

City Council Chamber, City Hall, Tuesday, February 27, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, February 27, 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, Gordon Quan, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Jesse Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director, present. Council Member Annise Parker out of the city on city business. Council Member Orlando Sanchez absent on personal business.

At 2:02 p.m. Mayor Brown recognized Council Member Goldberg for a presentation. Council Members Galloway, Boney, Todd and Ellis absent.

Council Member Goldberg stated that they had the privilege of having the Rice Baseball team present and last week he had popped off about having Rice University in his District and they were ranked No. 1 in the entire country; that they had done a fabulous job this year and were really to be commended; that he felt it was a reason Houston had to be proud. Council Member Goldberg presented Certificates of Recognition to Head Coach Wayne Graham, Assistant Coaches Chris Rupp and Mike Taylor, Bobby May, Athletic Director, Greg Marshall, Director of Public Relations and to all the team members in honor of being ranked No. 1 in the Nation and stated that he felt especially privileged that they had taken time out of their day when they should be practicing; that they had a game at 4:00 p.m. and that was why they were in uniform; Wayne Graham and assistants Chris Rupp and Mike Taylor. Council Members Galloway, Boney and Todd absent.

Coach Graham stated that this was a great honor for him because he was a Houstonian who was raised on the old north side and that if some people didn't know where that was, between Quitman and Lorraine and he went to Reagan High School; that Houston was his home and to be recognized here was a privilege; that he had a bat for Council Member Goldberg and one for Mayor Brown. Council Members Galloway, Boney and Todd absent.

Mayor Brown expressed his congratulations to the team and stated that they were proud of them for the job they were doing; that he was doubly proud of having taught at Rice before taking his present position and they should keep up the good work. Council Members Galloway, Boney and Todd absent.

Council Member Robinson read a Proclamation that proclaimed February 27, 2001 as Dr. Joyce Carter and Houston Medical Forum Day; and stated that he was watching the Municipal Channel and Mayor Pro Tem Boney was present at the Townhall Forum on AIDS HIV and the efforts that the City had engaged in that healthcare arena; that for all they did a vital part of that effort was the participation of the medical community and he knew that the members of this stellar organization had been intimately involved. Council Members Galloway, Boney, Todd and Ellis absent.

Dr. Carter thanked everyone and stated that the Houston Medical Forum was present and wanted to be recognized as being willing to work with members of City Council for the betterment of the healthcare of the citizens of Houston; that they had a

variety of medical specialists that were joined together for the needs of patients and she asked each of the members to introduce themselves and thanked Mayor Brown and City Council for the Proclamation. The members then introduced themselves to Mayor Brown and City Council. Council Members Boney, Todd and Ellis absent.

At 2:18 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Vasquez lead everyone in prayer and the pledge of allegiance. Council Member Boney absent. Council Member Annise Parker out of the City on City business. Council Member Orlando Sanchez absent on personal business.

At 2:19 p.m. Mayor Brown requested the City Secretary to call the roll. Council Members Boney absent. Council Member Annise Parker out of the City on City business. Council Member Orlando Sanchez absent on personal business.

Council Members Quan and Tatro moved that the minutes of the preceding meeting be adopted. Council Member Boney absent. Council Member Annise Parker out of the City on City business. Council Member Orlando Sanchez absent on personal business.

Mr. Ed Gonzales, 1518 Morse, Houston, Texas 77019 (713-526-2759) appeared and stated that he was the President of the Neartown Association for this year; that the Neartown Association encompassed 22 civic associations and business organizations; that soon they would be a super neighborhood as well; that the Montrose area in the City needed control and order; that it was the hottest market area for new construction; that the Neartown Association had voted overwhelmingly in favor of the Street Cut Ordinance; that they liked the accountability that required the owner to give a 72-hour notice and to post a sign for the name and number to call; that he felt that would reduce the calls to the City of Houston and the public would not blame the street cuts on the City; that accountability was very important to them; that his organization was in favor of the ordinance and he asked Mayor Brown and Council Members to pass the ordinance. Council Member Boney absent.

Council Member Goldberg asked Mr. Gonzales to give examples of what was happening in Montrose to the streets where one of the companies had cut them. Mr. Gonzales stated that in east Montrose a company was cutting a trench for a fiber optic cable and that they didn't know it; that everyone presumed by rumor that it was a new water line; that this was done in an area of homes that were 100 years old and that they suggested that the plumbing was not all it should be; that there was concern that the increased water pressure would injure the existing plumbing; that the Civic Association President had called him and after asking questions he found out that it was a fiber optic; that it wasn't a water or a waste line; that it was a problem when a street was cut and that perhaps they would have control over that, but in knowing who to call and who was accountable was very important. Council Member Boney absent.

Upon questions by Council Member Goldberg, Mr. Gonzales stated that he didn't know the name of the company. Council Member Boney absent.

Mr. David Crossley, 2001 Kirby Dr., Suite 515, Houston, Texas (713-523-5757) appeared and stated that he was with the Gulf Coast Institute and that they were leading the Livable Houston Initiative; that he was present to speak on behalf of the street

ordinance; that recently he had completed a document called "Connecting the Visions"; that it was a summary of approximately 30 or 40 plans, visions and reports of citizens and agencies that were produced over the years; that one of the themes that reoccurred was the idea of quality in maintenance of existing infrastructure; that Dr. Steven Kleinberg's surveys were showing that people were ready for some big changes and one of the things that was mentioned in that report was that people didn't think that sort of "lais a fare" approach to public policy worked anymore; that Dr. Kleinberg noted that there was a myth that the citizens of Houston were different from all other Americans and didn't care about the quality of life that their rapid growth had produced; that among 3 or 4 major themes in connecting divisions was the demand to protect the public realm; that all of the networks, the streets, the sidewalks, the bayous and streams were treated generally as industrial places where people's safety and feeling of well-being would be in the way of some sort of imagined progress; that the quality and esthetics that we brought to our streets and sidewalks, and the public places people used to move about the City determined whether it was possible to care about the City and whether or not crime flourished; that they needed to change their attitude that said we could not control what private interest did in the public realm and reclaim the civic pride that came from civic quality; that this ordinance was a very good step toward Houston being a better place to live. Council Member Boney absent.

Council Member Bell asked Mr. Crossley to explain what he wanted to accomplish and Mr. Crossley stated that they had a conference that would be on the Municipal Channel on March 4, 2001 that was called "Connecting the Visions" and the idea was to look back to see what citizens and various agencies over the regions had done in looking forward in the future and what visions they hoped to see and compare them to see what themes had carried through all of them; that the booklet he distributed to Council Members summarized a large number. Council Member Bell asked if Mr. Crossley agreed that at times they had planning exercises and then nothing came of the plans and Mr. Crossley stated that was the No. 1 complaint at the conference; that those things were on the shelf somewhere that people had worked very hard and then it disappeared after it was published; that the same kind of ideas were put forward by citizens and then they disappeared from public policy; that in the booklet he distributed was a summarization on cross-over on the various studies that were done. Council Members Boney and Ellis absent.

Ms. Elida Rodriguez, 2633 North Main, Houston, Texas 77009 (713-233-4866) appeared and stated that she was the President of the Near Northside B.O.N.D. Civic Association; that she was in favor of the Street Cut Ordinance to give the City authority to regulate contractors on street cutting; that contractors were cutting streets that had already been done or overlaid; that the City's Planning Department was aware of the foreseeable future of its streets; that the authority of scope of work should be in the hands of the City; that the Planning Department was the only one that would forecast what would be improved and when; that in order to avoid duplication effort and resources and minimize taxpayer's capital cost, the authority to regulate contractors should rest in the City; that the end result would be that the City would be held ultimately responsible for its streets; that if the City bore the responsibility it should have the authority to regulate contractors and their work. Council Members Boney, Ellis and Goldberg absent.

Council Member Castillo thanked Ms. Rodriguez for coming and stated that he knew both she and her husband did a lot of work in the north side and that it was very important to have the support of community leaders like them to support ordinances like this because he had heard the complaints of the big companies that were going to be effected; that it was the citizens who owned the street and needed to be heard. Ms. Rodriguez thanked Council Member Castillo and stated that no one wanted to bear the responsibility of completing the scope of work that was in the north side; that they were the most forgotten part of town that was so close to downtown and that they would like to look good for the City of Houston so their goal was to try to work with some of the people in the City so that they would help them help themselves; that Council Member Vasquez had been working hard in their area and they were very thankful. Council Members Goldberg, Boney, Todd and Robinson absent.

Council Member Vasquez stated that he wanted to thank Mr. Rodriguez for all the work she had done at the B.O.N.D. Civic Club; that he knew when she took over the job she had brought in new people, getting people involved and getting people active in the community again; that Council was there to help her and that some of the advances in the north side had also been due to the Mayor and his involvement on the north side; that he wanted to thank the Mayor for his support in allowing Council Member Vasquez to help them in all of their work together; that together they did make a difference. Council Members Goldberg, Boney, Todd and Robinson absent.

Mayor Brown asked Ms. Rodriguez to tell the public about B.O.N.D.. Ms. Rodriguez stated that B.O.N.D. was a civic association; that she had started working with B.O.N.D. in December and in January she presided as President; that B.O.N.D. consisted of a few blocks that were organized for building defense; that the crime rate in the City had gone down, but in the near north side they were experiencing that criminal activity had gone up; they had 25 cantinas within a one mile radius; they had some teenage murders in the parks; that they were getting lights for the parks and they were trying to improve their quality of life; that she felt they had been left out and neglected; that now they had Council Member Vasquez and the Mayor on their team they seemed to be progressing; that she had only presided twice and that from the 5 members at the beginning they had grown and they did not have enough seating for the members who were coming; that they had a lot of momentum going and she appreciated all of their efforts. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Ms. Diane Barlow, 919 Congress Ave. Ste. 1060, Austin, Texas 75701 (512-225-0012) appeared and stated that she was with the law firm of Casey, Gintz & Sifuentes and she represented some competitive local exchange telecommunication companies; that those companies included Time Warner, Telecom, Metro-Media, Fiber Network Services, Quest Communications, Global Crossing, Near Media Communications and Eastfire Communications; that most of them were involved in putting facilities in public rights-of-way in Houston; that they recognized that there was a definite need for balance and a need and a demand of the public for new facilities that would allow the delivery of high-speed access; that demand had to be weighed against the public demand for good quality streets and minimal traffic disruption; that it was up to both the City and the telecommunications industry to work together to meet both of those demands; that they had been working with staff in reviewing the proposed amendments to the street code ordinance and the rules that would implement that ordinance; that they would continue to

work with staff; that they were attempting to always be available when there were concerns that needed to be addressed regarding construction in the public rights-of-way; that they were also working with the Public Works Department on the plan process; that was the process that took place before permitting; that it was their goal to help streamline and balance the City and the needs of the telecommunications providers with respect to review of engineering plans and specifications. Council Members Galloway, Goldberg, Todd and Robinson absent.

Council Member Ellis stated that he wanted her to fill them in on the proposed amendments to the ordinance. Ms. Barlow stated that she had been dealing with the Public Works Department and also there were attorneys in the Legal Department involved. Council Member Ellis asked Ms. Barlow about the proposed amendments they were presently discussing. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Mr. Bibler stated that there was some fine tuning to some technical issues about depths of holes and maps; that he felt that the draft document Ms. Barlow was referring to was on the table that authorized the general permitting. Ms. Barlow stated that was correct; that they were discussing a two tier scheme for permitting both general and specific permitting and the accompanying rules that would implement the ordinance. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Ellis asked Mr. Barlow if the companies she represented felt that they needed to implement a street cut ordinance and Ms. Barlow stated that they did support the ordinance; that they were present to say that regulation of the rights-of-way by ordinance was more preferable than entering into individual agreements with entities that may engage in selling facilities and public rights-of-way. Council Member Ellis asked if she was presently speaking in favor of this order. Ms. Barlow stated that they were and that they had concerns; that they were continuing to work with staff because they didn't see eye to eye on every provision, but they supported the concept and urged the City to manage their rights-of-way by ordinance as opposed to relying on individual agreements with parties; that individual agreements got lost; that there was room for variations when there was individual agreements as opposed to ordinance; that she believed that ordinances were a more effective mechanism to manage rights-of-way. Council Members Galloway, Goldberg, Boney, Todd and Robinson absent.

Council Member Tatro stated that he believed that everyone did agree that they needed to get the street cut issue resolved and under one umbrella of management and asked Ms. Barlow if she was familiar with any permitting processes or how other people had handled a street cut and Ms. Barlow stated that she was because of House Bill 1777 which was Chapter 283 of the Local Government Code; that they were seeing city after city adopt right-of-way use ordinances; that they were not that different in concept from what Houston was doing; that they were handled a little different in large part because each city's management needed to differ somewhat; that instead of a general permitting scheme and a special permitting scheme that you would see in Dallas that they had divided it by projects, there were major projects and non-major projects; that she believed there were more similarities than disparities from city to city; that this was something that was really rolling across Texas and it was a very active area. Council Member Tatro stated that several agreements by working groups were submitted to Council and he

asked if she or her organization were a part of that working group. Ms. Barlow stated that they were; that they had worked with the staff from last spring when the ordinance was initially proposed and they supplied comments with respect to the ordinance that was adopted in December. Council Member Tatro stated there were still items or recommendations requested and they were very concerned whether that was actually being submitted to Council as part of the recommendations since the item had come to Council a week before and Council was very concerned with whether the product included those agreed upon recommendations from the working group and asked Ms. Barlow if she was satisfied with the recommendations from the working group that were in the final product and would be before them as the rules. Ms. Barlow stated that not all of the recommendations had been incorporated; that they were there to continue working. Council Member Tatro stated that he believed that based on the City's needs and what was best for their constituents and taxpayers that every recommendation could be resolved; that he believed they needed to come up with a consensus of what was proper and could be worked out and he believed that the working group recommendations needed to be responded to up or down. Ms. Barlow stated that they agreed with him and that they would not expect that 100% of their recommendations would be adopted but she believed it was important to have a working dialogue; that she believed there was a balance there and both telecommunications and the City were responding to legitimate public demands and how they accommodated both of those demands would be a result of their working together. Council Members Galloway, Todd and Robinson absent.

Council Member Quan asked Ms. Barlow if they were still working with the Legal Department and Public Works on some of the suggestions; that since they would be voting on this the next day that it did not give them a lot of opportunity to review it even if they were still working on the suggestions and asked if Ms. Barlow thought these ideas would be incorporated that afternoon so that they could review it before they would receive it the next day. Ms. Barlow stated that she could not speak for the staff. Council Member Quan stated that in her letter she stated she represented several telecommunication companies and he wanted to know what Ms. Barlow was doing to incorporate the services that she was trying to provide; that he knew many companies were laying several fiber optic cables so they could lease out or sell the use of these cables to other companies and were they working collaboratively to try to minimize the number of cables that would be laid. Ms. Barlow stated that they absolutely were and that was the function of the market; that joint bills were less costly and they were more efficient; that it was not easy to always coordinate them because there was a tremendous push to solidify their position in the market; that she believed that with the maturation of the industry that they had seen more and more joint bills and would continue to see more joint bills; that it made economic sense as well as it is going to be less disruptive to traffic and pedestrians. Council Member Quan stated that he believed that at some point and time they needed to look at some type of regulation as to if there was capacity within the systems that already encouraged usage as opposed to creating more lines and tearing up more streets. Ms. Barlow stated that was a function that the market would address; that they would not see continued deployment of the levels they had seen; that they may not perhaps have a saturation point but they would have met demands and the deployment wouldn't stop but it should decrease; that the land rush would trail off at some point. Council Members Todd and Robinson absent.

Mayor Brown asked Mr. Bibler if they were still tweaking the item and Mr. Bibler stated that the major points that Ms. Barlow had made were the ones that Southwestern Bell was raising; that they couldn't agree on those issues; that they were still working technical type issues like the length of notice that people would be given when people do work under a general permit, certain functions about the size of holes and the nature of specifications that would be used, but they were not going to suggest to Council the next day any substantive change in the document that was on the table that it was just fine technical changes that had been agreed to by the industry. Council Members Todd and Robinson absent.

Ms. Lisa Hachicho, 13106 Bradbridge, Houston, Texas 77082 (281-496-3706) appeared and stated that she was the President of Alief Community Association which encompassed parts of Districts F and G and they were also in support of the street cut ordinance; that the City of Houston was ultimately responsible for the maintenance of the streets; that they had a lot of congestion, especially around the high schools; that there was a lot of construction and they wanted to make sure that the construction was not occurring during peak traffic hours; that they didn't want their streets requiring frequent repairs; that this ordinance would make sure that if their constituents called them with a problem with the streets that they would know who to contact; they also made sure that if there was a problem because of some prior excavation then they would know who to contact and that it should be the responsibility of that utility or organization to repair and not for the taxpayer or the City's expense; that the ordinance was an reactive and proactive measure and would protect the City's infrastructure as well as sewage and storm drains and it would allow them to do that in a formal way; that she was also on the School Board in the Alief District; that they have had this problem a lot; that people would come onto their property, mess it up and 99% of the time they didn't replace it in the manner that it was; that was one of their big concerns; that recently a house in Conroe blew up because the gas company was doing some work that probably wasn't approved; that the gas backed up and caused the house to blow up; that they did support the ordinance. Council Members Tatro, Boney, Todd, Castillo and Robinson absent.

Council Member Ellis wanted to thank Ms. Hachicho for being present; that she had been a great resource for their office. Council Members Boney, Todd, Castillo and Robinson absent.

Mr. Al Jensen, 3030 Reba, Houston, Texas 77019 (713-524-2328) appeared and stated that he was representing the Neartown Association and most of the citizens who did not come who were also concerned about street problems; that they were in favor of the street cut ordinance; that they knew that street cuts were a necessary part of progress; they believed that there was a need for logical control of what was happening; that their concern was not just the hole that needed to be patched; that there was one on Kirby from Westheimer to San Felipe after the fiber optics people were there they left a 1" longitudinal crack and when water went into it the road would be gone; that the bad condition of their curb lanes made them unsuitable for traffic; that they were also concerned about how the patches were made; that there were many places where concrete streets with asphalt overlay had been cut and the patches were repaired with only asphalt; that he didn't know who was involved but at the corner of Westheimer and Kirby there were 4 metal plates that had been there over two months and there was no

excuse for those plates being there for two months. Council Members Boney, Todd, Castillo and Robinson absent.

Council Member Keller stated that Mr. Jensen had spoken to his office and the reason the plates were there was because of a continued need to go back in it; that the Kirby relief project which had been funded was in their CIP which involved overlay which would effect them; that he wholeheartedly was in support of trying to keep the streets as close to their original condition as possible and with this ordinance they had some language to that and they also had the right to criminally prosecute those that neglectfully proceeded with that type of behavior or work, especially without permitting with the City; that they needed to police and enforce this with people and that would be the key to success in tackling this monstrous problem and Mr. Jensen stated that patching back with a temporary patch didn't do it. Council Members Boney, Todd, Vasquez and Robinson absent.

Council Member Castillo moved to suspend the rules to hear from Mr. Brian Cweren out of order at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Annise Parker out of the City on City business. Council Member Orlando Sanchez absent on personal business. Council Members Boney, Keller, Vasquez and Robinson absent. MOTION 2001-0212 ADOPTED.

Mr. Brian Cweren, P. O. Box 20175, Houston, Texas 77225 (713-667-3330); appeared and stated that he was present on behalf of his father, a senior citizen and native Houstonian, to ask that they vote against Item No. 35 on the Non-Consent Agenda; that the ordinance pertained to the expansion of the parking lot for the South Central Police Substation; that under the current plans they would be purchasing several vacant lots and would proceed with condemnation against his father for the property; that condemnation was one of the most important powers that each of them had; the power to take someone's property away from them against their wishes; that under certain conditions and a very short legal proceeding a government could take a property right out from under the owner's feet; that if the citizen resisted they became a trespasser on their very own property; that this was one of the least glamorous and most serious powers held by the Mayor and members of Council; that they took away someone's property from them without permission and by force; that each case should be carefully analyzed, thoroughly reviewed and given a great deal of consideration; that there was absolutely no room for abuse of this power; that before taking away someone's property they must ask themselves the following questions: was this property absolutely necessary, what was the City's gain in taking the property versus the loss of the property to the citizen, could the City achieve its function without the property, was the City taking only that which it absolutely needed or was it being greedy, were other properties equally available to serve the same purpose and were all parties involved being treated equally and fairly without bias or prejudice; that under the present facts that those criteria were not being met; that the City did not need this property; that the Police Department would function properly without it and based on the facts of this case he asked and begged that they vote no. Mr. Cweren displayed a large drawing of the site. Council Member Boney, Keller and Robinson absent.

Council Member Castillo moved to suspend the rules to hear from Chief Richards, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Annise

Parker out of the City on City business. Council Member Orlando Sanchez absent on personal business. Council Members Boney, Keller Robinson absent. MOTION 2001-0213 ADOPTED.

Chief Richards stated that Mr. Inouye from the Building Services Division was present. Council Member Castillo stated that Chief Richards had 3 weeks since the item was last on the agenda and asked if he had reviewed the need for the property and had he come to any opinion on any alternatives that may be available at this time. Chief Richards stated that they had not changed their opinion that they needed the property for the expansion of the substation. Council Member Castillo asked Chief Richards if he or Mr. Inouye would explain what the property would be used for and why it was the only one that would serve that purpose. Chief Richards stated that under the future plan for the new substation would consume most of the parking that they had; that they needed to provide parking for the employees that were displaced because of the new construction. Council Member Castillo asked him if when he said parking for employees, did he mean private cars or the duty cars parking area. Chief Richards stated that it would be employees' private car parking and visitor's parking would be taken up for the construction of the new station. Council Member Castillo asked if they had explored other parcels that might be available. Chief Richards stated that they had looked at some properties across the streets, vacant narrow lots, and that they were not acceptable because in their plan they wanted to fence the entire substation so they could control ingress and egress for the parking areas and to provide security for employees and their vehicles. Council Members Todd and Vasquez absent.

Council Member Castillo stated that Mr. Inouye was from the Building Services Department and asked him if he was an architect or a planner and if he was the person who drew up the technical design for the facility. Mr. Inouye stated that they had provided preliminary studies for the Police Department to determine the amount of square footage for the facility as well as the parking that was needed for the staffing; that they did an overall concept program for the Police Department; that he was responsible for the technical design. Council Member Robinson absent.

Upon questions from Council Member Ellis, Mr. Inouye stated that the existing substation was originally an old elementary school that was purchased by the City Police Department from HISD; that the current South Station Subdivision had been leasing that property; that it existed between Hadley Street and West Gray; that the plans to draw up a new facility caused them to examine the numbers of people who were there, the programming that was required to fill the facility and they needed from approximately 16,000 square feet of the current building to about 27,000 square feet to expand to the square footage that was necessary for the facility. Council Member Ellis stated that it was his understanding that they planned to condemn less acreage than they were from the original plan and Mr. Inouye stated that was correct; that the original plan had envisioned taking the entire block. Council Member Ellis asked if that included Mr. Cweren's property and Mr. Inouye stated yes. Council Member Ellis stated that would condemning Mr. Cweren's property as well and that assuming that Council did not approve this item what would the next step be and he wanted to know if they could go across the street and try to negotiate that piece of property or would you trash the entire project and Mr. Inouye stated that it would set them back to square one because they were looking at a facility on this property for at least ten years; that they needed to consult

with the Police Department to determine whether they would look at the property across the street. Council Member Ellis asked Chief Richards if he had any suggestions and Chief Richards stated that he would suggest not to take the property across the street because it was narrow and would probably park approximately 20 cars and that there was no room to turn around to exit and it would not be appropriate as far as security was concerned. Council Member Robinson absent.

Upon questions by Council Member Bell, Mr. Inouye stated that the current plans called for a vehicle car wash fueling facility on the property; that there would be a driveway on that end of the property and between the vehicle car wash and the new facility would be the parking. Council Member Bell asked when they first became aware of Mr. Cweren's concerns regarding the condemnation of this property. Mr. Inouye stated that they became aware of Mr. Cweren's concerns at the time when Real Estate was trying to purchase the property; that they were not aware of Mr. Cweren's concerns about the purchase of the property in the initial stages of the project. Council Member Bell asked if there was anything to prevent them from redesigning around his property and Mr. Inouye stated that they felt the amount of square footage involved was still a sizeable number for the parking garage; that using Mr. Cweren's diagram the green portion represented the building facility itself that it would be on the north end of the property; that the south end where the subject property in question was where they would put the fueling facility; that space in between would be primarily for parking; that there was also a problem in that they had phased the project so that the existing patrol division would still operate as a police facility; that because the South Central Police Station was a working facility and the division was still operational they had to do the construction programming around the fact that it was in operation. Council Member Bell stated that looking at the picture the house was located in the back of the vacant lot. Mr. Inouye stated that was correct. Council Member Bell asked when Mr. Cweren first became aware that his property was being considered for condemnation and Mr. Cweren stated that he was involved about a month or two after his father was first approached with the City's demand to take the property. Council Member Bell asked Mr. Cweren if he was led to believe that there was an alternative design that would not require the use of his property. Mr. Cweren stated that they were talking about approximately 5,000 square feet; that the diagram was the original plan in 1999; that the date was demonstrated by Building Services; that the car wash appeared on top of their property a couple of months ago after they complained that since they had no plan to build on it then why did they need the property then all of sudden that car wash was moved down to the far end so basically if officers were parking there they would have to have a shuttle van take them back up to the police station at the top of the block; that there were more convenient places to park the officers; that all of the yellow spots on the diagram were vacant lots whereas they have a house on their property that meant a lot to them; that in November 2,000 was when the car wash was placed on there. Mr. Inouye stated that he could not respond as to whether it was moved after he had known about this. Council Members Vasquez and Robinson absent.

Chief Richards stated that in the original design they were taking the entire block; that there was also a mechanic maintenance facility; when he looked at the original design he made the decision to cut the maintenance facility to save the project about \$700,000; that decision was based on the fact that if he had a maintenance facility that for safety reasons he would have to staff it with at least two mechanics and that he didn't

have the work for two mechanics; that in addition to the \$700,000 savings the cut was made also because he would have the central garage do the preventative maintenance; that required that he did not need as much land; that he believed he was saving money and land; that he then gave instructions to Planning and Design to bring the property line up to Mr. Cweren's property; that Planning and Design made the changes and said that they would not be able to do this project without more land; that was when they decided to try to buy Mr. Cweren's property and if they could not buy it, they would have to condemn it; that the plan now was to have the fueling facility on the south end of the property; the reason that it was moved there was for the circulation flow of the traffic; that on the north side of Hadley and on the east side there were some old oak trees; that if they put fueling facilities there they would have to do substantial excavation. Council Member Bell asked Chief Richards about the contention that the design was changed and wanted to know when it was changed. Chief Richards stated that he did not know when it was changed. Council Member Bell stated that he wanted to know if he had found out when the change was made and Chief Richards stated that he could not remember. Council Members Todd, Ellis, Vasquez, and Castillo absent.

Mr. Cweren stated that there was date on the diagram by the City of Houston that showed clearly revisions being made November 13, 2000 and the move was shown on the revised edition of the original document. Council Members Vasquez, Castillo and Robinson absent.

Council Member Goldberg asked Mr. Inouye how many acres of total land he needed to build the station on. Mr. Inouye stated that it was 3.79 acres and he believed that this had a 20 year life span, but he also believed that it would probably exist longer than that, maybe 40 years; that ideally the size might be 10-13 acres depending on the size of the division; that their smallest division that was recently completed had 5 acres on it and that the new station would be smaller than the smallest station. Council Member Goldberg asked if it would be more prudent to find a location that had 10-13 acres with better accessibility instead of building a new station on the smallest available lot; that he believed near 288 and 610 where there was a lot of land and there was not as much traffic congestion. Council Members Todd, Ellis, Vasquez, Castillo and Robinson absent.

Chief Richards stated that South Central's area was a very diverse area; that it went from Kirby to the Southwest Freeway and down passed Rice University Medical Center, around O.S.T. as far as Martin Luther King Blvd. and then it went up I-10 and all of the east end as well so the location itself was pretty accessible, but that 610 was out of South Central's area. Council Member Bell asked if it was prudent to build a new station that would last 20-40 years on the smallest lot that the Police Department had and in the highest traffic congested area, that it did not make sense. Chief Richards stated perhaps not. Council Members Todd, Ellis, Vasquez, Castillo and Robinson absent.

Council Member Tatro stated that he believed they should combine the biggest piece of property that they could for the facility; that they had a taking issue on a water tank farm in his District; that his question focused on the exploratory development to analyze the property in that area; that he wanted to know if the City had utilized an engineering firm or a real estate agent to identify a 10-13 acre tract of land or did they just back into a spot that they thought that they wanted and then tried to combine it from there and had they looked at 10-13 acre tracts that would be within a one mile radius of this.

Chief Richards stated that to his knowledge they had not looked at other tracts; that the planning of this started long before he was there. Council Member Tatro stated that his concern was if they got a tract of property that would allow for expansion in the future in a very big area what would be their strategy in determining the location and asked Chief Richards if he thought that the property had the best access. Chief Richards stated that it was not bad access; that area of town was congested. Council Member Tatro stated that he would be concerned about the takings issue and the public necessity issue; that he believed that they had just decided on that particular piece of land and then try to make the facility fit and he considered that to be a takings issue; that it appeared to him they had not taken a look for other property that might be in the long run beneficial to the growth of HPD. Council Members Todd, Ellis, Vasquez, Castillo and Robinson absent.

Council Member Boney stated that he wanted to know if they had surveyed the area in an effort to see what tracts were appropriate toward the expansion and renovation of South Central and Chief Richards stated that they had not; that it was his understanding they had leased this property years ago from HISD then they decided that they needed a permanent station; that this project had been on the drawing board for a long time; that he was told the people in the community wanted that station in that vicinity and that was how the decision to put the new station there was made; that he didn't know who the people in the community were, that was what he was told. Council Members Todd, Ellis, Vasquez, Castillo and Robinson absent.

Council Member Boney stated that he knew the area; that any area north of the freeway would be very expensive because they would be in the warehouse district near China Town and to get the kind of area they were seeking that they would not likely be able to stay in that same vicinity; that they would have to go somewhere else completely out of the neighborhood. Council Members Todd, Ellis, Vasquez, Castillo and Robinson absent.

Mr. Mac Choudry, 1202 Kress Street, Houston, Texas 77020 (713-673-6703) had reserved time to speak, but was not present when his name was called. Council Members Todd, Ellis, Vasquez and Castillo absent.

Mr. William Beal, 4718 Boicewood Street, Houston, Texas (713-633-0126) appeared and stated that he was Dr. Victor Edmond Dracula Frankenstein, Medical Doctor of Transylvania, God's country, MTV BET BH1, Frank Sinatra, Chairman of the Board, he took his place. Mr. Beal sang "I Did It My Way". Council Members Todd, Ellis, Keller, Vasquez and Castillo absent.

Council Member Goldberg moved to suspend the rules to move James Partsch-Galvan to the end of the speakers list, seconded by Council Member Bell. No Vote was recorded as a Quorum were not present. Council Members Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Rita Ruth, 17015 Market Street, Channelview, Texas 77530 (281-452-0504) had reserved time to speak, but was not present when his name was called. Council Members Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Christopher Cato, 7710 Boggess, Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Members Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Donald Thomas, 6225 Lockwood Dr. No. 5, Houston, Texas 77026 (713-635-3923) had reserved time to speak, but was not present when his name was called. . Council Members Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Dorothy Olmos, 6678 Sylvan Rd., Houston, Texas (713-928-3535) appeared and stated that she was present to express her concern about the after school program at Theater on Broadway that had been sponsored by the Enhanced Enterprise Community SSBG Funding; that 2 years ago they were awarded through Avance' and Avance' was the fiscal agent and that they consistently had financial difficulty in obtaining the invoices to be submitted for payroll; that it had been there for over 30 days and the November and December had not been paid; that she talked to Council Member Castillo several days ago and he advised her that Sylvia Garcia's office had cut the check; that she went up stairs a few minutes ago and it had not been done; that this was a consistent problem; that it had been faced every month, every 30 days, every 45 days; that it had been up to 6 months that she had waited for a check; that she could not continue an after school program helping kids when she had to dip out of her pocket and then when the reimbursable payment was not there, she struggled and she wanted to know what they could do about this. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mayor Brown stated that Mr. Carroll Jackson from Finance Administration was present and that he would ask him to meet with her to get all of the details so they could solve the problem. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he wanted to ask Council Member Boney some questions; that on the 24th of June, 2000 Council Member Boney had filed some paperwork with the City Secretary that basically stated that he had paid someone in California several payments that amounted to over \$20,000 for computer consultation; that the computer consultant's name was Lamont Nash and he wanted to know if that was correct; Council Member Boney stated that he had paid Mr. Nash an \$8,000 payment, a \$3,000 payment and so forth to talk about a computer. Mr. Winters stated that he wanted to know what a computer consultation was to Council Member Boney; that he knew what it was and he wanted to know why Council Member Boney had to go to California to talk to a man about a computer; that if Council Member Boney would give him \$20,000 he'd be glad to talk to him about anything; he wanted to know if Council Member Boney got any of the money back and if everything was correct; that he had tried to find a Lamont Nash in San Bernadino, but they couldn't find him and he wanted Council Member Boney to give him Mr. Nash's number. Council Members Galloway, Todd, Ellis, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Janie Montoya, 8306 Gibbons, Houston, Texas 77012 (713-923-6955) appeared and stated that December 7, 2000 she was given a grant to repair her home in the amount of \$15,000; that she was present because they had started the program that was supposed to be finished in 15 days and they rushed and it was completed in 2 days; that she told Mr. Richards, the man in charge of the program, that she did not like the way the work looked; that he told her to let them do the work and then they would talk about that later; that when they finished she was still very unsatisfied with the work; that she had waited for this program for 2 years; that she asked Mr. Richards how he would like this type of work done in your house; that she was complaining because she did not like it; that he stated to her they were not remodelers; that they wanted her to sign release but since she was so unhappy she would not sign it; that she called Council Member Castillo's office and he sent Mr. Olmos to the house and Mr. Olmos stated that it was unfinished and wanted to know when they would be back to finish; that she told Mr. Olmos that was the problem that they were finished and did not want to come back and that they wanted her to sign the release papers; that she also involved the media, Channel 26, and that they saw the work and were unhappy about it; that she told the inspector for the City that she was unhappy and he stated to her that he did not have anything to do with this and that she should talk to whoever was involved; that she had received a phone call from Mr. Richards and he wanted to meet with her to sign the release papers and she told him that she was not happy with the work and he told her that he would take her to court over it; that she signed the papers, they came back to do some more repair and she still was not happy with the work. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mayor Brown stated that Mr. Michael Halpin was present and would meet with her and follow up on this to make sure that the problem was resolved. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Rita Ruth, 17015 Market Street, Channelview, Texas 77530 (281-452-0504) appeared and stated that she was present to thank the Mayor for the Christmas party for the underprivileged children at the Brown Convention Center; that she was happy to be able to play the fairy godmother and the two other members of her organization played a clown, Mary Johnson, and Billy Johnson was Santa Claus and Ms. Browning was the cutest elf; that there were many good gifts for the children and they should always make sure that our children have good food, shelter, clothing, medical care and good schools; that they also needed a little beauty in their life and we should show them that we cared about them from a personal level; that one little boy who was present said he did not want fairy dust and did not want a toy, he wanted was a hug; that this was not only nice, but that it was one child unless someone hurts him in the future would not grow up to meet her in the streets to rape, rob and kill her; that they needed to stop the abuse and poverty that made good children into bad adults; that she thanked Sheila Jackson Lee for being present to hand out gifts and Mary Browning for being such a great community activist, especially because she made sure that people of all races were included; that she also wanted to thank the Mayor for caring about them and working so hard to bring a badly needed rail system that would eventually encompass all surrounding counties; that for those of them who aspire to a higher office she advised that they listen to the people who were saying that they were tired of them when they would only criticize but never come

up with any solutions for the horrible traffic jams, pollution, flooding in the streets and homes, the shortage of water, land and power because of overpopulation; that they loved the Mayor and she hoped that he would keep up the good work. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mayor Brown thanked Ms. Ruth for being present at the Christmas party. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Sherry Browning, P.O. Box 301162, Houston, Texas 77230 (713-449-3775) appeared and stated that she was present to speak on behalf of her organization, Kids and Momma Wants to Boogie; that she had a black history of global events; that she wanted to have a festival and wanted to know what the fees would be; that she had requested a waiver; that the fees were waived for the parade and also the waiver request for usage of the park; that she had found out that the park fees were not waived; that she did not have enough funds to be able to have a community event; that she was present to get this resolved. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mayor Brown stated that Mr. Brian Hill was present and he would explain all the details to her. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Browning also stated that the kids would like the opportunity to perform through Parks and Recreation; that they had been denied that for 8 years; that they had been in the papers and on Apollo and that they were prolific entertainers and they should not be denied that right. Mayor Brown stated that Mr. Hill was with the Parks and Recreation and he wanted her to give him all the information. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Bruce Jones, 8111 Rockfort, Houston, Texas 77033 (713-733-2600) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. David Ray, 14018 Queen Berry, Houston, Texas 77079 (713-497-3824) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Mr. Dwayne Lark, P.O. Box 300905, Houston, Texas 77230 (713-731-2230) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

Ms. Diane Olmos, 5222 Claremount, Houston, Texas 77023 (713-924-5910) had reserved time to speak, but was not present when his name was called. Council

Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent.
NO QUORUM PRESENT.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and stated that Mayor Lee Brown say yes to German Dip; cowards taking good infants, babies, kids, children; so sad behavior Bob McAdoux, Jersey No. 11 formerly with the Lakers; Johnson Bobby Moore No. 28, Cardinals, Vikings, Kelly and Robinson behavior, Ron Jackson No. 1 a paid holiday, Don Sutton, that these people had been part of a conspiracy since 1979 and that he had conveyed this issue to the Mayor; that this was with the Houston Police Department when Mayor Brown was an officer and the Chief of Police about the behavior in the 3800 block of Southmore; that he had presented this above board to him, his Council, his elected authorities. Mr. Taylor continued to express his personal opinions until his time expired. Council Members Galloway, Todd, Keller, Vasquez, Castillo, Bell and Robinson absent. NO QUORUM PRESENT.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he had a speech, but that Council Member Sanchez was not present and in the speech he wanted to tell him that he needed to run for Mayor; that there needed to be a Latino on the ballot; that he believed it would make the race more interesting and if Council Member Sanchez did not run he hoped Council Member Sanchez would give him the filing fee so that he could put his name on the ballot; that there were 54 million people with disabilities in the United States and he was one of them; that the next Mayor of the City of Houston needed to be the disability Mayor; that was the next thing in city government; that it was about access to disability. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

At 3:48 p.m. upon motion by Council Member Tatro and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, February 28, 2001. Council Members Galloway, Todd, Keller, Vasquez, Castillo and Robinson absent. NO QUORUM PRESENT.

City Council Chamber, City Hall, Wednesday, February 28, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, February 28, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

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

At 9:13 a.m. Mayor Brown convened the meeting of the City Council.

Mayor Brown stated that he wanted to introduce some visitors present, that Mayor Stroebel from Rodach, Germany, was present with his family and also a delegation, that

they were present in Houston to christen a ship that would be working out of the City. Council Members Galloway, Goldberg, Parker and Robinson absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**:

Position 1	MR. JAY MALHOTRA , appointment, for a term to expire 12/31/2002
Position 2	MR. JAVIER WEITZMAN , appointment, for a term to expire 12/31/2001
Position 3	MS. MYRLEEN KNOTT , reappointment, for a term to expire 12/31/2002
Position 4	MR. EDWARD YBARRA , appointment, for a term to expire 12/31/2001
Position 5	MS. BARBARA BARUCH , reappointment, for a term to expire 12/31/2002
Position 6	MS. CLAUDIA BALDERAS , reappointment, for a term to expire 12/31/2001
Position 7	MR. LOUIS GREGORY , reappointment, for a term to expire 12/31/2002
Position 8	MR. GEORGE NWANGUMA , reappointment, for a term to expire 12/31/2001
Position 9	MS. SANDRA FRIEDEN , reappointment, for a term to expire 12/31/2002
Position 10	MR. CARLOS SERA , reappointment, for a term to expire 12/31/2001
Position 11	MR. MARK D. LEE , reappointment, for a term to expire 12/31/2002
Position 12	MS. SYLVIA LOUIE , reappointment, for a term to expire 12/31/2001
Position 13 -	MS. JUDITH BRUNI , reappointment, for a term to expire 12/31/2002
Position 14 -	MR. ERNEST M. MCMILLAN , reappointment, for a term to expire 12/31/2001
Position 15	MR. FREDERICK FERGUSON , reappointment, for a term to expire 12/31/2002

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0214 ADOPTED.

5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **SPRING MEADOWS PROPERTY OWNERS ASSOCIATION** and **WESTBRANCH COMMUNITY ASSOCIATION** for Law

Enforcement Services of 1 Deputy from Constable Precinct 5 - **DISTRICT A – TATRO** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0215 ADOPTED.

6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **WESTBURY CIVIC CLUB, INC** for Law Enforcement Services of 4 Deputies from Constable Precinct 5 - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0216 ADOPTED.

PROPERTY - NUMBERS 9 through 11

9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of a 1/2 interest in Parcels A95-80B and A95-99, (the remaining 1/2 interest is to be acquired by purchase), located in the 8600 block of Kirkwood Road, owned by Dorothy Brackman, formerly known as Dorothy Chaiton (as to a 1/4 interest); and Diana Brackman, Independent Executrix of the Estate of Albert Wiesenthal (as to a 1/4 interest), in connection with the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 **DISTRICT F - ELLIS** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0217 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase a 1/2 interest in Parcels A95-80B and A95-99, (the remaining 1/2 interest is to be acquired by condemnation), located in the 8600 block of Kirkwood Road, owned by The Chase Manhattan Bank, Guardian of the Estate of Ruth Kreisler (as to a 1/2 interest), Angie Scallan, Assistant Vice President, in connection with the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - \$2,421.50 - Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0218 ADOPTED.
11. Omitted

PURCHASING AND TABULATION OF BIDS - NUMBER 14

OTHER

14. **INTERNATIONAL TRUCKS OF HOUSTON** for One Aerial Manlift Truck Body for Department of Public Works & Engineering - Replacement - \$52,492.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0219 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 31

16. RESOLUTION in support of the designation of a portion of State Highway 225 between Houston and LaPorte as the **JUAN N. SEGUIN MEMORIAL HIGHWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. RESOLUTION 2001-0009 ADOPTED.
18. ORDINANCE approving and authorizing lease agreement between **CENTERAMERICA CAPITAL PARTNERSHIP, L.P.**, as landlord, and the City of Houston, Texas, as tenant, for space at 10966 North Freeway, in the North 45 Shopping Center Houston, Texas, for use by the Houston Police Department - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0185 ADOPTED.
21. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **CITY OF BAYTOWN** relating to the Harris County Organized Crime and Narcotics Task Force Grant - \$258,741.00 Criminal Justice Division Fund - \$73,747.00 General Fund \$332,488.00 Total - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0186 ADOPTED.
25. ORDINANCE issuing a permit to **HINES 911 WALKER LIMITED PARTNERSHIP** for maintaining, using, occupying, operating and repairing a basement and a building, under, over and within portions of Travis Street, Walker Avenue and Main Street, abutting Block 92, S.S.B.B.; being under, over and within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0187 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to contract between the City and **TEMPERATURE SYSTEMS, INC**, approved by Ordinance No. 96-1372, for services on Refrigeration Equipment for Health & Human Services Department - **DISTRICTS B- GALLOWAY and E - TODD** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0188 ADOPTED.
28. ORDINANCE approving and authorizing Amendment No. 2 to contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for HVAC Systems and Equipment Operations and Maintenance Services for Houston Airport System at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0189 ADOPTED.
29. ORDINANCE appropriating \$300,000.00 out of Airport System Subordinate Lien Revenue Bond Series 1998B (AMT) and approving and authorizing contract between the City of Houston and **STORK SOUTHWESTERN LABORATORIES, INC** for Professional

Materials Engineering Testing associated with Project 527, CIP A-0091 and A-0287 at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0190 ADOPTED.

31. ORDINANCE appropriating \$1,637,047.50 out of Water & Sewer System Consolidated Construction Fund and \$83,552.50 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of Airport Blvd., from Mykawa Road to I. H. 45, CIP N-0611-06-3, S-0521-F3-3 and R-0018-86-3 (SB9033) - **DISTRICTS E - TODD and I - CASTILLO** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. ORDINANCE 2001-0191 ADOPTED.

Council Member Todd moved to suspend the rules to take Items No. 16 and No. 35 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Robinson absent. MOTION 2001-0220 ADOPTED.

Mayor Brown stated that Item No. 16 had already passed on the Consent Agenda. Council Members Galloway and Goldberg absent.

35. ORDINANCE appropriating \$295,000.00 out of Police Consolidated Construction Fund for payment of the cost of Land Purchases/Condemnations, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with the South Central Police Substation Project; Parcel Numbers IYO-002, IYO-003 and IYO-004, CIP G-0058-02-01 **DISTRICT I - CASTILLO** – (**This was Item 38 on Agenda of February 7, 2001, POSTPONED BY MOTION #2001-141**) – was presented.

Council Member Castillo stated that the item had been held over from three weeks ago to give Council Members an opportunity to review the facts and have any questions answered, that on his way to work again this morning he went by the property, which was due to be part of the South Central Police Substation Project; that he was further convinced that the acquisition of the property was necessary for the integrity of the project, that indeed there were other parcels across the street from St. Emanuel, which were single lots which were 50 x 100 mostly and were not adequate to provide the type of parking that was necessary for the security of the vehicles of police officers and staff that would work at the South Central Police Substation, that he looked to see if there was something perhaps that he had missed about the property, that it was a nice rental house and he did not see any enhancements to it like fences or landscaping or historic markers or anything that would give it any special status other than being obviously in the family of the current owners for quite some time, that he considered what the impact would be to that community of having to start all over with the project because of this one inconvenience, that he remembered when he first came on Council six years ago that one of the first projects that came to his attention was the South Central Police Station, that it had been a steady but slow progress in getting the project done and now they were at the end and they were asking the Council to approve a blanket appropriation that would take care of the acquisition of construction contracts and the acquisition of property to complete the footprint for the project, that any of the acquisitions that would be made, including the Cweren property, would have to come back to Council for further proceedings, so he would implore the Council to do right by the people that would be served by the substation, that many people did

not realize that its coverage area reached out into the Second Ward and east end area adjacent to the Magnolia Park area, that much of it was in Council Member Vasquez's district, that the Police Station itself was in District I, that he did not see a compelling and convincing argument that would lead the Council not to approve this acquisition with the once exception of an inconvenience to one particular owner. Council Members Galloway, Goldberg and Sanchez absent.

Council Member Bell stated that Mr. Cweren made a very legitimate point that condemnation was not a duty that any of the Council Members should take lightly and they should be convinced that it was going to be the best place for the project before moving forward and it very well could be, and asked Council Member Castillo if he was aware of any efforts to find other locations and was part of the fear that it would just simply take too long a period of time or were there no better locations than this particular time, and Council Member Castillo stated that he knew that it would put the project back to where it was four years ago, and knew that the Police Department looked at moving further south towards the Medical Center, which was also in its service area, but it was away from the population density's at the highest incidence of crime, that it had the most accessible access to the freeway system so that it could reach all of the parts of it in the most efficient way, that he was sure there were other locations, but at what cost, both in terms of money and time lost, that there were no other locations in the immediate vicinity, and Council Member Bell asked if Council Member Castillo if he was aware of any design that could perhaps not include this particular property, and Council Member Castillo stated that the testimony from the Police Department yesterday was that the planners at the Police Department felt that the parcel was necessary to provide the adequate amount of parking for police and staff vehicles. Council Member Goldberg absent.

Council Member Quan stated that he thought that yesterday's session was very informative and looked to a bigger picture as to their long term goals with the Southeast Command Station, that the fact that it would be the smallest command station that they had, that most of them really required 10 to 13 acres to be adequate, that while he was not necessarily looking at the Cweren's but was trying to look at what the plans were for the City and appreciated what Council Member Castillo had said regarding the territory covered by that station but understood that it went all the way to the Astrodome and a large part of 288 and out 159 and questioned whether they really looked carefully at the best location for that station, that he saw that during the construction they were going to be actually impairing the ability of the department to respond because as they knew they were going to be building the new station on the parking lot and then tearing down the building at present and then making that into a parking lot, so he could imagine all of the inconvenience of construction whereas if they looked to a new and larger location and land that they could probably purchase at a lower price they could have the construction going on without impeding the progress of the station at present, that he had spoken very briefly with Building Services and did not know how thorough the investigation had been made about other locations and so this was his concern, that he understood the ties of the community to the facility and there had been a good PIP program which he applauded, but he just wanted to look at where their growth patterns were and whether this location would be best in looking at the future of the City and if the station was to last for 40 years, if it was the proper place to locate it, and Council Member Castillo stated that in terms of cost the further south they went the more expensive the land became, that 5 years ago when the land was acquired it was acquired for approximately \$2.25 per square foot and did not think they could get much cheaper than that, that if they were going to spend the few

dollars they had in the CIP for buying land there would not be much left to build the police station and thought that was one of the economics that was taken into account.

Council Member Boney stated that he supported Council Member Castillo on the item, that he did not know how much time other Council Members had spent in the area or if they heard some of the points that Council Member Castillo raised and among those was that the station was located in the area where the highest incidence of crime was, that they were where they needed to be, that he drives that area coming to Council, that he drove back by there this morning to look and see if there were any other locations, but there was no land that was in the immediate vicinity, that he would hope that Council would support the people in that area who had supported the police and had a tremendous relationship, and not delay the project any further. Council Members Tatro and Castillo absent.

Council Member Goldberg stated that he did not support Item No. 35 and would vote no against it, that what surprised him was the fact that there was all this talk about how much planning went into it, that they heard them say yesterday that there was no other alternatives even sought, that there was not a lot of planning, that this just happened to be a building that they acquired from HISD and tried to make it a little big bigger, that there was not a lot of land around there that could be condemned, there was a couple of churches across the street, were they going to start condemning church land for property for police stations if they needed to expand, that there was no room for further expansion, that this was a congested area, that there was a lot of traffic at the intersection of I45 and I59, that he traveled that highway and it was impossible to get in and out and this was the type of conditions that they wanted to give their police force, that he had driven the areas along 288 and 610 and there was a lot of land there available, that he thought this was going to be one of those projects that was going to get done and four or five years from now whoever was on City Council then would look back and say what were those people thinking to put a police station there.

Council Member Galloway stated that she supported the police department for wanting to place the station in that area and keep it there, that she had spoken to some friends of hers who lived in the area and they were very supportive of it and wanted the station to be enlarged because they had formed a relationship with those officers and felt very comfortable and safe with the station being located where it was; that it was hard for her to conceive what they meant by traffic congestion because she thought that at all of the stations the police officers came in, checked in and went out into the field, so why would they be tied up in traffic, that it was not like the fire station where they went out all at once, that people were coming in, checking in and leaving out, that she did not know what the freeway had to do with the station since it was on the feeder and it was into the community and there was no congestion around the neighborhood that she had ever seen, that as far as anyone going to work, there was traffic when they all went to work so that was nothing different, that was the only reason they would be in traffic and that was coming to work, that they would not be working on the freeway to be tied up in traffic.

Council Member Robinson asked when the land was purchased and Council Member Castillo stated that the land was under a lease from HISD for about 10 years before it was acquired in October 1998 for a little under \$800,000, and Council Member Robinson asked if anyone had identified 5 acre or larger plots anyplace in the vicinity in the sub district boundaries, and Council Member Goldberg stated that he had seen large plots of land in between 288 and I45 north of 610, that there was land that could be condemned that did not

have any type of structure on it at all, and asked who had come up with the 40 year projection, and Council Member Quan stated that he believed that Chief Richards mentioned yesterday that the station was supposed to last 40 years, and Council Member Robinson asked Council Member Castillo if the folks in the community were satisfied with the all the services that were going to be provided out of that station, and Council Member Castillo stated that for the services that were planned they were, that at the different meetings he was it included the Midtown Civic Club area, which was the area around the Houston Community College, San Jacinto Campus, that it included the areas south and the Third Ward and it was a huge service area, that the Police Department decided that was where they needed to be because of the easy on and easy off the freeway system and having people close to where the problem was.

Council Member Robinson moved to suspend the rules to hear from Chief Richards at this time, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0221 ADOPTED.

Council Member Robinson asked what was the driver to pick that spot initially, and Chief Richards stated that at the time Central Station was overcrowded, that the reason it was called South Central Station was because they split the Central Police Division to move the officers to an alternate location somewhere to absorb some of Central's area of patrol responsibility, that the decision was made years ago when they first acquired a property under a lease, that it was available and in the particular area that they were looking for, that as to their question about response time, he was a former captain over at South Central and at the time he was there they had a quicker response time to priority one and two calls than any other station in the City, that he believed that the location itself was a good location and had good access to the freeways, that he agreed that it was a congested area, but that was where they worked, that they worked in congested areas, that as far as the crime was concerned, when they moved out there burglaries went down 50% in the Third Ward, that the officers out there that worked that station, he did not think they would find a harder working group of men and women any where in the City, that they were a good group of officers. Council Member Todd absent.

Mayor Brown stated that he was Police Chief and made the decision when it occurred, that they did lease the building from HISD and named it McNair Station after the astronaut who lost his life, that they picked it because the Central Station on Riesner Street was over crowded and they wanted a place that would serve that population and have a presence in that neighborhood because of the crime, that on the response time issue, the police officers were out there on their beats patrolling so the response time would not be from the station, but where they were on the streets of the City, that they picked it because it served a very particular need for the City of Houston at that time and that need still existed. Council Members Todd and Castillo absent.

Council Member Parker stated she was a little concerned with the implication by some Council Members that there was no planning involved in this issue and the acquisition of the property and was glad that Chief Richards addressed that, that they first acquired the property by lease more than a decade ago and then bought it with the intent of building a substation in that location, that alternative sites were done when they acquired the property, why would they be doing it now, that they bought the property with the intent of doing this some time ago, that she thought it was rather disingenuous to say that they ought to be doing it now, that they had the property and the intent, that it was actually the design phase that caused them to revisit the issue and decide that they might need a little bit more land at that particular site, that she knew

any time they used condemnation it was very disruptive, that she had personal family property condemned and it was not pleasant, that the owners did get fair market value but they lose something that they may care about, but expansion here actually represented the least disruptive process they could possibly go through, that there was a small rental property that the owners did not want to have condemned, but that was a small step for the City, that she found it really surprising that certain Council Members would say that they could just go and condemn six, seven or even ten acres someplace else rather than making a small step here with a facility and property that they already owned to make it accommodate better the needs of the department and they would also add at least two more years to the timeline to accommodate the officers who had to work over there in substandard conditions, that she thought they needed to move forward with the issue. Council Member Keller absent.

Council Member Parker moved to call the question, seconded by Council Member Boney.

A roll call vote was called for on the motion to call the question on Item No. 35.

ROLL CALL VOTE:

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

Council Member Vasquez voting aye.
Council Member Castillo voting aye.
Council Member Parker voting aye.
Council Member Quan voting no.
Council Member Sanchez voting no.
Council Member Bell voting no.
Council Member Robinson voting aye.
MOTION 2001-0222 ADOPTED.

A roll call vote was called on Item No. 35.

ROLL CALL VOTE:

Mayor Brown voting aye.	Council Member Vasquez voting aye.
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 aye.	ORDINANCE 2001-0192 ADOPTED.

Council Member Castillo stated that he wanted to thank his colleagues who supported the item, that the basic working principle around the Council was that they respected each other's decision when they worked real hard at a project within their district, that he had a list of all the projects that were coming up in all the other districts so they would see how this worked out. Council Members Vasquez and Robinson absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS:**

Position Two	MR. CARY D. WINTZ , reappointment, for a term to expire March 1, 2002
Position Four	MR. MANUEL FLORES , reappointment, for a term to expire March 1, 2002
Position Five-	MR. ALBERT WONG , appointment, to complete an unexpired term ending March 1, 2001
Position Six -	MR. W. M. AKALOU , appointment, for a term to expire March 1, 2002
Position Seven	MR. J. KYLE LeFEVERS , appointment, to complete an unexpired term ending March 1, 2001
Position Eight -	MS. LYDIA ZERMENO , reappointment, for a term to expire March 1, 2002

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0223 ADOPTED.

Council Member Parker stated that lately she had taken a particular interest in certain committees and had been watching the attendance and hoped that the new appointees to this

did show up, that there was going to be a lot of work for the Archaeological and Historical Commission over the next year or so. Council Members Vasquez and Robinson absent.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON PARKS BOARD OF DIRECTORS**, for terms to expire January 1, 2004:

Position One **MR. MICHAEL TYSON**
Position Two **MS. ELEANOR TINSLEY**
Position Three - **MS. EDITH PERSONETTE**
Position Ten - **MR. JIM ELKINS**
Position Thirteen **MS. YOLANDA BLACK NAVARRO**
Position Sixteen - **MS. NANCY REYNOLDS**

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0224 ADOPTED.

4. RECOMMENDATION from City Attorney for supplemental allocation of \$41,200.00 for legal services contract with **OLSON & OLSON** for legal representation of the City in an eminent domain lawsuit filed by the State of Texas and involving a portion of MacGregor Park - Property & Casualty Fund - **DISTRICT D – BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Todd stated that he was discouraged in the newspapers this morning to read the comments of Olson & Olson referring to the claims of the heirs on this, that it was ridiculous, that he thought when they hire attorney's to handle cases for the City that they needed to be mindful that in addition to being advocates they were also having to be advocates only in the context of furthering the overall policy and interest of the City, that it was in the interest of the City to encourage people to donate land to the City for park usage, that he was tagging the Item and thought they really needed to have the City Attorney's office instruct the attorney's that they contract to that just because they were appointed by the City that they had to be respectful of the City's desire to encourage people to donate land to the City.

Mayor Brown stated that Item No. 4 was tagged by Council Member Todd and Quan.

Council Member Quan stated that he wanted someone to visit with him about what the plan was for the 40 acres of land. Council Member Castillo absent.

7. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$608,328.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Calendar Year 2001 Ground Water Withdrawal - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Keller and Vasquez absent. MOTION 2001-0225 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of payment of \$112,256.51 to **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for 2000 Water System Fees - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

All voting aye. Nays none. Council Members Keller and Vasquez absent. MOTION 2001-0226 ADOPTED.

PURCHASING AND TABULATION OF BIDS

LOW BIDS

12. **WINGO SERVICE CO., INC** to Furnish and Install Carbon Monoxide Detection System for Convention and Entertainment Facilities Department - \$29,494.00 - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Keller and Vasquez absent. MOTION 2001-0227 ADOPTED.
13. **BASELINE PAVING & CONSTRUCTION, INC** for Construction of Communication Equipment Housing Units for Fire Department - \$51,800.00 and contingencies for an amount not to exceed \$54,390.00 - Fire Department Revolving Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Keller absent. MOTION 2001-0228 ADOPTED.

OTHER

15. **HOUSTON FREIGHTLINER, INC** - \$543,532.00 and **RUSH TRUCK CENTER HOUSTON** \$124,240.00 for Eleven Cabs and Chassis and Four Heavy-Trash Trailers for Solid Waste Management Department - Replacement - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Sanchez stated that he had asked a couple of questions last week about why the department was coming in substantially over budget, that he had received a memo and said that one of the reasons given for being over budget was excessive overtime associated with the confusion resulting from schedule changes in July and August 2000; that his question was when they were going to make accurate predictions about what they already knew, that they had analysts here that pretty much could predict within a reasonable range what gasoline prices were, and every source that he had talked to said that the prices they experienced three years ago would not be coming back and for them to be budgeting based on 99 cent unleaded gasoline when the reality was that it was \$1.36, and asked how long were they going to continue that excuse and how long were they going to continue to have confusion among departments that were going to cost the budget to run over, and Council Parker stated that she thought Council Member Sanchez was at the Council table last year when they rolled out the new outsourcing of the Solid Waste Collection and the new contractors had some problems with the scheduling and finding out where their routes were, that it was all part of the privatization effort and they spent several weeks discussing that around the table, that the City had to go out and make sure that the trash got picked up because of the confusion, that they tried to do too much too soon with the private sector involved and when everything fell through the City had to go out and make sure the trash got picked up. Council Members Castillo and Quan absent.

Mr. Haines stated that what Council Member Parker had stated was correct, that they had briefed Council on the matter earlier in the year relative to privatization, that as to the fuel

factor cost, that was also briefed on several occasions with Council beginning as early as last July or August 2000, particularly in the Fiscal Affairs Committee as it related to the Solid Waste budget, that they knew because of that particular index factor that there would be substantial cost that would be involved mostly the cost of fuel as well as to the cost of landfill operations. Council Members Castillo and Quan absent.

Council Member Boney stated that he would like Mr. Buchanan to call his office and visit with him, that the amount of overrun in the budget that the department raised with regard to personnel and the confusion from the routes resulting from privatization was \$707,000, that it was not \$4.7 million, that termination pay, which was unanticipated retirement was approximately \$651,000 of that \$707,000 and when they took in Workman's Compensation cost there was a significant amount of good management being done in that department, that with regard to fuel overrun and other services, those were things that needed continued looking at, however the item that was before Council today was for the acquisition of more equipment which came out of the Equipment Acquisition Consolidated Fund, so even if they did not pass the item it would not help the budget because those funds were isolated for equipment and could only be used for equipment, that they needed to maintain and expand the fleet and take up the issue of cost overruns at a more appropriate time when they got into the budget process. Council Members Goldberg, Quan and Robinson absent.

Council Member Boney recognized students from the Government Classes at Willowridge High School who were present to watch government at work, and Mayor Brown welcomed them. Council Members Goldberg, Quan and Robinson absent.

Council Member Tatro recognized a group from the Houston Association of Realtors, the Political Action Advisory Committee, and Mayor Brown welcomed them.

Council Member Parker stated that one of the Members for the Political Affairs Advisory Group for HAR was the City's appointee to the Harris County Appraisal District, and recognized Ms. Helen Huff. Council Member Robinson absent.

A vote was called on Item No. 15. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0229 ADOPTED.

RESOLUTIONS AND ORDINANCES

17. ORDINANCE approving and authorizing Lease Agreement and a Maintenance Agreement for the Doppler Very High Frequency Omnidirectional Range/Distance Measuring Equipment Facility at William P. Hobby Airport by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION - DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0193 ADOPTED.
19. ORDINANCE approving and authorizing lease agreement between **WEINGARTEN REALTY INVESTORS**, as landlord, and the City of Houston, Texas, as tenant, for space at 1335 West 43rd Street, Houston, Texas, for use by the Houston Police Department - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0194 ADOPTED.

Council Member Tatro stated that this was in his district and he was supportive of it, that it was for a storefront and across the street from the storefront was the district office and for several months they had a request to the Mayor's office to determine the status of a lease agreement contract for the district office with the City and they had not had a reply or correspondence to the movement of that request for Council Action. Council Member Robinson absent.

20. ORDINANCE re-adopting **ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Guidelines and Criteria for Tax Abatements; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0195 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **THP-ARBOR COURT, L.P.** for reimbursement of certain overtime expenses incurred by the Houston Police Department - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0196 ADOPTED.
23. ORDINANCE establishing the South Side of the 100 through 200 blocks of Portland Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0197 ADOPTED.
24. ORDINANCE establishing the North and South Sides of the 2400 and 2500 blocks of Watts Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0198 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **WAM FOUNDATION** providing up to \$920,658.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for the Administration of a Long-term and Short-term Rent, Mortgage and Utility Assistance Program, which sum includes a limitation of additional funding in the amount of \$460,329.00 – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0199 ADOPTED.
30. ORDINANCE appropriating \$4,258,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund, CIP A-0116, awarding construction contract to **GARVER CONSTRUCTION, LTD.**, on low bid of \$3,913,700.00 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$97,000.00 for Will Clayton Parkway/Lee Road Improvements at George Bush Intercontinental Airport/Houston (IAH), Project No. 560A - **DISTRICT B – GALLOWAY** – was presented.

Council Member Keller stated that he was going to tag the item and after discussion moved to postpone Item No. 30 to the end of the agenda, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2001-0230 ADOPTED.

32. ORDINANCE appropriating \$755,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Street and Bridge Program Management, CIP N-0668-06-2 (SB9061) – was presented.

Council Member Tatro stated that he would like to get some clarification because in the RCA backup it stated that these funds were identified through a project available from TC Jester paving, which was in his district, and believed it was \$2 million and a program for District A's CIP, that with the needs for District A, that needed significant improvement, the reprogramming of funds outside of their district he thought was a significant concern for all Council Members, that he had some issues and concerns with the pool of funds that the administration was looking to extending the contract by and planned to tag the item after the discussion and would like to visit with the administration over the last week to look more closely at the financing mechanism behind this and preserve the capital dollars for District A., and Mayor Pro Tem Boney asked if it would be of any use to have someone come up now and speak or did he need a week to consider, and Council Member Tatro stated that there were some other issues that other Council Members had and thought they could be better resolved with a meeting. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that he had concerns also, that he understood that this contract was previously considered and the decision had been made by Public Works not to proceed and would like a briefing from Public Works as to what had now changed their position. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that one week may not be near enough to address the concerns that he had, that he had met with Mr. Rolan yesterday and felt that they would be able to do this, that as many of them knew this was a carryover from April, that the City wide need was justified and the firm had performed in good fashion, that what he had to address was the contract and the process in which they were doing this, and Mayor Pro Tem Boney stated that the issues that he had raised were clear and very specific and the department now knew what areas they needed to discuss and they would try to handle it within one week. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Item 32 was tagged by Council Members Quan, Tatro, Keller and Vasquez. Mayor Brown absent. Mayor Pro Tem Boney presiding.

33. ORDINANCE appropriating \$690,781.72 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF CONTRACTORS, INC** on low bid of \$640,917.50 and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** in the amount of \$5,000.00 for Sanitary Sewer Maintenance Repair Contract by Cleaning and Television with Point Repair, GFS R-0266-14-3 (4277-4); providing funding for contingencies relating to construction of facilities financed by the

Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0200 ADOPTED.

NON CONSENT AGENDA - NUMBER 34

MISCELLANEOUS

34. MOTION to set a date not less than seven (7) days from February 28, 2001 to receive nominations for Positions 12 and 14 of the **CITY HALL PRESERVATION COMMITTEE** for terms to expire December 31, 2001 and Positions 11, 13 and 15 for terms to expire December 31, 2002 – was presented. Council Member Tatro moved to set Wednesday, March 7 to received nominations, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0231 ADOPTED.

MATTERS HELD - NUMBERS 35 through 41

36. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt 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 – (This was Item 13 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. MOTION 2001-0232 ADOPTED.
37. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$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 – (This was Item 14 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. MOTION 2001-0233 ADOPTED.
38. ORDINANCE appropriating \$650,882.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **W. I. 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 – (This was Item 32 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBER TODD)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0201 ADOPTED.

Council Member Tatro stated that he wanted to thank Mr. Doug McKenna for working to get some information for them, that he scrambled around at the last minute trying to come up

with the numbers, that he appreciated his effort to try to get that to him and looked forward to receiving it.

39. 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 – **(This was Item 36 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBERS PARKER and BELL)** – was presented.

Council Member Bell moved to refer Item No. 39 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0234 ADOPTED.

40. 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 – **(This was Item 37 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he had tagged the item last week and at this time he would like to compliment Mr. Stephen Lewis, that he had sent it to some associates of his in the private sector to really analyze it on the services, office space, overhead, personnel and the scope of all of those and what he would like to report to the Council was that this deal, for lack of a better term, was better than market, that it was lower than they would be getting in the private sector, and stated that he applauded Mr. Lewis for his efforts on it.

A vote was called on Item No. 40. All voting aye. Nays none. ORDINANCE 2001-0202 ADOPTED.

41. 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 - **(This was Item 50 on Agenda of February 21, 2001, TAGGED BY COUNCIL MEMBER TODD)** – was presented.

Council Member Vasquez stated that he wanted to draw the Council Member attention to a packet he handed out, that the first section titled Excavation in the Public Way, that page dealt with and summarized a lot of the modifications that had under gone to the Street Cut Ordinance based on conversations with industry and discussions with Public Works and the Legal Department, that it was presented in a bullet item format for them to read and review at their leisure, that the second page dealt with amendments that he was going to bring to the table, and in the remaining pages, in the upper right hand corner, they would see the corresponding amendment as the backup data for each of the amendments, that he was going to ask for the assistance of Mr. Bibler and Mr. Doug Wiersig to make the motions, that he would like to move through each one of them one at a time, and basically state the purpose and allow Council Members to ask questions of Mr. Bibler or Mr. Wiersig.

Council Member Vasquez moved to amend Item No. 41 as follows:

Section 40-165(a)(2) as adopted in Section 5 of the Ordinance, strike the words “not later than 72 hours before the excavation work begins” as shown on the attached page 8, seconded

by Council Member Parker. All voting aye. Nays none. Council Member Boney and Castillo absent. MOTION 2001-0235 ADOPTED.

Council Member Vasquez stated that the purpose of this was to allow the Public Works and Engineering Department to specify a shorter time period in the rules as noted in part two of the motion, that actually number one and number two went together in this motion, but for the purposes of process and clarity they would handle each of the amendments one at a time. Council Member Boney and Castillo absent.

Council Member Vasquez moved to amend Item No. 41 as follows:

In the Rules and Regulations approved under Section 6 of the Ordinance they would substitute pages 5 and 8 with the attached, "The purpose of this amendment is to revise Section 40-158 and 40-165(2) of the Rules to reduce the prior notice required for excavations from 72 hours to 48 hours".

Council Member Vasquez stated that the purpose of this was to revise the appropriate sections based on the amendment that they just passed to reduce the prior notice required for excavations from 72 hours to 48 hours, seconded by Council Member Parker. Council Member Boney and Castillo absent.

Council Member Sanchez stated that he wanted to hear from the department and asked if they were in accordance with the amendments, and Mr. Bibler stated that they had drafted these but now the drafter was having some second thoughts about something he had said in one of these, and Council Member Sanchez stated that this was a substantial number of motions and amendments and did not know if they were prepared to make these amendments at the table without some substantial input from the department.

Mr. Bibler stated that all of the hits that were on the bullet list on the front of the handout was a summary and it was actually separate from the amendment, that the two were copied and passed out together but were not connected, and Council Member Vasquez stated that was provided as a courtesy so that Council Members could see the total picture of the discussions that had taken place with industry, between Legal and Public Works, that it was not part of the amendment, and Mr. Bibler stated that it was the graving of the item that Council had been studying for three weeks, that they were talking very minor technical issues and Doug was just having a question about whether he worded the provision on 48 hours yesterday someone could construe that as being six days because of the way he worded it and they wanted to make it clear that it was just 48 hours, that he had also said from 8 to 5 and someone said that it would take 5 days from 8 to 5, so what they needed to do was just strike the 8 to 5 part essentially, and Council Member Vasquez requested that he restate that, and Mr. Bibler stated that with regard to amendment 2 on the page that said amendment to the attached page, Amendment 2, that he had said 48 business hours and then he had said afterward in parenthesis, 8 to 4:00 p.m., that they could leave the Monday through Friday, but the 8:00 a.m. to 4:00 p.m. needed to be stricken out, that was Section 40-158, and the same thing on the next page in Section 165 too.

Mr. Wiersig stated that the reason to strike that out was that someone could interpret that business hours were only for that 7 1/2 to 8 hours per day and then they would have to do the multiplication to go 6 days to get 48 hours, and that was not the intent, the idea was basically

for 48 hours, but only for business days, and not counting the weekends and holidays, that the whole intent to go from 72 hours to 48 hours was that initially they did not want someone coming in on Friday at 4:00 p.m. and if they only had 48 hours notice they could start work on Sunday at 4:00 p.m. and that would not give Public Works enough time to notify everyone, so they wanted to make sure that they had a good working day to notify everyone that someone was going to be out there working, that taking it back to 48 hours on a business situation gave them adequate notification and let the industry have adequate time to plan their work, that it actually gave them a little more compressed period that they had to notify Public Works so they could schedule their work a little bit better, that it worked for both of them but it was just a systematic piece of how they interpreted the 48 hours, and Council Member Boney asked Mr. Wiersig if he was saying that with the striking of the 8:00 a.m. to 4:30 p.m. he was okay and Legal was okay with the amendments that were packaged and submitted by Council Member Vasquez and Mr. Wiersig stated correct.

Council Member Vasquez asked if they had to amend the motion, and Council Member Boney asked Mr. Bibler if Council Member Vasquez needed a formal motion to amend to strike 8:00 a.m. to 4:30 p.m. in those two places, and Mr. Bibler stated yes.

Council Member Vasquez moved to amend the motion to strike, in Sections 40-158 and 40-165, 8:00 a.m. to 4:30 p.m., to the same language, seconded by Council Member Parker. All voting aye. Nays none. MOTION TO AMEND CARRIED.

Mr. Bibler asked for a point of clarification and stated that the Monday through Friday part was fine, that was what they were trying to get to, it was just the 8:00 a.m. to 4:30 p.m. that they were trying to do, and Mayor Brown stated that the 8:00 a.m. to 4:30 p.m. was what the motion intended to do and did.

A vote was called on the main motion as amended. All voting aye. Nays none. MOTION 2001-0236 ADOPTED AS AMENDED.

Council Member Vasquez moved to amend Item 41 as follows:

"In the Design Manual, which is attached to the Rules and Regulations approved under Section 6 of the ordinance, substitute the attached page 12-3.", seconded by Council Member Parker.

Mr. Wiersig stated that in regards to that motion, from Wednesday's public hearing, they went back and met with the industry representatives and discussed the proposed regulations and ordinance that was before Council at that point and time and as a result of those discussions that page of amendments had been agreed upon by all of them to make it a more effective ordinance, that it works good for all of them, and Council Member Sanchez asked if Mr. Wiersig had addressed all of Council Member Vasquez's proposed amendments so they did not need to hear from him on each and everyone one and Mr. Wiersig stated correct.

A vote was called on Amendment 3 to Item No. 41. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0237 ADOPTED.

Council Member Vasquez moved to amend Item 41 as follows:

"In the Design Manual, which is attached to the Rules and Regulations approved under Section 6 of the Ordinance, substitute the attached Pavement Repair Details Pages 01 of 02 and 02 of 02, Street Cut Pavement Replacement 0 to 5 Year Pavement Page 1 of 2, and Street Cut Pavement Replacement Over Five Year Old Pavement Page 2 of 2.", seconded by Council Member Parker.

Council Member Vasquez stated that the purpose of this was to revise engineering details to add more flexibility and concrete pavement work, that this revisions were corrections of spelling and other minor issues. Council Member Todd absent.

A vote was called on Amendment 4 to Item No. 41. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0238 ADOPTED.

Council Member Ellis stated that he too had passed out an amendment, that it was a rather simple one and dealt with the Rules and Regulations in 40-163(5)(a) which basically was the Surface Restoration Bond Requirements that were being established by the ordinance. Council Member Todd absent.

Council Member Ellis moved to amend Item No. 41 to add the following:

"This requirement may be waived upon a showing of good cause including, without limitation, a showing of sufficient financial resources to satisfy the bond requirements and a history of adequate performance of restoration obligations in the public way", seconded by Council Member Keller. Council Member Todd absent.

Council Member Ellis stated that this basically would give the administration the authority to waive the bond requirements to those corporations that were financially solvent, that two things would happen, first of all it would allow them to go in and do the work at a lower cost, and it would also allow them to self insure and all of the cost would be passed on to the public, so he would urge that they amend the restoration bond requirements and include the paragraph. Council Member Todd absent.

Mayor Brown asked Mr. Bibler to respond to the legality of that motion, and Mr. Bibler stated that perhaps the biggest legal concern he had, and it kind of got into the issue between big phone companies and small phone companies and thought perhaps it was best to let Ms. Debra McAbee address that, that he also had some practical concerns, but believed Mr. Wiersig could handle those. Council Member Todd absent.

Ms. McAbee, Legal Department, stated that one of the guiding principals behind the development of the ordinance, with respect to the telecommunications providers, was that all telecommunication providers would be treated equally, that the Telecommunications Act of 1996, when it was adopted, was designed to foster competition between new entrants into the telecommunications market and required State and local governments to remove barriers from entry to become competitively neutral and non discriminatory in its regulations, that Texas Law in 1999 was amended by the adoption of Chapter 283, a local government code, to provide essentially the same sort of thing, that the bottom line was that the incumbent local exchange carrier, the big guy, was to be treated the same as the little guy and the little guy to be treated the same as the big guy, that to favor a provider based on history of operations in a city was something that they had stayed away from in the drafting of the ordinance because the

competitive local exchange providers, the new companies, believed that anything that favored the incumbent barred their entry and was an impediment to their entry into the market place and was a violation of the Telecommunications Act and perhaps of State law, so that to an extent that a provision was proposed to the ordinance that would allow them to take into account the history of a telecommunications provider in dealing in the City's rights of way would subject the City to the potential risk of litigation from the competitive exchange, the new providers, that they had been very diligent in their efforts in drafting the ordinance to put the City in a position where that litigation risk was minimized. Council Member Todd absent.

Council Member Ellis stated that they kept talking about telecommunication providers and asked if there was any restriction as far as Reliant Energy, and Mr. Bibler stated that both he and Mr. Hall had rather extensive discussions with them and they had agreed to provide the bond, that they were not happy about it but would provide it, and Council Member Ellis stated that it would then be passed onto the consumer, and Mr. Bibler stated that he supposed it would, but in that sense someone with their connections was probably not going to have to spend a whole lot of money to get the bond, and plus in a deregulated environment he was really uncomfortable with putting staff in a position of saying who was big and who was not big, and Council Member Ellis stated that the paragraph did not require that they waive the restoration bond requirements it only gave them the ability to do so, so enacting it would not be illegal for Council to approve it today, and Mr. Bibler stated that he was very uncomfortable with suggesting legally that staff could engage in this practice. Council Member Todd absent.

Council Member Boney stated that he appreciated the intention of Council Member Ellis's amendment, but thought that they needed to proceed quickly but with an abundance of caution, that he would not want this ordinance vulnerable to litigation or possibly be struck down because they were giving preferential treatment, so to speak, to some of the older more established companies. Council Member Goldberg and Todd absent.

Council Member Keller stated that he did not see how solvency or sufficient financial resources had anything to do with size, that big had nothing to do with it, that with this also history of adequate performance could be other cities or a track record that they had established in other countries, that he thought everybody would be treated the same if they had this in place, and Council Member Boney asked how would they determine solvency and know about the fiscal health of any of the corporations, and Council Member Keller stated that they would simply just come to them with their bank references or financial statements, but it did not have to do with size. Council Member Goldberg and Todd absent.

Council Member Tatro asked if there was a way, regardless of size of a corporation, that some financial measurement or record be presented to make it more definitive as to not make it subjective, and Council Member Ellis stated that he heard what they were saying and understood it, that he would leave it up to the administration to define what financial solvency was and whether or not a corporation could self insure. Council Member Todd absent.

Mayor Brown asked Mr. Wiersig if based on their understanding of the proposal were they capable of carrying it out with the existing resources or would it require more resources in order to implement this, and Mr. Wiersig stated that the proposed amendment would naturally require more staff effort to figure out who was solvent, who was viable and who was not and that became a greater administrative cost and effort on their part, that just to give the intent of why they put the bonding in there was that they handed out a list that basically stated what they

did to the ordinance since December 20, 2000 and what they had done was come back and looked at many things and said how can they make, in nice terms, the ordinance more implementable, less restrictive, less costly for the entities to come in and get permits, the engineering work that they had to do, etc., and what they had done was something unique to other cities, in Houston and throughout the Country, was that they created some unique permitting capabilities for entities to come in and not have to go through a onerous a process as other places did, in terms of engineering things, construction techniques and restoration techniques, that they kind of balanced that all together, but at the same time they had to say was how do they make sure that the integrity of what they were trying to accomplish was maintained and there was a couple of things in the ordinance, and one of them was the bonding proponent that said that if they went through this and they gave them a lot more flexibility and they did mess up what was out there that tried to insure that they were going to do it right, and it was the last thing that any of them wanted to do was go to a bonding company, but it created an opportunity for them to have some additional leverage in regards to making sure that they adhere to what they have allowed them to do in the ordinance. Council Member Todd absent.

Upon questions by Council Member Robinson, Mr. Bibler stated that there was no bond in the ordinance as it stood now, but the concept here was that they were going to basically turn people loose to do work on their own within certain perimeters and they thought there ought to be some controls on it, originally they thought they would limit this to work that was done by the traditional utility company crews that they had seen on the streets, like Southwestern Bell, the light company and gas company, but they came to find out was that most of the work they were actually doing in the streets was being done by subcontractors, that the bond was part of their warranty and if there was a problem and that asphalt turned to bubble gum in the next few years that someone was going to fix that, that the bond was a sliding scale based on the amount of work they were doing, and Mr. Wiersig stated that it ranged from a bond of \$150,000 to \$500,000, so when they looked at the amount of work that they were doing in the street they were only setting bonding limits to a fraction of what potentially could go wrong out there. Council Members Boney and Todd absent.

Mayor Brown asked if a company did not want to get a bond they could get a permit, and Mr. Bibler stated that was absolutely correct, that the general permit process was optional and if they wanted to come in on a job by job basis and bring their contractor with them they would continue to issue them job by job permits. Council Members Boney and Todd absent.

Upon questions by Council Member Quan, Mr. Wiersig stated that the bond would have to be enforced for a period of three years and the reason was that the general permit was good for one year and they had to guarantee their work for two years, that if they did ten street cuts or a hundred and they had a general permit that \$500,000 bond would cover them, that it could be small if they were doing less work. Council Members Boney, Todd, Keller and Robinson absent.

After further discussion a roll call vote was called on Council Member Ellis's motion to amend Item No. 41.

ROLL CALL VOTE:

Mayor Brown voting no.
Council Member Tatro absent.

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

Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting aye.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez voting no.
Council Member Todd absent.	Council Member Bell voting no.
Council Member Ellis voting aye.	Council Member Robinson voting no.
Council Member Keller voting aye.	MOTION 2001-0239 FAILED.

Council Member Vasquez stated that he would move to amend Item No. 41 as follows:

To delete Section 40-63, Condition 5B, which entailed 5Bi, 5Bii and 5Biii, and add Condition 6, as follows: The owner shall remain responsible to the City for the excavation and restoration and repair of the public way that was performed by a contractor”, seconded by Council Member

Council Member Vasquez stated that the purpose of the amendment was to streamline the ordinance and make it easier so to speak, in terms of the language, to be responsible for the work, that the language that was being asked to be deleted basically provided additional discussion and definition of that type of work. Council Member Todd absent.

Mr. Bibler stated that this got back to the point he was making a couple of minutes ago, that they started out with the concept that the general permit should probably limited to people doing work with their own crews, but then they found out that almost none of the major utilities or anyone else that they could find was doing the work with their own crews but they still wanted to make the general permit concept viable, that their concern was not to have situations like the one the Mayor recently had to address because of a contractor who was doing a City sewer job, leaving someone’s front yard messed up or something, and then the issue became when was the contractor going to go out there and handle it or the City having to call the utility who sent the contractor out and they tell them go find the utility or go find their insurance company, that they tried to make the language crystal clear that if they did this work that it was transparent, that they could not assert to them that they had used a sub or that the City needed to go out and find the sub, that he appreciated that the amendment would still say that they were responsible, but it did not say that they could not try to place the sub between them and the City, that the City did not want to be in that situation. Council Member Todd absent.

Upon further discussion a roll call vote was called on Council Member Vasquez’s motion to amend Item No. 41.

ROLL CALL VOTE:

Mayor Brown voting no.	Council Member Vasquez voting aye.
Council Member Tatro no.	Council Member Castillo voting aye.
Council Member Galloway voting no.	Council Member Parker voting no.
Council Member Goldberg voting no.	Council Member Quan voting no.
Council Member Boney voting no.	Council Member Sanchez voting no.
Council Member Todd absent.	Council Member Bell voting no.
Council Member Ellis voting no.	Council Member Robinson voting no.
Council Member Keller voting no.	MOTION 2001-0240 FAILED.

Upon questions Council Members, Mr. Wiersig stated that whether it was a general or an individual permit they had to put a sign up that stated that the work was being done by so and so and here was the phone number to call them, that if it was a general permit the actual permit number was right on the sign, and if it was an individual permit that individual permit had to be at the job site, displayed, also; that the plan was to incorporate the street projects, especially those on the arterial streets, on the Transtar website, so that people could pull those up. Council Member Todd absent.

A vote was called on Item No. 41 as amended. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0203 ADOPTED.

Council Member Vasquez stated that there had been a lot of people who had worked on this behind the scenes and wanted to point out a few of the City employees who deserved credit and recognition for doing their job at a very high level of effectiveness, Mr. Wiersig, Mr. Bibler, Ms. McAbee, Mr. Mark Kosmoski, Mr. Nandagiri and of course Mr. Rolan. Council Member Todd absent.

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

31. ORDINANCE appropriating \$4,258,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund, CIP A-0116, awarding construction contract to **GARVER CONSTRUCTION, LTD.**, on low bid of \$3,913,700.00 and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$97,000.00 for Will Clayton Parkway/Lee Road Improvements at George Bush Intercontinental Airport/Houston (IAH), Project No. 560A - **DISTRICT B – GALLOWAY** – was again presented to Council. All voting aye. Nays none. Council Member Todd absent. Council Members Todd and Robinson absent. ORDINANCE 2001-0204 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bell stated that he wanted to commend the Greater Houston Partnership, specifically Mr. Jim C. Kollaer, for their efforts to educate some of the chief executive officers in California about the benefits of Houston, that as they all knew California was one of the high tech capitals of the world and in the wake of the power crisis many of the high tech companies in California were scrambling to determine whether and where to relocate, that this presented an incredible opportunity for Houston and was what Mr. Kollaer and the Partnership had followed up on by sending letters to over 100 or 1,000 CEO's located in California and educating them about what Houston had to offer. Council Members Galloway, Todd, Keller, Castillo and Robinson absent.

Council Member Quan stated that many people were kind of confused when they had their special called session, that one of the things that he had deduced from it was that Council had said that they wanted to wait for the Courts to make a decision on the Metro issue, that Metro had made a very convincing argument that they did need to move forward on the mobility plan, but he just wanted to say that while he was anxiously waiting, like everyone else, on a decision from the Court of Appeals, he felt they had a strong position, and in the event that the Court ruled against them, he felt that they should move forward on a referendum, that he would

ask that the voters of the City just stay tuned with them. Council Members Galloway, Todd, Keller and Robinson absent.

Council Member Tatro stated that he had a few comments on the Northeast Water Plant and the briefing they had yesterday, that although he was a little disheartened to see that they had not currently entered into a contract negotiation with the North Harris County Region Water Authority he was encouraged about the conversations going on with the West Authority; that the non compete clause that was presented into the operating agreement with the respective purveyors of the contract, that the non compete clause causes some significant issues, but he thought it caused some issues of jurisdiction, but it caused a concern on whom they could select, that if they moved forward to incorporate that non compete they were going to restrict their options and the taxpayers options and the options of who could compete and who could provide them with the best product; that the rate scenario that CH2M Hill had come up with was \$1.30 and \$1.10 and that incorporated the \$1.10 for ground water pumpage within the City, that he thought it was a significant cause for concern if that was to move forward it could result with some credits being issued back to the City of \$20 million to \$25 million that the citizens and ratepayers of the City of Houston would have to come up with under that scenario, so he would encourage the administration in working with the two water regions to go back and sharpen their pencils and make the rate neutral to the ratepayers of the City of Houston, that when the rate scenario was made available he would like to know about it because it did have significant impact on the BLGC and the citizens of Houston. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that there was a concern about meningitis at Kelso Elementary, that he believed it was the potential first case reported in the City of Houston, that he would like to get some information from the Health Department, that he was not aware of all the facts and figures, but if the Health Department could provide that, that just for a point of information. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that on March 20, 2001 there would be a March on Crime Parade in the Northside and would be sponsored by the Vaughn Civic Club and invited all the At Large Council Members to come by, that it would be a big event and would start at 10:00 a.m. and the starting location would be between Holy Name and Trinity Baptist Church at 1202 Hogan. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that it would be spring cleaning in District H, that they were scheduling six cleanups in a matter of seven weeks and invited the At Large Council Members to attend, that they would start on March 17th at the Ryon Civic Club Area, March 24th in the Irvington Area, March 31st the Trash Bash at Moody Park, April 7th Little Thicket Park, April 21st the Yale/Victoria and Independence Heights and April 28th the Sunbeam Curry Civic Club Area. Council Members Galloway, Todd, Castillo and Robinson absent.

Mayor Brown stated that the Health Department had been monitoring the meningitis problem and did treat the class where the problem was discovered, that they would make

sure that all Council Members would receive an update. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Keller stated that his favorite article in the Chronicle was "Lindsay Exempts City from his Bill", that it heartened him to see the battle over County water system entering a kinder and gentler phase, that he was very pleased to see that Senator Lindsay exempted the City from his bill, that it was a good tone, that Mr. Haines and the administration ought to be complemented on working the compromise with the Senator. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Boney stated that at 1:30 p.m. today the Regional Planning City Council Committee would be meeting in Chambers to review the Landry's Aquarium Project, that it was a very important project and knew that many of the Council Members had an interest in it. Council Members Galloway, Todd, Castillo and Robinson absent.

Council Member Boney stated that he wanted to invite the public, particularly the constituents of District D, to the Capital Improvements Program Meeting that they were scheduling at the Museum of Fine Arts on Monday, March 5, 2001. Council Members Galloway, Todd, Castillo and Robinson absent.

Mr. Hall invited all Council Members to the Biannual Legislative Reception today in Austin, from 6:00 p.m. to 8:00 p.m. and encouraged them to attend. Council Members Galloway, Todd, Castillo and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:14 a.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Todd, Castillo 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