

City Council Chamber, City Hall, Tuesday, February 20, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, February 20, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, John E. Castillo, Annise D. Parker, Gordon Quan and Chris Bell, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office, Ms. Martha Stein, Agenda Director present.

At 2:03 p.m. Mayor Pro Tem Boney recognized Council Member Parker for a presentation. Mayor Brown, Council Members Goldberg, Todd, Keller, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that they were honoring a retiring City employee that many of them knew and worked with, Dwayne Huckabay; that he was retiring after 24 years with the City; that during his tenure with the City he authored the City's first Energy Policy in 1977 that led to the creation of the Houston Plan as an alternate to the National Emergency Building Temperature Restrictions; that he was Staff Director for 600,000 plus parcel property tax re-evaluation project which increase the City and the School District tax appraisal from \$30 billion to \$61 billion; that he was Staff Director for the initial City Quality and Productive Efforts; used performance measures to result in \$15 million for the City; Director of the Urban Consortium Task Force which produced more than 200 applied research topics to be used in metropolitan jurisdictions; authored the City's first alternative fuel vehicle strategy; was the staff leader in the creation of two consolidated City Departments, Finance and Administration in 1982 and General Services in 1987; and for the five years was the Chair of the Houston-Galveston Area Council Regional Air Quality Planning Committee. Council Member Parker presented Mr. Huckabay a proclamation which stated that after 24 years of service he had chosen his well-earned retirement on February 28, 2001; that in recognition and appreciation of his loyal and dedicated service the City of Houston was pleased to congratulate and commend him on this auspicious occasion and extends best wishes for a long and happy retirement; Mr. Huckabay stated that it had been his privilege to have served the citizens and the taxpayers of the City of Houston for almost 25 years in providing public service through these various things that they had done, collectively and collaboratively, that he had a part in; that there had been good times and there had been less than good times in his tenure with the City; that mostly his work had been challenging, exciting, meaningful and productive; that it was a privilege to have worked with a number of very excellent elected officials and colleagues and his peers. Mayor Brown, Council Members Goldberg, Todd and Robinson absent. Mayor Pro Tem Boney presiding.

Council Members thanked Mr. Huckabay for his service to the City of Houston and wished him good luck and God speed. Mayor Brown, Council Members Goldberg, Todd and Robinson absent. Mayor Pro Tem Boney presiding.

At 2:13 p.m. Mayor Pro Tem Boney called to order the meeting of the City Council, and Council Member Tatro lead everyone in prayer and the pledge of allegiance. Mayor Brown, Council Members Goldberg, Todd and Robinson absent. Mayor Pro Tem Boney presiding.

At 2:15 p.m. Mayor Brown requested the City Secretary to call the roll. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Boney presiding.

Council Members Sanchez and Tatro moved that the minutes of the preceding meeting be adopted. Mayor Brown, Council Members Goldberg, Ellis and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Castillo moved to suspend the rules to hear from Ms. Carrie Wyche after Mr. Lenny Vitale, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Goldberg, Ellis and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2001-168 ADOPTED.

At 2:17 p.m. Mayor Pro Tem Boney stated that Council would hear from the public and requested the City Secretary to call the speakers. Mayor Brown, Council Members Goldberg, Ellis and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Ray Anderson, 2819 Golden Leaf Dr., Kingwood, Texas 77339 (281-359-3744) appeared and stated that he was present to speak about the proposed rules and regulations regarding excavating in the public way; that clearly street cuts were a major source of irritation to business owners, vehicle drivers and pedestrians alike; that it was important that Houston be in the forefront with the exploding communication age; that continued evacuation of City streets that were often in the same locations disrupting traffic and caused hardships to pedestrians as well; that the continued construction was a major source of air pollution as idling vehicles added to the haze that enveloped their City; poorly planned evacuations caused ruptures in the old water mains that were difficult to repair as well as costly for everyone; that the safety of all residents was of prime importance; that streets that were blocked made it difficult or impossible for police, fire and EMS to promptly respond to emergency; that it was important for the City to insure that any street opening for construction or any purpose was done in such a manner that did as little harm to the environment and infrastructure as possible; that they could be voting on proposed rules that will make Houston a better place to live and work; that these expanded regulations would benefit all Houstonians; they would save the City money as unnecessary, ongoing infrastructure repair costs would be borne by the responsible individual companies. Council Members Goldberg, Ellis and Robinson absent.

Mr. Freddy Blanco, 1839 Alta Vista, Houston, Texas 77023 (713-691-7811) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Ellis and Robinson absent.

Ms. Vivian Harris, 130906 Reggs, Houston, Texas 77045 (713-433-4597) appeared and stated that she had some grave concerns; that there were going to be quite a few street constructions coming up their the community and she wanted to make sure that it did as less damage to the transportation as possible for getting in and out; that Anderson Road had been under construction for awhile and had not been used in almost a year; that Almeda-Genoa was under construction and there were proposals for Buffalo Speedway to be under construction and they were concerned about it; that she had some pictures that showed a construction company using the right-of-way; their trucks

were tearing up right-a-way; that they did not have a permit from the City to be there and that there was mud all over the street and that they were tearing up the street; that she was asking City Council's consideration regarding this matter. Council Member Robinson absent.

Mr. Patrick McIlvain, 221 Knox, Houston, Texas 77007-8113 had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Mary Taylor, 1403 Fashion Hill Dr., Houston, Texas 77088 (281-445-0682) had reserved time to speak, but was not present when her name was called. Council Members Todd and Robinson absent.

Mr. Charles Vaughn, 417 Thornton, Houston, Texas 77018 (713-691-7127) appeared and stated that he had been a resident of Houston, Texas, since 1952; that he was present because of a place called the SHEDD; that it was for people on fixed income and handicapped people; that he believed it was a fraud; that he thought they were stealing peoples money and feeding them slop; that there was supposed to be a nurse there at all times; that they charged \$150 per month for a shuttle bus that they did not have; \$200 per month was taken from everyone's pocket for groceries; that the food was not even worth eating; that there was hanky-panky going on with the staff; promises that were made to the ladies that their rent would be cut but it never was; that they were concerned for the safety of the people; that he had a stomach infection the 3rd day there and it was lucky for him that he had enough money to eat out; that it had been 5 weeks that he was trying to find somebody to talk to or help him; that he had finally gotten in touch with Akin's Army; that he had been to Sheila Jackson Lee and now he was before Council, that he did not know what to do; he knew that people with fixed income like himself did need a place to go; that they didn't need what little they had stolen from them; that he had tried to find out who was backing that place, but they would not tell him and he felt they would not tell anybody but that he had found out through Sheila Jackson Lee that HUD was involved in this and he stated that he was going to HUD; that he received \$530 per month; that they wanted to charge him \$450 per month; \$150 a month for a shuttle bus that they did not have; that the cool part about it was that they made him buy an oral hygiene packet every month, 5 rolls of toilet paper, toothbrush, toothpaste, 2 bars of soap or deodorant and they charged him \$50 per month; that he did not know who to go to. Council Members Boney, Todd and Robinson absent.

Mayor Brown stated that he would ask Mr. Cantu to meet with him, that he believed there might be more than one city agency who would have an interest in this; that he knew the Health Department would and that someone with the Health Department was. Council Members Todd and Robinson absent.

Council Member Castillo stated that he wanted to make sure that he understood Mr. Vaughn's explanation of the organization; that he believed that it was a facility that the City had provided funding to rehabilitate; that it used to be an old Howard Johnson; that he believed they had an obligation to look into this to see that the residents were not being mistreated or defrauded from a right that they had earned and were entitled to. Council Members Todd and Robinson absent.

Ms. Paulette Hollins, P.O. Box 11956, Houston, Texas 77293-7134 (713-747-1556) appeared and stated that she was present to publicly thank Mayor Brown and the Council Members for supporting the Children's Expo since its birth on December 4, 1999; that on that year it was a collaboration of different organizations that came together to do something for the children in Houston; that the in the year 2000 they had more organizations to join in this endeavor and more people who had attended the Expo to show their approval of what they were doing; that they wanted the City of Houston to know that Mayor Brown and Council Members Galloway, Mark Goldberg, Jew Don Boney, Gordon Quan and Gerard Tollett, the Director of the Convention and Entertainment Facilities Department, Jeffery Jefferson, Parks and Recreation Department, Hubert Hines, Houston Housing Authority and former Council Member Michael Yarborough made sure that the City was involved in this event from the beginning; she also wanted to thank Daniel Gwinn, Marcy Montona and Charmaine Pilgrim at the Convention Center; that each year they had gone above and beyond the call of duty; they thanked God for the men and women he had chosen to lead their City; after receiving Mayor Brown's letter stating that he wanted the City of Houston to work in corroboration with the Children's Expo and Council Members Galloway and Quan had given their endorsement; that she was proud to say that she was a native Houstonian and Houston was her city and that they were the City's leaders; that the City government had proven that the children came first; that this year they planned to take the Children's Expo to another level; that it was scheduled for Saturday, December 15, 2001, at the George R. Brown Convention Center, Exhibit Hall B from 10:00 a.m. to 10:00 p.m.; that they would have the Children's Expo Awards which was named The Heir to the Throne Awards; that the Expo was free to the public and they wanted everyone to get involved; that it took everyone to make a difference; that Out of Africa Children's Village, Augusta Econ; International Glorious Ministries, Pastor Nancy, Word Evangelism Bible Church, Pastor David and Brother Michael; that these were some of the new additions who had said that they wanted to be a part of this because they believed in what was being done; she thanked Mayor Brown for being obedient to God in taking a stand to put the children first. Council Members Goldberg and Robinson absent.

Mayor Brown thanked her for coming and stated that he had dedicated his administration to the children of the City and that he would do everything he could to help them reach their full potential. Council Members Goldberg and Robinson absent.

Rev. James Nash, 8309 Brandon, Houston, Texas 77051 (713-731-7134) had reserved time to speak, but was not present when his name was called. Council Members Goldberg and Robinson absent.

Ms. Yolanda Perez, 5639 Yale, Houston, Texas 77076 (no phone) had reserved time to speak, but was not present when her name was called. Council Members Goldberg and Robinson absent.

Ms. Wanda Sterling, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Members Goldberg and Robinson absent.

Ms. Marrah Hylton, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Members Goldberg and Robinson absent.

Ms. Malza Thorne, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Shelia J. Johnson, 1400 Lubbock, Houston, Texas 77002 (713-247-5787) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Alice L. Richard, 1400 Lubbock, Houston, Texas 77002 (713-247-5787) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Rene Castillo, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Carol Stigers, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Ardean Barefield, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Ruth Robinson, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Esperanza Gonzales, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Serena Nunez, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Patricia M. Reyes, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Teresa Williams, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Cheryl Sollid, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Ms. Karen Guillory, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Everardo Molina, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Ms. Donna Morris, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Member Robinson absent.

Mr. Bill Wingate, 7825 Park Place Blvd., Houston, Texas 77087 (713-854-4088) appeared and stated that he was present on behalf of Houston International Initiative's, an organization that provided opportunities for Houston based businesses to increase, improve and develop international businesses; that his company was the beneficiary of a trade mission with Houston International Initiative in Brazil; that they were introduced to contacts and to customers, potential teaming partners, business leaders, etc. that would help them develop their business in Brazil; that they were in the business of providing engineering and construction activities to operating companies such as Dow, Dupont, Exxon, Mobil, Shell, etc.; that it was their goal to try to establish some sort of business in Brazil and as a result of those contacts they set up his organization had been able to bid on two jobs, that they were not successful, but it was because of different reasons; that they had established team arrangements with two partners from Brazil; that he thought Houston International Initiative was doing a great job; that they were a plus benefit to the City of Houston, and especially businesses like his that were interested in developing outside the City of Houston. Council Members Vasquez and Robinson absent.

Mr. Ricardo Pedzzi, 3615 Braewin Ct., Houston, Texas 77068 (832-443-0413) had reserved time to speak, but was not present when his name was called. Council Members Vasquez and Robinson absent.

Rev. Tom Burdett, 10038 Katherine Ct., Houston, Texas 77089 (281-484-0337) appeared and stated that he was there to address the anti-discriminatory ordinance; that to succeed in business his wife advised him that they should follow a non-discriminatory process and he felt what mattered was excellence; that they did not discriminate in the workplace because it was not good business and it was also bad in itself; that for the sake of good business and for goodness sake asked Council Members not to discriminate against people based on anything but ability; that he wanted a policy to be non-discriminatory. Council Members Vasquez, Castillo and Robinson absent.

Rev. Mark Edmiston-Lange, 10619 Tupper Lake, Houston, Texas 77042 (713-974-7259) appeared and stated that he was a Unitarian Universalistic Minister in the City of Houston for 1-1/2 years; that he had enjoyed the hospitality of Houston and learning about the history; that when there was a vote to succeed from the Union the vote only won by one vote; that it showed that Texas was a big place with a lot of divergent point of views; that his favorite song by Lyle Lovette began "if you are not from Texas, Texas wants you anyway, that Texas wanted everybody, that this could be a huge place and with Council's vote they would get there. Council Members Vasquez and Castillo absent.

Upon questions by Council Member Parker, Rev. Edmiston-Lange stated that it was his understanding that Houston was the only large city without a non-discriminatory ordinance and Council Member Parker stated that was just about true. Council Members Vasquez and Castillo absent.

Council Member Keller asked Mr. Bibler if they had laws against discrimination currently and Mr. Bibler stated that they did; that while Council Member Keller was out of town there was some discussion of an ordinance that would extend some protection to gays and lesbians. Council Member Keller stated that they would vote on an anti-discrimination ordinance and Rev. Edmiston-Lange stated that would accomplish the fact that if someone was fired simply because they were gay or lesbian they could take it to Court and state that they couldn't be fired simply because they were gay or lesbian; that people in the City were commonly doing that and not being protected by City law. Council Members Boney, Vasquez and Castillo absent.

Rev. Bob Schaibly, 3820 Bute, Houston, Texas (713-526-5200) appeared and stated that he was the Senior Minister of First Unitarian Church on Fannin Street near the Museums; that he was present to speak in support of the proposal to add gays and lesbians to those protected from discrimination; that he was in favor of adding the phrase "sexual orientation" to those categories of persons already protected; that the Declaration of Independence presented an American vision that all are created equal; that they were endowed by our creator with certain inalienable rights; that Americans had taken steps for the American vision of equality; first by trying to reduce American involvement in the slave trade; that America moved to greater equality with the movement giving women the right to vote; that they had expanded rights by outlawing discrimination against immigrants; against restrictive housing; against quotas that limited the enrollment of Jews and Asians in colleges and universities; that they had repealed Jim Crow legislation and tried to find ways to increase the number of opportunities for all those who had been held back in the past; that the City had an opportunity to extend protection and equality and Houston must show the way; that persons who were vulnerable to discrimination because of sexuality should be protected from that oppression by extending the existing ordinance to include them; that no one should live in fear of losing their job because of sexual orientation. Council Members Galloway, Boney and Vasquez absent.

Council Member Sanchez moved to suspend the rules to hear from Mr. Ricardo Peduzzi who apparently came in late and that he be placed at the end of the 3 minute speakers, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Boney and Vasquez absent. MOTION 2001-169 ADOPTED.

Council Member Todd stated that he had a question on the subject of the previous speaker and asked Mayor Brown if there was proposed language out or a timetable for when the language would be out, and Mayor Brown stated that he could not give a particular date but they were working on it. Council Members Galloway, Boney and Vasquez absent.

Mr. Griff Griffin, 3218 Suffolk St., Houston, Texas 77027 (713-526-2533) appeared and stated that he was present regarding heating bills; that he was present at the last meeting of the Concerned Citizens of Houston and one of the important things that they asked him to check with Council to see if anyone was checking the Reliant portion of the bill making sure that everything was correct; they stated that ten years ago when two HL&P honest men lost their job because of it; that they came before Council and said that HL&P was overcharging the citizens of Houston of \$2 Billion; that they were fired but it was proven to be true; that Mayor Lanier cut it in half and all of them got a little reduction in their HL&P bill; that he was very proud of Houston industries because on Wall Street they said that Houston industries' profits were up almost 600%; that a typical bill he had from one of the members was \$137 last month, \$450 this month; people were stating that when the next cold freeze came they would be afraid to turn on their heat because they couldn't afford it; that he wanted to know how to check on their bill; that he wanted the Mayor or someone on Council to check to see why the bill was so high; that they wanted the Mayor and Council to find out what was going on. Council Members Galloway, Boney and Vasquez absent.

Mayor Brown stated that they did have a unit in Finance Administration that monitored this; that ultimate control was by the State with the Public Utilities Commission but there was someone present who could address this issue, Ms. Jacqui Croy. Council Members Galloway, Boney and Vasquez absent.

Council Member Robinson moved to suspend the rules to hear from Ms. Jacqui Croy, Finance & Administration at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Boney and Vasquez absent. MOTION 2001-170 ADOPTED.

Mayor Brown stated that Ms. Croy could give Mr. Griffin some information on what the City could or could not do on the issue. Council Members Galloway, Boney and Vasquez absent.

Ms. Croy stated that the Finance and Administration Department monitored the activities of Reliant, HL&P and Entex; that with respect to Reliant and HL&P the reason their electric bills had gone up so much was that a significant portion of was natural gas and natural gas was somewhere between \$7, \$8 and sometimes \$9 mcf; that the fuel portion of the bills, which in some cases would be 40%-50%, was subject to an automatic pass through by State law; that was a more simplified way of going forward in collecting their cost; that in 2004 would be the next fuel reconciliation hearing and they would represent the City and make sure those costs were prudently incurred; that yes there was oversight and yes they were looking at it; that in the meantime to match the expenses as they were incurred with the revenues they were allowed by State law to pass those through; that on the fuel cost it went to the PUC at the State level and they looked at it to determine whether it was appropriate or not; that in January they had

determined that fuel factor in HL&P's bills was appropriate; that with respect to Entex they had a similar pass through provision. Council Members Galloway, Boney and Vasquez absent.

Mr. Griffin asked if this Committee checked to see what those rates were and where would they get in touch with Entex to bring them in there and ask them some questions, and Ms. Croy stated that the rates with Entex were what they were actually paying for their natural gas that they use to fill their plants and the natural gas that they used to send to their homes, that it was the Public Utility Commission in Austin; that the internet number was PUC.State.TX. US. Council Members Galloway, Boney and Vasquez absent.

Council Member Keller stated that he felt that the reason the prices had gone up was over-regulation by the Federal government increased the wholesale cost of energy and that increased cost was passed on to the consumer; that even though they were one of the largest producers of natural gas, they were in turn effected by that because of how they had to carry the load of some other parts of the region; that their increase was 35% where Utah's increase was 200%, California was 300%, so for the most part they were much better off, that they had seen on the national news where people were without heat and people without electricity and they could not stop the wholesale price unless the co-ops were allowed to produce at the same regulations and prices that they were allowed in 1986. Council Members Galloway, Boney and Vasquez absent.

After further discussion, Council Member Robinson stated that there was a consumer public advocate that was supposed to represent the interest of consumers at the State level before the PUC; at the local level there was on-going litigation against HL&P and the City of Houston was one of the people who sued them; that he did not know what the status of lawsuit was; that he knew that one city won, but the decision was overturned on appeal; that he was not certain that the City of Houston had been as zealous an advocate as they should be in light of the litigation of consumers in the service area of HL&P being overcharged; that the action was being prosecuted by a former City Attorney, Ben Hall, and he was hoping that the City would be more active in that litigation and get some relief, even if it was not necessarily as to the current cost, but the allegation of prior overcharging was something that the City could do; that he was a member of the Houston-Galveston Area Council Board of Directors; that he understood through that there was a general land office program where cities and school districts could get the general land office to provide natural gas to HL&P and to other providers of services to help drive down the costs; that he thought they should start would be the current lawsuit that was out there and either settle it or litigate it and try to recover the past overcharges, then get involved in the General Land Office Natural Gas Program and get Council more involved in the issue of deregulation and the role the City would play as an aggregator and bring the consumer and Houstonians into that process and to use the office of Public Advocate to be an advocate on their behalf. Council Members Galloway and Vasquez absent.

Mr. William Beal, 3615 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Vasquez absent.

Mr. Howard Boutte, 19281 Main Street, Conroe, Texas 77385 (713-598-4052) appeared and stated that he was present in reference to the limousine ordinance issue which they had discussed several months back; that Council Member Quan had raised some issues and some questions and wanted to know where they were when Council discussed this issue; that Council Member Quan had stated that he was very disappointed when he did not have a large outcome; that the answer to that was that most of them didn't have the large representation that other large companies could afford to have; they didn't have the large cash reserve to take everyone to lunch; they also did not have the resources or the time to take away from their individual businesses to stay in Council and get to know what City Council was doing; that Council Member Castillo had a question that what was the difference between a service of a taxi and a sedan limousine business; that they felt limousines were a unique niche in the transportation industry in this City and provided what the people wanted; their clients call them by choice; that they were family-owned, some second and third generation in this business; that they had repeat business because their clients preferred reliability and they wanted personal service, a safety conscious company; that they didn't want fancy stretch limousines; that the public did not demand it; that they needed to grow; the public did not warrant it; that it seemed to them and the public that there were other issues; that in the *Houston Business Journal*, dated February 2, 2001, Council Member Todd was quoted in saying that clearly you can not make everyone happy, but this was the best that they could do; that Council Member Boney was quoted in saying that Yellow Cab did not want this overturned and 90% out of 10% it would not be; that it seemed they had the cards stacked against them and someone else was being made happy; that recently they had seen Yellow Cab taking control over the monopoly in the City, just like the old days; that they were telling them to run their business, that they needed vehicles that burn more fuel, add to pollution of their air and to run a stretch they must charge more money; that was what the people didn't want; they provided what the people wanted; that was their business; that when they were last present Council Member Todd mentioned that all the limousine companies were sent letters about the review of the new ordinance; he wanted to know who he had sent it to. Council Members Galloway, Boney, Ellis, Keller, Vasquez and Parker absent.

Council Member Todd stated that he did not send it that it was sent by Jacqui Croy. Mr. Boutte asked Ms. Croy who she had sent the letter to; that the reason for this question was there were few selected companies that were informed 72 hours before the meeting; that they were denied the process; there were people there who were present at the meetings. Council Member Todd stated that he needed to claim his time and he stated to Ms. Croy that when they first took up the taxi issue they had hundreds of speakers come and ask for more permits to run taxis in the City and at the time they heard a lot of testimony that there was a problem with limousines being at the airport; that there was a request made that if they were to continue with their permit structure and in fact revamp it that they do something about limousines and in particular limousines at the airport; that if they were to get rid of the stretch requirement on limousines he wanted to know how many new entrants they would have enter the market and whether or not a permit structure similar to tax cabs might be appropriate. Ms. Croy stated that one of the concerns that she had heard repeatedly from limousine operators during the public meetings was that a couple years ago they had 200 limousines operating, now they had 700 or more; the concerns that were raised by the taxicab industry and some members of the limousine industry that a number of limousine operators were operating as

taxicabs charging taxicab rates. Council Member Todd asked if they were to do a permit structure similar to taxis would that be a reasonable trade-off for getting rid of the stretch requirement; that if the concern was that they would have a flooded market and that it would be unfair competition for taxis, would a permit system be in order to address the concern to allow for a no stretch rule. Ms. Croy stated that they had been attempting to address the stretch requirement issue and get at the underlying concern over limousines operating as taxicabs; that they were currently under consideration and they had met with some of the parties that they were concerned about limousines operating as taxicabs; that she did not have a final answer from them yet, but that they had a meeting scheduled for next week to finalize whether or not some of the ideas that they had put forth would work; that one of the ideas involved increasing enforcement at the airport of all the ordinances. Council Member Todd asked if they would support zero tolerance policy at the airport, and Mr. Boutte stated that the City Council had done a fantastic job in enforcing the ordinances concerning solicitations by limousines that operate as cabs; that they had cleaned up a major problem at the airport; that the officers there were enforcing; that independent owners like them had no problem; that there were members present with their tags on. Council Member Todd stated that he had been getting feedback that the enforcement at the airport was not strong; that there was a request to beef up the enforcement and he asked what the difference was between a cab and a limousine. Mr. Boutte stated that first they had a cab painted yellow or some exotic color with writings all over it; that they would have a driver inside who was probably wearing slippers, a tee shirt instead of the regulation shirt and a collar; junk in the back of his car; that the difference between a sedan limousine was a luxury vehicle that costs \$30,000 to \$40,000 maintained by a company that provided excellent service whose drivers were clean, knowledgeable and safe; that the cab industry had shot themselves in the foot; that if they took a poll to find out how many people refused to ride cabs because the cabs didn't show up; or that they were driving like maniacs, so people didn't want to go back to them; the difference was professionalism. Council Member Todd stated that he understood that, but aside from the driver issue, he wanted to talk about the vehicle itself; that when he thought of a taxi he thought of a vehicle that was pretty much an ordinary vehicle that had a meter in it and something on top of it that indicated whether it was for hire or not for hire; that when he thought of a limousine he thought of a luxury vehicle that was special and apart that which you would get from a dealer; that they could buy a town car for around \$30 thousand; that was not a limousine and he wanted to know if that was correct. Mr. Boutte stated that it was correct; that they had a sedan limousine and a stretch limousine; that the Mayor had a sedan limousine taking him to and from, that he was not in a stretch limousine; that they spent the extra money to make special specifications as the Mayor's sedan limousine was; that they ordered their limousines through the same company. Council Member Todd asked Mr. Boutte if he agreed that to operate a limousine that a vehicle had to have some special adaptations or specifications made to it, and Mr. Boutte stated that it didn't have to have special adaptations or specifications made to it like a cab when they made them heavy duty for that purpose; that they were providing a luxury limousine; that when you have spent \$30 thousand and that was the low end on the luxury scale. Council Member Todd asked Mr. Boutte that if it was an ordinary off-the-shelf vehicle if it was a Lincoln or something like that; that the car was not the issue; that the issue was who was driving it. Mr. Boutte stated that it was not who was driving it was the company. Council Members Tatro, Galloway, Boney, Vasquez, Castillo and Robinson absent.

Council Member Bell asked Ms. Croy if there were ways to differentiate between a cab and a limousine short of the size or to see if there was a stretch limousine and was that fair. Ms. Croy stated that they were exploring that; that they were trying to address the concerns of Mr. Boutte and others like him as well as the concerns of the cab industry with limousines operated as taxi cabs. Council Member Bell stated that was the objective of the Ordinance, to keep limousines from acting as taxi cabs and then the stretch was put in there to make sure that it was actually a limousine company. Ms. Croy stated that was correct and they were trying to explore alternatives to the stretch requirement. Council Member Bell stated that a true limousine operates in a different fashion than a taxi cab and that was why they were afforded certain privileges that cab drivers were not. Ms. Croy stated that this was correct; that one of which was that they did not regulate the number of them and they never had because it was a luxury service. Council Member Bell stated that was usually a more direct relationship between the customer and the driver, and Ms. Croy stated that was true because it was not a demand service. Council Member Bell asked Mr. Boutte what the difference was between limousines and taxi cabs. Council Members Tatro, Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mr. Boutte stated that they had ordinances explaining what a limousine was supposed to do and was not to do, that when he started in the business about 5 years ago limousine companies did not have to have a trip ticket or manifest to know that he had picked up somebody or dropped them off; that if the company was not legitimate you would never know; but now companies were required to produce a manifests. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Council Member Bell asked Mr. Boutte if he thought it could all be handled from the enforcement side, was that his position and who actually used a stretch limousine. Mr. Boutte stated that the enforcement issue was the problem and if someone used a stretch limousine it would possibly be for a prom, maybe a Jimmy Buffet concert, wedding and other than that the vehicle would basically sit; that there was no use for it; that it was not what the City of Houston was demanding; that if it was in demand they would all have it and there would be no problem; that all they wanted was healthy competition; that he operated a sedan limousine business and he would tell his customers this and that was all they wanted, a clean sedan limousine that would get them there safely, that was all they were interested in. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mayor Brown asked Ms. Croy if she felt the enforcement issue would be resolved administratively or would they have to change the ordinance. Ms. Croy stated that in order to accommodate the limousine industry's concern they would have to amend the ordinance they had put in place in December. Mayor Brown stated that they had representatives present on a number of occasions and that he felt they were not getting anywhere and he was going to ask Council Member Todd to take this issue up again and hold the appropriate proceedings to see if there was a way to resolve the problem that had been brought to their attention. Council Member Todd stated that it was his intention to do that and he was waiting to see what options were available. Mayor Brown stated that Council would work with him and provide him with information that he needed and thought they would get it resolved in a more expeditious way if Council Member Todd

would take this back to his committee. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Rev. Lonnie T. Hurd, 7701 Peachtree, Houston, Texas 77016 (281-442-0717) appeared and stated that he was present regarding the limousine ordinance; that he agreed with Mr. Boutte and also what Council was trying to do in terms of restructuring the Ordinance; that it would be fair for all of them to simply try to make an honest living, taking care of their families and certainly their customers; that the prompt attention of Council to this matter was appreciated. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mr. Allen Lyons, 4835 Rickview Lane, Houston, Texas 77053 (713-826-0030) appeared and stated that he had lived in Houston 30 plus years and that this was the first time he had been before Council; that in the limousine business it was more of a personal service business not a drive up; that they didn't just pick up the customer; that they picked up the customer's children and grandparents, they provided a special service. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mr. Winfred Glover, 5110 Noble, Houston, Texas 77020 (281-235-4365) appeared and stated that he hoped Council would open their eyes and ears to hear what the limousine company owners were saying on how the Ordinance was affecting their lives, the good of all their families; that the position of a small business man was to take care of their families and their clients and he hoped that Council would take this into consideration and give them some leeway regarding the limousine ordinance and how it had affected them; that he would suggest the possibility of putting them in another area of the airport since they had a problem with parking and another area of the airport would provide more parking as well as take them away from the exit of the taxi cabs; that they were not just limo drivers that they drove sedans and they had a personal relationship with all of their clients; that their clients would depend on them to be on time and they had nice cars; that he wanted Council to allow them the ability of expanding and allowing them to be able to take care of their families. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Ms. Brenda Jackson, 13130 Eldridge Meadow, Houston, Texas 77041 (281-449-0002) appeared and stated that the difference in limousines and taxis was when you would go to apply for a permit the City asked them how much they charged and they were not allowed to charge less than \$50; that she believed no justification had been given for adding stretch limousines to Houston's fleets; that there was no demand by Houston citizens; that she believed the public's interest was not being served by the stretch limo requirement; she believed that the public interest was what City Council must strive to fulfill; that the only effect of a new requirement would be to prevent and damage competition; that damaging competition was a violation of law, a criminal violation and that she had hoped that City Council was required to obey all laws just like everyone else; that their business was by word of mouth and they did not solicit; that their customers called them. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Joe News, 12539 Toulouse, Houston, Texas 77015 (713-453-1482) appeared and stated that he was present on behalf of the Limousine Drivers Association; that he

needed help to continue in the limousine drivers' arena; that he depended on his job; that his job was to take care of his family and to show the public that they were well taken care of safely; that he was asking City Council to listen to them in regards to the decision that was made concerning the city ordinance; how it effected him personally was that when the new ordinance was passed that his car would not be replaced unless he reported to the credit company that it was used for commercial purposes; that when he purchased the vehicle they did not require that, but now that were requiring it he might not be able to purchase another vehicle in December; that meant he would become unemployed by the ordinance that was presented to them and that it may not be sufficient for him and his family; that he was asking the City to reconsider the ordinance and look at it more closely than what had been done before. Council Members Galloway, Todd, Keller, Vasquez, Parker and Robinson absent.

Mr. Lionel Manuel, 4207 Knotty Oak, Houston, Texas 77046 (713-594-8750) appeared and stated that he was present on behalf of the limousine drivers; that he had applied for an application and for the license in July and planned to buy his vehicle in December; that the ordinance was passed in December; that he did not get grandfathered, the door was closed on him; that it required him now to purchase three vehicles; that it was a financial burden on him and almost like financial discrimination against him; that he asked for reconsideration of the ordinance on the entry side because there were not a lot of drivers who were caught in his situation; that he thought purchasing a stretch would be unfair to the business industry; that they were a very small operation; that he wanted the City to give them the opportunity to grow; that he applauded the City Council for what they were trying to do. Council Members Galloway, Todd, Keller, Vasquez, Castillo, and Robinson absent.

Ms. Aurora Harris, 5347 Haverhill, Houston, Texas 77046 (713-594-8750) appeared and stated that she was present regarding the new limousine ordinance and on what made them different from taxis; that what supported them and caused them to grow was public demand; that they could not be found on a cab stand, they didn't have any signs on their vehicle doors; that if you wanted them you had to find them; that they didn't advertise; that the service they provided was unique; that they were trusted with people's children, their pets, their homes and themselves; that you didn't do this with a cab driver off the street; that they were in demand because the cabs did not provide what the people wanted; that they would not have economical growth in their industry if it was not what the public wanted; that most of their clients were corporate clients; that the clients rode with them because they were business people who were not interested in flash, just business; that when they get new clients they were told how happy the client was to find someone who could finally take care of them; that they had bad experiences with taxis; that because they had done everything right for their clients now the larger companies wanted to get rid of them and the clients were not interested in a stretch; that they wanted a sedan; they wanted to sit back in the car and take care of their business and go where they needed to go. Council Members Galloway, Todd, Keller, Vasquez, Castillo, and Robinson absent.

Mr. Ed Mayo, 6005 St. Augustine, Houston, Texas 77021 (713-816-4259) appeared and stated that he was a limousine sedan business owner; that 98% of his business was to and from the airports and in the last three years he had been in business he only needed a stretch limousine one time; that he was able to call another company that

provided that service and the cost was approximately \$200; that if he had purchased a stretch over a ten year period it would be a loss to him of approximately \$74,400; that it did not make sense to him and that would be bad business for such a small business as himself; that he had never solicited at the airport, he had never charged less than \$50 for any trip and he felt that he was being asked to lose over \$74,000 over the next ten years. Council Members Galloway, Todd, Keller, Vasquez, Castillo, and Robinson absent.

Mr. John Canalda, 119 Mill Stream, Houston, Texas 77060 (713-826-1466) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Keller, Vasquez, Castillo, and Robinson absent.

Mr. Lenny Vitale, 3221 River Valley, Kingwood, Texas 77359 (281-361-7468) appeared and stated that his company was based out of Kingwood and the issue he wanted to talk to the Council was a proposed ordinance that he believed was wrong; that the ordinance would require anyone who wanted to start their own limousine service to purchase three vehicles before they would secure a license from the City to operate even one and such an ordinance would be wrong because it would place impossible barriers to creating new limousine services that were clearly needed in this City; that the big companies, and they were less than a half of dozen, would not be able to handle the number of business and vacation travelers; that the big companies were consistently calling the small independents to provide back-up for them to be able to handle the work load; that the ordinance would be wrong because it would prohibit creation of service businesses the City needed and it would start to eliminate the competition for the big companies and when competition decreases in the limousine industry so did the service being provided; that he thought the new ordinance would be unfair because it would penalize the individual who didn't have \$100,000 to \$150,000 to spend on two luxury sedans plus a limousine to start a business that could be started with one vehicle at one-third of the cost; that as an example, six months ago with one luxury sedan, he worked about 60-80 hours a week and he was feeding his family, maintaining his vehicle, growing the company and paying his bills; that he had acquired a strong list of corporate accounts that included American Express, Enron, KPMG, Shell and Texaco; that he expected to add another luxury sedan in the spring and a limousine by the end of next year; that there was no way his business could have afforded this on day one; that the ordinance would be unfair to individual citizens who wanted to get started in the limousine service business; that the proposed ordinance was not necessary; that supposedly the reason for the ordinance was to improve the quality of the limousine service in the Houston area; that the new rules would not allow the vehicle to more than three years old, drivers must wear coat and ties while in public; drivers would not be allowed to solicit business in public areas and all that what was necessary to improve and maintain the quality of the limousine service in Houston was the people the City needed to hire to enforce the rules that were already on the books so that the limousine drivers would continue to do their jobs; that he hoped that he had given some points for them to consider about the proposed ordinance and that they would agree with him. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent.

Council Member Quan stated that he wanted to thank everyone for coming to Council and expressing their views; that he was impressed with their demeanor and their articulation of the issues from their point of view; that the reason he had commented about the lack speakers was because they didn't know the nuts and bolts of every

industry in this City; that it was people like them who were involved in it who could educate them and he believed that as they had seen from the Mayor's offer that because of their outcry and because of taking time to be present that they were willing to re-look at this; that it was not that often that Council would look at something that quickly, but since they had heard their cries and the limousine owners had made a good argument not from emotional points of view but from practical business points of view and he appreciated them being there with their input. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent.

After further discussion, Council Member Tatro stated that he agreed with the Mayor and believed that Council needed to revisit this; that the issues that were raised about the airport and he thanked the first speaker for his comments about the issues that were at the airport and how the solicitation had in large part been resolved and that he hoped that Council would take this up again and attempt to not overburden a small business from the opportunity of getting a start and then growing in a systematic manner. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent.

Mayor Brown stated that he wanted to make one comment on the limousine issue; that since they had been coming to Council he had asked his staff to take a look at it again from the administrative options and get them presented to the Committee and this resolved as rapid as possible. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent.

Ms. Carrie Wyche, 14211 Regg, Houston, Texas 77045 (713-433-7099) appeared and stated that basically everything she wanted discussed had already been presented and that she would appreciate it if they would hear them out regarding the stretches; that they had not solicited but she felt that they were being punished. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mr. Ricardo Peduzzi, 3615 Braewin Ct., Houston, Texas 77068 (832-443-0413) appeared and stated that he wanted to thank the Mayor and Council for Houston International Initiatives and he wanted to share with them some of the results; that the company he was representing was in discussions with some of the leading telecommunications and energy and oil and gas global companies as a result of a trip they made to Brazil last year; that they were also in discussions with some of the leading universities in Texas and Brazil; that his company had visualized opportunities; that they were hiring talents to go after those opportunities and what it boiled down to was that the City of Houston generated and collected more taxes and all of this went for the betterment of the quality of life for citizens of Houston; that a month ago his company had signed an economic compact agreement between Houston and a city in Brazil; that beginning in March they were having a visit with the Vice Governor at a very important trade agency in the City; that the idea was to bring companies together, put business on its agenda, make things happen; invoice more; pay more taxes and improve the quality of life for the citizens and the City of Houston and the citizens overseas; that he thanked Houston International Initiatives. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that the sun had gone into Pisces so for the next 30 days all

Piscians were having their birthdays and he wanted to wish them a Happy Birthday; that instead of bombing Iraq they should be bombing Switzerland; he felt that the Mafia should kill James Honey who lived at 1607 Francis for the crimes he had committed against him and his family; he felt they were crimes of hate and the City of Houston had not done anything about it; that instead of helping him the City was trying to force him out of his art house at 1607 Holman; that he held the Mayor and the City of Houston fully responsible for all the damages done to him and his family; that he felt the City of Houston had known about this crime and had not filed any criminal charges against James Honey. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent.

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

Mr. Shane Carpenter, 1267 Brookvale, Houston, Texas 77038 (281-999-7444) appeared and stated that he was present to represent his children and the children of all the other limousine drivers who were in limbo at this time; that there were a lot of drivers who had new vehicles but could not work because of the new ordinance; that he was not able to get a new permit and that he had not worked in two months; that his bank account had dwindled. Mr. Carpenter asked Council Member Parker if she had ever been hungry and if she had ever been homeless; that his children had not been hungry or homeless and he wanted to know why she would make them so; that the point was that he had a \$40 thousand car sitting in his driveway that he took his children back and forth to school in and that was the only thing he could do with it. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Council Member Parker stated it was her understanding that the ordinance allowed him to apply his trade anywhere in the City that he wished to apply his trade except at the airport, and Mr. Carpenter stated that the ordinance did not allow that and she was mistaken. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Upon questions by Council Member Parker, Mr. Bibler stated that there was a distinction between airport privileges and non-airport privileges but that he would have to go back and look at the ordinance to be able to tell her for sure; that there was a very definite distinction in the ordinance between the two types of service; that he thought she was correct but he didn't want to say so without checking. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mr. Carpenter stated that Council Member Parker's understanding of what was going on there at 601 Sawyer was entirely different; that he had called them before he bought the new vehicle; that he stated he would rather put a SUV Suburban on his line instead of buying a new car; that his vehicle was grandfathered and they told him no that if he wanted to buy another vehicle he had to buy a sedan; that he then purchased a new sedan; that when he wanted to put that vehicle on his line and take the other vehicle off they told him no, that under the new ordinance he had to have a 17 passenger vehicle or a stretch limo in order to replace the car. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mayor Brown stated that they would take a look at that and get back with Mr. Carpenter. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo and Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and stated that he was present regarding behavior, people, staffing, mental, physical, growth, denial, citizenship; the German dip who was Major William Stevens July 4, 1974 out Highway 288 521, Highway 6, Fort Bend County, Texas; yes wished that he had never hooked up with him or met his mother Mom 1972, 1973, 1974; so unfair, so unjust, why and continued to express his personal opinions until his time had expired. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent. (NO QUORUM PRESENT)

At 3:52 p.m. upon motion by Council Member Quan and seconded by Council Member Tatro, the City Council recessed until 9:00 a.m., Wednesday, February 21, 2001. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo, Parker and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 21, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 21, 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; Ms. Sara Culbreth, Deputy Director, Finance and Administration; Ms. Martha Stein, Agenda Director present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Brown reconvened the meeting of the City Council and stated that the first item would be a hearing on the Street Cut Ordinance. Mayor Brown recognized a former Council Member present in Council Chambers, Mr. Larry McCaskel. Council Members Tatro, Boney and Todd absent.

The City Secretary stated that it was a public hearing on proposed rules and regulations related to excavating in the public way and stated that there were four speakers who had reserved time and copies of letters had been presented to Members of Council and stated that the ad that was published did provide also for written comments, but the ones distributed had also reserved time to speak.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposed rules and regulations relating to excavating in the public way

Mr. David Caddle, 6105 Westline Dr., Houston, Texas 77036 (713-272-4600) had reserved time to speak, but was not present when his name was called. Council Members Tatro and Todd absent.

Mr. Robert Burton, 3 Bell Plaza, Dallas, Texas (214-464-4051) appeared and stated that he was Executive Director of Municipal Relations for Southwestern Bell located in Dallas, Texas, that he had distributed some comments, that they had some concerns about the rules and regulations that the City was considering passing today and how they were applied to Southwestern Bell and other certificated telecommunication providers, that in the information that he passed out they had summarized what they would like to see happen with the language that would make it apply better and they could utilize it and achieve the goals that the City was trying to achieve in its rules and regulations and also not create difficulties for Southwestern Bell in applying those rules as they served their customers in the City, that basically they were concerned about a couple of items that created a contractual relationship between them and the City, that they felt that Chapter 283 of the local government code excluded them from having to enter into those contractual agreements with the City and they also felt that a contractual relationship ought to be freely entered into and they were opposed to entering into that contract with the City on those issues; that the other item that they were concerned with had to do with PE certification on drawings, that they did not, today in their business, employ PE's to do the majority of their work burying cable, that they did for the major conduit work in structures and were certainly happy to provide PE certification on those prints and those drawings as they submitted them, but 80% of their job was burying cable in the right of way and they did that engineering themselves and they would propose that they continue to be allowed to do that, that he was open to any questions that they might have at any time. Council Member Todd absent.

Mr. Samuel Jones, 5445 Preston Oak Rd., Dallas, Texas (214-335-8600) appeared and stated that he resided at 545 Rushing Oaks Road in Dallas, Texas, that he was the senior attorney for AT&T in the Southwest Region, that he would first like to thank them for the professional courtesy extended to them in giving them notice of the meeting, that like Southwestern Bell they had reviewed the ordinance and had not prepared any written comments but planned to submit written comments to the Deputy Director of Administrative Services before the end of the week, that he would reiterate two points that he had reiterated previously to the committee, one being the insurance and indemnity provisions in the release, that again they thought this provision was unjustified and inconsistent with House Bill 1777 and took issue with it, that secondly they also took issue with the engineering drawings, that these comments were submitted on June 9, 2000 by Mickey Baeza, an attorney with AT&T and submitted to the City, that in those comments they made several points and did not know if the comments were being ignored or not being considered, that he would reiterate the points about engineers and drawings and would say that by requiring them to submit drawings and seals and so forth they significantly increased the construction cost on jobs, that if they were going to require some type of drawings or professional seals they would ask that they at least make it applicable to jobs that probably were \$100,000 or more, but to blanketly apply them to all jobs significantly increases the cost for themselves and their subcontractors, that they would submit written comments before close of business on Friday.

Council Member Sanchez asked why the requirement for a PE was written into the proposed ordinance, and Mr. Hall stated that he would rather Mr. Bibler answer him, that they had an intimate discussion with the industry people about this issue, Mr. Bibler, Mr. Wiersig and Ms. McAbee.

Mr. Wiersig stated that the PE was just required on certain types of excavations if they occurred in pavement from zero to five years and if there was a cut of a certain size or larger cut then it would require drawings, plans and profiles be submitted and that was where a PE was required, and Council Member Sanchez stated that in essence a street that had been recently reconstructed if a utility proposed to break it up then the City must be assured that the restoration would be done according to a professional engineers design to preserve the integrity of the overall segment and Mr. Wiersig stated correct. Council Members Todd and Vasquez.

Upon questions by Council Member Sanchez, Mr. Jones stated that what he was suggesting was that this represented a requirement that significantly increased the cost of excavation and if they reviewed their studies they would find that many of the excavations and constructions that were performed were so minor, even the ones that the City was going to require them to have professional seals and a PE on, that they not really need a professional seal or PE drawing, and Council Member Sanchez stated that he did not know what Mr. Jones considered a minor cut, but a 2 by 2 cut was probably a 2 foot by 2 foot minor cut, and if they did not have an engineering designing the reconstruction of that section it was simply filled with concrete or tar and after a few months in the Houston heat it became a pothole, and Mr. Jones stated that what he was suggesting was that AT&T employed a number of engineers and their reputation was very sound, that they had never had a problem with the work they had done, that he could represent to them that when they conducted any type of excavation or project in Texas, they would find that AT&T had a very sound reputation and that their engineers acted very professionally and they had never had any complaints, and Council Member Sanchez stated that the burden to replace the integrity of the infrastructure that was being disrupted ought to be on the party conducting the excavation not the taxpayer, that it was not the City's responsibility to hire engineers and go and inspect the work that they had done and bill the taxpayer, that it ought to be their responsibility to restore it back to the original condition that the taxpayer invested its money in, and Mr. Jones stated that the seal did not make the work appropriate, that it was the actual conduct of the engineer on the ground that made the work appropriate, that they could submit a sealed plan but still do a very poor job, they were only saying that the extra requirement of submitting a professional seal significantly increased the cost and did not amount to an increased benefit to the taxpayer, but what it did do was increase the cost of their providing services to the citizens of Houston without a corresponding benefit.. Council Member Goldberg absent.

Council Member Keller stated that AT&T had engineers that were on salary and found it hard to believe that supplying PE and drawings would significantly increase the cost to any job, that doing it limited the margin of error that they were exposed to right now, that there was no job too small and there was no minor construction job, that he did not think that Mr. Jones company was guilty but that he had to look at the number of other companies that must be regulated. Council Members Galloway and Parker absent.

Mr. Jones stated that he would propose to submit to the City the studies they had from their engineering department, that he recognized that his presentation appeared to be biased because he was talking about cost, that his concern was that it significantly increased the cost without providing the City a corresponding benefit and he would like an

opportunity to submit to them a comment from their engineering department, and Council Member Boney stated that he agreed with Council Members Sanchez and Keller, that it had been a matter that they had been debating and studying for over a year so every company that had a concern had more than enough opportunity to submit documents and language and they were getting things at the last hour from Southwestern Bell, but quite frankly he was of a mindset that they need to pass it today and provide some protection to the streets and taxpayers, that if after some point of review, 90 days or 180 days, there was some alternative language or concerns that the companies wanted to bring up, Council had amended ordinances before, that if Mr. Jones had some additional documents he ought to submit them, that Council remained open to any positive input. Council Member Parker absent.

Council Member Robinson stated that he wanted to thank the administration, the Legal Department and members of the TTI Committee for working on this issue, that they had made a number of compromises in an attempt to accommodate industry on this, that they had been working on it for several months, that what they had before them today as a work product was not a surprise, that they had to balance the interest of the citizens and the business community and at this stage they had a good balance and needed to move the ordinance forward, get it passed, and see what the experience was, that Council Member Quan would make an amendment where he would ask for a one year review. Council Members Tatro and Parker absent.

Council Member Quan stated that as had been said several major pieces of legislation had come before Council, such as Chapter 42, that they had looked at a year later, that as they had seen recently with the Limousine Ordinance, there had been unintended consequences that had resulted and they were open to look at it again, that he wanted to make sure that they had in place a system where they would recall this ordinance after a year to see the impact and if in fact it was hastily prepared or there were things that they did not look at, and stated he was proposing an amendment to the ordinance whereby it would go back to the Transportation, Technology and Infrastructure Committee in one year to see how implementation had affected them, and Council Member Boney stated that he would second it. Council Members Tatro and Parker absent.

Mr. Jones stated that what he meant by minor was a job or project less than \$100,000, that it would probably be appropriate to require a professional seal on drawings on projects that were in excess of \$100,000, but again they would object to professional seal requirements on projects less than \$100,000, but they would not be opposed to submitting drawings and specifications, and Council Member Boney stated that the point they were trying to make was that if the job was \$10,000 and put a whole in the street and then constituents would come and say there was a \$10,000 pothole in the street and it was concrete and they threw asphalt in there, that was the problem in a nutshell, it did not matter whether they had a PE seal or not they wanted it back in concrete and they needed a paper trail in order to find out who did it. Council Member Tatro absent.

Council Member Tatro stated that the City had PE's sign on all of their engineering projects, that he understood Mr. Jones point that they needed to assure at least a certain degree of safety and a certain degree of engineering expertise, that the rules had gone under quite a metamorphous since they were first proposed and he knew that some

people had even made suggestions to the working group and some had been adopted, that they were really almost there, that they wanted to assure that the product was good, and Mr. Jones stated that based on the opinion of their engineers and the studies they had conducted there was no evidence whatsoever to suggest that professional seal drawings alleviate or provide an additional benefit to the City or prevented a construction project from being done or wrong, that it was up to the engineers on the ground, that he would ask them to consider the impact of such a requirement on many of the subcontractors, small companies or minority subcontractors. Council Member Goldberg absent.

Ms. Christina Lindsay, 2020 North Loop West, Suite 240, Houston, Texas 77018 (713-680-1595) appeared and stated that she had provided a handout to the City Secretary from ACME, CEC Houston, on comments that they had submitted during the process, that on the last page of the handout they would find the seven bullet points they had proposed, that in a conversation they had with Mr. Wiersig they were informed that six out of those seven proposals and suggestions had been incorporated into the document, however the very first bullet point dealing with medium cuts, driveway connections and left turn lanes still had some concerns for them, and that was because right now under a different set of rules and criteria for transportation improvements those particular items were considered transportation improvement and therefore covered under a different set of rules and specifications, but there was a catch 22 there and that was if they were going to do a driveway connection as a transportation improvement they must cut into the existing street by one foot to then make their driveway connection, that it threw them in violation or put them under the rules of the new set and then made them do more work and more replacement of existing concrete, so they would like the opportunity to have that particular item continued to be reviewed and see if there was some way that either they change the existing transportation improvement to clarify things or make clarifications in the new set of rules and regulations. Council Member Goldberg absent.

Upon questions by Council Member Sanchez, Ms. Lindsay stated that she represented the Association of Consulting Municipal Engineers, that with having an engineer do the design work and then having him or her sign and say that they agreed with what they had done was a guarantee as the City had requested it, that again it came to the issue that once the design had been done and it was turned over to a contractor then it became the responsibility of that contractor to make sure that they follow those drawings as the engineer had provided, that she did not understand the difficulty that the earlier speaker had, because if he did have professional engineers on staff why that would be such a large cost to him, that if they had a professional engineer on staff they could have subordinates who were not engineers doing the design as long as that professional engineer had been involved and was overseeing that work and was willing to sign on the seal that those were correct drawings. Council Member Goldberg absent.

Mayor Brown stated that there was one item that needed to be clarified and asked Mr. Bibler to clarify on of the statements that Ms. Lindsay had made. Council Member Goldberg absent.

Mr. Bibler stated that he thought from her comments that there was a misunderstanding, that the definition in the ordinance specifically excluded transportation improvements by what was covered by the ordinance, so if their contractors were out

doing street work for the City or some other governmental entity they were not covered by the ordinance. Council Member Goldberg absent.

Upon questions by Council Member Boney, Mr. Wiersig stated that if someone came in and were part of a development activity and other things and needed driveway openings, wanted a medium opening or a left turn bay in, that was covered under another set of development rules and regulations, and in addition to that it was kind of considered as a transportation improvement versus putting a facility underneath the pavement, which was really what this ordinance was addressing, that he did not see it as conflicting issues, that it was a transportation improvement, and Ms. Lindsay stated that based on the review that was done by their Design Standards Committee they would feel a little more comfortable if that was a little bit more specific in the particular set of rules and regulations, that perhaps it was and they missed it, but it seemed to have some what of a catch 22, and Mr. Bibler stated that may be his fault, that he deliberately made his engineering friends not restate the ordinance in their rules and a lot of these things they had to look at the ordinance for and if they looked at the definition of excavation and then at the definition of transportation improvement in the ordinance itself they would find that street work was not included in the coverage of this program. Council Member Goldberg absent.

Upon questions by Council Member Vasquez, Mr. Bibler stated that the solution was that the things that Ms. Lindsay was talking about were not covered by the ordinance or the regulations that went with the ordinance, and Mr. Wiersig stated that when someone came in to develop a piece of property they had to submit a plan to do that to the City and if they needed to create a tie in to the street there was a set of plans that they had to submit to the City to do that tie in and at that point in time was when they reviewed that particular driveway tie in, medium opening or left turn lane and all the issues associated with the proper design, that if they did any work in the public right of way for development activity they needed to go through that process and get a permit and have plans approved and that was defined already, that this ordinance was for all of the people who had not been going through that process because they were not covered under that process. Council Member Goldberg absent.

Council Member Bell asked if the bullet points referenced and presented by Ms. Lindsay were all covered in the ordinance or how many, and Mr. Bibler stated that it was his impression that the type of work that Ms. Lindsay was concerned about was not covered by this ordinance, that it was covered by another ordinance that was not being amended by what Council was considering today. Council Members Todd, Vasquez and Robinson absent.

Upon questions by Council Member Castillo, Mr. Bibler stated that utility cuts were covered by the ordinance in a number of ways, that one way was that they tried to coordinate those type of issues under the ordinance so that if they were putting in a street they had provisions to hopefully encourage the contractor, who was putting in the street to be utilized by the utility companies, to make those connections as they were going along, but if they were not made as they went along and if they had to come in afterwards and put the cuts in and if they happened to be under the street then yes they would have to get a permit under this ordinance, but they would expect that it was the type of work that would be done under the new general permits because they would expect major

utilities, like the light and gas company to be operating under a general permit when they did those type of point connections. Council Members Todd, Vasquez and Robinson absent.

Council Member Sanchez moved to suspend the rules to allow anyone to speak on the Rules and Regulations who had not reserved time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0171 ADOPTED.

Council Member Keller moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-0172 ADOPTED.

Council Member Boney moved to suspend the rules to take Item No. 50, 48, 51 and 29 out of order, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2001-0173 ADOPTED.

50. ORDINANCE amending Ordinance No. 2000-1115, relating to Excavating in the Public Way; approving Rules and Regulations Implementing the Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer – was presented.

Council Member Quan moved to amend Item No. 50 to bring the Rules and Regulation before the Transportation, Technology and Infrastructure Committee at the end of one (1) calendar year after being implemented, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0174 ADOPTED.

Council Member Todd tagged Item No. 50.

Council Member Keller asked what about all of the other hundreds of utility companies that may break a line of AT&T, Southwestern Bell, Entex, etc, how were they monitoring that as far as their being responsible to those parties and not just the City of Houston, and Mr. Bibler stated there were two things they were doing, that they were not trying to affect the civil liability as between the third parties, but they had done two things in the ordinance, that first as part of the permitting process they had required that the people give them evidence that they had contacted the underground commissioner or whoever it was that they called by giving them their project or assignment number, that secondly they had included a requirement that if they hit something like that they were supposed to promptly tell them about it so they could contact the owner of the thing and let them know. Council Member Parker absent.

Council Member Vasquez moved to suspend the rules to hear from Mr. Mark Kollmorgen at this time, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2001-0175 ADOPTED.

Council Member Castillo moved to suspend the rules for the purpose of reopening the hearing, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0176 ADOPTED.

Mr. Mark Kollmorgen stated that to say the least they were light years away from where they started last time when he talked to them about the ordinance, that they worked very closely with Public Works throughout the process, that he had been assured that they had gotten all of their operational concerns taken care and insurance matters had been worked out and Reliant Energy had from the beginning realized the need for coordination of all utilities in the streets, that if they were not included in the ordinance then they would have to be covered under another ordinance to bring them into coordination of it, that they never wanted that, that they felt that the ordinance did what it needed to do now plus gave them the coordination and would help them all out in the long run.

Upon questions by Mayor Brown, Mr. Kollmorgen stated that they were okay with the ordinance, that HL&P contracted all of their work out and Entex contracted probably about 90%, that they had the same interest as Council about protecting the integrity of the streets. Council Member Tatro absent.

After further discussion by Council, Council Member Boney moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2001-0177 ADOPTED.

Council Member Boney moved to suspend the rules to override Council Member Todd's tag on Item No. 50, seconded by Council Member Parker. Council Member Keller absent.

A roll call vote was called on Council Member Boney's motion to override the tag.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Boney voting aye	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2001-0178 FAILED

Mayor Brown stated that Item No. 50 was tagged by Council Member Todd until next week.

Mayor Brown stated that they would now move to the items taken out of order.

48. ORDINANCE appropriating \$4,762,113.00 out of Street & Bridge Consolidated Construction Fund, \$526,412.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PEDKO PAVING, INC** on low bid of \$4,500,123.02 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$160,000.00 and approving and authorizing professional services contract for Construction Management and Inspection Services with **PROJECT SURVEILLANCE, INC** in the amount of \$358,392.80 for West Little York Road Improvements from Wheatley to N. Shepherd, GFS N-0687-01-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT B – GALLOWAY** – was presented. All voting aye nays none. ORDINANCE 2001-0163 ADOPTED.
51. SELECT and confirm the appointment of either **MS. RUTH BURGOS-SASSCER, Ph.D.** or **MS. SHIRLEY MALONSON** to Position 4 of the **ETHICS COMMITTEE**, for a term to expire December 31, 2003 – was presented. Council Member Tatro moved to confirm Ms. Shirley Malonson for Position 4, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2001-0179 ADOPTED.
29. RESOLUTION in support of Texas Tier I Research Excellence Funding – was presented.

Council Member Robinson stated that he had distributed at the Council table resolutions relating to Texas Southern University and the Houston Community College System, that when Item 29 came out during the committee discussion they had talked about possibly amending it when it came to Council and he wanted to thank Council Member Castillo for making the motion during the committee meeting, that they had voted to amend it but because of some miscommunication in transmitting the item to the administration it was posted in such a manner that it could not be amended, that he was in support of the item and asked that the administration consider posting the Texas

Southern University Resolution that asks the Legislature to consider funding TSU consistent with the State's settlement with the Office of Civil Rights at the Department of Education and the Houston Community College System Resolution which speaks to an 81% funding for Community and Technology Colleges across the State but in particular the Houston Community College System, that as they all knew higher education had been designated one of the top priorities of the Legislature and Governor Perry was also a primary importance to the community, and Mayor Brown stated that they would be glad to put both resolutions on the Council agenda at the earliest possible moment, and Council Member Boney stated that he supported Council Member Robinson's initiative, that it was important that the State Legislature recognize the significance of Houston as the economic engine of the State.

A vote was called on Item No. 29. All voting aye. Nays none. RESOLUTION 2001-0008 ADOPTED

Council Member Sanchez stated that he wanted to thank the administration for moving quickly on Item 29 which was important to the University of Houston and showed the Mayor's commitment to education and improving the quality of education in the City.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 50

MISCELLANEOUS - NUMBERS 2 through 9

2. CONFIRMATION of the appointment of **MR. ROBERT W. CLAUDE** to Position 6 of the **ETHICS COMMITTEE**, for a term to expire December 31, 2003 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0180 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of the following to the **AIR CONDITIONING BOARD**, for terms to expire January 2, 2003:
Position Three - **MR. RICHARD W. BURR**
Position Five - **MR. RICHARD J. GRAVES**
Position Seven - **MS. PAMELA BEST**
– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0181 ADOPTED.
4. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOILER CODE REVIEW AND LICENSING BOARD**, for terms to expire January 2, 2003:
Position One - **MR. RODNEY LEWIS**
Position Three - **MR. VAUGHN COKER**
– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0182 ADOPTED.
6. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLUMBING CODE REVIEW BOARD**, for terms to expire January 2, 2003:

Position One - **MR. GERALD SPENCER**
Position Three - **MR. ORLAN BITNER, SR.**
Position Four - **MR. BENJAMIN ZERMENO**
Position Five - **MR. MARK CLAYTON**

– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0183 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment and reappointment to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, (Southwest Houston):**

MR. ROBERT TANNER, appointment as Chair, for a term to expire 12/31/2001

Position Two - **MR. JOSEPH M. STOKES**, reappointment, for a term to expire 12/20/2002

Position Three - **MR. DAVID SCOTT, JR.**, appointment, to complete an unexpired term ending 12/20/2001

Position Four - **MR. KENNETH LI**, reappointment, for term to expire 12/20/2002

Position Seven - **MS. MAURISA TOLBERT**, appointment, to complete an unexpired term ending 12/20/2001

– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0184 ADOPTED.

8. RECOMMENDATION from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0185 ADOPTED.
9. RECOMMENDATION from Director Parks & Recreation Department for approval of deaccession of “The Miracle of Life” mural, giving ownership of this mural to **TEXAS SOUTHERN UNIVERSITY** and creation of a replacement mural by Mr. Harvey Johnson for Clinton Park Community Center \$26,000.00 - Parks Special Fund - **DISTRICT I – CASTILLO** had been pulled from the Agenda by the Administration, and was not considered.

ACCEPT WORK - NUMBER 12

12. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$4,950,661.39 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Ditch “D” Holding Pond at George Bush Intercontinental Airport/Houston (IAH), Project No. 518, CIP A0026 and A0058 - 02.05% over the original contract amount - Enterprise Fund **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0186 ADOPTED.

Council Member Boney stated that he wanted to offer commendations and thanks, that he and the Mayor were both at the grand reopening of the Lonnie Smith Branch Library on the weekend, that about \$1.4 million was spent, but they had a tremendous facility that was now reopened, that it was delayed because of unanticipated infrastructure renovations that needed to be done, and Mayor Brown stated that they had a great turnout and people were very happy with their reopened and very much improved library. Council Member Robinson absent.

PROPERTY - NUMBERS 15 through 17

15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Hawes of Hawes, Hill & Patterson, on behalf of Concord Gulfgate, Ltd., [GSL Manufacturing Systems, Inc (Ella S. Neyland, senior vice president), general partners] for abandonment and sale of two 10-foot wide easements, a 5-foot wide easement, three 5-foot wide aerial easements, four prescriptive storm sewer easements, and eight prescriptive sanitary sewer easements in exchange for the conveyance to the City of a 20-foot wide storm sewer easement, a 10-foot wide water line easement, two 10-foot by 10-foot fire hydrant easements and two 10-foot by 20-foot water meter easements, all located within Plum Creek Village Subdivision, Parcels SY1-033A through R, LY1-010 and KY1-023A through E - **STAFF APPRAISERS - DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0187 ADOPTED.
16. RECOMMENDATION from Director Department of Aviation for condemnation of the owner's right, title and interests in improved Lot 25, Lakeview Park an unrecorded subdivision in the J. Skorupski Survey, Abstract 720, for the **EXPANSION OF GEORGE BUSH INTERCONTINENTAL AIRPORT (IAH)**, CIP A0024, Don E. Cook, owner - **DISTRICT B- GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0188 ADOPTED.
17. RECOMMENDATION from Director Department of Aviation for condemnation of the owner's right, title and interests in three tracts of land containing 1.00 acre located in the T. S. Roberts Survey, A659, for the **EXPANSION OF GEORGE BUSH INTERCONTINENTAL AIRPORT (IAH)**, CIP A-0024, Heirs of Charles Bishop Kersh, deceased - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0189 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 28

LOW BIDS

18. BLISS COMMUNICATIONS, INC for **VHF Mobile and Portable Radios for the Department of Aviation - Replacement - \$20, 432.00 - Enterprise Fund** – was presented, moved by Council Member Boney, seconded by Council Member

Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0190 ADOPTED.

19. **IRV, INC** for Renovation of Restrooms for the Police Department - \$34,658.00 and contingencies for an amount not to exceed \$36,390.90 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0191 ADOPTED.
20. **MUNICIPAL SIGNS, INC** for Sign Faces for Department of Public Works & Engineering - New \$46,000.00 - METRO Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0192 ADOPTED.

OTHER

27. **BROOKSIDE EQUIPMENT SALES, INC** - \$123,032.00, **LANSLOWNE MOODY COMPANY, INC** - \$133,868.00 and **HLAVINKA EQUIPMENT COMPANY** - \$28,173.00 for Three Tractors with Mowers and Seventeen Mower Attachments for Various Departments - Replacement Enterprise, Equipment Acquisition Consolidated and Street & Drainage Maintenance Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0193 ADOPTED.
28. **LINBERRY AUTO SUPPLY** for Engine Drive-line and Chassis Parts Contract for Various Departments - \$355,000.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0194 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 30 through 44

30. ORDINANCE approving and authorizing lease agreement between **HOUSTON INDUSTRIAL PARTNERS, LTD.**, as landlord, and the City of Houston, Texas, as tenant, for space at 8722 El Rio, Houston, Texas, for use by the Health and Human Services Department - General Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0164 ADOPTED.
31. ORDINANCE approving and authorizing lease agreement between **HOUSTON R. E. INCOME PROPERTIES XII, L.P.**, as landlord, and the City of Houston, Texas, as tenant, for space at 6787A Wilcrest Drive for use by the Health and Human Services Department for the Women, Infants and Children Nutrition Program - Grant Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0165 ADOPTED.
38. ORDINANCE appropriating \$11,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of Tract 37, Lakeview Park, out of the

- J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a Purchase and Sale Agreement with Robert F. Lawson and Nancy Beale 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. Council Member Robinson absent. ORDINANCE 2001-0166 ADOPTED.
39. ORDINANCE appropriating \$88,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving purchase of a 0.7253 acre tract of land out of the Amos Barber, Survey, Abstract 125, 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 Carrie L. Edmond, Independent Executrix of the Estate of Lula B. Hill Simon, Deceased 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 which **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0167 ADOPTED.
40. ORDINANCE appropriating \$175,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of Lot 7, 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 Arvil E. Smith, Jr. and Laura F. Smith 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. Council Member Robinson absent. ORDINANCE 2001-0168 ADOPTED.
41. ORDINANCE appropriating \$178,500.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving purchase of Tract 6, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas and improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a Purchase and Sale Agreement with Michael W. Hamel and Tammy D. Hamel 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. Council Member Robinson absent. ORDINANCE 2001-0169 ADOPTED.
42. ORDINANCE appropriating \$180,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving purchase of Lot 26, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas and improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a Purchase and Sale Agreement with Leopold Gilbert Ramirez 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. Council Member Robinson absent. ORDINANCE 2001-0170 ADOPTED.

43. ORDINANCE appropriating \$188,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of Lot 10, 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 Margarito C. Gonzales and Eloise Gonzales 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. Council Member Robinson absent. ORDINANCE 2001-0171 ADOPTED.
44. ORDINANCE appropriating \$199,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of Tract 23, Lakeview Park, out of the J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas and improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024 and approving a Purchase and Sale Agreement with Thomas F. Joyner and Nancy L. Joyner 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. Council Member Robinson absent. ORDINANCE 2001-0172 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

5. REQUEST from Mayor for confirmation of the reappointment of the following to the **CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION**, for a term to expire January 1, 2003:
 - Position 1 - **MS. FRANCES J. WALKE**
 - Position 3 - **MS. IRENE PORCARELLO**
 - Position 5 - **MR. ARTHUR M. GAINES, JR.**
 - Position 9 - **MS. TRACI B. MARQUIS**

– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0195 ADOPTED.
10. RECOMMENDATION from Director Planning & Development Department to accept the January 2001 Semi-annual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Boney, seconded by Council Member

Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0196 ADOPTED.

- 10a. RECOMMENDATION from Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$8,157,977.15 to Revenue Bond Debt Service as recommended in the January 2001 Semi-annual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0197 ADOPTED.
11. RECOMMENDATION from Director Planning & Development Department for approval of an Honorary Street Marker to be named for **DOROTHY HOOD** (located at 819 Highland Avenue in the right-of-way) - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0198 ADOPTED.

ACCEPT WORK

13. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,044,235.69 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION, INC** for Exterior Renovation of the Smith Branch Library, GFS E-0063-01-3 13.75% over the original contract amount - Public Library Consolidated Construction Fund **DISTRICT D - BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Tatro, and tagged by Council Member Keller. Council Member Robinson absent.
14. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$561,489.57 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION, INC** for Interior Renovation of the Smith Branch Library, GFS E-0063-02-3 08.71% over the original contract amount - Public Library Consolidated Construction Fund **DISTRICT D - BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Keller. Council Member Robinson absent.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

21. **HOUSTON FREIGHTLINER, INC** for Two Cabs and Chassis with Hoists and Two 40-Cubic Yard Containers for Solid Waste Management Department - Replacement - \$193,045.00 - Housing Special Revenue and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0199 ADOPTED.

OTHER

22. ORDINANCE appropriating \$181,506.91 out of General Improvement Consolidated Construction Fund to Furnish and Install various types of Furniture for Health & Human Services Department, CIP D-0077 – was presented and tagged by Council Member Bell. Council Member Robinson absent. (Note: Council Member Bell removed his tag later in the meeting.)
- 22a. **ERGONOMIC SOLUTIONS, INC** - \$113,216.00 and **TEXAS SPACE SAVER SYSTEMS** \$16,348.00 to Furnish and Install various types of Furniture for Health & Human Services Department – was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Bell. Council Member Robinson absent. (Note: Council Member Bell removed his tag later in the meeting.)
23. **HOUSTON G & G DEMOLITION SERVICE, INC** for Securing of Dangerous Buildings and Site Clean-Up Services for the Department of Public Works and Engineering - \$28,201.00 and contingencies for an amount not to exceed \$29,611.05 - General Fund - **DISTRICTS B - GALLOWAY; D - BONEY; E - TODD; H - VASQUEZ and I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0200 ADOPTED.
24. **FERNANDEZ AND SONS CONTRACTORS** for Securing of Dangerous Buildings and Site Clean-up Services for Department of Public Works and Engineering - \$19,220.00 and contingencies for an amount not to exceed \$20,181.00 - General Fund - **DISTRICTS B - GALLOWAY; D - BONEY; H - VASQUEZ and I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0201 ADOPTED.
25. **WASTE SYSTEMS EQUIPMENT, INC** for 12 Refuse Truck Bodies for Solid Waste Management Department - Replacement - \$388,080.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Tatro.

Council Member Sanchez stated that it was his understanding that the department was substantially over budgeted and wondered if they could get an idea how much over and the primary cause, and Mayor Brown stated that they could get the information for him, that generally it was in terms of fuel costs, and this item however came out of the Equipment Acquisition Fund. Council Members Bell and Robinson absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Members Bell and Robinson absent. MOTION 2001-0202 ADOPTED.

26. REJECT bid of **ATLAS UNIVERSAL, INC** as being non-responsive on bid to Replace Roof on Collections/Training/Locker Building at Kelly Service Center for Solid Waste Department – was presented, moved by Council Member Boney,

seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0203 ADOPTED.

- 26a. ORDINANCE appropriating \$380,000.00 out of Solid Waste Consolidated Construction Fund and awarding construction contract to **PYRAMID WATERPROOFING, INC** on bid of \$347,000.00 to Replace Roof on Collections/Training/Locker Building, Solid Waste Management's Kelley Service Center, CIP L-0044-01-3; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidate Construction Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0173 ADOPTED.

RESOLUTIONS AND ORDINANCES

32. ORDINANCE appropriating \$650,882.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **W. L. MILLER AND ASSOCIATES, INC** to provide a grant to subsidize a portion of the costs to acquire and Rehabilitate the La Fiesta Apartments located at 12845 Market Street, Houston, Texas to house Low To Moderate Income Residents - **DISTRICT E - TODD** – was presented and a vote was called and after the vote was called Council Member Keller stated that he had tagged the item and then stated that he would remove his tag, and Mayor Brown stated that the item had passed, and Council Member Todd stated that he had tagged Item No. 32, that his microphone was not on, and Mayor Brown stated that the item was tagged by Council Member Todd. Council Member Bell absent.

Council Member Castillo asked if this was one of the few or if there were other for profit entities that they were contracting with to do the multi family projects, that normally they contracted with non profits and they generally had been in business for quite some time, that his concern went to the fact that if the project was sold would the conditions of the grant still be carried forward, could they be made a matter of record on the deed.

Council Member Castillo moved to suspend the rules to hear from Mr. Stephen Lewis, Legal Department, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2001-0204 ADOPTED.

Mr. Lewis stated that he understood Council Member Castillo's question was if they had done these kind of deals with for profit entities before and the answer was yes, that it was correct that the predominant were non profits, but they had done a number of deals with for profit entities; that as to how they guaranteed the provisions of the grant so that if there was a transfer of property the conditions still went with the land, there was two ways they did it, the first way was that they put deed restrictions on the property and were recorded in the real property records, that the deed restrictions ran for a term of years and they also had a contractual obligation contained within the grant agreement that would allow them to file suit to enforce them, that their strongest and best method to insure compliance was through the deed restrictions, which were also actionable in the event of failure to perform.

Council Member Todd stated that he would work with Council Member Castillo on some of those issues, but still had some remaining questions on it, that he had put out some calls to the area community associations and area share holders who had an interest in it but had not heard back from them on how they felt; and Council Member Todd asked Mr. Lewis if this was similar to the deal they did four years ago for the apartment complex on Edgebrook and Highway 3, and Mr. Lewis stated that he did not recall the particular project that he was discussing, that in this particular case there was a bank and lender ahead of them that was putting in in excess of \$900,000 and they were doing a \$600,000 plus grant, that it was an acquisition renovation type of agreement, that they were going to acquire the property and renovate it and the City would put the deed restrictions in place as they fund it and they would comply with those in putting in low and moderate income tenants in, that he would be glad to take a look at the project that Council Member Todd asked about and compare it, and Council Member Todd asked if his office had received any feedback from the area groups around the project on how they felt about it, and Mr. Lewis stated that he had not received any personally and the Department of Housing and Community Development had not advised him of any but he would check with them. Council Member Vasquez.

Council Member Tatro asked how many grants like this had they given to provide just over a half a million, and how many of this nature that had not been loans in the last 4 to 5 years and who had the recipients been. Council Member Vasquez absent.

33. ORDINANCE approving and authorizing an application for grant assistance to the **TEXAS DEPARTMENT OF HUMAN SERVICES** for the City's 2001 Summer Food Service Program; declaring the City's eligibility for such grant's; authorizing the Director of the Parks and Recreation Department to accept and expend such grant funds, and to accept and expend subsequent awards, If any; making various findings and provisions relating to the subject – was presented. All voting aye. Nays none. Council Members Vasquez and Castillo absent. ORDINANCE 2001-0174 ADOPTED.
34. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of four (4) non-profit organizations [**FAMILIES UNDER URBAN & SOCIAL ATTACK, INC; NEW MOUNT CALVARY MINISTRIES, INC; MULTICULTURAL EDUCATION AND COUNSELING THROUGH THE ARTS and SALT INN MINISTRIES, INC**] to administer an After School Achievement Program ("ASAP") - \$60,000.00 - Housing Special Revenue Fund - **DISTRICTS D - BONEY; H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0175 ADOPTED.
35. ORDINANCE appropriating \$551,500.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract for Professional Litigation Support Services, between the City of Houston and **BENNETT & HOFFMAN, P.C.**, passed by Ordinance No. 99-0867 to assist in prosecuting litigation arising out of activities financed by the Fund **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - BONEY; G - KELLER; H - VASQUEZ and I -**

CASTILLO – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0176 ADOPTED.

36. ORDINANCE appropriating \$5,000.00 out of the Projects Fund Miscellaneous Revenue to the Planning and Development Projects Fund No. 12M for the Neighborhood Matching Grants Program – was presented, and tagged by Council Members Parker and Bell. Council Member Vasquez absent.

Council Member Castillo stated that on Item No. 33 having to do with the Summer Lunch Program, that he had spoken to the people in the Parks Department and they assured him that the three neighborhoods that had been left out of coverage, namely Denver Harbor, Port of Houston and the Maxey Road area, would be considered for a site, that those areas had a lot of children, particularly the area around Maxey Road, that it was all apartments, that he was looking forward to assurances that they would have a lunch site in each of those three neighborhoods. Council Members Vasquez and Robinson absent.

37. ORDINANCE approving and authorizing contract between the City of Houston and **CHICAGO TITLE INSURANCE COMPANY** for City Access to Title Plant Facilities and Data; which contract includes a limitation of additional funding - 5 Years - \$457,200.00 – was presented, and tagged by Council Member Keller. Council Member Vasquez absent.
45. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **POL-TEX INTERNATIONAL** - Through December 31, 2020 - Revenue – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0177 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City and **ROY F. WESTON, INC** for engineering services related to a future Utility Operation and Maintenance Services contract for Kingwood Area Facilities, (WW4814) - \$330,000.00 - Enterprise Fund - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0178 ADOPTED.
47. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BINKLEY AND BARFIELD, INC** for the Design of Neighborhood Sewer Systems Improvements, CIP R-2011-19-2 (WW4808); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented.

Council Member Ellis stated that he believed all of his colleagues thought it was an important issue, that it was dealing with neighborhood sewer systems.

Council Member Ellis moved to suspend the rules to hear Mr. George Bravenec, Public Works and Engineering, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0205 ADOPTED.

Upon questions by Council Member Ellis, Mr. Bravenec stated that the Montgomery Watson contract was actually out to do the studies and identify where those types of projects would be needed and once they had done that they would do a cost analysis and that information would be provided to the engineers and they would do the actual design of work that needed to be done, that the contract was to do an analysis and evaluation that was a pretty comprehensive evaluation of those areas, that this contract was to actually go out and begin to do the work and design the work that would be bid, that it was a citywide contract and was sure that they could get information because as he understood some of the projects were about to come on line and would provide Council with that information and the districts that had been identified and Council Member Ellis stated that he would like to actually see the breakdown and Mr. Bravenec stated they could do that. Council Members Galloway, Goldberg and Sanchez absent.

Upon questions by Council Member Robinson, Mr. Bravenec stated that this was the first to begin the design of the improvements, that with the sewer pipes they were evaluating the system citywide, that they were looking into going into neighborhoods not just line by line, that those projects would be given to the engineers to do the actual design so that they could bid the project, and Council Member Robinson asked that someone come and visit with him, that he was trying to find out what was the technical mechanism that was being used to evaluate the pipes. Council Members Galloway, Goldberg, Todd and Sanchez absent.

Mayor Brown stated that for clarification of the issue, the Montgomery Watson contract was to look at and evaluate the system and see what work needed to be done, and Mr. Bravenec stated yes, that the contract they were talking about today was to design the projects for long term overall planning process of the system. Council Members Galloway, Goldberg, Todd and Sanchez absent.

Council Member Boney stated that he wanted to thank Public Works, that there was a sewage break in his district, of about six businesses on Dowling and the response of the department was within 48 hours and the constituents were amazed that they were able to respond in that quick of time with all that they knew about the problems going on all over the City, that the City worker that was cleaning out the sewer system was waste deep in human waste, that most of those businesses would have been shut down because they would have been in health code violations if the City had not responded, that those were the employees that were not getting any raises and they knew they needed to continue to raise the salaries and benefits for police and fire, but they had some civilian employees who did some awfully tremendous work that none of them would ever consider doing, that they should write stories about that and show some of the heroic good work, that he did not even know who the employees were and would have liked to mention them, but he wanted to say publicly that they appreciated what Public Works was doing. Council Members Galloway, Goldberg, Todd and Sanchez absent.

Council Member Keller stated that he wanted to be in the same meeting with Council Member Robinson, and asked what was the status of completion of the study they had with Montgomery Watson and Mr. Bravenec stated that it was ongoing and the

first projects were about to come out and that was what was timely about Item 47. Council Members Galloway, Goldberg, Boney, Todd and Sanchez absent.

Mayor Brown stated that he was going to ask Council Member Robinson to schedule a briefing for his committee on this issue and have the appropriate people update the committee on where they were on the issue. Council Members Galloway, Goldberg, Boney, Todd and Sanchez absent.

Council Member Tatro stated that a couple of years ago he had put forth a budget amendment proposal to have an engineering company give them a plan for the replacement of water and sewer infrastructure on a systematic basis and believed that was what Montgomery Watson was doing and would like to see that overall plan and overall phasing as their product. Council Members Galloway, Goldberg, Boney, Todd and Sanchez absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Members Galloway, Boney, Todd, Sanchez and Robinson absent. ORDINANCE 2001-0179 ADOPTED.

49. ORDINANCE approving and authorizing contract between the City and **PROFESSIONAL AUDIO/VIDEO SERVICE, INC** for Cable Access Playback System Maintenance Services for the Finance & Administration Department; providing a maximum contract amount - 3 Years with two one-year options - \$200,000.00 - Cable TV Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0180 ADOPTED.

Council Member Bell stated that he would remove his tag on Item No. 22 and 22a, and Mayor Brown stated they would be considered at the end of the agenda. Council Members Galloway, Goldberg, Boney, Todd and Sanchez absent.

NON CONSENT AGENDA - NUMBERS 52

PROPERTY

52. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Reid C. Wilson of Wilson, Cribbs, Goren & Flaum, P.C. on behalf of Luel Partnership, Ltd., [M.C. Interests, L.C. (Joseph F. Meyer III and Ellen C. King, managers), general partner] and FKM Partnership, Ltd., [M.C. Interests, L.C. (Joseph F. Meyer III and Ellen C. King, managers), general partner] for abandonment and sale of Meyer Park Drive, from Beechnut Street to Indigo Street, and Indigo Street from the IH 610 Frontage Road to Frankway Drive, in exchange for the conveyance to the City of a 25-foot wide sanitary sewer easement, all located in Meyer Park Subdivision, Section 3, Parcels SY1-032A, SY1-032B, SY1-048A, SY1-048B and DY1-021 - **APPRAISERS - DISTRICT C – GOLDBERG** – was presented.

Council Member Goldberg named Mr. Thomas Bazan and Mr. Patrick O'Connor as the appraisers and moved approval of the recommendation, seconded by Council

Member Tatro. All voting aye. Nays none. Council Members Galloway, Todd and Robinson absent. MOTION 2001-0206 ADOPTED.

MATTERS HELD - NUMBERS 53 through 54A

53. ORDINANCE amending the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the protection of trees; containing findings and other provisions relating to the foregoing subject – **(This was Item 15 on Agenda of February 14, 2001, TAGGED BY COUNCIL MEMBER TODD)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0181 ADOPTED.
54. ORDINANCE relating to Health and Dental Benefits; approving and authorizing the restatement of the Point-of-Service Health Program contained in the Revised Plan Document, City of Houston Employee Welfare Benefit Plan; approving and authorizing two agreements between the City of Houston and **TEXAS GULF COAST HMO, INC d/b/a HMO BLUE TEXAS** (1) for Provision of Health Maintenance Organization Services and (2) for Administration of the City of Houston Point of Service Health Program and the Retirees' Hospitalization and Medical-Surgical Program; approving and authorizing a Group Dental Indemnity Agreement between the City and **SPECTERA INSURANCE COMPANY, INC**; approving and authorizing Managed Care Dental Agreement between the City and **NATIONAL PACIFIC DENTAL, INC**; authorizing certain documents to be executed and notices to be given; containing other provisions relating to the foregoing subject; providing for severability – **(This was Items 20 on Agenda of February 14, 2001, TAGGED BY COUNCIL MEMBERS TATRO and CASTILLO)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0182 ADOPTED.
- 54a. ORDINANCE approving and authorizing Restatement of City of Houston Employees' Section 125 Plan; containing other provisions relating to the foregoing subject; providing for severability – **(This was Items 20A on Agenda of February 14, 2001, TAGGED BY COUNCIL MEMBERS TATRO and CASTILLO)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0183 ADOPTED.
22. ORDINANCE appropriating \$181,506.91 out of General Improvement Consolidated Construction Fund to Furnish and Install various types of Furniture for Health & Human Services Department, CIP D-0077 – was again presented to Council. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2001-0184 ADOPTED.
- 22a. **ERGONOMIC SOLUTIONS, INC** - \$113,216.00 and **TEXAS SPACE SAVER SYSTEMS** \$16,348.00 to Furnish and Install various types of Furniture for Health & Human Services Department – was again presented to Council. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2001-0207 ADOPTED.

Council Member Boney moved to suspend the rules to hear from Ms. Candy Aldridge at this time. All voting aye. Nays none. Council Members Galloway, Keller and Robinson absent. MOTION 2001-0208 ADOPTED.

Upon questions by Council, Ms. Aldridge stated that they would be very happy to continue their discussion with HMO Blue about adding a Chiropractic benefit if that was what the City wanted, that there was not a network and there was not a benefit that they had anywhere else in the HMO for Chiropractic, but they had agreed to continue to have discussions with the City and she would be happy to provide information about that to the Council, that the most logical model would be to have the primary care physician make a referral as they do to any other specialist, but they would explore all those, that it was not available now, that HMO Blue did not offer that to anyone else at this time, that they were open to discussing it with the City, that she would imagine that there would be a fee associated with it that would impact each persons premium. Mayor Brown, Council Members Tatro, Galloway, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Castillo stated that he wanted to bring up a subject that had been in the newspapers lately, that there seemed to be a steady media bashing on the Port of Houston, particularly on the activities of the Board of the Port of Houston, the majority of whom were appointed by the City Council, everything from submitting them to sunset review to electing their board members and on and on, that frankly many of the things that were being said about the Port were not totally correct, that they had all agreed and knew that the Port of Houston was the main driving engine for the economy of the City, both in terms of creating jobs and bringing revenue from its operations, that one of the things that was most egregious was the charge that the Port Authority taxed its constituents beyond the levels necessary to retire that debt, that as they knew the tax rate for the Port was set by Commissioners Court at a level such that it paid back debt service and fund the reserves that were required by the bond holders, that there were also complaints about how the operations of the Port were extravagant, again at the taxpayers expense, that the operational costs of the Port were paid for from revenues from rentals of wharf's and piers and storage facilities and other fees that were paid by the users of the Port, that the last item had been an assault on the marketing budget for the Port which was necessary not only to entertain foreign customers but the Port operated as a business and so must compete with other ports for business for the City of Houston, that he would hope that the City Council would take a position to oppose any legislation that would diminish the power of the Port of Houston that would diminish its ability to compete with other ports and would probably do irreparable harm to the City of Houston. Council Member Galloway absent.

Council Member Boney stated that Council Member Castillo's remarks were extremely appropriate and right on line, that some people did not know that one out of every three jobs in Houston was tied to international trade and the Port of Houston was number one in foreign tonnage in the United States, that it was cheaper to bring goods into the Port of Houston and then ship them by rail or ground to the west coast than it was to go through the Panama Canal, and Mayor Brown stated that they all needed to keep in mind that they had tens of thousands of jobs centered around the Port and it was a real economic boost to the City and would agree with him and would be very supportive

and oppose those things that would be harmful to the Port. Council Member Galloway absent.

Council Member Bell stated that he had read in the paper that morning that a compromise had been offered and made by Council Member Todd regarding the Metro lawsuit and it had been rejected by the administration who opted instead to allow the litigation to go forth, that regardless of what happened with the litigation he wanted to comment on what he thought would be an acceptable compromise, that he did not think that he would agree with the administration's stand as far as merely accepting a citywide election, that as he had said before he believed that would be useless, that what he would submit was that the game playing needed to stop, that the question was pretty simple and that was should they build a main street rail line and finally get an answer to whether rail would attract a high enough ridership to justify its expansion in the future and he thought the answer to that question was yes and believed the majority of the people in the Metro service area could be convinced that the answer was yes, but they should be given a chance to vote and express that viewpoint, therefore he thought the answer for the entire City and the administration and Council as policy makers was to help facilitate a straight up vote on the rail project, that they had a very expensive well paid lobbying team in Austin and he thought they should use it to help get the legislation passed that would allow for an area wide election on rail itself, not a package of road projects and rail, just rail itself, that if an honest election was to take place in the future and rail passed even the opponents would accept that the Main Street Project should go forward and its chances for success and future expansion would be much improved. Council Member Galloway absent.

Council Member Boney stated that it was the Harris County Attorney, Mr. Fleming, at the request of Commissioner Radick, who asked if it were legal for Metro to have a vote on the rail issue and the County Attorney's opinion was that the Metropolitan Transit Authority of Harris County could not have a vote if they were not issuing debt or raising taxes, neither of which they were in this instance. Council Members Tatro, Galloway and Castillo absent.

Council Member Bell stated that his problem with what had been put forth in the past was that they would be meaningless elections and this would give them a chance to really have a straight up vote and a strong yes or no as to whether the public wanted to move forward with a very important and expensive project. Council Members Tatro, Galloway and Castillo absent.

Council Member Ellis stated that they were trying to renovate the Walter Branch Library and District F only had two libraries and one had been closed since September, that the contractor who was the low bid had pulled out and it looked like they were going to have to have that library closed for an additional two to six months over the 18 month period of what they were going to have it closed, and he asked if someone from the administration or appropriate department to come by and discuss the issue with him; that they had passed the disbarment ordinance for the contractors and asked if this was an issue that they could bring before the disbarment committee and what were the procedures to do that, and Mr. Bibler stated that the Building Services Director accesses the initial input and it would certainly be appropriate for Council Member Ellis to address a memo to her and express his concerns, and Mayor Brown stated that he would have

them visit with him and talk about his concerns. Council Members Tatro, Galloway and Castillo absent.

Council Member Goldberg stated that he wanted to thank Mayor Brown and Council Members Bell and Parker for attending his CIP meeting and the staff members from Council Members Parker, Quan and Bell's office were there, that he was disappointed that there was no representation from Health and Human Services there, but did want to thank all of the other departments that did show up and their input. Council Members Tatro, Galloway and Castillo absent.

Council Member Goldberg stated that the Number 1 baseball team ranked in the national polls was in his district and stated that he wanted to congratulate Rice University for being number one. Council Members Galloway, Castillo and Quan absent.

Mayor Brown recognized Mr. Zayed Rashed AL-NOAIMI, Minister of Foreign Affairs of Qatar, Mr. Mishal AL-THANI, Political Officer, and Mr. Ahmed Scego, and stated that he welcomed them to the City and hoped they enjoyed their visit and looked forward to their returning many more times in the future. Council Members Galloway, Castillo and Quan absent.

Council Member Todd stated that he was glad to see the bill filed in Austin last week calling for an area wide referendum and was glad to see a considerable number of the Council Members supported the idea of an area wide vote on rail, that it would be appropriate of Council as a body to put something on the agenda saying that they supported an area wide referendum on rail and to pass it as if it was a Legislative priority for them, that if the administration and Metro were to announce that they supported an area wide referendum it would certainly make the matter go a lot more quickly in Austin, that he had toyed with holding a special meeting at Council on that subject, but was hoping that it would be placed on the regular agenda voluntarily because clearly it was something that all of them could embrace, that having the right to vote on the issue was as American as apple pie and something that all of them should be willing to support. Council Members Galloway and Vasquez absent.

Council Member Todd stated that there was a news report two weeks ago about speed limits in the City of Houston, that Council voted in August 2000 to change speed limits throughout the City of Houston, that apparently a majority of the speed limit signs around the City had not been changed and the majority of the signs were on the freeway feeder roads all over the City, that the law was the speed limit set in the ordinance, that he did not know if the judges that were at the Municipal Courts were instructing defendants that the law was actually different that was posted, that he had sent a letter to Mr. Gary Trish at TXDOT because the City's response was that it was the State's responsibility to put up signs, and Mr. Trish had sent him a copy of the interlocal agreement and it stated that it was the City's responsibility to put up signs, that the City of Houston set speed limits every two to three years unlike other cities, that as a result of the ordinance they changed the speed limit on 130 miles of road way in Houston and that would take a while to get the signs up; that if anyone wanted to see a copy of the letter he would give it to them. Council Member Galloway absent.

Mayor Brown stated that Mr. Rolen had been in contact with the State on the sign issue and each Council Member should have received a memorandum from him. Council Members Galloway and Boney absent.

Council Member Robinson stated that they had gone through a number of efforts to amend the Charter and it did not occur to any of them that the provision would come back to bite them or potentially bite them, that it was a little hypocritical and disingenuous to say lets just have a vote on rail or lets have a vote on Main Street rail, that was not even the question, that he was committed to building a system and would hope that they would have a vote on a system; that if they were going to subject Metro to a vote on every project by 20,000 signatures, then they ought to go to Austin and advocate that every TXDOT project in the area should be subject to a vote, that Metro ought not to be subject to a vote unless it was clearly ruled by the Court that they were, and if they were then they would deal with it. Council Member Galloway absent.

Council Member Quan stated that he knew that the District Council Members had been having their CIP meetings and he had tried to make a number of them, that he wanted to mention to those watching that as At Large Council Members they did not have CIP meetings but they certainly were equally concerned about their input, that there were many important topics and they had been trying to go out to the community with their regional Council's, that they had different meetings in different parts of town and had other meetings planned, that he wanted to give them their telephone number, 713-247-2013, that they could call their office to see about the meetings they were having, that they had one last time in southeast Houston and would be having one in northwest Houston coming up very shortly.

Council Member Quan stated that as everybody knew it was Black History Month and they had taken on a project called the Youth Cultural Exchange Program where they were working with high school students from different parts of town and different ethnic groups and different religions and neighborhoods to try to create some better understanding about each other, that this Saturday they would be meeting at the Greater St. Paul Missionary Baptist Church and that church would be hosting a group of young people to go into some of the history of the Black Community in Houston. Council Member Galloway absent.

Council Member Quan stated that the Houston Bar Association would be having their annual luncheon today, that as a point of personal privilege he wanted to boast that the Pro Bono Award for small firms would be given to their firm, Quan, Burdett & Perez, for their work in working with violence against women and immigrants in need of assistance, and Mayor Brown congratulated him. Council Member Galloway absent.

Council Member Tatro stated that he wanted to echo Council Members Bell and Todd's comments on the area wide referendum, that a lot had been said and he would leave it at that.

Council Member Tatro stated that he wanted to talk about a subject that was out there and was now moving through the system because of the Meet and Confer Agreements with the Fire and Police Departments and that was the issue of parity, parity within the base pay range of Fire Department and HPD, that he had longed maintained

that the parity issue was an albatross to the administration of the City and the financial compensation to both parties, whether it was HPD or HFD, that parity was the process by which they equated base pay to the ranks of Fire and Police, that obviously they had different education, training, risk and staffing levels, that he was not sure why parity was put in, but in negotiating pay raise or compensation to each parity caused them to work around base pay issues and complicated the issue significantly, that in the Police Meet and Confer Agreement just a few years ago they were going out and compensating for education, buttons, boots, bullets, shoes and everything all in an effort to literally work around the parity issue, that this year alone that contract passed by Council had a net effect of \$46 million, that they passed it about two and a half years ago, that \$9 million of that was the Fire Department, that it was very difficult to work up fair and just compensation levels working around the base pay issue all the time, that it was time that they actually dropped the parity issue so they could compensate each of those staffing and ranking levels fairly and justly and deal with them separately, that it was much better of a management tool and financial management tool so they would not continually in their Meet and Confer Agreements try to work around base pay, that Council would agree that administratively it was cleaner and compensation wise it was more fair to each and it certainly added to a much more level playing field in arriving at fair and just compensation. Council Members Galloway and Robinson absent.

Council Member Tatro stated that under the heading of for the record and under the heading of economic projections, that they had just passed the Health Care Plan and in Attachment C to the Health Care Plan it said that in this year the increase in cost would be 28% or \$5 million and in a letter he wrote in June 2000 with regard to the budget, on the back section, where he brought out the Health Care Benefits Contract he estimated a 28% increase for Fiscal Year 2002 or \$4.8 million increase for their budget impact in this year and as they had passed today it was a 28% increase and he missed it by \$200,000, he said \$4.8 million and it was actually \$5 million. Council Members Galloway and Robinson absent.

Council Member Vasquez stated that he wanted to bring the conversation back to rail, that he did not believe that the proposal to work with the Legislature to put a law in place to go forward was an appropriate course of action, that he believed that the lawsuit raised by Council Member Todd had some unintended consequences that needed to be cleared up legally and very specifically the clarification of the City Charter number one, and number two, clarification of Metro as a governmental entity, that those two issues needed to be addressed legally and by the courts, that he disagreed with the attempts to micromanage for political gain in a political election year, that he hoped that there was some reason and rationale to what needed to be addressed, that they did need the City Charter clarified, they needed to get Metro's role as an entity clarified and they did need an MIS Study, in his opinion, to actually vote on and hoped that the public recognized that the political rhetoric was going to heat up and their would continue to be lots of posturing for political gain. Council Members Galloway, Castillo and Robinson absent.

Council Member Keller stated that Westside High School was having a blood drive this weekend from 10:00 a.m. to 2:00 p.m. and for information to call 281-920-8000, extension 6174, that Westside School was at 14201 Briarforest. Mayor Brown, Council Members Galloway, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that as he understood it the I10 Project was moving and they were able to facilitate some things that TXDOT needed with the removal of some billboard signs and they worked out some of the issues with regard to the expansion of right of way for the housing. Mayor Brown, Council Members Galloway, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Sanchez stated that as they knew he began to look at some of the issues surrounding the Fire Department some time ago, but during the last budget process one of the issues he thought was of significance was the collection rate for the ambulance fees, that it was not a service that was built in to the taxes they paid, that it was a fee that was charged to everyone, that their collection rates were very low and he estimated that they were losing about \$40,000 per week and some estimates were as high as \$13 million to \$14 million per year, that he had for some time requested that F&A give a hard look at the current contract they had and give some serious consideration to expediting an RFQ and then perhaps an RFP on a separate contract to increase collections within the ambulance service, that he thought it would go a long way to alleviate some of the difficulties they were experiencing with this budget with the Fire Department, that he was still waiting and did not want to bring out a tote board as he did with the cell phone issue, but every week that went by he thought they left about \$40,000 on the table, that he would urge the administration as they approached the budget process to give some serious consideration to collecting and improving the collection of the fees that were owed to the City of Houston, that he would appreciate working with the administration on this issue, and Mayor Brown stated that he agreed with him and would expedite getting that matter taken care of, that it had been worked on for some time and should come to fruition some time soon. Council Members Galloway, Boney, Castillo, Quan and Robinson absent.

Council Member Parker stated that she wanted to compliment Council Member Tatro on his willingness to weigh into an issue where angels feared to tread and that was the parity issue with the Police and Fire Departments, that she agreed that it was something that needed to be seriously looked at and while not necessarily done away with, certainly adjusted to reflect actual supervisory authority within the ranks as they move forward in parity. Council Members Galloway, Boney, Castillo, Quan and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:47 a.m. upon MOTION by Council Member Todd, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Boney, Castillo, Quan 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