

City Council Chamber, City Hall, Tuesday, April 17, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, April 17, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Gabriel Vasquez, John Castillo, Annise Parker, Gordon Quan, Orlando Sanchez and Chris Bell; 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 out of city on personal business. Council Members Bert Keller and Carroll Robinson absent on city business.

At 1:57 p.m. Vice Mayor Pro Tem Castillo stated that they had three Council presentations and the first would be a presentation by Council Member Sanchez. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis absent. Vice Mayor Pro Tem Castillo presiding. (NO QUORUM PRESENT)

Council Member Sanchez stated that Houston had an active Sister City Program with organized activities at the local level as well as internationally, that one of the annual local programs that was coordinated under the umbrella organization for Sister Cities was the program for young artists, that this year three Sister City associations, Grampian, Scotland, Liepzig, Germany and Taipei participated in the program, that they had a special presentation to recognize seven local, middle, and high school students that participated and won the art contest, that this year the students submitted original art inspired by the theme "Impressions of the Fruits of World Peace", that the work of Houston's first place winner would go to the international competition, this year in Toledo, Ohio, to be judged along with the art work from Sister City participants around the world, that three times in the past Houston's submission had been a winner in the international competition, that he knew all the winners were not able to be present today but they did want to recognize all the winners and make presentations to those who were present today; that he would ask Ms. Sonia Garza to join him at the podium in recognizing the young people; that he wanted to thank the three judges who volunteered their time to judge the artwork, Ms. Roseanne Frazier, Houston Livestock Show and Rodeo Art Program, Ms. Mary Lee, a local portrait painter and Ms. Marilyn Demontrond, a local arts patron, and called out the names of the honorable mentions in the art program, Ms. Erika Estrada, Furr High School, Mr. Brian Lin, O'Donnel Middle School, Ms. Sanjuanita Alba, Furr High School, Mr. Chris Huynh, O'Donnel Middle School and Ms. Dennis Garcia, Furr High School, and then the second place winner, Mr. Suraj Ghandi, O'Donnel Middle School, with a painting entitled "The Etchings of Life" and the first place winner, Ms. Helen Tsai, with the Chinese Cultural Center Arts School, with a work entitled "To Universe from Earth with Peace". Council Members Tatro and Ellis absent.

Mayor Brown stated that he wanted to make a couple of presentations and asked Ms. Margie Bingham, Director, Housing and Community Development Department, to join him at the podium, that he was very pleased to kickoff what would be an exciting celebration and one that recognized the extensive community development that had occurred in the City, that it had been done in partnership with the Department of Housing and Community Development, that as they knew strengthening communities in Houston had been a top priority of his administration and there were many projects that they were paying special attention to this week and just how much the Community Development Block Grant could do for families, children, schools, parks and entire neighborhoods, that

on top of that there were a number of new jobs that were created, that the National Community Development Week in Houston this year came at a time of economic and good fortune for the City, that by every measurement the Houston economy was strong, that they had the lowest employment rate ever, a job growth rate that was second among major cities, construction contracts up 15% over last year, air passengers up 6% over last year, international passengers up 12% and foreign cargo up 15%, that these were very excellent trends; that he wanted to express his appreciation to Ms. Bingham and her staff in the Department of Housing and Community Development for their commitment to improve the quality of life in so many ways for so many people, and to that end he wanted to present a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, proclaimed April 16 – 22, 2001 as National Community Development Week in Houston, Texas. Council Member Ellis absent.

Ms. Bingham stated that she wanted to thank the Mayor and City Council for all of their hard work in helping them to make the Community Block Grant Program a success in the City of Houston and presented a copy of the poster for the event to Mayor Brown. Council Members Goldberg and Ellis absent.

Mayor Brown stated that he wanted Mr. Jim Clark, Society of Petroleum Engineers, to join him at the podium and presented him a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, proclaimed May 21, 2001 as Petroleum Leadership and Outlook Conference Day in Houston, Texas. Council Members Goldberg and Ellis absent.

Mr. Clark stated that he was the Career Management Coordinator for the Society of Petroleum Engineers in Houston and appreciated their time and recognition of the fact that the 11,000 members of the Society of Petroleum Engineers in Houston were a vibrant addition to the economy of Houston and indeed Houston was the energy capital of the World. Council Members Goldberg and Ellis absent.

Council Member Vasquez stated that he wanted to recognize a young man, Mr. Juan Gonzales, in the audience who was student in the sixth grade at Patrick Henry Middle School, one of the schools in District H and also an HISD school, and asked him to stand and be recognized, that Mr. Gonzales was a guest of Mr. Richard Cantu, Director, Citizens Assistance, and was present to learn about government, that he was an honor roll student at Patrick Henry and also extremely computer literate. Council Members Goldberg and Ellis.

At 2:09 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Bell lead everyone in prayer and the pledge of allegiance. Council Member Goldberg absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Boney out of city on personal business. Council Members Keller and Robinson absent on city business.

Council Members Sanchez and Vasquez moved that the minutes of the preceding meeting be adopted. Council Member Boney out of city on personal business. Council Members Keller and Robinson absent on city business.

Mayor Brown requested the City Secretary to call the list of speakers.

Ms. Leonora Schellinger, 618 Redan Street, Houston, Texas 77009 (713-773-6813) appeared and stated that she was present regarding the maintenance of community sewer lines in the Woodland Heights, that on March 6, 2001 she called the City to report an overflowing cleanout on her property and after almost two months, numerous phone calls and a lot of frustration on her part, as well as that of her neighbors, the sewer was still not fixed, that she and her neighbors had been told repeatedly by members of Public Works that the City was responsible for maintaining the community lines as long as there was a home hooked up to them, that as of today there was raw sewage pooled under her home affecting her homes foundation as well as raw sewage on the side and backyard of her home, that her neighbor had raw sewage flowing down her driveway and bubbling up in her bathtub, that another neighbor had a hole poked in the community line while the City was probing to locate the line and she now had sewage in her backyard every time someone flushed the toilet in their neighborhood, that one last neighbor took time off from work last week and dismantled his deck as the City said they were coming out to fix the community line and would need his deck removed in order to get to the line, that they never contacted him to do the repairs, that he lived in Austin and was selling his home and took a week off for this, that instead of repairing the line this past Thursday, Ms. Bea Link, Deputy of Public Works, had arbitrarily decided that the City would not be fixing the line and in fact cited her home for a public nuisance. Council Member Goldberg absent.

Mayor Brown stated there were some legal issues involved and asked Mr. Bibler to explain that before Council Members asked her questions. Council Members Goldberg and Castillo absent.

Mr. Bibler stated that it was his understanding from Mr. Steven Lewis, Real Estate Division, that Ms. Link did refer this to the Legal Department and it was determined that the line in question had never been publicly maintained and there was no public easement and it was on private property, that there were some places in some of the older areas of town where some rather bizarre sewer connections were made, that homes were daisy chained together and other things that would not be allowable now and this appeared to be one of those situations, and Mayor Brown asked if it was correct that legally they could not do anything and that was the reason that Ms. Schellinger now found herself in that position, and Mr. Bibler stated that it was his understanding that they did have a modern new sewer line nearby that they had offered to allow her to hookup to but she had declined that, at least that was what he was told.

Ms. Schellinger stated that she had not declined that, that she asked the City yesterday when they would be coming out for that because she had to get an estimate from a plumber to hookup to that line and she was given the run around again, that it was also her understanding from various members of the Public Works Department that sewer lines such as hers had been repaired in the past, that they were the original lines put in at the time by the City and there was no statute when the new lines were run to switch people to the new lines, and as a matter of fact the City was just delaying that and letting people switch over when they remodel, that when they got the permits to remodel or build a new home that was when the City required them to move on to the new line, that she bought the house five years ago and was not told about any of this and she paid

taxes to the City of Houston and the City of Houston collects from her for water and sewage, that it was the original community line and there were a number of homes hooked up to it, that even if it was legally somehow her responsibility then they should not be collecting sewage fees from her and on top of that why was it taking the City two months, numerous calls, numerous visits from numerous officials from the City to come up with this solution or this answer, that the problem now had escalated, that it used to be a small leak on the side yard of her house and now there was a lake underneath her house as well as along the side, that it should have been addressed immediately, that when she first called the City on March 6, 2001 she said at that time that her plumber believed the problem was the City's and it was a community line and part of the City's system and he could not touch it, legally he could not touch it, that if he was wrong to let her know immediately so she could have him come back, and Mayor Brown asked Mr. Bibler if she could hookup to the City line if she paid the cost for doing so, and Mr. Bibler stated yes, and Mayor Brown stated that Mr. Wes Johnson, Public Works and Engineering and would meet with her and see how they could resolve this problem.

Council Member Vasquez stated his office would be happy to facilitate a solution of the hookup and of the line, that they would be happy to start with her and then take a systemic look at the whole thing, and Ms. Schellinger stated that she would like the City to remediate the soil because she could not live with this under her house, that she was currently suffering from cancer and this on top of everything else was not something that she should be dealing with, and Council Member Vasquez stated that he understood but wanted to make it clear that he would not interfere or get in the middle of the legal issue. Council Member Goldberg absent.

Ms. Kimberly Edwards, 5801 W. Sunforest Dr. #1505, Houston, Texas 77092 (713-686-4235) appeared and stated that on February 12, 2001 she left her purse at Taco Cabana and upon returning 30 minutes later \$1,800 was missing from her purse, that the security camera of the establishment taped the whole incident, that between the hours of 4:00 p.m. and 9:00 p.m. three cops came out, that the first cop took a report and left, the second sergeant came out, searched the premises and left, and the third cop, R. L. Taylor came out and was supposed to confiscate the tape instead he laughed and joked but did not take the tape, he left, that on February 13, 2001 she was informed by the dispatcher that the tape was not at Taco Cabana, that they transferred her to Burglary and Theft and she was informed that the report had already been written up and read that she did not come back to the establishment until the next day and by word of Taco Cabana reps the tape did not show anyone going into her purse, that the investigator had communications with Taco Cabana the next day after the incident when she did not even know who the investigator would be until three days from the day of the incident, that she did not find out who her investigator was until Wednesday at 5:00 p.m., that she asked the investigator why he wrote it like that and he said to her that she was not going to tell him how to do his job and that the reason he instructed Taco Cabana to keep the tape was because HPD's evidence room was not secure enough, that because of her persistence the tape was now securely locked away in the evidence room, that he then got mad and assigned her to a another investigator, that on February 26, 2001, eleven days later, they obtained the tape and prepared for her to view it at Taco Cabana premises, that she refused, that she did not feel comfortable going back there because she was told by HPD not to be caught back on Taco Cabana premises, that in opposition to this they proceeded to view the tape and she requested for the tape to be viewed at the

downtown main location and was told they did not do it that way, that the main station was not equipped to view tapes, that their audio was not modernized, that after viewing the tape the officer told her that it did not show anyone going into her purse, that March 1, 2001 she took a polygraph to determine that she had that amount of money on her and had it at the establishment and she passed, that on March 12, 2001 the manager of Taco Cabana quit work, that on March 14, 2001 three employees were schedule to take a polygraph and two passed and the manager did not want to take the polygraph he refused, that she then went to the Mayor's office and wrote out the whole incident and she went to the Mayor's Citizens Assistance Office and spoke with Ms. Dillard who made it possible for her to finally view the tape at the downtown location, that on March 21, 2001 she finally viewed the tape with the officer and it clearly showed the individual going into her purse, that this was the seventh time that the individual had done this and each time he goes back to Mexico and comes back and Taco Cabana rehires him and gives him a slap on the wrist, that they had given her the run around and told her that her case was not active and was closed because they had no more leads. Council Members Galloway, Goldberg and Vasquez absent.

Mayor Brown asked if this matter had been presented to the District Attorney's Office and Ms. Edwards said no, that they said there was not enough evidence, that the officer and investigators made that determination, and Mayor Brown stated that Assistant Chief Dennis Richards was in the Council Chambers and he would meet with her and help her go through the problem she was now having and bring resolution to it. Council Members Galloway, Goldberg and Vasquez absent.

Council Member Ellis stated that he knew about the problem she was going through because they wrote a letter to Chief Bradford on her behalf and suggested that she call the District Attorney's Office and talk to their complaint desk and tell them of this issue, and Mayor Brown stated that if she had a complaint against a police officer Chief Richards would help her file that complaint also in order to investigate the action of the police officer. Council Members Galloway, Goldberg and Vasquez absent.

Council Member Tatro stated that he wanted to give her his card, that he knew that the police were burdened with a lot specifics and sometimes became desensitized to the crimes that were committed and it was important that the police not forget and not be desensitized to some of the significant losses that were incurred by different people in different walks of life. Council Members Galloway, Goldberg and Vasquez absent.

Mayor Brown thanked Ms. Edwards for coming down and asked her to meet with Chief Richards who would be representing him in this issue and would do everything he could to be helpful to her and would report back to him. Council Members Galloway, Goldberg and Vasquez absent.

Mr. James Smith, 1534 W. Donovan, Houston, Texas 77091 (713-688-0269) appeared and stated that he was President of Bell Park Terrace Civic Club and the Vice President of the Super Neighborhood, that he had been present previously regarding the health problems they had in their community, that at one time or another they had sat down and talked to Council Members and City Workers who stated that they would cut them a ditch to relieve the drainage problem that they had in their community, that the drainage problem was the reason that they did have a civic club, that they started the

civic club to correct the water problem, that Neighborhood Protection had come out and he had spoken to Mr. Green and he said that they would cut the ditch as soon as Neighborhood Protection cleaned up the mess behind them, that they cleaned up the mess and nothing happened and they were getting flooded again, that there were neighbors present who also had water in their yards and almost into their houses and they were trying to get something done, that it did not make sense to keep coming down to Council every time and the City keeps saying they would fix the problem. Council Members Galloway, Goldberg and Vasquez absent.

Mayor Brown asked if someone had told him that they would fix the problem, and Mr. Smith stated yes, that they told him they would fix it but it had not been fixed, and Mayor Brown stated that Mr. Wes Johnson, Public Works Department, was present and would meet with him and do what was necessary to resolve the problem, and Mr. Smith stated that a second issue was the overlay, that for the past few years they had put it on the books and so far nothing had been done, and Mayor Brown stated that it was on the list for overlays. Council Members Galloway, Goldberg and Vasquez absent.

Mr. John O'Connell, 11710 Briar Forest No. 1815, Houston, Texas 77077 (713-696-3701) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Vasquez absent.

Mr. Christopher Cato, 7710 Boggs Rd., Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Vasquez absent.

Mr. William Beal, 4718 Birchwood Street, Houston Texas 77016 (713-633-0126) appeared and voiced his personal, religious and musical opinions until his time expired. Council Members Galloway, Goldberg, Vasquez and Castillo absent.

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

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated [www.galvan.org](http://www.galvan.org), that last week he had to walk through the Judge Alfred Hernandez Tunnel which went from downtown to the near northside and they all like to bitch about him and his house and whatever, but they needed to look at themselves because he had to walk through that tunnel and there was shit, piss, broken glass, running water, leaks and all that and half of the lights did not work, that he thought it was very disrespectful for whoever Judge Alfred Hernandez was, that it was disrespectful for the near northside and it was disrespectful to the Latino community and he thought it said a lot about this administration where they want to go and spend \$100,000 for illegal immigrants to give them air conditioning where they can gather in a place and be comfortable and all that to find jobs and they could not spend that money on this tunnel, that he thought it was ridiculous and showed that they needed a new Mayor, that he wanted them to fix that bridge because he had to walk through it and he did not like walking through that tunnel. Council Members Galloway, Vasquez and Castillo absent.

At 2:31 p.m. upon motion by Council Member Goldberg and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, April 18, 2001. Council Member Boney out of city on personal business. Council Members Keller and Robinson absent on city business. Council Members Galloway, Vasquez and Castillo absent.

City Council Chamber, City Hall, Wednesday, April 18, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 18, 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. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director present.

At 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

## **HEARINGS**

### **1. PUBLIC HEARING relative to CURFEW ORDINANCE REVIEW - 9:00 A.M.**

At 9:26 a.m. Mayor Pro Tem Boney reconvened the meeting of the City Council and stated that the first item of business was a public hearing on the Curfew Ordinance. Mayor Brown, Council Members Tatro, Todd and Bell absent.

The City Secretary stated that it was a public hearing relative to review of the Curfew Ordinance and no one had reserved time to appear and presumed there would be some remarks by the Legal Department and Police Department. Mayor Brown, Council Members Tatro, Todd and Bell absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Bibler to give them an initial briefing and Mr. Bibler stated that this was a continuation of the second iteration of the hearing which commenced last week, that it was the same subject matter and did not know a reason to re lay the predicate for it that was established last week, that there were some questions asked about statistical issues and Captain Yates from the Police Department Juvenile Division was present again and it was his understanding that Captain Yates had distributed some materials to the Council Members and at this point he thought it would be appropriate for him to make a brief remark and then take any questions that Council Members had. Mayor Brown, Council Members Tatro, Todd and Bell absent. Mayor Pro Tem Boney presiding.

Captain Yates stated that at the suggestion of the Members of Council they had extended their study to include other school districts besides HISD in the evaluation, that they also looked at other sources in an attempt to gain a more accurate picture of the youth population in the City of Houston, that looking at the new data provided no conclusive evidence of racial bias in curfew enforcement, that the curfew ticket rate may

not always appear proportional to the ethnic representation of the population but as was pointed out to them last week they could not always draw conclusions from the numbers alone, that to begin with all of the youth population numbers as this point and time were estimates with an unknown error rate, also other factors had to be taken into consideration such as attendance rates, dropout rates and other socioeconomic issues, that all of these helped to determine appropriate enforcement of this ordinance, that he wanted to reiterate that the issue of fairness was important and as he indicated last week police officers in Houston were very conscious of the need to enforce juvenile curfew in a fair and reasonable manner, that they observed a policy of utilizing the curfew as a positive tool with the emphasis being to remove the minor from potentially harmful situations, that it was not a perfect tool and there may be mistakes made in its use, but again he asked for them to focus on the success they had with the ordinance over the past 10 years and asked for their support. Mayor Brown, Council Members Tatro, Goldberg and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Boney asked Captain Yates if he could give him some understanding that demonstrated that the department was attempting to apply all of its guidelines and ordinances equally across the City of Houston and Captain Yates stated that if he understood his question, was he referring now to the racial profiling issue and Council Member Boney stated that he was referring to both the ordinance before them relating to curfew and racial profiling, that he was surprised to hear a media report, which again may not be true, that some officers were not filing out the whole form and if that was happening then they should know and take corrective action, and Captain Yates stated that as far as the enforcement of the curfew ordinance was concerned, as he stated there was no indications at this point and time that there was racial bias involved, that as far as the issue concerning the racial profiling issue it was his understanding at this point and time that the police department was examining their data collection process used to determine if racial profiling existed within HPD and it was also considering alternative ways to collect and analyze the data to be more accurate and efficient, that he was not familiar with the particulars of that project at this point and time and quite frankly was not prepared to address that issue this morning. Council Members Goldberg and Todd absent.

Council Member Robinson stated that they had a supplemental document and he was trying to make sure he understood, that on page 3 of the document they had the school districts with statistics and asked if those numbers were relative to citations issued or just the numbers of student population inside the City in those areas, and Captain Yates stated that the particular chart he was referring to was a list of all of the secondary school campuses in Houston which showed a breakdown of the various ethnic groups and on the following page it showed a comparison with the student profile and the citations issued, and Council Member Robinson stated that what he was really trying to get a handle on was what school did the daytime curfew violators actually attend so they could look and say that 500 of the violations were kids that attended HISD and 250 attended Spring Branch, Alief Schools and asked if they had anything that gave them that information, and Captain Yates stated that he looked at the 15 top zip codes in the Houston area and was able to determine that the majority of the citations were being issued on the westside of town, which was not really surprising considering the special initiatives that they had there concerning the Richmond Strip and he believed that second was the northeast area, next was southeast and then south central, and Council Member



Robinson asked for someone to visit with him, that he would like to engage in a more detailed discussion. Council Member Boney absent.

Council Member Castillo stated that what he would really like to see in order to reach the conclusion that it was being applied equally was to see the results of Captain Yates analysis by zip code and stated that if he presented it to Council they could draw their own conclusions. Council Member Boney absent.

Upon questions by Council Member Vasquez, Captain Yates stated that Council Member Vasquez had pointed out last week that they should not draw conclusions from numbers alone, that what they discovered was that at this point and time there was no accurate count of their youth population in the City of Houston, that the new census data, regardless of what the Chronicle reported Saturday, was not available at this point and time, that the figures that were cited in that article included infants through 18 years old and it was very difficult at this point and time to ferret out the exact target group that they were looking at and as he mentioned earlier there were other considerations; that this was not going to be sorted out until they were able to get census information and asked that Captain Yates submit a report to Council comparing the actual citations issued and the actual census age and ethnicity profile data with a zip code breakdown, and Captain Yates stated that even with this information what they were going to be able to show was what was the proportional situation regarding issuance of citations to various ethnic groups and in their opinion it was still not going to tell them whether or not there was bias involved in the enforcement efforts because of the other factors involved. Council Members Todd, Boney, Castillo and Parker absent.

After further discussion, Captain Yates stated that in response to Council Member Castillo's question last week he was trying to make a determination, as best he could, where the citations were being issued, and Council Member Galloway asked if the curfew violators were mostly during school hours or after midnight and Captain Yates stated that it was approximately between 67% and 70% of the citations issued were for daytime violators, and Council Member Galloway asked that he provide her with some information on how much percentage was issued after midnight. Council Member Todd, Castillo and Parker absent.

After further discussion, Council Member Boney moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0417 ADOPTED.

Council Member Galloway stated that she wanted to recognize a group of students from Wiemer, Texas who were visiting in Houston.

### **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 32**

### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 3 through 9

- 3. AMEND MOTION #99-1991, 11/17/99, to DECLARE AMERICAN SAFETY PRODUCTS** in default and hold them non-responsible for two years for failure to deliver on their bid for Safety Equipment Part II for Various Departments – was

presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0418 ADOPTED.

4. **ARROW SERVICES, INC** for Emergency Asbestos and Lead Abatement Services for Parks & Recreation Department - \$26,200.00 and contingencies for an amount not to exceed \$27,510.00 General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0419 ADOPTED.
  
8. **REX SUPPLY COMPANY** for One Engine Lathe for Solid Waste Management Department \$31,511.00 - Solid Waste Consolidated Construction Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0420 ADOPTED.

#### RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 32

16. ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an Arbitrage Rebate not to exceed \$96,948.34 relating to the City's Public Improvement Refunding Bonds, Series 1996A and 1996B - General Debt Service Administration Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0341 ADOPTED.
  
17. ORDINANCE making a general appropriation of certain Revenues of the City in support of the annual budgets for Fiscal Year 2001; authorizing transfers from the General Fund General Government Budget; relinquishing a Capital Projects Reserve had been pulled from the Agenda by the Administration, and was not considered.
  
23. ORDINANCE approving and authorizing an untreated water supply contract between the City of Houston and **D.B. WESTERN - TEXAS, INC** - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2001-0342 ADOPTED.
  
24. ORDINANCE approving and authorizing an untreated water supply contract between the City of Houston and **STOLTHAVEN HOUSTON, INC** - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2001-0343 ADOPTED.
  
26. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$2,712,625.58 for Water Line Repair by Point Repair Method, approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** in the amount of \$81,000.00 - (Project No. 10698) - Total \$2,793,625.58 - Enterprise Fund had been pulled from the Agenda by the Administration, and was not considered.
  
31. ORDINANCE appropriating \$5,274,530.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$4,517,048.20; approving and authorizing professional services contract for engineering testing services with **MCBRIDE-RATCLIFF AND ASSOCIATES** in the amount of \$140,000.00; approving an

amendment to an agreement (approved by Ordinance No. 99-1141) between the City of Houston and the **CITY OF SPRING VALLEY** for the proposed 54-inch water line along Westview from Moritz to Campbell, Contract 47A-2, GFS S-0900-45-3 (WA10601); and providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – TATRO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

32. ORDINANCE approving the de-appropriation of funds from Contract No. C52144 and appropriating such funds to Contract No. 039759 for a Program Management Services Contract between the City of Houston, Texas and **SUNLAND ENGINEERING COMPANY** in connection with the Parks to Standard Program-Phase II, CIP F-0363-01-2; previously approved by Ordinance No. 2000-1003 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 Robinson moved to suspend the rules to consider Item numbers 35, 35a, 21, 37, 38 and 39 out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0421 ADOPTED.

Council Member Robinson stated that he would like to place on the table a substitute item for Item 35, that the Legal Department provided a memo to all the Members of Council with some language that addressed some concerns that he had and he would like to have that language as a substitute amendment, that it was on the second page of the memo.

35. MOTION by Council Member Robinson/Seconded by Council Member Tatro to amend Item 35A below to delete Section 4c - **TAGGED BY COUNCIL MEMBER TODD** – was presented.

Council Member Robinson moved to substitute language as follows:

Motion to amend Item 35a to add the following to the end of Section 4(c):

“The requirement that any plan redistrict the entire city does not preclude citizens from proposing that particular voting precincts, neighborhoods, or locations be included in a specific council district.”

seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0422 ADOPTED.

Council Member Robinson stated that he wanted to thank Mayor Brown and the Legal Department for the language, and Council Member Boney stated that he wanted to commend Council Member Robinson for working during the week with the Legal Department to come up with some language that they could develop some consensus on.

- 35a. RESOLUTION establishing procedures, criteria and rules for the consideration and establishment of single member district boundaries following receipt of the Year 2000 Decennial Census Count as required by Article V, Section 3 of the Charter of the City of Houston, Texas; calling public hearings at which interested persons shall

have an opportunity to be heard; providing for the publication of notice of such hearings and making other provisions related to the subject – **(This was Item 33A on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBER TODD)** – was presented as amended. All voting aye. Nays none. RESOLUTION 2001-0015 ADOPTED.

Council Member Boney asked for a point of order and asked the Legal Department if they had voted on the item as amended or did they need to have a further vote, that he thought they had voted on the amendment, and Mr. Hall stated that they did at first and they had just voted on it as amended.

21. ORDINANCE appropriating \$83,586.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **URS GREINER WOODARD CLYDE SOUTHWEST, INC** for professional engineering services at William P. Hobby Airport, Project No. 563, CIP A-0380 - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. ORDINANCE 2001-0344 ADOPTED.
  
37. ORDINANCE appropriating \$375,000.00 out of Airport System Bonds 2000B NONAMT Construction Fund; CIP A-0222; and \$1,324,374.00 out of Airport System Bonds 2000B NONAMT Construction Fund; CIP A-0284, awarding construction contract to **JERDON ENTERPRISE, INC** and approving and authorizing professional services contract for engineering testing services with **GEOTECH ENGINEERING AND TESTING** for Houston Airport System Administration Building Parking & Utilities and 17725 & 17795 J. F. Kennedy Boulevard Utility Meter Modifications at George Bush Intercontinental Airport/Houston (IAH), Project No. 562A **DISTRICT B - GALLOWAY** – **(This was Item 43 on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Tatro stated that they would discuss Item 37 and Item 38 together, that he had passed out a couple of forms as he had each time a ROCIP contract had come before the City, that on Item No. 37 by enrolling the contract in the ROCIP program the City would lose approximately \$7,000 and on Item No. 38 by enrolling the contract, as the City planned to do, they would lose approximately \$20,000 and obviously that was just on the insurance premiums that the contractor had bid versus what the City would do because obviously what they were doing was supplying the insurance and foregoing the price that the contractor had turned in so his calculation had always been and remained to take their premium and apply it to the labor on the job and then they basically decide whether they were going to enroll or not enroll or accept the contractors price, and in both cases in this instance the contractor was lower, that he would not be supporting the two items as he had not supported the administration moving forward with the ROCIP program and what he would consider an honest evaluation of whether this would save them money or not, that he would be the first to say in his estimation a couple of the projects had, but overall they had been significantly behind the eight ball, that he did want to point out one thing and that was that it was very disheartening as they moved forward and come this far in the entire program and attached to each of the handouts was a letter from Dr. Scheps about what the City's cost of ROCIP were, that each time a ROCIP contract came out he had asked the City to provide to them what their cost of providing insurance was and on each page that was attached and Council Members only needed

to look at number two that he had highlight and noted that when the administration supplied to him, in each of his letters and each of his requests about what the City's cost of ROCIP was, the administration in calculating their cost did not even factor in the programs administrative costs, that had been put in by their own staff, and they certainly did not factor in the administrative cost of the Hobbs Apex Group, which was obviously at a minimum going to get \$1.3 million, and so how could they arrive at a true evaluation of this program on a contract by contract basis if continually from the administration they fail or just decide not to include specific costs and do an honest evaluation, that he felt the administration had done a poor jobs in analyzing parts and presenting to Council the true costs behind the program. Council Members Boney and Parker absent.

A vote was called on Item No. 37. Council Members Ellis, Sanchez, Tatro and Vasquez voting no, balance voting aye. Council Members Boney and Parker absent. ORDINANCE 2001-0345 ADOPTED.

38. ORDINANCE appropriating \$18,760,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-0125 and \$200,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-422, awarding construction contract to **MANHATTAN CONSTRUCTION CO.** on low bid of \$17,211,926.62 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.**, in the amount of \$172,000.00 for Terminal A & B Exterior Upgrades at George Bush Intercontinental Airport/Houston (IAH), Project No. 495 - **DISTRICT B – GALLOWAY – (This was Item 44 on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Members Ellis, Sanchez, Vasquez and Tatro voting no, balance voting aye. Council Members Boney and Parker absent. ORDINANCE 2001-0346 ADOPTED.

Mayor Brown asked Mr. Vacar, Director, Aviation Department, how they were doing in their safety program that they discussed so greatly some time in the past, and Mr. Vacar stated that with respect to the safety program he had forwarded to the Mayor and Council Members a rollup of the experience they had in about the first and almost half million hours of heavy construction activity, that he thought it was fair to say they had experienced less than 10% of the accidents and loss that one would have expected in a similar program and in fact the savings were better than \$1.2 million in lost time injuries and other injuries, that he thought they would be very impressed with that report for about 460,000 hours.

Council Member Boney stated that Ms. Mosley was very expert in explaining that the modeling that Council Member Tatro used was not applicable across the board in the evaluation of this project.

Council Member Quan stated that it seemed that they were getting close to the end of the program or at least the trial year and asked where exactly they stood, and Mr. Haines stated that the one year anniversary was the middle part of May and as promised they would be making a presentation at that time, that there were two final projects that were yet to come to Council and expected to see those this Wednesday or the following Wednesday and then they would give Council their report and assessment at that time, that it was important as they had discussed in the past, a final report would not be forthcoming until the projects were essentially completed, that what they had committed

to Council in the middle of May was to give them a report relative to the first years activities and what the sum total appeared to be what the representation had been made under the various contracts that had been issued.

Council Member Quan asked if that would give them enough data to make an intelligent decision as to whether this program had been effective or not, and Ms. Mosley stated that after they enrolled the last project they would at least know what the contractors cost would have been, that what they were not going to know under any scenario was what actual losses were and they were still going to be estimating that for a long time to come, that they would have enough information to make an educated guess but still they had a large part of their expenses that were still dependent upon the losses, and Council Member Quan asked if that was what Mr. Vacar was talking about that right now they were 10% below what they normally would have seen, and Mr. Vacar stated that the comment he made had to do with the overall industrial safety program they had with respect to the heavy construction activity which some projects were ROCIP and some were not, but the report was not based on whether it was ROCIP or not.

Council Member Robinson stated that the concern was not so much the concept or use of ROCIP the question was about the vendors and he did not want to say lets kill off the program because he thought there was value in the ROCIP and owner control insurance kind of programs and what he was interested in was this particular participant having the greatest impact because as he spoke to folks in different areas across the City, the private and public sector, who had used these programs they said they worked and he did not want to lose that option, that Mr. Adams had pointed out that the program did work and what his biggest concern was that there was not a bid process on the front side for securing the vendor, so he hoped that they would keep the program around, take advantage of the experience of other people and decide whether or not doing a bid process would help enhance the program if they were to try it someplace else in the City and he hoped that would be something that Mr. Haines would look at when he came back to Council, and he asked that Council Member Tatro do this with him separate and distinct and maybe that they look at putting together a group of people from all sectors and try to get that educational component because he did not want to get rid of something that may work if the environment changed and hopefully they could share that with the rest of the Council.

Council Member Keller stated that he wanted to know how many claims had been put forward and the performance of those claims, and he would also like to know if there had been fulltime employees assigned to the program in house and if not of those that were administering this type of program or had been before had there been an increase in their overtime or overhead, that he thought that would be three vital parts that he would look at in the upcoming report, and Mr. Haines stated that those were all elements that he believed under the ordinance they were going to have to address in any event. Council Members Tatro and Todd absent.

39. RESOLUTION authorizing the City Attorney to take appropriate action as he determines necessary with respect to legal challenges relating to Clean Air issues affecting the Houston/Galveston Ozone Nonattainment Area – **(This was Item 46 on Agenda of April 11, 2001, POSTPONED BY MOTION #2001-416)** – was

presented. All voting aye. Nays non. Council Member Todd absent.  
RESOLUTION CARRIED. (Note: See RESOLUTION 2001-0016 later in meeting.)

Council Member Bell stated that he had offered an amendment on Item No. 39, that the amendment had been distributed and it was two parts and went to what they discussed last week having to do with trying to put some perimeters on this and the first part and his understanding from the discussion they were having at the table last week was the fact that the Legal Department did not wish to have its hands tied in situations where decisions were going to have to be made in a quick fashion and certainly he did not want to see Council bind the hands of the Legal Department in those type of situations, that it became a little bit difficult because it was pointed out by Mr. Hall not all of these situations involved court cases so they could not just structure something along the lines of what the rules of procedure would call for in court because some of these situations were less formal and would still require intervention on the part of the City Attorney's office and so the way he structured the first amendment, which was Amendment A, called for non-emergency situations to still be brought before Council for consideration. Council Member Castillo absent.

Council Member Bell presented the following written motion to amend Item No. 39 as follows:

- A. The authority granted herein shall be limited to emergency situations. Non-emergency situations shall continue to be brought before City Council for consideration. An "emergency situation" shall be defined as one in which the City Attorney has determined that an action is necessary with respect to legal challenges relating to clean air issues and a decision regarding said action must occur within fourteen (14) days from the date of original notice or shall be rendered moot. Council Member Castillo absent.
  
- B. The authority granted herein shall exist for one year from the date of passage. Following the expiration of one year, said authority shall expire unless extended by City Council.

Council Member Bell stated that what it basically said in plain English was that if the City Attorney learned of a situation that they deemed required action on the part of the City Attorney and if that action had to be taken and a decision had to be made within that 14 day window then they had complete authority to do so, that in other situations that allowed for more time than those situations would still would be brought before Council; that Mr. Hall said that he repeat what he had just said and that was that if a situation presented itself that would call for action by the City Attorney's Office within 14 days or it would not make any difference after that point and time it would be rendered moot and they had complete authority to go ahead and make that decision and take that action, that on other situations that allowed more time for consideration those types of items would still come back for the consideration of Council, that a situation that Mr. Hall made him aware of last week was that they got notice last Wednesday of a meeting that was going to take place that afternoon, that obviously if they did not act and go and participate in that meeting and waited for Council to act on it, it would have been moot, by that time the meeting would have already occurred and in that type of situation clearly they would be authorized to go ahead, that the object of the amendment was to still keep Council in the loop on these types of policy considerations when time allowed for the decisions to be

brought back before Council and he thought it was a reasonable compromise. Council Member Castillo absent.

Council Member Bell asked if they wanted him to go on to Amendment B or did they want to vote on Amendment A first, and Council Member Boney stated that he would like to do one at a time and stated that he would like to suspend the rules and have at some point, now or later, have Mr. John Hall speak to what he thought the impact of these amendments might be. Council Member Castillo absent.

Council Member Boney moved to suspend the rules to hear Mr. John Hall, Consultant, at this time, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0423 ADOPTED.

Mayor Brown asked Mr. Hall if he had seen the amendment and Mr. Hall stated yes, that the pending lawsuits and all of the administrative discussions that were under way relating to the lawsuit were very fluid and it appeared to him that in some instances things may move so quickly and there could be some circumstances but he could not articulate at this time that would be unworkable, but he thought it was important for Council to particularly move forward quickly with regard to the transportation conformity issues, that lawsuit was at play right now and he thought they may lose their opportunity to intervene if action was not taken soon, and Mayor Brown stated that what they were attempting to accomplish here was to give the City the authority to intervene instantly when it was the best interest of the City, that was the original intent, something that the County had done, they had already passed a similar resolution and the question was what was being proposed here hamper the City's ability to achieve that objective, that it was something they had been asked to do by the Greater Houston Partnership so that they would not be behind the curb when something that might be detrimental to the City comes up, and was it his position that what they had before them, the original resolution accomplish that objective and therefore no amendments were necessary, and Mr. Hall stated that he thought the original resolution provided the City a flexibility to act in a very timely fashion and he thought that represented the ideal situation in light of how dynamic and how fluid the situation was. Council Members Galloway and Castillo absent.

Council Member Todd asked how many, procedurally speaking, with the litigation, the litigation had taken place in the context of additional regulatory actions that were ongoing, correct, so it was not really just one lawsuit they actually had multiple proceedings ongoing and asked exactly how many balls were up in the air right now, and Mr. John Hall stated that he thought there were about five or six major lawsuits that were pending right now, one related to transportation conformity, and another related to the Texas Oil and Gas Association challenging the clean diesel standard that TNRCC had incorporated into the SEP, and another related to the construction industry challenging the Construction Chair, and a fourth related to the Engine Manufacturers Association challenging the Chair two and three provisions of the SEP which mandated that certain equipment be replaced over time, and the fifth related to a lawsuit by the Business Coalition for Clean Air Litigation Group relative to those specifications that were stated relative to the industrial section; that there more than five measures being addressed by the litigation, that the SEP itself probably included about 30 to 40 separate regulations and he thought that the pending lawsuits probably addressed anywhere from a dozen to twenty of those regulatory packages, that he thought there was potential and real impact



on each one of them from that standpoint. Council Members Galloway, Keller and Castillo absent.

Council Member Todd stated that the main thing he was after last week was wanting to make certain that Council had control over the big picture and stated that there was no City big picture, that it was a regional big picture and Mr. Anthony Hall stated yes, that the plan that was proposed in the State SEP was for this region. Council Member Castillo absent.

After further discussion Council Member Boney asked if under certain conditions the City Attorney's office could proceed in legal matters without bringing it to Council now and Mr. Anthony Hall stated yes, that they were empowered to initiate actions for claims that the City had and it was important to note that was not what they were talking about here, that they were talking about intervening to represent the City in a proceeding that was already underway, that the Council had the authority to stop the City in proceeding a legal action and the Legal Department would not oppose it, that this was an effort that a decision did not get made that affected the citizens of Houston and the Mayor had directed that they ought to be in the discussion even if they did not prevail. Council Members Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Boney asked Council Member Bell if he would accept a friendly amendment and could they in Amendment A say that "if an emergency situation occurs", and Council Member Bell stated that based on what he had heard at the table everyone was pretty much on the same page as to what they were trying to achieve, that if the real object of this exercise was to give the Legal Department authority to move quickly in situations where they had to move quickly then he was all for that, that if it was simply a way to go around Council on things that were legitimate policy discussions then he was opposed to that, and after further discussion, Council Member Vasquez moved to call the question, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2001-0424 ADOPTED.

Mayor Brown stated that he wanted to point out that they had already voted on the main item and it passed, that he had allowed the discussion to go on out of courtesy to Council Member Bell and they could at least look at the sentiment of Council on these issues and he would suggest that they take each one of them separately.

Council Member Sanchez asked for a point of order and stated that he thought if the Mayor's declaration now was that the item had been duly called, acted on by Council and passed, then that was the ruling of the chair then the whole matter was moot, and Mr. Hall stated that was not what he said, and Council Member Sanchez stated that was exactly what he said, that it was a courtesy to Council Member Bell to engage in the discussion, so what were they calling the question on, and Mayor Brown stated that was what he said that they had voted on the item and it passed, and Council Member Sanchez stated that the chair had ruled that the item had passed and did not understand the entire calling the question and what were they voting on, there was nothing on the table, and Council Member Castillo stated that he had a point of inquiry, and Council Member Sanchez asked that his point of order be answered first.

Mayor Brown stated that he would ask the City Attorney, that the item was called by the City Secretary, they voted and it passed unanimously, that he was giving due deference to the amendments that were handed out by Council Member Bell in writing, and Mr. Hall stated that he thought that the difficulty that was being pointed out was that those two things were inherently contradictory, that he thought that in talking to Ms. Stein, who raised the question, he thought it was clear that Council Member Bell had laid an amendment out, that he wanted to speak and the suggestion that she had made was, and Mayor Brown stated that the question was that they had already voted on it and it had passed and could they now vote on his amendments, and Mr. Hall stated that if the Mayor would declare that the vote was premature and that he had made a mistake by not recognizing Council Member Bell, and Mayor Brown stated that he did not make a mistake, that the item was called and they voted, and Mr. Hall stated then it was over, and Mayor Brown stated that he was just being courteous, and Mr. Hall stated that he could not be courteous on the amendments, that they could not consider the amendments after they ruled that, they disappear, that there was nothing to amend if the Mayor said that.

Council Member Sanchez stated that he just had a point of order for the Chair and Council Member Castillo asked if it could just be that he was stating his position, that he would bring this back to Council within one year of passage, and Mayor Brown stated that he would make a commitment that after one year this would come back to Council for reconsideration of what had already been passed, that he would have voted no on Amendment A and did not think that would be in the best interest of the City.

Council Member Bell asked for a point of order and stated that he thought that what the City Attorney had just told him was that the amendment had been offered and just the fact that the Mayor failed to recognize him when he was raising his hand and was slow on the microphone he did not think it was a mistake he just did not think the Mayor saw him, but the amendment had been offered prior to the item being called and should have been taken up at that time so the vote was premature, and Mayor Brown stated that was not what the City Attorney had said, and Council Member Bell stated that was what he said, and Mayor Brown asked the City Attorney to say it again so they would have it clear.

Mr. Hall stated that if the chair was ruling that Council Member Bell had laid out an amendment then in fact there was nothing to consider, the amendment was dead, but Council Member Bell, he thought though as a matter of fact, had laid out the amendment, at least it had been given to him and thought to all other Members of Council, that he saw them in the Council walking around with it, then the question was, was he recognized, that he thought what he was suggesting, and was fair to say, that he probably should have been having laid the amendment out, in which case the chair would have to rule that the vote was premature, if he wanted the ability to consider the amendment that he did lay out, that there was no way to do both, that if it was passed then there was no amendment, and Mayor Brown stated that he had no problem with Council voting on Council Member Bell's amendments, that Council Member Sanchez raised a point of order and that was what he was ruling, that he ruled that they voted after the item was called by the City Secretary, that if it was technical and derogative of the chair, then let them vote on the amendments, that he had no problem on that.

Council Member Todd moved to suspend the rules to divide the question, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-0425 ADOPTED.

A roll call vote was called on Amendment A of Council Member Bell's motion to amend Item No. 39.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Boney voting no	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2000-0426 FAILED

A vote was called on Amendment B of Council Member Bell's motion to amend Item No. 39. All voting aye. Nays none. MOTION 2001-0427 ADOPTED.

A vote was called on Item No. 39 as amended. All voting aye. Nays none. RESOLUTION 2001-0016 ADOPTED.

Council Member Galloway moved to consider Item Numbers 25, 27 and 28 out of order, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-0428 ADOPTED.

25. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$2,816,231.91 for Water Line Repair by Point Repair Method, approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** in the amount of \$84,000.00 - (Project No. 10697) - Total \$2,900,231.91 - Enterprise Fund – was presented.

Council Member Tatro stated that he wanted to thank Ms. Bea Link for coming to talk to him on the particular water repair contracts that were on the agenda, that his request had been for some time now, that his request had been basically a plan for the Utility Maintenance Division, that the question was what was the proper mix of City personnel and how many crews were they going to utilize at the City and how many crews were going to be from the private sector and were they going to utilize 5, 6 or 10 contracts in the private sector or were they going to bid out 2 contracts in the private sector, that they were not seeing a manpower plan and commitment on behalf of the administration to fund to a certain level, that if they were going to out source a significant portion then he thought that the combination of those three contracts they were bringing on and would have in their stable, so to speak, about 30 other crews and that was about 70% of their current staff, that he did receive a couple of memos from Ms. Link but it did not address that and what he wanted to see, that he planned to tag the item. Council Member Goldberg absent.

Council Member Castillo stated that he wanted to bring to the administration that they had three contracts, Item 25, 26 and 27 that involved one company and so his concern was that they had one company that was going to have to keep crews on standby maximum levels in case they called on them and so they were going to have to hire up, that he had three basic concerns, (1) how were they going to assure that the

crews that they were contracting for were going to be on hand and they were not going to have the same company running the same five crews or six crews round and round trying to take care of all the water breaks, that in the communication Ms. Link pointed out that they had committed and they were going to be looking at an employee schedule which showed who all was on those crews, (2) that because they would be hiring up new personnel to assure that they had the kind of training to make sure the work was done properly and efficiently so they would not have to keep going back over and over to fix the same break, and (3) this addressed the point that Council Member Tatro brought up and that was that they had enough people on the payroll to supervise all of these contracted crews so they were getting the work that the City was paying for, that those were his points and he hoped that the administration would follow through on its commitment. Council Member Goldberg absent.

Council Member Boney moved to suspend the rules to hear from Ms. Bea Link and Mr. Rolen at this time, seconded by Council Member Parker. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0429 ADOPTED.

Council Member Boney stated that with all due respect he could not think of a worse waste of taxpayer money than to tag a waterline repair issue and let water run in the street for a week while Council debated the intricacies of the plan or the strategy, and Council Member Keller stated that Item No. 26 was not in yet and that was part of the whole plan anyway.

Upon questions by Council, Mr. Rolen stated that (1) they did have a plan, that what they were bring to Council today was Phase 1 of the plan and that was getting a contract to get extra contractor crews to work with City crews, that they had approximately 115 to 120 major water breaks or leaks as of yesterday, that the number was considerably down, that they bid these contracts and this was the lowest responsible bidder for all three contracts; that they were committed to getting as many City crews on the street as they could, but they had a more basic commitment to the citizens of providing the level of service they felt was required, that they were at this time proposing these to augment City crews, that they had not been as successful as they would like to be in filling the City crews, that water leaks would need to be repaired so they were recommending these additional crews so they could address those needs, that they had a couple of contracts that provided three contractor crews at this time last year and they did not bring on any significant number of contract crews until August 2000, that this was bringing them on board sooner with the express intent of (1) to try to keep the number down to a reasonable number and (2) then Phase II they would be coming to Council probably within a month with another series of contracts of what they would call "on call" and those would be contracts, that when things started peaking, if they needed the help they would immediately be able to call that help, that if the contracts were rejected they could continue to address the water breaks and leaks but the backlog would probably increase if the number of leaks increased; that of the funds they had allotted for emergency situations they were rapidly depleting those, that he thought they had one left right now, that they had two fiscal years, this year and next year and this contract was basically for six months, that they were going to take a little bit over \$2 million out of this years budget, that was their projection, and that had already been transferred into the operating budget so that it could be funded, that as they knew Council had initially set aside \$7 million for emergency water and sewer repairs in this years budget, when they exceeded that with

the last round of emergency repair requests that they came to Council with what he told them then, and that was what was happening now, they were transferring money that would typically transfer down to the ALP, that instead of transferring it to the ALP they were moving it into Ms. Links budget unit to fund these; that this was the third or fourth time that they had gone through this process, either a formal bidding process or informal bidding process in terms of emergency purchase orders, that there should be no doubt in anybody's mind what they were bidding, that the only change that they made from this package effectively, from when they had the emergency purchase orders, was instead of having a three week response time they compressed it to 14 days, so he would think and based upon what they had seen the prices bid on was not unreasonable and he would indicate he was not aware of any change orders that had been cut on any of this work; that he would tell the Council right now that hopefully within the next month they would be coming to Council with an additional series of contracts, that this was more or less a base supply of crews, that they would be coming to Council with basically what he would tend to call on-call contracts, that when things start peaking they would be able to call the contractor and say they needed two, three or four crews, that they were looking for the three or four month peak that they experienced last year, July through September; that the next report on the water main backlog was due after April, that they had not seen this mornings report, but yesterday it was 115 to 120 water main breaks and on sewers they were at 140; that with all the other contracts they would be approaching between \$11 million and \$12 million, that the original amount that they appropriated in the last budget cycle was \$7 million and they were somewhere about \$4 million to \$5 million over that mark and that was for both water and sewer; that as they entered the budget season they would go ahead and include in the budget for Public Works an ample amount of money based on what they had seen with the \$11 million to \$12 million dollars and including an amount to stay on top of the water mains in the coming fiscal year. Council Members Galloway, Goldberg, Castillo and Robinson absent.

After further discussion Council Member Sanchez tagged Item No. 25, and Council Member Boney stated that as he understood Council Member Tatro's interest was to have a written strategy and plan that says how many crews addressing how many leaks, how many were City crews and how many were out sourced as needed, that it seemed like a reasonable request, and Mayor Brown stated that the item had been tagged and Public Works would present some information, and Council Members Tatro and Keller added their tag, and Council Member Sanchez removed his tag. Council Members Galloway, Goldberg, Castillo and Robinson absent.

Council Member Goldberg stated that his question had to do with Item No. 6 and No. 7 in which they were buying pipe and fire hydrants and he noticed in the price list for Item No. 25, No. 26 and No. 27 which included pipe and fire hydrants and asked if they were duplicating efforts and Mr. Rolen stated that they utilized those materials in their repair activities, in other words, they were not buying those materials for contractors, they were buying those materials for City crews. Council Members Galloway, Castillo and Robinson absent.

27. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$2,790,394.92 for Water Line Repair by Point Repair Method, approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of

\$83,000.00 - (Project No. 10701) - Total \$2,873,394.92 Enterprise Fund – was presented, and tagged by Council Members Tatro and Keller. Council Members Galloway, Castillo and Robinson absent.

Council Member Todd stated that he wanted to request one additional thing from Public Works and stated that he was sure that some of the breaks were due to the mechanical system being at the end of its useful life and wearing out and some of the ruptures were due to the intervention of third parties, contractors or whoever was out there, and asked if in situations where they could clearly pinpoint that a contractor or somebody had ruptured the line and resulted in water being spilled were they referring that over to the Legal Department to analyze whether or not they could seek any sort of compensation, and Mr. Rolen stated yes, that what they typically did when they identified that they prepared an estimate of what it cost them to repair it and then forwarded it to Legal and then they go about the recovery process, and Council Member Todd asked if they were going after the cost of the water and Mr. Hall stated that he did not know if that was included in the claim but would certainly find out. Council Members Galloway, Castillo and Sanchez absent.

28. ORDINANCE appropriating \$1,248,726.56 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$1,147,408.00 and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGIES, INC** in the amount of \$21,000.00 for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-20-3 (4235-10); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Tatro. Council Members Galloway, Castillo and Robinson absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 10, 11 and 12 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Castillo absent. MOTION 2001-0430 ADOPTED.

10. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds, Series 2001 (Ginnie Mae Collateralized Mortgage Loan-Newport Apartments Project) and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Members Galloway and Castillo absent. RESOLUTION 2001-0017 ADOPTED.
11. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds, (Cullen Park Apartments) Series 2001A and Taxable Multifamily Housing Revenue Bonds (Cullen Park Apartments) Series 2001B and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Castillo absent. RESOLUTION 2001-0018 ADOPTED.
12. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Bellfort Pines Apartments)

Series 2001 - **DISTRICT D– BONEY** – was presented, and tagged by Council Member Boney. Council Member Castillo absent.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**ACCEPT WORK**

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,262,588.49 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for Construction of San Felipe Widening: Fountainview to Voss, GFS N-0565-01-3 (N-0565-01) - 09.06% under the original contract amount - **DISTRICT G– KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0431 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

5. **PROMAXIMA MFG., LTD** for Exercise Equipment for Houston Police Department - \$17,284.00 Police Special Services Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0432 ADOPTED.
6. **HOBAS PIPE USA, INC** for Emergency Purchase of Sewer Pipe For Department of Public Works & Engineering - \$25,551.17 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0433 ADOPTED.
7. **MUNICIPAL PIPE & FABRICATING COMPANY** for Fire Hydrants Contract for Department of Public Works & Engineering - \$677,339.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0434 ADOPTED.

Council Member Robinson asked if somewhere along the line on Item No. 6 if the department would take a look at, as they go over the next couple of years, the wear and tear on that pipe, because it was the kind of pipe he had been talking about on and off over the last couple of weeks to see if it lasts longer, and Mayor Brown stated they would make sure that Public Works would do that. Council Member Castillo absent.

9. **AMEND MOTION #98-690, 4/22/98, TO EXTEND** expiration date for two months from April 21, 2001 to June 20, 2001, awarded to **GATEWAY SAFETY PRODUCTS** and **EMERGENCY & SAFETY PRODUCTS, E.S.P., INC** for Red Highway Flares for Various Departments – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0435 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

13. ORDINANCE issuing a permit to **3100 TRAVIS, L.P.** for maintaining, using, occupying, operating, and repairing a basement, under, over and within a portion of Elgin Street, abutting Block 47, S.S.B.B.; being under, over and within the public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – CASTILLO** – was presented.

Council Member Parker stated that she had no problem with the item and intended to vote for it but it was an issue that had come up a number of times and they were in areas where there were older buildings and encroachments under the street they paid a franchise fee and also an inspection fee and it came up about a year ago and she asked for a follow up and really did not get it and they had been inquiring again, that it was not a lot of money and may be \$500 a year, but this contract happened to expire in 1997 and they inquired as to why they were not tracking these long term encroachment right of way use contracts and they were told that there really was not an accurate database and the databases did not talk to each other, so maybe they lost \$2,000 on this particular property over the last four years but that could add up, and then she noticed that they also collect an inspection fee and evidently the Planning Department inspectors were going out and inspecting annually, and if they were going out and inspecting annually, when they go and hit these buildings, they ought to be able to check and see whether they were collecting the franchise fees and were current and she would like to have a follow up on that, and Mayor Pro Tem Boney stated that he would ask Mr. Haines to do that, that as he understood many of these kind of encroachments were done 30 years ago and they did not have a system in place at that time to flag them when they came, that they now had that system in place so they were flagged and so they would be connected, but he would also ask Mr. Haines to send staff to contact Council Member Parker's office. Mayor Brown, Council Members Keller and Castillo absent. Mayor Pro Tem Boney Presiding.

A vote was called on Item No. 13. All voting aye. Nays none. Mayor Brown, Council Members Keller and Castillo absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0347 ADOPTED.

14. ORDINANCE issuing a permit to **TEXAS MEDICAL CENTER** for constructing, maintaining, using, occupying, operating and repairing two 2inch conduits for communication cable under and within the street at 1702 Colonnade Drive, such area being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. Council Member Castillo absent. ORDINANCE 2001-0348 ADOPTED.

15. ORDINANCE approving and authorizing a Houston Enhanced Enterprise Community Web Portal Grant in the amount of \$75,000.00 to **HOUSTON EDUCATION RESOURCE NETWORK** for the Enhanced Enterprise Community Technology Program - **DISTRICTS B - GALLOWAY; D - BONEY; H - VASQUEZ and I – CASTILLO** – was presented, and tagged by Council Members Sanchez, Parker and Quan. Council Member Castillo absent.



Council Member Quan stated that he wanted to speak on the item because he thought that it was an inordinate large amount of money for the development of a website, that he knew it came from grant money so he thought that with a one week tag he would like to understand exactly what was being done, and Mayor Brown stated that they would get someone to brief him on that. Council Member Castillo absent.

18. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **CARRIER CORPORATION** - \$23,687.15 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Castillo absent. ORDINANCE 2001-0349 ADOPTED.
19. ORDINANCE appropriating \$167,300.00 out of Fire Department Fund 48A; approving and authorizing contract between the City and **RELIANT ENERGY, INCORPORATED** for Installation of Fiber Optic Communications Network Cabling Consistent with Franchise Agreement No. 57929 **DISTRICT I - CASTILLO** – was presented, and tagged by Council Member Sanchez. Council Member Castillo absent.
20. ORDINANCE amending Ordinance No. 95-953 to increase the maximum contract amount to contract between the City of Houston and **WORLDWIDE SECURITY ASSOCIATES, INC, formerly known as AKAL SECURITY, INC** for Security Guard Services for the Houston Police Department - \$324,868.00 - General Fund – was presented, and tagged by Council Member Goldberg. Council Member Castillo absent.
22. ORDINANCE approving and authorizing a treated water supply contract between the City of Houston and the **CITY OF BUNKER HILL VILLAGE** - Revenue - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Castillo absent. ORDINANCE 2001-0350 ADOPTED.
29. ORDINANCE appropriating \$312,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** on low bid of \$276,550.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** in the amount of \$8,500.00 for Parkway Plaza Lift Station Rehabilitation, GFS R-0267-62-3 (4276-24); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Castillo absent. ORDINANCE 2001-0351 ADOPTED.
30. ORDINANCE appropriating \$2,000,300.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **INTRA CONSTRUCTION CORPORATION** on low bid of \$1,754,634.00 and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** in the amount of \$54,000.00 for Water Line Replacement in Bruner Subdivision, GFS-S-0035-46-3 (10546); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund - **DISTRICTS G - KELLER and H - VASQUEZ** - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Castillo absent. ORDINANCE 2001-0352 ADOPTED.

Council Member Goldberg asked if there was any kind of neighborhood street reconstruction planned for this sewage project that was going in, and Council Member Vasquez stated that if he wanted to suspend the rules and bring Public Works forward he was sure they would be happy to answer, but otherwise the project was ready to go. Council Member Castillo absent.

**MATTERS HELD** - NUMBERS 33 through 39

33. MOTION by Council Member Sanchez/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$4,250,111.78 and acceptance of work on contract with RAMEX CONSTRUCTION COMPANY, INC for Market Street Lift Station and Force Main, GFS R-1228-08-3 (4458NS1B-1) - 04.99% over the original contract amount - **DISTRICT I – CASTILLO – (This was Item 14 on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Castillo and Bell absent. MOTION 2001-0436 ADOPTED.
34. RESOLUTION in support of Initiatives to simplify Medicaid Enrollment for eligible children – **(This was Item 29 on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBER TODD)** – was presented. All voting aye. Nays none. Council Members Castillo and Bell absent. RESOLUTION 2001-019 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and THOMAS MELONCON d/b/a TRUTH PRODUCTIONS for Production of a Drama to increase Awareness and Educate certain audiences regarding HIV in the African-American Community; providing a maximum contract amount - 3 Years - \$265,000.00 - Grant Fund - **(This was Item 38 on Agenda of April 11, 2001, TAGGED BY COUNCIL MEMBERS BELL and PARKER)** – was presented.

Council Member Parker stated that there had been a number of questions about this issue and they had not had a full briefing on what was going on in terms of the stated of emergency addressing HIV and AIDS and thought it was appropriate to put this item in the larger context.

Council Member Parker moved to refer Item No. 36 to the Neighborhood Protection and Quality of Life Committee, seconded by Council Member Todd. All voting aye. Nays none. Council Member Castillo absent. MOTION 2001-0437 ADOPTED.

Council Member Sanchez stated that he had brought up this issue about a year ago and did not know if the answers had been satisfactory but he wanted to point out that Hepatitis C was four times more prevalent than AIDS in their community and across the Nation, that in fact Blacks and Hispanics were affected more often in terms of an ethnic group, that it was the leading cause of liver transplants in the Country and often took twenty to thirty years to develop symptoms and it was estimated that almost a half million

Texans had contracted Hepatitis C and may not be aware of it and he asked what was the City doing to take a more aggressive posture in contrast to the AIDS programs, that they had received a \$125,000 State grant in 2000 and was curious as to what was happening to that money and he also understood that they had some grants from drug companies and how were they using that, that those were some of the issues that he wanted the Health Department to get with him on, and Mayor Brown stated that they would have the Health Department brief him on that. Council Member Castillo absent.

Council Member Robinson stated that a couple of folks called him on the Hepatitis issue and whatever information they shared with Council Member Sanchez he would like a copy of also, but he did not think that they ought to make the presentation of one versus the other and thought that they ought to do multiple things and they ought to make sure that the community understood that they were working on multiple fronts, and Council Member Galloway stated that she had the same concerns and concurred with her colleagues. Council Member Castillo absent.

Council Member Boney stated that when they put together the strategy for HIV they realized that while HIV was devastating there was the context of the larger issue of STD's as a whole and so when they did HIV intervention and education they also did Hepatitis C, Syphilis and all of the STD's, that it was quite an education and they would brief Council Members individually. Council Member Castillo absent.

Council Member Todd stated that he would like to echo the comments made by Council Member Sanchez and asked if they had plans for a similar video for Hepatitis C, and he would like to know in comparison to AIDS funding how did their dollar amount compare to what they were spending on Hepatitis C spending; and Council Member Boney stated that it was like cancer and heart disease, which one was worse, that it was just the problem of health care delivery to the complete population of all diseases and that was what they had to try to do; and Council Member Sanchez stated that as he stated earlier it was four times the number of incidents for Hepatitis C than HIV and if they looked at the statistics the projections were that it was going to get worse, that in terms of video tapes he knew that there were numerous resources that had tapes available to community health organizations and municipalities and thought they should avail themselves of those rather than spending money in terms of producing those themselves, and then use the money they had for the actual dissemination of programs for assistance of testing and for beefing up community notices. Council Members Castillo and Robinson absent.

Council Member Bell stated they had received a memo from Dr. Kendrick on April 13, 2001 regarding the Hepatitis C testing project update which stated that the Houston Department of Health and Human Services submitted an application to the Center for Disease Control and Prevention in response to program announcement 00046 Integration of Viral Hepatitis Prevention Services into existing prevention programs, that CDC awarded a grant to HDHHS in the amount of \$51,600 based on this application on November 15, 2000, that resources allocation would be evaluated at mid year and adjusted as appropriate to best use the available funds, that during March 2001 HDHHA Special Project staff hosted a meeting with participating HBO management and staff to discuss the implementation of the program and the Hepatitis C testing protocol was distributed and all participating staff had signed the guidelines and Hepatitis C testing was

expected to begin in mid April 2001 and stated that he wanted to thank Dr. Kendrick for providing an update on what they were doing in the area of Hepatitis C; that he did not want to distract attention from the HIV problem in the African American Community that it continued to be a dramatic concern and something that needed to be addressed, that as to Item No. 36 he wanted to thank Council Member Parker for taking it up in her committee. Council Members Castillo and Robinson absent.

Council Member Keller asked if the grant fund was allotted only for the production of an educational video, and Council Member Parker stated that it was reprogramming of some available money that was left over because certain staff members were not hired, that the out years of the funding were not identified as yet. Council Members Goldberg, Castillo and Robinson absent.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Quan stated that Council Member Boney had alluded to the fact that there was an article in the Houston Chronicle this past Sunday dealing with racial profiling and the fact that apparently some officers did not realize that they still needed to be collecting that data and stated that he did not know what actions Mayor Brown had taken or if the police chief had re-enforced that, that he had applauded Mayor Browns efforts when he made that decision to collect data to assure the citizens that there would be no racial profiling but apparently there was a big loophole in the process now that the data was not being collected and asked Mayor Brown if he had addressed the issue, and Mayor Brown stated that the police chief was addressing that issue. Council Members Goldberg, Castillo, Sanchez and Robinson absent.

Council Member Quan stated that he had visited the new Station 8 this weekend and thought it was a wise decision by Council and by the administration to continue to locate the fire station in downtown Houston, that on the first day of operation they reported over 64 runs and the station was quite active and busy, that there were still a few items that needed to be attended to with that station including their communications equipment, that he had seen a memo to the fire chief regarding that as well as water connections in the back of the station so they would not have to block Milam Street when they clean their equipment, that he found a number of firefighters there who were certainly very dedicated to the City and were trying to do their best, but their question to him and to all of Council was how important a priority was the fire department to the them as leaders of the City, that they really wanted to know because they felt they were not getting the treatment they deserved. Council Members Goldberg, Castillo, Sanchez and Robinson absent.

Council Member Quan stated that this was National Minority Health Month, that on Thursday the Mayor had a proclamation at 11:00 a.m. regarding that and this coming weekend the Asian American Health Coalition would be at Station 8 at the corner of Bellaire and Corporate conducting hearth screenings, demonstrations on healthy cooking and other items to help people with awareness of health issues. Council Members Goldberg, Castillo, Sanchez and Robinson absent.

Council Member Parker stated that today was the day of the City Employees Health and Wellness Fair and hoped that Council Members and all City employees participated

in the Health Fair this afternoon at George R. Brown Convention Center. Council Members Goldberg, Castillo, Sanchez and Robinson absent.

Council Member Parker stated that to follow up on an item that came to the public session last week, a loud party and event out of Alameda, that she did have a draft of the revised sound ordinance and had it scheduled for the Neighborhood Protection and Quality of Life Committee meeting the first Monday in May which was May 7, 2001, that was her first available slot so Council Members who were interested in looking over the proposed sound ordinance to let her know. Council Members Goldberg, Castillo, Sanchez and Robinson absent.

Council Member Bell stated that there were reports that Hakeem Olajuwon may have played his last game as a Houston Rocket last night after 17 years with the team and recently when those types of sports figures, not just in Houston, but in a lot of other cities in the United States had left they had been dismissed in sometimes a rather glassless fashion and sometimes forgotten and since Hakeem had meant so much to the City he hoped that if this was his last game that as representatives of the City, if he did end up leaving Houston, they would do everything they could to send him off in style and express to him what he had meant to City and give everyone a chance not just those who could afford tickets to Rocket's games, but a lot of other folks, to perhaps come to City Hall and pay tribute to Hakeem because he had been an incredible citizen to Houston in addition to being an incredible player for the Houston Rockets. Council Members Goldberg, Boney, Castillo, Sanchez and Robinson absent.

Council Member Galloway stated that she would use her pop-off time to invite two students who were visiting from Weimer, Texas, to the podium and give their thoughts of how they felt about the curfew ordinance, and Mr. Charlie Rowe and Ms. Ebony Blanks appeared and gave their thoughts on the curfew ordinance. Council Members Goldberg, Boney, Ellis, Keller, Castillo, Sanchez and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:47 a.m. upon MOTION by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Boney, Ellis, Keller, Castillo, Sanchez and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary