

City Council Chamber, City Hall, Wednesday, November 21, 2000

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, November 21, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Cheryl Dotson, Chief of Staff, Mayors Office, Mr. Al Haines, Chief Administrative Officer, Mayor's Office,; Mr. Richard Cantu, Director, Mayor Citizens Assistance Office, Ms. Debra Dillard, Mayor Citizens Assistance Office; Ms. Martha Stein, Agenda Director.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Keller led everyone in the prayer and pledge of allegiance. Council Members Vasquez and Castillo absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Vasquez and Castillo absent.

Council Members Sanchez and Robinson moved that the minutes of the preceding meeting be adopted. Council Members Vasquez and Castillo absent.

MAYOR'S REPORT

MISCELLANEOUS - NUMBERS 2 through 2A

2. RECOMMENDATION from Director Parks & Recreation Department for approval of an increase in the green fees at Sharpstown, Glenbrook, Melrose, Gus Wortham and Brock Golf Courses 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 Vasquez absent.
- 2a. ORDINANCE approving and authorizing contract amendments between the City and **MEMORIAL GOLF, INC, REED GOLF CORPORATION, and LOPEZ MANAGEMENT GROUP** for Green Fee increases at Melrose, Gus Wortham and Glenbrook Golf Courses 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 Vasquez absent.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A99-13, located at 10157 Long Point Road, owned by Fix A Corp., a Texas corporation, Tony Proud, President, for the **CONRAD SAUER STREET IMPROVEMENT PROJECT from Old Katy Road to Long Point Road**, CIP N-0549B-00-1 - \$8,307.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT A – TATRO** – was presented, moved by Council Member Sanchez, seconded by Council

Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-1415 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 and 7A

7. ORDINANCE appropriating \$21,695.00 out of Fire Consolidated Construction Fund for payment of Asbestos and Lead Abatement and Air Monitoring Inspection Services for Fire Department, CIP C-0116 – was presented All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2000-1008 ADOPTED.
- 7a. **HAL, INC** - \$14,995.00 and **ENVIRONMENTAL CONSULTING SERVICES, INC** - \$6,700.00 for Emergency Asbestos Abatement and Air Monitoring Inspection Services for Fire Department – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-1416 ADOPTED.

ORDINANCES - NUMBERS 17 through 18

11. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON PARTNERSHIP** for Marketing and Promotional Support; providing a maximum contract amount 2 Years - \$1,890,000.00 - General and Enterprise Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
15. ORDINANCE approving and authorizing contract between the City and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for purchase of Employee Transit Passes 1 Year - \$715,851.00 - General, Grant, Enterprise and Other Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
17. ORDINANCE approving and authorizing sponsorship agreement between the City and **CHENEVERT HOMEOWNERS ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 8 Months - \$1,536.00 - **DISTRICT I - CASTILLO** – was presented All voting aye. Nays none. ORDINANCE 2000-1009 ADOPTED.
18. ORDINANCE approving and authorizing sponsorship agreement between the City and **WOODWAY PLACE TOWNHOMES HOMEOWNERS ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 8 Months - \$3,120.00 - **DISTRICT G - KELLER** – was presented All voting aye. Nays none. ORDINANCE 2000-1010 ADOPTED.
- 29a. ORDINANCE appropriating \$21,000,000.00 out of Consolidated 2000 AMT Construction Fund, CIP A-0203, \$300,000.00 out of Consolidated 2000 AMT Construction Fund, CIP A-0422 and \$12,000,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0203, and approving and authorizing amendment No. 1 to professional services contract between the City of Houston and **PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC** for Professional Architectural,

Engineering, Construction Management and Program Management Services in connection with the International Services Expansion Program at George Bush Intercontinental Airport/Houston, Project No. 500A - **DISTRICTS B - GALLOWAY and E - TODD** – had been pulled from the Agenda by the Administration, and was not considered.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of the following to the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY:**
 - Position One - **MR. PETER OXMAN**, to complete an unexpired term ending October 31, 2001
 - Position Two - **MS. SHERRY A. ATKINSON-LIVELY**, to a term ending October 31, 2002
 - Position Three - **MR. VINCE MARQUEZ**, to complete an unexpired term ending October 31, 2001- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-1417 ADOPTED.

3. ORDINANCE amending **CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Revenues and User Fees at Memorial, Brock and Sharpstown Park Golf Courses; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented All voting aye. Nays none. ORDINANCE 2000-1011 ADOPTED.

4. ORDINANCE appropriating \$151,753.01 out of Street & Bridge Consolidated Construction Fund as additional appropriation for construction of West Bellfort Improvements from Synott to Dairy Ashford under construction contract with **CONRAD CONSTRUCTION COMPANY, INC**, (Approved by Ordinance #99-624), GFS N-0466-01-3, S-0517-WB-3 and R-0018-96-3 (N-0466-01); providing funding for construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented.

Council Member Keller stated that he had done a pretty thorough perusal of the item and felt that the contractor had done a good job and was a good contractor even though the purchase of the concrete was a year ago they paid too much for it at that time; that he wanted to complement the Public Works Department right now because concrete cost more a year and a half ago than it did now, and now they were making up some ground because some people were paying \$2.50 and in some of the City projects they had going on they were paying \$2.25, and hoped that they continued to do that and be competitive in the purchase of the materials.

A vote was called on Item No. 4. All voting aye. Nays none. ORDINANCE 2000-1012 ADOPTED.

- 4a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$152,708.13 on contract with **CONRAD CONSTRUCTION CO., INC** for West Bellfort Improvements from Synott to Dairy Ashford, GFS N-0466-01-3, S-0517-WB-3, R-0018-96-3 (N-0466-01) - **DISTRICT F – ELLIS** - was presented, moved by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1418 ADOPTED.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of claim of **NATIONAL AMERICAN INSURANCE COMPANY as Subrogee of OLYMPIC DRYWALL COMPANY d/b/a BUILDERS GYPSUM SUPPLY COMPANY, INC** - \$17,822.69 - Property and Casualty Fund - was presented, moved by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-1419 ADOPTED.

ORDINANCES - NUMBERS 8 through 29C

8. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2000-787 by adding three (3) District Chief Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented and tagged by Council Member Tatro.
9. ORDINANCE approving and authorizing first amendment to lease agreement between **BNC SOUTH LOOP ASSOCIATES, L.P.**, as landlord, and the City of Houston, as tenant, for Space at 2636 South Loop West for use by Neighborhood Protection Division, Public Works & Engineering Department - \$23,253.75 (FY01) - General Fund - **DISTRICT C - GOLDBERG** – was presented All voting aye. Nays none. ORDINANCE 2000-1013 ADOPTED.
10. ORDINANCE approving and authorizing agreements terminating Tax Abatement Agreements between the City of Houston and HOUSTON WIRE AND CABLE COMPANY; SCHULZ U.S.A., INC and SCHULZ MANUFACTURING U.S.A., L.L.C.; THE PEP BOYS MANNY MOE & JACK OF DELAWARE, INC; and R. J. GALLAGHER COMPANY – was presented All voting aye. Nays none. ORDINANCE 2000-1014 ADOPTED.
12. ORDINANCE approving and authorizing contract between the City and **BREAD OF LIFE** for the provision of Community Outreach and Mobilization Services for Syphilis Elimination; providing a maximum contract amount - \$276,756.00 - Grant Fund – was presented, tagged by Council Members Goldberg and Parker. (**Note: Council Members Goldberg and Parker removed their tag later in the meeting.**)
13. ORDINANCE approving and authorizing contract between the City and **BUILDING LIVES OFFERING COMMUNITY KNOWLEDGE (BLOCK)** for the provision of HIV Health Education and Risk Reduction Services to Youth; providing a maximum contract amount - \$156,319.00 General Fund – was presented, tagged by Council

Members Goldberg and Parker. (**Note: Council Member Goldberg removed his tag later in the meeting.**)

Council Member Boney stated that he wanted to go back to Item No. 13, that he respected Council Member Goldberg's right to tag but just had a concern because they were in the midst of a raging epidemic and the organization had been in fact one of the better ones in terms of intervention and asked if there was anything that they could possibly provide Council Member Goldberg during Council, and Council Member Goldberg stated that they just got information on it yesterday and he had not had a chance to look at it, and Council Member Boney stated that someone from the Health Department would discuss it with him.

Council Member Boney stated that they were planning a major citywide conference on December 9, 2000 at the George R. Brown Convention Center on a training institute on HIV/AIDS intervention and prevention.

14. ORDINANCE approving and authorizing the City of Houston to enter into first amendment and modification agreement with **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide additional funding of \$112,890.00 for Single Room Occupancy (SRO) Housing Project located at 1414 Congress, to convert the maximum principal amount of the loan from a partial loan and partial grant to a performance based loan and to increase the term of the affordability period from fifteen to twenty years - Grant Fund - **DISTRICT I – CASTILLO** – was presented, and tagged by Council Members Quan, Bell, Parker and Goldberg.
16. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS A & M UNIVERSITY SYSTEM**, through its Texas Engineering Extension Service Emergency Services Training Institute for Fire-Fighting Training for the Houston Airport System \$33,600.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E - TODD** – was presented All voting aye. Nays none. ORDINANCE 2000-1015 ADOPTED.
19. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **ROBERT GRIEVE INTERNATIONAL, INC** - \$350,000.00 - Property and Casualty Fund – was presented All voting aye. Nays none. ORDINANCE 2000-1016 ADOPTED.
20. ORDINANCE approving and authorizing first amendment to contract between the City and **TEJAS MECHANICAL, INC** for Heating, Ventilation and Air Conditioning Services for Various Departments – was presented All voting aye. Nays none. ORDINANCE 2000-1017 ADOPTED.
21. ORDINANCE awarding contract to **SC HYDRAULICS, INC** for Repair and Maintenance of Aerial Devices and Bucket Trucks for Building Services and Public Works & Engineering Departments; providing a maximum contract amount - 3 Years with two one-year options - \$975,781.25 General, Enterprise and METRO Funds – was presented.

Council Member Tatro stated that he was going to tag the item and this week he wanted to know why the Parks Department was excluded or withdrew from this particular contract, and Mayor Brown stated that they were not excluded if that was the answer that he was looking for, and Council Member Tatro stated that they were told that they were and they did, and Ms. Stein stated that they came back, and Council Member Tatro stated he would not tag the item.

A vote was called on Item No. 21. All voting aye. Nays none. ORDINANCE 2000-1018 ADOPTED.

22. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **NOLTEX L.L.C.** - Through December 31, 2020 – Revenue – was presented.

Council Member Keller stated that his question with Item No. 22 was relative to Item No. 23 and No. 24 at the same time was if their rate was subject to change or were they locked in for the entire period of time, because they might need some flexibility due to acts of God or environmental restraints that could be placed upon them by federal government restraints which could cause the delivery to cost the City more.

Mr. Bibler stated that he would suggest that Council Member Keller delay the item and he would verify it but it was his understanding that they pay the rate established from time to time by City Council in the City Code, that the agreement was that they would take their water at the rate that Council sets from time to time per all similarly situated customers as specified in the City Code.

A vote was called on Item No. 21. All voting aye. Nays none. ORDINANCE 2000-1019 ADOPTED.

23. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **CALPINE CONSTRUCTION FINANCE COMPANY, L.P.** - Through December 31, 2020 – Revenue – was presented. All voting aye. Nays none. ORDINANCE 2000-1020 ADOPTED.
24. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **CHAMBERS ENERGY LIMITED PARTNERSHIP** - Through December 31, 2020 Revenue – was presented. All voting aye. Nays none. ORDINANCE 2000-1021 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION** and a contract between the City and the **WESTCHASE DISTRICT** for Landscape Cost Share Improvements on a portion of Beltway 8 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-1022 ADOPTED.

Council Member Keller stated that he wanted to compliment the Westchase District, that it had been a great asset to their district and set an example that Mr. Jim Murphy and the Westchase District had done and could do in other districts as far as doing dollar for dollar projects with TxDot and would encourage other district Council

Members to work with TxDot in that manner because TxDot was menial to donating dollar for dollar their matching funds for landscape improvements.

26. ORDINANCE appropriating \$244,800.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Design of Central Street Grade Separation at P.T.R.A and U.P. Railroad Tracks, GFS N-0676-01-2, under professional engineering services contract with **SYLVA ENGINEERING CORPORATION**, approved by Ordinance No. 98-1156; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-1023 ADOPTED.
27. ORDINANCE appropriating \$1,030,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for Project Closeout relating to the Greater Houston Wastewater Program; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, GFS R-0267-03-3 – was presented. All voting aye. Nays none. ORDINANCE 2000-1024 ADOPTED.
28. ORDINANCE appropriating \$89,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing second amendment to professional engineering services contract between the City of Houston and **COBOURN LINSEISEN & RATCLIFF, INC** for Design of West Fuqua Road from South Belt Drive to Campden Hill Road, CIP N-0489-01-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-1025 ADOPTED.
29. ORDINANCE approving the creation of three Houston Airport System Consolidated Construction Funds, the Consolidated 2000 AMT Construction Fund, the Consolidated 2001 AMT Construction Fund, and the Consolidated 2001 NON-AMT Construction Fund, authorizing the transfer of net appropriated balance from the Commercial Paper Funds, Series A and Series C, AMT to the new Consolidated 2000 AMT Construction Fund; authorizing all matters incident to such transfer – was presented.

Council Member Keller stated that he could not believe that something of this magnitude involving architectural, engineering, construction management and program management and nobody even called him or sent that over when basically that was what he spent 90% of his time on, that he was going to tag the item and hoped that someone would bring that in a constructive manor, and was also going to tag Item No. 29 B and 29C.

Council Member Parker asked if Council Member Keller was aware that the items were only creating funds and were not actually construction related items, and stated that perhaps they could visit with him during the meeting.

Council Member Keller stated that he was not aware of it and knew that it was a huge number and was involving things that he cared about and was surprised that no one came and explained it to him, that he did ask at the agenda briefing.

Council Member Castillo stated that he too had concerns about the item and they did not call him, that he had called Ms. Judy Johnson at the Controller's office and she called him right back and explained to him that this was creating a consolidated fund that would allow the City to more efficiently use the monies that were on hand so they would not have to track project bond issues and it would all be in a consolidated fund that would make all the money, whether commercial paper, AMT, bonds or non AMT funds and the fund was fungible so it would not matter that it was issued under an AMT issue but being used for non AMT purpose and this simply created the ability for the City to better manage its money and avoid paying any arbitrage fees on bonds that were not used on a timely basis, that it was not going to change next week or week after that.

Council Member Keller stated that he was going to remove his tag on Item No. 29 and hoped that Item 29A would be a priority to somebody and would call him today, and that he was going to remove his tag on Item 29B and 29C.

Mayor Brown stated that Council Member Keller removed his tag on Item No. 29.

Council Member Keller stated that he was going to keep his tag on Item No. 29B and wanted a meeting on Item 29A and 29C.

A vote was called on Item No. 29. All voting aye. Nays none. ORDINANCE 2000-1026 ADOPTED.

29b. ORDINANCE appropriating \$151,000.00 out of Airport System Consolidated 2000 AMT Construction Fund; approving and authorizing amendment No. 1 to the professional materials engineering Laboratory contract between the City of Houston and **STORK SOUTHWESTERN LABORATORIES** at George Bush Intercontinental Airport/Houston, Project 424A, CIP A-0091, A-0391 and A-0131 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Keller. All voting aye. Nays none. ORDINANCE 2000-1027 ADOPTED.

29c. ORDINANCE appropriating \$4,500,000.00 out of Consolidated 2000 AMT Construction Funds, CIP A-0184, \$22,964,048.00 out of Consolidated 2000 AMT Construction Funds, CIP A-0377, and \$5,000,000.00 out of Consolidated 2000 AMT Construction Funds, CIP A-0377, awarding construction contract to **CHAMPAGNE-WEBBER, INC, TEXAS** and approving and authorizing professional services contract for engineering testing services with **GEOTECH ENGINEERING AND TESTING** for Terminal "C" Southeast Ramp Upgrade and Widening at George Bush Intercontinental Airport/Houston (IAH), Project No. 554 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Keller and Tatro.

At 9:30 a.m. Mayor Brown stated that it was time to hear the public and that Council would continue with the Agenda once the speakers were heard and requested the City Secretary to call the speakers.

Council Member Goldberg moved to suspend the rules to call Ms. Elaine Gaskamp, Mr. James Myers, Ms. Anna Ziegler and Ms. Gail Baker out of order, and was seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2000-1420 ADOPTED.

Council Member Tatro moved to suspend the rules to group Ms. Marvalett Fentress, Mr. James Rasmus, Mr. Willie Dirden, Ms. Diane Frels, Mr. Howard Middleton, Rev. James McLaughlan, Rev. James Dixon and Mr. Joel D. Parker together and to be heard after Ms. Fentress, and was seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2000-1421 ADOPTED.

Mayor Brown stated that today there was a long list of speakers and he would point out that under Council Rules when all time was added and it exceeded 150 minutes then the one minute rule would be evoked so today speakers had one minute instead of three minutes.

Mr. Kevin Southwick, 1105 W. 13th, Houston, Texas 77008 (713-767-8840 had reserved time to speak, but was not present when his name was called Council Members Boney, Bell and Robinson absent.

Mr. Frank Blake, 1010 Peden #3, Houston, Texas 77006 (713-528-2896) appeared and spoke in favor of Item 34A and stated that he served as chair of the Houston Sierra Club and they believed Houston was now at a crucial crossroads and smart choices regarding future growth was needed; that transportation issues were a key and they believed it to be a mistake to think expanding freeways would solve the mobility and real transportation options were needed; that development of a rail would improve mobility, have better land use and cleaner air and would serve as a catalyst for economic revitalization; that the Sierra Club strongly supported light rail on Main Street and they thanked the Mayor and Council for finally bringing rail to Houston; that Dallas had demonstrated it could successfully be developed and years ago Houston voted to fund METRO with the sales tax and they expected to get rail transit system and now after years of delay it was time to act. Council Members Boney, Bell and Robinson absent.

Upon questions by Council Member Ellis, Mr. Blake stated that he felt this needed to be moved on; that Houston did have votes on it in the past and it had passed and they felt there was enormous support and with a starter line people would have a better understanding of what they would get and understand what was at stake. Council Members Boney, Castillo, Bell and Robinson absent.

Mayor Brown stated that he would follow-up on Council Member Ellis's questions; and upon questions, Mr. Blake stated that he was aware that before they could designate any other line for rail they needed to do a massive investment study which was done for the Main Street Rail. Council Members Boney, Castillo, Bell and Robinson absent.

Upon questions by Council Member Todd, Mr. Blake stated that they believed with construction of the line there would be trips made by people that would not be made by automobiles and what was most important about this project was that it would spur a lot of development within the corridor. Council Members Boney, Keller, Castillo and Robinson absent.

Mayor Brown stated that the Council Members time for questions had also been reduced to one minute under the Council one minute rule. Council Members Boney, Keller, Castillo and Robinson absent.

Upon questions by Council Member Quan, Mr. Blake stated that he was with the Sierra Club and they were responding to the major investment study which identified light rail as an option for the corridor; that they were not opposed to other options which were viable, but they did find this one acceptable. Council Members Boney, Keller, Castillo and Robinson absent.

Council Member Sanchez stated that there was a lot of interest in this issue and moved to suspend the rules to allow Council Members 5 minutes for questions, and was seconded by Council Member Todd. All voting aye. Nays none. Council Members Boney and Keller absent. MOTION 2000-1422 ADOPTED.

Council Member Goldberg moved to suspend the rules and bring to the top of the list Ms. Elaine Gaskamp, Mr. James Myers, Ms. Anna Ziegler and Ms. Gail Baker (speakers on Item 35) at this time, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Keller absent. MOTION 2000-1423 ADOPTED.

Ms. Elaine Gaskamp, 9315 Perersham, Houston, Texas 77031 (713-778-0525) appeared, presented information to Council Members and stated that she was president of the Glenshire Community Association and was asking for Council's assistance; that Mayor Brown had in his office petitions with over 900 signatures supporting her being present; that the Beltway 8 Motel owner was Mr. Griggs who had other establishments in the Houston area under the name of Tweety Diamond Inns; that Glenshire was a community built in the early 1970s and they were having property bought up along the Beltway 8 access road and they were asking for assistance to stop the construction. Council Members Boney and Keller absent.

Upon questions by Council Member Castillo, Council Member Goldberg stated that currently the project may meet the city criteria except for the distance of a motel from a neighborhood, but Ms. Gaskamp's concern was that all motels built by the development company became one hour "hot-sheet" motels and then the property around it deteriorated. Council Members Boney and Keller absent.

Upon questions by Council Member Parker, Ms. Gaskamp stated that the motel would face the Beltway. Council Member Parker stated that she had a series of meetings with the Planning Director to try and rewrite the hotel/motel ordinance to stop such motels, but even the proposed revisions would not have an affect on this motel because it was on a major freeway. Ms. Gaskamp stated that it was proposed the motel would be focussed on construction workers and truckers and those rigs would be a noise factor. Council Members Boney, Keller and Castillo absent.

Council Member Galloway stated that she understood Ms. Gaskamp's feelings on the motel but it seemed to be happening all over the city; that she knew about eight motels were built within an eight block radius on I-45 and with them being on the main thoroughfare they were allowed; that maybe they needed to restrict the quantity within a given geographical area and she would work with Council Member Parker on that. Council Members Boney, Keller and Castillo absent.

Council Member Robinson stated that he hoped to get support on designated truck routes and a prohibition on trucks within the city unless they were headquartered here

and that would limit the numbers of trucks. Council Members Boney, Keller and Castillo absent.

Mr. James Myers, 7171 Harwin, Houston, Texas 77036 (713-784-5560) appeared, presented information to Council Members and stated that he was president of Southwest Houston 2000 and he had two possible remedies on the motel situation, first when TxDOT built the sound wall it was built back from the beltway to give area in front commercialization, but only a 14 feet sound wall was built instead of the typical 20 feet wall and he would like to talk with TxDOT to heighten the wall; and Mr. Myers' time expired.

Upon questions by Council Member Quan, Mr. Myers stated that the owner Mr. Griggs had been very inaccessible to the community and he would like to see if they could have a general meeting so the Glenshire people could get his intentions; that his other motels were not built in areas where he had to contend with the community interest; that he walked out on a meeting with Council Member Goldberg and had not wanted to meet with the community at all. Council Member Quan stated that he would be glad to work with him on that. Council Members Galloway, Boney, Castillo, Bell and Robinson absent.

Council Member Tatro stated that they had several of such motels backup to neighborhoods and they had a developer actually change his configuration from a three to two story while working with the community and he hoped Council Member Goldberg would continue to try and work with him. Council Members Galloway, Boney, Todd, Parker and Robinson absent.

Upon questions by Council Member Keller, Mr. Myers stated that the developer's name was Robert Griggs and the hotel was being named Beltway 8 Motel. Council Member Keller stated that he was also willing to facilitate a meeting with him and someone from TxDOT and would also call Mr. Griggs. Council Members Galloway, Boney, Todd, Parker and Robinson absent.

Ms. Anna Ziegler, 9342 Stanwood, Houston, Texas 77031 (713-777-3538) appeared and stated that she was vice president of Glenshire Community Association and Mr. Dave Roberson the president of Super Neighborhoods 36 was out of town or he would be present also in opposition to the motel, but the integrity of their neighborhood was at stake; that Glenshire was a quiet old neighborhood and the motel was of great concern to the neighborhood and the noise level of the semis was also a concern. Council Members Galloway, Boney, Todd, Parker and Robinson absent.

Ms. Gail Baker, 7602 Belrey Lane, Houston, Texas 77071 (713-981-6660) appeared and stated that she was a research, writer and editor living and working in the Maplewood West Subdivision and was speaking on behalf of the business alliance chair Ms. Jean Keagler who was unable to attend; that their alliance was established about three years ago and was an organization of approximately 60 business persons and others in the Fondren Southwest Community to nurture local business establishments, but Mr. Griggs property proposal fell under the undesirable category and since he was unwilling to meet with them and was continuing without any regard for those in the area he was certainly not a good addition to the area. Council Members Galloway, Boney, Todd, Keller and Robinson absent.

Ms. Marvalett Fentress, 1102 Pinemont, Houston, Texas 77018 (713-957-2789) appeared and stated that she was the project director for the Dominion Community Development Corporation and the Dominion Estates Project; that Dominion Estates was an 83 unit model residential planned community in Northwest Houston with 39 single family homes and 44 townhomes and it would be a wonderful development and one very much worthy of Council's support; that they were committed to increasing affordable housing in Houston and increasing homeownership and urged Council's support for Dominion Estates and other projects they would be bringing forth; that all financing had been secured and they were waiting two months now to get the application before Council and they were looking forward to making something the Council and the city could be proud of. Council Members Boney, Keller and Robinson absent.

Upon questions by Council Member Quan, Ms. Fentress stated that the 39 single family homes had a price range of \$90,000 to \$120,000; that they had done other developments in the city and all of those were affordable as well and were currently renovating units that would be complete within the next 120 days. Council Members Boney, Keller, Vasquez and Robinson absent.

Mr. James Rasmus, 5403 Brinkman, Houston, Texas 77091 (713-683-0945) appeared and stated that he was president of the Shepherd Park Terrace Civic Club and was present regarding the Dominion project which was brought to their doorstep approximately 1 1/2 years ago; that Dominion overstated its resume having said it had a 37,000 square foot retail center and the center was basically a shell not even built out; that it also stated it had a drug rehabilitation center located on 24th Street and it was currently boarded up; that it also stated it was in partnership with the city and other entities and they found out that the entities did not give Dominion authority to place their names on a pamphlet; that they overstated their resume and the community had concerns as to whether they could finish their job. Council Members Boney, Todd, Keller, Vasquez and Robinson absent.

Upon questions by Council Member Tatro, Mr. Rasmus stated that he was glad the president of Dominion was present, last night he received a letter from Pastor Dixon accusing him of being the only person against the project and he never said he was against the project, but that they were for any projects representative of their neighborhood; that they had tried to get information from the group and they had danced around them for over a year and a half and there was another neighborhood across the street from them also against the project, but they did not come out against it because they did not want to look like bigots because it was an African American project, but he would say now that the race card could not be played and this had nothing to do with Black or White, he learned a longtime ago that all Blacks were not his friend and all Whites were not his enemy. Council Members Boney, Todd, Vasquez and Robinson absent.

Upon questions by Council Member Quan, Mr. Rasmus stated that he was familiar with the apartment project Ms. Fentress spoke of and he had lived there during construction of his present home; that he did not know how their renovations were coming as all he had seen was some shingles go on. Council Members Boney, Todd, Vasquez, Parker and Robinson absent.

Upon questions by Council Member Galloway, Mr. Rasmus stated that the community was concerned with the fact that Dominion had a track record of not finishing what they started and their petition said they wanted to be sure that if the project was started it would be completed and not left undone, there were too many undone projects in the community; and when they went to the meeting at Pastor Dixon's church the people they expected to see from the city, etc., were not present and basically it was just church members and friends. Council Members Boney, Parker and Robinson absent.

Mr. Willie Dirden, 1127 Donovan, Houston, Texas 77071 (713-746-6818) appeared and stated that he was present to register his personal opposition to spending public funds to assist the Dominion Development Project, Dominion Estates, and he echoed concerns of Mr. Rasmus and many citizens in his subdivision which was thriving and well kept; that they feared that if the project was not successful, and they doubted it would be, would render their area and subdivision subject to deteriorating property values, etc. Council Members Boney and Robinson absent.

Council Member Tatro stated that he wanted to point out that what was actually on today's Agenda was an agreement that they would have with basically any builder in the city where they construct water/sewer mains and the city would participate with a certain percentage; that it was available to anyone in any area of Houston. Mr. Dirden stated that the item indicated the funds were to be put into the sewer substructure and it alarmed him as he thought it would be the reverse of what he was told initially; and Council Member Tatro stated that it did not stop or preclude other development from taking place in the future. Council Members Boney, Goldberg, Parker and Robinson absent.

Council Member Galloway stated that she wanted to concur with what Council Member Tatro said, this was the infrastructure and they would oblige anyone in the course of this nature. Council Members Goldberg, Boney and Robinson absent.

Ms. Diane Frels, 1026 Bethlehem, Houston, Texas 77018 (713-681-2633) appeared and stated that she was present representing the Candlelight Plaza Civic Association regarding the same item and they were requesting that City Council not pass the ordinance due to Dominion's track record and failure of several of its cornerstone initiatives Dominion Plaza, a retail strip center 95% boarded up, the Deliverance Grocery Institute, a career training institute and Visions of Hope, a drug treatment facility, all currently closed and the unsuccessful ventures actually contributed to the community's distress; that the city also needed to consider what the negative impact of a failed development would have on surrounding neighborhoods as property taxes would fall with lower home values. Council Members Goldberg, Boney and Robinson absent.

Upon questions by Council Member Quan, Ms. Frels stated that now the property was undeveloped and they did see where development of homes would be a plus, but Dominion's track record left a lot to be desired. Council Member Quan stated that the city was only sharing cost for utilities going in and if Dominion did not complete the project you would think the backers would get someone else; and Ms. Frels stated that you would think so but it had not happened on their past projects and some have been boarded six years. Mayor Brown, Mayor Pro Tem Boney, Council Members Goldberg and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Sanchez, Ms. Frels stated that their concerns were whether Dominion could provide a quality project for the prices they said, but she could not stress enough the eyesores they were seeing and they were not sure they had all their financing, etc., that was needed and they would like it delayed until they had confidence it would come into fruition. Council Members Goldberg, Boney and Robinson absent.

Mr. Howard Middleton, 1011 Creekmont Dr., Houston, Texas 77091 (713-682-1011) appeared, presented information to Council Members and stated that he lived in the community and had served as past president of the civic club and lived next door to the church; that this was a faith based program, a CDC, in the neighborhood which was run by the church and he wanted to assure Council Members that everything had been taken care of such as finances, etc., and it would be on time; and he would encourage Council Members to vote for the project as it was worthy of their support. Council Members Goldberg, Boney and Robinson absent.

Upon questions by Council Member Tatro, Mr. Middleton stated that they agreed already to have another meeting to be sure all residents would have a chance to attend and he was sure it would be acceptable to the church and the corporation to have Council Member Galloway facilitate the meeting. Council Members Goldberg, Boney and Robinson absent.

Rev. James McLaughlan, 1051 Cottage Oak, Houston, Texas 77091 (713 681 3381) appeared and stated that he was a resident of the community and had mixed emotions because he could understand the position of his colleague; that he was concerned there were no public hearings to keep them abreast of what was going on; that he was not against CDCs or what the church was doing, but was concerned about due process and that the community be involved. Council Members Goldberg, Boney and Robinson absent.

Upon questions by Council Member Tatro, Mr. McLaughlan stated that he lived in the Shepherd Park Terrace Subdivision. Council Member Tatro stated that he did want to facilitate a meeting so the people could come out, but there was a future in the property and he would like Dominion to give a commitment to give more security to both neighborhoods that it was a business deal that would come to fruition and that it was good for the community. Council Members Goldberg, Boney and Robinson absent.

Council Member Galloway stated that she wanted him clear that on the CDC there was no statutory requirement for a public hearing; that they could inform the community in being a good neighbor and should, but nothing required it; and maybe now all the weeds could be cut down around them and they could see some nice houses going up. Mr. McLaughlan stated that being new to the community he had gone to some banks and shopped around for future endeavors to have a CDC too and one thing they said was to make sure they got the community involved in what they were doing; that he understood legally there was nothing required but morally they should involve the community. Council Members Tatro, Goldberg, Boney and Robinson absent.

Rev. James Dixon, 1023 Pinemont, Houston, Texas 77018 (713-688-2900) appeared and stated that he would like to give some clarity, they had embarked on a very viable project and for the past 10 years had been in a phase of acquisition and when you

acquired a strip center that had been used for anyone, but had been utilized for prostitution, drugs and harboring stolen cars and boarded it up for security he felt that was progress and when you built an \$8,000,000 facility people worshiped in every Sunday he felt that was progress; that he felt the Community Development Corporation and their church was doing a marvelous job with limited resources and limited staff and time; that they had at least eight to ten meetings for community persons and their community development office was opened daily and anyone could walk in and ask for information. Council Members Tatro, Goldberg, Boney and Robinson absent.

Council Member Parker stated that she did not think it was the city's right to deny them because it was a fairly routine request and if they did satisfy the city requirements they should move forward, but she did think the neighborhood was unhappy about their development; that he said they were in acquisition but had not made much progress; and Rev. Dixon stated that they had made progress, but not the progress the community had hoped; that they were on a time schedule and spending \$10,000 per unit renovating a low income affordable apartment project; that the strip center and housing project were different funding sources. Council Member Parker stated that when they did the housing development she did hope they would make an effort to save some of the existing trees as it was a wooded lot; and Rev. Dixon stated that he had been accused of not being environmentally friendly, but you could not build a 3,000 seat sanctuary and leave every tree and you had to have a parking lot and several of their houses were already spoken for. Council Members Tatro, Goldberg, Boney and Robinson absent.

Upon questions by Council Member Sanchez, Rev. Dixon stated that the name of their CDC was Dominion Community Development Corporation and they met on a regular basis on the church campus; that meetings were not necessarily open to the public, the board meeting was not open, but they had public meetings where the public was invited in; that when meetings were held for the public some accused them of not being fair because it was not held on neutral ground, but he was not at war with anyone; and he would work with Council Member Tatro on a meeting. Council Members Goldberg, Boney, Ellis, Castillo and Robinson absent.

Upon questions by Council Member Galloway, Rev. Dixon stated that he would invite the financials to come to the meeting, but private business persons in the banking industry were not excited about being attacked and accused, but hopefully after this project was completed and a blessing to the community hopefully everyone would say Amen. Council Members Goldberg, Boney, Ellis, Castillo and Robinson absent.

Mr. Joel D. Parker, 1058 Donovan, Houston, Texas 77091 (713-688-3885) appeared and stated that he was both a member of the CDC and the community of Shepherd Park Terrace; that he personally asked Rev. Dixon if he would allow a seat on his board for the president of Shepherd Park Terrace and without any conflict or reservation he gave them that site; that Mr. Hannibal Miles was president at that time and he was so impressed with the structure and intelligence on the board that he stayed until he was forced to leave because of simple things like communication and he believed the communication had stopped and that was what created what they now had today. Council Members Goldberg, Boney, Quan and Robinson absent.

Upon questions by Council Member Galloway, Mr. Parker stated that he had been on the board two years and he was aware that the project would be complete and of the

financial backing; that Pastor Dixon was absolutely correct in his presentation and the money from the strip center and the apartments were from two different sources; that he was retired and was not going to go anywhere else and he was confident that what was taking place was an absolute improvement to the community. Council Members Goldberg, Boney and Robinson absent.

Mr. Robert Miller, 600 Travis #3400, Houston, Texas 77002 (713-226-1186) appeared and stated that for 25 years METRO and its predecessor organizations had spent millions of dollars studying passenger rail in Houston and today he was asking that they now be allowed to proceed with construction of Houston's first rail line in the Downtown to Reliant Park corridor, METRO had done its job thoroughly studying and documenting the benefits of that rail line and lead a community outreach effort to receive community input from stakeholders in the corridor and citizens in the Houston area; and today was the day to approve a line that would reduce congestion and attract transit trips and help clean the air. Council Members Boney and Robinson absent.

Upon questions by Council Member Ellis, Mr. Miller stated that they were planning to hold a light rail referendum and were advised by the County that they could not legally do so; that his amendment, as he understood it, would only call for a vote in the City and the entire METRO service area would not be able to vote on it and he felt any referendum should be within the entire METRO service area; that METRO had never chose to issue debt and that was one of their strengths being a pay as you go agency and he did not support debt; that over the next year or two they would be doing major studies and if the alternative analysis said they should look at debt for rail then they would likely bring it to voters in 2004 with a comprehensive plan to give the timing and cost. Council Members Boney and Robinson absent.

Upon questions by Mayor Brown, Mr. Miller stated that in 1988 a referendum for a Comprehensive Transit System for the area passed and included was a rail system similar so the people had voted favorably for rail. Council Members Boney and Robinson absent.

Upon questions by Council Member Sanchez, Mr. Miller stated that the Greater Houston Partnership had taken on a study and results should be in January 2001; that this corridor and the light rail system was assumed as a part of the study and it took as a given that the Main St. line was constructed and it looked at other corridors and how it tied into it. Council Members Boney and Robinson absent.

Upon questions by Mayor Brown, Mr. Miller stated that under METRO's statute they needed approval of any city when they tried to alter the right of way and today they were specifically asking Council to approve an agreement which was negotiated with the City Attorney's Office that would allow them to use the right of way to construct and operate the light rail line; that they were not asking for approval to do rail as that decision had already been made by METRO. Council Members Boney and Robinson absent.

Upon questions by Council Member Bell, Mr. Miller stated that the first rail stage began in 1975 and probably over \$60,000,000 had been spent studying rail since that time and they believed rail to be the best transportation investment in the corridor at the time. Council Members Boney and Robinson absent.

Council Member Todd stated that when Mayor Lanier was in office the conversation on rail was that the city was not condensed enough to support a rail project and he could not see how that had changed; that the rail they wanted to put in, and he knew they were relying on Chapter 451 and the City Charter, but under 451 they had the ability to do eminent domain or acquire by consent and they chose to acquire by consent; that METRO was a corporate body and the City Charter required certain things to happen before use of right of way was given; and upon questions, Mr. Bibler stated that he thought the Council Member was off track so to speak; that METRO was a governmental agency created by the Legislature and all they needed was permission to use the city right of way and the city did not own the streets out there they belonged to the state and if the state wanted to say that METRO could run a train down them without the city's permission he thought that was the law on this issue. Council Member Todd stated that Chapter 451 stated that METRO could acquire land by consent from the municipal body and he would think that meant they had to acquire it under city rules; and Mr. Bibler stated that he missed his point that the city did not own the streets and they were acquiring nothing from them, the street belonged to the State of Texas. Council Member Todd stated that Mr. Bibler should familiarize himself with Chapter 451 because he thought he was misreading it. Council Members Boney, Bell and Robinson absent.

Mayor Brown stated that he had been to Dallas and rode their rail and it was a very successful project and what were blighted areas were now economically profitable areas and cities like San Francisco, Washington, D. C., Chicago, London, etc., almost every major city in the world had a rail; and upon questions, Mr. Miller stated that Houston was the largest metropolitan area in the United States that did not have rail and they were the most rail studied city in the world not to have it. Council Members Boney, Bell and Robinson absent.

Council Member Quan stated that he studied the vote and on January 16, 1988 it seemed the vote was 60 to 40 in favor of the rail program at that time and no one had asked for a recall or recount; and upon questions, Mr. Miller stated that this was the best system to be proposed to the citizens at this time and if Council delayed action it would delay the project at least six to seven months. Council Member Quan stated that he thought as many questions had been asked that could be asked and that the item had been debated backwards and forwards and a decision should be made today to provide the service to citizens. Council Members Galloway, Boney, Bell and Robinson absent.

Upon questions by Mayor Brown, Mr. Miller stated that a year long major investment study was done for the corridor and they compared light rail to an enhanced bus system to a no build option and unanimously they selected rail and the study showed that it would reduce congestion in the corridor and remove 1,200 diesel bus trips from the corridor and that would help with the clean air and three separate independent studies showed it would serve as an economic development tool generating between five hundred million and a billion dollars in economic development and help on the 2012 Olympic bid. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Tatro stated that the vote previously taken on rail did not have this line as a starter line, it was a master plan for over a 13 year period; that clearly this was a debt issuance concern that would mandate a vote and they could easily issue debt to fund this and trigger a vote so it was slightly disingenuous to suggest that METRO could not have a vote when they could and then that brought them to Phase Two which no one

could tell them what that phase was and he believed that to be a political reason as well as a study reason; and he would recommend that Council look at this. Council Members Galloway, Boney, Todd and Robinson absent.

Mayor Brown stated why should anyone borrow money when they did not need to and he would suggest that the next leg be determined by the major investment study and he believed it was agreed there be a vote of the people on any other rail. Council Members Galloway, Boney and Parker absent.

Council Member Keller stated that this had been dialoged and all knew where Council Members stood and he hoped they could move forward since everything said had been said a hundred thousand times before; and urged to move on to the vote. Mayor Brown, Mayor Pro Tem Boney and Council Members Galloway, and Parker absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Vasquez stated that he wanted to voice his support and remind him that he voiced a concern about the northern most stop and would ask on record for his continued commitment and that of his board to address the issue in any future expansion; and Mr. Miller stated absolutely. Council Members Galloway, Boney and Parker absent.

Council Member Ellis stated that it was his understanding that in the 1988 referendum there was \$130,000,000 committed from the private sector; and upon questions, Mr. Miller stated that he heard discussion, but he was not familiar with the detail, but this was 100% local funds. Council Member Ellis stated that he believed in the 1988 referendum probably most people did not know they were voting for light rail and read the wording of the referendum. Council Member Ellis stated that he believed people were misled by the wording; and upon questions, Mr. Miller stated that he had gone back and read newspaper articles from that time and rail was vigorously discussed so he would not agree with him. Council Members Galloway and Boney absent.

Council Member Vasquez stated that he wanted to respond to Council Member Ellis's comments; that it was easy here in 2000 to look back to 1988 and interpret whether voters knew or did not know and he did not believe the interpretation was a legitimate and fair interpretation of the past based on the language given because they could also say the particular vote had passed and they should honor the will of the people and move forward and he wanted to go on record that it was an unfair interpretation to make retrospect of sense making of a vote that took place in 1988, there was a lot of discussion and very clear and obvious discussion of what the plan would entail and if they were looking for the words light rail it was not there, but it was in the plan and that was the same; that he was correct this was not the same as 1988 and it should not be treated the same, but move on and go forward. Council Members Galloway, Tatro and Boney absent.

Mayor Brown stated that he intentionally allowed the time to be violated on Mr. Miller's presence because he was a good spokesman for METRO and it had been suggested in the interest of time that some people may want to let Mr. Miller's time be designated as their time and if there were no objections Council would ask that be the case and also ask that those present to speak in favor of rail stand so Council may see who they were; that on the same token those in opposition of rail he would ask that they

stand and if no one objected someone from the opposition could come up and speak on that position and they would be asked questions, but if anyone had a burning desire to speak it would be allowed. Council Members Galloway and Tatro absent.

Mr. David Hutzelman, 12415 Woodthrope, Houston, Texas 77024 (713-464-6603) appeared, presented information to Council Members and stated that he was the volunteer director of The Business Committee Against Rail and was for a referendum, but hearing they may not get the referendum they took steps of sending a letter to the FTA and the TNRCC pointing out serious deficiencies in METRO's final environmental assessment and asking if they would hold any approval from METRO pending a resolution of issues and he would share some of those issues now; that in METRO's \$300,000,000 capital budget there was no money for light rail vehicles, \$50,000,000 plus was not there that was in their MIS study and if METRO needed a reason to hold an election it was right there; that there were also serious pollution concerns about the light rail project and there was no study being done between the wires and light rail vehicles and the claim they were taking 1,200 busses off Main was flawed because vehicle miles traveled by busses would increase with light rail so they simply diverted buses to other streets and that pollution was way up. Council Member Keller absent.

Upon questions by Council Member Robinson, Mr. Hutzelman stated that there was no light rail in the Houston or Galveston area and that there was an ozone problem with Houston having a problem with clean air. Council Member Robinson stated that he was a major advocate for METRO serving additional areas and one argument raised was if they did not do light rail they should have more buses; and Mr. Hutzelman agreed. Council Member Robinson stated if buses pollute and his solution was more buses there was an inconsistency in his argument; and Mr. Hutzelman stated that his argument said light rail would call for an equivalent level of service, more vehicle miles traveled, which meant more pollution from buses. Council Member Todd absent.

Upon questions by Council Member Sanchez, Mayor Brown stated that he asked the audience, unless there was an objection, to have someone come up and speak in opposition to the proposition and in the interest of time if others wanted to speak they would have that right, but the objective was to try and do this in the interest of time and at this time they were listening to the opposition. Council Member Sanchez stated that if that were the case how would they know who the opposer or proponent was; and Mr. Hutzelman stated that they raised their hand and volunteered. Council Member Todd absent.

Council Member Ellis stated that he had read some of his memos sent to his office and he had addressed issues that some already knew which was that it would not cleanup the air, but one issue he did not address was that this would become an economic development tool; and upon questions, Mr. Hutzelman stated that according to METRO all development being forecast around the light rail stations would have occurred elsewhere in Houston anyway, but it would be an economic tool for the downtown area. Council Members Todd and Sanchez absent.

Upon questions by Council Member Boney, Mr. Hutzelman stated that Dallas had empty office space downtown because they overbuilt in anticipation of what they believed would be more workers downtown. Council Member Boney stated that was really not a connection back to rail; and upon further questions, Mr. Hutzelman stated that any city

with a successful rail system had a much greater population density than Houston; that he thought they should consider other constructive alternatives such as relaxing regulations on jitneys and private vans as in New York, considering truck only lanes, congestion lane pricing for freeways so people paid to use the HOV lanes, etc. Council Members Goldberg and Sanchez absent.

Upon questions by Council Member Vasquez, Mr. Hutzelman stated that the business committee against rail was composed of small businessmen concerned about wasting taxpayer dollars with two being business owners and there were about 20 who paid dues; that adding capacity on the highway system would not cleanup the air but vehicles moving at a faster rate of speed had much less pollution. Council Member Vasquez stated that a highway or roadway itself provided an economic development value; and upon questions, Mr. Hutzelman stated that he preferred to let economic development happen and then make the transportation comply with it, but he would not argue that you could get people to build around light rail. Council Member Vasquez stated that you could also get people to locate business around highway stops and entrance and exit ramps also; and Mr. Hutzelman stated that was correct. Council Members Tatro, Goldberg and Sanchez absent.

Mayor Brown stated that he put forth the proposition to have two people talk, one pro and one against, but to also make sure anyone who wanted to speak could; and invited anyone wanting to speak to come forward and give their name. Council Members Tatro, Goldberg and Sanchez absent.

Ms. Beatrice Bustamante, 2719 Rockyridge, Houston, Texas 77063 (713-782-5152) appeared and stated that she was not against rail, she grew up in New York and spent most of her life riding rail, but this particular plan had a serious flaw; that if they truly wanted to make Main Street an upscale boulevard they did not want to put rail there; that there was no place with an upscale street, such as 5th Avenue, etc., where you would find rail running down the middle; that if they looked at history it was a terrible idea and they should move the line a few blocks over like on Fannin and let people walk, but she did think people should be able to vote. Council Members Tatro, Goldberg, Sanchez and Robinson absent.

Mr. Howard Horne, 103 Maple Valley, Houston, Texas 77056 (713-963-2800) appeared and stated that he had the privilege of being the first chairman of METRO and in 1978 they had the plan and financing to build this system, but it had been deferred; that this was an important link because it was an intricate part of the rail system, a rail system had a line to the suburbs and an inner loop connecting them and it was very similar to the highway system; that the highway system was built with all its lines coming downtown and dumping there and it did not work before they built the loop system, but with the loop it did work and this was the same as the downtown connector would connect links going out and it was a necessary ingredient and not something just thought of. Council Members Tatro, Goldberg, Vasquez, Sanchez and Robinson absent.

Upon questions by Council Member Bell, Mr. Horne stated that regarding the vote in '88 he felt like it did not backup what was voted on by voters in '78 when they created the authority; that the authority was created to levy a sales tax to buy buses, build bus barns and HOV lanes and to build a rail system and they did the first part; that rail worked all

over the country and it would work here. Council Members Tatro, Goldberg , Vasquez, Sanchez and Robinson absent.

Council Member Keller asked Mr. Horne what he thought should be done about illegally placed billboards on Westheimer by a company called Infinity; and Mr. Horne stated that he did not know what he meant by illegal billboards, but he would guess it should be removed. Council Members Tatro, Goldberg , Vasquez, Sanchez and Robinson absent.

Mayor Brown stated that as indicated before if anyone else in the Council Chamber wanted to address Council on rail they should feel free to do so. Council Members Tatro, Goldberg , Vasquez, Sanchez and Robinson absent.

Mr. Michael Fjetland, 4507 Edenderry Ct., Missouri City, Texas 77459 (713-213-5080) appeared and stated that he had traveled countries all over the US and he feared that everyone was looking at Houston; that Houston had to compete with the rest of the world to get new business and without rail there was no attractive means to get that business like Dallas and a lot of others; that Council Member Todd stated Houston was mimicking Dallas and he felt that was a tragedy as Houston should be leading them, but they had there system five years now and Houston still had not turned a spade of dirt; that Houston's future was in the Mayor and Council's hands and he was asking that they move the process forward, it had been debated over 12 years and he hoped they would move on it today. Council Members Goldberg , Vasquez and Robinson absent.

Council Member Todd stated that he had lived all over and some cities had rail and he did believe that a city did not need rail to be of a certain caliber, but instead that cities which were truly great were those that were honest about their advantages and Houston's was wide open space and that did not promote an environment where rail was a good option; that he was not opposed to rail, but did not think it was the right time; and Mr. Fjetland stated that he thought the right time was 12 years ago; that it took a while to put it in place and they needed it to be competitive in the 21st century. Council Member Goldberg absent.

Council Member Sanchez stated that last week the University of Houston, Center for Public Policy had a presentation by Barton Smith, a respected economist, who on an annual basis made economic forecast and the attendance was a record crowd of over 800; and upon questions, Mr. Fjetland stated that he had wanted to attend, but was unable to; that he would not want to dispute his credentials. Council Member Sanchez stated that Barton Smith had said one of the largest problems affecting Houston and its ability to grow was congestion and that the \$300,000,000 plus which was about to be spent on the rail was not appropriate and perhaps tantamount to a waste of money and that was just a comment. Council Member Goldberg absent.

Upon questions by Council Member Quan, Mr. Fjetland stated that the rail was an alternate transportation system, right now it was only roads, roads, roads, but rail was an alternate way to get around and all five mayors in Ft. Bend County had come out for rail and they felt they could actually lay out a line to tie into the South Main line for as little as \$50,000,000 and they were the fastest growing county and were looking for alternate routes.

Council Member Robinson stated that he wanted to make some observations, they were going to spend over one billion dollars to redo I-10 and they were doing it one segment at a time and he had not heard anyone say it was a bad use of money to complete because it was not all being done at once; that Council voted down a resolution asking them to go on record supporting more funding for transportation in this state when the Lt. Governor had said the second highest priority in this state in the next session of the Legislature was to increase funding so for someone to say there was not enough funding and at the same time go on record against more funding was inconsistent to him and with all due respect to Barton Smith he may be good at sales tax and apartment forecasting, but what he read about what he said was you could not build your way out of congestion with more highways and this whole conversation was preceding on a premises that if you opposed light rail the opposition would cleanup the air in the region, increase mobility and reduce congestion and his final observation was that you could not look at this in a piecemeal process, everyone wanted to say rail alone would not do anything, but if you took away I-45, I-59, 288 and 290 and leave only I-10 there would be greater congestion than what they had now and more of an air problem so if they were not going to look at the highway system or street system in isolation then he felt they did a disservice to look at the rail system in isolation, it was a part of a local package and transportation had to be looked at as a whole package and if you did not he did not care how good your projections were on something you were doing a disservice to say it was a waste of money, a disservice to the future economic growth of this region.

Council Member Galloway stated that one of her colleagues wanted a referendum on rail and she hoped taxpayers did not want to pay between \$800,000 to \$1,000,000 to have an election to just vote for something for progress of the City of Houston.

Mr. William Franks, Dr. Carol Lewis, Mr. Ed Wulfe, Ms. Nan Hildreth, Mr. Terry Shepard, Ms. Janet Rederker, Mr. Andrew Icken, Ms. Joan Johnson, Ms. Geanne Castillo, Mr. Edward Brodie, Ms. Lesley Van Dame, Ms. Wanda Schultz, Mr. Dwayne Lark, Mr. John Michael Gonzalez, Mr. Ivan Dupont, Mr. Dennis Keim and Ms. Brenda Flores had reserved time to speak on Item 34A, however, did not indicate they wished to speak.

Council Member Castillo moved to suspend the rules to bring Items 34 and 34a out of order, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-1424 ADOPTED.

34. MOTION by Council Member Ellis/Seconded by Council Member Sanchez to amend Item 34A to provide the following:
An ordinance to be passed approving a consent agreement between the City and **METRO** authorizing 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 - TAGGED BY COUNCIL MEMBER PARKER** – was presented; and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting no.
Council Member Tatro voting aye.

Council Member Vasquez voting no.
Council Member Castillo voting no.

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

Council Member Parker voting no.
Council Member Quan voting no.
Council Member Sanchez voting aye.
Council Member Bell voting no.
Council Member Robinson voting no.
MOTION 2000-1425 FAILED.

- 34a. 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 - **(This was Item 26 on Agenda of November 15, 2000 - TAGGED BY COUNCIL MEMBER PARKER)** – was presented.

Council Member Robinson stated that in the agreement on page 4 in the definition of light rail transit coordinator that's 1.2.13 it said the LRT coordinator meant the person designated by the city and he would ask to strike the first city and insert Mayor. Mr. Hall stated that it was Legal's drafting error and the change was appropriate. Council Member Robinson stated that also for purposes of clarification on page 9, 6-1 (Standards), he visited with Legal again and the way it was written it could be subject to one or two interpretations and the interpretation appropriate was that the waiver be to a standard higher than the city standard. Mr. Hall stated that it was on the record, however, the motion actually changed the word in the document and it did need to be voted on to change that particular word from city to Mayor.

Council Member Robinson moved to strike the first city and insert Mayor on the designation of LRT coordinator and that the waiver standard be interpreted as a standard higher than the city standard, and was seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2000-1426 ADOPTED.

Council Member Todd stated that he wanted to be clear on the record that he intended to vote no on the agenda item today for the policy reasons he set forth earlier and that he believed today's vote violated the City Charter.

Mayor Brown stated that he had a letter from the Mayor of Spring Valley stating that she supported the rail, she was present earlier but had to leave, and she urged all of Council to support the item.

Council Member Goldberg stated that he felt it was time Houston had a light rail; that he went to Australia for the Olympics and you could not transport large amounts of people without rail, buses would not cut it; and if Houston wanted to host events such as the Super Bowl and the Olympics this was the time to get started and he did intend to vote for it.

A roll call vote was called on Item 34a as amended.

ROLL CALL VOTE:

Mayor Brown voting aye.
Council Member Tatro voting no.
Council Member Galloway voting aye.

Council Member Vasquez voting aye.
Council Member Castillo voting aye.
Council Member Parker voting aye.

Council Member Goldberg voting aye.
Council Member Boney voting aye.
Council Member Todd voting no.
Council Member Ellis voting no.
Council Member Keller voting no.

Council Member Quan voting aye.
Council Member Sanchez voting aye.
Council Member Bell voting aye.
Council Member Robinson voting aye.
ORDINANCE 2000-1028 ADOPTED
AS AMENDED.

Council Member Vasquez stated that he would ask that the Mayor establish an Advisory Committee to coordinate METRO's light rail transit line with the Adopted Main Street Coalition and Corridor Master Plan and he would ask that he do it as a Mayoral prerogative, the purpose of the committee would be to serve as a bridge between METRO, the Main Street Coalition and other stake holders to provide community input, planning organization, coordination development and enhancement opportunities between all parties because he believed this particular issue involved a lot of details and coordination and an advisory committee that served in a capacity to coordinate that was in the best interest of the City and METRO as well. Mayor Brown stated that he would be delighted to appoint a committee, it made good sense to coordinate all they were doing and they had two major initiatives, one METRO and one the Main Street Coalition.

Council Member Parker moved to stay in session beyond the 12:00 noon recess to complete the agenda, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2000-1427 ADOPTED.

Mayor Brown stated that they would stay in session and complete the business agenda.

Mayor Brown stated that they would continue the public session and then complete the business meeting, and asked if there was anyone who had signed up to speak on the rail, that although they had taken the action they did not want to deprive anyone to speak if they had signed up.

Mr. Allan Romano, 6816 Airline Dr., Houston, Texas 77076 (281-873-0700) appeared and stated that it was disingenuous of Mr. Miller to come to Council and ask for the right of way when Metro did not ask for the right of way of HOV lanes on the freeways, that it was disingenuous that they did not have Mr. DeLay to come here and say why he did not like the rail down Main Street, that he designed his first light rail 40 years ago, that he had been in Houston for 30 years and knew a little bit about the traffic, that he was here when the 1988 vote was and it did not mention rail and they were not talking about rail, they were talking about track guarded transit and track guarded transit was only rail, that he would like to talk to Council Member Vasquez who stated that buses pollute and asked if he had heard about the all electric bus without any diesel gas or fume emitting motors, that the technical ignorance that he saw floating around Metro was pathetic, that they needed to have an open debate and he challenged Mr. Miller to an open debate, that he went to television stations and they said no and asked if the people of Houston were to be denied the technical experts that exist in the Country. Council Members Goldberg, Boney, Keller, Vasquez, Castillo and Robinson absent.

Ms. Brenda Flores, 2041 Marnel Rd., Houston, Texas 77055 (713-722-9258) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Boney, Keller, Vasquez, Castillo and Robinson absent.

Mr. Martin Aguilar, 118 Abney, Houston, Texas 77060 (281-875-1213) appeared and stated through an interpreter that he was present to talk about his concern in relation to the broadcasting of narco music, that the culture known as narco music was entering their community on a daily basis and each time it was stronger, that some Latino radio stations program administrators, announcers, music groups, deejays, etc., supported, promoted and broadcast narco music with messages of violence and drug consumption, that Spanish dances in combination to native dances gave birth to a rhythmic combination with which people could dance and also sing with the new rhythm, it was name fandango and later corrido, that music from Mexico interpreted with respect and dignity represented the cultural pride of Mexico, that dance, musical groups, bass, accordion musicians, mariachi's and Mexican artists with moral values and principles were ambassadors who strengthened the essence of the sun's sun people, that introduction of narco music took place because of ignorance, prejudice, poor information, apathy, pursuit of fame and wealth, that promoters of narco music betray their roots and culture and damage their image. Council Members Goldberg, Boney, Todd, Keller, Vasquez and Castillo absent.

Mayor Brown stated that there were a number of regulatory agencies that could assist them in addressing their problem, and stated that Mr. Richard Cantu would get with them and refer them to the appropriate regulatory agencies to address their concerns. Council Members Boney, Todd, Keller, Vasquez and Castillo absent.

Council Member Quan stated that it was outside of their jurisdiction on a lot of the things and as the Mayor had stated there were something's they could control and things that they could not. Council Members Todd, Keller, Vasquez and Castillo absent.

Upon questions by Council Member Sanchez, Mr. Aguilar stated that he did understand what the Mayor and Council Member Quan had stated, that he wanted the Council to terminate the problem, that one word from the Council to the radio stations and the artists to not do harm to the families with the messages of narco music, murder and smoking, and Council Member Sanchez asked Mr. Aguilar if he understood that the Constitution of the United States prohibited a government or municipality to tell artists or singers that they could not sing about what they wanted and Mr. Aguilar stated that yes he understood that, but that they also had the right to protect their families, and Council Member Sanchez stated that they had the right to influence it with their money when they went to purchase the music, that it was the responsibility of the community and not the government to tell the artists what they could or could not do, that the Council understood the problem. Council Members Tatro, Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent.

Mr. Jesse Cooper, 5506 Milart St., Houston, Texas 77021 (713-747-5866) appeared and stated that he was a professional tennis promoter and coach and was the executive promoter of the World Tennis Tour, that recently he had brought Houston's first profession tennis tournament sanction at a public facility which was Memorial Park Tennis Center, that it was October 23 – 29, 2000 and was a huge success and they were received well by the public, that they did not charge for tickets they just allowed people to come out and sort of survey and get a feel for what the citizens wanted to see, that his request today was that they allow the World Tennis Tour to come in, through private funding, and finance the needed renovations to Memorial Park Tennis Center, in putting in an indoor and outdoor stadium. Council Members Todd, Ellis, Keller, Vasquez, Castillo, Bell and Robinson absent.

Mayor Brown stated that Mr. Brian Hill was in the audience and would meet with him and get all the details. Council Members Todd, Ellis, Keller, Vasquez, Castillo, Bell and Robinson absent.

Council Member Sanchez stated that he had attended some of the matches of the tournament that Mr. Cooper had put together and that there were a number of players from around the world, that it was a tournament that the City ought to look at and see what they could do to help Mr. Cooper, that he understood from Mr. Cooper, that the bulk of the financing came from private sources and it was sanctioned by the United States Tennis Association and the Association of Tennis Professionals, that it brought world class tennis players to Houston and to the Memorial Park Tennis Center, that the benefits the City would derive would clearly outweigh the modest cost associated with the issue. Council Members Todd, Ellis, Keller, Vasquez, Castillo, Bell and Robinson absent.

Mayor Brown stated that Mr. Spellman was present and listening to their comments and would act accordingly. Council Members Todd, Ellis, Keller, Vasquez, Castillo, Bell and Robinson absent.

Upon questions by Council Member Tatro, Mr. Cooper stated that he held several contracts to professional tennis tournaments and had been issued some more which he had not accepted yet, about four more contracts, that he held two \$15,000 tournament contracts which were relatively small, however he had been offered three additional contracts, two for \$25,000 and one for \$50,000, not including \$325,000 ATP Tournament that they were trying to bring to Houston, in short, he was offering the City an opportunity to have a world class tennis facility because it was very difficult to hold a tennis tournament of any reasonable caliber when they did not have offices only a picnic bench to sort of work from, that it cost him a lot more money because he then had to bring in artificial offices and it was not very professional, that he had gotten the United States Tennis Association to sort of close their eyes to it and let him slide on it, that he had brought them up to speed as to his efforts to maybe get the City to see it his way and help them bring professional tennis to Houston, that he thought it was needed and if they made the proper renovations to the tennis center they could also possibly look at it as a site for the 2012 Olympics, that he thought it would benefit the City as a whole. Council Members Boney, Ellis, Keller, Parker, Bell and Robinson absent.

Ms. Yolanda Alanis, 7705 Dayton, Houston, Texas 77012 (713-926-3503) had reserved time to speak, but was not present when her name was called. Council Members Boney, Ellis, Keller, Parker, Bell and Robinson 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 Members Boney, Ellis, Keller, Parker, Bell and Robinson absent.

Mr. Edward Simmons, 5242 Bungalow Ln. Houston, Texas 77048 (713-731-1165) appeared and stated that he was with MSY International Traffic Control Company and was present to talk about the use of the MWBE contractors, that the general contractors were using them as minorities to get contracts, but they were not using them after the contracts were agreed upon and signed, that even when they had a signed subcontractors agreement with them, that they were still going by the good old boy system, that it was who they wanted and how they wanted them to do it, that the contract called for certified personnel and they were not using them, that he wanted to know who was auditing and approving the certified

payrolls, because it called for certified payroll in the City contract, that the time had come and had been there for years for the bid to be used as a separate item for traffic control and flag personnel, that contractors had been abusing the fund for years and when were they finally going to wake up and do something about it. Mayor Brown, Mayor Pro Tem Boney, Council Members Ellis, Keller, Bell and Robinson absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Castillo stated that they were aware of that problem and perhaps it was an item that they could take up at the next meeting of the Affirmative Action Committee or the committee that dealt with that and they would be in contact with him. Mayor Brown, Council Members Ellis, Keller, Vasquez and Bell absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that Mr. Simmons needed to avail himself of the City of Houston's Affirmative Action Program, that they had a Contract Compliance Division, and Mr. Simmons stated that they were already in that process, and Council Member Sanchez stated that just because they submitted bids to a general contractor and he submitted a bid to the City based on the bids that the subs gave him it did not guarantee a contract with the general, that in many instances a general would receive more than necessary participation by minorities, that a general may find that one contractor might be sufficient, that he understood the difficulties and thought the appropriate committee would look and it and should come up with a way to insure that enforcement was enhanced, that the City could not compel them to use a particular contractor, and Mr. Simmons asked to be notified when the next committee meeting would take place. Mayor Brown, Council Members Galloway, Todd, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Quan asked Mr. Simmons what was the response he received from Affirmative Action, and Mr. Simmons stated that they had not been able to get the contractors to sit down at the table for a hearing, that it was an ongoing situation, that from his understanding if they did not comply it would be resubmitted again for a meeting and after that it would go to an arbitrator, that it was several companies and an ongoing situation, that Affirmative Action had told him that it was something that they had seen on a continuous basis and said that they had attempted to get that particular thing voted on as a separate entity instead of giving all the funds to the general contractor, and Council Member Quan stated he appreciated Mr. Simmons bringing it to their attention and would like to follow up with him following the meeting to see what they could do. Mayor Brown, Council Members Galloway, Todd, Ellis, Vasquez and Parker absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Simmons if he had contacted Affirmative Action before the job was completed and Mr. Simmons stated yes, and Mayor Pro Tem Boney asked what kind of job was he subcontracted to do, and Mr. Simmons stated that what he did was flagman control and flagman personnel, that he brought the situation to the attention of Affirmative Action about a month ago, that they were still in the process of an investigation. Mayor Brown, Council Members Galloway, Todd, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg asked Mr. Simmons if the contractor had met his goal to arrive at for MWBE participation, and Mr. Simmons stated that from his understanding the contractor had not met his goal, that he was not sure how close he came, and Council Member Goldberg stated that he agreed with him that it was a problem because it was cheating on MWBE programs, that he thought they ought to start cracking down on some of

the larger goals that were not met. Mayor Brown, Council Members Galloway, Todd, Vasquez, Parker and Quan absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that the particular contractor that Mr. Simmons was working for may meet the goals using other trades and so how would the City compel a contractor to use the subs it submitted, that it was a rather intractable issue, and Mr. Simmons stated that even if they did not have to use the services how were they meeting the goals and what was happening to the money that was allowed. Mayor Brown, Council Members Galloway, Todd, Keller, Vasquez, Parker and Quan absent. Mayor Pro Tem Boney presiding.

Council Member Boney stated that just in terms of the money, on each contract that fell within the purview of the City of Houston Affirmative Action Program, whether capacity exists as determined by their understanding of the market and the MWBE directory a goal was set for minority diversification and participation, that there was no pool of money only a goal that was set, and if that goal was met then there was no penalty or harm from the City, that what they needed to do was really look at the specifics of his situation and get a report back from Affirmative Action and if Mr. Simmons would meet with the Mayor's representative from the Citizens Assistance Office, Ms. Dillard, so she could communicate that report back to him. Council Members Galloway, Todd, Vasquez, Keller, Parker and Quan absent. Mayor Pro Tem Boney presiding.

Council Member Castillo moved to suspend the rules and move Item No. 11 out of order, seconded by Council Member Boney. Council Members Galloway, Todd, Keller, Vasquez and Parker absent. MOTION 2000-1428 ADOPTED.

Council Member Robinson stated that he wanted to make an observation as to the last speaker, that they ought not to limit the discussion to MWBE only, that it related to any subcontractor with the City and that was something that they had all talked about at the table, that it was a material part of their presentation to them and hoped that some where along the line they would decide to go to Austin or someplace else to try to deal with that issue. Council Members Galloway, Todd, Keller, Vasquez and Parker absent.

Mayor Brown stated that they had made arrangements for Mr. John DeLeon to follow up on it. Council Members Galloway, Todd, Keller, Vasquez and Parker absent.

The City Secretary stated that Item No. 11 had been previously listed as not in and had been received. Council Members Galloway, Todd, Keller, Vasquez and Parker absent.

11. **ORDINANCE** approving and authorizing contract between the City and the **GREATER HOUSTON PARTNERSHIP** for Marketing and Promotional Support; providing a maximum contract amount 2 Years - \$1,890,000.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Keller, Vasquez and Parker absent. **ORDINANCE 2000-1029 ADOPTED.**

Ms. Annie Johnson, 3910 Tuam, Houston, Texas 77004 (713-529-7794) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Todd, Keller, Vasquez and Parker absent.

Mr. Richard Reyes, 333 South Jensen Dr., Houston, Texas 77003 (713-22-1213) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Keller, Vasquez and Parker absent.

Mr. Eugene Modelist, P.O. Box 331356, Houston, Texas 77233 (713-738-8582) stated that while trying to resolve a racial problem in his neighborhood with an Asian merchant he was a victim of racial profiling by an officer he considered prejudice and incompetent and exemplified what he grew up experiencing in the Louie Welch era and Herman Short, that now they had a Mayor Brown and Chief Bradford era and it still existed this day and time, that he was a grandparent now, that as his arrest of racial profiling continued with intake, medical staff and jail attendees at the Stringfellow Mykawa Road Substation, that there was a jail attendee who abused their rights as prisoners with abusive language and unfair treatment along with another jail attendant who tried to get them to plead guilty in order to get out early, that he was not allowed to give his side or his rights read to him, that it was racial profiling not only at the jail facility, but also he was not allowed his rights, that it started out when the officer arrested him, that he did not tell him his rights or what he was arrested for. Council Members Tatro, Todd and Keller absent.

Mayor Brown asked Mr. Modelist if he had filed a complaint with the Internal Affairs Division on this and he stated no, and Mayor Brown stated that Assistant Chief Brashears would get with him and give him all the information he needed to file a formal complaint about all the issues he brought to their attention, whether it was the officer, jail or anything else. Council Members Tatro, Todd and Keller absent.

Council Member Goldberg asked Mr. Modelist what he was arrested for, and Mr. Modelist stated that he found out later on that it was for trespassing, that was what they charged him with, that the officer showed up but when he found out that Mr. Modelist had evidence he walked out, that his criminal case was dismissed but they did not tell him why. Council Members Todd and Keller absent.

Mr. Bjorn Sporie-Ki, 3000 Murworth No. 213, Houston, Texas 77025 (713-664-1751) appeared and stated that he submitted a copy of his statement for the Council Members and the Mayor, that he felt that the present administration of the Houston Municipal Courts should be held in contempt and replaced for the betterment of Municipal Courts and the City of Houston, that they should be held accountable and investigated for their antics and for their hiring and firing practices and for their lies and cover ups, that he was sure that they had heard many horror stories from Municipal Courts, that he stood there speaking for himself and those left behind. Council Members Todd and Keller absent.

Mayor Brown asked Mr. Sporie-Ki if he was aware that he had an appeal to the Civil Service Commission and ten days in which to file the appeal, and he stated yes, and Mayor Brown stated that the best course of action was to make sure that he met that 10 day deadline otherwise he would deprive himself of that avenue of appeal, that he could do that at 611 Walker and Mr. Sporie-Ki stated that he already had the appeal done. Council Members Todd, Keller and Vasquez absent.

Mr. William Perkins, 2017 Morse, Houston, Texas 77018 (713-523-4562) appeared and stated that he was present regarding some tree planting, trimming and tree obstruction, and stated that he had some pictures to pass out, that the trees in the heavy residential areas were very nice and everybody was for them, but because of their placement they obstructed

stop signs, corner views, etc., and had cause numerous accidents in his area and supposed in other areas, that he did not have any statistical evidence just antidotal evidence and had a bunch of pictures as examples, that the reason he was bringing it to the Council instead of the Department of Public Works or the appropriate agencies was that there may need to be individual creative solutions for the intersections as to not remove the trees as well as keeping the intersections safe. Council Members Todd, Keller and Vasquez absent.

Mayor Brown stated that he had the pictures and asked Mr. Perkins if he had the locations, and he stated that all of those pictures were taken that morning on Morse Street, that he had been through many residential areas where similar situations existed where either the street sign or stop sign was covered, that in certain circumstances putting stop ahead on the street or a simple solution like that may be sufficient, but as they could see that on one of the areas where there was a view partially from the car at the intersection it was impossible to see down the street, and Mayor Brown stated they would send someone from Public Works to look at that specific location and asked Mr. Perkins that when he found other locations to call it in to them and they would make sure that someone would go out and take care of it, and he thanked Mr. Perkins for being concerned. Council Members Todd, Keller and Vasquez absent.

Mr. Barry Reese, 2118 Westgate, Houston, Texas 77019 (713-524-2118) appeared and stated that he was present to speak about some obstacles and solutions to make Houston more livable, specifically by making the streets safer for pedestrians and bicyclists, that Houston had the dubious distinction of being pedestrian death capital of the State according to the National Mean Streets Report, and he gave thanks to Mayor Brown and Council Members Sanchez, Parker, Goldberg and Robinson for their consistent support of the City's new bikeway program, and he urged every member of the City Council to strongly support measures to reduce the number of pedestrian and bicyclists injuries and fatalities as well as reduce the air pollution, that Council should use their new transportation committee to plan for Houston's future population growth by providing transportation alternatives and improving air quality before their area was cut off from federal roadway funds, that his key concern was for the Council to insure that a visionary was hired to take the place Mignette Dorsey who was a wonderful pedestrian bicyclist coordinator, that her position had been vacant for almost three months, that his other concerns he could put into writing. Council Members Todd, Keller and Vasquez absent.

Mayor Brown stated that he please do that and that he would ask the Director of Public Works to expedite filling that position, that she did move into their Building Services Department and did do an outstanding job and they would make sure that they proceeded expeditiously in filling the position. Council Members Todd, Keller and Vasquez absent.

Mr. Lee Perry, 2209 Pannell, Houston, Texas 77026 (281-650-5477) appeared and stated that he had been present several weeks ago and had pictures of the waste water treatment plant samples and thought someone was going to do something about it, but since then he had gotten calls from the City of Houston people questioning his creditability or trying to tell him about what they did, but undoubtedly they must not be doing enough because if he found 48 violations and they only found 3 on the plants undoubtedly they were not doing the right thing, that a person had called him and wanted to explain how they were spending a half million dollars a year on sampling, that they needed to ask him what he was doing to find 48 samples in the same plants where they only found 3, that he had not gotten any positive calls so far, that he had done the first comprehensive study of drinking water in the City of Houston

in 1975 for the Environmental Protection Agency, that if they called the head auditor for the State of Texas, Mr. Harold Lee, and ask him who had gotten more money back for the State of Texas than any other auditor walking on Texas Soil his name would come off their lips. Council Members Todd, Keller and Vasquez absent.

Mayor Brown asked Mr. Perry to meet with Mr. Cantu and give him the information, that from what he understood Mr. Perry was talking about was not the City water plants but the Municipal Utility District water plants and he should go to the State and they would get the information for him. Council Members Todd, Keller and Vasquez absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-2267) had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller and Vasquez absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller and Vasquez absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller and Vasquez absent.

Mr. James Patsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that November 21, 2000. James Patsch-Galvan, www.galvan.org, that only in this corrupt administration of Lee Brown and others could a person who lied on her resume and other things still be employed, the only reason that Shirley DeLibrio was still employed was because she was Black and the Mayor was Black, and he demanded that she be fired immediately. Mr. Patsch-Galvan continued to voice his personal opinions until his time expired. Council Members Todd, Keller and Vasquez absent.

Ms. Linda Petrovich, 7202 Oak Village, Humble, Texas 77396 (281-441-1143) had reserved time to speak, but was not present when her name was called. Council Members Todd, Keller and Vasquez absent.

NON CONSENT AGENDA - NUMBERS 30 through 31B

ITEMS RELATING TO THE CIVIC ART PROGRAMS

30. ORDINANCE amending **SECTION 2-328 and 2-329 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Municipal Art Commission for the City of Houston, Texas; containing findings and other provisions relating to the subject; providing for severability – was presented. All voting aye. Nays none. Council Members Todd and Vasquez absent. ORDINANCE 2000-1030 ADOPTED.
31. ORDINANCE approving and authorizing amendment to Ordinance No. 99-1351 establishing a Civic Art Program for the City of Houston, Texas; containing findings and other provisions relating to the subject – was presented. Council Member Tatro voting no, balance voting aye. Council Members Todd and Vasquez absent. ORDINANCE 2000-1031 ADOPTED.

31a. REQUEST from Mayor for confirmation of the appointment of the following to the **CIVIC ART COMMITTEE**, for unexpired terms ending January 1, 2001 and new terms ending January 1, 2003:

- Position One - **MR. RICK LOWE**
- Position Two - **MS. CAROL MANCUSI-UNGARO**
- Position Three - **MS. ELENA CUSI WORTHAM**
- Position Four - **MR. JOHN W. FOCKE**
- Position Five - **MR. KEIJI ASAKURA**

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-1429 ADOPTED.

31b. MOTION to set a date not less than seven (7) days from November 21, 2000 to receive nominations for Positions Six and Seven on the **CIVIC ART COMMITTEE** with terms to expire January 1, 2002 – was presented, Council Member Sanchez moved to set November 28, 2000, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-1430 ADOPTED.

MATTERS HELD - NUMBERS 32 through 36

32. MOTION by Council Member Robinson/Seconded by Council Member Tatro to amend Item 32A below as follows:

Amend to include asking the Legislature to lower the cap on how high Homestead Residential Property assessed values can be increased each year – **(This was Item 46 on Agenda of November 8, 2000, POSTPONED BY MOTION #2000-1378)** – was presented.

Mayor Brown stated that the proposed gap would serve to reduce revenues by some \$22 million a year and that was a loss of 4% of the property tax revenue for the City, that it was equal to about 551 City employees, including their firefighters they were trying to help, emergency medical services, that they were trying to help their police officers, a 50% reduction in the Parks Department budget and 50% reduction in the Solid Waste Department budget, that he would also urge that they not support this and vote it down because it would have a detrimental impact on the City's ability to deliver its services. Council Member Todd absent.

A roll call vote was called on Item 32.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd voting absent	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2000-1431 FAILED

- 32a. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from the City Attorney for approval of City of Houston Legislative Principles for the 77th Session of the Texas Legislature submitted by the City Council Legislative Affairs Committee – **(This was Item 46A on Agenda of November 8, 2000, POSTPONED BY MOTION #2000-1378)** was presented.

Council Member Boney stated that he had asked that they consider including on their Legislative Agenda items related to condom distribution in prisons, and consideration of syringe exchange for the purpose of battling the HIV/AIDS epidemic, that he would make that amendment now or would be willing to defer it to later if they could get it done before time prevented the. Council Member Todd absent.

Mr. Hall stated that the committee did take up the discussion of the issue, that two things happened, there was not specific proposal at the committee meeting and it was also a general opinion that it was not a principal per se, that it was an initiative he was suggesting the City undertake and he could obviously bring that to Council at any point and present it to them, that he frankly encouraged him to do that. Council Member Todd absent.

Mayor Brown stated that he agreed with the City Attorney, that what they were trying to approve were some broad principals, not specific projects. Council Member Castillo

Council Member Castillo moved to call the question, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1432 ADOPTED.

A vote was called on Item No. 32a. Council Member Ellis voting no, balance voting aye. Council Member Todd absent. MOTION 2000-1433 ADOPTED.

Council Member Goldberg stated that he wanted to remove his tags on Items No. 12 and No. 13, and Council Member Parker stated that she removed her tag on Item No. 12. Council Member Todd absent.

Mayor Brown stated that Items No. 12 and No. 13 would be taken up at the end of the agenda. Council Member Todd absent.

33. MOTION by Council Member Sanchez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 19 on Agenda of November 15, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye, nays none. Council Member Todd absent. MOTION 2000-1434 ADOPTED.
35. 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 – (This was Item 30 on Agenda of November 15, 2000, TAGGED BY COUNCIL MEMBERS TATRO, SANCHEZ AND PARKER) – was presented. - was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2000-1032 ADOPTED.

36. 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 40 on Agenda of November 15, 2000, POSTPONED BY MOTION #2000-1409)** – was presented.

Council Bell stated that he had an amendment that was distributed on Item No. 36 and was to amend Item No. 36 to change the end date of the contract from 2003 to 2002 with four subsequent 1 year options instead of 3 as written, that the contract presently went to 2003 with three 1 year options, that the amendment was offered for the purpose of making it more in line with KPMG's agreement with the State contract, that it was not expected that anything should happen with the contract, but if it did, since that was one of the major reasons that they were going forward with KPMG as the sole provider in this particular instance he thought it made sense to track that contract as closely as they could, that the representative of KPMG, whom he spoke with yesterday, stated it was acceptable to them and Ms. Dotson, on behalf of the administration stated it was acceptable to the administration.

Mayor Brown stated that the administration did support the amendment. Council Member Todd absent.

Council Member Castillo asked if Council Member Bell meant to say 2002 on the anniversary date of the contract, and Council Member Bell stated that yes, whatever it was under the present agreement, the same anniversary date 2002 instead of 2003. Council Member Todd absent.

Council Member Sanchez asked who had the discretion to exercise the option, and Ms. Dotson stated that the administration would normally be the one to exercise the option. Council Member Todd absent.

Council Member Goldberg stated that he knew they wanted a 3 year term originally because it was thought it would encourage KPMG to put more of its capital into the project and asked if changing the end date for the contract to a smaller term affect the amount of capital that KPMG would put into it, and Ms. Dotson stated no, that they had assured her that it was acceptable and it would give them an opportunity to put the same amount in. Council Member Todd absent.

Council Member Bell moved to amend Item No. 36 as follows:

Motion to amend Item No. 36 (KPMG Consulting) to change the end date of the contract from 2003 to 2002 with four subsequent one year options instead of three, seconded by Council Member Boney. All voting aye. Nays none. Council Member Todd absent. MOTION 2000-1435 ADOPTED.

Council Member Tatro stated that he was torn between the issue because he believed foraying into E government was a particular important aspect to the City, but was disturbed by the implementation of it and its affect, that it was a small significant

part and he did not see a plan, that he thought the partner involved, KPMG, had made a substantial investment at the State level and it was beneficial to the City to piggyback with them on that and that was why he was torn between this implementation and an overall plan, that they were told that it would cost them only in user fees, that they had no real substantial data to suggest how many people would or what those fees would be, that they had no track record of what those fees might be or no data on what they may be asked to implement, and then the E procurement which would be on the City side, that they did not know how much it would cost, that it would cost a significant amount of money for the City alone to do some of the programming involved to get the City people and systems up to date with that and yet those costs had not been specified, that although he applauded the attempt and the foray into E government he thought it was an implementation without a plan. Council Member Todd absent.

Council Member Robinson stated that Ms. Dotson had come and briefed the TTI committee, Transportation, Technology and Infrastructure Committee, that they had a high stack of all the briefing documents that Ms. Dotson had provided to them on what the ongoing status of technology was in the City, what the preparations and anticipated plans were for trying to consolidate the e-mail systems, data base systems, coordination of software to rollover to a standard set of hardware, the creation and consolidation of the websites, that he knew they had gotten information and had been briefed and been privy to an early draft of what would be an RFP or RFQ relative to a down and dirty inexpensive evaluation of the overall status of what was going on in the City, that they all knew that technology changes and implementation changes and they had not made any commitment to exclude anybody else as a result of the KPMG contract, in fact they let a contract just a couple of months ago that was going to give a separate and distinct vendor the web page development access that would be consistent and compatible with the KPMG effort, that they would do it over on the municipal court side consistent with the upgrading of the computer system over there along with what they were doing with KPMG here, that they had an ongoing effort with the Technology Steering Committee that the Mayor's office had under Ms. Dotson's leadership to coordinate all these things, so they were not proceeding with implementation without a plan, that they were proceeding as rapidly and cautiously as they could in light of how far behind the City was in terms of what other cities were doing across the Country, that if Council Member Tatro did not get all the information they could send him another package. Council Member Todd and Castillo absent.

Council Member Sanchez asked Council Member Robinson if he knew which municipalities encouraged drivers to pay with credit cards so he could avoid those municipalities, and Council Member Robinson stated that he would send him a list of the various articles. Council Member Todd and Castillo absent.

Council Member Bell stated that he agreed with Council Member Robinson that it was time to move forward, that obviously if they were not to support the item that was on the agenda today it would setback the process and this was an area where they desperately needed to be making progress and if anyone needed any more direct evidence all they must do is go online and look up the City of Seattle and Phoenix homepages, that they did have a safety net in this instance because they would be coming back to Council and setting the fees and that was very important so that E government would be successful in the City of Houston. Council Member Todd, Keller and Castillo absent.

Council Member Boney stated that he supported Council Member Bell's amendment and also the passage of the item, that he did not know how clear some Members of Council were about technology and the positive impact it could have on the City or how clear they were with regard to planning and technology, but he thought that technology was changing so fast that really risk more of a danger moving back to prehistoric dinosaur days if they did not get started, that it was really a rather modest proposal to get them started. Council Member Todd, Castillo and Robinson absent.

Council Member Parker stated that she did think it had been researched and discussed quite a bit and asked Ms. Dotson if what they were going to get from KPMG other than their expertise in creating the State's portal was that they were going to come back with a plan for the City to implement their own billing for traffic and parking tickets, that it was a first step for E government and they were going to put a price tag for that plan and it would probably be in the form of a convenience fee so they were not just sending them off to do their own thing and it was out of here, they were going to report back to Council with a plan and they would have an opportunity to vote on that, and Ms. Dotson stated yes, that once they were able to start work they would be looking at the volumes and give some thought to how many people would actually use it and bring back to Council, once their costs are better identified, exactly what those convenience fees should be and it would be up to Council to help them work through the best business case to make them at least expensive as possible. Council Member Todd and Castillo absent.

Upon further discussion by Council, Council Member Tatro stated that they had no track record of utility customers for municipalities, the different and various traffic tickets paying on line, and the E procurement was probably the most up in the air at this time, that he had talked to the KPMG representative yesterday who stated they did not know yet who specifically was going to pay for the E procurement. Council Member Todd, Castillo and Sanchez absent.

Council Member Robinson stated that the argument was almost when the banking industry decided that there was no history for moving to online banking and for the longest time in the State of Texas the largest bank online in terms of volume was a small bank out of south Texas because they beat everybody else to the notion that people would actually go online to take the opportunity to do banking, that HGHC had the largest regional E procurement system than anyplace in the Country just down the street from here, that everybody in terms of the private sector and even government was moving to online procurement, that the latest example of online E government in this area was just up the street at the County Administration Building where they just went online to do motor vehicle registration using a convenience fee and their numbers were already shooting up in a short period of time. Council Member Todd and Sanchez absent.

A vote was called on Item No. 36 as amended. Council Member Tatro voting no, balance voting aye. Council Member Todd and Sanchez absent. ORDINANCE 2000-1033 ADOPTED.

Items received during the meeting were considered as follows:

2. RECOMMENDATION from Director Parks & Recreation Department for approval of an increase in the green fees at Sharpstown, Glenbrook, Melrose, Gus Wortham and Brock Golf Courses – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Todd and Sanchez absent. MOTION 2000-1436 ADOPTED.
- 2a. ORDINANCE approving and authorizing contract amendments between the City and **MEMORIAL GOLF, INC, REED GOLF CORPORATION, and LOPEZ MANAGEMENT GROUP** for Green Fee increases at Melrose, Gus Wortham and Glenbrook Golf Courses – was presented. All voting aye. Nays none. Council Members Todd and Sanchez absent. ORDINANCE 2000-1034 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for purchase of Employee Transit Passes 1 Year - \$715,851.00 - General, Grant, Enterprise and Other Funds – was presented. All voting aye. Nays none. Council Members Todd and Sanchez absent. ORDINANCE 2000-1035 ADOPTED.

The City Secretary stated that Council Members Goldberg and Parker released their tag on Item No. 12. Council Members Todd and Sanchez absent.

12. ORDINANCE approving and authorizing contract between the City and **BREAD OF LIFE** for the provision of Community Outreach and Mobilization Services for Syphilis Elimination; providing a maximum contract amount - \$276,756.00 - Grant Fund – was again before Council. All voting aye. Nays none. Council Members Todd and Sanchez absent. ORDINANCE 2000-1036 ADOPTED.

The City Secretary stated that Council Member Goldberg released his tag on Item No. 13 Council Members Todd and Sanchez absent.

13. ORDINANCE approving and authorizing contract between the City and **BUILDING LIVES OFFERING COMMUNITY KNOWLEDGE (BLOCK)** for the provision of HIV Health Education and Risk Reduction Services to Youth; providing a maximum contract amount - \$156,319.00 General Fund – was again before Council. All voting aye. Nays none. Council Members Todd and Sanchez absent. ORDINANCE 2000-1037 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Tatro stated that he had earlier tagged an item that was for the hydraulic repair because the Parks Department had decided to remove themselves from that particular contract and they were told by the administration that was not the case, that the Parks Department was back in and subsequently he was re-notified that the Parks Department was still out of that contract and so he guessed that he changed his own rule, that part of their concern was that the Parks Department elected not to use the contractor for some reason and decided that the second bidder, after a site visit, was more appropriate to their needs on their bucket trucks, so he would appreciate knowing why that was, and stated to Mr. Spellman that he would like to know because after they did the site visit it was a significant concern when they were dealing with hydraulic trucks and repair and people's needs for safety. Council Member Todd and Sanchez.

Council Member Parker stated that she was flying back into Hobby Airport after a few days out of town and for those who did not think they needed to do something about a limousine ordinance and being solicited at the airport, as she was dragging her bag past baggage claim a gentleman came up to her and very softly whispered that he had a cab if she was interested and after she asked him a few questions he got nervous and she promptly dragged her bag out to the cab stand and reported him, that it does happen and they should not respond to someone who offers them either a limousine ride or cab ride in the airport and she was glad they passed the ordinance and hoped they could really crack down on it and enforce it. Council Members Todd, Keller, Vasquez and Sanchez absent.

Council Member Parker stated that when they discussed rail this morning she thought they made a good vote today for the future of Houston, that although she did believe that the citizens should have had a vote on rail, and in fact she signed a pro vote petition a couple of years ago, the circumstances and information available had changed and while her constituents were the citizens who elected her, she thought her constituents were also citizens who were going to live in the City in 10, 20 and 50 years and rail had to be part of their future. Council Members Todd, Keller, Vasquez and Sanchez absent.

Council Member Parker stated that last night she attended a funeral service for a long time community activist and someone who literally touched thousands of lives as an educator, Professor Alice K. Lane, that she was born in Galveston in 1924 and was a social worker but taught at various levels at the University of Texas at Austin, University of Houston, Texas Southern University and retired from the University of Houston downtown, and she offered her condolences to the family. Council Members Todd, Keller, Vasquez and Sanchez absent.

Council Member Castillo stated that he had a subject that came to his attention as he was watching the news and it had to do with the transport of wet sludge, that wet sludge was produced at their sewer treatment plants and was the end product of treatment of human waste, that the contracts for the past had two end users for the sludge and one was using flash dryers the material was dried, bagged and sold as fertilizer in areas that grew citrus fruit, that apparently trees of the citrus family did not absorb the heavy metals that were predominant in sludge and so it was permitted by EPA and the Department of Agriculture to be used for that fertilization, that the story last night was about wet sludge being carried over the streets of Houston and used to fertilize fields in surrounding areas, that to his knowledge he did not remember anything crossing their desks and certainly not before he was on Council in recent memory, so he wanted to know where it was that they were allowing wet sludge to be carried to and used for fertilization of fields, and number two, what kind of field crops were being fertilized and who was keeping track of where the wet sludge was being applied because eventually fields were converted to other uses and so it was important to know where all that was going. Council Members Todd, Keller, Vasquez and Sanchez absent.

Mayor Brown stated that they did have an answer for his question and would have Ms Teresa Battenfield prepare a memorandum so all Council Members would have an answer to Council Member Castillo's question. Council Members Todd, Keller, Vasquez and Sanchez absent.

Council Member Bell stated that he too thought that rail was the right thing to do, that the reason he opposed the election was the same reason he spoke out against the vote that was originally being proposed in 1998, that he did not support elections that were not going to

stand for much of anything, that the criticism, as Mr. Miller made clear, was that in 1998 those who opposed rail were going to say that people were simply voting for the road projects and those who supported rail were going to say that the voters were clearly supporting the rail projects and not just voting for them because of the road projects, so at the end of the day they would be left with somewhat of an inconsequential vote, that he did not think that was the way this process should move forward, that he thought that as the debate had gone on what had become perfectly clear was that they would never have a definitive answer as to whether people in the City of Houston would take advantage of a light rail system until they put a light rail line in place and see if they would, that they could do so at this particular juncture without breaking the bank, that yes \$350 million was a lot of money, but small in comparison to what a lot of longer lines would have cost the City, that he would say this to Metro, that he thought that it was extremely important as the process moved forward that in the construction of the rail line that they come forth with a construction schedule that would both be acceptable to the constituents and one that could be met, that if the process dragged on and on like many of the Metro rail projects that they were getting calls about on a very frequent basis they were going to lose credibility up front and lose support up front and it was going to be more difficult for the rail line to succeed, but he was glad that it was out of the gate now and moving forward. Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent.

Council Member Parker stated that they set earlier a date to receive nominations for the Civic Art Commission and it was set on the 28th, which was next Tuesday, and asked if they wanted to set it for the 29th, that it was seven days from the 21st, and thought that they may need to reset that, and Ms. Stein stated that they could post it on the 28th and then suspend the rules and move it to the 29th. Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent.

There being no further business before Council, the City Council adjourned at 1:20 p.m. upon MOTION by Council Member Castillo, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary