, INC** for Submersible Pump Repair Service for Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$3,025,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of

city on city business. Council Member Keller absent. ORDINANCE 2000-992 ADOPTED.

29. ORDINANCE appropriating \$30,007.37 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **TCH LAND L.P.** for construction of Water and Sanitary Sewer Lines in Fuqua Gardens Subdivision, CIP S-0800-25-3 and R-0800-30-3 - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-993 ADOPTED.
32. ORDINANCE appropriating \$1,654.00 out of the Harris County Construction Fund for, and approving and authorizing the purchase from Houston Independent School District of an easement for Sanitary Sewer purposes, located at 10720 Southview, for and in connection with the Airport Boulevard Bridge over Sims Bayou Project; Parcel Number DY0-24, CIP N-0445N-18-1 - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-994 ADOPTED.
35. ORDINANCE approving and authorizing amendment No. 2 to lease agreement between the City of Houston and **FBO ACQUISITION COMPANY, INC** at William P. Hobby Airport - Revenue **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-995 ADOPTED.
36. ORDINANCE amending the canvass ordinance previously adopted 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: This Item will only be considered if it is required to reverse the vote totals to add any mail ballots

The City Secretary announced that Item No. 36 was adopted on Tuesday and it was her understanding that it was not required today. Council Member Keller absent.

#### **HARRIS COUNTY – HOUSTON SPORTS AUTHORITY MATTERS**

37. ORDINANCE approving and authorizing the City of Houston to enter into a Sales and Use Tax Revenue Contribution Agreement, with a Professional Football Non-Compete Clause binding the City included therein, with the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** and the **HARRIS COUNTY SPORTS & CONVENTION**

**CORPORATION**, for and in connection with a new Football/Rodeo Stadium and related infrastructure had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent.

- 37a. ADOPT a motion approving the Harris County-Houston Sports Authority's issuance of bonds and obligations of which proceeds will be used for any of the costs of financing, developing and constructing of a Football/Rodeo Stadium and related infrastructure had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Keller absent.

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

**ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$886,935.57 and acceptance of work on contract with **J. GREGORY CONSTRUCTION, INC** for ADA Renovations of Hillendahl and Collier Branch Libraries, GFS E-0055-01-3 and E-0014-01-3 - 19.05% over the original contract amount - Public Library Consolidated Construction and General Improvements Consolidated Construction Funds **DISTRICT A - TATRO** - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1399 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,054,277.98 and acceptance of work on contract with **C & C SERVICES** for Construction of the Water Line Replacement in Langwood Section Two and Wilson Court Subdivision, GFS S-0472-0103 (10419) - 13.30% under the original contract amount Enterprise Fund - **DISTRICT A - TATRO** - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1400 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,189,770.57 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of 24-inch Water Line along Hillcroft, GFS S-0700-01-3 (10447-1) - 02.56% over the original contract amount - Enterprise Fund - **DISTRICT D - BONEY** - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1401 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**



**LOW BIDS**

12. **BOWLING BICYCLES, INC** for Bicycle Replacement Parts for the Police and Fire Departments \$65,000.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1402 ADOPTED.

**OTHER**

14. ORDINANCE appropriating \$350,000.00 out of Convention & Entertainment Expansion Fund, transferring such funds to the Special Non-Recurring Projects Fund, appropriating \$350,000.00 from the Special Non-Recurring Projects Fund for Expenses relating to the Relocation of Fire Station One - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-996 ADOPTED.
- 14a. **AVAYA COMMUNICATIONS, INC** (formerly Lucent Technologies) for Telecommunication equipment, software and services for Fire Department - \$126,525.00 - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1403 ADOPTED.
15. **ADDISON PROMOTIONS** for Service Award Pins for Human Resources Department \$54,453.50 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1404 ADOPTED.
17. **AMEND MOTION #2000-637, 5/17/00, TO INCREASE** spending authority by \$8,024.63 from \$32,098.50 to \$40,123.13 for Gel Cell Batteries for Department of Public Works & Engineering, awarded to **GLOBE ELECTRIC COMPANY** - METRO Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1405 ADOPTED.
18. **MARTIN MARIETTA MATERIALS** for Paving Mixture for Department of Public Works & Engineering - \$647,123.40 - METRO Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1406 ADOPTED.

19. **GREENSPPOINT DODGE OF HOUSTON, INC** for Auto, Chrysler Dodge OEM Replacement Parts and Repair Contract for Various Departments - \$1,206,250.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro, and was tagged by Council Member Quan. Council Member Keller absent.

## **ORDINANCES**

20. ORDINANCE consenting to the creation of **FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 1** to include certain territory within the extraterritorial jurisdiction of the City of Houston; providing for severability; containing a repealer - was presented.

Council Member Goldberg stated that he wanted to recognize Mr. Howard Katz who was the one who put in the hard work to get the emergency services district on this item and also on Item No. 21 and had done it for a number of emergency service districts throughout the region. Council Member Keller absent.

A vote was called on Item No. 20. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-997 ADOPTED.

24. ORDINANCE approving and authorizing fifth contract amendment between the City of Houston and **GANO, INC (GULFTON AREA NEIGHBORHOOD ORGANIZATION, INC)** to provide for an extension of such contract and additional funding in the amount of \$51,000.00 for the administration of a Day Labor Site Program - Grant Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-998 ADOPTED.

26. ORDINANCE approving and authorizing consent agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY** relating to construction of a Light Rail Transit System within certain City streets – was presented and tagged by Council Member Parker. Council Member Keller absent.

Council Member Todd stated that he had circulated a motion in writing at the table at the outset of the Council meeting and would like to read it into record, that it was a motion to refer Agenda Item No. 26 to the Traffic, Infrastructure and Technology Committee for committee public hearings and due consideration, that he understood that a tag had been made but would like to get the motion on the table for purposes of the agenda item. Council Member Keller absent.

Mayor Brown stated that Council Member Todd had submitted a written amendment that they refer it back to the committee but the matter had been tagged. Council Member Keller absent.

Council Member Sanchez asked if the item had been tagged could they offer amendments, could Council Member Parker remove her tag to offer amendments. Council Member Keller absent.

Mr. Bibler stated that it did not appear to him to be in the nature of an amendment, that he thought it was a procedural motion that asked that it be referred back to a committee, and Council Member Todd stated that it was a procedural motion. Council Member Keller absent.

Mayor Brown stated that the matter had been tagged. Council Member Keller absent.

Council Member Ellis stated that he had passed out an amendment to the item that basically read exactly as the item that had been placed on the agenda other than the fact that they change it to only after a referendum was called and placed on the ballot for a vote, that he understood that there was a tag at this time and stated that he would ask Council Member Parker to release her tag so that he could offer his motion and then she could tag both of them. Council Member Keller absent.

Council Member Parker stated that she would release her tag only for Council Member Ellis's motion so that they could send them both for full discussion next week.

Council Member Ellis offered a motion to amend Item No. 26a to provide the following:

An ordinance to be passed approving a consent agreement between the City and Metro authorizing the construction and operation of a light rail system within the public street rights-of-way of the City along Main, Fannin, San Jacinto and other streets, as set forth in such agreement only after a referendum is called and placed on the ballot for a vote.

Seconded by Council Member Sanchez, and Council Member Parker tagged the motion to amend Item No. 26 and Item No. 26. Council Member Keller absent.

30. ORDINANCE appropriating \$30,144.76 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **DOMINION COMMUNITY DEVELOPMENT CORPORATION** for construction of Water and Sanitary Sewer Lines in Dominion Estates Section One, CIP S-0800-23-3 and R-0800-29-3 - **DISTRICT A - TATRO** – was presented, and tagged by Council Members Tatros, Parker and Sanchez. Council Member Keller absent.
31. ORDINANCE appropriating \$25,436.32 out of Street & Bridge Consolidated Construction Fund, (Fund), and approving and authorizing compromise and settlement agreement between the City of Houston and **HERCULES ENGINEERING AND TESTING SERVICES, INC** to settle a claim arising out of activities financed by the Fund - **DISTRICTS B - GALLOWAY; E - TODD; H - VASQUEZ and I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-999 ADOPTED.
33. ORDINANCE awarding construction contract to **INFRASTRUCTURE SERVICES, INC** for Installation of Speed Humps - \$375,580.00 - METRO Fund - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council

Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-1000 ADOPTED.

34. ORDINANCE No. 2000-907, passed first reading October 18, 2000  
ORDINANCE annexing to the City of Houston, Texas for Limited purposes all of the area in **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such area; imposing the sales tax of the City of Houston, Texas in such area; providing an effective date; and providing for severability - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-907 ADOPTED. SECOND READING IN FULL

**MATTERS HELD** - NUMBERS 38 through 45

38. ORDINANCE appropriating \$594,000.00 out of METRO Special Fund, awarding contract to **FERGUSON CONTRACTORS, LTD** on low bid of \$494,361.25 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$24,500.00 for Neighborhoods to Standard Tier VII - Meyerland Subdivision, GFS N-1037-14-3 (OL2014); providing funding for construction management and contingencies relating to construction of facilities financed by the METRO Special Fund - **DISTRICT C - GOLDBERG** – **(This was Item 58 on Agenda of November 1, 2000, POSTPONED BY MOTION #2000-1356, 11/1/00)** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. ORDINANCE 2000-1001 ADOPTED.
39. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration to award to **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 – **(This was Item 17 on Agenda of November 8, 2000, TAGGED BY COUNCIL MEMBER QUAN)** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1407 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City and **KPMG CONSULTING, L.L.C.** for Texas Electronic Framework Standard Service Level Agreement **(This was Item 34 on Agenda of November 8, 2000, TAGGED BY COUNCIL MEMBERS TATRO and GOLDBERG)** – was presented.

Council Member Bell moved to postpone Item No. 40 for one week, seconded by Council Member Tatro. Council Member Keller absent.

Mayor Brown stated there was someone from KPMG Consulting present. Council Member Keller absent.

Council Member Sanchez moved to suspend the rules to hear from a representative of KPMG Consulting, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent. MOTION 2000-1408 ADOPTED.

The representative of KPMG appeared and stated that KPMG was the project director for the State of Texas for the project he called Texas On Line, that Texas On Line came into being through the last Legislative session through Senate Bill 974 to create a comprehensive infrastructure for all State agencies and local governments to utilize to provide E government services to the citizens of Texas, that the State legislature looked at two issues as far as why the State would undertake creating such a project, (1) the inefficiencies if all the State agencies and local governments tried to build a high volume transaction capability with all the security requirements, redundancy and high availability requirements, and (2) that the small agencies and local governments in Texas did not have the funds or investing capabilities to provide the service, so the State undertook a project to build one infrastructure in which all State agencies on a voluntary basis and local governments could utilize in which to conduct whatever E government services they desired to put on it, that in essence the infrastructure provided that had been built by the State created a secure channel to the internet and did not take away any of the choices or decisions by the local governments as far as what government services were provided to their citizens or how they were conducted, that he would be glad to answer any questions as far as the process the State went through, the bid process, that it was a long process and took about 9 months, that there were 12 bidders to the project statewide and they were fortunate enough to win, that contract negotiations with the State took 3 months and they started the project in May 2000. Council Member Keller absent.

Upon questions by Council Member Bell, the representative stated there were 12 consortiums of companies, that their contract went through August with five 1 year options after that, that there was no guarantee after August, and Council Member Bell asked if they were the only bidder on the project, and the representative stated that the contract they had with the State fell under the Department of Information Resources, and the Department of Information Resources was the chief information technology department for the State and they had created a number of master contracts, about 200 or 300 master contracts, from a technology standpoint in which State agencies and local governments could buy off the contracts, that the City of Houston had entered into an interlocal agreement to access that State contract and then the agreement they see today was the terms and conditions as far as how they would provide services under that State contract for the City, so what they had done was accessed a contract where KPMG was the selected bidder through an open bid process through the State, that they were not the only company that was capable of providing the services that they were contracting for under the agenda item, that there were competitors in the market place, and Council Member Bell stated that none of them were contacted even to see what their price might have been for the same service. Council Member Keller absent.

Ms. Cheryl Dotson stated that Council had a memo in front of them that spoke to some of the issues that Council Member Bell was raising, that what was attached to the memo was an interlocal agreement with the State of Texas Department of Information Resources, that they as many other of Texas governmental entities were taking advantage of their foresight in

having provided a contract vehicle for Houston to use, if they were to go through bids and things of that nature it would probably delay them another year or so and probably be more costly, because frankly they were piggy backing on the State of Texas, so they executed an agreement with the State and were in essence on the agenda item simply agreeing to a service level with KPMG, but they had in essence contracted with the State to obtain their agent. Council Members Galloway and Keller absent.

Council Member Bell stated that he appreciated that, but all he would like was one week to verify that it was the most prudent course of action for the City, that he was under the original understanding that KPMG was the only company in a position to provide the services they were seeking and it came to him rather late that there were competitors in the field that might have been in the position to offer a better price, and Ms. Dotson stated that there was no price associated with it for the City and wanted to make sure that part was clear, that they were basically doing a public private partnership where they were investing their own resources, and since they had made a substantial multimillion dollar investment for the State they were able to take advantage of some of the infrastructure that they had already built. Council Members Galloway and Keller absent.

Upon questions by Council Member Goldberg, the representative stated there were 12 respondents to the bid process to the State, that the initial term was for the contract to expire at the end of August and there were five 1 year options, that if the State does not renew they can take it over themselves or replace KPMG with another vendor, that also in the agreement if the State decided not to go forward with the project the City had the option to go forward and then KPMG would still be required to provide the service level with the City on the option years as well, but just because the State would discontinue the project or decided to do something else the City and every agency or local government could elect on their own or make their own choice, and if the State does not renew the State had the opportunity to buy the software and application services at depreciated value and continue the service going forward just as the City of Houston would have that choice as well, and Council Member Goldberg stated that there was always a cost attached and it would be to the citizens of Houston and asked if that would be in the form of convenience or service fees and would be something that the City Council would decide on, and the representative stated yes, that was correct and Council Member Goldberg stated that they were also looking at it for E procurement and with E procurement that would be something that the City of Houston would use and asked if there would be a cost to the City of Houston for using that, and the representative stated that generally in self funded models across the Country the vendor using the system was charged a fee and that again would be something that City Council would set and decide on as well, that in any of the services that were provided when the user brought it up on his screen at home or at his business the fee was prominently displayed and they had the choice to go forward or not, that it was voluntary from the standpoint of the usage of the end user as well, and Council Member Goldberg stated that as far as E procurement what he was saying was that the cost would be born by the vendors and not by the City of Houston, and the representative stated yes, that was the choice of the City, that in other self funded models across the Country that was how it was being paid for. Council Members Todd and Keller absent.

Council Member Parker stated that she realized their contract with the State was 1 year and five 1 year options after that and asked if the City's contract with KPMG would be structured similarly and Ms. Dotson stated that they had structured the contract to expire in 2003 because they were just beginning the project and her concern was the limitation on that



contract increasing the convenience fees, that obviously KPMG was in business to recoup their investment and make money and the shorter the term the less likely they would have low convenience fees, and Council Member Parker asked if the convenience fees were still to be negotiated and were not establishing them here, and Ms. Dotson stated that was correct, and Council Member Parker stated she understood that other cities and counties around the State were considering the same option and asked if there were any others in the area, and the KPMG representative stated that Harris County had just brought up vehicle registration, they were the pilot local government, and then Brazoria and Lubbock County's had just gone on board with vehicle registration. Council Members Todd and Keller absent.

Council Member Quan stated that the representative had talked about the convenience fees and asked if they were not set by the State contract were they set locally by Council with KPMG and he stated yes, that was correct, that in the interlocal agreement the State says that it was all within the purview of the local government to set their own convenience rates and control the contract on the portal, and Council Member Quan asked if they adopted the contract at present would they enter negotiations with KPMG regarding the fees or would it be brought back to Council, and Ms. Dotson stated that they would be bringing it back to Council, that in 60 to 90 days they should have enough information to bring it back and have some discussions with Council about what those fees should be, and Council Member Quan asked what charges were they looking at and the representative stated that the three initial areas that the City asked them to look at was utility payment on line, parking and traffic tickets payment on line and E procurement service on line, and Council Member Quan asked that by approving this they had not set a fee or given the administration the authority to set a fee that all had to come back to Council for consideration, and the representative stated that was correct, and the investment that KPMG was going to make, in addition to that, was they would build, under Council's direction, the portal system for the City to utilize, that a portal was different from a website, that it handled information that was private information for the citizens and businesses such as credit card or bank account information or even private health information, whatever they might decide to provide the citizens, so there was a higher level of security required and KPMG in conjunction with the State would build the City's portal system and capabilities, provide the security to their specs for it and maintain and manage that as well, that they also looked at providing a number of services that the City should be providing over the internet, that it was all included in the contract. Council Members Todd and Keller absent.

Council Member Tatro stated that on a business proposition he did not see a lot of water sewer user fees being recouped as a convenience fee, especially since they were made on a monthly basis, he did not know where they were going to get a payback there, that he did not necessarily have a problem instituting user fee for the convenience but they had no ranges or track record of how it was being put in other municipalities, what were the paybacks and revenues that they were going to get because it was going to effect their bottom line, that the competition question also concerned him, and when he heard that they were going to be hosting the portal he was wondering that yes they had it before them but was it not going to split their IT providers, were they going to be moving all of their IT infrastructure over to them because the City could not handle the capacity at this point and time and so would they find it cheaper in the long run to simply give it all to KPMG or go to a third party, that was a question that really had not been answered and a proprietary issue of them retaining the City's data, that he had concerns about the payback to KPMG and the business transaction, that there was going to be a need for IT work at the City and did it mean that KPMG would then receive those contracts on a consulting basis because they were familiar with the process or were

they going to give that to a third party, that those were the questions that he wanted them to meet with him on and the IT personnel to find out the nuts and bolts of how they were going to take this step but what tomorrow and next week held also, and the representative stated that he looked forward to meeting with him and addressing some of his questions, that what they would bring to them, when they were bringing to Council convenience fees to review and approve, was examples of what other cities and municipalities across the Country were doing for convenience fees, what the charges were and the adoption rate to the public, that what drives the whole business model was the adoption rate of the public, that they could have a great convenience fee and a great service but if no one was using it they were not going to be generating revenue, that they did not want the convenience fee to be a hindrance to the use of internet service, but then they did want it to be able to recover the cost to make the project viable; that their contract with the State only allowed them to do work that was related to the internet and therefore they would never move, under this contract, the IT infrastructure out to the State's facility. Council Members Todd and Keller absent.

Upon questions by Council Member Goldberg, the representative stated that the convenience of accessing their statements over the internet and reviewing it over the internet, making a choice of payment between credit card, electronic checking or debit card those were higher level of services as opposed to the way they were able to achieve it now, and again it was a choice of the citizen whether they did it or not, that the City would always have the purview over the convenience fee charge therefore managing the recovery of costs and the provident level that they would have, that the City would participate in the revenue as well. Council Members Todd, Keller and Quan absent.

A vote was called on Council Member Bell's motion to postpone Item No. 40 for one week. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Keller and Quan absent. MOTION 2000-1409 ADOPTED.

41. 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 – (This was Item 40 on Agenda of November 8, 2000, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Keller and Quan absent. ORDINANCE 2000-1002 ADOPTED.
42. 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 – **(This was**

**Item 43 on Agenda of November 8, 2000, TAGGED BY COUNCIL MEMBER GALLOWAY**) - was presented. Council Members Parker and Tatro voting no, balance voting aye. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Keller and Quan absent. ORDINANCE 2000-1003 ADOPTED.

43. 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 47 on Agenda of November 8, 2000, POSTPONED BY MOTION #2000-1380)** - was presented.

Council Member Sanchez stated that he had grabbed with these items for a number of weeks and there were a number of issues that were troubling, that the first issue had to do with change orders and the manner in which change orders had been routinely approved by departments without Council's approval, and the second issue was using money from one project and expending it on a totally unrelated project without securing bids or without Council approval, and the third issue was an opinion that was issued by the Legal Department that set them on a very slippery slope for future business activities, that ever since he had been talking about change orders being approved by departments and not coming to City Council, members of the administration and the press had written about it, that in January 26, 1998 after an audit of the Public Works Department, Buddy Barnes responded in a memo saying that future change orders which could be outside the scope would be addressed as emergency bid contracts, that on April 28, 1998 after issues were raised about change orders, the Houston Chronicle said if the taxpayers money could be sloshed from one job and department to another without City Council's approval then there was little point in having Council approve each contract, if the Public Works Department could pay contractors more money for a job than City Council had approved then the City Council had lost all meaningful oversight over the expenditures of tax dollars, that aggravating matters was the nonchalance that seemed to inhabit some quarters of City Hall, that a senior attorney in the City's Legal Department, to whom calls regarding the waste water audits were routed, said she could not say whether it was proper for Public Works officials to take money approved for one contractor and give it to another contractor on an unrelated project, if the practice was not proper than the City's Legal Department should know it and the Public Works Department should stop doing it without waiting for a lengthy bureaucratic review, if the practice was allowed then the City Council needs to forbid it on its first opportunity, that on January 20, 1999 Mayor Brown issued a memo, the subject was unauthorized expenditures, in which he said that it was extremely important that all City employees understand that he would not tolerate expenditures of funds without needed prior approval by the administration and the City Council, that after all the editorials, memo's and policy changes they were faced today with again being asked to approve close to a million dollars of money that had already been expended by the departments and they were being asked to rubber stamp the change orders, that there was some question as to whether or not the change orders were approved prior to the Mayor's memo, that he did not want to punish the contractor that had in good faith performed according to the original contract therefore he would submit to them the following motion.

Council Member Sanchez moved to amend Item No. 43 and 43A, that Item No. 43 dealing with the change order, the \$325,000 be referred back to the administration, and that Item No. 43A be approved by the City Council minus the \$325,000, seconded by Council Member Tatro. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Member Keller absent.

Council Member Sanchez stated that he would do the same with Item No. 44 and would ask the administration, at some point and time, to bring these change orders forward along with an ordinance that dealt with the issues they had been trying to preclude over the course of the last couple of years. Council Member Keller absent.

Mayor Brown asked the City Attorney to respond, and stated that he gathered that they owed those people some money, that what Council Member Sanchez was referring to was dated February 1998, and asked for the date of his memorandum because there was almost a years difference there. Council Member Keller absent.

Mr. Hall stated that Council Member Sanchez had raised several issues that he had before spoken to Council about, that there was the legal question about whether or not change orders were in fact authorized at all, that they had indicated that there was a change order limitation in the statutes that provided that even if money was appropriated the change orders could not be approve in excess, upward or downward, of 25% of the original contract amount, that was State law, that he raised a question of whether or not one could order a change order or work for items that were not specifically delineated in the scope of the original contract, that with the aforementioned limitation they argued that there was no prohibition in the law that precluded for instance money being spent on a street that was not the original street as long as it was for the same products bid on, that it did not violate the law, that they further advised that they had issued a directive to Public Works, Mr. Rolan spoke to that last week, that indicated that no longer could that be allowed, that they could not spend money outside of the scope of the original contract, though State law did not prescribe that, that Mr. Rolan could talk to them about the specific facts of the situation and had explained all of those to Council Member Sanchez with the dates indicated, that he would also argue that Council needed to be very careful, that contract administration was not so fine that they could actually conduct the kind of projects they had in an orderly fashion without some authority on the part of the administrator of the contract to address unforeseen circumstances, that the balance that Council Member Sanchez seeks could be a hindrance to the City's ability to do business in an orderly fashion, if in fact they did not have some latitude, that the present restriction was 5% without coming to Council and it seemed to him reasonable, that it had been addressed in a number of different ways and Council had spoken to it before in the way of contingency amounts allowed and those kinds of questions, but there needed to be some ability to be able to deal with the unknown and thought that anybody involved with construction would recognize that it was very difficult to precisely measure all of the kinds of things that they run into and the kind of contracts that they let. Council Member Keller absent. Council Member Keller absent.

Upon further discussion by Council, Council Member Sanchez stated that Mayor Brown had indicated that the change orders were authorized sometime prior to his letter, that he could only go by the signatures on the backup material. Council Member Keller absent.

Council Member Bell asked if State law allowed money to be taken from one project and spent on another in certain instances, and Mr. Hall stated yes, that obviously the issue that

was to be addressed was generally confined to what was ordered in the contract, that Council Member Sanchez specifically asked if they could spend money from one street project on another street project in another part of town and the answer was yes, under State law, that under the policy set forth by this administration they had said that they could not do that anymore, they could not spend money outside the scope of the contract as it was specifically defined. Council Member Keller absent.

Council Member Sanchez stated that he in no way wanted to limit the departments ability to authorize change orders within the amount of money that Council had appropriated for the project, that they were trying to codify it and tighten it, that State law said 25%, but Council had routinely offered 5% or 10%, that he could not imagine anyone not wanting to get it behind them and have a policy that everybody could understand, that it was a benefit to the department. Council Member Keller absent.

Mayor Brown stated that he would ask Mr. Rolan to respond because as they pointed out to Council Member Sanchez, there was some confusion in the papers, dates and all the things he was talking about, that he was mixing things up thus confusing the issue. Council Member Keller absent.

Mr. Rolan stated that as he indicated when he was before Council on this earlier, these were some old projects and they went about the business of trying to close out the old projects, that these two projects, in both case, the work that was the subject of the respective change orders that were before Council today was completed prior to January 1999, some in 1997 and 1998, that the problem and reason for delay was multifold, that (1) whenever they had a construction project, especially in terms of roadways, when the project was complete they did coring and final surveying and at that point and time they get an accurate and final estimate of exactly what was installed, that in one of these the coring came out a little bit more, that if it was more than 5% they paid them for it, and then the final survey on the job gave them a handle of exactly what was there, that the problem was due to the fact that the contractor was in the process of downsizing and phasing out of doing this kind of work so the document actually took longer to come to fruition than they normally would, the dates that were on the change order that was signed was when the contractor and the City finally agreed to the contents of that change order, but the work had been done prior to January 1999, that if they looked at them an awful lot of those were what they called final or close out, in other words whenever they were finalizing the project and doing final estimated quantities. Council Member Keller absent.

Council Member Sanchez stated that just underscored the point that they needed an ordinance to settle the matter once and for all, that what he had offered today was a very reasonable compromise, to pay the contractor for the bulk of the work and send the two change orders back to the administration, that they sit down with the Legal Department and come up with a compromise and then bring it all back to Council for the minor amounts being asked to be approved today on the change orders. Council Member Goldberg absent.

Council Member Parker stated that what they had in front of them was a concept that she thought made sense and thought there was strong support around the Council table if they could be clear that they were not talking about change orders due to unforeseen circumstances they were talking about change orders that were outside the scope of the original contract for unrelated projects, that she had a problem with not paying a contractor who acted in good faith and did the work, that she would counter his proposal that they pull

out some of the money and give a partial payment to the contractor and say instead that they pay the contractor the full amount and request that the administration bring to the Fiscal Affairs Committee an ordinance which would narrow the ability of departments to spend outside the scope of the original project, which seemed to be his intent and asked Council Member Sanchez if he could support that motion. Council Members Goldberg and Keller absent.

Council Member Sanchez stated that he could with a pledge from the administration with a definitive time as to when they could see some action on that. Council Members Goldberg and Keller absent.

Mayor Brown stated they had no problem with doing that and the time would be contingent upon how fast the fiscal affairs committee could work on the issue. Council Member Goldberg absent.

Council Member Parker stated she was comfortable with the Mayor's support and appreciated the Mayor sending out the earlier memo stating that he would not tolerate this sort of thing in the future and knew that he had a strong commitment to it.

Mayor Brown stated that he thought everyone would agree that they had not seen many of those since they sent the memorandum because there were consequences of doing so and the issue was raised and there was about a year between the one Council Member Sanchez was talking about and the memorandum, that the one he referred to was signed about a month after he took office and they had addressed that since that time. Council Member Goldberg absent.

Council Member Galloway moved to call the question. Council Member Goldberg absent.

Council Member Todd stated that Council Member Galloway had called the question. Council Member Goldberg absent.

Mayor Brown requested that Council Member Galloway withdraw her motion to call the question, and Council Member Galloway stated she would withdraw her motion. Council Member Goldberg absent.

Council Member Sanchez stated that the Mayor had indicated that he would consult with the Legal Department to craft an ordinance that addressed this issue and would bring it back to City Council, that having his commitment was good enough and he would amend his motion to let the items go forward today with the administration's commitment to Council with the Legal Department and have an ordinance that precluded both change orders beyond the contingency and the appropriation of money from one project to another. Council Member Goldberg absent.

Mr. Hall stated that he thought that violated the posting requirement, that there was nothing on the agenda about that issue, that he had said publicly that he was going to bring the ordinance back, but there was no item on the agenda to do anything except pass the ordinance, and Council Member Sanchez stated that he did not mean to move and stated that he withdrew his original motion.



Council Member Todd asked Mr. Hall what was the effect, when there was a change order signed by the City, even if it was beyond the scope of what was in the original project, were they liable anyway, at least under the quanta merit theory, and Mr. Hall stated that he explained quanta merit to Council last week, that it raised two different questions altogether, that one was whether or not they were liable to pay the person who provided the services the fair value of the services that were provided, that the issues that Council Member Sanchez raised had to do with the propriety in one instance and secondly the legality of spending money outside the scope of the contract, that if the service was indeed requested by a person who had parent authority, the service was provided and accepted, they were liable for the fair value of that service, and Council Member Todd stated that perhaps that was one avenue for Council Member Sanchez to explore, the parent authority issue, that would meet with him on that and give him his thoughts on what exactly was the connotation was of that, but essentially the only person who could bind the City was the person who had parent authority and had the authority to obligate the City.

A vote was called on Item 43. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. ORDINANCE 2000-1004 ADOPTED.

- 43a. 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 47A on Agenda of November 8, 2000, POSTPONED BY MOTION #2000-1380)** – was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. MOTION 2000-1410 ADOPTED.
44. 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 November 8, 2000, POSTPONED BY MOTION #2000-1381)** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. ORDINANCE 2000-1005 ADOPTED.
- 44a. 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 November 8, 2000, POSTPONED BY MOTION #2000-1381**) – was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. MOTION 2000-1411 ADOPTED.

45. 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 50 on Agenda of November 8, 2000, POSTPONED BY MOTION #2000-1383**) – was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. MOTION 2000-1412 ADOPTED.

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

21. ORDINANCE granting the City's consent to the creation of **HARRIS COUNTY RURAL FIRE PREVENTION DISTRICT NO. 46** - was presented. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. ORDINANCE 2000-1006 ADOPTED.
37. ORDINANCE approving and authorizing the City of Houston to enter into a Sales and Use Tax Revenue Contribution Agreement, with a Professional Football Non-Compete Clause binding the City included therein, with the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** and the **HARRIS COUNTY SPORTS & CONVENTION CORPORATION**, for and in connection with a new Football/Rodeo Stadium and related infrastructure - was presented. Council Members Tatro and Goldberg voting no, balance voting aye. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. ORDINANCE 2000-1007 ADOPTED.
- 37a. ADOPT a motion approving the Harris County-Houston Sports Authority's issuance of bonds and obligations of which proceeds will be used for any of the costs of financing, developing and constructing of a Football/Rodeo Stadium and related infrastructure - was presented, moved by Council Member Galloway, seconded by Council Member Sanchez. Council Members Tatro and Goldberg voting no, balance voting aye. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. MOTION 2000-1413 ADOPTED.

Council Member Tatro stated that on Item No. 37 and 37A he wanted his no vote recorded and Council Member Goldberg stated he also wanted his no vote recorded. The City Secretary heard no objections and recorded their no votes.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Bell invited his colleagues tomorrow to his third annual birthday for a cure to raise money for the Houston Area Parkinson's Society, that the event was at Lucinda's in the Rice Village on Dunstan Street beginning at 5:30 p.m. and any size donation to the Houston Parkinson's Society would be greatly appreciated.

Council Member Bell stated that he received a call from a constituent earlier this week complaining about the service she had received from calling the Water Department customer service number, that the number was 713-371-1400, that she had stated that she had been trying to get some results from the Water Department for quite some time and she wanted some assistance with that but also to put him on notice of what it was like to try to get assistance from the customer service department and encouraged him to call the number and go through the experience, and Council Member Bell described his experience in calling the customer service number where it took 9 rings, 33 rings, 4rings and 13 rings before he was finally told that all agents were busy and that the estimated wait would be 2 minutes and 31 seconds, that they needed to keep in mind that when people were calling the customer service department of the Water Department they were probably usually not real happy, they were usually calling with some type of complaint and were probably a little bit angry to begin with, that when these type of situations were brought to their attention they owed it to their constituents to follow up and try to do something about it, that he would strongly encourage the Water Department to look into it and the way they were delivering customer service via the telephone and do something about it because it was simply unacceptable. Council Members Galloway, Todd and Parker absent.

Council Member Sanchez moved to suspend the rules to hear from Mr. Bob McNair, seconded by Council Member Keller. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson out of city on city business. Council Members Galloway, Todd and Parker absent. MOTION 2000-1414 ADOPTED.

Mr. McNair thanked the Mayor and Council and stated that some three years ago when they first embarked on the project he did not think that anyone would have envisioned that today they would have been here asking for their approval of the agreement with the Sports Authority and with all of the parties, that he was in the horse racing business also and could assure them it would have been a very long bet on the part of anyone at this point and time, that first of all he thanked them for all their support, but thought more importantly it was a tribute to their efforts and the efforts of everyone involved in the project, the City, County, Sports Authority, Rodeo and Metro, that it was as a result of all of those groups coming together that they were able to succeed where Los Angeles failed, because certainly Houston was the underdog and it was only as a result of having a united community that they were able to do it, that when they first started on it he thought he was probably committing \$300 million dollars, well the final number is \$900 million dollars, but he was not unhappy about it, others might be, but he was not unhappy about it because he thought it was that valuable to the community and thought that the fact that just a couple weeks ago they were able to ask the Mayor to present Council a resolution in support of the Super Bowl was tangible evidence of some of the good things that could flow from what they were doing and the impact of the Super Bowl was absolutely fantastic, and unless they had been involved in it they would really not appreciate the value to the community, that Houston would be in an international spotlight for a week to ten days, that there will be a hundred thousand people coming into the City, many of whom were decisions makers from all over the Country and some from outside the Country and the impact that it had in terms of the image that they

project to the rest of the world was just unbelievable, so he thanked them for supporting the efforts from the beginning and thanked them for supporting their efforts for the Super Bowl and thanked them for the supporting the efforts today. Council Members Todd and Parker absent.

Mayor Brown thanked Mr. McNair for bringing football back to Houston and thanked him for bringing the Super Bowl to the City as well. Council Members Todd and Parker absent.

Council Member Ellis stated that he wanted to give a little explanation to his amendment to the light rail proposal, that he had a lot of phone calls since it was written in the newspaper to ask him why he was anti rail, that was not the case at all, that it never had been, he had never said whether he was a proponent or opponent of the proposed Main Street Light Rail Program, that if the voters vote for it then he would back it 100%, that it was first sold as a tool to relieve traffic congestion and also a way to improve the quality of air, that they had come back and said they were not really sure it was going to relieve the traffic congestion, that it would improve the quality of air somewhat but primarily it was being sold as an economic development tool and that was fine if that was what the voters were voting on and they had a right to vote on it, that the process by which they were going right now was that this body had appointed 5 members of the majority of the Metro Board and they were making a decision to spend some \$300 million and deplete all of Metro's assets on an economic development tool, that he believed that the voters should be given the opportunity to hear every side and be allowed to vote. Council Member Todd absent.

Council Member Goldberg stated that he wanted to take the opportunity to praise one of the City of Houston employees who worked for Hobby Airport, Mr. Luis Ibarra, that Mr. Ibarra was a ten year employee for the City of Houston and basically saved the City of Houston a lot of money, that there were problems with the timers on the alarm doors, and there was a proposal put forth to design and install a variable timer for the airport and the bids came back at \$300 per unit for about 30 to 40 units, that Mr. Ibarra went out to a hardware store and designed, fabricated and installed his own version using parts they could get off the shelf at any hardware store and he saved the City of Houston \$10,000 and he wanted to congratulate Mr. Ibarra for that, that he did get an award of 10% of the savings, that he had gone to an award ceremony yesterday for Houston Airport System and Mr. Ibarra was congratulated at that time but he did not think enough of people in the City realized what he had done and it was also to encourage other City employees if there was a way to save the City of Houston money to do it and hopefully he would find out about and recognize them also. Council Member Todd absent.

Council Member Galloway stated that she wanted to talk about Spark Parks in celebration of the Spark Week and displayed a Spark Art Calendar that had been printed highlighting 12 Spark Parks, that one of the featured elementary schools was E.O. Smith that was located in her district, that she attended that park dedication last spring, that the AIM Foundation, a charitable arm of the Houston based AIM Management Group Inc. underwrote the cost of the calendar, that some of the local artists featured were Ms. Elena Wortham, Mr. Bert Long Jr., Mr. Paul Kittleson, Mr. Carter Ernst, and Ms. Marsha Dorsey Outlaw, that students from the school helped with the art and Spark had helped over 60 schools bring public art to their campuses. Council Member Todd absent.

Council Member Quan stated that he wanted to report on the bike lane meeting of last night that it was very successful and they had almost 300 people attend, that he wanted to acknowledge Public Works for their participation as well as the Police Department and also wanted to acknowledge Council Members Keller, Tatro, Parker and Goldberg for taking time to attend that meeting as well, that while he thought there had been a lot of misunderstanding and some hostility he thought the meeting did a lot to provide information and let people know what their ultimate plans were and that they had a voice in what went on with the bike lanes, so he thought it was a very successful meeting.

Council Member Quan stated that he wanted to mention that last Saturday there was a neighborhood cleanup in the Hiram Clarke at West Orem area and Ms. Vivian Harris and members of the super neighborhood there worked very hard and Council Member Parker also attended that as well and wanted to acknowledge the work of Clean Houston, the Solid Waste Department, Youth Council as well as the super neighborhood in that area.

Council Member Quan stated that he wanted to thank Council for approving Item No. 24 on the agenda which was funding for the Day Labor Site in southwest Houston, that he knew that Mr. Mike McMann in the audience who was the director of that program who did a lot to really provide a service to the community. Council Member Todd absent.

Council Member Tatro stated that he was caught sleeping at the agenda table and would like the record to reflect his no vote on Item No. 37 and 37A. Council Member Todd absent.

Council Member Tatro stated that he must have hit the phone number at a good time and did not have Council Member Bell's delay in getting through on a water leak issue, that he had the opportunity to report a water leak on the corner of International Drive and the I10 feeder road on the south side, that it had been going on for about a week and a half, that it was a significant leak and he had reported it, and Mayor Brown stated that they would have someone from Public Works take care of it. Council Member Todd absent.

Council Member Keller stated that Ashford Village was in the western part of his district and would like to compliment Mr. Nelson Marsh and his crew of Public Works who responded in a matter of days and completed the construction job of a huge horrible hump on Briarforest and hoped that Mr. Rolen and some of his superiors were taking record, and not only that but they were extremely constituent friendly.

Council Member Keller stated that they had been fortunate enough with one of their blessed City elders, Ms. Eleanor Tinsley, to have dedicated eight Spark Parks this week, two of which had been in his district, that he had attended on at Askew Elementary over the weekend and that community raised over \$50,000, that they might want to take note that they did it with a raffle, a spaghetti supper, silent auction and a street dance, that Spark now had 141 schools in 6 school districts. Council Member Todd absent.

Council Member Keller stated that in the meeting last night one thing that did come up by one of the people there was that there was a book on the internet about the City's liability in these bike accidents and he used a number that it averaged \$4.5 million per accident on the bike lanes that they had and he hoped that they take special note to note that I10 was going to be widened and be under construction for 6 years which would displace a volume of traffic to the major spinal cords of that district being Memorial and Briarforest and with the increased attendance of students in that area he was concerned with the co-op use of a bus and bike lane in front of elementary and high schools, and hoped that they would look into it. Council Member Todd absent.

Council Member Sanchez stated that he wanted to thank his colleagues that brought the cycling issue to the forum, that the community forum highlighted some of the difficulty that the cyclists encountered everyday, that there were a number of individuals whose resolution to the problem was get the cyclists off the street, that they had no business on the street, and he reminded them that cycles had as much right to the road as an automobile, truck or bus, that it was illegal for them to ride on sidewalks. Council Member Todd absent.

Council Member Parker stated that while several Council Members were listed as cosponsoring that public forum on cycling last night it was actually Council Member Quan's office who did all the leg work and put it together and did appreciate all the hard work. Council Member Todd absent.

Council Member Parker stated that for those people who might have missed yesterday's announcement of National Adoption Month she wanted to repeat the information about this weekend's adoption fair at the Depelchin Children Center parking lot at 3214 Austin Street, which was in the Midtown Binz area, from 11:00 a.m. to 3:00 a.m. and anyone who thought that they might be interested in the adoption option could come by, that it would be a great opportunity for kids, that there would be a lot of activities for kids, that they should bring their families and consider being part of Adopt 2000. Council Member Todd absent.

There being no further business before Council, the City Council adjourned at 10:34 a.m. upon MOTION by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent on personal business. Council Members Vasquez, Castillo and Robinson 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

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Anna Russell, City Secretary