

City Council Chamber, City Hall, Tuesday, January 23, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, January 23, 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 and Chris Bell; Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Martha Stein, Agenda Director present. Council Member Orlando Sanchez absent on personal business. Council Member Carroll G. Robinson absent on city business.

At 2:02 p.m. Mayor Brown stated that Council Member Quan would begin with presentations. Council Members Galloway, Boney, Todd, Ellis, Keller and Bell absent.

Council Member Quan stated that as a city which celebrated diversity this week they would celebrate Chinese New Year, the year of the snake, and invited Mr. Wea Lee, Dr. Beng Ho and Ms. Sandy Pham to the podium. Mr. Lee stated that there were over 450,000 Asians living in the City of Houston and every year they celebrated the Lunar New Year Festival; that it would be this Saturday and Sunday at the Sharpstown Mall and they would be honored to have Mayor Brown attend. Mayor Brown thanked them for coming and stated that he and Council were delighted they were present and he looked forward to joining them in the new year celebration. Council Members Boney, Todd, Ellis, Keller and Vasquez absent.

Council Member Quan stated that there was also a very large Vietnamese population in Houston and they would be celebrating the Tet Festival which was their celebration of the new year and it would be held at Reliant Park, the Astro Arena, Sunday, January 28, 2001, and there was a great deal of entertainment for that festival as well; and invited the Mayor and Council. Council Members Boney, Todd, Ellis and Vasquez absent.

Council Member Parker stated that today Council was honoring the Chair of the Miller Theater Advisory Board, Ms. Susan Young, and invited her to the podium. Council Member Parker stated that Ms. Young was leaving the position of chair, but this had been a time of tremendous growth for the theater which proposed many challenges to the board and presented a proclamation to her for making many significant contributions through her service over the past four years, commended her for her leadership and wished her continued success. Ms. Young stated it had been an honor and a challenge to serve her four years and thanked the Mayor and Council for the recognition. Council Members Boney and Vasquez absent.

At 2:16 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Todd led everyone in prayer and pledge of allegiance. Council Members Boney and Vasquez absent.

At 2:17 p.m. Mayor Brown requested the City Secretary to call the roll. Council Member Sanchez absent on personal business. Council Member Robinson absent on city business. Council Members Boney and Vasquez absent.

Council Members Keller and Tatro moved that the minutes of the preceding meeting be adopted. Council Member Sanchez absent on personal business. Council Member

Robinson absent on city business. Council Members Boney and Vasquez absent.
MOTION ADOPTED.

At 2:19 p.m. Mayor Brown stated that Council would hear from the public and requested the City Secretary to call the speakers. Council Members Boney and Vasquez absent.

Ms. Shannon Scoville, 1810 Cherryhurst, Houston, Texas (713-520-1633) appeared and stated that she was representing a group of residents regarding a Special Building Lines Application for the 1800 block of Cherryhurst; that she was the original petitioner of the prevailing Building Lines Application for the north and south sides of the 1800 block of Cherryhurst; that she had lived at 1810 Cherryhurst for nine years; that the Cherryhurst subdivision was in the Montrose area and was established in the 1920s and 1930s; that it was comprised of about five blocks square bounded by Westheimer, Fairview, Mandel and Yupon with a city park; that the majority of the homes were renovated, but were still standing; that the homes were architecturally diverse and existed in one and two story bungalows with the front porches still intact; that Cherryhurst Park and the Civic Center were going through a substantial renovation with funds that were provided by the City of Houston and in partnership with the Cherryhurst Civic Club; that the 1800 block of Cherryhurst had nine houses with the owners of seven of the houses having signed the evidence of support for the petition; that two owners had not responded to her request; that at the Houston Planning Commission hearing in December, 1999 five persons representing four of the homes were present to voice their support and they were not at the Council Meeting today, but they wanted her to pass along their support; and on behalf of the residents on the north and south sides of the 1800 block of Cherryhurst they were requesting approval of the their prevailing Building Line Application; that it had met the requirements of the application and they believed it would help preserve the character of the neighborhood. Council Members Boney, Todd, Vasquez, Quan and Bell absent.

Upon questions by Council Member Parker, Ms. Scoville stated that there had been one person that had filed a protest but they did not show up for the hearing; that there were nine houses and seven had signed up for approval; that one had protested it and one she had not heard from. Council Members Boney, Todd, Vasquez and Quan absent.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6995); appeared and stated that the houses in Freedman's Town had been demolished at about six units a day over the past couple of weeks; that the moratorium on demolition permits should be implemented now; that the trolley project had been placed on hold; that the RFP for the Gregory Museum was suspect while the RFP for the 1501 W. Webster block was illusive; that under its more than 100 year history Freedman's Town experienced the most destruction under this Administration; that it was unfortunate because they have a black Mayor and a Hispanic Council Member, John Castillo; that as a result of the on-going destruction in Freedman's Town, the City of Houston, its elected officials, their families, and the associates who were directly or indirectly guilty of the demotion would fall under the curse and the penalties of the laws of God; that she had done everything that she could do, so she had turned this over to God to get the Council to show some justice to Freedman's Town, but it had not worked. Council Members Boney, Vasquez and Quan absent.

Mr. Robert N. Guthrie, Post Office Box 262694, Houston, Texas 77027; appeared and stated that he was present requesting that his claim against the City for a police shooting by a Houston police officer on January 27, 1999, be reopened; that he believed his case cried out for a civil review board of police action; that because of the difficulty he had with the City against the City Attorney's Office he had submitted a claim; that he had asked what the reasons were for the claim being denied and both times he had received a vague answer, unqualified immunity; that he was told that it was because of the facts of the case; that the facts of the case were distorted from the very beginning, in the Houston Chronicle on January 28th and 29th 1999; the article had distortions made by the police officer; that an example was that Officer B. L. Hall said that 6'6", 300 lb. Guthrie, there were too many discrepancies in the statement; that the statement had been given to investigators to follow-up in internal affairs; that he believed the investigation was sloppy and not followed through; that there were things that the investigators could have checked on that they didn't check on; that he was denied medical attention immediately and he was put under guard by Houston Police Officers until he had surgery on Sunday night; that he requested the Mayor and the City Council reopen his case and that it be followed by an executive session to discuss the benefits honoring the claim that he had filed instead of trying to "weasel" out. Council Members Boney, Parker and Quan absent.

Upon questions by Mayor Brown, Mr. Guthrie stated the this matter was taken by a Grand Jury and he was no billed; that he had filed a complaint before Internal Affairs and the complaint was denied; that he wrote a letter to Chief Bradford that he had two bad cops and that he believed the investigation had missed some details; that the case was closed and that it would not be reopened. Mayor Brown suggested that Mr. Guthrie meet with Assistant Chief Stewart who was present; that she could explain the Civilian Review Board to him and then a request could be made to review his case. Mr. Guthrie stated that his main concern was that the City honor the claim that he had filed legally under the Texas Statutes; that the City had stated that by qualified immunity they didn't have to pay, but the investigation was "shoddy". Council Members Boney, Parker and Quan absent.

Mayor Brown suggested that the City Attorney explain the City's position on that. Mr. Bilber stated that the matter had been reviewed by the Legal Department and that the Claims Division had met with Mr. Guthrie; that the City believed that consistent with the determination of the Police Department the actions of the Officers in this matter were not unfounded and the claim was declined and he believed Mr. Guthrie should be talking to his lawyer at this point.

Mayor Brown stated that if Mr. Guthrie was not satisfied his recourse was to get an attorney to represent him. Mr. Guthrie stated that under the Statutes of Texas he had a right to file a claim against the City of Houston for damages; that the City of Houston did in effect through Police Officer, B. L. Hall, injure him with excessive force, mainly deadly force; that he had filed a claim against the City for this but the investigation had not gone on to the Harris County District Attorney's level; that the Harris County District Attorney knew the truth and he wanted to know why the City Attorney had not gone to the attorney for Harris County and looked in their records to determine what actions would be appropriate; that the City Attorney would find that the action by the Officer placing a false charge on him and that injury to a public servant was false and that he was no-billed. Council Members Tatro, Boney, Keller, Vasquez and Quan absent.

Upon questions by Council Member Goldberg, Mr. Guthrie stated that he wanted his claim honored and wanted compensation in money for damages. Council Member Goldberg suggested that Mr. Guthrie follow the Mayor's advice and hire an attorney. Mr. Guthrie stated that he had followed the Texas Legislature's directions on how to file a claim and in the period of time with the City Secretary and that should have been adequate enough; that he had not hired a lawyer; that he had wanted to come to an agreement but that the City had denied the claim; that he was opposed to legal counsel because of the cost; that he thought he should not have to hire a lawyer to do the same thing that he was doing; that he believed the claim had gone to the Houston Police Department and that was where the claim was denied; that they had not reopened the case; that he met with the Inspector General and then when he filed a complaint it was not like the conversation he had with the intake processing officer; that the paperwork was sent to the Police Department; that the Police Department sent it back to the Office of Inspector General; that the Office of Inspector General had sent the paperwork to the City Attorney's Office; and he had not been notified if any action had been taken. Council Members Boney, Vasquez and Quan absent.

Mayor Brown suggested that Mr. Guthrie meet with Assistant Stewart and she would give him information about how Mr. Guthrie could have his Internal Affairs' Complaint reviewed by a citizens group, not by Police Officers; that this Council was not in a position to make the decisions on individual cases; that it had been mentioned that if Mr. Guthrie wanted to pursue his claim that his best recourse would be to have an attorney. Council Members Boney, Vasquez and Quan absent.

Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-635-4606) had reserved time to speak, but was not present when his name was called. Council Members Boney, Vasquez and Quan absent.

Mr. Michael Johnson, 4001 Wilmer, Houston, Texas 77003 had reserved time to speak, but was not present when his name was called. Council Members Boney, Vasquez and Quan absent.

Mr. Randall Wilde, 6311 Beverly Hill, Ste. 75, Houston, Texas 77057 (713-724-7891) appeared and stated that he was present regarding the prohibition of smoking in restaurants and night clubs; that he recommended the City Council draft an ordinance prohibiting smoking in night clubs and/or restaurants, to allow smoking in these businesses violated the non-smoker's rights and their health, not only for the public patrons, but for the employees that had been forced to inhale second-hand smoke; that the Environmental Protection Agency estimated that exposure to ETS which was environmental tobacco smoke increased the risk of lung cancer by 20%; that about six months ago in July of last year he had presented documents to the Council concerning this situation; that in the legislation had been adopted in California, it started out in the San Jose, California municipality and then the state overtook the legislation and now all restaurants and night clubs were smoke free; that it was a simple situation where going to a night club forced you to inhale very dangerous toxic tobacco smoke; that he was urging the Council to consider drafting an ordinance. Council Members Boney, Vasquez and Quan absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he thought it was sad that there were two parades on Martin

Luther King Day, celebrating a man who tried to do nothing but unite people; that he believed if the two organizations involved did not get along, there should be no parade at all until they worked together to fill his dream; that one organization tried to outdo the other and he believed that was a slap in Martin Luther King's face; that he believed MLK had turned over in his grave after seeing what was going on right now; that he suggested Council not give permits next year unless the organizations involved came together; that Council should give only one permit. Council Members Boney, Vasquez and Quan absent.

Mr. Monty Hanson, 9102 Arvin, Houston, Texas 77530 (281-362-9767) had reserved time to speak, but was not present when his name was called. Council Members Boney, Vasquez and Quan absent.

Mr. John Ryan, 9900 Richmond Avenue, Houston, Texas 77042 (713-532-0487) had reserved time to speak, but was not present when his name was called. Council Members Boney, Vasquez and Quan absent.

Mr. Rudy Bruhns, 1406 Hays, Houston, Texas 77009 (713-224-4445) appeared and stated that he believed one of the goals of the new limousine ordinance was to establish a clear distinction between limousines and taxicabs; he believed that Houston had an ongoing problem for many years with former taxicab drivers who had been granted limousine permits continuing to operate as taxicabs charging taxicab rates; that the limousine ordinance requires limousines to charge a \$50.00 minimum fare for up to the first two hours; that legitimate limousine operators charge considerably more than the minimum limousine rate while limousine owners operated as taxicabs charged less than a minimum rate in violation of the ordinance; that in the chart contained in his written statement legitimate limousine operators had charged from \$45.00 to \$76.00 for a sedan and from \$55.00 to \$87.67 for stretch limousines and both required a 3 to 4 hour minimum; that in 1992 there were 67 limousine companies operating 207 vehicles; and prior to the new limousine ordinance there were 286 limousine companies that operated 804 vehicles; that there was not enough legitimate limousine business to support even half the vehicles being operated under a limousine permit unless a high percentage of the vehicles were operating as taxicabs and charged taxicab rates; that it was almost impossible for the City's inspectors to gain evidence to cite limousine operators for charging taxicab rates without actually hiring a vehicle in which case the inspectors would be recognized by the operators; that the City could use undercover police to hire a vehicle but the operators were weary enough to ask for a credit card and airline and flight numbers to protect themselves from being sighted; that to at least limit the number of limousine operators who operated as taxicabs, the new ordinance grandfathered all current operators from the requirement to have a stretch limousine, but required that a stretch limousine be added in order to increase the number of vehicles authorized; that a stretch limousine could be up to ten years old, it was not a financial burden for a legitimate limousine operator to add a stretch limousine to his fleet; that the limousine permit holder who had been operating as a taxicab it presents a barrier that allowed other taxicab drivers operate a vehicle under his or her permit; that for this reason he felt the new limousine ordinance should not be amended; that if anything the ordinance should be strengthened by having the provisions of Section 46-243(d) which related only to solicitation of trips at the airport applied to limousine permit holders who charged taxicab rates in violation of the limousine ordinance; that the penalties under Section 46-243(d)

are suspension of the limousine license for not less than 15 or more than 30 days for the first offense and revocation of the license for the second offense. Counsel Members Boney, Vasquez and Quan absent.

Upon questions by Council Member Castillo, Mr. Bruhns stated that the requirement of the stretch limousine originated with the Finance Administration Department; that he had talked to members of the Transportation Division and one of the concerns that they had was that limousine operators with limousine permits allowed other taxicab drivers to operate under their permit; that this was the only provision in the ordinance that at least helped limit that; that he believed it was impossible to catch limousine operators who charged taxicab rates; that the taxicab driver drove on to the property and the limousine operator pulled into the holding lot and checks in with the starter; that he waited in that holding lot until he was called up; that with a town car if he had a person out there then he checks in with the starter first and gives the starter the name, flight and so forth of the passenger and waits in the holding lot until he was called up by the starter; that the passenger comes out to the starter and asks for that particular cab to be called up; that with a limousine the driver can park in the limousine waiting area and go into the airport and meet with their passengers; that he believed there had been some additions to the ordinance in that they had to check in with the starter and this goes to solicitation of passengers inside the terminal and that was that they had to check in with the starter and give the starter the flight number and the name of the passenger that they picked up but that did not stop them from charging taxicab rates instead of limousine rates; that there were a number of legitimate limousine operators and what they charged; that all of them operated stretch limousines; that the minimum rate for a sedan was \$135.00 but that there were a number of limousine operators who charged taxicab rates and operated as taxicabs; that airport business is not the only legitimate business that limousine operators engaged in; that many limousine operators were former taxicab drivers who had obtained limousine permits; that they developed personal business while they were in the town car program with other taxicab companies, obtained a limousine permit and continued to operate as a taxicab and continued to charge taxicab rates; that other things you can do with a limousine was to be transported to a restaurant or hotel point to point. Counsel Members, Boney, Vasquez, Quan and Bell absent.

Upon questions by Council Member Goldberg, Mr. Bruhns stated that the percentage that operated from point to point in town had been a great majority of them; did; that he believed that the new ordinance would not drive other operators out of business but it would expand their business by adding other taxicab drivers to their fleets so that they can bring on their car and add it to their fleet under the limousine permit; that under the ordinance to try and limit the number, someone new coming into the limousine market must have a stretch limousine; that he believed to change the ordinance would be to weaken the ordinance; that since they are required to have a stretch limousine the other cars that served in that same company would act as a limousine going to the airport; that he believed under the new ordinance the vehicles could be a luxury SUV or a Lincoln or a Town Car; that he believed there was no maximum amount of vehicles; that they had to have one stretch limousine. Counsel Members Galloway, Boney, Vasquez, Quan and Bell absent.

Council Member Todd moved to suspend the rules to hear from Ms. Cathy Mosley, seconded by Council Member Tatro. All voting aye. Nays none. Council

Member Sanchez absent on personal business. Council Member Robinson absent on city business. Council Members Galloway, Boney, Vasquez, Quan and Bell absent. MOTION 2001-0060 ADOPTED.

Upon questions to Ms. Mosley by Council Member Todd stated that after looking into the ordinance the City decided that there would be no additional vehicles unless the owners had a stretch and it was a compromise in the industry; that part of the industry wanted SUVs and the other part did not and what they wanted was try to stop the tremendous growth in the number of limousine companies and the number of one car limousine companies; she assumed that the one car companies were not necessarily legitimate, full service limousine companies, but were possibly operating as taxicabs; that one of the reasons was that if you had the requirement and applied it only to the new entrance and did not apply it to the existing entrance then you would have the problem that Mr. Bruhns referred to of the umbrella company with the existing grandfather company starting to operate everyone else's vehicle; that she believed the problem could be resolved with an ordinance change and it could be simple, but the problem they could not resolve with an ordinance change, without it being somewhat restricted itself was the problem with the one car companies and the proliferation of the number of vehicles in the industry. Council Members Galloway, Boney, Vasquez, Quan and Bell absent.

Upon further questions by Council Member Todd , Ms. Mosley stated that in the grand scheme of things the new limousine rule helped to alleviate the concerns that the cab companies and the cab drivers brought up regarding the unfair competition; that the concern there was that the ordinance did regulate the cab industry and that the companies would be required by the ordinance to safeguard that industry to the extent that one could limit the ability to operate with the regulations; that there were about 278 limousine companies and 109 of those companies owned a stretch limousine; that 169 limousine companies did not own a stretch limousine; that of the 169 limousine companies 80% were only one and two car companies; that the ordinance did not allow the two car companies to grow without having a stretch; that the industry had grown significantly in a short period of time and many of the operators were out there operating as cab companies; that it did not matter how many inspectors she had on the ground that was hard to stop; that in order to enforce the primary ordinance that differentiated the limousine and the cab companies, which was the rate, she would have to stop the customer getting out of the vehicle and ask the person if they got a deal or not and then ask them to testify and sign an affidavit; that the customer would not be willing to do this because they would position themselves where the next time they would have to pay more; that if changes were made in the taxicab regulations, it was likely that taxicab drivers would be at Council meetings and very often; that the original idea of the one limousine rule came from Dallas, they had the requirement in their ordinances; that there were not very many cities that regulated limousines at all; that the city had six hearings on the limousine ordinance and people had an opportunity to comment; that once they made their decision and issued a report, written comments, and she thought that there was a hearing on that and then notice was provided to all those who had come to speak and they had an opportunity to participate; that notices were mailed to all permit holders and the public meetings were posted at City Hall; that David Schovajsa represented the Limousine Association and that he was at City Hall to discuss the ordinance; that he indicated that his group was in favor of the proposed ordinance and they did not request

that the one stretch limousine requirement be removed. Council Members Galloway, Goldberg, Ellis and Quan absent.

Upon questions by Council Member Parker, Ms. Mosley stated she did not know what Mr. Bruhns meant regarding the items he brought up with Council; that because of the numerous regulations on taxicabs, she stated she thought that there was the possibility of a fairness issue. Council Members Galloway, Goldberg, Quan, Ellis and Keller absent.

Mr. James Partch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he had just returned from his house 1611 Holman and that the City of Houston was there to clean up the lot as he had requested; that it looked fantastic; that he believed there would be a charge for this and that the City might put a lien on his house and charge him for it; that the City could take it out of his paycheck when he became a City Council Member; that he was again a candidate for Houston City Council; that the City of Houston needed to hurry up and file charges against James Honey; that the City was waiting for three estimates of the damage that was done to his house; that he planned to file a separate civil law suit for \$2,000,000; that he wanted the City of Houston to provide advocates to go to Austin to lobby in support of the bill that Coleman had filed giving the right to fund health centers; that he wanted the name of the lobbyist who is being paid to support this bill. Council Members Galloway, Goldberg, Ellis, Keller and Quan absent.

At 2:58 p.m. upon motion by Council Member Boney and seconded by Council Member Todd, City Council recessed until 9:00 a.m. Wednesday, January 24, 2001. Council Member Sanchez absent on personal business. Council Member Robinson absent on city business. Council Members Galloway, Goldberg, Ellis, Keller and Quan absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 24, 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. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director, present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 a.m. Mayor Brown reconvened the meeting of the City Council. Council Member Boney absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 51

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **S. T. WHITE**, Employee Number 102084 – was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0061 ADOPTED.

Council Member Robinson moved to suspend the rules to take Item No. 55 out of order, seconded by Council Member Quan. Council Member Boney absent. MOTION 2001-0062 ADOPTED.

55. RESOLUTION authorizing the Mayor to file a request with the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** asking for amendment to the City's Section 108 Loan and EDI Grant Programs – **(This was Item 22 on Agenda of January 17, 2001, TAGGED BY COUNCIL MEMBERS BONEY, PARKER and ROBINSON)** – was presented.

Council Member Castillo stated that one of his concerns was if they were going to allow 108 Funds to be used citywide did they have any safeguard that they were not going to invest it all in the Uptown District in the Galleria area at the expense of using it for needy areas throughout the City which existed in almost every district, did it have to meet more than one criteria, and asked if it should also eliminate blight or contribute to the construction of facilities in an area that was economically depressed.

Mayor Brown stated that one of the reasons it was being proposed was because they had been unable to use the 108 Funds and that had been a problem for them in Washington D.C., that they had the money here but had not been able to use it, that it had been a National problem and not just a Houston problem, that what they were proposing was to spread it out, but would use the same criteria they would use in the existing enhancement zone, and asked Council Member Castillo if it answered his question and Council Member Castillo stated that it did.

After further discussion, Council Member Boney stated that he had some of the same concerns as Council Member Castillo, that he had been assured that they were going to make an extraordinary effort to make the funds work in the enhanced enterprise community and to really address more of the issues of the poor and underprivileged.

Council Member Keller stated that he would do what he could to facilitate and help this local government facilitate Federal Funds from the new administration, that they could both have TIRZ's and promote economic development and expand the tax base and have them dedicate to low cost housing and also pursue Federal Funds but this was not one or the other.

Council Member Parker stated that in answer to Council Member Castillo's question she had similar concerns and she received a briefing package about what they were going to do differently, that they did have a fairly extensive action plan on how to reach more people who may have the ability to utilize the funds, but ultimately the only safeguard on using the monies, which were targeted to the poor, and for their being used for the poor in Houston and for affordable housing was a vote of Council, that there was nothing that tied the three criteria together they could be unbundled and they could use the monies for economic development for any area in the City, that in her briefing with Housing and Community Development they kept emphasizing that every thing they did would require a vote of Council.

Council Member Robinson stated that he was supportive of the idea because he thought it always came back to the accountability of Council and the administration holding the departments accountable, that the commitment that he was interested in was that they were going to look at places like northeast Houston, North Forest Area, Fifth Ward, Acres Homes and the Greenspoint area to invest those kind of funds, that there had been an ongoing effort with some folks in the North Forest Area to try to talk to Director Litke about a tax increment financing zone in that area and they had made no progress, that if they were going to talk about investing in community and removing blights in the poor areas in the City then they ought to look at using all the innovative tools. Council Members Tatro and Boney absent.

Council Member Keller stated that he had just gotten word that the Uptown TIRZ would contribute \$270 million to affordable housing over the next 30 years. Council Members Tatro and Boney absent.

After further discussion by Council a vote was called on Item No. 55. All voting aye. Nays none. Council Members Tatro and Boney absent. RESOLUTION 2001-0002 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 6

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,830,451.33 and acceptance of work on contract with **AJS CONSTRUCTION GROUP, INC** for Neighborhood Street Reconstruction Project No. 434, GFS N-0366-01-3 (N-0366) - 03.97% under the original contract amount - Street & Bridge Traffic Control and Enterprise Funds - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-0063 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$497,091.20 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1998 Major Thoroughfare Sidewalk Project 80-3, GFS N-0610A-80-3 (N-0619A-80) - 06.13% under the original contract amount - Street & Bridge Traffic Control and Street & Bridge Consolidated Construction Funds - **DISTRICTS D - BONEY; E - TODD and I - CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-0064 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,551,871.06 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Hamilton & Chartres Streets, GFS N-0685-01-3 (N-0685-01) - 03.94% under the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. . MOTION 2001-0065 ADOPTED.

PROPERTY - NUMBERS 9 through 11

9. ORDINANCE appropriating \$8,340.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Gul Zaman, et al., to acquire Parcel Number A95-88, for the Kirkwood Road Paving Project (Bissonnet - Alief-Clodine Road), GFS/CIP N-0575-00-1 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2001-0083 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Gul Zaman, et al., Cause No. 736,676; for acquisition of Parcel A95-88 for the **KIRKWOOD ROAD PAVING PROJECT (Bissonnet - Alief-Clodine Road)**, GFS/CIP N-0575-00-1 - **DISTRICT F - ELLIS** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0066 ADOPTED.
10. ORDINANCE appropriating \$9,645.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. David C. Francis, et al., to acquire Parcel Number L99-2, for the West Fuqua Road Paving Project (South Belt - Campden Hill), GFS/CIP N-0489-01-2 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0084 ADOPTED.
- 10a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. David C. Francis, et al., to acquire Parcel Number L99-2, for the **WEST FUQUA ROAD PAVING PROJECT (South Belt - Campden Hill)**, GFS/CIP N-0489-01-2 - **DISTRICT D - BONEY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0067 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A95-83, located in the 9000 block of South Kirkwood Road, owned by Solid Rock Land partnership, Ltd., a Texas limited partnership [Shevah Capital Corporation (Virgil V. Mott, Sr., Registered Agent), as the managing general partner], as to a 50% interest, and Doty Land Partnership, Ltd., a Texas limited partnership [HSJ-JJL, L.L.C., a Manager Managed Texas Limited Liability Co. (Harris Jacobs President/Manager), as the managing partner], as to a 50% interest for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - \$45,680.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0068 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 17

LOW BIDS

12. **PERFORMANCE PRINTING** for Printing Services for Bureau Animal Regulation and Care for the (BARC) Health and Human Services Department - \$59,320.48 - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0069 ADOPTED.
13. **INTERNATIONAL TRUCKS OF HOUSTON** for One Aerial Manlift Truck for Parks & Recreation Department - Replacement - \$86,774.28 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0070 ADOPTED.
14. **SKAGGS PUBLIC SAFETY UNIFORMS** for Employee Uniforms for Parks and Recreation Department - \$341,698.56 - General and Park Special Revenue Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0071 ADOPTED.

OTHER

17. **HOUSTON MACK/ISUZU SALES AND SERVICE, INC** for Maintenance Platform Trucks for Parks & Recreation Department - Replacement - \$150,792.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0072 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 19 through 51

23. ORDINANCE consenting to the addition of 366.4161 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2001-0085 ADOPTED.
30. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **MEMORIAL DRIVE ACRES SECTION I** for Garbage Collection Service for the respective subdivisions - 6 Months - \$504.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0086 ADOPTED.
31. ORDINANCE approving and authorizing sponsorship agreement between the City and **PARKWAY VILLAGES RESIDENTIAL ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 6 Months - \$1,512.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0087 ADOPTED.
36. ORDINANCE appropriating \$130,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of 0.5133 acre, being out of Tract 5, Lakeview Park, an unrecorded subdivision located in the J. Skorupski Survey, A-720, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Interstate Investment Corporation to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum

hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0088 ADOPTED.

37. ORDINANCE appropriating \$170,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving and authorizing the purchase of Tract 24, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Charles Hardage and Edith Hardage to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0089 ADOPTED.
38. ORDINANCE appropriating \$204,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of Lot 4, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A0024, and approving a Purchase and Sale Agreement with Ralph D. and Paula Peterson to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0090 ADOPTED.
39. ORDINANCE appropriating \$273,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of 1.1597 acres, more or less, known as Tracts 2 and 3 of Lakeview Park, an unrecorded subdivision, out of the J. Skorupski Survey, A-720, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Bill Houston Concrete Construction, Inc to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0091 ADOPTED.
40. ORDINANCE appropriating \$300,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving and authorizing the purchase of Tract 1, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Walter McFerrin to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0092 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. **RECOMMENDATION** for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2001 - January 1, 2001 through December 31, 2001 – was presented.

Council Member Sanchez stated that it was his understanding that the County and the governing board of the 911 Emergency Network had passed on the Fiscal Budget for 2000-2001, January through December, and asked why Council was the last agency to approve it.

Mayor Brown stated that the reason it was coming to Council at this time was that the Director of 911 asked that it be held up so that she could have a chance to meet with every Council Member and it took that time to accomplish that objective, and Council Member Sanchez stated that he would like to know which Council Members she met with.

Council Member Sanchez moved to suspend the rules to hear from Ms. Laverne Hogan, Director of 911, at this time, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0073 ADOPTED.

Ms. Laverne Hogan, Director, Greater Harris County 911 Emergency Network, stated that once their Board of Directors approves the budget for a fiscal year they then make calls to the offices of each of the members of Commissioners Court and Houston City Council to determine whether or not Council Members would like to have a meeting prior to the budget being placed on the agenda, that with the size of the Houston City Council it did take a little bit longer to get responses, that once it occurred Mr. Hollingsworth studied the budget and writes up a recommendation and Finance and Administration also looks at the budget and approves it prior to it being placed on the agenda so the process was a little bit longer at the City, that they had been asked in previous years to try to determine whether or not Council Members wanted meetings or had questions prior to the budget being placed on the agenda and that was what they had tried to do, that they began in November and were actually into December before they had an opportunity to hear back from each Council Members office. Council Member Robinson absent.

Council Member Sanchez asked what happened between the time that the County and Board of Management had approved it, why did it take the City until January 24, 2001 to bring this very important public safety issue before the Members of City Council when all the backup was received in November, and Mayor Brown stated that he could get him an answer, that he did not know all the details to that. Council Member Castillo absent.

Council Member Robinson asked if there was any interruption in the 911 service in the area because of this issue, and Ms. Hogan stated no, there was no interruption. Council Member Boney absent.

Mr. Haines stated that historically if they went back they would find that this was not out of line or out of practice with prior activity, that this was not a contract it was an attempt to follow the process to insure that there was enough substance behind the issue to be able to bring it forward, that if they noticed on the RCA it was prepared on the 20th of December and there were two actual issues that they felt they needed to do some due diligence on, first was the size of the magnitude of the revenue flow, which was what they did in F&A and the second one was partially discussed yesterday in the TTI Committee, that they were looking at new technologies and those two issues alone they felt were sufficient to warrant a continued

review, that he did need to say that this was not out of line, that every year for a long time this action had come to Council in January, recognizing that there was no disruption in service.

Council Member Todd stated that in Kingwood, which was in his district, it had been a big issue for them, the Phase II Technology, that he recognized that it was a very in depth detailed subject and asked Ms. Hogan if she had met with the Kingwood Service Association on this issue and given them an update, and Ms. Hogan stated that they had provided an update to Council Members and the Harris County Commissioners Court, that they were currently in the process of beginning implementation plans for Phase II, that they were almost completely implemented with Phase I with the exception of one company of which the ownership was changing so that had been delayed a little bit, that four of the six wireless carriers were on line with Phase I service and one was in test drive at this moment and would cut over for service by the end of the month, and then they were working with the final one and hopefully they would be up within the quarter, that the day before yesterday they actually had the first meeting with Verizon Wireless on the implementation of Phase II, that the network had ordered Phase II service from each of the six carriers, that they had to provide that service under the regulations from the FCC, that the ultimate drop dead deadline, for a carrier that chose a handset solution to get 100% penetration, was until 2005, if they used triangulation they must provide the service within 6 months of a 911 entity requesting the service for 50% of their subscribers or October 1, 2001 which ever was the latest date and then they had an additional 12 months to provide the service to the other 50% of their subscribers. Council Member Todd asked regardless of whether they used GPS or Triangulation in her opinion that would avoid the problem where emergency cell calls were routed to Dallas or other places, and Ms. Hogan stated that with the nature of wireless they could still get wireless calls that should go to some other answering point, and Council Member Todd requested the either she or a representative go out to KSA and give them a status report on this. Council Member Boney absent.

After further discussion by Council, a vote was called on Item No. 1. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0074 ADOPTED.

Mayor Brown stated that he wanted to echo Council Member Robinson's comments, that this item had no impact on public safety, that it was a budgetary issue, that 911 had not stopped delivering their services so the timing had not impact on public safety and thought the public needed to clearly understand that contrary to what had been implied. Council Member Boney absent.

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,165,826.05 and acceptance of work on contract with **M. T. CONSTRUCTION COMPANY** for Rehabilitation of Wilcrest Drive (Segment Two): from Harwin Drive to Richmond Avenue, GFS N-0644A-03-3 (N-0644A-03) - 01.75% over the original contract amount - Street & Bridge Consolidated Construction and Enterprise Funds - **DISTRICT G – KELLER** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo, and tagged by Council Member Keller. Council Members Boney and Vasquez absent.

Council Member Robinson moved to suspend the rules to take Items No. 20, 32 and 49 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0075 ADOPTED.

20. ORDINANCE amending the Code of Ordinances, Houston, Texas, by amending **SECTION 32-9** to include Root Memorial Square as a Park to be managed by the Convention & Entertainment Facilities Department; containing other provisions relating to the foregoing subject - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0093 ADOPTED.

32. ORDINANCE appropriating \$5,034,500.00 out of Convention & Entertainment Facilities Expansion Fund (Fund Number 620) approving and authorizing the transfer of such sum to Fire Department Fund Number 48A, and authorizing and approving the transfer of the use and control of all of the land and improvements comprising City of Houston Fire Station Numbers One (1) and Eight (8) and the Fire Alarm Building from the Houston Fire Department to the Convention and Entertainment Facilities Department - **DISTRICT I – CASTILLO** – was presented and tagged by Council Member Tatro. Council Member Robinson absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Gerard J. Tollett, Director, Convention and Entertainment, at this time, seconded by Council Member Keller. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0076 ADOPTED.

Council Member Ellis stated that when this was first brought to their attention they thought that the amount was going to be \$3 million that C&E was going to reimburse and asked if that was correct, and Mr. Tollett stated that at that time under Chief Tyra's rein it was anticipated to be approximately \$3 million, that the additional \$2 million expense was that in the street right of way they needed a whole block, that they were replacing two fire stations, that they wanted a super fire station and he concurred that they were going to need to spend more than the \$3 million to get it done, that their commitment was that they would replace Fire Station #1 and #8, that was the commitment the Mayor made and the commitment that his department was ready to commit to; that in 1994 there was study done by the Fire Department that stated that Station #1 was not a station that could be rehabbed in order to handle the needs that they had for downtown, that Fire Station #8 became an issue related to the expansion of the Convention Center, the Arena, replace the Compaq Center and the Hotel and the desired location that everyone from the Sports Authority to the City agreed upon and Station #8 became an issue, that it was a very small fire station and it was his understanding that it was a two level fire station where the firefighters had to run from upstairs to downstairs, which was hazardous, and they would prefer to be on a single level, that they thought there was surplus property that they could adapt to build a fire station, but through more research, under Chief Connealy, they decided they wanted a whole block, a single level fire station, a six bay station and call it a super station, and Council Member Ellis asked if this would cause the \$20 million cap for the Arena to exceed, and Mr. Tollett stated that it was nothing associated with the \$20 million, this was over and above the \$20 million that they had that Council approved and transferred to the Sports Authority, that the \$3 million, he thought, was underestimated by the Fire Department, and Council Member Ellis stated that his concern was that they kept tapping the C&E Fund and did not want to see C&E come back and start asking the General Fund to start subsidizing some of the expenses that they should be covering, that

he noticed that they pledged a large portion of the HOT Tax to the Hotel and did not want to see expenses come to the General Fund, that he would have great concern with that, and Mayor Brown stated that he would have very grave concerns also. Council Members Boney and Robinson absent.

Council Member Castillo stated that he had a written response from Chief Connealy and he addressed part of the concern with the relocation of the two fire stations, that the growth of downtown and Midtown required that they have adequate fire protection, both for high rise buildings and for low rise buildings of a residential nature, that Chief Connealy explained where the equipment and personnel from Fire Station #8 was going, that some of the equipment was at Station #9 at Lorraine & Caplan and some at Station #20 at Navigation and Delano, that they were pretty far removed from downtown particularly if they were trying to get to a fire during peak hours, there was a concern that the personnel at Station #1 had been trained in high rise rescue and they had been assigned to other stations and did not know if the people being asked to substitute had that training for high rise rescue, that they asked how long it was going to take to build the super station and they were talking about 3 to 5 years and he asked if they were going to be able to hold out for 3 to 5 years without a super station being in place or without any fire facilities actually being located within the immediate downtown area, and Mr. Tollett stated they were providing a temporary location for the downtown area while the construction was going on for the new super station, that they had committed a parcel by the Convention Center where part of the original \$3 million was to purchase temporary facilities for that fire station, that it had to happen immediately so that it replaces Fire Station #8, and Council Member Castillo asked for something in writing, that it was not covered in the Chief response, and Mr. Tollett stated that he would ask Chief Connealy to send something. Council Member Robinson absent.

Council Member Tatro stated that one of the recommendations of the TriData report was the replacement of Fire Stations #1 and #8, that he was going to tag the item, that he wanted to get a consolidated plan and a time line because Chief Connealy's letter did not address the temporary station and understood that it was discussed at the agenda briefing and that caused him some concern, that he would like to see a timeline and a comprehensive plan for the replacement of those two, especially the coverage issues. Council Member Robinson absent.

Council Member Boney asked if there was anyone from the Fire Department who might be available to speak to the strategy and plan and stated that Chief Simms was present and asked if Council Member Tatro would be interested in seeing if he had something to share on it, and Council Member Tatro stated that he preferred to have it in writing, because they could talk about the plans and strategies but it was the continuous changes that he was concerned about. Council Member Robinson absent.

Council Member Boney moved to suspend the rules to hear from Chief Simms, Houston Fire Department, at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0077 ADOPTED.

Upon questions by Council, Chief Simms stated that the stations that were referenced in the letter that was sent to Council by Chief Connealy showed where the Station #8 and #1 crews were going to, however it was not mentioned in the memo that Station #6, #9, #17, #7, #25 and #18 would cover the areas where Station #8 and #1 were responding, that they still satisfied the 1.5 in terms of mileage from a particular incident referencing to those particular

stations, that the increase to those stations was anywhere from 10% to 15% so the area geographically would be shared by the stations he mentioned earlier; that they were managing the high rise buildings into the equation, that just as Station #1 and #8 crew were trained in high rise fire fighting so were the stations that would be responding to the areas that would be vacated by those two particular stations.

Council Member Robinson stated that there was an additional \$2 million dollar increase over what the original projections were and knew that Mr. Tollett had given the explanation that they wanted to go to a one story and bigger station and asked if his Enterprise Account could be at a burden of the additional \$2 million dollars now that the Fire Department under Chief Connelly had looked at a different structure in terms of the physical layout and what kind of impact if any would it have on his ability to do other projects down the line, and Mr. Tollett stated that they could handle the \$2 million and it would not have any impact, in his opinion, on the pledge to the Hotel, the expansion, their participation on the Arena or any project that they had, that they had a 5, 10, 15 and 20 year plan and it included replacement of capital items as it related to the Wortham and Jones Hall, that they had a commitment to the Hobby Center and he saw it as no impact on their budget. Council Members Vasquez, Castillo and Parker.

Council Member Robinson stated that it was going to be a cash transfer of a little over \$5 million and asked if the cash transfer going over to the Fire Department was going to be escrowed or would it be used on a short term rolling basis for some of the emergency items that had been pointed out as being necessary or needed in the department, and Chief Simms stated that it would be targeted solely for the super station and certainly for the temporary buildings that were mentioned earlier, that would be within a fund in the Fire Department that would not expire within a 12 month period, and Council Member Robinson asked if it would become essentially escrowed for temporary use and then rolled out to build a new physical facility and would not be used for cash flow purposes for any other needs in the department, and Chief Simms stated that was correct to his understanding. Council Members Vasquez, Castillo and Parker.

Council Member Todd asked if there was going to be any negative impact on response time as a result of this actions, and Chief Simms stated no, that they would still be able to satisfy the ISO 1.5 mile distance in reference to fire protection as well as the EMS services, and Council Member Todd asked Chief Simms if he had made any effort to get out to the groups downtown or associations or residential areas to make sure that they knew that, and Chief Simms stated that he had not personally, but would put it on his agenda, and Mr. Tollett stated that he had, that both to the Downtown Houston Association and Century Houston of Downtown Management District and had kept them apprised of the super station concept versus smaller stations, that he did not know if they knew some of the things that the Chief had been talking about, but if he gave him a memo he would like to pass that around. Council Member Boney and Robinson absent.

Council Member Castillo stated that he knew that the ambulances would be re-deployed to the stations that he had mentioned, but they also knew that because they were short on ambulances from time to time the dispatchers would roll out ambulances that were not in use at a particular time to cover for others and hoped that there was some priority given to keeping ambulances on hand at the stations that served the downtown area so when they had a serious problem in the downtown area that not all the ambulances that were supposed to cover downtown were out rolling into the inter lands to cover other shortages, and Chief

Simms stated that the Squad System, that was initiated through the TriData studies as well as mandated by the Mayor, would insure that they did have a paramedic service, and had shown to keep their ambulances in service, as well as in the area, 50% or more of the time, that as they expanded and implemented more into that program they were going to be very satisfied to what their EMS was doing as far as staying in service and staying within their geographical area. Council Members Boney, Keller, Parker and Robinson absent.

Council Member Sanchez asked Mr. Tollett if he could make copies of what appraisals they did have available to Council Members, that he had read in the backup that it was estimated that the land in the vicinity of the arena could be valued between \$35 and \$75 per square foot, that there were some estimates that even at that range was substantially lower than what the going price was now, that he had concerns about that, that in terms of the fire alarm building in which the backup indicated that they did not seek an appraisal he would like to visit with him on that, but most importantly was that the money would be used exclusively for the fire station, and Chief Simms stated that as far as he had been told that money would strictly be used for the Fire Department as well as be placed in the Fire Department Fund and not the General Fund, and Council Member Sanchez asked if he had received any written commitments from anyone with authority who said that was what the money would be used for. Council Member Todd absent.

Mayor Brown stated that the money was to be used only for the super station, that was a directive, that the ordinance told them that it would go into department fund, 48A, for land improvement and a fire station, that no one wanted to transfer the money to any other places, that there was no intent or desire to. Council Member Boney absent.

49. ORDINANCE appropriating \$249,795.00 out of Street & Bridge Consolidated Construction Fund, appropriating \$864,675.00 out of Storm Sewer Consolidated Construction Fund, appropriating \$807,030.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEDKO PAVING, INC** on low bid of \$1,685,698.00 and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$50,000.00 for George R. Brown Convention Center - Phase II Expansion Infrastructure Improvements, GFS B-0010-10-3 (CE2000); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, the Storm Sewer Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0094 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$983,380.47 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION COMPANY** for Construction of Neighborhoods to Standard Tier VI, Trinity Gardens Overlay Project, GFS Q-1154-01-3 (254-98) - 02.13% over the original contract amount - CDBG Fund - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0078 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$176,534.29 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhood to Standard Tier VI, Westbury Overlay Project, GFS Q-1155-01-3 (255-99/Q-1155) - 21.38% under the original contract amount - Street & Bridge Control Fund **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. Council Members Boney and Robinson absent.

PURCHASING AND TABULATION OF BIDS

OTHER

15. **EMERGENCY MEDICAL PRODUCTS, INC** for Drugs & IV Systems Part III for Fire Department \$351,782.90 - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0079 ADOPTED.
16. **TROY CONSTRUCTION, L.L.P. (PO #1)** - \$820,023.75, **TROY CONSTRUCTION, L.L.P. (PO #2)** \$820,023.75 and **GARVER CONSTRUCTION, LTD., - BRH-GARVER, General Partner (PO #3)** \$876,794.63 for Emergency City-wide Water Line Repair for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. Council Members Boney and Robinson absent.

Council Member Bell moved to suspend the rules to hear from Mr. Tom Rolen, Director, Public Works and Engineering, at this time, seconded by Council Member Boney. All voting aye. Nays none. Council Members Goldberg and Vasquez absent. MOTION 2001-0080 ADOPTED.

Council Member Ellis stated that it was his understanding that they allocated \$3 million for emergency repairs last year and were presently going to allocate another \$2.5 million, that what concerned him was that they also allocated \$5.8 million to Montgomery Watson to do a study of their water lines to make sure that they were taking care of the needs of the constituents of Houston and asked that the administration or Montgomery Watson send him a report as to where they were with that project, and Mayor Brown stated that they would make sure he got that report. Council Members Boney and Robinson absent.

Council Member Tatro stated that he did not think that anything could replace the staffing of the City personnel and the need to increase that staffing, that the trimming of that staff was showing with the high volume and back log, that weather was weather, they had drought and rain and could not predict it so that was the need for keeping that staff at an adequate level, that there was no replacement for their experience, that they needed to address that, that they could continue to give out contract after contract for the continuing back log, that it seemed every two months they were doing that, that as they approached the budget cycle he would request the administration significantly look at full time people that they had at the utilities division and bring that staffing back up to where it was a few years ago, because he believed it was the only way they were going to get a handle for the rate payers from now until the future. Council Member Goldberg absent.

Council Member Bell moved to suspend the rules to hear from Mr. Tom Rolen, Director, Public Works and Engineering, seconded by Council Member Boney. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0081 ADOPTED.

Upon questions by Council Members, Mr. Rolen stated that they had truly thought that they had developed a plan and were getting there at 322 water leaks at the end of December 2000, that they were heading in the right direction, going at a reasonable rate and getting the back log down and then the issue of the fire hydrants came up and that was something that was not known and had not been integrated, that during that period of time City crews primarily and some contractor crews, repaired over 1,700 fire hydrants in addition to continuing to repair water leaks and sewer repairs, so that was where they were headed, that their hope was that with this contracts they would be able to continue to progress to get the number down and posture themselves to get into a good position and also allow them to free up a few of their crews to do fire hydrant repairs that were not realistic to contract out, that Council was good enough several weeks ago to approve a contract to replace missing fire hydrants, which was something that they could contract out fairly easily, that as far as the monies that were budgeted for through the amendment process last summer they requested approximately \$7 million to be earmarked for that purpose and with the expenditure of this money they would be at about the \$5 million mark; that on the contract work they had inspectors to check the work and make sure that it was done according to specifications, that next week they would be coming to Council requesting permission to contact to get additional inspectors to address it even better. Council Members Vasquez and Robinson absent.

Mayor Brown asked Mr. Rolen to explain the difference between the work being done by Montgomery Watson and what was on the agenda today, and Mr. Rolen stated that what they were talking about today were water leak repairs, that on Montgomery Watson, Council approved a contract to do extensive work on the sewer system, that they were to go in on a systematic manner to identify areas where they had problems in the sanitary sewer system and then to identify those problems and bring out projects that were needed so they could go into the design and subsequently construction. Council Members Vasquez and Robinson absent.

After further discussion by Council, Council Member Parker asked what kind of a backlog they had on sewer line breaks and Mr. Rolen stated that in terms of the stoppages, they had 5 crews from an outside contractor that was doing it, that in the report they were getting they would see that there was an 82% increase in the number of sewer stoppages during this reporting period in November and December over the previous period, that was not uncommon, that the number was somewhat uncommon, that what happened was that they had the fourth coldest December on record plus they had rain, which was not uncommon during this time of year, but whenever they had that combination of situations they had stoppages in sewers so the number had gone up, that they had been working extensive hours with the contractors and City crews, 10, 12 and sometimes longer hours per day, and they were getting a handle on it, that the average turnaround time for response was 15 to 16 hours. Council Members Vasquez and Sanchez absent.

Council Member Keller requested that Montgomery Watson come to the next TTI (Transportation, Technology and Infrastructure) meeting in February and give them a briefing on their study for the sewer lines, and asked when was the study supposed to be completed

and what was the direction that they were providing. Council Members Todd, Ellis, Vasquez and Bell absent.

Upon questions by Council Member Boney, Mr. Rolan stated that the greatest backlog cases were 743 water leaks in the summer, that the Greater Houston Wastewater was addressing several issues in the system, basically the infiltration inflow issue, the integrity of the system, and overflow was one of the key things, that as a result of that and one of the things that was lingering off was the rehabilitation of the system *per se*, that they were dealing with was an aging infrastructure, that the system did age and the rehabilitation was an ongoing effort, that they had over 6,000 miles of sanitary sewers and that many miles or close to it on water lines, that they had water lines going all the way from a 3/4 inch up to a 100 plus inches, they had a very diverse type of maintenance need, that it was a huge problem, and Council Member Boney asked Mr. Rolan when they had the tax roll back did they have to cut the Public Works Budget at all, and Mr. Roll stated that not the piece that addressed that. Council Member Vasquez absent.

Council Member Sanchez asked how much did they cut out of Public Works and Engineering, and Mr. Rolan stated they were looking at a 1% adjustment, that he did not remember the exact number. Council Members Vasquez and Parker absent.

Upon questions by Council Member Quan, Mr. Rolan stated that the number of City crews ranged from day to day, 35 to 40, that in order to insure quality control with the outside contractors the City was inspecting their work, that the work that they did was to a set of specifications and they were measured against those specifications in terms of what they did and what the City would pay for, that he thought that they were going to end up with a combination of both, hiring more City people and contractors, that he agreed that if they had everybody they needed on staff that was probably a better way to go, but he was a realist, that they had been working very deliberately to try to fill the vacancies they had and in the economy they had now it was very difficult to think they could go out and hire a bunch of people, they were having difficulty just filling the positions that they had because when they were looking at construction folks they were looking at something that a lot of other people wanted, plus in all honesty they were making water repairs seem simple but it was not always that simple; that their goal was to respond to all of them within 24 hours; that they had a budget and in addition to that Council identified \$7 million, that they would have spent \$5 million and were within their budget. Council Members Keller, Vasquez and Sanchez absent.

Council Member Todd asked how did their repair rate compare with the Clear Lake Water Authority, and Mr. Rolan stated that he did not know that, that he was not aware of another city that was analogous to Houston, that there were too many differences, that different cities were arranged differently in how they addressed their utilities, so it was very difficult to compare, that he had tried to determine some historical information on response times and had not been able to find that, that the records were kept differently, that the backlog was 300, that the list varied from anywhere to wet spots to major leaks, and Council Member Todd asked that they compare their performance to the Clear Lake Water Authority performance. Council Member Vasquez absent.

After further discussion a vote was called on Item No. 16. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0081 ADOPTED.

18. **AMEND MOTION #99-230, 2/17/99**, amended by Motion No. 99-1935, 11/3/99, **TO INCREASE** quantity to purchase 192 additional Full-Size Patrol Vehicles for Police Department, awarded to **PHILPOTT FORD** for a total increase of \$4,086,798.00 - Replacement - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Ellis, seconded by Council Member Quan. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0082 ADOPTED.

Council Member Galloway stated that she wanted to make a correction on Item No. 7 it stated District H, but it was in District B, and Mayor Brown stated that it had been corrected. Council Members Vasquez and Robinson absent.

RESOLUTIONS AND ORDINANCES

19. RESOLUTION expressing the City's interest in participating in Houston Job Central – was presented.

Council Member Bell stated that he wanted to make a couple of brief comments because some questions had been raised since the agenda briefing, that this was something that he had worked on since last summer, the Houston Job Central Resolution, that there had been a number of questions on how it would work and why the City would want to be involved, that it was a program that was originally started in Austin, that because of the low unemployment across the Country the economic development gain had dramatically changed and whereas it used to be where cities would only talk about tax abatements and those types of incentives to get people to either stay or relocate to their city the major criteria for most companies now as to where they were going to locate had become where they could find the talent or staffing in the various positions, that as a result of that what some cities were looking at doing was making every effort to build a collective talent pool, getting government, business and educational institutions to work together, so when one was making that determination as to where they wanted to locate their business there was a centralized place to look and everybody was working together to feed people into that system; that the first order of business in Houston was obviously getting the Chronicle interested and the Greater Houston Partnership, that both of them immediately saw the need and had worked very hard to put it together to get people interested in it, that the object of the exercise was not to put other online employment businesses out of business, there would still be a need for those, there were some that worked on a nationwide basis and this was centered on Houston; that so far it had been met with a great deal of excitement that the County was on board, the Convention Visitors Bureau had signed up and basically the City would hopefully be an affiliate member and that was the object behind the resolution, that there was no cost to the affiliate members, that they provided links; that it was an active software that drove this system, that it was not passive and actually took care of the screening process for the employer and helped to match up qualified applicant with employers who were looking for people, and hoped that the resolution would pass, that Council should have received an invitation to the luncheon next week where the Mayor and Judge Eckel's and others would be speaking to roll out the program and would take place at the Four Seasons. Council Members Vasquez and Robinson absent.

Mayor Brown also asked for Council's support and stated that he received a call from the publisher of the Chronicle, Mr. Sweeney, asking that this go on the agenda, that

at this point they were simply expressing their interest in the City's participation in the program and the resolution specifically stated that all proper procurement procedures would be followed if and when they entered into any type of contractual agreement or spent any City funds, and it was something that would cost the City if they actually posted on the website, that it was a good program and would be well served by the City. Council Members Vasquez and Robinson absent.

Council Member Castillo stated that one of his questions had been answered and that was that there would be no cost to the City unless they elected to become an active subscriber to the system, and Mayor Brown stated that the membership fee had been waived but if they wanted to participate in it they would pay, and Council Member Castillo stated that Mayor Brown answered his second question and that was before they participated they wanted to make sure that all proper procedures were covered, and in his mind he was thinking about Affirmative Action and Equal Employment Opportunities. Council Members Vasquez and Robinson absent.

After further discussion, a vote was called on Item No. 19. All voting aye. Nays none. Council Members Vasquez and Robinson absent. RESOLUTION 2001-0003 ADOPTED.

21. ORDINANCE authorizing the issuance of City of Houston, Texas, Tax and Revenue Certificates of Obligation, Series 2001A; prescribing the terms and conditions thereof; providing for the payment of principal and interest thereon; authorizing execution of a Purchase Agreement and a Paying Agent/Registrar Agreement; authorizing and approving a Preliminary Official Statement relating to the certificates; approving a Bond Counsel Agreement; making other provisions and findings related to such certificates; and declaring an emergency – was presented.

Council Member Ellis moved to suspend the rules to hear from Mr. Henry Sauer, First Southwest, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Todd and Robinson absent. MOTION 2001-0083 ADOPTED.

Council Member Ellis stated that the RCA read that they would be issuing \$12.2 million and asked Mr. Sauer if they would be issuing that right away, and Mr. Sauer stated that the bonds had been committed to be sold yesterday and it was approval by Council and the transaction would close on February 6, 2001, that they were General Obligation Bonds of the City, that the internal report that came before the committee actually proposed that increased parking revenues would pay for them, but they were in fact General Obligation Bonds. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Ellis asked if they were going to take the revenues from the parking meters and put them into an account to assure that they had the backing for the bonds or was it just going to flow into the General Fund and then they take it out, and Mr. Haines stated that the natural flow would be into the General Fund, however they were tracking revenues coming out of the Cotswold Project on a separate ledger, that he would keep them informed if the revenues were not up to speed. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding.

After further discussion, a vote was called on Item No. 21. All voting aye. Nays none. Mayor Brown, Council Members Todd and Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0095 ADOPTED.

22. 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 – was presented.

Council Member Quan stated that he noticed that they had received a memo from Ms. Judy Johnson with the Controller's on this matter and also that they had a new Director for Finance and Administration, that he was happy to learn from the Controller that they were now able to certify the funds that were requested and would admonish the new Director to get the RCA's in early so they could make sure that the monies were there on time. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that they had passed out a copy of a one page response from Finance and Administration, that he had asked for information on whether they had saved money or had any other benefit accrued to the City as a result of having Coastal Securities as part of their financial advisory team, that as they could see from their response there had been constant results from that arrangement so he intended to support it. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

After further discussion, a vote was called on Item No. 22. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0096 ADOPTED.

24. ORDINANCE establishing the north and south sides of the 1800 block of Cherryhurst Street within the City of Houston as a Special Building Line Requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0097 ADOPTED.
25. ORDINANCE approving and authorizing the submission of the Budget for Sexually Transmitted Disease Prevention and Control to the Texas Department of Health; (TDH Contract No. 7460011640-01); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$1,074,390.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0098 ADOPTED.

26. ORDINANCE approving and authorizing contract between the City and **WAM FOUNDATION, INC, NEW HOPE COUNSELING CENTER, MONTROSE CLINIC, A CARING AND SAFE PLACE, INC, ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS (AAMA), and SAVING LIVES THROUGH ALTERNATIVE OPTIONS** for HIV Health Education and Risk Reduction Services; providing a maximum contract amount - \$1,124,983.00 Total contract amount - Grant Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0099 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON** for the provision of Supervisor Training Services for the Health and Human Services Department; providing a maximum contract amount - \$166,470.00 - General and Grant Funds – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0100 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston, **TEXAS WORKFORCE COMMISSION**, and **GULF COAST WORKFORCE DEVELOPMENT BOARD**, for certification of qualified child care costs and transfer of funds under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0101 ADOPTED.
29. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)** in connection with the City’s Reinvestment Zone Number Seven over the Old Spanish Trail/Almeda Corridors Area - **DISTRICT D - BONEY and I- CASTILLO** – was presented, and tagged by Council Member Sanchez. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.
33. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and the **TEXAS ENGINEERING EXTENSION SERVICE** to settle a claim - \$22,488.20 Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0102 ADOPTED.
34. ORDINANCE awarding contract to **DRAKES AUTOMOTIVE SERVICE CENTER, LLC** for Vehicle Repair Services (Mechanical) on Special Duty Vehicles for Houston Police Department; providing a maximum contract amount - \$797,281.25 - General Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0103 ADOPTED.
35. ORDINANCE approving amendment to contract authorized and approved by Ordinance No. 89-1230 between the City of Houston and **RELIANT ENERGY**

ENTEX for the supply of Natural Gas – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0104 ADOPTED.

41. ORDINANCE amending Ordinance 2001-16 to replace agreements attached to original ordinance authorizing interlocal agreement with the **TEXAS DEPARTMENT OF TRANSPORTATION** and sponsorship agreement with Buffalo Bayou Partnership Coalition relating to the continuing development around Allen's Landing Park - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0105 ADOPTED.
42. ORDINANCE amending Ordinance 2001-20 to replace agreements attached to original ordinance authorizing interlocal agreement with the **TEXAS DEPARTMENT OF TRANSPORTATION** and sponsorship agreement with Main Street Coalition relating to the South Main Street (US90A) Landscape Project - **DISTRICTS C - GOLDBERG and D - BONEY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0106 ADOPTED.
43. ORDINANCE amending Ordinance 2001-21 to replace agreements attached to original ordinance authorizing interlocal agreement with the **TEXAS DEPARTMENT OF TRANSPORTATION** and sponsorship agreement with Manned Space Flight Education Foundation, Inc Coalition relating to the T-38S for NASA 1-Landmark Entrance Project - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0107 ADOPTED.
44. ORDINANCE appropriating \$113,358.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing agreement with **UNION PACIFIC RAILROAD COMPANY** for construction and modification of one Surface Railroad Crossings at Milepost 3.45 - Strang Subdivision and two Surface Railroad Crossings at Milepost 10.60 - East Belt Subdivision for the widening of Lathrop Street (from Clinton Drive to Larimer Street), GFS N-0670-02-3 (10506) **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0108 ADOPTED.
45. ORDINANCE appropriating \$25,715.55 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **STATURE CONSTRUCTION, INC** for construction of Water Lines along Knox Street and Blossom Street, S-0800-28-03 - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0109 ADOPTED.
46. ORDINANCE appropriating \$118,852.38 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **JOHN CORPORATION** for Construction of Water and Sanitary Sewer lines in the Cielo Vista Subdivision, CIP S-0800-31-3 and R-0800-26-3 -

DISTRICT E - TODD – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0110 ADOPTED.

47. ORDINANCE appropriating \$228,250.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to professional engineering services contract between the City of Houston and **CARTER & BURGESS, INC** for Design of Water Mains and Street Reconstruction in Freedmen's Town Area, CIP N-0611-22; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0111 ADOPTED.
48. ORDINANCE appropriating \$721,500.00 out of Water & Sewer System Consolidated Construction Fund as additional appropriation for Design of the Katy-Addicks Surface Water Pump Station under professional engineering services contract with **CAMP DRESSER AND MCKEE, INC** (approved by Ordinance No. 98-0899), CIP S-1002-00-2 (10502); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001- 0112 ADOPTED.
50. ORDINANCE appropriating \$344,268.00 out of Parks Consolidated Construction Fund, awarding construction contract to **PARALLAX BUILDERS, INC** on low bid of \$935,000.00 and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** in the amount of \$22,500.00 for Parks to Standard Program - Phase II, Clinton Park, F-0363-40-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - \$700,000.00 - CDBG Fund - **DISTRICT I- CASTILLO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0113 ADOPTED.
51. ORDINANCE appropriating \$268,023.52 out of Accumulated Unexpended Fund, transferring such funds to the Park Special Fund, appropriating \$268,023.52 out of Parks Special Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** on bid of \$238,400.00 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** in the amount of \$7,500.00 for Parks to Standard Program - Phase II, James Wiley Park, F-0363-46-03; providing funding for contingencies relating to construction of facilities financed by the Parks Special Fund - **DISTRICT I - CASTILLO** – was presented, with Council Member Tatro voting no, balance voting aye. Council Member Robinson absent. ORDINANCE 2001-0114 ADOPTED.

MATTERS HELD - NUMBERS 52 through 55

52. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$767,754.01 and acceptance of work on contract with **F. W. WALTON** for Roof Replacement and Waterproofing of Exterior Walls for the Julia Ideson

Building, GFS E-0081-01-3 10.07% over the original contract amount - Public Library Consolidated Construction Fund - **DISTRICT I- CASTILLO** – **(This was Item 4 on Agenda of January 17, 2001, TAGGED BY COUNCIL MEMBERS QUAN and KELLER)** – was presented. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0084 ADOPTED.

53. ORDINANCE amending **CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to actions of former City Officials; containing findings and other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 13 on Agenda of January 17, 2001, TAGGED BY COUNCIL MEMBERS BONEY, GALLOWAY and QUAN)** – was presented.

Council Member Bell stated that several of his colleagues had approached him asking him to agree to delay the item and he would for a week, that some people wanted to work on some amendments but as they moved forward he would just ask people to step back and analyze the ordinance from the standpoint of a public citizen instead of a public official, that a lot of the concerns that had been raised were magnified greatly by people who worked at City Hall, that if people wanted to take a stab at it and thought there was a better way to approach it he was more than willing to look at it, but he just asked that they not try or attempt to water down the ordinance where it would virtually have no effect whatsoever and would do nothing to stop the revolving door which they had seen in certain instances in City Hall. Council Members Todd and Robinson absent.

Council Member Parker stated that she had voted on it and supported it in committee and appreciated that he agreed on a motion to delay, that there were some things that they did not consider in committee, that in trying to come up with some alternate language she had been working kind of in the dark, that she consulted the Legal Department and was essentially told that the Legal Department had provided the original language to the committee and that language was perfectly fine and Council Members decided to use their own language and the item on the agenda was wording provided by Council Member Bell and if Council Members wanted new language they could come up with their own, that she did not think it was a very good answer from the Legal Department and she needed a little more time to help come up with some language if they were going to have to come up with their own, and she asked the Mayor to ask the Legal Department to reconsider a little bit in that answer, that she wanted the Legal Department to help her come up with some wording to address some specific issues. Council Members Todd and Robinson absent.

Mayor Brown stated that he would make sure they would get all the help they needed, that the original ordinance written by the Legal Department was at his direction that it follow the Federal Government's rules and it had been changed at the committee level so he would ask the Legal Department to help them craft what they wanted. Council Members Todd and Robinson absent.

After further discussion by Council, Council Member Castillo moved to postpone Item No. 53 one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0085 ADOPTED.

Mayor Brown stated that they may want to continue to look at the Federal model, that it had been there for a long time and served the Federal Government well and that was what he

directed the Legal Department to present to the Council and maybe well worth it to take another look at that model. Council Members Todd and Robinson absent.

54. ORDINANCE amending **SECTION 18-71 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Lobbying; containing findings and other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 14 on Agenda of January 17, 2001, TAGGED BY COUNCIL MEMBERS BONEY, QUAN and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0115 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that yesterday Reliant Energy Entex announced that there would be a 45% increase in February's gas bills, that it was going to be a shock to a lot of the citizens that they served and that Council served, that it represented a growing energy concern nationally due to a number of factors, that although Reliant Entex had not increased their cost to their customers since 1986 their cost from their wholesalers had quadrupled, that if citizens had any difficulty paying their gas bills they could contact Reliant Entex at 713-659-2111 and they could make payment arrangements or for more information they could look at WWW.Entex.ReliantEnergy.com. Council Members Castillo and Robinson absent.

Council Member Castillo stated that he wanted to take the opportunity to thank the administration for the rapid response to the lack of sidewalks on State Highway 3 or Old Galveston Road, that he mentioned last week, that it was on the way to Cesar Chavez High School, that he had received a response from Public Works and they had already been out there to assess the feasibility of building two miles of sidewalks using City workforce and determined that it was more than they could handle but had laid out a schedule which said that they could design and award the construction work before the end of this school semester and complete construction prior to the beginning of the Fall semester. Council Members Boney, Bell and Robinson absent.

Council Member Todd stated that Mr. Dan Golden, Director of NASA in Washington, was going to be leaving office, that with his leaving there was expected to be some pretty serious policy changes at NASA that would affect them in Houston out of JSC (Johnson Space Center) potentially resulting in job additions or reductions, hopefully additions, that he had heard talk about possibly having focus on a manned mission to Mars and that would have the greatest impact on Houston because JSC was the home of the Life Science's Division for NASA, that it was an important time for the City to get involved and help shepherd those discussions along, that he did not know if it was an appropriate thing for the lobbyist team to work on, and Mayor Brown stated that it was a legitimate project for the lobbyist and he would ask them to work on it, and Council Member Todd stated that he would make his time available and encouraged his colleagues to do the same. Council Members Boney, Bell and Robinson absent.

Council Member Todd stated that he had attended a going away party for Peter and Valerie Bacon, the British Counsel Generals in Houston, that Peter was retiring, that he had his forwarding address in England if anyone wanted to send him a farewell card. Council Members Boney, Bell and Robinson absent.

Council Member Todd stated that on Fannin Street, close to where it hit I59 there was a City road project going on, that he thought the cross street was Blodgett, that he had been through there twice in the past month and the dirt work was bad, that they had potholes big enough to put a beach ball into, that he did not know why that was, that Public Works needed to get out there and really monitor it, and he asked Mr. Bibler if in their construction contracts was the City indemnified from any claims that resulted from accidents caused by the dirt work on the project, and Mr. Bibler stated that he would get him a response on that. Council Members Boney, Bell and Robinson absent.

Mayor Brown asked Mr. Bibler to check and see if it was a Metro project on Fannin near the freeway. Council Members Boney, Bell and Robinson absent.

Council Member Galloway stated that she wanted to thank the staff at the City for coming to her townhall meeting last night and for being so helpful in assisting the constituents, that she would be holding the townhall meetings throughout the district and would be holding one tonight at Fonville Middle School on Little York and on Thursday night she would be having another one at the HCC Campus on the corner of Ella and Pinemont, that both meetings started at 7:00 p.m. Council Members Boney, Bell and Robinson absent.

Mayor Brown stated that they had now scheduled all of their CIP meetings for the various Council districts February through March and wanted everyone to participate in those meetings as well. Council Members Boney, Bell and Robinson absent.

Council Member Tatro stated that their CIP meeting would be at Scarborough High School, February 1, 2001, at 7:00 p.m. Council Members Boney, Bell and Robinson absent.

Council Member Tatro stated that Council Members may have received legislation that would be presented at the State Legislature for creation of the West Harris County Regional Water Authority, which would mimic the North Region Water Authority and their quest to provide surface water infrastructure to MUDS in their area, that he hoped that the City of Houston Legislative Team would embrace the legislation as it moved its way through and hoped they would support that very important piece of legislation for the unincorporated area; that the North Harris Regional Water Authority had sent a letter to the administration dated January 10, 2001 for a water purchase proposal for the 170 MUDS that were in their jurisdiction, that he believed it would be easiest for the City to move forward with creating a relationship and a water purchase proposal contract with the North Harris Regional Water Authority as opposed to dealing with the 170 MUDS that were in that jurisdiction; that as to the Northeast Water Plant Design, Build and Service Agreement, which was out there floating around and had some addendum's made in late December, specifically Section 1318, the Non Competition paragraph of the agreement, that it basically put restrictions on any of the companies from participating in any surface water transmission project in Harris County or any other surrounding county and that was a severe restriction, that he would ask the administration to significantly look at that section and believed it should be withdrawn before signing; that the rates that were proposed by the administration for Area 3, that after looking at that and the amount of the City of Houston groundwater pumpage in Area 3 it came to a bill of about \$45 million for the City of Houston and that whole scenario was basically built around the expansion of transmission lines in the unincorporated area, that it was not necessarily just billed to the plant and the one line that was being proposed for the LGC (Local Government Corporation), that he would ask the administration to have another hard look at those rates,

that he did not believe those rates were feasible for the rate payers of the City of Houston, that they should not bear any burden, debt or interest with relation to those. Council Members Bell and Robinson absent.

Council Member Boney stated that the Affirmative Action Department was required to pass regulation regarding their minority goals to the Federal Government by the end of January so they were having an MWBE Affirmative Action Committee Meeting at 1:30 p.m. Council Members Bell and Robinson absent.

Council Member Vasquez stated that regarding the Street Cut Ordinance he wanted to request two meetings, one from Public Works to get a status update on the Rules and Regulations and one from the Legal Department to find out if there were going to be any amendments based on the amendment that was passed with the original item, and if that would come back with next weeks agenda or not. Council Members Bell and Robinson absent.

Council Member Quan stated that he wanted to wish everyone a Happy Chinese New Year, that he knew that former Council Member Wong had started a tradition of telling what the future would hold for each Member of Council in the new year, and read the Chinese horoscope which pertained to each Council Member and presented each with a symbol of their Chinese Zodiac sign. Council Members Boney, Castillo, Bell and Robinson absent.

Mayor Brown stated that they had lost a great Houstonian, Ms. Maxine Messinger, and asked for a moment of silent prayer. Council Members Boney, Castillo, Bell and Robinson absent

There being no further business before Council, the City Council adjourned at 11:50 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Todd. All voting aye. Nays none. Council Members Boney, Castillo, Parker, Bell and 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