

City Council Chamber, City Hall, Tuesday, January 9, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 9, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, , Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Gordon Quan, Annise D. Parker, Orlando Sanchez and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Members Carol M. Galloway, Mark Goldberg and Carroll G. Robinson absent on city business. Council Member Jew Don Boney, Jr., absent on personal business.

At 2:10 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.

At 2:11 p.m. the City Secretary called the roll. Council Members Galloway, Goldberg and Robinson absent on city business. Council Member Boney absent on personal business. Council Members Vasquez and Parker absent.

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

At 2:13 p.m. Mayor Brown stated that Council would hear from the public and requested the City Secretary to call the speakers. Council Members Vasquez and Parker absent.

Council Member Keller moved to place Mr. H. Fisher Trigg, Jr., and Mr. Don Mafrige, Jr. at the top of the three minute speakers, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent on city business. Council Member Boney absent on personal business. Council Members Vasquez and Parker absent. MOTION 2001-0023 ADOPTED.

Council Member Castillo moved to allow Ms. Debbie Wilson and Mr. Frank Elias to change positions on the speakers list, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent on city business. Council Member Boney absent on personal business. Council Members Vasquez and Parker absent. MOTION 2001-0024 ADOPTED.

Mr. John M. Gonzalez, 808 Travis #1504, Houston, Texas 77002 (713-225-5115) appeared and stated that he was present speaking in favor of domestic partner benefits; that the city should do it because it was equal pay for equal work; that when benefits were almost half of an employee's pay a significant portion of overall compensation was not available for gay and lesbian employees as well as for other unmarried couples; that the second reason was for the changing family, today they looked much different than when the traditional employer base benefits were put into place and in fact less than one in four American households fit the definition of what was once called traditional families; that it was also good for business, it was a tight labor market and the city was competing for employees with banks, oil companies and the medical center and many of those have

domestic partner benefits or were in the process of developing them; that his partner worked for Bank of America and he, himself, was an employee benefits consultant and without benefits from the bank he would have to find other insurance and that was something married spouses of other bank employees did not have to do; that domestic partner benefits was the right thing for business and the right thing for families. Council Members Vasquez and Parker absent.

Upon questions by Council Member Sanchez, Mr. Gonzalez stated there was an indication that the subject of domestic partner benefits came up last week in pop-off and he wanted to try and inform Council Members of his opinion. Council Members Vasquez and Parker absent.

Upon questions by Council Member Quan, Mr. Gonzalez stated that marriage and divorce were becoming more fluid these days and a lot of companies not only recognized domestic partners but other qualified adults in the household recognizing that families change; that in some households you may be in charge of an elderly parent or have a partner of the same or opposite sex so companies were recognizing there was much diversity today; and Bank of America recognized spouse, domestic partner or any other adult. Council Member Quan stated that he would hate to see partners change on a regular basis; and Mr. Gonzalez stated that one way it was addressed was through an affidavit process or the common law marriage rule. Council Members Vasquez and Parker absent.

Upon questions by Council Member Bell, Mr. Gonzalez stated that he had no idea of how many employees at Bank of America had taken advantage of it, but some employers paid 100% of the employee's and 0% of the independent. Council Members Vasquez and Parker absent.

Upon questions by Council Member Tatro, Mr. Gonzalez stated that some would say if you were codependent with another adult, an older sibling, an unmarried sibling or parent that would be the adult you took care of; that was the way the bank did it; that some would say it was only same gender as others had the option of getting married; ; and he believed it would be a very progressive employer that really took into account what American families looked like today and a lot of those included a single person taking care of an adult parent and he would encourage Council to consider what American families looked like today. Council Member Vasquez absent.

Mr. H. Fisher Trigg, Jr., 6633 Hillcroft #206, Houston, Texas 77081 (713-771-2466) appeared, presented information to Council Members and stated that he was a property owner and resident of West Lane Place, Section 3, basically on Richmond between Midland and Westheimer; that they had deed restrictions which were enforced since recorded in the 1940s or 1950s; that the essence of their restrictions was one house one lot and they had a property owner attempting to re-plat her lot which was in direct violation of their restrictions; that a hearing was to be held January 11 and he had written to Planning and Development voicing his concern and basically there were provisions to keep this from happening, two basic requirements was that each lot have an aggregate total of 5,500 square feet per lot and a minimum of 55 feet of frontage at the building setback line and the lot she owned would allow a subdivision of lots to have the right

footage but it was impossible to have the 55 feet frontage. Council Member Vasquez absent.

Upon questions by Council Member Tatro, Mr. Trigg stated that the issue was not the deed restrictions, but instead he felt her idea was it was her property and she should be able to do as she wanted.

Upon questions by Council Member Keller, Mr. Trigg stated that no sign had been placed on the property as required, but the hearing was to be Thursday, January 11th. Council Member Keller stated that Mr. Nandagiri's letter stated the re-plat appeared to confirm to all Chapter 42 requirements and it appears is not it does and also in his opinion if it met requirements of Chapter 42 would that supercede deed restrictions; and Council Member Parker stated that deed restrictions generally would trump whatever else was out there. Council Member Tatro stated then even if it conformed to Chapter 42 if it was in violation of deed restrictions that should overrule. Council Member Sanchez absent.

Upon questions by Council Member Ellis, Mr. Bibler stated that the speaker showed on the list as being here about neighborhood protection which was associated with Ms. Link and his staff did no research. Council Member Sanchez absent.

Council Member Parker stated that there was a Deed Restriction Enforcement Division within the Legal Department and when someone went to planning for different permits or plats they had to specify whether the property was deed restricted and whether what they were trying to do fell under the deed restrictions; that it may be the property owner misrepresented that or it could be an issue of interpretation where the home owners association should talk with the deed restriction enforcement folks and that was where they should go first and not to district court. Council Members Keller and Sanchez absent.

Upon questions by Council Member Ellis, Mr. Trigg stated that he would be present at the hearing on the 11th. Council Member Sanchez absent.

Upon questions by Council Member Tatro, Mr. Bibler stated that he had not had time to look into this matter as he was misled by the indication of subject matter; that his first intention was to carry it back to the Legal Department though it seemed Council Member Keller had a different version of the documents than he did, he could not find anywhere in his paperwork the language he was quoting and he would appreciate it if Council Members had a different version than he if they would share it with him. Council Member Sanchez absent.

Mayor Brown stated that he would like Mr. Bibler to follow-up on it and someone from Legal get back in touch with Mr. Trigg. Council Member Sanchez absent.

Mr. Don Mafrige, Jr., 6633 Hillcroft #206, Houston, Texas 77081 (713-771-2466) was present, but chose not to speak. Council Member Sanchez absent.

Council Member Parker moved to hear Mr. Hlejandro Morua and Ms. Lynn Huffer at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent on city business. Council

Member Boney absent on personal business. Council Member Sanchez absent.
MOTION 2001-0025 ADOPTED.

Mr. Hlejandro Morua, 1710 Indiana #5, Houston, Texas 77006 (713-521-7161) appeared and stated that he was executive director of Progressive Voters In Action and was present to show support for the city expanding its benefits for domestic partners; that Progressive Voters In Action talked to voters daily and many agreed on similar issues and today he was showing his support. Council Members Keller and Sanchez absent.

Upon questions by Council Member Parker, Mr. Morua stated that they had polled voters on the issue; that during the last election cycle they had 104 volunteers talking to voters in 25 precincts around the city and talked to over 2,000 voters about a nondiscrimination policy in the city and most wanted to see that policy enacted on the issue of fairness and competitiveness. Council Members Keller and Sanchez absent.

Ms. Lynn Huffer, 1512 Harold, Houston, Texas 77006 (713-348-5625) appeared and stated that she was a professor at Rice University and was also present in favor of domestic partner benefits for city employees; that in June 2000 Rice University became the first college or university in Texas to begin offering domestic partner benefits and she was involved in getting the policy going and she wanted to share with Council the reasons why they did, first was the simple issue of equity, equal pay for equal work as not discriminating in employment meant equal compensation which was salary and benefits; that when one group was excluded from a benefit they were not being compensated equally and that was discrimination and Rice did not support discrimination; that secondly the cost was absolutely minimal as shown in situations over and over again so fears cost would rise were unfounded and the third point was that Rice determined for them to remain competitive they needed to offer the benefit and she believed all the same points could be applied to the City of Houston; that cities across the country had adopted similar policies, Atlanta, Baltimore, Denver, New York, Chapel Hill and New Orleans all offered domestic partner benefits and she would urge Council Members to make the same change in Houston. Council Member Sanchez absent.

Upon questions by Council Member Parker, Ms. Huffer stated that Rice offered the benefits to both, opposite and same sex partners and there were rigorous standards which set the policy for "domestic partners", it required one year of cohabitation and you had to sign an affidavit; that you had to meet three out of a number of requirements including having a joint banking account, joint lease or mortgage. Council Member Sanchez absent.

Upon questions by Council Member Tatro, Ms. Huffer stated that in the Rice Policy a committed relationship between domestic partners did not allow a sister, etc., but perhaps that may fall under a different structure such as family definition. Council Member Sanchez absent.

Upon questions by Council Member Quan, Ms. Huffer stated that Rice had a number of different packages available, her situation was that when first going to Rice they had no package and her partner went a year with no benefits, but since June she had been on her policy and her premium went up so she paid a premium in addition to what Rice paid.

Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Herman Wilson, 8154 Marcy, Houston, Texas 77033 (713-733-3027) had reserved time to speak, but was not present when his name was called. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mrs. Pearlie Mae Wilson, 8154 Marcy, Houston, Texas 77033 (713-733-3027) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Michael Johnson, 7418 Tanger, Houston, Texas 77074 (no phone) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Leticia Garcia, 8506 Glenbrae, Houston, Texas 77061 (713-847-9854) had reserved time to speak, but was not present when her name was called. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Lynda Nichols, 10907 Dunvegan, Houston, Texas 77013 (713-675-2542) appeared and stated that she was present to express her opposition to an adult type business located at 10255 East Freeway, formerly the Pizza Inn, the TABC granted a license in October to Chick's Cabaret and she prayed Council Members would consider the menace this clientele would have on the young students at Furr High School as well as neighbors who frequented the McDonalds on Mercury Drive for breakfast and lunch; that there was also a Burger King on the west side and in her opinion it could be a disaster waiting to happen; that in church last Sunday when she made an announcement she was going to appear before Council in opposition to the club a nine year old boy said he was against the "Titty Club" because his friend lived across the street; that before she had heard it called nothing except Chick's Cabaret, but the Titty Club was out of the mouth of a babe; that construction workers said students walked in to see what it looked like; and she respectfully urged Council Members to reject any permits asked for. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Parker, Ms. Nichols stated that it was already permitted and it was in Council Member Castillo's district. Council Member Castillo stated that he was advised they had a restaurant license and in speaking with Vice they said it was not a topless club. Council Member Parker stated that Chick's Cabaret sounded like a Sexually Oriented Business and would like more information. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Castillo, Mr. Bibler stated that at this time the Vice Division visited with the owner of the premises and he described how they intended to operate and based on that description it appeared they were not a sexually oriented business; that he knew of other places that tried to operate in the same manner and they were not successful. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Parker, Mr. Bibler stated that if they started displaying sexually specific anatomical areas they could be arrested and hauled off to jail, but they could not presume they would be and the manner they described they would work in was not an SOB. Mayor Brown, Council Members Todd and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Frank Elias, 1022 Valencia, Houston, Texas 77013 (713-675-5027) appeared and stated that even though the place had applied for a license it was 500 feet from the establishment to the school or church and the children passed through all the time. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Sherri Huggins, 10122 Lafferty Oaks, Houston, Texas 77013 (713-674-8800) had reserved time to speak, but was not present when her name was called. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Norma Dowlearn, 10323 Dunvegan, Houston, Texas 77013 (713-675-0819) had reserved time to speak, but was not present when her name was called. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Dwayne Gramann, 10231 Fleming, Houston, Texas 77013 (713-676-0239) appeared and stated that he was present to oppose Chick's Cabaret from opening at 10255 East Freeway; that his main concern was in the future they may change from a cabaret to a sexually oriented business; that he could see the back door of the establishment from where he lived and he could see a constant flow of students going to and from the Burger King and McDonalds on the sides of the cabaret after hours during the time of extra curricular activities and that concerned him. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Todd stated that he had not inspected the particular location; and upon questions, Mr. Gramann stated that at this time it was not open. Council Member Todd encouraged him and the others to meet with the owner and see what was proposed; and upon questions, Mr. Gramann stated that Vice had checked it out and at this time they were legal, but they were concerned as to whether it would turn into an SOB. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Todd, Mr. Bibler stated that a cabaret was a term in the sexually oriented business ordinance, however, because people could play name games that ordinance contained a universal description of what would constitute a sexually oriented business and it was based on several things such as what anatomical areas they showed, whether they engaged in sex acts or simulated sex acts and things of that nature; that HPD had visited with the intended owner and based on his description what they intended to do was not covered by the ordinance; that if a church was there before they filed application for an SOB they would not be given a permit. Council Member Todd stated that if they wanted to avoid it opening as an SOB he would advise them opening a prayer room or something near by and that would qualify as a church. Mayor Brown and Council Member Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Cheryl Ashley, 10218 Valencia, Houston, Texas 77013 (713-671-2081) appeared and stated that she was mother to a preteen and lived directly behind the place; that many here today she grew up with and the high school in question had many students who walked past the place and the Burger King and McDonalds were right there and many students stayed until 5:00 p.m. or 6:00 p.m. after school and then went there; and she was also concerned to let her daughter walk to the Burger King if the place was opened. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated that she did not want Ms. Ashley to think Council did not think this serious or what her concerns were, but if it was not in violation of an ordinance there was not much could be done; that they had to wait until there were actual violations. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Todd stated that he agreed their issue was a concern and he wanted to make certain that they understood they would probably need to take action; that he was not sure they could stop what was opening but if they wanted to ward it off from turning into an SOB they needed to take action and they might go to a business there and ask if they could use a room for prayer as the definition of church was broad in the ordinance, but they should take it seriously and ward it off; and encouraged them to meet with someone in Legal and analyze it. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Vasquez stated that he had a question for Mr. Bibler and that was whether this was a loop hole in the SOB ordinance; and Mr. Bibler stated that it was, but as he said there had been others who attempted to operate in the same way and did not stay in business very long. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Bell, Mr. Bibler stated that a church had to be a place where people regularly assembled for worship; that he understood there was a church nearby but it did not pass the distance test, but permit for an SOB was measured in an entirely different way and if they were within 60 feet of making the distance for an alcohol permit he had no doubt they would be disqualified to get an SOB permit so they would not need to open a church there was already one there. Mayor Brown, Council Members Tatro, Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.
(NO QUORUM PRESENT)

Rev. Cheryl Epperson, 703 Fleetwood, Baytown, Texas 77520 (281-428-8835) appeared and stated that Council Members had already heard much about Chick's Cabaret and they were just on the edge of a lot of the requirements; that there was less than 900 feet between the establishment and the high school and the principal was very much opposed to any such establishment locating close to her high school; that many students were on early release and as she drove by she saw many eating at McDonalds and Burger King; that she had also spent approximately 18 years of her career life as a high school teacher and she knew how they were and they would find themselves fake ID's to be able to check it out; that she had a small church and often was there alone and

she was not excited about the idea of such an establishment being that close; that she also had an elderly parishioner who lived very near and had been broken into before and knowing such an establishment would be open until 2:00 a.m. made her nervous and she was also concerned for her; that she was also really interested in what constituted a church and whether having a Bible study at a nearby hotel would qualify. Mayor Brown, Council Members Tatro, Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Bibler stated that the ordinance did say 1,500 feet for an SOB but part of the ordinance was under challenge in the Fifth Circuit and the old provisions were being enforced, but in this case they had not applied for such a license as the way they intended to operate did not require them to have that license and with what Council Member Castillo said there was a church and a school nearby; that if Furr High School was only 60 feet beyond the distance it sounded as though Furr High School would disqualify them from getting such a permit; and regarding opening a church if they were there first opening a church would not affect them. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Debbie Wilson, 10427 Dunvegan, Houston, Texas 77013 (713-675-6202) appeared and stated that she was the last speaker on the matter and though it was unclear what type of business the bar would conduct and what type of clientele it would cater to she believed the name spoke for itself; that she measured herself and it was within 900 feet from the front door of the bar to the high school, elementary school, restaurants, hotels and convenience stores visited by the youth and the McDonalds was in the process of building a playground and that faced the front door of the bar; that the sign for the recently closed Pizza Inn was left in place cleverly disguising the change of activity that was preparing behind closed doors and she believed it to be sneaky and underhanded and intentionally so; that it was also within 80 feet of a residence; that those present today represented 669 households in Songwood and they urged Council Members to use their power to the full extent of the law to keep the facility from opening. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Vickie Washington, 2913 1/2 Almeda, Houston, Texas 77004 (713-529-7450) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Christopher Paul Schueler, 12911 Memorial Lane, Houston, Texas 77079 (713-464-0931) appeared and stated that he was going to make an allegation against a member of the Houston Police Department and the City Secretary advised that Council would like him to make a sworn statement and administered the oath to him. Mr. Schueler presented information and stated that he was a lifetime resident of District G, an Eagle Scout and graduate of A & M University and an independent contractor and was present in response to actions which took place on Saturday, December 9, 2000, when he was accosted and assaulted by an officer and his document would describe the specifics, but to recap he had been pulled over for no reason and aggressively removed from his vehicle, searched and forcibly dragged to and locked in the back of a police car and his vehicle was searched without his permission; that the officer was wearing a windbreaker which covered his badge and name and when he was finally released he was handed his

license and told he was free to go; that after being released he asked the officer why he was stopped and was told by the officers that usually when they saw young White kids there they were trying to score dope or crack, it was a dangerous area and they would come up to you and just shoot you; that they were trying to do their job and if they saw him again he would probably be stopped again; that he believed it could have been handled better and as an adult he detested being treated as a child and did not expect to be treated with discourteousness, intimidation or malice from anyone; and he considered it racial profiling and hoped the Mayor and Council would do what was necessary to keep it from happening again and also hoped proper action would be taken to reprimand the officer responsible. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo stated that it was noted there was a current investigation underway and as soon as it was complete he would be notified of the findings and at this time Council Members had questions. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Keller, Mr. Schueler stated that he did not go to Internal Affairs but he was sent to somewhere to state what happened. Council Member Keller stated they would do the best on their end and he was sure if this had merit the Chief would do his best to get to it; and Mr. Schueler stated that he turned to racial profiling because it seemed the officers pointed out the fact they were not the right color to be there and as far as he knew all streets were opened to anyone. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Parker stated that her questions had been answered and Council had no roll in that complaint process with the Police Department, but it was always best when stopped to provide the information requested and the search described did not sound at all unusual, officers for their own safety did have the right to approach someone, but she was glad he had filed a complaint and she was interested in the outcome. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Vice Mayor Pro Tem Castillo stated that Assistant Chief Norman Wong was present and if he had further questions he could speak with him at this time. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Johnny Lennon, 7243 Chasewood, Houston, Texas 77489 (281-438-8911) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Edna Jones, 2706 Martindale, Houston, Texas 77048 (713-440-9891) appeared and stated that she had been employed by METRO for 19 years and felt she was wrongfully terminated June 2, 2000, she was discharged for falsifying documents; that she worked for route maintenance and worked in the field cleaning shelters, etc., that she was always willing to do whatever was asked, she felt she was a good employee and felt the union and METRO railroaded her, the union did not try and represent her in any form or fashion during arbitration and they did not try to show that she had not stolen any sick time and she had doctors statements to show but none of that was presented; that Ms. Shirley

DeLibero got a slap on the had and was put back to work and she did not see why she should not be put back to work. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Vice Mayor Pro Tem Castillo, Ms. Jones stated that at METRO once you were discharged you had to file with the union and they filed an appeal for you and then there was a hearing to see if you could be reinstated before the arbitration decision; that other than the union there was no process for her. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Terry Sampract, 15215 Blue Ash #715, Houston, Texas 77090 (281-877-9447) appeared, presented information and stated that he was present to speak on the unjust firing of METRO personnel; that he was a veteran of the United States Marine Corps which he proudly served and received the medal of good conduct and he said that to say he was a soldier and a strict one and had no problem obeying orders of his superiors; that he conducted himself at METRO with high standards carrying out their orders and proper conduct of a loyal and professional bus operator; that he was proud to be a bus operator, but Ms. Shirley DeLibero, Metro's existing president and CEO, terminated him and other employees for incidents already reviewed, duly noted and acted upon by METRO's previous superiors before she was there; that Ms. DeLibero set an extremely poor example of leadership when she lied in regards to her scholastic achievements and qualifications for the position she was now holding and then she terminated other employees for that which she herself had done; that he was a professional bus operator for 12 years and during that time had earned every accommodation and award there was to be gained, he had his 12 year safety patch for driving without a preventable accident and a platinum belt buckle for 10 years consecutive driving without a preventable accident and a gold watch for 10 years consecutive driving without a preventable accident, a gold service pin and a patch for the safest overall performance; that he could not have done a better job so why should he be fired; that he had done an honorable job for METRO for 12 years and his reward was a dishonorable discharge; and he asked Council was that what he deserved. Mayor Brown, Council Members Ellis and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Bell, Mr. Sampract stated that he was terminated June 6, 2000, for a sick day he took in 1996; that he was represented by the union and as Ms. Jones stated they did a poor job; that he had not called in for the sick day his fiancé notified them of the situation, he was incarcerated, and when he came out she told him they put him on the list and he asked what list so he called and found out he had been placed on a sick list and he had them take him off, he had never called to ask to be on the sick list and never signed for a sick day but that was what he was terminated for; that he had spoke with Mr. Bland who was an attorney and with the union and asked him to write a letter to the arbitrator asking them to reconsider but was told it would not do any good so that was the end of it. Mayor Brown, Members Ellis, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Castillo stated that the problem with METRO employees was that they had no administrative procedure to defend themselves. Mayor Brown, Council Members Ellis, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he impressed him and probably other Council Members also and regardless of the outcome he definitely had shown a lot of vigor and he wished him well. Mayor Brown, Council Members Ellis, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Sampract stated that 12 months before they terminated him the superintendent, Ms. Barbara Adair, called him in her office and said they were going to try and fire him for a sick day in 1996; that if there was any statute of limitations it had not come up. Mayor Brown, Council Members Ellis, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Sampract stated that there had been probably over 100 terminations recently and they were aware that it was streamlining and cutting employees for a rail system; that letting him go they could hire two employees cheaper. Mayor Brown, Council Members Ellis, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Dexter Norris, 5846 Southville, Houston, Texas 77003 (713-643-7023) appeared and stated that he was present about three months ago talking about standing water in front of his house and that it was a safety issue not only to him but to children going to school across the street and nothing has been done; that yesterday he called to check on the status and spoke with Mr. George Biggs and was told Mr. Wes Johnson was handling it so he called Mr. Johnson and was told he still needed to get a petition signed to get it fixed and that was when he signed up to speak; that Mr. Johnson must have found out he was coming and called this morning saying the problem could be fixed but not for about two months to eight weeks; that he then told Mr. Johnson a child had been hit by a car since he last appeared and this should be a priority one and fixed as soon as possible, but was told there were other jobs in front of him and so he came to see if it would help to speed up the process and keep others from getting hurt. Mayor Brown, Council Members Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Todd, Mr. Norris stated that he met with Mr. Johnson and gave him pictures of the problem. Council Member Todd stated that he understood they anticipated breaking ground on the reconstruction within three months; that they went out to see if grooves could just be cut but it couldn't; and there was no quorum for a motion, but would like Mr. Johnson to come up for questions. Vice Mayor Pro Tem Castillo stated that he could come up on consensus and invited Mr. Johnson to come up for questions. Mayor Brown, Council Members Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Upon request by Council Member Todd for a status report, Mr. Johnson stated that any time a speaker came and it affected Public Works they started checking with engineers to see if anything could be done and during the investigation it was decided that something could be done but would be very extensive; that both sides of the street would have to be taken out and reconstructed and it could not be done immediately, to do it now they would have to stop all other projects. Council Member Todd stated that Mr. Norris should keep in close contact with Mr. Johnson and that reconstruction of a street was an

expensive proposition and it was hard to get something like this added; and upon further questions, Mr. Johnson stated that he would check with right of way and see if there was some way they could get standing water out of there. Council Member Todd stated that when there was standing water he should call Mr. Johnson or him and they would see if they could get a suction truck out there so people could pass safely. Mayor Brown, Council Members Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. William Beal 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated Walt Disney Studios, Motown Records, Black entertainment television and Chase Manhattan Bank, first to his wife, Mrs. Janet Jackson Beal he loved her very much, more than any other woman on earth except for his mother. Mr. Beal continued to express his personal opinions until his time expired. Mayor Brown, Council Members Todd, Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated Tuesday, January 9, 2001, www.galvan.org and first of all it was a historical day today because it was the first full moon of the new age 21st century; that today was the full moon in Cancer so they started off with a water sign and a feminine sign and he and George after leaving here were going to church to light candles; that secondly, light rail's fate should be put in the hands of Houston voters, they should look to the future not the past and Space City could do better. Mayor Brown, Council Members Todd, Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

At 3:51 p.m. upon motion by Council Members Parker and Tatro the City Council recessed until Wednesday, December 13, 2000 at 9:00 a.m. Council Members Galloway, Goldberg and Robinson absent on city business. Mayor Pro Tem Boney absent on personal business. Mayor Brown, Council Members Todd, Ellis, Keller, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, January 10, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 10, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker,

Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 a.m. Mayor Brown called to order the meeting of the City Council. Council Members Galloway, Goldberg, Boney, Todd and Robinson 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, Controller, stated that this was the report for the period ending November 30, 2000, that it was the fifth month of the current fiscal year, that General Fund revenues were basically unchanged from last month's report, that Sales Tax revenues including the allocation check received in December 2000 were ahead of last year by 6.4%, the December allocation check was significantly lower than that received in December 1999, however, they continued to project sales taxes at budget which would represent a 5.8% growth rate, that they did note yesterday to the Fiscal Affairs that they were a little concerned about revenues in Municipal Courts, that collections seemed to be lower than they had anticipated at this time, that while tickets were up by 4.6% the collections were down by 4%, that they would continue to closely monitor this and were still optimistic that the collections contract would make a change in this area, that year to date revenue collections overall were 8.7% ahead of last year principally due to collecting about \$9 million more dollars in property taxes through this period as compared to November 1999, that expenditures were all estimated at budget and they would revise them as any spending patterns occurred, that the projected fund balance remains basically unchanged at \$70.3 million which was about 6.5% and that concluded her report. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Ms. Sarah Culbreth, Director, Finance and Administration stated that they too had prepared their report for the month ended November 30, 2000 which was the fifth month of this fiscal years reporting period, that their projections in the General Fund had also remained unchanged and they were projecting revenues to total \$1,264.5 billion (one billion two hundred sixty four point five million) for the fiscal year, that as the Controller indicated they were continuing to be optimistic regarding the Sales Tax Receipts and to date the receipts were about 6.2% above that for the same reporting period last year, that their projections were indicating that they would receive about 5.5% over last years Sales Tax, that on Property Tax they had received 33% year to date receipts over last year the same reporting period, however they left their projection unchanged at this time, that on the expenditures they were continuing to project the spending controls that had been put in place as reduction to expenditures leaving total expenditures and operating expenditures to be \$1,259.9 billion (one billion two hundred fifty nine point nine million) for the General Fund, that all other funds remained unchanged with

regard to the projections and remained at budget with the exception of one special revenue fund which there had been some slight reductions on their revenues and it was not significant and would continue to update Council with any additional spending patterns or revenue trends that continued and revise their estimates accordingly. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Castillo moved to accept the report, seconded by Council Member Parker. Council Members Goldberg and Todd absent. MOTION 2001-0026 ADOPTED.

Council Member Robinson moved to suspend the rules to take Item No. 13 out of order, seconded by Council Member Keller. Council Members Goldberg and Todd absent. MOTION 2001-0027 ADOPTED.

13. ORDINANCE amending **SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to construction of water and wastewater mains by Developers under Developer Contracts; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Boney and Castillo. Council Members Goldberg and Todd absent.

Council Member Robinson stated that he hoped that next week Council would vote to support the item, that there was somehow a misunderstanding about the \$2.5 million program, the Developer Participation, which had already been in existence, that they had all sat around the table and talked about the need for more housing to expand their property tax base, that it was just a \$2.5 million demonstration program and if it worked they had the ability to add additional funding and the idea that it was an unfair program just did not compute, that the reality was that they would own the infrastructure after the program was developed, that if they did not do the program there would be a documented need for housing and there may be an inability on the part of the developer to put that in the ground, that the \$2.5 million was not coming out of the CIP program, those projects were separate and distinct from this, that this was one of a multiple of things that they had to do if they were serious in the notion that they wanted to put the City on a more level playing field when it came to the continued attraction of housing development and construction inside the City. Council Members Goldberg and Todd absent.

Council Member Keller stated that he was also in strong support of the ordinance, that when they looked at the greater Houston area, which was where some of these fears came from, a lot of that infrastructure which they were weary of was already in place, that he felt that those fears took care of themselves in this and that the pilot program would be targeted and be most successful and needed in the lower income community and inner city and would gravitate naturally towards that, that they needed to give the private sector a crack at this and see what they could do, and if anything they should give them more than twelve months. Council Members Goldberg and Todd absent.

Council Member Castillo stated that he tagged the item because after he read it he was not able to go to the meeting on the Thursday before Christmas, which was when this was taken up by the committee, that it had been worked on for over a year and a half by the building industry and members of the administration, but nevertheless he had met with members of the Public Works Department who worked on it and had explained the technical questions he had and some of the policy concerns, which they were still addressing, that he agreed that they did

need more housing in the inner city, but there was no ratio, for example, and did not know if there needed to be, of how it would be applied to low income housing vis-a-vis high end housing, that high end housing appeared not to have a problem at all building inside the loop, that secondly there were questions, for example, the maximum \$3,000 per lot, which was allocated for drainage relative to low and moderate income housing and did not define what a lot was, that those were questions that he hoped to get answers to in the next week or so. Council Members Goldberg and Todd absent.

Council Member Tatro stated that they needed to focus on what this was, that they were all City lines and City mains, that this addresses the addition of new City lines in the City right of way up to the property, that it did not address what they did inside the property, and that was why it was beneficial, it was beneficial to the Enterprise Fund, it brought new customers in, that it was actually more advantageous to lower income homes because if they build a City water line the construction of that line was about the same and that would be a greater proportion of the total cost of the project to lower income as opposed to high income, that additionally he was very pleased that the administration had included TIRZ money for the low to moderate income housing in the storm drainage, that it was a win win for both, that Enterprise gets more customers and they help to expand their water sewer lines and at the same time reimburse developers for taking the risk and actually adding to the City's own assets.

Council Member Sanchez asked if the administration did an analysis as to the projected increase and helping offset the cost to the builder versus how quickly they would recapture the funds through the additional assets being placed on the books, through property taxes, and Mr. Haines stated that they had done an initial analysis but did not know right now what that incentive would do because historically developers had not taken advantage of the current reimbursement agreement, it was marginal at best, that they did not and would probably be in a better position if they had about a year of experience on this to determine how it was going to impact them, that the real incentive to the program was to the major tracts, larger developments, 100 plus lots, and those kind of developments were marginal at best, especially in the medium income price range for housing that seemed to be consumed outside the City, that for example, the return on a 100 lot development at say \$2,500 to \$5,000 value per lot, and that was enough incentive to bring the project into the City as opposed to somewhere where that offer was already out there on the table, at a medium price range of \$100,000 with a spread between affordable and high income being covered by that medium, the return was probably within 18 months from the time that project would be closed out.

Council Member Robinson stated that when they amended the Impact Fee Ordinance a couple of months ago they exempted low income housing so if they were doing low income housing they had the exemption from the impact fee and atop of that they layer the available fund under this program.

Council Member Boney stated that this was a policy issue and that he shared the concerns that were raised by Council Member Castillo and did not think it was something they would not be able to work out, that it was a matter of striking a balance and assuring that they were trying to stimulate affordable housing for low and moderate income families, that was where the greatest need and challenge was and also provided the greatest benefit for the broadest population of those people who lived in the City of Houston.

Mayor Brown stated that the matter had been tagged and during the interim they would answer any questions that anyone may have on the item, that it was part of a bigger project that they had put together, that they looked at the home ownership in the City and found that they were not a homeowner City, that the people who lived in homes in the City only 43% owned their homes, that it was his goal to bring that up to 50% over a 10 year period, and that would be to build 5,000 more homes per year above what they did right now, that to assist them to accomplish that they went to the Houston Home Builders Association and asked them why they were not building homes inside the City limits, that they were building out in the unincorporated area, that they did a paper listing many issues and made a number of recommendations and that report was now serving as a model for other parts of the Country, so this was just one element of an overall program to increase home ownership in the City and looked forward to being able to provide answers to any questions that the Council Members may have.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS – NUMBER 1

1. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **WESTBURY CIVIC CLUB, INC** for Law Enforcement Services of 4Deputies of Constable Precinct 5 - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0028 ADOPTED.

ACCEPT WORK – NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,187,675.62 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Midtown Street Reconstruction - Phase II, NSR, Project No. 443, GFS N-0376-02-3 (N-0376-02) - 05.80% under the original contract amount - Enterprise Fund **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0029 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 12A

LOW BIDS

4. **MACI FEED AND SUPPLY** for Coastal Bermuda and Alfalfa Hay for Parks & Recreation and Police Departments - Replacement - \$179,125.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0030 ADOPTED.
5. **MAIL-WELL ENVELOPE** for Envelopes, Utility Customer Service, Part II for Municipal Courts Administration Department - Replacement - \$21,082.60 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0031 ADOPTED.

6. **DOOLEY TACKABERRY, INC** for Rainwear, Waterproof Footwear and Hard Hats, Part II for Various Departments - Replacement - \$206,400.00 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0032 ADOPTED.

OTHER

8. **AMEND MOTION #99-437, 3/24/99**, amended by Motion No. 99-2043, 12/1/99, **TO INCREASE** quantity to purchase three additional Aerial Manlift Truck Bodies for the Department of Public Works & Engineering, awarded to **HI-TECH PUMP & CRANE, INC** for a total increase of \$78,849.00 - Replacement - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0033 ADOPTED.
11. **CONVERGENT LABEL TECHNOLOGY** - \$95,754.17, **THE RELIZON COMPANY LTD, LLP** \$301,869.11 and **WILLIAMETTE INDUSTRIES, INC** - \$558,298.65 for Continuous Forms for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0034 ADOPTED.
12. ORDINANCE appropriating \$406,995.00 out of Accumulated Unexpended Fund, transferring such funds to the Fire Special Acquisition Fund, appropriating \$406,995.00 from the Fire Special Acquisition Fund for expenses relating to the purchase of fifteen (15) Utility Vehicles for the Fire Department had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.
- 12a. **PHILPOTT MOTORS, LTD** - \$3,699,586.25, **LAWRENCE MARSHALL CHRYSLER, L.P.** \$1,264,980.00, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$480,065.00, **LAWRENCE MARSHALL CHEVROLET, L.P.** - \$1,301,567.50 for Automobiles, Vans, Utility Vehicles and Pickup Trucks for Various Departments - \$6,746,198.75 - Grant, Enterprise, Building Inspection, Equipment Acquisition Consolidated, Fire Special Acquisition, Street & Drainage Maintenance, Sign Administration and Workers Compensation Administration Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.

ORDINANCES - NUMBERS 14 through 32

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide utility easement containing 1101 square feet of land, more or less, being a portion of Lots 9 and 10, Block 18 of Lamar Terrace Subdivision, located in the H. Sanderson Survey, A-725, Harris County, Texas; vacating and abandoning said tract of land to MWO Investments, Ltd., the abutting owner, in consideration of owner's payment of \$7,707.00 and other consideration to the City -

DISTRICT C - GOLDBERG – was presented. All voting aye. Nays none. ORDINANCE 2001-0031 ADOPTED.

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Mt. Vernon Street right of way containing 13,440 square feet (0.3085 acre) of land, more or less and a turnaround right of way easement containing 401 square feet (0.0092 acre); both easements being located in the Obedience Smith Survey, A696, Harris County, Texas; vacating and abandoning said tracts to University of St. Thomas, abutting owner, in consideration of the owner's dedication back of a 60-foot wide utility easement containing 13,440 square feet (0.3085 acre) of land, more or less, and payment of \$110,232.00 and other consideration to the City - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0032 ADOPTED.
18. ORDINANCE approving and authorizing an agreement between the City of Houston, the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON ZONE)** in connection with the City's Reinvestment Zone Number Twenty over the Southwest Houston Area **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2001-0033 ADOPTED.
19. ORDINANCE appropriating \$314,394.64 out of Street & Bridge Consolidated Construction Fund for Landscaping and Beautification of City Streets and Thoroughfares as authorized and approved by Resolution No. 90-03, CIP N-0675-04-3 - **DISTRICTS A - TATRO; C - GOLDBERG; D - BONEY; E - TODD and F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2001-0034 ADOPTED.
20. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **EPERNAY COMMUNITY ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 36 Months - \$792.00 - General Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0035 ADOPTED.
21. ORDINANCE appropriating \$116,730.00 out of Water & Sewer Consolidated Construction Fund as additional amount for the Financial Advisory Services contract with **COASTAL SECURITIES (C#39779)**; approving and authorizing the allocation of additional funds for the Financial Advisory Services Contracts with **FIRST SOUTHWEST COMPANY (C#39780)** and with **COASTAL SECURITIES** - Total for both contracts \$519,000.00 had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during meeting.
25. ORDINANCE appropriating \$789,600.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Wheeler Avenue Paving, Phase I, CIP N-0528-02-2 (SB9051); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction

Fund - **DISTRICTS D - BONEY and I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0036 ADOPTED.

26. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **COSTELLO, INC** for Design of Safe Sidewalk Program, CIP N-0610A-S8-2 (SB9049); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0037 ADOPTED.
28. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ESOR CONSULTING ENGINEERS, INC** for Design of Safe Sidewalk Program, CIP N-0610A-S7-2 (SB9048); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0038 ADOPTED.
31. ORDINANCE No. 2000-907, passed second reading November 15, 2000
ORDINANCE annexing to the City of Houston, Texas for Limited purposes all of the area in **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such area; imposing the sales tax of the City of Houston, Texas in such area; providing an effective date; and providing for severability – **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE No. 2000-907 PASSED THIRD READING IN FULL.
32. ORDINANCE No. 2000-908, passed first reading October 18, 2000
ORDINANCE annexing to the City of Houston, Texas for general purposes territory located in the vicinity of the intersection of El Dorado Boulevard and Interstate Highway 45 and in the vicinity of the intersection of Bay Area Boulevard and Glenwest Drive in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; instituting proceedings to annex to its corporate limits the territory included in such boundaries; extending the corporate limits of the City of Houston, Texas to embrace and include territory within such boundaries; approving a service plan for such territory; providing an effective date; and providing for severability - **SECOND AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE No. 2000-908 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **FELICIANO MORUA, et al** v. City of Houston, et al; Cause No. 96-5088: in the 133rd Judicial District Court of Harris County, Texas - \$41,500.00 - Property and

Casualty Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Todd.

PURCHASING AND TABULATION OF BIDS

OTHER

7. **CRASH RESCUE EQUIPMENT SERVICE, INC** for Airport Crash Rescue Truck Repair Service for the Fire Department - \$48,506.00 - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.

Council Member Castillo stated that he was not going to tag the item but was going to ask a question, that it was something that he had noticed in some of the other contracts that had a MWBE component and that was that the MWBE component was composed of something that had nothing to do or relative to the primary object of the purchase, that there was over \$20,000 for transportation, that he hoped that they were not allowing somebody's annual transportation bill to be counted as part of an MBE purchase if that had nothing to do with the purchase itself.

Mayor Brown stated that he would ask Mr. Haines to look at that and make sure that they addressed it appropriately.

9. ORDINANCE appropriating \$3,300,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **MOBILE DATA SOLUTIONS, INC** for an Automatic Mapping, Routing and Scheduling Service Order System for the Department of Public Works & Engineering; CIP S-0961-01, providing a maximum contract amount - 5 Years - \$500,000.00 Enterprise Fund - Total \$3,800,000.00 – was presented.

Council Member Quan stated that when he looked at the item he was concerned that they were duplicating systems that they already had in place with their GEM system and the 31 that they were developing, that he had a briefing on it and wanted to commend the Public Works Department, Water and Sewer Division on their efforts at updating the system that they had.

A vote was called on Item No. 9. All voting aye. Nays none. ORDINANCE 2001-0039 ADOPTED.

NOTE: Items 10 and 10A are a component part of Item 9, if adopted

10. ORDINANCE appropriating \$524,156.00 out of Water & Sewer System Consolidated Construction Fund for a Mobile Data Communications System for the Department of Public Works & Engineering, CIP S-0961-02 – was presented. All voting aye. Nays none. ORDINANCE 2001-0040 ADOPTED.
- 10a. **MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC** for Mobile Data Communications System for the Department of Public Works & Engineering - \$524,156.00 - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. MOTION 2001-0035 ADOPTED.

ORDINANCES

16. ORDINANCE approving and authorizing distribution of the Preliminary Official Statement for the issuance and sale of City of Houston, Texas Certificates of Obligation, Series 2001A; authorizing the Finance Working Group to proceed with the sale of such certificates pursuant to such statement; approving matters incidental to the issuance and sale; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2001-0041 ADOPTED.
17. ORDINANCE approving and authorizing application for grant assistance, as submitted, to the United States Department of Transportation, Federal Highway Administration for a Diesel Demonstration Project; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Finance and Administration Director for the City of Houston to accept such grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2001-0042 ADOPTED.
22. ORDINANCE appropriating \$54,800.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Design of the Buffalo Bayou and Sims Bayou Siphons under professional engineering services contract with **BLACK & VEATCH, LLP** (approved by Ordinance No. 98-0879); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, GFS R-0270-01-2 (4717) - **DISTRICTS D - BONEY; H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0043 ADOPTED.
23. ORDINANCE appropriating \$836,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **RATNALA & BAHL, INC** for Design of Columbia Tap Rail to Trail, CIP N-0420-22-2 (N-0420-22); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - BONEY and I – CASTILLO** – was presented.

Council Member Keller stated that they were responsible for excess funds, and asked if they knew what it was or what it was anticipated to be, and Mr. Haines stated that he could not answer that right now but could get him the answer.

Council Member Castillo moved to suspend the rules to hear from Mr. Tom Rolen, seconded by Council Member Ellis. MOTION 2001-0036 ADOPTED.

Mr. Rolen stated that he understood the question, but did not have the current estimate and if they wanted to move to the end of the agenda he would have it for them. Council Member Robinson absent.

Council Member Keller moved to postpone Item No. 23 until the end of the agenda, seconded by Council Member Vasquez. Council Member Robinson absent. MOTION 2001-0037 ADOPTED.

24. ORDINANCE appropriating \$455,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **RATNALA & BAHL, INC** for Design of Pinemont Paving from Hollister to Hempstead Hwy, CIP N-0491-02-2 (SB9053); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0044 ADOPTED.
27. ORDINANCE appropriating \$58,080.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the Design of Neighborhood Street Reconstruction, NSR-439, CIP N-0372-01-2 (SB9000) under professional engineering services contract **PTI, INC** (approved by Ordinance No. 2000-0024); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0045 ADOPTED.
29. ORDINANCE appropriating \$1,811,364.15 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **JAY C. CONTRACTOR** on low bid of \$1,678,845.00 and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORY, INC** in the amount of \$15,000.00 for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0517-12-3 (10679); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0046 ADOPTED.
30. ORDINANCE appropriating \$903,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** on low bid of \$779,399.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$23,000.00 for Richmond No. 2 Lift Station Diversion Sewer, GFS R-0267-69-3 (WW4276-29); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0047 ADOPTED.

MATTERS HELD - NUMBERS 33 through 41

33. ORDINANCE approving and authorizing the City of Houston to enter into a fifth contract amendment with the **HOUSTON HOUSING FINANCE CORPORATION** to extend the term and provide \$5,050,000.00 of Home Investment Partnership Program Funds for the continuation of a New Construction Homebuyers Assistance Program which provides subsidy financing to qualified homebuyers to be used for down payment, closing costs and/or prepaids – (**This was Item 22 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0048 ADOPTED.

34. ORDINANCE approving and authorizing the City of Houston to enter into fifth amendment to contract with **HOUSING OPPORTUNITIES OF HOUSTON, INC** to extend term and provide up to \$2,840,000.00 of Home Investment Partnership Program Funds to administer a Homebuyer's Assistance Program which will provide subsidy funding to qualified homebuyers to be used for downpayment, closing costs, prepaids and/or repairs – (**This was Item 23 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0049 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City of Houston and **K. R. BARKER & ASSOCIATES, L.L.C. D/B/A CDI COMMUNICATIONS CONSULTANTS** for professional consulting services in connection with Wireless Communication Requirements at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - \$72,800.00 Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – (**This was Item 30 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBER QUAN**) – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0050 ADOPTED.
36. ORDINANCE awarding contract to **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments; providing a maximum contract amount - 2 Years with one option year - \$942,793.13 - General, Enterprise and METRO Funds – (**This was Item 37 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBER KELLER**) – was presented, and tagged by Council Member Vasquez. Council Members Goldberg and Robinson absent.

Council Member Keller stated that Council Member Vasquez and a couple of other colleagues may share the same concerns on the item and hoped in the next week that he could have another meeting with somebody to facilitate some answers, and Mayor Brown stated that he would have someone meet with him and any other Council Member with questions. Council Members Goldberg and Robinson absent.

37. ORDINANCE appropriating and transferring \$825,000.00 out of Accumulated Unexpended Fund to the Street & Bridge Construction Fund, appropriating \$825,000.00 out of Street & Bridge Construction Fund, and approving and authorizing professional services contract between the City of Houston and **DANNEBAUM ENGINEERING CORPORATION** for Design of Neighborhood Street Overlay Projects, CIP N-1037-16-2 (OL2016); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund – (**This was Item 43 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO, KELLER, ELLIS and PARKER**) – was presented.

Council Member Tatro stated that the next five items on the agenda were expenditures from the Water Sewer ALP fund utilized for General Fund and asked that they look at the policy, with which they had implemented over the last couple of years, with ALP money in the General Fund and had passed out a handout to each Council Member which showed that the last two years CIP in 1999 they utilized no ALP money in the CIP for non water sewer uses and in the year 2000 the City used no water sewer money for non water sewer uses in the CIP, that

in 1998 they passed the amendment which said that no ALP money would be transferred for non water sewer uses, that in 2001 they passed CIP budget which utilized over a five year period \$87 million of water sewer money for non water sewer uses, that it was a big departure from where they had been the last two years and a big departure from the City Policy, although it was never written, that the administration had stated over the last couple of years, that they could go back just to 1998 and 1999 where First Southwest had done a complete study of the Water Sewer Enterprise Fund, the deficiency and the debt schedule and none of those scenarios had in the future their transferring all that money out of the water sewer fund, that Coastal Securities did an analysis and all of their analysis kept all of the water sewer money in the Water Sewer Enterprise Fund, that Black and Veatch did a rate study and in that study they used Coastal Securities scenarios and they predicted that if they kept all of the money in the Water Sewer Enterprise Fund they possibly would not need a rate adjustment until 2003, but that did not include money transferring out or the Northeast Water Purification Plant and that was the policy that they were going to utilize back in 1999, that the conclusions of F&A and Public Works and Engineering in 1999 stated that except for the 4% transfer the Any Lawful Purpose Funds would flow to zero in FY99 so clearly they had a policy in 1999 limiting those flows which they abandoned this year, that again they stated in 1999 that the R&R Funds should be used for Capital Improvements or pay as you go which they had not done, that F&A on October 5, 1999 made a presentation before Council based on the Water Sewer Enterprise Fund and the use of those ALP monies and in those they stated, "optimize the use of the Renewal and Replacement Funds in excess of the 5% book value, this would be accomplished through the defeasing of debt and utilizing a pay as you go method", that they had abandoned that, that they had also stated, "adjust rates as needed to meet the debt service coverage ratio and the additional bond test, the recommended plan was expected to avoid a rate increase through fiscal year 2002, that means if they stuck to their policy, which they did not this year, and the last one on the presentation was the R&R Funds in excess of 5% book value could be applied periodically to strategically defease certain outstanding debt maturities or to fund CIP projects, depending on the availability of funds and the interest rate environment, that they were utilizing \$91 million just this year and they would not be able to defease for the rate payers, that last year Usbancorp Piper Jaffray did an analysis of the water sewer debt capacity and stated that the City had the option of not having to raise water rates through Fiscal Year 2005 and that was if they stuck to a plan and if they stayed with the money in the Water Sewer Enterprise Fund, but that did not include transferring money out or a Northeast Water Purification Plant; that he thought they needed to discontinue water sewer money for non water sewer usage because in a year and a half it would have a severe rate impact to the citizens of Houston, and would ask Council to do what he believe was fiscally prudent, to keep the pockets of money secure, keep the water sewer money in the Water Sewer Enterprise Fund and refer the items back to the administration for proper funding for Ad Valorem Tax Base Debt as it had been used historically. Council Members Galloway and Robinson absent.

Council Member Ellis asked if in February did they not defease \$160 million worth of bonds, and Ms. Culbreth stated yes in water and sewer, and Council Member Ellis asked Council Member Tatro if he had calculated that, and Council Member Tatro stated that was included in the financial analysis and he did mention that they did do some defeasance over the last year and that defeasance was utilized within the rate scenarios and the calculations, but not the transfer out. Council Members Galloway and Robinson absent.

Mayor Brown stated that as they debated the item he wanted to remind everyone that what they had on the agenda was approved by the Council in the CIP and they were just now implementing what Council had approved. Council Members Galloway and Robinson absent.

Council Member Boney asked Mr. Haines what the definition of ALP was, and Mr. Haines stated that it was funds that were surplus once all of the O&M requirements had been met and once all the debt service obligations had been met and any other capital initiatives under Renewal and Replacement had been met, that it was straight surplus funding, that the initials stood for any lawful purpose, and Council Member Boney stated that Council Member Tatro said they should not use any lawful purpose funds that came out of the surplus of water and sewer for streets, that he would remind him that many of the water and sewers were under the streets and the streets were torn up when they went in and fixed the water and sewer, that what Council Member Tatro proposed to send back for proper funding, there was no where else to properly fund, that he would kill the projects that they had already voted to fund when they passed the budget with the same funds. Council Member Robinson absent.

After further discussion Council Member Castillo moved to call the question on Item No. 37, seconded by Council Member Boney. All voting aye. Nays none. Council Members Parker and Robinson absent. MOTION 2001-0038 ADOPTED.

A vote was called on Item No. 37, with Council Members Tatro and Bell voting no, balance voting aye. Council Members Parker and Robinson absent. ORDINANCE 2001-0051 ADOPTED.

38. ORDINANCE appropriating and transferring \$918,610.00 out of Accumulated Unexpended Fund to the Street & Bridge Construction Fund, appropriating \$918,610.00 out of the Street & Bridge Construction Fund, and approving and authorizing professional services contract between the City of Houston and **SYLVA ENGINEERING CORPORATION** for Design of Neighborhood Street Overlay Projects, CIP N-1037-17-2 (OL2017); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund – (This was Item 44 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO, KELLER, PARKER and ELLIS) – was presented.

Council Member Bell stated that again this was coming from the ALP fund, that it was an issue that had been talked about at great length at different times at the table, that if they looked at the history of the ALP fund, his understanding of that was it was looked to as a mechanism during the Lanier administration to make up for a shortfall so that various projects could go forth, that it was never envisioned or contemplated to be a recurring source of revenue or a pool just to draw from whenever they could not find money anywhere else and somebody wanted a project in their district, that he thought where Council Member Tatro was going with his argument was that at some point they had to go back to the original purpose of the money and that it was designed and supposed to be used for water and sewer repairs, that yes it was ALP and could be used for any lawful purpose but the way the monies originated was that they were to be used for water and sewer repair, and if they were moving the money for other types of projects just as a library in districts it naturally followed that the water and sewer infrastructure at some point along the line was going to suffer, that he was glad that it had come up now and thought it should continue through the budget cycle and they were going to

have to make some very tough choices around the table. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Boney stated that he thought it was appropriate to have this discussion during the budget discussion and also thought it was appropriate to pass these projects that they identified during the previous budget and funding sources as they stood. Council Members Goldberg and Robinson absent.

Council Member Parker stated that this had been an issue for her for several years and was one of a few points of agreement that she had with Council Member Tatro, that she and Council Member Tatro were the two votes against the Clear Lake Library and she clearly supported funding libraries, that she was glad that other Council Members had realized what the issue was and that they had a bunch of new converts, that she could not support saying that they had to send all of these items back to the administration because they actually did pass these as part of the budget and Council Member Tatro's own documentation showed that, that they then went into the situation where they approved something and then they later on changed their minds and were trying to fight it, that the other aspect of this was that there was a fundamental difference between how she and Council Member Tatro viewed the use of the ALP funds, that he believed it could only be used on defeasance of bonds or actually in the water and sewer system and a good half of what they allocated in the budget for use of the so called ALP funds was in storm drainage and as far as she was concerned water was water, that storm drainage system fed into the water sewer system and impacted the water sewer system and that was a legitimate use of these kind of funds, that they had \$30 million for MPD's which was federal regulations dealing with storm water drainage and she felt that was an appropriate use of the water sewer funds, that it was a flow back and forth, literally and figuratively and thought that was a legitimate use of funds, that they even put \$6 million aside for City pool repairs, that they could make the argument that stopping the City pools from leaking so the City was not spending as much money on water was a legitimate use of water sewer ALP funds, that the Clear Lake Library, street overlays, utility maintenance, fire trucks, she would draw the line on that, that it was a legitimate debate but that they should not go to far in the other direction and say no that the water and sewer funds could only be spent directly on water and sewer, that also they should not forget that they did pass these items as part of the budget and they needed to move forward. Council Member Robinson absent.

Council Member Sanchez asked if the district Council Members have any assurance that a portion of the monies allocated would be used in their district, and Mayor Brown stated that under Streets to Standard the administration worked with each Council district in identifying the neighborhood where they would carry out the Streets to Standard so yes they would have. Council Members Boney and Robinson absent.

Council Member Todd stated that his constituents did get a library out of it, that the greater issue involved in ALP and the one that was going to be of most interest to Houstonians was how did it affect their water bill, was it high because of ALP money or was it high because of other factors, that an analysis of the water bills would show that they were high because of a number of factors and a large one was conversion to surface water that was a very expensive proposition that they had to deal with, that the ALP funds themselves were interestingly generated because the Water Department did their budget based on the idea that they were going to have their usual amount of rainfall and when they had dry weather people used water more than they projected and they sold more and they budgeted their money based on

Houston having normal weather patterns, that the ALP money was there and legal and did not contribute to the water bills, that he understood where Council Member Tatro was going with this and agreed with him that they would like to see some more restraints on it, but if it was legal and was there he wanted to make sure that it was spread around to the various parts of the City, that when it came to projects of the nature that they had before them it was something that benefited the entire City, that even the library did because the library down in Clear Lake served as an example of City County cooperation and was a model for future endeavors and actually wound up saving taxpayers in the City and County a significant amount of money because they were able to shut down one County library to keep from having two bureaucracies running two libraries, so there were definite advantages to it. Council Member Robinson absent.

Council Member Castillo moved to call the question on Item No. 38, seconded by Council Member Keller. All voting aye. Nays none. Council Members Boney, Vasquez and Robinson absent. MOTION 2001-0039 ADOPTED.

A vote was called on Item No. 38, with Council Member Tatro voting no, balance voting aye. Council Members Boney, Vasquez and Robinson absent. ORDINANCE 2001-0052 ADOPTED.

39. ORDINANCE appropriating and transferring \$839,200.00 out of Accumulated Unexpended Fund to the Street & Bridge Construction Fund, appropriating \$839,200.00 out of Street & Bridge Construction Fund, appropriating \$1,608,200.00 out of METRO Special Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION COMPANY** on low bid of \$1,997,741.00 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$150,000.00 for Asphalt Overlay Project in Third Ward (Completion), GFS N-1037-06-3 (OL2006); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS D - BONEY and I - CASTILLO** – (This was **Item 46 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO, PARKER and ELLIS**) – was presented, with Council Member Tatro voting no, balance voting aye. Council Members Boney and Robinson absent. ORDINANCE 2001-0053 ADOPTED.

40. ORDINANCE appropriating and transferring \$979,400.00 out of Accumulated Unexpended Fund to the Street & Bridge Construction Fund, appropriating \$979,400.00 out of Street & Bridge Construction Fund, appropriating \$1,200,000.00 out of METRO Special Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION COMPANY** on low bid of \$1,777,695.80 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$135,000.00 for Asphalt Overlay Project in Northline Park Phase II (Package 1), GFS N-1037-08-3 (OL2008); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund and METRO Special Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – (This was **Item 47 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, TATRO, PARKER and ELLIS**) – was presented, with

Council Member Tatro voting no, balance voting aye. Council Members Boney and Robinson absent. ORDINANCE 2001-0054 ADOPTED.

41. ORDINANCE appropriating and transferring \$2,124,500.00 out of Accumulated Unexpended Fund to the Street & Bridge Construction Fund, appropriating \$2,124,500.00 out of Street & Bridge Construction Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION COMPANY** on low bid of \$1,734,356.80 and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** in the amount of \$130,000.00 for Asphalt Overlay Project in Northline Park Phase II (Package II), GFS N-1037-09-3 (OL2009); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – (**This was Item 48 on Agenda of January 3, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN and TATRO**) – was presented, with Council Member Tatro voting no, balance voting aye. Council Members Boney and Robinson absent. ORDINANCE 2001-0055 ADOPTED.

Items received during the meeting was considered as follows:

12. ORDINANCE appropriating \$406,995.00 out of Accumulated Unexpended Fund, transferring such funds to the Fire Special Acquisition Fund, appropriating \$406,995.00 from the Fire Special Acquisition Fund for expenses relating to the purchase of fifteen (15) Utility Vehicles for the Fire Department – was presented and tagged by Council Member Tatro. Council Members Boney and Robinson absent.

Council Member Quan stated that his concern was that they were running on a short fuse regarding the bids and they were good amounts and knew that Mr. Wells had done a good job, but had the administration looked into trying to have a uniformity as far as the vehicles went, that there were 14 different types of pickup trucks they were looking at, 5 different types of SUV's, 6 different types of vans, that it seemed to him that if they could have a more standardized system they could look at a better price in the future, and Mayor Brown stated that they had allowed every department to look at what their needs were so the vehicle matched the need of a department, and they may differ from one department to another, that for example the utility vehicles for the Fire Department were designed to help address a current problem and they put certain equipment back there so that it was fitted exclusively for that need, and Council Member Quan stated that he could appreciate the differences when the needs varied. Council Members Boney, Todd and Robinson absent.

- 12a. **PHILPOTT MOTORS, LTD** - \$3,699,586.25, **LAWRENCE MARSHALL CHRYSLER, L.P.** \$1,264,980.00, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$480,065.00, **LAWRENCE MARSHALL CHEVROLET, L.P.** - \$1,301,567.50 for Automobiles, Vans, Utility Vehicles and Pickup Trucks for Various Departments - \$6,746,198.75 - Grant, Enterprise, Building Inspection, Equipment Acquisition Consolidated, Fire Special Acquisition, Street & Drainage Maintenance, Sign Administration and Workers Compensation Administration Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo, and tagged by Council Members Parker

and Tatro. Council Members Boney, Todd and Robinson absent. (Note: Council Member Taro removed his tag later in the meeting.)

Item Postponed to the end of the Agenda was considered as follows:

23. ORDINANCE appropriating \$836,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **RATNALA & BAHL, INC** for Design of Columbia Tap Rail to Trail, CIP N-0420-22-2 (N-0420-22); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - BONEY and I – CASTILLO** – was again presented to Council, and tagged by Council Member Keller. Council Members Goldberg, Boney, Bell and Robinson absent.

Council Member Keller stated that he had talked to Mr. Rolan who had alleviated a lot of his questions and also let him know that a one week tag would not affect the project in any way and would require a thirty minute meeting between them to get through some of the numbers. Council Members Goldberg, Boney, Bell and Robinson absent.

Council Member Tatro stated that he wanted to remove his tag on Item 12a. Council Members Goldberg, Boney, Bell and Robinson absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sanchez asked if there was an update as to the posting of the City's bikeways on the internet so that people could download, and Mayor Brown asked Mr. Haines if they had posted the City's Bikeway Project on the Internet, and Council Member Sanchez stated that one of the complaints he had gotten was that there was no way of knowing which ones they could take and where they connected to design their route, and Mr. Haines stated he would have that for him before the end of the day. Council Members Boney, Bell and Robinson absent.

Council Member Parker stated that she was looking at a magazine and saw an advertisement for Metro's Safe Haven Project, that she was not aware of the project, that the top of the ad says they would open their doors for them, that she called Metro to find out about the program and they had the program since 1988 that made Metro buses available for assistance for people in distress, that they just jumpstarted it again in December and taken out local ads and were trying to promote it, that if they felt themselves in danger or were threatened they could flag down a Metro bus and ask for assistance, that all Metro buses were equipped with two way radios and the operators could take information from the drivers and dispatch police, EMS or Fire Department, that it was a wonderful public service and wanted to salute Metro for doing it. Council Members Boney and Robinson absent.

Council Member Goldberg stated that as a forewarning to Public Works as far as sewage repair, it seemed like this was the season where a lot of sewage lines were breaking, that in his district, at 2700 block of Albans they had a house that had five breaks in two weeks, that they did go out there last night, that he hoped that they could work down the backlog as quickly as possible now to prepare for more problems in the coming months, and Mayor Brown stated that Mr. Rolan had been working on that and would be bringing to Council a number of

contracts to assure they would not have a problem or at least get ahead of the problem when it did occur. Council Member Robinson absent.

Council Member Quan stated that yesterday they were all rocked by the tragedy that occurred in the Harwin area and knew that it had affected the Korean Community as well as the rest of the City, and wanted to publicly acknowledge Mayor Brown's presence at a very important time for that community and wanted to express his condolences to the Chang and Park families for their losses. Council Member Robinson absent.

Council Member Quan stated that he appreciated Council Member Tatro's hard work as far as working the ALP fund, that it had been very enlightening. Council Member Robinson absent.

There being no further business before Council, the City Council adjourned at 10:32 a.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary