

City Council Chamber, City Hall, Tuesday, December 5, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, December 5, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, John E. Castillo, Annise D. Parker, Gordon Quan and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Ms. Marty Stein, Agenda Director present. Council Members Carol M. Galloway, Gabriel Vasquez and Carroll G. Robinson out of the city on city business. Council Member Jew Don Boney, Jr., absent on personal business. Council Member Orlando Sanchez absent on city business.

At 1:58 p.m. Vice Mayor Pro Tem Castillo stated that Council would begin with their presentations beginning with Council Member Ellis. Mayor Brown, Council Members Goldberg, Todd, Keller, Parker and Quan absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that the Houston Highland Games Association promoted Scottish and Celtic heritage and for the past five years Governor Bush signed a proclamation declaring November 30 as "Texas Day of the Scots" and invited Mr. Douglas V. Beaton, President and CEO of the Houston Highland Games Association to the podium. Council Member Ellis stated that Sam Houston, David Crocket and Jim Bowie and many others were Scots and read from the proclamation signed by Governor Bush. Mr. Beaton stated that the Houston Highland Games Association was founded as a 501(c)3 solely to preserve and promote Scottish culture, traditions and the Scottish American heritage; that he thanked Council for allowing him to promote this; that Texas was reminded of its Scottish influence by names like Houston, Austin, Dallas, Denton, etc., and it was noted every one out of twelve Americans today had some Scottish ancestors; and introduced Ms. Sia La Belle, spokeswoman for the Texas Blue Bonnet Tartan and Mr. E. J. Jones, one of the finest pipers in the State of Texas. Ms. La Belle stated that tartan referred to fabric woven into plaid patterns representing clans or families or regions within the Scottish region; that the Texas Blue Bonnet Tartan was commissioned by the late Ms. June McRoberts and adopted in 1989 as the official state tartan for the great State of Texas and it was her sincere pleasure to add that Houston had been named as the home of the Blue Bonnet Tartan; and introduced Mr. Jones who played The Eyes of Texas Are Upon You, reaffirming Mr. Beaton's introduction of being one of the finest pipers in Texas. Mayor Brown and Council Member Goldberg absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated that she had a presentation to the graduates of the Neighborhood Leadership Institute; that this was a way for people already involved in their neighborhoods to learn more of the mechanisms and tools to benefit their neighborhood, it was a seven lecture series and twenty people completed their course work bringing the total number of graduates to 50; that for those wanting to attend they could contact Planning and Development at 713-837-7701 and she would encourage anyone who might consider going through the program to get the information, about half the Council Members were very active in their civic clubs and some presidents; and she invited Mr. Litke to the podium to help present certificates to those present. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Bell stated that he had a presentation today which was a part of the Adopt A School Program, the Municipal Courts Administration adopted Crockett Elementary and they had an upcoming holiday event which Mr. Victor Olivo, from the Municipal Courts, was present to tell everyone about; and invited Mr. Olivo to the podium. Mr. Olivo stated that the Mayor's Adopt A School Program had made it possible for himself, and he was going to be selfish because it had been a very wonderful experience for him to be involved in such a program, he had not realized how much fun or how rewarding it would be until he started working with them; that last year they were overwhelmed by a presentation made by the school consisting of sixth, fifth, fourth and now even second graders in a 65 to 70 piece band which had put out very beautiful music for Christmas and this year he would like to share it with Council and the general public; that they would be present Monday at the steps of City Hall starting at 11:30 a.m. and today was a small presentation of what they were capable of; and introduced the band director, Mr. Luis Cabrera, and the string directors, Ms. Quintanilla and Ms. Melendez assisted by Ms. Martinez and the stars present, which was only a small group of what would be seen Monday, was Monica Castaneda, April Hernandez, Teresa Reyes, Eva Trevino, Cynthia Aguilar, Ivette Gonzalez, Carlos Andrez, Pedro Rodriguez, Zaid Garza and Cyndi Alamos; and invited them to the front of the Chamber where they presented a violin performance.

Mayor Brown stated that he and Council wanted to thank those very young and talented people for being present today; that not only were they talented, but good looking as well.

At 2:21 p.m. Mayor Brown called the meeting to order and called on Council Member Ellis who led all in prayer and in the pledge of allegiance.

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

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

At 2:23 p.m. Mayor Brown stated that Council would hear from the public and requested the City Secretary to call the speakers.

Rev. Bennit Hayes, 7440 Coffee, Houston, Texas 77033 (713-733-9060) appeared and stated that he was pastor of Glory Land Missionary Baptist Church and he had a concern which he found out yesterday it was already on Council's Agenda, Item 32, but their concern was sidewalks for the children and the elderly since they had to walk in the streets; that he wanted to see about getting the sidewalks and found it on the Agenda, but would like it as soon as possible.

Mayor Brown thanked Rev. Hayes for coming and bringing the message to Council.

Ms. Anna Martin, 3114 Airport Blvd., Houston, Texas 77051 (713-348-6041) had reserved time to speak, but was not present when her name was called

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

Mr. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 appeared and stated that he had on the public and private sector, behavior, people, staffing, mental, physical, growth, denial, citizenship and November 2, 2000, at a local gun dealership; that his concern today was a born boy and a born girl which he had presented the issue to Council before asking them to check out the 3800 block of Southmore Street 1979; that he made mention a boy was shot and a girl was shot in her heart; that the Tilson family was part of a major conspiracy owning about 20,000 acres of land and Mayor Brown had been here two terms and was he going to be like Hofheinz; and continued until his time expired.

Council Member Parker moved to suspend the rules to hear Ms. Marsha Rose out of order, and was seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of the city on city business. Council Member Boney absent on personal business. Council Member Sanchez absent on city business. MOTION 2000-1464 ADOPTED.

Ms. Marsha Rose, 11 Greenway Plaza #500, Houston, Texas 77046 (713-877-1650) appeared, presented information for Council Members and stated that she was with the law firm of Levin and Kasner and was representing Richard A. Ehrlech, president of Renaissance On Montrose Corporation, that he was developer of a \$5,000,000 project at 1700 Montrose and the problem was issuance of a building permit; that he had spent over \$30,000 to get the building in shape to undergo construction; that he purchased it in June of 2000 and at that time the builder had a building permit, then in August he engaged in financing for his project and had been unable to get his permit and it was a substantial cost to Mr. Ehrlech, about \$760.00 a day in interest payments alone; that the applicable ordinance, Section 10-34, required a permit be granted unless the utility official determined that the proposed use of the easement would interfere with the city's exercise and enjoyment of its easement right and he had already complied and was only trying at this time to put in an eight inch line where there was now a six inch line and there was no interference because it was a sewer line and outside of the building property and they could see no reason why the building permit could not go forward.

Council Member Parker stated that Mr. Ehrlech had contacted her office about three weeks ago and they had been working closely with him and Mr. Nelson and Mr. Embry in Public Works had been helpful and devoted a lot of time to the situation; that Council Members may have read an article about the project where the previous developer was a scam artist and was ripping off a lot of people; that the neighborhood was extremely supportive of Mr. Ehrlech and wanted to see him succeed, but the city did require i's dotted and t's crossed, but if there was anyway to allow a good developer and good neighbor to salvage something that had been an eyesore for two years she would really appreciate it and knew Mr. Ehrlech would as well.

Council Member Todd stated that Ms. Rose should finish her comments; and Ms. Rose stated that they felt with regard to the provisions of Section 10-34 that there was no material interference if the easement was the issue, which she felt it was,

because there was a line active there up to this time and the previous building owner had a building permit and it was a hardship at this point.

Upon questions by Mayor Brown, Mr. Ehrlech stated that he was clear as to what was needed for approval, but the plans had been approved some time ago by the plan checkers and Mr. Embry wanted to sell him the permit, but the permits were being blocked by Mr. Nelson; that it took them 40 days to tell him to switch out a six inch line for an eight inch line which he was doing as quickly as he could, but they were holding him up from building 300 feet north of that and it was not in compliance of Section 10-34. Mayor Brown stated that Mr. Wes Johnson was in the Chamber and he would ask that he meet with him and see if they could work their way through it.

Upon questions by Council Member Keller, Mr. Ehrlech stated that he closed purchase June 22 and paid \$120,000 interest, applied for permits August 10 and they were completely approved by the plan checkers a long time ago; that he had probably wasted \$50,000 in interest because of Mr. Nelson.

Mayor Brown stated that Mr. Johnson was present and would work with him and make sure he knew what needed to be done and if it was something the city needed to do would make sure it was done.

Ms. Alice Gresham, P. O. Box 35006, Houston, Texas (713-729-9079) had reserved time to speak, but was not present when her name was called

Mr. George Dillard, 6619 Sherwood, Houston, Texas 77021 (713-645-9598) appeared, presented information, introduced Ms. Janice Eastmond and stated that he was present representing the Black Heritage Society, the group which sponsored the Martin Luther King, Jr., Parade; that they were the initial group which recognized Dr. King and today was present with a request for a resolution and proclamation for endorsement in support from the City of Houston supporting the 23rd Black Heritage Society/MLK Birthday/Holiday/Parade Celebration; that they were a local non-profit 501(c)3 self help organization which endeavored to keep Dr. King's dream alive, he was a champion of cultural diversity representing people regardless of their race, creed, color or nationality; that they also held a special ceremony on the anniversary of Dr. King's death every year since the assassination in 1968; and they were asking Council to join them in keeping the "Dream" alive; and Mr. Dillard's time expired.

Mayor Brown stated that Mr. Dillard should continue; and Mr. Dillard stated that the Black Heritage Society believed in building bridges through racial and ethnic harmony and believed it would achieve the goal through heightened awareness of heritage, cultural exposure, education, and by forming effective partnerships not only to continue the fight for equality and social justice but to effectuate the needed changes for improved economic development and growth and a better and improved race relation and those were cornerstones that Dr. King stood and gave his life for; that they would be presenting their most prestigious "Mountain Top Award" to the African legend, Nelson Mandela, at the dinner gala which was to be held at the George R. Brown Convention Center and Mr. Mandela would be the third recipient of the award with the other two being the King family and Ms. Rosa Parks; and invited the City, Mayor and Council and their families to participate and attend the noble occasion on Monday, January 15, 2001.

Council Member Todd stated that he had requested a proclamation; and Mr. Dillard stated that he had been working with Council Member Todd and Council Member Parker and Council Member Boney and a couple of others he did not see, but he wanted to thank them all for their help and thank Council Member Todd for his letter they were able to use in an efforts to raise funds to pull the effort off; and would appreciate Council's support in a form of resolution.

Mr. John Kuykendall, 11314 Briar Rose, Houston, Texas 77077 (281-552-9550) had reserved time to speak, but was not present when his name was called

Mr. Al Johnson, P. O. Box 554, Houston, Texas 77002 (713-447-1992) had reserved time to speak, but was not present when his name was called

Mr. David Holland, 555 San Felipe #2200, Houston, Texas 77056 (713-435-4412) had reserved time to speak, but was not present when his name was called

Mr. Mark Nelson, 745 E. 18th Street, Houston, Texas 77008 (713-802-1260) appeared and stated that he was the artist and director for the "Glass Free Grounds", a public art project in Houston which organized and conducted workshops in public parks to address the issue of broken glass litter in parks highlighting the abuse of City of Houston Ordinance No. 80-998 which prohibited glass containers in city parks; that Glass Free Grounds came into existence with a three part pilot program which was funded via the Clean Neighborhood Project; that today he was proud to say he had taken Glass Free Grounds to 759 children and adults in 18 city parks and gathered 1,500 pounds of broken glass litter; that they had received grants from the Cultural Arts Council of Houston/Harris County, the Memorial Hermann Health Care Systems, Project Well House and additional support from the Keep Houston Beautiful group and had received in-kind donations from Home Depot, Tri Lumber Hardware, Rigsby Hardware and Coney Island Hotdogs; that on October 14 the collected glass was transported to Rino Ohio and transformed into 140,000 blue glass marbles and he had a bucket of 150 today to present to his city to be cared for by Mayor Brown, they were the world's first marbles made of broken beer, wine, whiskey and gin bottles from public parks; that this year he would try and work in 20 parks; and Mr. Nelson's time expired.

Mayor Brown stated Mr. Nelson should continue; and Mr. Nelson stated that at the end of this year Glass Free Grounds would celebrate their accomplishment with their Marbles Exhibition at the Lawndale Art Center and invited all to attend; and if anyone wanted Glass Free Grounds to kick the glass out of their park they should call him at 713-802-1260; and presented a packet of information and the bucket of marbles to Mayor Brown.

Mayor Brown stated that the information would be duplicated and given to all Council Members; that his marbles would be displayed and thanked him for his contribution to the community.

Mr. Woodrow Johnson, 2409 Sam Wilson, Houston, Texas 77020 (713-674-0836) had reserved time to speak, but was not present when his name was called

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his web site address was www.galvan.org and he had no

speech, but wanted to say he did not like the way the City Secretary treated Mr. Taylor; that if a minority ran out of time she would stop them right a way, but if it were a White person she let them go; and if the Speakers list was only one page why did Council Member Parker have to take Ms. Marsha Rose out of order, couldn't she wait; that was an abuse of power and it showed they were all a bunch of crooks; that no one had helped him on his case and the only reason he was not on Council yet was because he had not learned to lie and steal as they had.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called.

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

At 2:51 p.m. upon motion by Council Members Todd and Quan the City Council recessed until Wednesday, December 6, 2000 at 9:00 a.m. Council Members Galloway, Vasquez and Robinson out of the city on city business. Council Member Boney absent on personal business. Council Member Sanchez absent on city business.

City Council Chamber, City Hall, Wednesday, December 6, 2000

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, December 6, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director. Council Members Carol M. Galloway, Gabriel Vasquez and Carroll G. Robinson out of city on city business. Council Member Jew Don Boney, Jr. absent on personal business.

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

At 9:13 a.m. Mayor Brown called to order the meeting of the City Council. Council Members Goldberg, Todd, Keller and Parker absent.

MAYOR'S REPORT

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

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the monthly financial report for the period ending October 31, 2000, that it was the fourth month of the current fiscal year, that as noted in their transmittal letter all of their figures for the Comprehensive Annual Financial Report was in and they had distributed the report to them as of Monday and had made a presentation to the Fiscal Affairs yesterday, that all of the CAFR numbers had now been plugged in throughout the report, that the ending fund balance for the past fiscal year was \$70.7 million and it was about 6.6% or \$18.8 million below the 7.5%, that

as to the current month for the General Fund they were showing everything about the same as last month except in the Sales Tax area and they now project that at budget, that they had changed their projections to factor in 5.8%, that as they would remember they were using the most conservative figure of 4.74% and had now changed it to 5.8% and their projections were now at budget, that on the expenditure side, there had been no change other than they would note a transfer of \$12.3 million from the Houston Police Department to the Building Services Department, that was in line with the implementation of changing some of the Building Services responsibilities from some of the departments to Building Services, that she believed Mr. Haines would discuss more of that during his report, that there were no other changes since last month and that would conclude her report. Council Members Goldberg and Parker absent.

Mr. Haines, Chief Administrative Officer, stated that Ms. Culbreth was out of town this week and he would be presenting the report on behalf of Finance and Administration Department, that they had incorporated into the report the fund balance figures that were reflected in the Comprehensive Annual Financial Report as prepared and presented by the City Controller yesterday at the Fiscal Affairs Committee, that it represented about a \$1.2 million increase to fund balance over what had previously been projected, and beyond that they had made no adjustments to revenue calculations and forecasting in the General Fund, that they did note yesterday that it at least appeared that there was very close to consistency as it related to forecasting on the revenue side between the Controller's Office and Finance & Administration, that they continued to follow the general modeling that Dr. Barton Smith had developed relative to forecast projection, that as to expenditures, they made no modifications or adjustments there to the total, that they had in the previous month incorporated a 1% general spending reduction and that showed again for the second month, that as the Controller mentioned they did make one change, a \$12.3 million adjustment to the Building Service and Police Departments, that was done as a result of the implementation of a consolidation of building management and facilities maintenance services that had been agreed to between the Police Chief and Director of Building Services and so what they had done was shown that in this months report showing an amount of reduction exactly the same \$12.27 million from the Police Department transferred over to the Building Services Department, that as they presented in the Fiscal Affairs Committee meeting yesterday, they would provide the committee through the Fiscal Affairs Committee a briefing on the results of that particular transfer, what was involved and what the anticipated efficiencies or what they anticipated to be some expenditure reduction going into Fiscal 2002 to be, that other than that they had made no changes from the adopted budget in the monthly financial report and that concluded their presentation. Council Members Goldberg and Parker absent.

Council Member Bell stated that beginning on page 45 the various bond funds which were set forth there, all of the various amounts represented on the funds besides the Enterprise Funds look somewhat low and he was curious as to whether the administration or the Controller felt there was any cause for concern at this point and time and if there were any plans in motion to address the situation. Council Members Goldberg and Parker absent.

Mr. Haines stated that they did not have a concern, that if they went back over the prior year it was generally reflected that way and they would be happy to give him a detailed report on the status of each of those significant amounts. Council Members Goldberg and Parker absent.

Ms. Garcia stated that there was no particular concern that they had seen and she asked Council Member Bell if there was any particular bond fund that he would like for them to look at or was it generally all of them, and Council Member Bell stated that all of the columns seemed somewhat low and there did not seem to be a great amount of money there available for the City to spend and he knew there were certain procedures that the administration could perhaps take to address the situation. Council Members Goldberg and Parker absent.

Mr. Haines stated that those funds were cyclical based on the draw downs and based on the authorizations and both of those factors drives what was in there and they would get him a report on it. Council Members Goldberg and Parker absent.

Council Member Sanchez stated that there was slight difference in the General Property Taxes between F&A projections and the Controller's and asked what that was, and Ms. Garcia stated that there was less than a million dollars between their projections and it was basically a little below the adopted budget and it was still early in terms of any property taxes coming in. Council Member Parker absent.

Mr. Haines stated that the only variation he could think of was that it had to do with the basic modeling assumptions going into the forecasts, that there were some very minor types of adjustments that they would expect because they did not run the same set of assumptions based on the HCAD numbers. Council Member Parker absent.

Council Member Sanchez asked Ms. Garcia if she was not projecting any budget shortfalls for the fiscal year, and Ms. Garcia stated that if the administration continued the controls that they did have in response to the 1% reduction in the tax rate she thought that the budget would be balanced and was not sure at the moment that they would have any shortfalls but a lot depended on whether the administration would continue their controls and whether the departments would stay in line. Council Member Parker absent.

Mr. Haines stated that they were following a general approach of maintaining as conservative approach as possible, particularly as they were monitoring sales tax revenue, and thought that the Controller would agree that they had seen better than projected performance on sales tax receipts during the first three months, however they would be very reluctant to suggest at this point and this early in the budget period to make any adjustments.

Council Member Castillo moved to accept the report, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1465 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 45

MISCELLANEOUS - NUMBER 1 and 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER 5 (MEMORIAL HEIGHTS AREA) BOARD OF DIRECTORS:**
 - Position 1 – **MR. KENNETH S. KATZ**, reappointment, for a term to expire December 31, 2002
 - Position 3 – **MR. CHARLES S. LEYENDECKER**, reappointment, for a term to expire

December 1, 2002 and as Chair, for a term to expire December 31, 2001

Position 5 –**MR. PORFIRIO F. DIAZ, JR.**, appointment, for a term to expire December 31, 2002

- was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1466 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$51,649.36 Enterprise Water & Sewer Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1467 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$219,012.30 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of 1998 Major Thoroughfare Sidewalk Project 71-3, GFS N-0610A-71-3 (N-0610A-71) - 01.56% over the original contract amount - Street & Bridge Traffic Control Fund - **DISTRICTS A - TATRO and H - VASQUEZ** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1468 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$698,267.72 and acceptance of work on contract with **ALLCO, INC** for Rehabilitation for Sugar Valley Sanitary Sewers, GFS R-0525-02-3 (4710-01) - 00.78% over the original contract amount - Enterprise Fund - **DISTRICT D - BONEY** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1469 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,252,267.88 and acceptance of work on contract with **C AND C SERVICES** for Construction of Water Main Replacement in Old Spring Branch and Drainage Improvements in Harwood Terrace, GFS S-0036-03-3 (10389) - 07.36% under the original contract amount - Enterprise Fund - **DISTRICT A - TATRO** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1470 ADOPTED.

10. RECOMMENDATION from Director Department of Aviation to accept work on contract with **BOYER, INC** for Houston Airport System (HAS) Telecommunications Network Segments A & B at George Bush Intercontinental Airport/Houston (IAH), Project No. 441A, CIP A-0222 - 04.11% over the original contract amount - Enterprise Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1471 ADOPTED.
11. RECOMMENDATION from Director Department of Aviation to accept work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Runway 9-27 Upgrade and Electrical Improvements at Bush Intercontinental Airport, Project 494; CIP A-0255, A-0267, A-0353, A-0357 and A-0360 00.49% over the original contract amount - Enterprise Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1472 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 and 18

LOW BIDS

15. ORDINANCE appropriating \$789,008.91 out of Water & Sewer Consolidated Construction Fund for purchase of Turbine and Magnetic Type Water Meters for Public Works & Engineering Department, CIP S0958 had been pulled from the Agenda by the Administration, and was not considered.
- 15a. **SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC** - \$770,285.00 and **BADGER METER, INC** - \$18,723.91 for Turbine and Magnetic Type Water Meters for Department of Public Works & Engineering had been pulled from the Agenda by the Administration, and was not considered.

OTHER

18. **AMEND MOTION #98-182, 2/4/98, TO EXTEND** expiration date for an additional twelve months from February 4, 2001 to February 4, 2002, for Automated Refuse Carts for Solid Waste Management, awarded to **PLASTIC OMNIUM ZARN, INC (aka ZARN, INC)** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1473 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 45

23. ORDINANCE amending Ordinance No. 97-1167 To: (1) Reallocate \$1,000,000.00 of available Section 108 HUD-Guaranteed Loan Funds from the Single Family Home Improvement Loan Program to the Small Business Loan Program; and (2) Allocate to the Small Business Loan Program an additional \$3,000,000.00 out of Section 108 Funds

authorized but not allocated under Ordinance No. 97-1167; approving and authorizing second amendment to Subrecipient Loan Agreement between the City of Houston and the **HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION** to extend the time to commit funds thereunder to provide and an additional \$4,000,000.00 of Section 108 Loan Funds to be used to make Small Business Loans and to provide \$400,000.00 of additional Economic Development Initiative Grant Funds to serve as a Loss Reserve had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.

24. ORDINANCE approving and authorizing agreement between the City of Houston and **HOLMES COMMUNITY DEVELOPMENT CORPORATION, A Community Housing Development Organization**, to provide Operating Expenses associated with building its capacity to develop affordable housing - \$50,000.00 - Grant Fund - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1051 ADOPTED.
26. ORDINANCE approving and authorizing a Master Agreement between the City of Houston and **UNISYS CORPORATION** for purchase of Hardware, Licensing of Software, Professional Services and Training for Various Departments - \$4,618,319.00 - Equipment Acquisition Consolidated Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.
28. ORDINANCE approving and authorizing Amendment No. 1 to lease agreement between the City of Houston and **H.A.M.S. AVIATION MAINTENANCE SERVICES, INC D/B/A H.A.M.S., INC** at William P. Hobby Airport - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1052 ADOPTED.
- 28a. ORDINANCE approving and lease agreement between the City of Houston and **8901 HANGAR, INC** at William P. Hobby Airport - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1053 ADOPTED.
31. ORDINANCE appropriating \$118,852.38 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **JOHN CORPORATION** for Construction of Water and Sanitary Sewer lines in the Cielo Vista Subdivision, CIP S-0800-31-3 and R-0800-26-3 - **DISTRICT E – TODD** had been pulled from the Agenda by the Administration, and was not considered.
36. ORDINANCE appropriating \$319,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **AMANI ENGINEERING, INC** for the Design of Water Main Replacements in the Eastex Oaks III Subdivision, CIP S-0035-80-2 (WA10666); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** -

was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1054 ADOPTED.

37. ORDINANCE appropriating \$356,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **E. E. CARROLL ENTERPRISES, INC D/B/A CARROLL CONSULTANTS** for the Design of Water Main Replacements in the Camden Woods East Subdivision, CIP S-0035-83-2 (WA10669); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1055 ADOPTED.
39. ORDINANCE appropriating \$975,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ROY F. WESTON, INC** for the Design of Wastewater Treatment Plant Renewal/Replacement, CIP R-0265-17-2 (WW4806); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and I - CASTILLO** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1056 ADOPTED.
42. ORDINANCE appropriating \$453,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for the Design of Water Main Replacements in the Sunnyside Subdivision, CIP S-0035-85-2 (WA10671); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1057 ADOPTED.
43. ORDINANCE appropriating \$23,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Design of Waterline Replacement in the South Heights Area, CIP S-0035-72-2 (10582), under professional engineering services contract with **LANDTECH CONSULTANTS, INC**, (Approved by Ordinance No. 2000-0064); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1058 ADOPTED.
45. ORDINANCE appropriating \$41,265,620.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2001 Equipment for Various Departments had not been

received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2001 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$196,151.00 - Enterprise Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1474 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,939,745.00 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Brown Convention Center Balconies and Plaza, GFS B-0010-01-3 - 04.99% over the original contract amount - Enterprise Fund - **DISTRICT I - CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1475 ADOPTED.

Council Member Quan moved to suspend the rules to take Item No. 21 out of order, seconded by Council Member Sanchez. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Todd absent. MOTION 2000-1476 ADOPTED.

21. ORDINANCE amending **CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Excavating in the Public Way; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Bell moved to suspend the rules to hear Mr. Tom Rolen, Director of Public Works and Engineering, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Todd absent. MOTION 2000-1477 ADOPTED.

Council Member Bell stated that if they looked at page 5 under 40-122(e) and compared it to 4127 on page 7 he was curious as to how public entities were being treated, that it seemed it was saying that it a was an affirmative defense if the excavation was being performed by a public way construction entity, and was public way construction entity meant to mean a public entity. Council Member Todd absent.

Mr. Hall stated that he would think in context, and he was not particularly familiar with that provision, that what it seemed to suggest was that a public entity or their contractors, who had been retained precisely for the purpose of constructing or maintaining or improving streets, would in fact have that as an affirmative defense. Council Member Todd absent.

Council Member Bell stated that his question was that his understanding was that they were going to require the public entities to go through the permitting process and if they did not how did they plan to coordinate the projects, that one of the objects of this exercise was to bring better coordination to the various excavation projects and it seemed like it would be a very handy way to keep up with it if everyone was required to go through the permitting process, except in cases of emergencies. Council Member Todd absent.

Mr. Rolen stated that the utilities were being required to comply with this, any water and sewer maintenance activities would be required to comply with it, that in terms of transportation sometimes those folks were in the roadway to repair the roadway, that the ordinance was looking at people who would be cutting the roadway for some type of utility activity, that the City's utility division, water and sewer, were required to comply with this. Council Member Todd absent.

Mr. Hall stated that Ms. McAbee advised him that the explanation was correct, that those provisions applied only to the folks that were cutting the street, that the exception or affirmative defense that he reference were for those people who were actually there constructing the street projects, either construction or reconstruction of streets, as opposed to a utility company. Council Member Todd absent.

Council Member Bell stated that looking at page 7, under 40-128, under rules and regulations where it set forth that the debarment procedures would be left to the Director of Public Works, that he was curious about that and would see that as more of a matter for Council to take up rather than just the Director bring forth whatever rules he deemed fit, that it would seem since they went through a rather detailed discussion on debarment the better place to set forth those guidelines would be Council. Council Member Todd absent.

Mr. Hall stated that he thought it applied to the rules and regulations that the department was in the process of circulating among departments and refining for the implementation of the entirety of the ordinance, not just the debarment proceedings. Council Member Todd absent.

Council Member Keller stated that he thought that in the debarment they had a cross section of representation that eventually would come to Council for the final approval for that decision, that what he liked better about this ordinance was that they had criminal penalties for violations which was stronger than they had in the debarment ordinance, that he would support the item and thought that it may take a week to discuss some of the other concerns of some of the major franchisees that they had with them, and asked if there was in the future an effort or intent to try to amend, address or give them something that could alleviate some of their concerns. Council Member Todd absent.

Mr. Hall stated that in this process there was a time limitation for the effective date for the ordinance, when it was adopted, that part of the principal consideration was time for there to be circulation of the rules and all that was required and necessary to implement the provisions that Council adopted, so the answer to his question was that it had been institutionally built in to give a period for everybody who had an interest and a concern to address that, that further one of the things that they did was to make it apply for the same activities to the City itself, so the City would be in fact going through the same process as everybody else in doing this for these purposes. Council Member Todd absent.

Council Member Keller stated that there were many people that were with them, such as themselves, who may not need to fill out an application every single time, when they already knew that and a fee every time that they did do the application, so he was hoping that down the road there was an intent that somehow that got considered into the ordinance. Council Member Todd absent.

Mayor Brown asked Mr. Rolan if there was no fee attached to this, and Mr. Rolan stated that was correct, and Mayor Brown asked if the large companies were not required now to get a permit to do what they did, and Mr. Rolan stated that generally nobody was required to get a permit, that they brought their plans for Public Works to look at, street closures or something like that or new installations, that it gave everyone the same requirements, thereby they could control the streets to make sure they were not torn up by any big or small companies, that the other thing it would allow them to do was if there was a subsequent problem they would know who to go to, to address that with. Council Member Todd absent.

Council Member Tatro stated that they did have a problem and that was repair of the streets as someone cut them up, that Houston seemed to be in a boom and one of the penalties of being in a boom was to have something like this, that the problem in the repair was the City following up on repairs or certainly not knowing who was digging in the first place, that when he saw the steps they were taking the word bureaucratize came to mind, because he would admit that they had a significant problem with repair and knowing where and who was digging in certain locations, but thought that getting those locations could be done in an administrative manner as opposed to an ordinance manner, that in the next week he would like to meet with Public Works to suggest some administrative remedies as opposed to what he considered a pretty heavy handed approach to trying to get a handle on the repair aspect of the streets, that the Mayor had mentioned that there was no fee, but there was a fee when they required people to come down and go through the permitting department with drawings in hand for every possible street cut, that was time and money, that they were also requiring in the ordinance to possibly have a certified inspector inspect, at their cost, the repair after it was done, so to suggest that there was not a fee was absolutely not true, and he asked if a public entity like Metro would be excluded from complying with the ordinance or would they have to comply like a cable company would. Council Member Todd absent.

Mr. Bibler stated that the ordinance did not apply to infrastructure improvements for the sake of infrastructure improvements, that was to say if someone was out there building the street or fixing a pothole in the street it did not apply to that, that it did apply to governmental entities that were performing utility work or other work unrelated to the construction or improvement of the street itself to the same extent that it did to private

persons, that to his knowledge the only government entity that was going to be significantly affected by that would be the City, because the City was the only one who had big utility crews running around out there, that all of the governmental entities had to file their five year plans which was part of the coordination effort that was in the back part of the ordinance where they could hopefully coordinate the work of governmental agencies as they improved streets with the utility companies. Council Member Todd absent.

Council Member Tatro stated that as he had said before the word bureaucratization came to mind, and Mayor Brown asked what was wrong with bureaucracy and Council Member Tatro stated there was nothing wrong, that they needed bureaucracy in some occasions, but too much bureaucracy could be a significant problem, that under Section 41-28, Rules and Regulations, it pretty much gave carte blanche to the head of Public Works rewriting and instituting regulations, that alone should be cause for concern to the Council Members. Council Member Todd absent.

Council Member Castillo stated that for many months they had been inundated with complaints about the conditions of the streets in downtown, the condition of repairs or attempted repairs at public rights of way after cable companies had been through there, that they asked that something be done about it and this was an attempt at a solution, that he supported the general idea and intended to vote for the ordinance either today or whenever it came back up, that the question he had was that it appeared that the phone and light company felt that they were being doubly regulated because they were certificated telecommunications companies and felt that they had certain defenses, exemptions and preferences given to them by the Texas Utility Code and he asked either the Legal Department or the Public Works Department if they had considered all of the objections which were at every section of the ordinance and whether they had, after consideration, decided that the proposed ordinance intrude on their protections. Council Member Todd absent.

Mr. Bibler stated that the one that was before them was the draft of the ordinance that was developed a few months ago, but that was preceded by two or three previous drafts on which they received comments from utilities, that there was some interplay between people by the phone company, who were no longer franchisees and the gas and light company who where, that resulted in the Attorney General opinion request, however they felt comfortable that the City was authorized to require franchisees to comply with the ordinance, that there was a legal argument that was being advanced particularly by Southwestern Bell that it would not be legal for the City to exclude the light and gas company and to also then make the requirements apply to the certificated telephone carriers, that was the subject of the Attorney General opinion, that for safety sake he would think it was safe to proceed to apply the ordinance to everybody, that as he had stated earlier they had applied it to everybody even the City's own utility crews. Council Members Todd and Keller absent.

Council Member Castillo asked if they had considered asking them to do a five year plan, which they knew that many of their excavations were done for repair purposes which they could not predict over a five year period, and secondly the time that was required after they began an emergency repair by which they had to file an application, that the fact that they require them to have materials on hand, that they notarize their application, that they have professionals seal their drawings and that they pay for

inspectors at their own cost, those all seem to be procedural and asked if those could be amended in any way, if the Council decided, without doing harm to the ordinance. Council Members Todd and Keller absent.

Mr. Bibler stated that some of those things could be addressed and to a very great extent those type of things were modified in the course of going from draft to draft in an attempt to accommodate everyone to the extent that they thought they could do so without reaching a threshold at which they would make the ordinance unworkable. Council Members Todd and Keller absent.

Council Member Castillo stated that he thought, at least in the case of Southwestern Bell, if they were to grant all the protections that they laid claim to they would have to pretty well give up the ordinance because everyone would be protected, that if they had to treat them all the same and the phone company had maximum protection then that would extend to everybody under their theory, that he supported the fact that they were going to include them all and that they were going to make them responsible, that the light company posed a theory that because they paid 4% of their gross receipts that they had a right to trample all over the public right of way, that after reading the ordinance he noticed that it applied to everybody that was in the right of way, except literally, to private parties that may be, for example, connecting a major building under construction, to the sewer or storm drainage systems, and asked if they intended to cover them to. Council Members Todd and Keller absent.

Mr. Rolen stated yes, and stated that he would show Council Member Castillo where he thought they were. Council Members Todd and Keller absent.

Council Member Ellis stated that he did not think there was any argument that they had street cuts throughout the City, that when they first started the process early on in the year, Mr. Lewis stated that they were going to try to separate the telecommunications companies from the energy companies and it did not seem that they had done that in the ordinance, and Mr. Bibler stated that they had not, that was the argument that had been advanced by the phone company, that the ordinance would be illegal if they did so, that the argument may be correct, they did not know the answer for sure and that was why they requested the Attorney General opinion, and Council Member Ellis asked when did they think they would receive that opinion, and Mr. Bibler stated that whenever the spirit moved the Attorney General to issue it, that they had requested it about August, that there really was not a defined length of time. Council Members Todd and Keller absent.

Council Member Ellis asked Mr. Rolen if his department handled the permitting process and was it going to be handling all of the permits for the street cuts, and Mr. Rolen stated yes, that they did not have a good handle on how many street cuts there were in the City, that it was in the thousands, that their best estimate was 2,000 just on the fiber optics thus far, that in utilities they had in the neighborhood of 5,000 to 10,000 cuts per year in terms of making water and sewer repairs, that they did not have a good handle on the number of maintenance item related cuts that the other utilities make, that it would require them to hire additional staff members to deal with the increased volume of the permits, that their first guess was that they would be looking at 6 to 10 additional folks, but once they got a better handle on the volume of permits that they were going to be looking at they would be able to better quantify that, and Council Member Ellis asked

who was going to be policing the ordinance, and Mr. Rolen stated that they would be monitoring it and taking the appropriate steps, that when they found a cut they would try to determine who made the cut and then they would take the appropriate action in terms of a stop work or something like that. Council Member Todd absent.

Council Member Ellis asked if in the ordinance there was a provision for a emergency situations, and Mr. Bibler stated yes, that there was a specific provision for emergency situations, that the work could commence basically upon notice to Public Works, that if they were open at the time a live person could take the information, otherwise they could leave the information on a voicemail system and then they would have a period of time, after the offices open, to come in and file their application, and they could also, under certain circumstances, in an emergency, have an extension of time in which to file their plans. Council Member Todd absent.

Council Member Sanchez stated there were a lot of questions as to how they could put the streets that had currently been degraded to such an extent that they were no longer passable by traffic and asked if that was a very difficult task, and Mr. Rolen stated yes, and Council Member Sanchez asked if they already had an administrative approach, and Mr. Rolen stated that if they were required to submit an application for a permit it was true, that the other facet of it was that they were trusting them to make the cut in an appropriate manner and to restore it appropriately, that they sent out inspectors, currently, when a permit comes across someone's desk to show they have a cut, that if a contractor did not apply for a permit they had no clue who was out there, that yes, that was what they had suffered from in the last couple of years, and Council Member Sanchez asked that without a contractor coming in and applying for a permit, what they created was congestion in the streets, that in other words when a permit comes in Public Works evaluates it for how many lanes will be closed, the time of day that the construction could take place and issues a permit based on that evaluation, and Mr. Rolen stated yes, and Council Member Sanchez stated that in addition to not only the preservation of the streets, it also may have an affect of minimizing the impact on congestion at peak hours, and Mr. Rolen stated that was an ancillary benefit. Council Member Todd and Castillo absent.

Mayor Brown stated that he thought it was extremely important, that they were the custodians of the taxpayers resources, and the streets were certainly a very valuable resource, and to the extent that they could control their streets for those who go in and do the repairs and not bring them up to par, he thought they would do a disservice if they did not pass the ordinance. Council Members Todd and Castillo absent.

Council Member Quan asked once they apply for a permit how long would it be for a permit to be issued, and Mr. Rolen stated that it was too early to say, plus it depended on what they requested, if they were just requesting a tie in that was adjacent to the roadway that would require considerably less effort, if they were looking at a major project it would be longer, that the permit was good for the term, that it depended on the project as to how long it was, that one of the things that they proposed to require in the procedures was to give them 72 hours notice, that the way the rules and regulations would be written would be once they initiate the action that they would proceed with it in a timely manner, that they were looking at the different databases and finalizing their plans on that, that they had the ability to deny cuts for a number of reasons, but the thing that they needed to keep in mind was that the IMS was a database that was similar to

the one they were using at Transtar and they were trying to pull a database together where they could not only include the capital improvement information that he alluded to, but also the repair, and thought it was a pretty good chance the way it was looking right now that it would be that database, that if they had another contractor who had requested to come in they would like for them to work together and coordinate the effort so it would not be a matter of denying the permit per se but having what they would call approving it with conditions, and one of the conditions would be to coordinate with the other contractor, that as Mr. Bibler indicated, there had been several meetings held with the industry, were they got their input in and they tried to integrate that into the procedures as they developed it, what the ordinance requires that the proposed rules and regulations be publicized and be open for 10 days for public comments and that would be another opportunity for the industry to comment and they would certainly review their comments. Council Member Todd absent.

Council Member Parker stated that a lot of the things they had discussed this morning were debated in detail at the committee level and like Council Member Sanchez she thought the ordinance was several months overdue and was glad they were moving it forward, that she was curious however, if they were considering some form of degradation payment, because every time they went in and cut the street it reduced the life of that street segment, and Mr. Rolen stated that they looked at what some other cities had done, primarily Austin, Texas, that it was their judgement that it was at this point and time in the better interest of the City to move to take this action and this format to insure that the street cuts were properly repaired at that time so that the issue was addressed timely as opposed to allowing the assessment of a fee that would go into some special fund that would be used for street restoration, that it seemed more appropriate to correct the issue at the source. Council Members Todd, Ellis and Castillo absent.

Council Member Goldberg asked if the street cut problem was a recent occurrence or had it been happening for years, and Mr. Rolen stated that street cuts had been a concern for years, that within the last year the problem had been accelerated due to a high degree of development and activity in the streets that had brought a heightened focus, not only was it being noticed more, but there was a lot more activity, and Council Member Goldberg asked if the likelihood or possibility from now on in their bid specifications for street reconstruction of putting in some sort of conduit through the street automatically in anticipation of the need for telecommunications companies, and Mr. Rolen stated that recently the City solicited proposals for just that very thing in certain streets and as he understood it those proposals were currently under review. Council Members Todd, Ellis and Castillo absent.

Upon further discussion by Council, Council Member Bell stated that when they looked at page 11 in the application process it set forth some 17 areas that needed to be supplied by the applicant, and then on page 17 it says any additional information reasonably required by the City engineer to determine whether the permit should be issued or whether the permit should be issued with certain conditions, and he would submit that the paragraph was comparable in the bureaucratic world to a license to kill, because they could come up with any additional information and hang these people up, and thought they needed to tighten it up unless the Legal Department could offer some reason for having that language in there, and Mr. Bibler stated that it would be poor draftsmanship not to have something like that in there, but thought it had to be read in a

matter that was consistent with the rest of the ordinance, that the only reason that he would require information would be because he needs a demonstration that some requirement of the ordinance was being met, Council Member Bell asked if there was anything to bar them from making online applications available, and Mr. Bibler stated there was nothing in the ordinance that would prohibit Mr. Rolan from setting up such a system, and it could be part of the ordinance if they gave Mr. Rolan the resources to do that.

Council Member Bell asked if it would be advisable to have in the criteria the proximity to other street projects to be considered when issuing the permits, and Mr. Rolan stated that would certainly be one thing they would be looking at, that one of the requirements of the application was a traffic control plan, which delineating what their plans were, and Council Member Bell stated that it was very important that they address signage now, especially for projects that were going to go over any longer than a week. Council Member Todd absent.

Council Member Tatro stated that his concern with the ordinance was that it focused on the permitting process, and asked Mr. Rolan if they had City standards for repair of the road surfaces and Mr. Rolan stated yes, and Council Member Tatro stated that they could have an ordinance which would require companies to have a full inventory of their cuts, and an ordinance to require them to perform inspections on those cuts and submit those inspections and locations that way the City would know or have the perfect list of everybody who was street cutting and the City would have the ability to have them inspected and they would have a continual inventory of all street cuts, that his concern was that the ordinance focused so much on the registration process, that it had always been the repair aspect that they needed to concentrate on, and he would like to concentrate on the repair aspect, but the way he saw the ordinance written in the permitting aspect they were concentrating on the registration and creating a perfect list and thought there was another way to come up with that perfect list and also to enforce repair as an end result. Council Member Todd absent.

Council Member Keller asked if it was possible to guarantee to them that if the City did not respond or approve an application by x days then it was implied approval and also were they going to need 8 more inspectors, and Mr. Rolan stated that they would be effectively mandating additional staff, and Council Member Keller stated that he thought previously they were assured that they were going to have a degradation fee and put back as new, and Mr. Rolan stated that wording was in there, that he thought it was always positive if they had an affirmative response, that if an application was reviewed and they say it was acceptable as presented they issued the permit and if there were concerns they could go back and look at it and then bring it back to them, their recommendation was that they needed to have an affirmative response, that if they did not respond in 21 days they would not have a permit, that their plan and commitment was to respond as timely as they could and not increase or slow down the process. Council Member Todd absent.

Council Member Castillo asked if they referenced anywhere in the ordinance construction standards or methods to be used, and Mr. Rolan stated that those were referred to in the rules and regulations, that the technical issues that he was addressing would be contained in the rules and regulations, that typically what those referred to

were the standard specifications and they would be proposing some changes to those standard specifications for street cuts. Council Members Todd and Keller absent.

Council Members Bell and Tatro tagged Item No. 21. Council Member Todd absent.

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$742,572.13 and acceptance of work on contract with **RESICOM, INC** for Renovation of Clifford Tuttle Branch Library, GFS E-0032-01-3 - 10.87% over the original contract amount **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan.

Council Member Keller stated that he wanted to compliment Building Services, that they had put a lot of pressure on them to aggressively pursue change orders, especially on those that had occurred in the past, that they had gotten about \$10,490 reimbursed to them in reference to the item.

Council Member Goldberg stated that he had some concern with Item No. 4, that one of the problems was that when they were building the balconies for the George R. Brown Convention Center they needed to add a column down to the plaza below and the plans indicated there were not utilities there below, that the plans were only 15 years old and they did not reflect that there were utilities there and it was a serious problem and he asked the Legal Department what could they do with designers who prepare faulty plans and they cut into the ground not knowing that there were utilities there and could they go back and get some sort of damages.

Mr. Hall stated that Council Member Goldberg raised two questions, that one, generally the people who prepared the plans to specifications were not the people who actually did the work, that they could not pursue them, but they could pursue the persons who should have known, that in many instances though they needed to know, that nobody knew where the stuff was because frankly it was not laid consistent with the original plans and specifications, that the fact of the matter was that utilities were not where their records indicted they were, that they did not know exactly where all the utilities were in the right of way, that there was presently an undertaking to try to deal with that issue precisely so that they get a proper and accurate inventory of what was in the right of way first, and critically important was exactly where it was.

A vote was called on Item No. 5. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1478 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$298,829.95 and acceptance of work on contract with **MT CONTRACTORS COMPANY** for Construction of 1998 Major Thoroughfare Sidewalk Project 01-3, GFS N-0610A-01-3 (N-0610A-01) - 07.01% under the original contract amount Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and F - ELLIS** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1479 ADOPTED.

PROPERTY

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Reliant Energy, for the sale to Reliant Energy of two 10-foot wide easements and an aerial easement, located in Tract 7, Amasa Turner League and Labor, A-757 and Tract 8, James H. Isbell Survey, A-474, Parcels SY0-053A, SY0-053B and SY0-053C - **STAFF APPRAISERS - DISTRICT E - TODD** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1480 ADOPTED.
13. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City v. Dagnew Amdemichael, et al, Cause Number 731,633; for acquisition of Parcel G94-3 for the **SMITH BRANCH LIBRARY EXPANSION PROJECT**, CIP/GFS E-0078-00-1 - CDBG Grant Fund - **DISTRICT D - BONEY** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1481 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel N81-17, located at 1702 Capitol Street, owned by Nicolas Tahtouh (as to an undivided 12.50%), Javed Malik (as to an undivided 11.00%), Hassan Naghavi (as to an undivided 38.25%) and Hamid Liaghat (as to an undivided 38.25%), for the **GEORGE R. BROWN CONVENTION CENTER-EXTENSION OF THE AVENIDAS DE LAS AMERICAS PROJECT**, CIP B-0005-00-1 \$2,280,325.00 - Enterprise Fund - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1482 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

16. **KENNY INDUSTRIAL SERVICES** for Sewer Cleaning Services for Department of Public Works & Engineering - \$405,000.00 - Enterprise Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1483 ADOPTED.
17. ORDINANCE appropriating \$157,500.00 out of Water & Sewer System Consolidated Construction Fund for services required to provide and install Emergency Shower and Eye Wash Stations for Department of Public Works & Engineering, CIP S-1000-MIIAB – was presented and tagged by Council Members Parker, Ellis, Keller and Sanchez.

Council Member Ellis moved to suspend the rules to hear Mr. Tom Rolen, Director of Public Works and Engineering, at this time, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1484 ADOPTED.

Council Member Ellis stated that it showed that they were going to spend \$157,000 for nine shower heads and he was sure that there was a reason for such a large expense on the purchase and asked Mr. Rolen why the shower heads were so expensive.

Mr. Rolen stated that he could not tell him why they were so expensive, all he could tell them was that those type of showers were very important in regards to the safety of their employees, that these particular ones would be in the water plants where they dealt with chlorine, that sometimes they got exposed to chlorine which could pose a danger to them and they needed to douse themselves, that it was his understanding that they were just standard utility type showers for the application.

Council Member Ellis stated that he would tag the issue and maybe they could get some answers prior to next week and Mayor Brown stated that they would have someone research it and provide him with an answer. Council Member Keller requested that his tag be added to the item.

The City Secretary stated that Council Members Parker, Ellis and Keller tagged the item, and Council Member Sanchez.

17a. **RJ CONSTRUCTION COMPANY, INC** to Install Emergency Shower and Eye Wash Stations for Department of Public Works & Engineering - \$150,000.00 and contingencies for an amount not to exceed \$157,500.00 – was presented, moved by Council Member Sanchez, seconded by Council Member Quan, and tagged by Council Members Parker, Ellis, Keller and Sanchez.

OTHER

19. **PHILPOTT MOTORS, LTD** - \$601,855.00, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** \$342,587.50, **LAWRENCE MARSHALL CHEVROLET, L.P.** - \$151,487.50, **HI-TECH TRUCK RIGGING & EQUIPMENT COMPANY** - \$87,928.75, **SOUTHWEST TRUCK RIGGING AND EQUIPMENT** - \$37,894.38 and **MATECO TRUCK EQUIPMENT** - \$21,790.00 for Light Duty Cabs and Chassis and Bodies for Various Departments - \$1,243,543.13 - Enterprise, Equipment Acquisition Consolidated and Sign Administration Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION 2000-1485 ADOPTED.

RESOLUTIONS AND ORDINANCES

20. RESOLUTION relating to the appointment of Directors to the Board of Directors of the **HOUSTON HOUSING FINANCE CORPORATION - (MS. ARGENTINA M. JAMES; MR. CHARLES LUSK and MS. ZELMA ETHEREDGE)** – was presented. All voting aye.

Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. RESOLUTION 2000-48 ADOPTED.

Mayor Brown stated that they had one person that they had approved today in the Council Chambers, Ms. Argentina James and requested that Ms. James stand up and be recognized.

The City Secretary stated that she had announced that Item No. 20 was a motion and called it wrong, that she was used to appointments being a motion and it was actually a resolution, so the vote would be recorded as a resolution.

22. ORDINANCE amending Ordinance No. 98-855 that approved and authorized application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Incentive Block Grant Program - \$1,378,279.00 Grant Fund - \$153,142.00 General Fund – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1059 ADOPTED.
25. ORDINANCE approving the issuance of bonds by the **UPTOWN DEVELOPMENT AUTHORITY**; providing for continuing disclosure with respect to such bonds; containing other provisions relating to the foregoing subject - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1060 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City and **ELECTRONIC DATA SYSTEM CORPORATION, INC** for Alarm Tracking, Billing and Collections for the Houston Police Department; providing a maximum contract amount - 5 Years with two one-year options \$6,766,538.00 - General Fund – was presented and tagged by Council Members Todd, Goldberg, Ellis and Sanchez.
29. ORDINANCE approving and authorizing Amendment No. 3 to lease agreement between the City and **TEXAS GAS TRANSMISSION CORPORATION** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1061 ADOPTED.
- 29a. ORDINANCE approving and authorizing consent to assignment for certain premises at George Bush Intercontinental Airport/Houston between **TEXAS GAS TRANSMISSION CORPORATION and ENRON CORP.** - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1062 ADOPTED.
30. 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** – was presented.

Council Member Keller stated that he wanted to compliment the Aviation Department and Mr. Eric Potts, that he went through about \$403 million worth of numbers in the last week along with Ms. Sally Bradford. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

A vote was called on Item No. 30. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Members Galloway, Vasquez and Robinson out of city on city business. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding. ORDINANCE 2000-1063 ADOPTED.

32. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing a professional services contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for the Design of the 2000 Safe Sidewalk Program; CIP N-0610A-07-2 (SB 9008); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Members Galloway, Vasquez and Robinson out of city on city business. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding. ORDINANCE 2000-1064 ADOPTED.
33. ORDINANCE appropriating \$50,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing engineering services contract between the City of Houston and **S. E. COLEMAN & ASSOCIATES, INC** relating to the completion of current and future construction projects, GFS R-0018-98-2 – was presented. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Members Galloway, Vasquez and Robinson out of city on city business. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding. ORDINANCE 2000-1065 ADOPTED.
34. ORDINANCE appropriating \$90,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ROBERT REID CONSULTING ENGINEER, INC** for Design of Bingle Road Bridge Replacement over Cole Creek, CIP N-0445N-21-2 (SB9034); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A – TATRO** – was presented, and tagged by Council Members Tatro and Quan. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Quan stated that they had a number of discussion regarding the bridge and wanted to add his tag as well. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

35. ORDINANCE appropriating \$517,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CENTURY ENGINEERING, INC** for the Design of Ella Blvd. from Pinemont to W. Little York, CIP N-0546-01-2 (SB9046); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO and B - GALLOWAY** – was presented, and tagged by Council Members Quan and Keller.

Council Member Quan stated that previously under Mr. Jerry King there was a discussion regarding the fact that on future City roads they would look to have a widened right hand lane for bicycles, that there was a memorandum to that affect, that as they knew Mr. King was no longer the Public Works Director and they had not adopted that similar measure on roads now under the present Director, that he would like to see that they check into that and stated that he wanted to tag the ordinance at this time as they look into adopting it as a City policy as they had previously. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

38. ORDINANCE appropriating \$410,300.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ESPA CORP** for the Design of Water Main Replacements in Gulf Palms Subdivision, CIP S-0035-84-2 (WA10670); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Mayor Pro Tem Boney absent on personal business. Council Members Galloway, Vasquez and Robinson out of city on city business. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding. ORDINANCE 2000-1066 ADOPTED.
40. ORDINANCE appropriating \$561,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE** for the Design of Wheeler Avenue Paving from 2000' east of SH35 to Old Spanish Trail, CIP N-0528-03-2 (SB9052); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented, and tagged by Council Member Quan.

Council Member Quan stated that on Item No. 40 and No. 41 the same issue arises as discussed previously regarding the widened right lane and stated that he would like to tag both Item No. 40 and No. 41 when it came up. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

41. ORDINANCE appropriating \$407,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LANDTECH, INC.D/B/A LANDTECH CONSULTANTS, INC** for the Design of Lyons Avenue Reconstruction, Phase 2, CIP N-0719-02-2 (SB9040); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT H - VASQUEZ** – was presented, and tagged by Council Member Quan. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

44. ORDINANCE appropriating \$1,050,000.00 out of Accumulated Unexpended Fund, transferring such funds to the Parks Special Fund, appropriating \$1,050,000.00 out of Parks Special Fund, appropriating \$1,308,300.00 out of Parks Consolidated Construction Fund; awarding construction contract to **PARALLAX BUILDERS, INC** on low bid of \$2,190,000.00 and approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$15,000.00 for Parks to Standard Program Phase II - Bid Package No. 19 - Yellowstone Park Pool and Stude Park, F-0363-11-3 and F-0363-38-3; providing funding for contingencies relating to construction of facilities financed by the Parks Special Fund and Parks Consolidated Construction Fund - **DISTRICTS D - BONEY and H - VASQUEZ** – was presented, and tagged by Council Member Tatro. Mayor Brown absent. Vice Mayor Pro Tem Castillo presiding.

NON CONSENT AGENDA - NUMBERS 46 through 48

MISCELLANEOUS

46. MOTION to set a date not less than seven (7) days from December 6, 2000 to receive nominations for Position 4 of the Land Assemblage Redevelopment Authority Board for a term to expire October 31, 2002 – was presented. Council Member Keller moved to set next Wednesday, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1486 ADOPTED.

PROPERTY

47. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joel D. Walker, West Belt Surveying, Inc., on behalf of Pasadena Independent School District (P.I.S.D.), Gerald Yates, Benjamin and Lillie Shows and Christ Church Apostolic, Inc of Houston Texas (the Church) (Michael Anderson, pastor), the abutting owners, for abandonment and sale of Freestar Street, from Almeda Genoa Road to O Street; O Street, from the west line of Freestar Street to the east line of Freecroft Street; and Freecroft Street, from O Street to Fuqua Street, all located within the Ross-Hail Fuqua Street Dedication Plat, Juan Sutton Survey, Abstract 75, and a right of entry for Pasadena Independent School District, Parcels SY1-012, SY1-016, SY1-017 and SY1-020 - **APPRAISERS DISTRICT E – TODD** – was presented.

Council Member Todd named Mr. Tommie Crowell and Mr. Alan Dominy as the appraisers and moved for approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1487 ADOPTED.

PURCHASING AND TABULATION OF BIDS

48. **AMEND MOTION #2000-1403, 11/15/00, TO CORRECT** the vendor name from **AVAYA COMMUNICATIONS, INC (formerly Lucent Technologies) to AVAYA, INC (formerly Lucent Technologies, Inc)** for Purchase of Telecommunication Equipment, Software and Services for Fire Department - **REQUIRES THREE MOTIONS** – was presented.

Council Member Castillo moved to suspend the rules for the purpose of reconsidering Motion #2000-1403, 11/15/00, which authorized the purchase of Telecommunication Equipment, Software and Services for Fire Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1488 ADOPTED.

Council Member Castillo moved that Motion #2000-1403, 11/15/00, which authorized the purchase of Telecommunication Equipment, Software and Services for Fire Department, be brought back to Council for reconsideration, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1489 ADOPTED.

Council Member Castillo moved that Motion #2000-1403, 11/15/00, be amended to correct the vendor name from Avaya Communications, Inc. (formerly Lucent Technologies) to Avaya, Inc. (formerly Lucent Technologies, Inc.) for Purchase of Telecommunication Equipment, Software and Services for Fire Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1490 ADOPTED.

MATTERS HELD - NUMBERS 49 through 52

49. ORDINANCE appropriating \$39,690.00 out of Public Library Consolidated Construction Fund as additional appropriation for Renovation of Smith Branch Library-Interior under construction contract with **R. H. TONETTI COMPANY**, GFS E-0063-02-3; (Approved by Ordinance #99-1400), providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT D – BONEY (This was Item 3 on Agenda of November 29, 2000, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented.

Council Member Sanchez moved to postpone Item No. 49 for one week, seconded by Council Member Todd.

Council Member Keller stated that they had used an example earlier what some of the people, Trinh Pham, Monique McGilbra and Ollie Schiller, had done in Building Services by showing that the private sector could act in good faith and show that the City was the client and in this regard that if it was his opinion he would send whomever's fault it was, whether was the contractor, engineer or the architect, he would send them out of his office and just say that they figure it out themselves, but for the City to keep being the well and for them to make a decision to just go to the City with it was how he viewed it to be and he would hope that some of the people concerned in this would reconsider and figure it out amongst themselves. Council Member Quan absent.

Council Member Sanchez stated that he kept hearing that it was the City's fault, but no one had showed him why it was their fault and why the taxpayers were being asked to pay for it and that was a serious issue. Council Member Quan absent.

Mayor Brown stated they would have someone meet with him and explain all the details. Council Member Quan absent.

A vote was called on Council Member Sanchez's motion to postpone Item No. 49. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. MOTION 2000-1491 ADOPTED.

- 49a. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Director Building Services Department for approval of Change Order No. 4 in the amount of \$39,690.00 on contract with **R. H. TONETTI COMPANY** for Smith Branch Library Renovations, GFS E-0063-02-3 - **DISTRICT D – BONEY – (This was Item 3A on Agenda of November 29, 2000, TAGGED BY COUNCIL MEMBERS SANCHEZ and KELLER)** – was presented, and postponed by MOTION 2000-1491.
50. ORDINANCE approving and authorizing lease agreement between **RM CROWE HOUSTON PORTFOLIO, L.P.**, landlord, and the City of Houston, Texas, as tenant, for space at 601 Sawyer Street, Houston, Texas, for use by the Fire Department - **DISTRICT H - VASQUEZ – (This was Item 21 on Agenda of November 29, 2000, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. ORDINANCE 2000-1067 ADOPTED.
51. ORDINANCE approving and authorizing lease agreement between **RM CROWE HOUSTON PORTFOLIO, L.P.**, landlord, and the City of Houston, Texas, as tenant, for space at 601 Sawyer Street, Houston, Texas, for use by the Housing & Community Development Department **DISTRICT H - VASQUEZ – (This was Item 22 on Agenda of November 29, 2000, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. Council Member Quan absent. ORDINANCE 2000-1068 ADOPTED.
52. 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 – (This was Item 32 on Agenda of November 29, 2000, POSTPONED BY MOTION #2000-1454)** – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member

Boney absent on personal business. Council Member Quan absent. ORDINANCE 2000-1069 ADOPTED.

Items received during the meeting were considered as follows:

45. ORDINANCE appropriating \$41,265,620.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2001 Equipment for Various Departments – was presented, and tagged by Council Members Tatro and Ellis. Council Member Quan absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Todd stated that he and Mayor Brown had indirectly spoken about the Neighborhood to Standard designations for the coming year and knew that he was working hard on that list, that he had made calls and the answer he had gotten back was that they would have the list out pretty soon, that he had a number of constituents out there who were waiting for answers.

Council Member Todd stated that when they talked about annexation issues it usually seemed to be in areas to the north of his district in Kingwood, that there was a tract down in the southeast side close to Clear Lake City called Sterling Knoll and it was annexed about six years ago and they still had a few remaining annexation matters that were related to that, that part of the service plan for Sterling Knoll required the City to essentially pay rent to the community association down there for the use of a swimming pool and recreation center, that it was part of the plan itself, that Sterling Knoll had sent him a letter and had been in contact with Mr. Spellman too and apparently there was a annual supplement that was now due and owing of \$145,547, that it had been sent to Mr. Spellman, and Council Member Todd asked Mayor Brown if his office could help facilitate resolution of the matter.

Mayor Brown stated that they would look at it, and also stated that Item No. 23 had arrived.

The City Secretary stated that Item No. 23 had just arrived, that it was listed as not being in before.

23. ORDINANCE amending Ordinance No. 97-1167 To: (1) Reallocate \$1,000,000.00 of available Section 108 HUD-Guaranteed Loan Funds from the Single Family Home Improvement Loan Program to the Small Business Loan Program; and (2) Allocate to the Small Business Loan Program an additional \$3,000,000.00 out of Section 108 Funds authorized but not allocated under Ordinance No. 97-1167; approving and authorizing second amendment to Subrecipient Loan Agreement between the City of Houston and the **HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION** to extend the time to commit funds thereunder to provide and an additional \$4,000,000.00 of Section 108 Loan Funds to be used to make Small Business Loans and to provide \$400,000.00 of additional Economic Development Initiative Grant Funds to serve as a Loss Reserve – was presented. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. ORDINANCE 2000-1070 ADOPTED.

Council Member Quan stated that Items No. 10 and No. 11 were two items on contracts that they had with Boyer and Champagne-Webber for work at the airport, that it was almost two years before Boyer got paid and a year and a half before Champagne-Webber got paid, that he knew that Council Member Keller made mention of Mr. Eric Potts having joined the airport now and stated that he had a chance to meet him as well, that he hoped that they worked in a diligent manner to make sure that when people did work for the City that they pay them in a timely manner, that in talking with some contractors previously they stated they no longer wanted to do business with the City of Houston because it took so long to get paid, that he was happy that they were finally able to pay these individuals or companies for the work they performed.

Council Member Quan stated that he wanted to thank Mayor Brown for his help on the store safety video, that it was going to be premiering on Monday before several of the Chambers of Commerce that had retail stores, that it was a video that was going to be available to the public free of charge, that it was a 10 minute video that would help merchants look at ways to improve their store safety, and he thanked Mayor Brown and Police Chief Bradford for their help.

Council Member Quan stated that he had seen in the newspaper that Mayor Brown had announced the Mayor's Office of Immigration and Refugee Affairs that would be opening and they looked forward to working with him on that, that they felt it was a very important part of the community and things that they could do to help that transition helped Houston.

Council Member Tatro stated that regarding the Fire Department and the new positions or the new squads that were up and operating, that he had asked Mr. Haines yesterday about the financial aspects of these, that his concern really dealt with the 22 new positions per shift and his question to Mr. Haines, and he would like to get some follow up on it later this week, was that those 22 new positions that did not exist before what budgetary impact would that have in this calendar year, and if it had none then obviously they were getting people from somewhere, that the one question was what was the financial impact of the 22 new positions per shift and the other question was what was the percentage of apparatuses that were going out with under four men per shift, and then under the new policy if they were taking personnel from that same shift, what was the percentage of apparatus that now only had three people per shift, that he would like to know what the administration's plan was in getting those people, where were they coming from and how were they going to be replaced in the near future.

Council Member Tatro stated that the second issue was one that had been significantly debate during the budget process and that was the health care issue, that they were rapidly approaching a deadline when they were going to have to present to Council a new contract and he understood that they had possibly three finalists that they were negotiating with, that it was a significant financial issue, that his concern was that he contacted the Director of Human Resources last week, wanting to get an update of exactly where they were in the process, that he wanted to get a briefing of where the City was in the process of negotiating with the teams and what the timetable was and the Director of Human Resources refused to meet with him, that he asked to speak with the consultant that was helping them and was also denied that, that he was basically told that if he needed to get information he needed to speak to the Council Member who was on the Health Care Benefits Committee, that he did not find it appropriate in any way, shape or form and stated that he would appreciate Mayor Brown's assistance in getting it rectified and getting a briefing on this very important issue before it came to Council.

Mayor Brown stated that on the issue of the Fire Department, that as they knew they did have the Tri Data Report, and announced he had directed the acting Fire Chief to implement immediately a number of the recommendations and one included a different way of responding to calls for emergency medical services, that they started it about a day ago, that he had been monitoring it as they went along and it was working extremely well, that it was accomplishing what they hoped to accomplish, that they were not canceling ambulances before they got there and that meant that they had the ambulance availability for more hours during the day, that he was very pleased with the way it was going, that they had implemented a number of the other recommendations and Council Member Parker had agreed to hold a briefing on her Neighborhood Planning and Quality of Life Committee on December 18, 2000 where they could give Council Members an update on what was going on in the Fire Department and the recommendations that were made and the status of their implementation, that it was an ongoing process.

Council Member Keller requested a moment of silence for Harris County Deputy Barrett Hill, who they had all heard so much about in this recent week, who was killed during his final field training session on Monday, that he left behind a wife and two daughters.

Council Member Keller stated that he had been invited and accepted to be involved in the Lisa Dents Adopt A Family Program, that Ms. Dents was a DJ for 95.7 KTFM, that it was a great program to adopt a family, that they basically adopt a family of a child that is in Texas Children's Hospital Fagan Center, the cancer center, that the budget needed by those interested in doing this was approximately \$300 to \$400, that what they would do would be to shop for the entire family for the holiday season, that they could call Lisa Dent at 713-881-5957 or they could call his office and they would give them details.

Council Member Sanchez that this time of year there was a lot of traffic in and around the Galleria area, that he knew that there were a couple of fellows out there wanting to make a living washing windshields, that unfortunately what happened was that the gentlemen wanted to do such a good job that they stayed 15 seconds into the green light and traffic did not move as quickly as it should, that he thought that there were an adequate number of squad cars that went through the intersection of 610 and Westheimer where a police officer could roll down his window and say that they could not do that or that they should not be there, and he stated that he did not think it was a creation of a new ordinance or that it violated anyone's civil rights, that he thought it needed to be looked at,

Mayor Brown stated that they had asked the Police Department to start addressing that as an issue, that they had heard it once before and would re-enforce it with the police chief and have his people pay attention to it.

Council Member Parker asked if there had been a change at the Galleria since Council Member Sanchez had brought up the issue of blocking lanes, and Council Member Sanchez stated that they had spoken to the Galleria folks and they did not have a permit and were unaware that they needed a permit to block the streets and suspected that the administration, through HPD, would inform them that they could not block City streets.

Council Member Todd stated that there was actually a legion of memos on that issue from the Legal Department going back several years and stated that he would provide Council Member Sanchez with copies, that the bottom line was that it should not be allowed, that he thought it was legally battery to go over there and touch their cars without their permission, that when it came down to keeping people from doing it out on the street it was a lot more complicated issue than he would ordinarily think, that the Legal Department had opined that if they were simply stepping out there incidentally that it was permissible.

Mayor Brown stated to Chief Storemski that he had heard the comments made by Council Member Sanchez, that he would like for his people to pay attention to that in the future.

Council Member Parker stated that the Fire Department briefing was going to be at the regularly scheduled Neighborhood Protection Committee meeting on the 18th, which was 9:30 a.m. Monday morning, that she was going to go ahead and publish the list for next year, assuming that the committees were going to keep operating.

Council Member Parker stated that Council Members should be aware that there was a Health Benefits Committee composed of members of various departments, employee unions and stated that she was Council representative on that, that they were specifically dealing with their Health Insurance package, as Council Member Tatro mentioned, that she was sorry that he felt he was not adequately briefed, that it was similar to the Northeast Water Treatment Plant where they were dealing with confidential information and multimillion dollar negotiations, that it was not that Council Members were not privy to the information, that she did want to point out that she did sit down with Council Member Tatro and walked him through the process and gave him access to her working file, that if there were any other Council Members who wanted to be personally briefed on it she would be happy to do that, that the process was not over and they did not have a definitive answer yet.

Council Member Castillo stated that the Council was not involved or had any prior knowledge of what went out in terms of the RFP, so they never had a chance to suggest options or review the options they were being asked to respond to, that there may be things that they would have liked to have had in it that were not now in the responses, that perhaps in the next negotiations, before the RFP went out, the City Council could see what it was that they were offering to employees, because they could not offer them pay, perhaps they could offer them improved benefits, and Council Member Parker stated that it was not too late to make suggestions, that they were not at a final document and it was not too late to bring them up.

Council Member Castillo stated that he had from time to time brought up areas of the City, particularly downtown, where streetlights were out of order, that they had a problem, about a third of the streetlights in the downtown area were out of order, that in order to get the lights to work they had to be reported, that he suggested that Public Works needed to have a regular program where they went out at night and see which ones were not working, that at the corner of Dunlavy and West Gray the lights were out, that if it was not for the stores there would not be any illumination at that intersection, that on Fannin Street, from Clay to Pierce, a whole string of lights were out, that they did

a lot to ask visitors and tourists to come see what they had downtown, but they could not see it at night because the lights were not on.

Council Member Castillo stated that he had a complaint about the traffic control that was done by police officers, that the officers that were working extra jobs controlling traffic coming out of garages gave preference to the traffic coming out of the garage as opposed to doing what they were authorized to do, that was, to protect that intersections were not blocked, to protect that people were not blocking the exists to the garages, that in affect to keep traffic moving, but it seemed that what they did was stop traffic to allow the garage traffic to come out and it threw the whole traffic flow out of sync, so they were stopped when all the lights were green, and then when they were ready to move the lights were red, so they got the gridlock that they were all trying to avoid downtown, that he suggested that they do something about instructing officers about what they could do and not do when working the extra jobs controlling traffic.

Mayor Brown asked Chief Storemski that on the first issue raised by Council Member Castillo about the lights, it seemed to him that the Police Department could get together with the Public Works Department, that they had police officers out there 24 hours a day, and establish a procedures where they could make note of the lights that were out and forward that information to Public Works and they could then take care of the problem, that he would like for him to get together with Mr. Rolan and work out such a system so they could take advantage of their presence out there.

Mayor Brown asked Chief Storemski to figure out what they could do about the second problem raised by Council Member Castillo about the extra employment officers, who were working for a private entity, giving priority to that private entrance to their building in lieu of the traffic on the streets, and see what they could do to address that.

Council Member Bell stated that on the issue of the over zealous squeegee people his recommendation would be that people learn to move their heads from side to side in a way to indicate that they do not wish to have their windshield washed.

Council Member Bell stated that obviously there had been a lot of attention paid to voting and the process of late because of what had transpired in Florida and the presidential election, that Harris County had announced that they would put a new process in place, taking advantage of new technology, before the next City election, that at today's Ethic's Committee meeting, since they oversee campaigns and issues, he had invited a representative from the County Clerk's office, Mr. Servello, would be there for informational purposes only to answer any questions, that it would be at 2:00 p.m. in the Annex Council Chambers.

Council Member Bell stated that he would like to ask the Legal Department for their help on a proposal that he was working on with Mr. Spellman in the Parks Department having to do with tennis courts, that there were a number of tennis courts throughout the City that could be described as disrepair, that in yesteryear what the Parks Department would do was put a slab of concrete in and a fence across it with some lines and call it a tennis court, that anyone who played tennis knew that was probably not the best surface or the best environment for tennis, that it came to his attention when Karl Young Park in his neighborhood did a major park renovation but they had to prioritize when they were left without enough money to do anything with the tennis courts, so they had a big block

of unsightly cement out there that very few people used for tennis, that his idea was to maybe turn to the private sector and do a public private partnership, taking advantage of manufacturers of tennis equipment, to promote the sport and perhaps help them improve some of the tennis courts, that his proposal was sent out to the Legal Department because there was some question as to whether they could go forward with that type of public private partnership, that if there was a bar he would like to know about it, if not he thought it was certainly a worthwhile program to try to pursue and see if they could get at least a pilot project underway and get some of the courts across town cleaned up and repaired.

Council Member Ellis stated that he would like to compliment Council Member Quan, Mayor Brown and the Houston Police Department for the quickness in which they produced the merchants safety video and was looking forward to getting some copies so he could distribute it to the different merchants in his district.

Council Member Ellis stated that tonight he would be holding a townhall meeting, that it would be at Bayland Community Center, 6400 Bissonnet, in the east part of his district, that he would encourage everybody to come out and address the issues of the district, that he wanted to encourage six different subdivisions and hopefully they would send representatives, that was Maplewood, Braeburn Terrace, Robindell, Braestimber, Larkwood and Shenandoah, that they were sponsoring a non-perishable food drive to benefit the Houston Area Women's Center and if they would come out to night he encouraged them to bring out some food items, that if they could not attend the townhall meeting, to bring the food items to the district office which was located at Sharpstown Center, 7500 Bellaire Boulevard, that tonight at the townhall meeting, Mr. Tom Rolan would discuss Public Works issues and Ms. Bea Link would be there to address the Neighborhood Protection Division and Mr. Doug Wiersig would also be there for the Maintenance and Right of Way Division.

Council Member Goldberg stated that he too would like to announce a townhall meeting, that it was regarding the Willow Waterhole, that it was going to be a park of approximately 250 acres in the southwest part of Houston in District C near Westbury High School, that the townhall meeting would be December 14, 2000 starting at 6:30 p.m. at Fondren Middle School, which was located near Fondren and Braeswood.

There being no further business before Council, the City Council adjourned at 11:19 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway, Vasquez and Robinson out of city on city business. Council Member Boney absent on personal business. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary