

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

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, March 27, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Jew Don Boney absent due to being ill.

At 2:09 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Sanchez lead everyone in prayer and the pledge of allegiance. Council Member Boney absent due to being ill. Council Members Galloway, Bell and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Boney absent due to being ill. Council Members Bell and Robinson absent.

Council Members Sanchez and Vasquez moved that the minutes of the preceding meeting be adopted. Council Member Boney absent due to being ill. Council Members Bell and Robinson absent.

Council Member Quan stated that they had a wonderful Keep Houston Beautiful Saturday clean-up; that they had over 1,400 people throughout the City and various Council Districts as well as in the downtown area, also working were Council Members Annise Parker and Chris Bell; that they had the honor of cleaning-up the downtown area and working around the George R. Brown Convention Center, Enron Field and the old China Town area; that he wanted to thank some of the groups that had participated in the clean-up, Robin Blout and Tien Ngo from Keep Houston Beautiful and Youth Advisory Board, Solid Waste Department, Neighborhood Protection Department, Convention and Entertainment Facilities Department, Klein Forest Interact Club, Bellaire High School, St. Paul Missionary Baptist Church, Houston Rockets, Olympics 2012, Mayor's Young Council, Houston Downtown Management District, Tzu-Chi Buddhist Temple, Jade Buddhist Temple, UH-Alpha Kappa Delta Phi Sorority, YCEP and Pastor Robinson's Church, amongst others; that as a sign of appreciation the Houston Rockets wanted to make a donation of a T-shirt to each of the Council Members and the Mayor to show their appreciation to Keep Houston Beautiful and the ball was in their court; that he thought they had made an impact to make Houston beautiful. Council Members Tatro, Sanchez, Bell and Robinson absent.

Mr. Clarence J. Gatterson, 4717 Lockwood Dr. #9, Houston, Texas 77020 (713-676-2135) appeared and voiced his personal experience and religious opinions until his time expired. Council Members Bell and Robinson absent.

Council Member Tatro recognized the third grade class from Meadow Elementary School, accompanied by their teacher, Ms. Denison. Mayor Brown stated that he had a chance to meet them; that they were the best boys and girls any place in the City of Houston; that he was very proud of them and thanked them for coming. Council Member Tatro stated that the school was in Council Member Keller's District. Council Members Sanchez, Bell and Robinson absent.

Council Member Tatro moved to suspend the rules to hear from Mr. Bobby K. Wilson and Mr. Michael Berger after Ms. Brenda Flores, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent due to being ill. Members Bell and Robinson absent. MOTION 2991-0311 ADOPTED.

Minister Angel Lopez, 2220 South Piney Point Rd., Houston, Texas 77063 (713-782-4128) had reserved time to speak, but was not present when his name was called. Council Members Bell and Robinson absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and stated that he was present for debriefing; that he was told by Sergeant Alfredy on March 19, 2001 that he was not going to debrief him, Leo Mercer, Jr. and the Houston police men and women and the Houston Police Department did not do debriefing; that it would cost a minimum of \$10,000 for an attorney for his Board and staff with the Department of Justice and Department of Defense with them undercover to meet them in a court to debrief them; that he asked Mayor Brown how did they get debriefed with their help. Council Members Castillo, Bell and Robinson absent.

Mayor Brown stated that Assistant Chief Dennis Richards was present and would meet with Mr. Mercer to provide him with answers. Council Members Castillo, Bell and Robinson absent.

Mr. Dell York, 8833 Gulf Freeway, Houston, Texas 77017 (713-991-1287) had reserved time to speak, but was not present when his name was called. Council Members Castillo, Bell and Robinson absent.

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

Ms. Gerald Hackett, 515 Wilmington, Houston, Texas 77033 (713-264-6314) had reserved time to speak, but was not present when her name was called. Council Members Castillo, Bell and Robinson absent.

Captain Mel Carranza, 16800 Sugar Pine Dr., #F-48, Houston, Texas 77090 (281-895-8944) appeared and stated that he was a retired Boeing 747 Captain for Continental Airlines; that he was presently serving as a consultant to Aviacion Forestal of Mexico City; that one of his duties was to demonstrate to the Mexican Air Force a "fire bomber aircraft" called the "The Air Tractor" which was built in Olney, Texas; that believe it or not, they were trying to help Mexico fight its biggest enemy which happens to be forest fires, the same kind we have right here at home; that he was sure they remembered how every year Texans suffered from all of the smoke that migrates to Texas from south of the border; that he had just returned from Acapulco, Mexico, where his company attended, as well as participated, in a 4-day International Aviation Exposition; that he was introduced to a fire agent that made everything obsolete that had been used in the past; that the product extinguishes forest fires as well as chemical, petroleum or hay conflagrations; that using this solution there would be no "flashbacks" after a fire was visibly extinguished; that as an airline pilot most of his life, he continued to be concerned

with aviation safety; that there were two things a pilot feared the most, the first was a mid-air collision; that with the latest technology this danger had almost been eradicated; the second thing pilots feared was fire, whether it was in the air or on the ground; that many times he had departed George Bush Intercontinental Airport for London's Gatwick Airport with a take-off of 840,000 pounds which 317,000 pounds was fuel; that it made a big fire if something went wrong and an aborted take-off was eminent at high speeds; that last week he talked with Mr. Keith Bagot of the FAA Airport Division based in Atlantic City, New Jersey and discussed the information on the latest technology in fire control; that Mr. Bagot informed him that the 3M Company in the past supplied 90% of the A3FFF Foam for all the airports, but was no longer producing this product which they had learned to trust; that he felt that City Council, as the City Leaders, had the responsibility to look at how the new product worked; that the company that manufactured "BioReNu" was G.T. Environmental Technology, Inc.; that it was not far away and was in their own backyard, Pearland, Texas. Council Member Robinson absent.

Upon questions by Council Member Castillo, Mr. Carranza stated that he had seen Mayor Brown on television a few days ago and that Mayor Brown had stated that he would need about \$40 million for manpower in the Fire Department; that in the demonstrations he had seen, it took two firemen to hold a hose and one to hold the nozzle to put out a fire; that he had seen the same fire put out by one hose that was the type you would use to water your lawn and one fireman put the same fire out; that he felt that if the Fire Chiefs would look at this product that they would find that they could save a lot of money and a lot of manpower. Council Member Robinson absent.

Mayor Brown stated that he would have someone from the Fire Department get in touch with him and that they would follow-up on this. Council Member Sanchez absent.

Ms. Brenda Flores, 2041 Marnel Road, Houston, Texas 77055 (713-722-9258) appeared and stated that she was present to ask the Mayor to leave their money alone in Council District A; that the \$755,000 that the Mayor wanted to go to PGA&L to come out of their Council District, she had sat with people at PW&E and that they had fourteen on-going capital improvement projects happening now in fiscal year 2001; that of the fourteen, ten of them were 75%-90% completed; that they had their own in-house project managers; that there were twelve of them in Street and Bridge that were highly capable people and they could finish overseeing these projects; that they had ten projects slated for fiscal year 2002 and with twelve people they could handle this themselves; that they did not need to be giving money away; the \$750,000 that the Mayor wanted to give to PGA&L was not designated for any one project and if he was going to be fair about taking it out of capital improvements, then she wanted him to be fair and divide it up among nine of the Council Members and not just take it from them that her Council Member had been very prudent; he had been fiscally conservative, he had watched the contracts, he had made sure that they were generating their own funds and it would not be fair for Mayor Brown to take away their money to give to an undesignated project. Council Member Sanchez absent.

Upon questions by Council Member Parker, Ms. Flores stated that the way that she looked at it, that Jack Linville for two years was Mayor Brown's campaign treasurer; that to her it looked like a political pay-off; that the Mayor would have to give him more money with the new election coming up; that the Mayor's daughter worked there and so if he left

he could not vote on this because that would be a conflict of interest; that she felt that because it showed up on the agenda at all was a conflict of interest; that if he did not have money designated for the project, one, it looked like a political pay-off and two, it looked like retaliation because their Council Member had been very prudent and watched their tax dollars and done his job that they elected him to do. Council Member Sanchez absent.

Council Member Parker stated that it was not her money, it was not the District's money, it was the money of the taxpayers of the City of Houston and was to be spent for the benefit of the taxpayers of the City of Houston; that it would be a very unfortunate precedent if the City were to find itself in a position where they would be unable to move money that was available in the CIP in response to changing priorities; that she would not say that the money was freed up in District A CIP because of prudent actions by the Council Member, but rather because of the creation of a tax increment re-investment zone which took tax dollars that would have been available for the entire City of Houston to benefit and focus them on District A, it seemed only fair because it created the availability of other funds for those funds to go back into the general pot and be redistributed for the benefit of all; that she felt that they should get away from the attitude of pitting City Council Districts one against the other; that those of them elected city-wide had the responsibility to balance the needs and the priorities of all the Districts. Council Member Sanchez absent.

Council Member Tatro stated the he knew she had lived in the District for quite some time and that they had talked about Long Point development and they had talked about other development; that as a constituent who had worked hard for causes; he asked Ms. Flores how it affected her as a constituent, somebody in the District to see the scarce dollars that the City has; number one, that was budgeted for a road project being allocated outside of that area, but also going to things that were not budgeted before. Council Member Sanchez absent.

Ms. Flores stated that was exactly what she had said to the Mayor that in her opinion it was either a political pay-off so that he could pay Jack one more big thing, or two, it was retaliation; that she had been at several meetings outside of City Council where the Mayor had spoken and the last meeting was in January and the Mayor basically told all of them that they needed to wake this city up that the republicans sitting on this Council were the reason that the people in the Navigation/Jensen area did not have streets, did not have lights, all of this was caused by them by doing the tax cut-back and it was time that they sent a message that the democrats were alive; that she was a democrat, but if the money was allocated to go to her District that they should not take it away from them; that if she had generated other funds to get things done that she would still have other projects waiting and that was not fair to see the money being taken away from their District; that they were the only District without a multi-purpose center and their people had to get on buses; that the City did not help them do the bus routes, they did it themselves; they sat down with Metro and put them in; that they had to go outside the District to appointments; that there were so many other things they could use the money for. Council Member Sanchez absent.

Council Member Tatro stated that he would ask Council to think back to the T.C. Jester TIRZ and the controversy and the problems that surrounded that TIRZ and that he

took large credit for freeing up that \$2 million for other District A projects because he took a strong position in favor of that TIRZ therefore they were able to complete much of the project with TIRZ's money; that unlike what the Council Member had referred to that he did take a strong position in saying that he was largely responsibility for freeing up that \$2 million for that project, getting it dedicated to TIRZ money therefore freeing it up for the District and he did not think that the hard work they had done in supporting that TIRZ should just evaporate out of this District and not go back to the citizens in the District for other very much needed road projects. Council Member Sanchez absent.

Council Member Bell stated that he had just one question for Ms. Flores because he had received calls suggesting the same, but they had been anonymous in nature regarding that she eluded to regarding the staffing in the Public Works Department and the ability in-house to oversee these projects; that he was sure she was aware if she had been following the debate at Council the last few weeks that Mr. Rolan strongly insisted that there was not the personnel power to oversee the projects at the present moment. Ms. Flores stated that she could not speak for Mr. Rolan but she could remember back in December where he promised the Council that Street and Bridge would be able to do the jobs before them; that each and every one of the people in Street, Bridge and Road were already project managers over the current projects that they had; that they already had people doing this; that she could not talk to Tom, he was a really good man, but she could not speak for him, but she knew that they did have their own project managers already overseeing these projects and why did they need Jack Linville to come in and hold their hands, they did not. Council Member Sanchez absent.

Council Member Keller stated that he had no problem with this; that he thought it was moot actually and he felt that it was a creative formula coming from all Districts because it started out as all of them submitting their CIP plans individually and then they were prioritized; that his point was that he had no problem with District G ponying up its 1/9th responsibility if the nine Districts want to divide \$2.1 million by nine and do it in the CIP, he had no problem as a District representative stating that now and when was this scheduled to be constructed in the CIP for this project. Ms. Flores stated that he should ask Bruce. Council Member Keller asked Council Member Tatro if it was 03 and Council Member Tatro stated that it depended on if they passed the TIRZ or not and they had; that it probably would have taken place about the same time, but that he had to remember that the TIRZ ended the 18th and the actual specification was to go all the way to Ella and if they had stopped it there would have been a transition needed on T.C. Jester north of 18th Street over to Ella. Council Member Keller asked if the TIRZ completed the exact same project and Council Member Tatro stated yes and no; that the project went all the way to Ella, but the TIRZ did not go all the way to Ella. Council Member Keller stated that the funding in the original CIP was 03, and Council Member Tatro stated that he believed it was for this year and that he wanted to recall the entire TIRZ debate; that he had done a lot of heavy lifting for the administration on that entire issue and he did take a lot of credit for freeing up that money, if not singularly. Ms. Flores stated that they had two projects that they would complete with the funds. Council Member Tatro stated that it would actually be under the \$2 million and those were the same projects they had been recommending to the administration for two years so it was not as though they were just coming up with projects. Council Members Castillo and Sanchez absent.

Council Member Parker that she was happy to give Council Member Tatro all of the credit for that TIRZ and that she had voted against it because she considered it of benefit largely to a single developer. Ms. Flores stated that the project that had finished benefited everybody. Council Member Castillo absent.

Mr. Bobby K. Wilson, 922 Bay Oaks, Houston, Texas 77008 (713-862-5148) appeared and stated that he was a resident of Timber Grove Manor near north side neighborhood and he was present to talk about the street and bridge funds that were currently in District A; that the crossing at T.C. Jester by the TIRZ left some money that had been allocated for that purpose in District A and that he also knew that they could take the money out of District A and put it back in the general fund, but that they had a lot of projects in District A that needed to be done and he believed as badly as anywhere else in the City and he would certainly like to have them consider leaving the funds in District A untouched; that he believed the City as a whole needed a lot of new street construction, but so did District A; that he wanted to express his opinion and encourage the Council to not reallocate the funds and leave them for District A to use. Council Members Goldberg and Castillo absent.

Upon questions by Council Member Tatro, Mr. Wilson stated that he lived in Timber Grove off of T.C. Jester; that he was familiar with the TIRZ as it was moving forward; that he was in favor of the TIRZ but mainly because he felt that T.C. Jester would be built either by the City or the TIRZ and that a lot of the neighbors did not like the fact that T.C. Jester would become a major thoroughfare and increase the traffic in their subdivision and since it was inevitable he felt that TIRZ was the best to proceed and the neighborhood got funds for beautification, ball parks and other things that they would not have otherwise gotten; that he believed there was a large number of people in the neighborhood that were in favor of the TIRZ; that the rule should apply without prejudice from one District or the other; that he believed that they had some very strong needs in their District and he would like to see the funds remain there so they could be used for things they needed to have done. Council Members Galloway and Goldberg absent.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and stated that they needed the funds in Spring Branch for Long Point to be widened with an esplanade in the middle from Hempstead Highway to Conrad Sauer; that they needed these funds for Spring Branch for other road construction. Council Members Galloway, Goldberg and Keller absent.

Upon questions from Council Member Tatro, Mr. Berger stated that he worked with Super Neighborhood Spring Branch East, between North Post Oak to Bingle and from Katy Freeway to almost near 290; that he had lived in Spring Branch for 32 years and that Peck Road used to be an awful street but now it had asphalt on top of it. Council Member stated that was correct and quite a few overlays; that he had recommended this to the Administration the last couple of years and felt that if the Administration would go back through the Planning Development Department and looked at last year's CIP recommendations and that this was before the Super Neighborhood Groups were solidified that they would see a lot of citizen participation from your area requesting the Peck Road development. Council Members Galloway and Keller absent.

Council Member Castillo stated that there were three speakers on the next item and when they were through speaking he would make a statement about how they had worked with the Mayor's office to resolve the issue. Council Members Galloway and Keller absent.

Mr. Alfonso Delcampo, 7052 Hemlock, Houston, Texas 77087 (713-923-1757) appeared and stated that he was aware of all of the construction on Floral Street that was going on; he was aware of the main start of the water line and sewer line and that an open culverts had been put there; that he asked the worker's what it was there for; that they stated that it was to drain the water off of Floral Street; that he stated they had petitioned for curbs and gutters and the worker stated that was what they were getting; that he believed the only person he knew that would be having problems was Harry Robinson; that was on a Friday and he called Mr. Robinson to set up a meeting for Monday at 10:00 a.m.; that he asked Mr. Robinson what was in the plans and that he had asked the contractor if he could see his plans; that Mr. Robinson referred him to Council Member Castillo; that they stated at first the curb and gutter was for Hemlock not Floral; that the petition was for seven blocks and included four blocks of Floral Street and he wanted to get this problem solved so they could get curb and gutter. Council Members Galloway and Keller absent.

Ms. Petra Delcampo, 7052 Hemlock, Houston, Texas 77087 (713-923-1757) appeared and stated that she was present to ask Council for intervention in getting the problem at Floral Street solved; that several years ago she and the other property owners of the 7000, 2200 and 5900 blocks of Hemlock Street and the 1400 to 1700 blocks of Floral Street petitioned the City of Houston to have their streets reconstructed which would include curbs and gutters; that at the same time they asked for all seven blocks to be curbed and guttered and that all were approved; that when the project was started in their area in January this year they were sitting pretty because they believed they were getting all of their streets curbed and guttered; that about a month ago where she lived that they were only getting open culverts; that she brought some pictures for them to look at; that this was a great area for mosquitoes to breed; that she was present to ask the Mayor or the authority to help them get this mistake corrected as they want and clean street and neighborhood. Council Member Keller absent.

Ms. Gloria Perez, 7010 Hemlock, Houston, Texas 77087 (713-924-4144) appeared and stated that she had petitioned for curbs and gutters and they were going to give them ditches; she petitioned because her son got meningitis due to over excessive mosquitoes and the water staying in her ditches; that she had called Council Member Castillo and the people he sent out to look at the problem told her that Council Member Castillo had approved it; that one child already affected was more than enough and her child was three months old when this happened; that they did not need any other children ill because of this problem. Council Member Keller absent.

Council Member Castillo stated that the situation was as the residents had described it; that City Council passed an ordinance on June 7, 2000, approving \$2.6 million for a total of \$4.2 million for the reconstruction of a series of streets in the neighborhood; that Floral was a street that ran north-south and intersects Hemlock which runs east-west; that both streets were to be 27 feet wide, concrete reinforced, roadway with curbs and four feet sidewalks; that the project was given 365 calendar days for

construction and it was not until the residents notified his office that something was wrong; that he sent staff out there and Floral had been changed so that it had open ditches and Hemlock would get the full treatment; that Public Works stated the forester for the contractor had a concern about some trees on Floral being too close to the construction area and would the roots would be affected and they would lose the tree, so unilaterally the contract was changed to not put curbs and gutters on Floral; that after they had made their inquiry they checked with the Parks Department to see if they had been contact and they had not; that the money was available, the contract for the project was approved by City Council and Mr. Rolen had promised to him and he had promised the residents that Floral would be constructed according to the ordinance that was passed by the City Council. Council Member Keller absent.

Mayor Brown stated that if he had a commitment from Public Works that it would be taken care of and he would follow up and make sure that it was taken care of. Council Member Keller absent.

Mr. John Flores, 524 Westheimer Street Apt. B, Houston, Texas 77006 (713-522-6548) appeared and stated that he was present to plead for fairness with the Parks Department; that there was a Parks Department regulation that forbids dogs and exotic animals in any part of varying organized events; that he had asked the Parks Department Director to bend the regulation because unlike other festivals in Houston dogs and exotic pets have been part of the Westheimer Street Festival for the last 25 years; that Mr. Spellman's response was that while he understood that dogs, snakes, amphibians and reptiles were an integral part of the festival on Westheimer that he could not relax the ban on such animals; that to do so would be to extend a freedom that was not allowed at other events on park property; that last year's Heights Festival which was held in the park had dogs all over the place; that on the 3rd of March about 10:00 a.m. the police closed the street around City Hall because they had a dog walk; that Monday in the Chronicle Metropolitan Section he read that the Houston Humane Society Canine Run was taking place in Sam Houston Park; that this was not fair; that they wanted to appeal to the Mayor and the festival friendly Council Members, Council Members Goldberg, Keller and Quan, to give the matter some thought; that there was something wrong with what was being done by the Parks Department; that the Westheimer Street Festival had played a role of being an important issue to the City; that the Westheimer Street Festival played an important role in assisting a census toward determining whether we would need to spend federal funds; that the United States Department of Commerce Census Bureau had provided the Westheimer Street Festival with a plaque and certificate thanking them in appreciation for their valuable contributions to the success of Census 2000; that all they were asking was fairness; that it was B.S. that someone else could have dogs in the park and they couldn't. Council Member Castillo absent.

Mayor Brown asked Mr. Bryan Hill who was present in the Council Chambers to sit down with Mr. Flores and go through the issues that he had raised and come back with a recommendation based upon the policies and what he was also proposing. Council Member Castillo absent.

Ms. Ruth Webb, 142502 Kimberly Ln. #380, Houston, Texas 77079 (713-679-1283) had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Ms. Deborah Elaine Allen, 8800 Gustine Ln. #3422, Houston, Texas 77031 had reserved time to speak, but was not present when her name was called. Council Member Castillo absent.

Mr. DeWayne Lark, P.O. Box 30905, Houston, Texas 77230 (713-731-2292) had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Member Castillo absent.

Ms. Paulette Hollins, P.O. Box 11956, Houston, Texas 77293 (713-747-1556) appeared and stated that she was the founder of The Children's Expo; that one of her concerns was about the Greater Houston Convention and Entertainment Facilities where they were planning to have The Children's Expo on December 15, 2001; that Mayor Brown told her that the City would be working in collaboration with them but somehow that information was miscommunicated to Mr. Tollett's office; that she had received a letter that was not going to take place; that it brought up a deeper concern of hers and the President spoke about it in his inauguration speech, he was talking about the concerns of the people; that she had sent a packet to everyone that explained everything; that the system was wanting to keep them in poverty; that she was not asking for a hand out, she was asking for a hand up. Council Member Castillo absent.

Mayor Brown stated that he wanted Dawn Ulrich to meet with her as soon as the Council Members finished asking their questions. Ms. Hollins stated that she had spoken with Ms. Ulrich and that was the straw that broke the camel's back; that a person on welfare did not have monies to cover fees that the City required. Mayor Brown stated that the Director was present and for her to talk to him directly and see what could be done. Council Member Castillo absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated James Partsch-Galvan in Espanol, that whatever it was the same thing, that he did have too much to say today but did want to mention that John Flores mentioned the census, that as they all knew the census figures came out and Houston was now already a majority Latino city, that their problem was that they had to get together and had to galvanize to elect a Latino mayor and he thought it should be Sanchez or Garcia, that they needed to send Bell back to Dallas or wherever he came from, that Brown was doing an okay job but everything could be done better and it was not done better because he had still not done anything about his house at 1611 Holman, that nothing had been done about the person that vandalized, that it was his art house and a historical house and where he had lived at for more than 10 years and that was where Richard dumped him and that was where Partsch-Galvan came from. Council Member Castillo absent.

At 3:02 p.m. upon motion by Council Member Robinson and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, March 28, 2001. Council Member Castillo absent.

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

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, March 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. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:21 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 a.m. Mayor Brown convened the meeting of the City Council. Council Members Tatro, Ellis, Keller and Robinson absent.

MAYOR'S REPORT

Mayor Brown stated that he wanted to use his Mayor Report time to recognize and bring to the podium representatives from Instituform, that he had asked them to come forward because he was pleased to announce the \$10,000 donation from Instituform Technologies to the After School Program, that as they knew this last year more than 13,000 Houston children benefited from the After School Program, that the program was held at 117 sites and 6 different school districts, that they had doubled the number of After School Reading Programs from 6 to 10, that these programs had been rated superlative in promoting academic achievement and violence prevention by a group of educators from the University of Houston, that he was absolutely convinced that if they provided meaningful and supervised opportunities for the young kids they would take advantage of them and their experience certainly suggested that was the case, that he was convinced that they would choose positive activities over negative ones if given the choice, that when he started his first administration there was \$114,000 for After School Programs and the Council had voted to spend \$2.5 million annually and these programs were certainly worth every cent they placed into them, that he had said it many times, "you pay now or you pay later", and the programs showed that where children participated crime went down, youth crime went down, victimization goes down, school attendance goes up, grades improve and behavior is better, that it was very satisfying to see that Houston's corporate community was coming forward to help underwrite some of these programs and he hoped that other generous companies would take up Instituform's challenge to help fund the programs for the most valuable possessions and assets and that being the children, that they were the future and if they could keep them out of trouble today they would not have to spend so much money on prisons tomorrow, so he would certainly issue the challenge to other corporate entities to step up just as Instituform had done and also contribute to the program. Council Members Tatro, Ellis, Keller and Robinson absent.

Mr. Carroll Slusher stated that on behalf of Institutorm Technologies they had as a corporate policy to be very active in the communities in which they do work and they were very happy to support the program and they would challenge other participants within the community to participate in the program with them, and Mayor Brown stated that they appreciated their contribution and that it certainly spoke well of their company in doing something for the children. Council Members Tatro, Ellis, Keller and Robinson absent.

CONSENT AGENDA NUMBERS 1 through 59

MISCELLANEOUS - NUMBERS 4 through 8

4. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **REINVESTMENT ZONE NUMBER 10, CITY OF HOUSTON, TEXAS (LAKE HOUSTON) BOARD OF DIRECTORS**

- Position One - **MR. JAMES D. SHANKS**, reappointment, to complete an unexpired term ending December 31, 2001
- Position Two - **MS. ELIZABETH BURGER**, reappointment, for a term to expire December 31, 2002
- Position Three- **MR. JOSEPH L. STUNJA**, reappointment, to complete an unexpired term ending December 31, 2001 and as Chair, for a term ending December 31, 2001
- Position Four - **MR. GEORGE J. BROWN**, reappointment, for a term to expire December 31, 2002
- Position Five - **MR. MICHAEL FRAZIER**, appointment, to complete an unexpired term ending December 31, 2001

- was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Keller absent. MOTION 2001-0312 ADOPTED.

5. MOTION to approve payment of membership dues for the City of Houston membership in the **ALLIANCE FOR I-69 TEXAS** - \$30,000.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Keller absent. MOTION 2001-0313 ADOPTED.
6. Omitted
7. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **R. L. LOVE**, Employee Number 55238- was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Keller absent. MOTION 2001-0314 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from the **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC)** Water Quality Assessment and Wastewater Inspection Fees for Fiscal Year 2001 - \$952,245.25 Enterprise Fund- was presented, moved

by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Ellis and Keller absent. MOTION 2001-0315 ADOPTED.

PROPERTY - NUMBERS 16 through 17A

16. ORDINANCE appropriating \$24,160.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. the Unknown Heirs of Jacob Deckard, deceased, et al., to acquire Parcel Number EY1-015, for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport; GFS/CIP A-0024 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0269 ADOPTED.
- 16a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. the Unknown Heirs of Jacob Deckard, deceased, et al., Cause No. 741,977 to acquire Parcel Number EY1-015, for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport, GFS/CIP Number A-0024 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0316 ADOPTED.
17. ORDINANCE appropriating \$201,790.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Lenetta M. Cavalier, et al., to acquire Parcel Number EY1-019 for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0270 ADOPTED.
- 17a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Lenetta M. Cavalier, et al., Cause No. 741,883 to acquire Parcel Number EY1-019 for **RUNWAY 8L EXPANSION PROJECT** at Bush Intercontinental Airport, GFS/CIP Number A-0024 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0317 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 19 through 31

19. **VULCAN, INC, dba VULCAN SIGNS** - \$49,740.00 and **CHANNEL TRACK & TUBE WAY INDUSTRIES, INC (Bid #1)** - \$99,000.00 for Sign Posts and

Associated Hardware, Part II for Department of Public Works and Engineering - METRO Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0318 ADOPTED.

23. **J. TYLER SERVICES, INC** for Office Furniture for Aviation Department - Replacement \$32,461.42 - Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0319 ADOPTED.
25. **BIO-RAD LABORATORIES, INC** for Serologic Test Kits for Health & Human Services Department - \$38,319.60 - Grant Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0320 ADOPTED.
27. **HOUSTON-GALVESTON AREA COUNCIL** through the interlocal agreement for Cooperative Purchasing for Two 1/2-Ton 4-Wheel Drive Pickup Trucks for Department of Public Works & Engineering - New - \$50,761.39 - Grant Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0321 ADOPTED.
28. **SOUTHLINE EQUIPMENT COMPANY** for Four Electric Utility Vehicles for Parks & Recreation Department - Replacement - \$34,112.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0322 ADOPTED.
31. **THE ANDRESS-WALSH CO.** - \$30,018.00 and **COMMERCIAL BODY CORPORATION** \$15,501.50 for Pumps for the Department of Public Works and Engineering - Replacement Enterprise Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0323 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 33 through 59

33. ORDINANCE consenting to the addition of 9.665 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 41**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0271 ADOPTED.
34. ORDINANCE consenting to the addition of 14.250 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 249**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0272 ADOPTED.
37. ORDINANCE approving and authorizing agreement between the City of Houston, Texas, **HARVEY JOHNSON** and **TEXAS SOUTHERN UNIVERSITY** providing for

deaccession of "The Miracle of Life" Mural and transfer of ownership to Texas Southern University, and for professional fine art services to create a replacement mural by Harvey Johnson for Clinton Park Community Center entitled "All God's Chilluns Got Wings" - \$26,000.00 - Parks Special Fund **DISTRICT I – CASTILLO** had been pulled from the Agenda by the Administration, and was not considered. Council Member Ellis absent.

38. ORDINANCE appropriating \$23,150.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving the purchase of Tracts 18 and 19, out of Lakeview Park, J. Skorupski Survey, Abstract 720, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with **BEN FLOYD, Trustee in the estate of JAMES E. STONE** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0273 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City and the **HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE, ENVIRONMENTAL CRIMES DIVISION** for a Prosecutor to assist in the prosecution of violators of State Illegal Dumping Laws investigated by Neighborhood Protection Inspectors assigned to the Rat-on-a-Rat Program - \$67,000.00 - HGAC Funds had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Ellis absent.
41. ORDINANCE amending Ordinance No. 98-528 to increase the maximum contract amount for Solid Waste Disposal Services under contract with **WASTE MANAGEMENT, INC** - 1 Year with two successive one-year renewals - \$1,500,000.00 - General Fund had been pulled from the Agenda by the Administration, and was not considered. Council Member Ellis absent.
43. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **MAHADEO PLUMBING AND UTILITY COMPANY, INC, a Texas Corporation**, to settle a lawsuit - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0274 ADOPTED.
45. ORDINANCE approving and authorizing contract between the City and **PROFESSIONAL AUDIO/VIDEO SERVICE, INC** for Television Production Equipment Repairs and Preventive Maintenance for Finance & Administration Department; providing a maximum contract amount \$100,000.00 - Cable Television Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Ellis absent.
48. ORDINANCE approving and authorizing an amendment to an interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Shaver Road from Gulf Freeway (I.H.

- 45) to State Highway 3 approved and authorized by Ordinance No. 2000-313, CIP N-0582-01-2 - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0275 ADOPTED.
49. ORDINANCE appropriating \$200,870.00 from the Water & Sewer Consolidated Construction, \$251,552.00 from the Street & Bridge Consolidated Construction Fund; authorizing amendment to interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”)** for Replacement of the Woodway Bridge Crossing Buffalo Bayou under the TXDOT Off-State System Bridge Rehabilitation and Replacement Program Agreement approved and authorized by Ordinance No. 97-408, CIP N-0611-25-2 - **DISTRICT G – KELLER** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Ellis absent.
52. ORDINANCE appropriating \$26,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to reimbursement agreement (the original agreement having been approved by Ordinance No. 00-0743) with **NETCO PIPELINE TEXAS, A Texas limited Liability Company**, for the Relocation of a fourteen-inch High Pressure Natural Gas Pipeline which crosses both Westview Drive and Lumpkin Road at their intersection in connection with the Westview Drive Paving Project, GFS N-0549-04-3 (N-0549-04) - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0276 ADOPTED.
53. ORDINANCE appropriating the sum of \$53,055.77 out of the Water and Sewer System Consolidated Construction Fund and approving and authorizing a contract between the City of Houston and **BEAZER HOMES TEXAS, L.P.** for construction of Water and Sanitary Sewer Lines in Post Oak Place Section Two CIP S-0800-30-03 & R-0800-32-03 - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0277 ADOPTED.
55. ORDINANCE appropriating \$1,506,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** on low bid of \$1,332,052.25 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$25,000.00 for construction of Replacement Water Lines in the Scenic Woods Subdivision, GFS S-0035-41-3 (10541); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0278 ADOPTED.
57. ORDINANCE appropriating \$2,000,000.00 out of Fire Consolidated Construction Fund for Renovation/Reconstruction of Various Fire Department Facilities; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund, CIP C-0122 - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0279 ADOPTED.

59. ORDINANCE appropriating \$281,747.00 out of Fire Consolidated Construction Fund for purchase of One Fire Pumper Truck for Fire Department, CIP C-0080, Replacement - **DISTRICT A- TATRO** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0280 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. CONFIRMATION of the appointment of **DR. W. M. AKALOU** to Position 13 of the **CITY HALL PRESERVATION COMMITTEE**, for a term to expire December 31, 2002 - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0324 ADOPTED.
2. REQUEST from Harris County AFL-CIO for confirmation of the reappointment of **MR. GREG LUCERO** to Position Two of the **ETHICS COMMITTEE**, for a term to expire December 31, 2002 - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0325 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of the following to the **GENERAL APPEALS BOARD**:
 - Position One - **MR. REGINALD L. MACK**, for a term ending January 2, 2003
 - Position Three - **MS. DEBRA Y. DAVIS**, for a term expiring January 2, 2003
 - Position Five - **MR. HOWARD WEATHERS**, for a term expiring January 2, 2003
 - Position Seven - **MR. JACK B. BUCKLEY**, for a term expiring January 2, 2003- was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0326 ADOPTED.

DAMAGES

9. RECOMMENDATION from City Attorney for settlement of lawsuit styled **RENATE BOU-SAADA** v. City of Houston; in the 152nd District Court, Harris County, Texas - \$150,000.00 - Property and Casualty Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0327 ADOPTED.

ACCEPT WORK

10. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$182,140.00 and acceptance of work on contract with **T. G. THOMAS, INC** for Diez Park Lights, GFS F-0363-14-3 - CDBG and Parks

Consolidated Construction Funds - **DISTRICT I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0328 ADOPTED.

11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$138,750.00 and acceptance of work on contract with **RAY FERGUSON INTERESTS, INC** for Judson Robinson Jr. Center Parking, GFS F-0363-15-3 - 00.87% over the original contract amount - Parks Consolidated Construction Fund - **DISTRICT D - BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0329 ADOPTED.
12. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$616,305.23 and acceptance of work on contract with **FIREMEN CONSTRUCTION, INC** for Houston Zoological Gardens - West Entry, GFS F-0364-04-3 - 04.11% over the original contract amount - Parks Consolidated Construction Fund - **DISTRICT D - BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Goldberg.

Council Member Keller stated that if they were going to have entities who had the authority to make changes to plans he wanted to know from Ms. McGilbra or somebody if they were given a copy of the original plans because they made some very legitimate requests and alterations that he supported, that he would like some assurance that if they were going to have the control to make changes then he wanted them to signoff on the original plans. Council Member Ellis absent.

Council Member Castillo stated that he knew there was a difference in the presentation and RCA's made by the Building Services Department and Public Works Department, and Public Works usually gave them details of what caused the change order and the justification for it, and if Building Services could include that in the RCA they would not have to go and dig for it, and Mayor Brown stated that they would make sure they did that in the future. Council Member Ellis absent.

Council Member Boney stated that he was not clear on all of the specifics of the particular issue but in general the Parks Department was the controlling and guiding factor in administering a Parks issue, what the Friends of Herman Park did primarily was to raise a lot of money as a volunteer effort for the City and then suggests input in term of design and expansion and building up the park, that they had a very good relationship with the Parks Department and the Parks director in particular in accomplishing that, that he would also agree with Council Member Castillo that a little more detail would probably be helpful. Council Member Ellis absent.

After further discussion Council Member Goldberg tagged Item No. 12. Council Member Ellis absent.

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$843,563.21 and acceptance of work on contract with **WHEATON CONSTRUCTION CO., INC** for Construction of Water

Main Replacement in North Houston, GFS S-0435-01-3 (10287-1A) - 07.31% under the original contract amount - Enterprise Fund **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0330 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$881,106.00 and acceptance of work on contract with **CONN'S CONSTRUCTION, INC** for Cypress, Green Dolphin and Tautenhahn Lift Station Replacements, GFS R-0267-29-3 (4275-17) - 00.47% under the original contract amount - Enterprise Fund **DISTRICTS B - GALLOWAY and I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0331 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,804,175.71 and acceptance of work on contract with **TEXAS-STERLING CONSTRUCTION, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-06-3 (4250-78) - 04.46% over the original contract amount - Enterprise Fund **DISTRICTS H - VASQUEZ and I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0332 ADOPTED.

PURCHASING AND TABULATION OF BIDS

18. **AIR FLITE, INC** for Schweizer 269 Series Helicopter Replacement Parts for Police Department \$960,600.00 - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Goldberg. Council Member Ellis absent. (Note: Council Member Goldberg released his tag later in the meeting)
20. **ROGER'S RADIATOR SERVICE & SUPPLY CO., INC** for Automotive, Radiator Parts and Repair, Part III for Various Departments - \$269,250.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0333 ADOPTED.

Council Member Boney asked if the delay of a tag on Item No. 18 cause any problems and Mayor Brown stated not to his knowledge. Council Member Ellis absent.

21. **AMEND MOTION #2000-676, 5/24/2000**, to DECLARE **BETSY ROSS MANUFACTURING CO., INC** in default and hold them non-responsible for two years for failure to deliver on their bid for Flags, Banners and Pennants for Various Departments – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Keller stated that he wanted to applaud and support Mr. Wells on how he was aggressively weeding out the vendors that did not provide the services that he needed. Council Member Ellis absent.

Council Member Todd asked how they notified Betsy Ross Manufacturing Co. and Logans Marketing because he noticed that neither one responded to the notice of an administrative hearing or provided any sort of response, and Mr. Wells stated that they had received notification from the end user that they were having some difficulty with the supplier providing them exactly what they had ordered and once they get that notification then they make contact with the supplier via certified mail and if they don't get a response they follow up within two weeks and after they do not get a response the second time they try to call the supplier, that in this particular case attempt was made on 11/20/00, 11/28/00, 12/1/00, 1/5/01 and 1/10/01, both by Strategic Purchasing and Aviation, that as recently as this morning they tried to contact the supplier only to find out that Betsy Ross Manufacturing telephone number had been secured by another company, that as to Logans Marketing they were not out of business and were located on the West Coast and they had made several attempts for them to respond and they had but they delivered remanufactured materials versus what they requested in the bid document, which was new material. Council Members Ellis and Robinson absent.

Council Member Todd asked if they had tried to make an assessment on whether or not the City suffered any damages for this, and Mr. Wells stated that they did that on each and every one they held non responsible and they determined whether or not the City suffered any damage and then they referred those to the Legal Department to go after the supplier, but in these cases the City had not suffered any damages.

Council Member Castillo asked if there was any action that the City could take from a violation of the criminal laws otherwise it was going to be a game of gotcha whether they could ever catch them and when they did not they could get away with it, and Mr. Hall stated that he did not know in this instance if they had been requested to pursue any particular remedy, that if they noticed these were not for enormous consequential items, and trying to pursue criminal prosecution for that would be a question for the District Attorney, but they had not requested to pursue damages because the purchasing agent had suggested that the City suffered no significant damages, that he proposed that they be disqualified for two years from doing business with the City. Council Members Ellis, Sanchez and Robinson absent.

Council Member Quan asked if Mr. Wells had discussed anything with SAI Computers, and Mr. Wells stated that when they sent them the purchase order they tried to arm wrestle the City into sending them more money, that they could not deliver at the price which they quoted the City, that they had that situation happen all the time. Council Members Ellis, Castillo and Robinson absent.

A vote was called on Item No. 21. All voting aye. Nays none. Council Members Ellis, Castillo and Robinson absent. MOTION 2001-0334 ADOPTED.

22. **AMEND MOTION #2000-1169, 9/26/2000, to DECLARE LOGANS MARKETING and SDF PROFESSIONAL COMPUTER SERVICES, INC dba SAI COMPUTERS in default and hold them non-responsible for two years for failure to deliver on their**

bids for Printer/Fax Toner Cartridge for Various Departments - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Ellis, Castillo and Robinson absent. MOTION 2001-0335 ADOPTED.

24. ORDINANCE appropriating \$13,754.00 out of Convention Center Capital Improvement Bond Fund and \$46,813.45 out of Convention Center Consolidated Construction Fund to purchase Office Furniture for the Convention & Entertainment Facilities Department (and an additional \$2,394.00 Enterprise Fund) – was presented. All voting aye. Nays none. Council Members Ellis and Castillo absent. ORDINANCE 2001-0281 ADOPTED.
- 24a. **CONTRACT RESOURCE GROUP, INC** - \$28,596.00 and **KRUEGER INTERNATIONAL** \$34,365.45 for Office Furniture for Convention & Entertainment Facilities Department Replacement - Enterprise Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0336 ADOPTED.
26. **HOUSTON-GALVESTON AREA COUNCIL** through the interlocal agreement for Cooperative Purchasing for One Firefighting Aerial Ladder Platform Truck for Fire Department - Replacement \$846,127.77 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Sanchez stated that on the request he made last week on the EOne Warranty issue within the Fire Department no one had gotten back with him and asked if Mayor Brown knew if someone would, and Mayor Brown stated that there was something coming to him momentarily and knew that something was being done on it. Council Member Ellis absent.

Council Member Robinson stated that he noticed that Item No. 59 was also a purchase for the Fire Department and wanted to relate the two and wondered why they did not use HGAC on it because normally they got a better price through those guys and Mayor Brown stated that in this instance the EOne contract gave them a better price. Council Member Ellis absent.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0337 ADOPTED.

29. **ALL PLAY, INC** - \$75,200.00, **LITTLE TIKES COMMERCIAL PLAY SYSTEMS, INC** \$16,950.00 and **ADVANTAGE OFFICE FURNITURE, INC** - \$56,060.40 for Picnic Tables, Grills and Park Benches for Parks & Recreation Department - General Fund - was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0338 ADOPTED.
30. **HOUSTON G&G DEMOLITION SERVICE, INC** for Demolition and Site Clean-up Services for Department of Public Works & Engineering - \$301,330.00 and contingencies for a total amount not to exceed \$315,396.50 - Dangerous Building

Consolidated Fund - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - BONEY; E - TODD; H - VASQUEZ and I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0339 ADOPTED.

32. **TEXAS FIRE CONTROL, INC** for New Fire Extinguishers for Various Departments - \$129,775.35 General, Enterprise, METRO and Street & Drainage Maintenance Funds - was presented, moved by Council Member Vasquez, seconded by Council Member Boney. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0340 ADOPTED.

RESOLUTIONS AND ORDINANCES

35. ORDINANCE approving and authorizing lease agreement between **INTERVEST-HOUSTON NLW, LTD., as landlord**, and the City of Houston, Texas, as tenant, for Office Space at 1415 North Loop West, Houston, Texas, for use by the Houston Police Department - **DISTRICT A – TATRO** – was presented.

Council Member Parker stated that she supported the item and wanted to reiterate one of her standing issues that this was a lease for HPD's Internal Affairs Pro Active Unit which was away from the rest of the Internal Affairs Division, but she still believed that they still needed to find a combination for HPD's general Internal Affairs Division away from the downtown police station to facilitate citizen access and also the Psychological Services Unit of HPD. Council Member Ellis absent.

Council Member Keller moved to delay Item No. 35 to the end of the agenda, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0341 ADOPTED.

36. ORDINANCE approving and authorizing contract between the City of Houston and **COVENANT COMMUNITY CAPITAL CORPORATION** to provide a Community Technology Initiative Grant in the amount of \$525,000.00 to establish and administer a Savings Program for up to 200 eligible low-income families – was presented, and tagged by Council Members Tatro, Parker and Castillo. Council Member Ellis absent.

Council Member Castillo stated that what he would like to have was more information on the non profit and who they were and who were the principals involved and the track record in doing this sort of thing, and Council Member Tatro stated he would like the same thing. Council Member Ellis absent.

39. ORDINANCE amending Ordinance Number 2001-0239 which approved and authorized an application for grant assistance from the **FEDERAL EMERGENCY MANAGEMENT AGENCY**, to increase the estimated matching grant dollar amount that the City of Houston shall provide - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0282 ADOPTED.

42. ORDINANCE amending Exhibit "A" of Ordinance No. 2001-268, relating to contract between the City of Houston, Texas and **WESTCHESTER FIRE** as Lead Insurance Company for General Property Insurance including Flood Insurance - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0283 ADOPTED.
44. ORDINANCE amending Ordinance No. 79-2396 to establish the maximum contract amount for contract between the City of Houston and **MUNICIPAL CODE CORPORATION** for Legal Department; allocating \$5,000.00 to the contract for Fiscal Year 2001 - 4 Years - \$83,500.00 General Fund - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0284 ADOPTED.

Upon questions by Council Member Keller, Mr. Hall stated that this money was in the budget, that the fees would go up if they changed ordinances, that the more often they did that the more often they did that the more they paid, and Mr. Bibler stated that this item involved the two red volumes, the City Code Book, and there were about 700 or 800 sets in existence and 130 of them were in private hands and the rest of them were in City libraries and City offices, like the Council offices, that they charged private subscribers a fee, presently \$25 per year, which was calculated to defray the portion of the cost that related to the 130 subscriptions that were in private hands, that the City paid the rest, and the amount that the City pays would fluctuate from year to year depending on how many ordinances Council amended because they paid for each page that was changed out in the books. Council Members Ellis, Vasquez and Robinson absent.

46. ORDINANCE determining that formal taking of competitive bids is not required for the work described herein; and awarding contract for Grounds Maintenance Services for Various Departments to **TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED** - 5 Years \$1,939,857.04 - General and METRO Funds - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0285 ADOPTED.
47. ORDINANCE appropriating \$102,500.00 out of Convention & Entertainment Construction Fund, and approving and authorizing architectural services contract between the City of Houston and **AUTOARCH** for Design of Renovation of the Wortham Center Marquees and the Jones Hall Marquees, CIP B-0011-01-2; providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Convention Fund - **DISTRICT I-CASTILLO** - General and METRO Funds – was presented, and tagged by Council Member Bell.
50. ORDINANCE appropriating \$150,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing an interagency agreement between the City of Houston, **HARRIS COUNTY FLOOD CONTROL DISTRICT** and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Drainage Study of Harris County Flood Control Ditch Unit Number W-151-00-00, CIP M-0126-50-2 (SM5023) - **DISTRICTS A - TATRO and G - KELLER** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0286 ADOPTED.

Council Member Keller stated that he was pleased that the item went through because it was a lot of hard work, that it was a multi jurisdictional task force that was formed, that Mr. Haines and the Mayor of Hedwig Village came up with the idea of forming the task force and it affected the entire region. Council Members Galloway, Ellis and Robinson absent.

51. ORDINANCE amending Ordinance No. 96-1334 to increase the maximum contract amount for Hauling and Disposal Services of Municipal Biosolid Waste under contract with **CDR ENVIRONMENTAL, INC** - \$2,750,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0287 ADOPTED.
54. ORDINANCE appropriating \$230,120.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DE ANDA ENGINEERING, INC** for the Design of Sanitary Sewer System for Braeburn Gardens, CIP R-0801-06-2 (WW4815); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS C - GOLDBERG and F - ELLIS** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0288 ADOPTED.
56. ORDINANCE appropriating \$656,000.00 out of Storm Sewer Consolidated Construction Fund, awarding contract to **INTRA CONSTRUCTION CORPORATION** on low bid of \$564,705.50 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$17,000.00 for construction of Hiburly Relief Storm Sewer - Phase I, GFS M0231-02-3; providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0289 ADOPTED.
58. ORDINANCE appropriating \$151,750.00 out of Solid Waste Consolidated Construction Fund for Renovation and Upgrade of the Central Dispatch/Customer Services Control Center for Department of Solid Waste Management - was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2001-0290 ADOPTED.

Council Member Castillo stated that he wanted to add his tag to Item No. 47. Council Members Galloway, Ellis and Robinson absent.

MATTERS HELD - NUMBERS 60 through 69A

60. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **INFOSOL INCORPORATED** for Professional Services for Municipal Courts Administration Department \$20,040.00 - General Fund – **(This was Item 20 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBERS GOLDBERG**

- AND KELLER**) - was presented. All voting aye. Nays none. Council Members Galloway and Ellis absent. MOTION 2001-0342 ADOPTED.
61. ORDINANCE amending **CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; relating to the Houston International Festival – (**This was Item 23 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBERS BELL, KELLER and ELLIS**) - was presented. All voting aye. Nays none. Council Members Galloway and Ellis absent. ORDINANCE 2001-0291 ADOPTED.
62. ORDINANCE approving the issuance of bonds by the Old Spanish Trail/Alameda Corridors Redevelopment Authority; providing for continuing disclosure with respect to such bonds; and containing other provisions relating to the foregoing subject - **DISTRICTS D - BONEY and I- CASTILLO – (This was Item 24 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** - was presented. All voting aye. Nays none. Council Members Galloway and Ellis absent. ORDINANCE 2001-0292 ADOPTED.
63. ORDINANCE approving and authorizing a contribution agreement between **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** and City of Houston, granting to the City \$35,300.00 to underwrite a portion of the lease payments for a lease agreement at 1415 Fannin to the City for use as a downtown Police Storefront Facility - **DISTRICT I – CASTILLO – (This was Item 25 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** - was presented. All voting aye. Nays none. Council Members Galloway and Ellis absent. ORDINANCE 2001-0293 ADOPTED.
64. ORDINANCE issuing a permit to **HANOVER R.S. LIMITED PARTNERSHIP** and **RELIANT ENERGY-HL&P CO.** and **LOFTS AT THE BALLPARK, L.P.** for constructing, maintaining, using, occupying, operating and repairing two six-inch private water lines, two six-inch private fire protection water lines and two two-inch conduits for primary electrical distribution under and within Capitol Avenue, St. Emmanuel Street and Texas Avenue, as well as two elevated pedestrian bridges across, along, over, under and upon the street at 2020 Texas Avenue, 2120 Texas Avenue and 2120 Capitol Avenue, all such areas being within public street rights-of-way of the City of Houston, Texas and abutting Blocks 183, 196, and 197 S.S.B.B.; containing findings and prescribing the conditions and provisions under which said permit is issued - Revenue **DISTRICT I- CASTILLO – (This was Item 28 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0293 ADOPTED.
65. ORDINANCE approving and authorizing contract between the City and **BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.**, for Legal Services in connection with the Redistricting of City Council Districts - \$237,000.00 - General Fund – (**This was Item 36 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBERS CASTILLO, ROBINSON and KELLER**) – was presented.

Council Member Castillo stated that this item was for legal services to do with the redistricting effort that they would undergo this year on account of the census, that it seemed to him that at this time because they did adjust their boundaries as they went, for example the addition of Kingwood, which had already been discussed and approved by this Council, that it appeared to him that the work that this contractor would have to do would be incremental basically to what they had already done and so he thought that the cost of \$237,000 was in his opinion extremely high, given what they knew now. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he would move to cut the contract price in half and if it went beyond that to have the contractor come back and justify to the Council. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Hall if all the law firms had to justify whatever their final billing rate was, and Mr. Hall stated yes, that this was a contract that was based on hourly billings, and this was a firm that enjoyed probably the State's best reputation in redistricting matters for confidence, that they had two of the principals engaged in this and they had been here and available to talk to all of the Council Members about the issues, that he thought it was error to suggest that the development of the City of Houston Redistricting Plan and the process they had to go through to do that was in some way perfunctory, that the process had to be completed and the documents prepared and submitted to the DOJ (Department of Justice), that they all knew and probably had a visit from Mr. Jerry Wood who was the point person on this from the City's staff about the complexity of the issues involved, that they needed the benefit of the guidance they give them to assure that the City did not have a major glitch in the drawing and adoption of the districts by the deadline, which he recollected was in August 2001. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Council Member Castillo asked if they did not do the same paperwork when they did the redistricting two years ago to annex Kingwood, and Mr. Hall stated that the answer to his question definitively would be no, that as he recollected this was in reaction to the census data that had been provided, that issues here had to do with the variances that were suggested by the new census data between districts and the drawing of a plan for the City of Houston that comported with the law and that satisfied the desires of Council for their drawing, that he did not think that they had a greater responsibility to him than to provide for the integrity, and frankly for the certainty, of the process of drawing representative districts in the City of Houston. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked would the fact that the motion would divide the authorization and they would have to come back if they needed some more would it inhibit their work in anyway, and Mr. Hall stated that it obviously would force them to come back for discussion of these matters in the future, and that their hope was that they would not politicize their participation in this process, and Council Member Boney asked if in fact Council Member Castillo's motion passed would it allow the work to go forward and if it became necessary to require some more hours to be spent and come back would they still be able to meet their deadlines and legal obligations, and Mr. Hall stated that they did

not want to set themselves up to be successfully challenged for whatever the Council decided. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that on most of their contracts they authorized a maximum amount and then they bill against that maximum appropriation and asked if this was a similar type of contract and they were not automatically committing that they were spending \$237,000 with that company, and Mr. Hall stated that was correct and in fact they did not anticipate them spending the entirety of this but they wanted to be able to have it available if the process suggested work that needed to be done to assure the validity of what they do; that he had gone through several 10 year redistricting processes and it tended to get political as the process developed and they would like not to be a part of that. Mayor Brown, Council Members Galloway and Ellis absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Todd, Mr. Hall stated that what this involved was the guidance that they could offer the City on all of the meritive issues that could come up in the redistricting process consistent with all of the case law that was developed up until now about the issues that they face, that the Justice Department would examine the City's districts based on entirely new data that came out, that they would have to because they did not have the census data and the census data frankly in some instances had not been what some experts expected, that they would be looking at the districts precinct by precinct, and Council Member Todd stated that he supported the funding levels where they were in Mr. Hall's proposal because he thought that it was going to require a lot of work, and asked if their estimate was similar to what they spent the last time around, and Mr. Hall stated that they actually asked for proposals and those proposals were submitted and evaluated by a five person team, that included Mr. Wood, for the work that needed to be done and they would bill against those proposals and estimates of work to be done, that they actually had to earn this on an hourly billing that they would submit to the City, that if the contract was cut in half the problem it would create was that this funding was based on a very deliberate submission of how they would in fact assist the City to get to final approval by the Department of Justice of the redistricting plan that the Council would adopt and to provide them the guidance day to day if necessary as they dealt with the difficult issues, that they did distribute to Council Members some very preliminary numbers that suggested the level of deviation, and Council Member Todd stated that he had not seen that by district and asked Mr. Hall for a copy of that. Mayor Brown, Council Members Galloway, Ellis and Parker absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg asked if a lot of the fees were based on information at the time and now they knew there was not as much legal work involved, and Mr. Cheatham stated that the proposal that came in outlined basically the process and they were making estimates of the time that they think they would need to expend to assure that the City would come up with a sound and defensible plan that met all of the requirements of both the Voting Rights Act and the Shaw vs. Reno Guidelines, that he did not think that the legal work per se was radically changed and thought that what surprised some of them were the preliminary numbers that had come out, that some of the districts came out larger than what had been anticipated and thought that Jerry Wood could speak more to it.

Council Member Goldberg moved to suspend the rules to hear Mr. Jerry Wood, Planning Department, at this time, seconded by Council Member Keller. Mayor Brown, Council Members Galloway, Todd and Ellis absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Mr. Wood stated that if anything at this point the situation was more complicated than they thought originally, that there had been a striking reduction in the undercount of population, that they saw areas that had virtually no increase and housing units that had been jumps in population, that Gulfon for instance was up over 40% in population as was numerated as opposed to the undercount that they had 10 years ago, that this made for a much more complicated situation than they were facing using Houston Galveston Area Council estimates of population; that he would be working on the technical aspect of producing plans and analyzing demographics, that the attorney's would be working on and advising the City based on the legal implications of those. Mayor Brown, Council Members Tatro, Galloway, Todd, Ellis, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that Mr. Wood was talking about undercounts in various precincts and census blocks, but was that going to be part of their submission for redistricting purposes or a separate problem, and Mr. Wood stated that it would affect the redistricting and the facts of the census affected the analysis that had to go on; that in this particular case because they had population changes that were striking all over the City it could and probably would affect each of the districts in some way and that would increase the amount of analysis they would have to do in their recommendations, that they had received the 2000 Census data but it was the release for the states and it was not automatically broken out, that they had a CD Rom that had the information and they would be able to load the software and manipulate the software and change the configuration of the districts as they went along, that he was not referring to the calculations as being the thing that was more complicated, that the thing that was more complicated was the analysis and the judgment that had to be made. Mayor Brown, Council Members Galloway, Todd, Vasquez, Sanchez and Bell absent. Mayor Pro Tem Boney presiding.

Council Keller asked if the \$273,000 that was coming from the General Government Fund was it in the budget and why was it not in or coming from the Legal Department's budget, and Mr. Hall stated that yes it was, it was put in every 10 years, that it was discussed during the budget process this last year, that it was in there because it was just a general expense to the City. Mayor Brown, Council Members Galloway, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that when they talked about the aquarium project they talked about legal fees being charged by partners and knew that Mr. Hall had indicated that two of the named partners were in fact involved in representation and asked what were those legal fees that were being charged and what were the associate rates as well, and Mr. Hall stated that in their Council backup it had six persons who were listed to be engaged on this matter, that it ranged from the two lead persons at \$295 per hour to \$250 down to \$120, and he had an Exhibit D that he could give Council Members that went with the contract. Mayor Brown, Council Members Galloway and Vasquez absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Ellis, Mr. Wood stated that from his estimates it appeared that there were two districts that were clearly overpopulated and there may be a few that were on the edge, that it would change the makeup of all of the districts because it was the structure of the City, that the two districts that appeared to be overpopulated were at opposite ends of the City, that they were District F and E, that if they had one City Council district on one end of the City that was overpopulated and they could distribute that population then that reverberation of population could be absorbed before they involved all of the districts, but if they had them at both ends of the City then they were involving maybe all off the City Council districts in some sort of change, that it was a kind of ripple effect. Mayor Brown, Council Members Galloway and Vasquez absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Ellis, Mr. Cheatham stated that part of the contract was that the contractor would provide the City with a computer and the software that Mr. Wood could use to devise what they called a staff plan, and they would review that with the City and make recommendations and give advice as it went along, that it would also be given to Council and maybe consulting with Council on legal issues that may arise as a result of moving the lines around, that because of the computer compatibility they would be able to work with the law firm and get input from them. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Ellis asked Council Member Castillo to repeat his motion. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that his motion was to cut the contract price in half and let them come back to Council for the balance when they could have them back to ask some questions, that it was an authorization for half of the amount and if they needed more than that they would come back to Council and ask for reauthorization. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Ellis asked Mr. Hall if there was a problem with allocating the funds in that fashion, and Mr. Hall stated that they thought so because of the nature of redistricting, that clearly it would require more than half of the money for them to do that job, that they did not expect to spend all of it, but they could not do it for half, that it would have them come back when Council Members were at their most intense discussion about what these districts were to be like, and it was not the best time for the consultant. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he understood all of the arguments but his point was that once they let the contract they would not hear from the contractor until they got whatever result they came up with and what he wanted to do was to have some mid point check, not to approve or disapprove of what they were doing, but just to find out what it was that they were doing, that he would be willing to withdraw his motion if he had Mr. Hall's commitment that at the halfway point on the expenditure of the full contract they could have them back before the Council for a briefing, and Mr. Hall stated that he had no problem committing to do that, and Council Member Castillo stated that he would withdraw his motion. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Upon further discussion Mayor Pro Tem Boney requested that Mr. Wood and Bickerstaff put together a very brief summary of the issues and law that govern this so that those Council Members who had not had this experience before would at least have some rough parameters when they begin to ask their questions, and Council Member Todd requested that in that packet they provide a copy of the District Court Opinion on the last challenge, that he thought it would be handy as to what their thought process was and it really related to the shape of the districts. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

A vote was called on Item No. 65. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0295 ADOPTED.

66. ORDINANCE appropriating \$190,204.14 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **MALLOY REAL ESTATE LIMITED PARTNERSHIP, LTD.** for the construction of Sanitary Sewer Lines on North Houston Rosslyn Street, CIP R-0800-33-3 **DISTRICT A - TATRO – (This was Item 54 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0296 ADOPTED.
67. ORDINANCE appropriating \$1,122,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional services contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for construction Management Services for various Wastewater Projects, CIP R-0267-03-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 61 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented, with Council Member Sanchez voting no, balance voting aye. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0297 ADOPTED.
68. MOTION by Council Member Keller/Seconded by Council Member Sanchez that prior to further consideration of Item 68A below, proposed ordinance authorizing a professional services contract between the City of Houston and Pierce Goodwin Alexander & Linville, Inc., for Street and Bridge Program Management, the ordinance be amended to substitute the attached revised contract – **(TAGGED BY COUNCIL MEMBER BELL)** – was presented.

Council Member Tatro stated that he wanted to thank Council Member Keller for reviewing the contract, that he thought this contract was going to be much more efficient and benefit them all and hoped that it worked as a template for future contracts.

A vote was called on Item No. 68. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0344 ADOPTED.

- 68a. 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) – **(This was Item 83 on Agenda of March 21, 2001, POSTPONED BY MOTION #2001-307)** – was presented as amended.

Council Member Tatro stated that the item before them was not budgeted for in the CIP, that Council Members did receive in their backup a list of projects, from Mr. Rolen, that this would come to, that in a letter that Mr. Haines wrote on March 27, 2001 about this particular item in the last paragraph he raised the point that these were unneeded funds and would be spent, that these unneeded funds were for a specific project and not a specific district, that he took exception to that characterization of unneeded funds, that for the last couple of years they had asked the administration to fund various projects and they had identified two, Peck Road and Awty School Lane, that would come in under the cap of the \$2 million that had been previously allocated to District A; that the statement that the unneeded funds were a specific project and not a specific district, if it were indeed the case then any change to the CIP would go back into the pool of funds and they would not deviate from the CIP; that he wanted to thank Mr. Rolen for giving them the list and Council Members would note that the list of the contracts that PGA&L was supposed to be helping with totaled about 25 contracts and the estimated construction cost was \$100 million and as Council Members knew there were contingencies in both engineering and construction contracts for each of the 25 listed contracts and they varied from all over the City from his district to other districts, that it was his proposal that these contingencies fees for the 25 projects should be utilized and should be swept to generate the \$755,000 that was not budgeted for in this year's CIP, that these were District A's funds and did not think the district should be penalized for road construction needed projects because they were able to come up with alternative funding sources, that he did not think that Council Members should be penalized for that hard work and in this case they were. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that he would move that the \$755,000 funding be utilized out of the contingencies and that the administration work to identify the contingencies for both engineering and construction contracts that had been submitted as backup and as contracts that PGA&L would work on. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro moved that the administration use the contingencies within the engineering and construction contracts of this list of contracts that they passed out to support and allocate the \$755,000, seconded by Council Member Robinson. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the motion would be out of order, that what he would require in order to accomplish that would be a motion to refer back because that would require a posting matter. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro moved to refer Item No. 68A back to the administration, seconded by Council Member Vasquez. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the administration opposed that motion to refer back. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he handed out a written amendment and wanted to make sure that at some point, after they took care of this one, that his amendment was on the floor for consideration.

Council Member Tatro asked how long before the contract would then make its way back to Council reposted, and Mr. Haines stated that as Council Members were aware the administration believed this was a significantly important initiative in order to maintain some kind of progression relative to their respective projects, which they had a copy of the list, that they were concerned that there would be time delays involved and they had attempted to identify a funding source and were also concerned that this may impact the nature of the individual project, so he would defer to Mr. Rolan in terms of the time that he would need to have to address those two questions and to be able to bring back something to Council.

Mr. Rolan stated that first they had requested to take it out of the contingencies for design and construction, that the contingencies for design were for oversight of the design of the projects and the contingencies in construction were specifically related to the construction so he did not think it would be appropriate, that this was a program management of the design projects not the construction per se, that the problem they would run into was the reason they brought this to Council, that they had a tremendous work load right now and they were trying to get out the projects for this year and the projects for next year, which they were working on now, and if they delayed the project further the thing they would run into was it was just that much longer before they would have the extra staff on board to try to insure that they got all the projects out when they needed them out, and Mr. Haines stated that the fraction was not against \$100 million, it was against the engineering of \$100 million worth of construction projects, which was a much smaller denominator, that their guess would be 15% to 20% at the most, and Mayor Pro Tem Boney asked presuming it was the will of the Council was to go ahead and do it anyway with those challenges and issues approximately short or long time did he think it would be possible to bring it back to Council, and Mr. Rolan stated that he would do his best to bring it back to Council within 3 weeks. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that everyone had a copy of his written amendment, that as he understood it there was a discussion that there was \$2 million in the total that was potentially for reprogramming and only \$755,000 was being used on this particular contract and his amendment simply spoke to the remaining dollars, that those dollars should go into a District A CIP project during the remaining of this fiscal year. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked approximately how much money was yet to be reprogrammed by virtue of the work done by the TIRZ, and Mr. Haines stated that he

believed that the amount in the CIP was \$2.1 million, that he believed that was the number for TC Jester and stated that all of those funds were there and what had been proposed here was the amount for the PGA&L agreement to move forward and believed it was \$755,000, and that would leave in the TJ Jester project the remaining amount of funds in any event; that in conversation with Council Member Tatro the question was to consider moving forward into a CIP at least for 2002 by having some amount of those funds available for projects in his district, and he had identified those projects, and Mayor Pro Tem Boney stated that there was a least a possibility that the administration would then discuss roughly \$1.3 million, which was the balance that was left, be allocated to some appropriate projects in District A, and stated that the administration was open to that, which was the essence of what Council Member Robinson's motion was. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Haines stated that this went beyond what they had done, and it was a matter of policy in the past, that in the past when projects had been completed any residuals that were left went into the pot, but they were open to discuss that. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Upon further discussion by Council, Council Member Castillo stated that he agreed with the policy that had been of long standing for many years and that was that the priorities that were reflected in the CIP were citywide priorities and when a project was completed and they had funds left over they were appropriated to the overall amount so that the next higher priority could be funded and it went from priority to priority and not necessarily from district back into the district. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that he planned on supporting the item and also the amendments; that he did not like that they had stated that this was just for oversight and design, that there was a little more accountability in this contract, and Mr. Rolan stated that he may not have spoken clearly enough, that what he was trying to address was the Council Member's comment that they assign contingencies for design and construction and the point that he was trying to make was that this was not a construction management contract that they were looking at, that they were looking at a program manager for the design, and it included not only the design but the negotiation of contracts that they may have to get involved with, that the contract did provide for a detailed accounting of cost incurred by project. Mayor Brown and Council Member Todd absent. Mayor Pro Tem Boney presiding.

Council Member Galloway stated that she was in support of the item and the amendment, however she looked at it as not being her money or her district money, that they as a City should assess the entire streets and needs of the City and maybe what they should do is take this out of the CIP because she drives down many streets in all of the Council Member's districts and she did not want to go down any bumpy streets in anybody districts. Mayor Brown and Council Members Todd and Ellis absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that Council Member Tatro said something that she thought was a very short sighted attitude and it seemed to be his district at the expense of the City, that the administration had the responsibility for doing this and that, and yes the

administration had the responsibility of carrying out these acts, but the Council Members had the responsibility of acting in the best interests of the City, that she had heard that somehow District A was being penalized in the CIP process, but District A had the second highest CIP of any of the districts and that hardly sounded like District was being penalized in the CIP process; that as many of the Council Members would recall, former Council Member Wong wanted money in her district reprioritized to Chimney Rock to pay for repairs on Chimney Rock and that project was not done, that it was not unprecedented and not unusual and Council needed the ability to reprioritize funds as priorities change, that it was bad public policy to say that once they create the CIP budget and vote on it in Council that they could never change those projects, that she absolutely agreed that those decisions needed to be made at the Council table and they all needed to deliberate and vote on those issues, but the idea that this was some how pitting the residents of District A against the residents of the rest of the City was wrong and short sighted, that she was going to vote against both the item to refer and the amendment to the item, that she thought they were going to set a bad policy that she did not want to have to live with in the next few years. Mayor Brown and Council Members Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that Mr. Rolan had used a percentage and asked what was the actual dollar amount of the engineering contracts that they could put the percentage in terms of contingency on, and Mr. Rolan stated that it just came up this morning and he did not have that number, that they were going to have to go back and pull the engineering contracts for each one of those and look at the amounts in the contingencies, that he could not give him that number right now. Mayor Brown and Council Member Todd absent. Mayor Pro Tem Boney presiding.

Upon questions by Council Member Bell, Mr. Rolan stated that these projects would proceed forward, not at the speed they would like them to if they had this supplemental support, that was the whole purpose of it, that right now their project managers had a very high load and this was to relieve them and they would be able to move the projects forward on time, that they had several type of projects in various stages, and the reality of the situation was if they had twelve projects to do they would not put as much on each one of those twelve as if they had eight, so no they would move forward, but how efficiently and timely they moved forward was the issue. Mayor Brown and Council Member Castillo absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez moved to call the question, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2001-0345 ADOPTED.

A roll call vote was called on the motion to refer Item No. 68a back to the administration.

ROLL CALL VOTE:

Mayor Brown absent	Council Member Vasquez voting aye
Mayor Pro Tem Boney voting no	Council Member Castillo voting no
Council Member Tatro voting aye	Council Member Parker voting no
Council Member Galloway voting no	Council Member Quan voting aye
Council Member Goldberg voting no	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2001-0346 ADOPTED

69. MOTION by Council Member Vasquez/Seconded by Council Member Quan that prior to further consideration of Item 69A below, proposed resolution supporting an Election being called by METRO for the issuance of Tax-supported debt prior to any expansion of the Main Street Rail Corridor Project or the initiation of construction of any other Rail Corridor, the resolution be amended as follows:

Delete Section 1, and

Revise Section to read:

The City of Houston intends that development of any rail transit within any of the travel corridors in the METRO region beyond the METRORail Project between Downtown Houston and the Astrodome area will only occur if such development has been submitted to the voters of the METRO service area for approval and has in fact been approved by such voters as a part of a rail transit system plan. Upon completion of such feasibility studies as may be required, any rail transit system plan will be submitted for voter approval, and will include such provisions as identification of travel corridors, estimated time for system development, approximate costs and, if necessary, authorization for issuance of bonds – **(TAGGED BY COUNCIL MEMBER CASTILLO)**

Council Member Castillo moved to divide the question, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem presiding. MOTION ADOPTED.

Council Member Castillo stated that the reason to divide the question was that he wanted to vote in the negative for item one, in other words the reasons that he would vote for the first section of the administration's ordinance was that it would declare the support for the Main Street Rail and he believed it was important that Section 1 was the predicate for Section 2 that they have the Main Street Rail which then would become the seed project for the rest of the rail system, so he thought it would complete the intent, which was to say that they support, not unanimously obviously, but as a whole they supported it giving Metro the right to use the City's right of way to lay rail, and secondly beyond that they would go to the voters so he thought it was important to have that first section. Council Member Goldberg absent.

Council Member Parker stated that she agreed with Council Member Castillo on this, that as it was originally proposed they had Section 1 which reaffirmed their actions of last

November where they allowed Metro to proceed to use their streets and affirmed their support for rail in Houston, and she thought the fact that they wanted to delete that section now as they went forward and talked about any future rail plans having to have a vote it was an attempt to rewrite the history of what this Council had already done, that they may not have supported it unanimously but Council clearly and convincingly voted that they believed in rail for Houston and that they affirmed Metro in moving forward with it and so she wanted the opportunity to vote against Section 1 which was reiteration of their previous expression of support for Metro. Council Member Goldberg absent.

Council Member Vasquez stated that Section 1 basically says that the City Council supports the construction of the presently proposed rail corridor along Main Street between the central business district and the Astrodome Complex area, that Council had already reaffirmed and voted on this and did not see a need to reopen the discussion in this particular resolution, that he wanted to emphasize that this was not a revote on the Main Street line, that it was a vote on whether or not this section should be included in the resolution, that further, Section 2 could stand alone in this particular resolution so Section 1 was not a predicate toward Section 2, and finally he did not think that Section 1 stood as a test for rail in Houston and by eliminating it Council could narrow the issue to just think about and focus on any extension of the Main Street project, that he did believe it was important for Council to go on record as supporting the calling of an election by Metro and that was why Section 2 proposed the exact same language that was proposed by Metro. Council Members Goldberg and Robinson absent.

Council Member Quan stated that he too was a strong proponent of the Main Street line, that he thought he had gone on record repeatedly supporting the construction of this line and was certainly not going to back down from that commitment, but again he agreed with Council Member Vasquez that the issue before them today was would they commit to the voters that before this budget extension that they would go back to the voters, that he thought they should isolate that issue and thought that they had unanimity on Council on that issue and did not know anyone on Council who did not believe that it was the right procedure to do, that he thought they sent a strong message to the voters that they were all together on giving them that right to vote, that was the biggest complaint he received during the time of the lawsuit, when would they have the right to vote, well they were on record here saying they had the right to vote and they would support that, that was the issue before them not what they voted on previously, that at this time he would support the deletion. Council Members Goldberg and Robinson absent.

Council Member Boney stated that he had the opportunity to monitor the campaign finance debate in Washington and it had been very revealing how confused the ordinary public could get if they really did not pay attention to what was being said, that he thought that they reaffirm, those of them who did support the Main Street Corridor, every time they could so at least the public had some clarity, that he would be opposing the deletion of Section 1 because if they did support Main Street Rail they ought to say it. Council Members Goldberg, Sanchez and Robinson absent.

Council Member Vasquez stated that he voted to support the Main Street line and would continue to support rail as well but it was important that they provide clarity to the public, that the public wanted to know when and if there was going to be a vote and so the resolution by focusing on Section 2 and eliminating Section 1 provided that very clear

message to the public and also consistent in the sense that it was consistent between City Council and consistent with Metro in terms of the resolution that they passed which was a binding resolution on Metro. Council Members Sanchez and Robinson absent.

Council Member Galloway stated that she was in support of the resolution as it stood, that it already stated in the resolution that Council would be supportive by calling an election for the voters for any expansion beyond the Main Street corridor, that she would support it as is. Council Members Sanchez and Robinson absent.

Council Member Castillo stated that he would urge a no vote on Section 1, which had the effect of keeping the original Section 1 in the administrations ordinance which reaffirmed their support of Main Street rail, that it made the idea whole and although it may not be necessarily a legal predicate at least when people read it they would not wonder, do they or do they not support the Main Street rail. Council Members Sanchez and Robinson absent.

Mayor Brown stated that he read what they were voting on, that Section 1 stated that the City Council supported the construction of the presently proposed rail corridor along Main Street, between the central business district and the Astrodome Complex area, that was the issue before them, and the issue was whether or not they should delete it. Council Member Robinson absent.

Council Member Todd stated that he urged folks to support both parts of the motion, and stated that he would move to call the question and there being no one else on the list to speak a vote was called on the motion to delete Section 1, and Council Member Vasquez asked for a point of order and stated that a yes vote was to delete the section and a no vote was to include it, and Mayor Brown stated that on the first vote they would take that was to delete Section 1, that if they voted yes, they voted to delete it and if they voted no, they would vote to leave it in there as part of the resolution. Council Member Robinson absent.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2001-0347 ADOPTED

Council Member Bell stated that he had an amendment that had been distributed to the table which would be added to the second section of Council Member Vasquez's amendment and it would simply read as follows:

Motion to amend agenda Item No. 69 to include the following definition:
Rail Transit - Public transportation operating on tracks or rails including light rail, heavy rail and commuter rail.

Council Member Bell stated that in checking with Metro this was the definition they used of rail transit and was not included in their resolution nor was it included in the City's and thought it made a lot of sense as they went forward to have it in writing what rail transit meant in terms of this resolution and that was why he was proposing the amendment.

Mayor Brown stated that they would vote on Council Member Bell's amendment first and stated that the administration supported it.

A vote was called on Council Member Bells motion to amend the motion to revise Section 2 of Item No. 69. Council Members Parker and Galloway voting no, balance voting aye. MOTION 2001-0347 ADOPTED.

A vote was called on the motion to revise Section 2, as amended, of Item No. 69. All voting aye. Nays none. MOTION 2001-0347 ADOPTED.

69a. RESOLUTION supporting an Election being called by METRO for the issuance of Tax-supported debt prior to any expansion of the Main Street Rail Corridor Project or the initiation of construction of any other Rail Corridor – **(This was Item 84 on Agenda of March 21, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented as amended. All voting aye. Nays none. RESOLUTION 2001-0014 ADOPTED.

Items Received during the meeting were considered as follows:

40. ORDINANCE approving and authorizing contract between the City and the **HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE, ENVIRONMENTAL CRIMES DIVISION** for a Prosecutor to assist in the prosecution of violators of State Illegal Dumping Laws investigated by Neighborhood Protection Inspectors assigned to the Rat-on-a-Rat Program - \$67,000.00 - HGAC Funds – was presented.

Council Member Goldberg asked why they had to help fund the Harris County District Attorney's office to do their job, and Mayor Brown stated that it was a grant that came from the Houston Galveston Area Council so it was not City funds that were going into it, that it was a joint effort and thus the money that the City got helped support the overall effort dealing with environmental crimes, that it was possible for Harris County to get their own grants, but as it worked they went in together and one agency gets the grant and then shares the money, that the decision was made up front that Harris County would not apply and they would be part of the overall enforcement initiative.

Council Member Galloway stated that she hoped her colleagues would vote for the item because it meant that they could prosecute those illegal dumpers much sooner, and asked if they had been able to catch many illegal dumpers since they got the new cameras, and Mayor Brown stated that he would ask the Police Department to give them an update to let them know where they were.

A vote was called on Item No. 40. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0298 ADOPTED.

Council Member Goldberg stated that he wanted to release his tag on Item No. 18.

45. ORDINANCE approving and authorizing contract between the City and **PROFESSIONAL AUDIO/VIDEO SERVICE, INC** for Television Production Equipment Repairs and Preventive Maintenance for Finance & Administration Department; providing a maximum contract amount \$100,000.00 - Cable Television Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0299 ADOPTED.

49. ORDINANCE appropriating \$200,870.00 from the Water & Sewer Consolidated Construction, \$251,552.00 from the Street & Bridge Consolidated Construction Fund; authorizing amendment to interlocal agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”)** for Replacement of the Woodway Bridge Crossing Buffalo Bayou under the TXDOT Off-State System Bridge Rehabilitation and Replacement Program Agreement approved and authorized by Ordinance No. 97-408, CIP N-0611-25-2 - **DISTRICT G – KELLER** – was presented, and tagged by Council Member Bell.

Council Member Bell stated that his understanding was that this was a TXDOT and City combination project to reconstruct both of the Woodway bridges that crossed Buffalo Bayou near 610 and it was also his understanding that the bridges were to be replaced one at a time and the traffic would be off loaded to the one bridge that remained open, that his concern was that the project was slated to take 12 to 14 months and begin in May and it was learned during the agenda briefing process that none of the neighbors in that area or neighborhoods had been informed of the project and notified and since it was a major alternate route to the congestion on I10 it could create some very serious difficulties and stated that he wanted to tag the item and asked that someone from Public Works come and meet with him so they could discuss it and see if anything further needed to be done in the notification process.

Upon questions by Council Member Keller, Mayor Brown stated that they did receive funding for the west bridge and later on they received funding and matching funds for the other bridge and that was what they were trying to do was maximize.

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

35. ORDINANCE approving and authorizing lease agreement between **INTERVEST-HOUSTON NLW, LTD., as landlord**, and the City of Houston, Texas, as tenant, for Office Space at 1415 North Loop West, Houston, Texas, for use by the Houston Police Department - **DISTRICT A– TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0300 ADOPTED.

The City Secretary stated that Council Member Goldberg previously released his tag on Item No. 18.

18. **AIR FLITE, INC** for Schweizer 269 Series Helicopter Replacement Parts for Police Department \$960,600.00 - General Fund – was again presented to Council.

Council Member Castillo asked if these parts were being bought all at once or were they being bought as they were used, and Mayor Brown stated that this was over a three year period and were purchased as needed.

A vote was called on Item No. 35. All voting aye. Nays none. MOTION 2001-0348 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Todd recognized Ms. Jacqui Croy and Ms. Kathy Mosley, two employees who would be leaving the City and stated that they were going to be sorely missed, that they had been extremely helpful on a number of issues at Council and that their contributions to the City were not paralleled by anyone else, and Mayor Brown thanked them for their service and extended best wishes for them in their new positions. Council Members Boney and Sanchez absent.

Council Member Quan stated that he knew they had been doing interviews for the bike lane coordinator and that was a position that had been vacant since October 2000, and asked that the people involved in that process try to speed it up because it was long overdue and they needed someone there who could begin answering questions on that issue. Council Member Boney absent.

Council Member Quan stated that this Sunday the Arab American Community Center would be dedicated and the thing that he wanted to point out was that the Arab American community had built that building not just for the Arab American community but for all the citizens of Houston, that they planned to do health screenings for people from all backgrounds and communities, that they were really trying to reach out to some other communities in Houston to dispel some myths about the Arab American community. Council Member Boney absent.

Council Member Quan stated that they had some discussion on Tuesday at the TTI Committee meeting on the Northeast Water Plant and felt that they needed to really get briefed on what was going on, that he knew there had been several delays in the selection process with the HAWK and there had been conflicting information that he had been receiving as to who was going to be receiving the recommendation, that he just wanted to make sure that they were all informed because that obviously was a very important decision for the citizens of Houston, and Mayor Brown stated that they would make sure that when decisions were made that Council would be informed. Council Member Boney absent.

Council Member Tatro stated that he wanted to say congratulations and good luck in their future endeavors to Ms. Mosley and Ms. Croy. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Tatro stated that he wanted to thank everyone who participated in the Keep Houston Beautiful all over the City but specifically the cleanup they had on Long Point and the different organizations that sponsored the event, Lovett Homes, Dan Reeves, Weingarten Realty and Metro National, that they had a wonderful event at Haden Park to end it and it was a good effort on behalf of Spring Branch, that he wanted to say a

special thanks to Ms. Maureen Mulroony who coordinated the whole effort. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Tatro stated that to follow up on the water issue that they talked about briefly yesterday and two things that he brought up during that discussion were reports in the press that the North Harris Regional County Water Authority was nearing contractual sale of raw water with the Brazos River Authority and that could be detrimental to the City if that would occur and very unfortunate to the City if that region were to contract to purchase raw water from another entity and that was one of the main reasons they were moving forward with an expedited plan to build the entire plant and he encouraged the administration to redouble their efforts in getting to the table with that organization and then of course the west organization would follow and believed there was something working on that; that the second issue on the water plant was that he attended a couple of the board meetings and saw a process moving forward with the design build on operate versus the conventional program and the thought came to mind that under a conventional program the City would first obviously get with a design and engineer and decide what specification the plant would be built at and one of those would contain the methodology and process by which they would use to filter the water and thought the City would first determine a methodology based on technology, operating cost and based on availability of suppliers to provide that methodology and the City would standardize on what they believed would be the long term methodology of processing that water; that on the design build on operate it was his understanding that a couple of the proponents may have different methodologies and that they were scoring it on a financial basis and he thought that was the wrong direction if they were judging the teams on finances and not going back to a standard methodology that was the best methodology for the City and stated that he would like some clarification in the upcoming weeks from the administration about the PDD if it did contain a specific methodology. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Keller stated that he was extremely interested in their regional water situation and personally thought that was equally important as their regional mobility and air, and the fact that they had different methodologies in the proponents that they were possibly selecting concerned him, and asked with the methodology of purifying the water he would like to know as soon as possible what their consultants were telling them was the one that they should have as far as the safest, most enduring, most efficient and most cost effective. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Keller stated that he wanted to let Ms. Mosley and Ms. Croy that he would miss them both very much. Council Members Galloway, Boney, Todd and Robinson absent.

Council Member Sanchez stated that he was just trying to nail down a date as to when he could get some information on the investigation by OIG as it related to the Fire Department Warranty Division that he had brought up last week, and Mayor Brown stated that he would have the head of that unit contact him and brief him in person. Council Members Galloway, Todd and Robinson absent.

Council Member Sanchez stated that the other issue was what Council Member Goldberg had raised last week, which was the construction of the drainage over in the

Meyerland area and wondered if the Public Works Department had contacted residents of the effected neighborhood and the school as to what was going to happen, because it appeared that the site had been vacated and he did not know if anyone had been notified and no measures had been taken for traffic control, given the buses, the children, car pools and residents that were trying to get down a very narrow street, and Mayor Brown stated that they would find out and get back with him. Council Members Galloway, Todd and Robinson absent.

Council Member Parker stated that she would like to add her best wishes to those of her colleagues for Ms. Croy and Ms. Mosley, that there would be a hole in that department and the franchise and regulatory activities, that it was a great loss to the City. Council Members Galloway, Quan and Robinson absent.

Council Member Parker stated that she wanted to thank those companies that helped out on the neighborhood cleanup with her crew, that they did Washington Avenue, between Houston Avenue and Shepherd, that they had some wonderful work by the Republic Waste volunteers, that they called themselves Republic Rubbish Wranglers, but they did an excellent job along with some of the local community volunteers and she thanked Metro National for allowing them to stage in their parking lot and then Dawn Donuts at Studemont and Washington, which kept the hot donuts coming from about 7:30 a.m. to 10:00 a.m. Council Members Galloway, Quan and Robinson absent.

Council Member Boney stated that he wanted to commend Ms. Mosley, that she had done some excellent work for the City and helped to mediate matters and helped negotiate some difficult challenges, and knew that Ms. Croy had done some great work too and wished them both good luck. Council Members Galloway and Quan absent.

Council Member Castillo stated that he wanted to express his appreciation for all of the good work that both Ms. Mosley and Ms. Croy had done for the City. Council Members Galloway and Parker absent.

Council Member Castillo stated that he was appointed by Judge Eckels to the Transportation Policy Council of the HGAC and they had a briefing at the last meeting which was very informative and really put something into focus for him and one was that the City of Houston as the Houston region had the lowest number of lane miles per capita among the large cities of the State, whether that was because they had not had great advocacy on the Texas Department of Transportation Commission or because their legislative delegations had not done as well as previous ones in bringing home the bacon in terms of road building funds and it was yet to be determined; that secondly they had the lowest investment per capita for road building projects of any large city in the State and that had a great consequence not only for the economic development of the City but it had a larger long term consequence because as both commerce and industry and population moves out to where the lane miles are being built they had an irretrievable loss in the future as a great impact, that he knew that the Public Works Department did great work in doing what it could with the dollars that they got and as a policy making body they ought to be more demanding of the commission and of the legislative delegation to help them maintain Houston as a City that had the capacity to grow but was not hamstrung by ineffective and inadequate road capacity. Council Members Galloway, Boney and Parker absent.

Council Member Castillo stated that yesterday they had a briefing by the Finance and Administration Department and the Department of Building Services and part of what came to the floor was a large amount of change that was coming about in the distribution and sale of electricity, that one of the points that he would like to point out was that there ought to be a way that the PUC or whoever the agency that would be appropriate to do it, was to provide information on a periodic basis for residential consumers about where to look for and how to shop for competitive electric rates. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Castillo stated that they had a great briefing from Mr. Rolen on the MPDES proposal that was going up to the EPS, that it was sort of disconcerting to find that one of the proposals that was being laid out because the MPDES legislation required that municipalities and other jurisdictions control the flow of runoff into the estuaries and the Gulf that they mitigate that, and part of the City's proposal was to form homeowners associations for new developments so there was a single entity that the City could look to for enforcement, that the problem with that was that it would have a bad effect on the construction of affordable housing in the inner city because they would be required to form homeowners associations not only at great expense to homeowners but would also have continuing financial impact on them as environmental conditions change, so he would hope that they would find some other way to control new development runoff. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Mayor Brown stated that it was true that they were not getting their fair share of State transportation dollars and that was due in large part because they had not had anyone on the commission for years, that they did have someone on there now, the chairman, Mr. Johnny Johnson, and he was very much aware of the inequity and in fact they had a group put together by the Greater Houston Partnership looking at mobility in our area and that was one of the points that they would make, that he had spoken to Mr. Johnson and he understood the seriousness of the problem, that he spoke to the governor about it and he understood the figures that Council Member Castillo had pointed out as well, so hopefully with the great understanding that everyone had now they could do something about it and Houston could get their fair share. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Bell stated that he wanted to join his colleagues in commending both Ms. Mosley and Ms. Croy for what had been an extraordinary level of competence over the years in the various projects they had been handed and wished them the best of luck in their future endeavors. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Ellis stated that they also had a cleanup in District F and wanted to thank the Parks Department for their assistance, that he wanted to thank Pat Powers and Debra Yanez for putting together the group that cleaned up Hillcroft Blvd and did a wonderful job. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Ellis stated that he wanted to thank Mayor Brown and the Library Department for opening what they were calling the Walter Branch mini library, that while

the opening of the mini library was somewhat of a silver lining to a bad situation he hoped they learned from their mistakes and did not close the libraries until the renovation was due to start. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Ellis stated that last night he had gone around to a couple of different fire stations in his district and talked to the firefighters, that he spent about 3 hours at Station 51 and spent a couple of hours at Station 68, that while the firefighters were working hard and committed to their jobs, the moral was somewhat low and they were concerned about going to fires and not being able to put them out because they were understaffed, that he knew it was something that they had to address in the future and it was something that they could not solve overnight but thought they had to implement a plan and bring it to Council about how they were going to beef up the staffing at the Fire Department; that at District 82 which was one of the districts that was in District F at Station 68 they had a booster truck that was out of service and last year that booster truck made 1,299 runs in a nine month period, that the firefighters were concerned because they had been told that their booster truck was going to be out of service for another 6 months, that if they looked at Station 65 their booster truck did a total of 67 runs last year so he thought they needed to sit down with the Fire Department and if they had to micro manage them then so be it, that they might want to take a booster truck from another area and place it over there while one of them was being repaired, that he hoped that they could move forward and at least address the situation for those firefighters, and Mayor Brown stated that Chief Simms was present in the Council Chambers and he would ask him to work on that right away. Council Members Galloway, Boney, Todd, Keller and Parker absent.

Council Member Goldberg stated that he wanted to thank Mr. Rolen, Mr. Wierzig and Mr. Brevenec, that he had asked for some traffic lights to be upgraded and believed that the upgrade was a first step in assisting their effort towards a better improvement on the air quality. Council Members Galloway, Todd, Keller, Vasquez, Parker and Robinson absent.

Council Member Goldberg stated that Item No. 54 had to do with Braeburn Gardens and in 1976 the City of Houston annexed those homes with the understanding that they would receive sewer lines and what they did today was they finally gave them sewer lines, that they had been relying on septic tanks up to this point. Council Members Galloway, Todd, Keller, Vasquez, Parker and Robinson absent.

Council Member Goldberg stated that he wanted to thank the people with Keep Houston Beautiful in District C, that his staff member, Ms. Barbara Hite, coordinated with one of the civic activists, Ms. Ruth Hurst and she did an excellent job in mobilizing a lot of the people there and they were able to cleanup an area along West Brae Parkway near South Gessner that looked immensely better and citizens in that part of the community were very happy about it. Council Members Galloway, Todd, Keller, Vasquez, Parker and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:59 a.m. upon MOTION by Council Member Quan, seconded by Council Member Todd. All voting aye. Nays none. Council Members Galloway, Todd, Keller, Vasquez, Parker 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