

City Council Chamber, City Hall, Tuesday, April 24, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, April 24, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Rob Todd, Mark A. Ellis, Bert Keller, 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 Carroll Robinson absent on personal business.

At 2:01 Mayor Brown stated that he wanted to make a couple of presentations; that he recently received a call from the office of the National Conference of Black Mayors giving him good news for the City of Houston and also good news for Ms. Jennifer Hahn and invited Ms. Hahn to join him at the podium; that it was his pleasure to present Ms. Hahn with the student scholarship from the National Conference of Black Mayors, that the competition for this was very stiff and stated that Ms. Hahn should feel very proud to have been the winner, that Ms. Hahn would graduate from Sharpstown High in June 2001 and then planned to go on to Texas A&M University, that she had quite a resume and among her many accomplishments were Student Council, Varsity Swim Team, National Honor Society, TAAS Pure Tutor, Mayor's Youth Council and in the top 5% of her graduating class, that Ms. Hahn scholarship topic detailed her interest in the environment, that she helped begin a recycling program at a local elementary school and currently she was working at a pet hospital and hoped to become a veterinarian, that clearly Ms. Hahn could probably do whatever she set her mind to do, that whatever she wanted to do she could do it, that he was pleased to present her with a check from the National Conference of Black Mayors and a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, proclaimed April 24, 2001 as Jennifer Ann Hahn Day in Houston, Texas, and asked Ms. Hahn's parents to join her at the podium and also Ms. Laurie Bricker, Trustee for HISD and Ms. Lambrino, Principal, Sharpstown High School. Council Members Galloway, Goldberg, Boney, Ellis, Keller and Castillo absent.

Ms. Hahn stated that she wanted to thank Mayor Brown for the honor, that she would not be here without her parents, sister and all her family, that she would like to thank them and her friends for all their help. Council Members Galloway, Goldberg, Boney and Keller absent.

Mayor Brown stated that Ms. Laura Pena and Laura and Associates had a presentation for the Mayor and Members of the Council, that Laura and her volunteers were listed in the Guinness World Records for building the world's largest taco, that they would attempt to beat that feat again on Sunday, April 29, 2001, at the George R. Brown Convention Center for Cinco de Mayo, that he wished them luck in their efforts and looked forward to seeing them again at the Cinco de Mayo Celebration. Council Members Galloway, Goldberg and Boney absent.

Ms. Pena stated that they were pleased to announce that the Guinness World Records had recognized the 1999 World Record Largest Taco made in Houston, Texas and Laura and Associates, Inc. would like to share the Guinness World honors with Mayor Brown and the City of Houston, that today they were pleased to present to Mayor Brown a copy of the 2001 Guinness World Records, that she also wanted to recognize local entrepreneurs who created and coordinated the building of the huge taco,

Mr. Augustine Montes from La Ranchera, Inc. who built the largest tortilla, Ms. Olivares, Channel 45, Mr. Herredia, Hispanic Broadcasting Corporation and Ms. Gloria Cordova, that this year they would try to break last years record by cooking a 17 foot long taco, and invited everyone in Houston to come and eat the largest and best tasting fajita taco. Council Members Tatro, Galloway, Goldberg, Boney and Castillo absent.

At 2:10 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Ellis lead everyone in prayer and the pledge of allegiance. Council Members Galloway and Boney absent.

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

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

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

Council Member Quan moved to suspend the rules to hear Mr. Otis Jordon out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Member Galloway absent. MOTION 2001-0438 ADOPTED.

Mr. Otis Jordon, 7663 South Glenwillow, Houston, Texas 7789 (713-438-4124) appeared and stated that he was President of the International Association of Black Professional Firefighters in Houston, that the organization was the largest African American Firefighter group in the State of Texas and had over 140 chapters in the United States and had over 8,000 members, and invited some of the members present in the audience to stand and be recognized, that they were present to introduce the organization to the Members of Council and to let them know that they would be vocal in the community and that they would be visible, that most of them were citizens of Houston and firefighters, that the chapter would like to take the time to say that the Houston Chapter in the past and again in the future would both be vocal and visible and would be supporting the Mayor and Council and the things they had done for the firefighters, that some of the issues they would specifically like to address was the \$33 million dollar operating budget, the replacement of fire equipment, \$9.4 million in fire department operating budget of facility renovations, \$21.5 million in funds committed to system improvements and the \$32 million increase of the FY02 operating budget, that in conclusion they would also like to interject that they felt the recently established review board at the fire training academy, where the Mayor and especially Council Member Galloway looked at some problems they were having in the fire department, that the review board was a step in the right direction, that there were many issues that they would be getting back with them in the future and he thanked them for their support.

Mayor Brown stated that he wanted to thank them for being present and introducing themselves and their organization to Council, that they intended to call on them on issues related to the fire department, that they appreciated their voice and input.

Mr. Andres Ortiz, 6909 Bonhom, Houston, Texas 77020 (713-672-2932) appeared and stated that he wanted to say happy birthday to Council Member Quan, that he had missed his birthday party but heard it was a success, that he was the Project Officer for the LULAC Cinco de Mayo Parade and on behalf of the parade chairperson, Mr. Charles Flores, the League of United Latin American Citizens Council's and the LULAC District 18 would like to announce its upcoming Cinco de Mayor Parade, that it was May 5, 2001 and it commemorated Mexico's victory over the invading French in the year 1862 in the Battle of Puebla, that on May 5th in 1862 General Ignacio Zaragosa led a small band of Mexican citizens to victory against a much larger French army in the City of Puebla, Mexico thus the 5th of May was a day to celebrate cultural pride, respect for the rights of all people and self determination, that many Texas cities and town got in on the act, that this year, as it had been for the past 9 years, the League of United Latin American Citizens, District 18, was hosting the LULAC Cinco de Mayor Parade in beautiful downtown Houston on Saturday, May 5, 2001, that this years theme was *Iqualdad de Derechos* and their goal was to provide entertainment and to share the Mexican culture with the entire Houston community, that this event was for all Houstonians of every ethnic background, that they invited Mayor Brown, Council Members and the citizens of Houston and looked forward to their participation, that they of the LULAC Cinco de Mayor Parade Committee would like to convey their personal thanks to everyone in all City departments who had helped with this event, *muchisimas gracias*, that the parade would be on Saturday, May 5, 2001 at 10:00 a.m., that the projected parade route began at Texas and Smith, east on Texas to Travis and then south on Travis to Jefferson, west on Jefferson, back to Milam and north on Milam to McKinney.

Council Member Quan thanked Mr. Ortiz for all the work he did for the City and Mayor Brown stated that he also wanted to thank him and wanted to encourage all of the viewers of the televised Council Meeting to come out and join them; that it was a wonderful day and accomplished more than one objective, to have fun and also celebrate the great heritage.

Council Member Castillo asked for a moment of personal privilege and stated that he wanted to acknowledge the attendance at the Council meeting of one of the associate court judges, Judge Al Flores.

Mr. G. H. Kennada, 9626 Fonville, Houston, Texas 77075 (713-946-4944) had reserved time to speak, but was not present when his name was called.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called.

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.

Mrs. Joan Spry, 736 FM 1960 West, Houston, Texas 77090 (281-444-1000) had reserved time to speak, but was not present when her name was called.

Mr. Robert Reed, 8109 Canal, Houston, Texas 77051 (713-734-0167) had reserved time to speak, but was not present when his name was called.

Ms. Barbara Mays, 1923 Hampton, Houston, Texas 77088 (713-820-6307) had reserved time to speak, but was not present when his name was called.

Ms. Yolanda Smith, 2022 Wheeler, Houston, Texas 77004 (713-526-3389) had reserved time to speak, but was not present when his name was called.

Mr. Evan Williams, 1418 Preston, #310, Houston, Texas 77002 (713-236-8830) had reserved time to speak, but was not present when his name was called.

Mr. Gregory Foster, P.O. Box 21635, Houston, Texas 77226 (713-494-4094) appeared and stated that he did not know if Mayor Brown had looked at the package that he brought to him and he had brought him a replacement, that the Challenge Center was needing seed money and he had spoken with Ms. King and where this had gone was beyond her scope, that they needed \$500,000 to buy the building and for some people to work and wanted to know if they would take the challenge and help out, and Mayor Brown stated that as he knew Ms. King from his office was working with him on that and he would ask her to continue to work with him and see what they could do to be helpful to his cause, that she had contact with the Housing and Community Development and they would be the appropriate place to ask, that Ms. King would help him fill out the paperwork. Council Members Keller and Castillo absent.

Reverend Louie Alexander, 9898 Bissonnet, Suite 430E, Houston, Texas 77036 appeared and stated that he was the Executive Director for Elliad Center a community based organization in the southwest part of Houston concerned primarily with behavior health issues and more specifically HIV prevention and intervention work, that he was also an ordained minister for the past 20 years in the City, that the reason for his presence this afternoon was to give urgency to the Council with regard to innovative programming for reaching youth through the faith based community of the City, that their City had a response to make to the Mayor's call for an emergency in the year 2000 with regard to the HIV and AIDS epidemic and he was present to urge them to use every possible means available to them innovatively to be goal orientated toward reaching youth and adults and those disenfranchised communities with regard to new infections, that he lent his support, prayers and experiences to this effort with the Health Department and all agencies of the City of Houston, and Mayor Brown stated that his efforts were very much needed and they intended to continue to work with him. Council Members Keller and Castillo absent.

Pastor Melvin Lewis, P.O. Box 330868, Houston, Texas 77233 appeared and stated that he was pastor at New Bethlehem Missionary Baptist Church, that he had an organization called the BLOCK, that the BLOCK was Building Lives Offering Community Knowledge on HIV and AIDS and any other diseases that were in their community, that he had worked faithfully in the City for eight years with his church and with his organization fighting the beast called HIV/AIDS, that he worked with the Health Department, Ms. Linda Gardner, Dr. Kendrick, Mr. Allen and Ms. Laverne Arseno, that they were teamed up throughout the year trying to fight the beast and they needed the City's help in getting the play up off the ground, that they had problems with some of their clergymen with heeding the call of the State of Emergency address, that they were a faith based organization which meant they believed to see, that some of their clergy wanted to see to believe, that they might need a visual effort in the community to help the minority

population to see this beast ravishing their community, that they knew years ago that the beast was in the Montrose area and across the track, but he was now in their area and there seemed to be no taming of him, that it seemed he was loose and taking charge of their community, that some of the clergies, that they had about 15 churches working faithfully with the Mayor in trying to contact people, but they needed the rest, somewhere around 2,000 or 2,500 churches, that Reverend Virgil was from SOCK, that he had an organization and was present with him from Pine Grove Church of God in Christ and he had teamed up in the Acres Home Area, that he was in the South Park Area, Sunnyside, where the epidemic was most felt, that 61% of the their women in the South Park area were infected with the virus and they did need some more visible evidence like the play to come to their churches and to their communities to help fight this animal, and that was his argument today.

Upon questions by Council Members, Pastor Lewis stated that there were currently about 15 churches working with the Mayor's office, that they had outreaching and testing going on, that they were helping people in the community with transitional housing and helping with their utilities, that churches were housing some HIV people on their property, such as Brentwood, that he does testing at his church and last year they did somewhere around 700 to 800 tests, that his group worked in the community everyday, that they got the funding for the testing from the City of Houston, that they got the word out by renting vans and going out into the homeless population, that they go to the schools and also in the churches speaking about the HIV virus, that it was very difficult to hear, that people were highly sexually active and did not want to use condoms so they had to teach abstinence as well as using condoms and other preventive messages that would help the community as well as the churches, that he had a play himself, that the play was no longer in existence, that it was about 5 or 6 years ago, that the play was in Houston and a bunch of young people put it together and they went to different churches and organizations and schools and put on the play and people packed the crowd for the play, that they got the funding for the play out of the church; that it was fair to say that there were tremendous needs in the African American community for this effort, that there was a great need for finances for a lot of health issues in the City but more so in the HIV area, that he was not familiar with the NAACP video, that his members were, that he felt that with the credibility of Mr. Melonson and what he had done in the past he thought with his efforts and his hands on display they could come out even with a greater audience than they had in the past, that the goal was to have some type of dramatic material to present to the audience, that it was very important because people were not really heeding the information because the statistics were still rising, that they needed the play. Council Members Todd, Ellis and Sanchez absent.

Mayor Brown stated that he wanted to thank Pastor Lewis for being present but most important for what he was doing, that he heard the call and came forward and had been working extremely hard, that he recognized that they had an epidemic, that yes, they wanted everyone to be involved, but indeed the religious leadership had a very special role to play, that they touched more people than any other person in the community and that was why Pastor Lewis role was extremely important, and Pastor Lewis asked Mayor Brown if he could ask all the clergymen of the City to meet him at the George R. Brown Convention Center one day and let the health educators teach them for about an hour about the virus and they would have it in their pulpits from the head up, and Mayor Brown stated that he would be glad to do that, that they would put together such a

program and thanked Pastor Lewis for making that suggestion. Council Members Todd, Ellis and Sanchez absent.

Mr. Steven Walker, 5521 LaBranch, Houston, Texas 77000 (713-528-1748) had reserved time to speak, but was not present when his name was called. Council Members Todd, Ellis and Sanchez absent.

Council Member Boney stated that he wanted the Members of Council to know that the NAACP also had a play in addition to their video which was award winning and their dramatic production was designed particularly for inmates in prison and they were funded for \$300,000 to take that dramatic production to prison inmates. Council Members Todd, Ellis and Sanchez absent.

Mr. Alan McDonald, 10923 Carlton Dr., Houston, Texas 77047 appeared and stated that he represented an organization called the Inner City Sports Players Association, that they were a non-profit organization and the reason for performing was to create the opportunity for the common man to participate in sports on a citywide level, that the Houston Astros, Comets, Aeros, Rockets and the new Texans represented them on a national level but each Council Member, as an individual, represented some segment of the City and there were individuals in those areas who had not had the opportunity to showcase their talents and represent the area in which they lived and this was what they in the Inner City Sports Association would like to do and their support would be greatly appreciated, and Mayor Brown stated that Mr. Brian Hill, Parks and Recreation was present and would meet with him and get more details about what his recommendation and request for the City and see what they could do. Council Members Todd, Ellis and Sanchez absent.

Apostle Ruth Wesley, 12302 Fondren Rd., #24, Houston, Texas 77035 had reserved time to speak, but was not present when her name was called. Council Members Todd, Ellis and Sanchez absent.

Mr. Robert Horten, P.O. Box 21635, Houston, Texas 77000 (713-494-4094) appeared and voiced his personal financial opinion until his time expired. Council Members Todd and Ellis absent.

Ms. Faith Fisher, 4908 Wisconsin Ave., NW Suite 260, Washington, DC 20016 appeared and stated that she was the founder and director of Project Aid Siberia, a humanitarian aid organization based out of Houston, Texas, that she had lived in Siberia since 1992, that her mother lived in Houston and was the reason why her project had succeeded in Siberia, that it had been due to her prayers, that she was the only organization providing government humanitarian aid assistance to the Siberian needy people, that they had 18,000 orphans under their care and in 1999 had fed 2 million Siberian people, that much of the food for this program was USDA food, that it was American government assistance to Russia and was channeled through the San Jacinto Port, that the City of Houston was helping to feed the poor and starving of the world; that she had just come from a conference in Kansas City of all of the world food aide programs being initiated by PVO's like herself, private volunteer organizations, and the US government, that it was discussed that one person dies every 5 seconds from starvation and they knew that they all had a responsibility, especially such a great City as

this, to think about those that were in need, even in other parts of the world, and she appreciated the fact that they had that support in Houston, and Mayor Brown stated that he wanted to thank her for being present and sharing her story with them and also commended her for what she was doing. Council Members Todd, Ellis and Sanchez absent. Council Members Todd and Vasquez absent.

Mr. Steven Star, P.O. Box 6424, Katy, Texas 77491 (281-371-2221) appeared and stated that he brought his secretary today and had always been taught that a sample was better than a sermon, that he had twelve children and the child present with him was their eleventh, that there were nine girls and three boys in their family and all came from one set of parents, that they did a program on Channel 22 on KLPJ every Saturday morning, that it was a kids program, that they were very interested in kids, that in some ways they build fences at the top of the hill and they knew that hospitals were needed at the bottom of the hill, but they also felt that they needed some guardrails at the top of the hill and one of the things they did was have a club called The Hide the Word in Your Heart Club and it taught kids scripture memory, that they knew how little 4, 5 and 6 year olds could quote jingles and recite commercials one right after the other, well they believed they could do the same with the word of God and he asked his son John David to recite Psalm 23; that they taught kids the books of the Bible at 5 years old and had kids 6 years old learn over 200 scriptures in the club, that they gave them prizes and badges, and so far they had been funding this themselves and they had done all they could, but the thing was growing, that they had a day camp out in Katy that was 2 or 3 acres to try to bring kids out of the City even for a day; and Mr. Star recited a poem call "Do You". Council Member Todd absent.

Council Member Boney stated that he wanted to commend Mr. Star's son for reciting the Psalm 23, that it reminded him of his mother, that was one of the first scriptures that she had taught him and it was so refreshing that he would bring his son and he would come and share those enlightening uplifting thoughts and really did personally appreciate it and requested a copy of the poem. Council Member Todd absent.

Mr. Scott Brinkley, 5801 Edgemoor, Houston, Texas 77081 (713-667-0442) appeared and stated that he was speaking on behalf of the founder of the Children's Activity Center, Mr. David Ellis, that the Children's Activity Center was founded in 1996 in Houston's Gulfton area, that Gulfton was an area of international change, that it had its special problems though, that the 77081 zip code had the highest tenant eviction rate in the United States, that it also had one of the highest juvenile crime rates in all of Harris County as well, that also in this time period kids were being literally lost on the streets, that there were kids 4 and 5 years old right now were involved in crack cocaine and were being used in a merciless way, that CAC was a vision to reach the hearts of those kids before it was too late and moving in a very powerful way, that they used drama and puppetry and did outreach in apartment complex's, but the most important thing that they could do was to enter the homes of the kids every week, that their volunteer workers go to their apartments, knock on their doors and see them, that what it did was open the door for change, healing for the family and to serve them and that was what they were, servants to those kids in that community, that one of the most vital things for them was change, that 90% of the kids had no fathers, that they were a new generation of fatherless and homeless people and what they did was reach them through loving them,

that when they ripped open their world with the love of God and the touch of God they change their lives into something beautiful. Council Member Todd absent.

Upon questions by Council Member Goldberg, Mr. Binkley stated that their organization was CAC, Children's Activity Center and was located in Gulfton, in an area of cocaine drug trafficking, that they got their funding from private individuals and some churches were now helping them, that they did not get any funding from the City, that on a weekly basis they were reaching 500 children and thousands monthly, that they had programs during the week, training programs, church service for the kids and outreaching for the kids, that to find the kids they take a puppet stage out and do puppet shows for the kids in the complex, that he personally visits about 150 kids in their homes and only 2 families out of the 150 have adult parents and the rest are left to run wild, and Mayor Brown stated that he wanted to thank him for what he was doing also. Council Members Galloway, Todd and Keller absent.

Ms. Nelda Epps, 5426 Poinciana, Houston, Texas 77092 (713-957-3410) appeared and stated that she was present as a representative of Mangum Manor Civic Club to address the issue of abandonment on Rosslyn and asked Council to vote against the abandonment, that they thought that the street needed to be opened and should go all the way out to Gulfbank, that they had traveled this road and different other roads in the area and the problems that they were having in the northwest area with traffic was because the streets had not been completed that were long over due to be finished on the major thoroughfare plan, that she had distributed a flyer to Council Members that had three questions that they had on their minds today, (1) Does the closing of Rosslyn road change the legal precedent for street closings between predominantly white and predominately minority neighborhoods (such as Dian and Vollmer street closings)?, (2) If the civic clubs surrounding Rosslyn are allowed to purchase a public street, Rosslyn Road for a pittance, (\$150,000), will other neighborhoods also be allowed to purchase public streets at the same price to keep their neighborhoods from unwanted traffic?, (3) Why can't the neighborhoods bordering Antoine between 290 and Acorn (Mangum Manor, Oak Forest and Forest Pines) receive any of the badly needed improvements, many of which have been requested for 15 years, to protect our neighborhoods quality of life?; that she would like to say that Antoine at the present time, between 290 and Tomball Freeway, was the only major artery in the northwest area and they were carrying all of the traffic, that a road known as Bingle was supposed to have the trucks over 2 axels moved there off the freeway when it was widened to six lanes, that in the packet they distributed to Council three weeks ago they discovered in driving the area that the bridge at Tidwell and Bingle was never completed, that the commercial facilities were off of Bingle not Antoine and their homes were too close to the street to have those vehicles travel that close to their homes, that in one week's time they gathered 300 petitions out of a 400 residential area and they requested that they let Rosslyn go through in order to give them some relief on the traffic. Council Members Galloway and Todd absent.

Council Member Tatro stated that he wanted to thank Ms. Epps for being present and also to thank Ms. Lisa Cloud for putting the petition together, that he was getting caught from both sides on the issue, that as Antoine and several roads were not developed in the past as Houston was expanded the same debate was ongoing, that he fully understood Ms. Epps desire and the City's desire to preserve rights of way because of the larger picture of City development and expansion, that on number 1, the interesting



issue about Rosslyn which separated it from the Dian and Vollmer street closings was that virtually every neighborhood along Rosslyn, from Acres Homes to the north to Oak Forest to the South, were in full support of Rosslyn going through, that they had conducted a traffic study that did suggest that the traffic capacity on Ella and TC Jester would be sufficient; that the bridge that she brought up was an error in the planning, development and engineering on Bingle Road and was now under redesign and would be reconstructed, that she did bring up a very good valid point and that was as the City grew rights of way and traffic patterns that were not before realized needed to be realized and it happened to neighborhoods time and time again, that he did support the abandonment of Rosslyn.

Upon questions by Council Member Boney, Ms. Epps stated that they wanted Rosslyn to stay on the major thoroughfare plan and wanted the street open to Gulfbank Road, that TC Jester ended and the right of way was there, that they provided a video to Council Member Tatro to show that the concrete was laid and the street stubs were all there, that it was on Hollister and Bingle.

Council Member Boney stated that a developer met with him who was attempting to build some moderate and upper moderate income housing in that area and as he understood it his project would be facilitated by the opening of Rosslyn and asked Council Member Tatro what his position was on Rosslyn and the development and Council Member Tatro stated that developer wanted to build his development on the northside of the ditch and that would be the natural extension of Rosslyn and he also wanted to end Rosslyn but on the northside of the ditch and it was the community directly south that did not want to jump the ditch and put in 90 more homes, that everybody agreed on the abandonment of Rosslyn, that obviously people on Antoine had a difference of opinion but the question was where to abandon, that he was in support of abandoning Rosslyn south of the ditch which would preclude the development from having access to his property south, that he would have to seek access from the north and it would not be possible, and Mayor Brown stated that this matter was before a joint referral committee right now and they would make sure that Ms. Epps information was given to them. Council Members Galloway, Todd and Ellis absent.

Mr. William Beal, 4718 Birchwood Street, Houston Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd and Ellis absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated [www.galvan.org](http://www.galvan.org), that he wanted to thank Council Member Vasquez for his quick response not only to his e-mail but to getting the Alfred Hernandez Bridge fixed, that the same day he sent Council Member Vasquez an e-mail he sent Mayor Brown an e-mail also asking what were the procedures of changing the Eleanor Tinsley Park to Elizabeth Spates Park and he still had not received a response from him, that he wanted that park changed to Elizabeth Spates Park, that to Council Member Sanchez congratulations for throwing his hat into the Mayor of Houston race and just like Mr. Star he was present to educate and instruct using video and media also and he wanted everybody to know that four people so far, and it did not include Mayor Brown, had signed up to run for Mayor so far, Larry Devoe, Council Member Sanchez, Council Member Bell and Mr. Jack Terrence, who he believed got over 20% or 30% of the vote last time, so

four people so far had signed up to run for Mayor, that he wanted everybody to know that he thought it was good, that competition was good for the City of Houston. Council Members Galloway, Todd and Ellis absent.

At 3:15 p.m. upon motion by Council Member Castillo and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, April 25, 2001. Council Member Robinson absent on personal business. Council Members Galloway, Todd and Ellis absent.

City Council Chamber, City Hall, Wednesday, April 25, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 25, 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 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Brown reconvened the meeting of the City Council. Council Member Todd absent.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 1 through 24

#### MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **JERRY P. JACKSON** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0439 ADOPTED.
2. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **OLLIE D. BARBARY** had been pulled from the Agenda by the Administration, and was not considered. Council Member Todd absent.

#### ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director Department of Aviation for approval of final construction cost of \$350,120.13 and acceptance of work on contract with, **CURRY, INC** for Upgrade Mechanical/Electrical Equipment, Building 510 Ellington Field (EFD), Project No. 571, CIP A-0414 04.76% over the original contract amount

- **DISTRICT E - TODD** – was presented, moved by Council Member Sanchez, seconded by Council Member Boney. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0440 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9

7. **SAFETY STORAGE, INC** to Furnish and Install Two Hazardous Material Storage Buildings for Solid Waste Management Department - \$60,026.00 - HGAC Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0441 ADOPTED.
8. **MASTHEAD HOSE & SUPPLY, INC** - \$215,000.00 and **HOSE & FITTINGS, INC** - \$16,000.00 for Hose & Couplings, Hydraulic for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0442 ADOPTED.
9. **BAYOU CITY FORD STERLING TRUCK SALES, INC** for Automotive, Heavy Duty Ford Truck Replacement Parts and Service Contract for Various Departments - \$153,206.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0443 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 17a

16. ORDINANCE appropriating \$80,000.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) and approving and authorizing the purchase of a tract or parcel of land containing approximately 0.5241 acres out of the Amos Barber Survey, Abstract 125, Houston, Harris County, Texas, and the improvements located thereon, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving a Purchase and Sale Agreement with Allen William Jones and Clarence James Jones to acquire the land and improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0353 ADOPTED.
17. ORDINANCE approving and authorizing Rescission Agreement with **HVJ ASSOCIATES, INC** for Project 560A; approving and authorizing the Partial Release of the appropriation authorized by Ordinance No. 2001-204 – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0354 ADOPTED.
- 17a. ORDINANCE appropriating \$97,000.00 out of Airport System Consolidated 2000AMT Construction Fund, CIP A0116; and approving and authorizing Professional Materials Engineering Laboratory contract between the City of Houston and **TOLUNAY-WONG ENGINEERS, INC** for Testing Services on Project 560A at George Bush Intercontinental

Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0355 ADOPTED.

19. ORDINANCE authorizing \$56,900,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0026, \$250,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0422 for compliance with the Civic Art Program, awarding construction contract to **THE MORGANTI GROUP, INC** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston (IAH), Project 444B - **DISTRICT B – GALLOWAY** 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 Todd absent.
24. 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 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 Todd absent.

Council Member Boney moved to suspend the rules to consider Item No. 25 out of order, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0444 ADOPTED.

25. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Bellfort Pines Apartments) Series 2001 - **DISTRICT D - BONEY** - **(This was Item 12 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBER BONEY)** – was presented.

Council Member Boney stated that he simply wanted to say that he appreciated and wanted to commend the good work of Community Development and the good work of Ms. Margie Bingham and her staff, that he had met with the developer and members of the community in which that neighborhood project was going to be located, that it would provide low rents for low and moderate income families, that it was a secure property with many other amenities and there was no City money involved and simply required Council's support for the tax credits and urged Council's approval. Council Member Todd absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Todd absent. RESOLUTION 2001-0020 ADOPTED.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Director Building Services Department to reallocate \$230,000.00 previously appropriated from the Parks Consolidated Construction Fund for a Project Management Support & Construction Management Services Contract between

the City and **SUNLAND ENGINEERING COMPANY (“SUNLAND”)** approved by Ordinance No. 2000-1003 to a Program Management Services Contract between the City and **SUNLAND** approved by Ordinance No. 98-1041, GFS F-0363-01-2 – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. Council Member Todd absent.

Council Member Castillo stated that on this item there were actually two contracts involved, an old contract and a subsequent new contract, for construction services, that this item took money from the new contract and allocated it to the old contract to cover expenditures that were made while the new contract was being developed, that it took a long time for the new contract to be developed, that his question was should it not take an ordinance to de-obligate money from the new contract and obligate it to the old contract because otherwise the Controller's office had the impressed balance of the total amount, that there was no formal process for re-obligating the money. Council Member Todd absent.

Mayor Brown asked the Legal Department to answer the question, and Council Member Castillo stated that it was two contracts, an old contract for construction services, and a new contract, that the new contract took a long time to do but work continued to be done that needed to be paid for out of money from the new contract, that this was a motion to do that and his question was should it not take an ordinance to de-obligate money from the new contract and obligate it to the old contract to keep the accounts correct, and Mr. Hall stated that Council Member Castillo was correct, that he was advised just this morning and it was explained a little differently from the department earlier, that they were not advised it was for work already done under an old contract without authorization, but he was right, they would need to do some different things and asked that they would give them a chance to do that, that was not the way it was explained. Council Member Todd absent.

Council Member Castillo offered a substitute motion to refer Item No. 25 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Boney and Todd absent. MOTION 2001-0445 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 9

5. **QUALITY AEROSPACE INTERIORS, INC** for Sterile Drinking Water Sample Container Vials for Health & Human Services Department - \$59,700.00 - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Boney and Todd absent. MOTION 2001-0446 ADOPTED.
  
6. **CASWELL DETROIT ARMOR COMPANIES** for Repair of Indoor Shooting Range Bullet Trap for Houston Police Academy - \$39,500.00 - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney and Todd absent. MOTION 2001-0447 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 10 through 24

10. RESOLUTION authorizing an application to the Texas Water Development Board for Financial Assistance for a Joint Study of Methods of Transporting and Storing Water from

the Brazos and Trinity Rivers – was presented. All voting aye. Nays none. Council Members Goldberg, Boney and Todd absent. RESOLUTION 2001-0021 ADOPTED.

11. ORDINANCE amending **CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to authority of the Purchasing Agent and the Director of the Aviation Department in regard to bids and purchase orders; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Goldberg, Boney and Todd absent. ORDINANCE 2001-0356 ADOPTED.
12. ORDINANCE amending the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to certain Fines and Fees for Library Services; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2001-0357 ADOPTED.
- 12a. ORDINANCE awarding contract to **XEROX CORPORATION** for Photocopier/Computer Printing/Debit Card Payment System for the Houston Public Library – was presented. All voting aye. Nays none. Council Members Boney and Todd absent. ORDINANCE 2001-0358 ADOPTED.
13. ORDINANCE approving and authorizing School Crossing Guards Services contract between the City of Houston and **I. WEINER JEWISH SECONDARY SCHOOL OF HOUSTON - 5 Years DISTRICT C – GOLDBERG** – was presented.

Council Member Castillo stated that he had a question but intended to vote for the item, that his question was whether they had other five year contracts with the other school districts, that he thought these were done year to year, and Mayor Brown stated that they would get an answer for him. Council Member Todd absent.

Council Member Sanchez stated that the contractor doing the construction at the Weiner School, which was a huge asset to the community, apparently accidentally, after requesting that underground utilities be marked, ran directly into a Southwestern Bell Telephone line, that Southwestern Bell had to come out to excavate the street at night because hundreds of telephone customers were without service, that as they knew this was Stella Link, the road they paid a substantial amount of money for, that this was well over three months ago and they left a gaping hole in the street and no one had repaired it and it was covered with sheet metal, that he had asked repeatedly what the resolution of the problem was and so he was going to tag the item until they got a resolution on the issue. Council Members Todd and Ellis absent.

Mayor Brown stated that Council Member Sanchez tagged Item No. 13. Council Members Todd and Ellis absent.

14. ORDINANCE approving and authorizing second amendment to contract between the City and **HOUSTON COMMUNITY COLLEGE** (Contract #36322) for a Basic Firefighter Training Program – was presented, and tagged by Council Member Boney. Council Members Ellis and Todd absent.
15. ORDINANCE approving and authorizing first amended and restated contract between the City and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Provision of Library

Services to John Marshall Middle School and Jefferson Davis High School - Revenue - **DISTRICT H- VASQUEZ** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0359 ADOPTED.

18. ORDINANCE appropriating \$4,427,370.00 out of Airports Improvement Fund, CIP A 0026, and authorizing \$13,977,630.00 out of Airport System Special Facilities Taxable Revenue Bonds, (CRCF), CIP A-0026, \$359,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0222 and \$400,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0285, awarding construction contract to **CHAMPAGNE WEBBER, INC, TEXAS** and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for Civil Site Development, the Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston (IAH), Project 444A - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Tatro. Council Member Todd absent.
20. ORDINANCE approving and authorizing professional engineering services contract between the City and **CHP & ASSOCIATES CONSULTING ENGINEERS, INCORPORATED** for Design of Refurbishment or Replacement of Sixteen Ventilation Fans for the Theater District Parking Facilities - \$32,310.00 - Enterprise Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0360 ADOPTED.
21. ORDINANCE appropriating \$30,754.41 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **TCH LAND, L.P.** for construction of water lines in Bellaire Gardens Section Two, CIP S-0800-34-03 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0361 ADOPTED.
22. ORDINANCE appropriating (1) \$4,655,131.00 out of Water & Sewer System Consolidated Construction Fund and (2) contribution in an amount not to exceed \$619,399.00 from the **CITY OF SPRING VALLEY** to be received under its interlocal agreement with the City; awarding construction contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$4,517,048.20 and 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** – was presented. All voting aye. Nays none. Council Member Todd absent. ORDINANCE 2001-0362 ADOPTED.
23. 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 – was presented.

Council Member Keller stated that he had a question and it was in relation to a few of the contracts that came before Council last week and this one was not in, that he wanted to know how many current City crews were ongoing since all of the four contracts that they were awarding were to the same company. Council Members Boney and Todd absent.

Council Member Keller moved to suspend the rules to hear from Mr. Tom Rolan, Director, Public Works and Engineering, at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Todd absent. MOTION 2001-0448 ADOPTED.

Upon questions by Council Member Keller, Mr. Rolan stated that the 45 crews that they were talking about was an average each day, that the number of crews varied up and down each day and there were more during the week than there were during the weekends, that of the 45 crews they were going to be looking in the neighborhood of 32 average to be City crews, that what they were looking at with these three contracts was to get 5 crews 5 days a week on each contract, that the work crews varied in the districts, that the workload varied, different districts had different number of repairs and what they did was to have a certain number assigned to each district depending upon the load, that if for some reason a work load increased in an area they would move people around and that was what they told Council in the plan that they would do; that all the bidding companies turned in 5 crews; and Council Member Keller stated that one problem he had was that on the MWBE they had 5 companies totaling \$515,000 and then it was amended to 4 companies \$515,000 and they took out Multi Craft Construction out of the thing and took that amount of money and equally disbursed that amongst the remaining companies and asked why they did that, and Mr. Rolan stated that it was brought to the contractors attention that one of the people that he had submitted was not a certified MWBE, that Affirmative Action brought that to their attention; that they had a goal that they attempt to meet and the prime contractor uses subs to do different pieces of the work, that he may be doing part of the concrete work himself and using subs to do the other part of the work and what that meant was that he was going to redistribute the pieces or the kind of work that the subs were going to do to increase their share of it.

Council Member Tatro stated that he was disappointed in the data he received after meeting separately with Ms. Bea Link and last week at the Council table asking for data and a plan, that in the letter it said that they planned to bring the crews to Council in a month but it did not say how many crews they planned to bring, that the only data they were given was that they had 45 crews during Phase I and that was the only information he was given, and stated that it did not appear they had a plan, that if they took the contracts that were now in place, point repair contracts, they had those crews now in place and asked Mr. Rolan if that was right, and Mr. Rolan stated that they had BRC, that all of the other contracts had been expended, and Council Member Tatro stated that he planned to support the items but he really hoped when the administration brought forward, next month, additional crews that Council had a plan before it as to the number of City crews; and Ms. Bea Link stated that it was based upon the nature of the work, that there were no limits of crews in the contracts, that it was based upon the type of the work



performed, that the contractor had assured them that they would provide whatever manpower was necessary to get the job done; and Council Member Tatro stated that what he simply requested was the numbers so they would have a total number of how many people on the ground, that he thought that would give Council a more comfortable feeling that they really had a plan to address the problem.

Council Member Castillo stated that he had asked last week if they had a procedure in place so they could know (1) when the contractor did a repair if that repair did not take place or was not fixed properly that the City was not charged back to do it again, that it seemed to him that if they did not fix it right the first time that the second time it was on the contractor to fix it, and asked if they had some safeguards in place for that, and Mr. Rolan stated that they did, that Ms. Link had reinforced a management system and implemented much tighter controls in terms of keeping records and dates completed and they were attempting to putting in the system, a flagging device, that would pick those kind of things up; and Council Member Castillo stated that another question he asked was that because these contracts involved so many people to actually deliver the work were those people just of the street or did they know if they were trained to do the work properly, and Mr. Rolan stated that the contractors that bid were required to be able to do the job, that this particular contractor they knew had the people to do it because they had demonstrated it in the previous work they had done for the City. Council Member Robinson absent.

Council Member Bell asked if it was correct that at the end of February 2001 the backlog was up over 500 on the water main breaks, and Mr. Rolan stated that at the end of February 2001 the backlog of water leaks was 189 and now it stood at 115, and Council Member Bell stated that he would think that Public Works had a pretty good idea how many crews it took to knock out a certain number of water main breaks and he did not know if that was what Council Member Tatro was angling for but if they could get some type of breakdown of crews compared to backlog and what the anticipated number of breaks were going into the summer based on passed history all of them would feel a little bit more comfortable to have some idea that the backlog was going to continue to head in the downward direction, that he was curious as to how they were checking to make sure what checks and balances they had in place to make sure that the work was being completed, and Ms. Link stated that one of the things they had done to make sure that the contractors were performing quality work was that they had created a quality control section within the Utility Maintenance Department and that group was responsible for coming behind and inspecting and checking the work to make sure that the work had been completed in accordance with the contract specifications, that in addition to that they had created a system where they sent them a notice of when they were projected to complete the work and then they did a follow-up to make sure they completed the work in accordance with the schedule, that she had them print at the end of every week a list of all of the work orders in the system and then they sent the quality control folks out to check the status of the work, that they were monitoring on a weekly basis and met with those contractors that were not performing to go over their performance and to let them know the deficiencies they see in the work that was being performed, that they were in the position to report that to Council, that one of the things they had done was prepare some crew schedules starting in the peak season, going from July through September, that they had looked at the data from last year to get some idea as to how many breaks they expected during those months and they were putting a schedule together to make

sure they had staff on board to be able to handle it, both City staff and contractor staff. Council Members Vasquez, Castillo, Parker and Robinson absent.

Council Member Boney asked how they tracked their numbers in terms of the crews out there doing the work, and Mr. Rolen stated that in the case of the City crews, the quadrant managers reported the number of crews working daily, and the contractors submitted lists of the crews they had working and Public Works had inspectors monitoring that activity, that it was his understanding that they were faxing the information to them in the morning, and Ms. Link stated that one of the systems they put into place was that they would send to them a day before the work that was scheduled to begin and a list of what areas of town they were going to be in and what work orders they were going to be working on, that at the end of the day as they completed the work they called that information in and they sent an inspector out to check to see whether or not that work had been completed and then a quality control person goes behind that inspector to make sure it was completed in accordance with the contract; that at the present time they were having them call the information in, but they were testing some systems to use palm pilots out in the field where they would be able to collect the data and come back to the office and download that information into the system so they could reduce the amount of paperwork that they handled, that they had an IMS system that gave them information on the work orders and the status where they could look at it on a daily basis and determine what they had open in the system and they used it as a basis of monitoring the work being done, that it was customized software and they were making some enhancements in the system to be able to get additional management reports that they need to be able to monitor the system.

After further discussion by Council, a vote was called on Item No. 23. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0363 ADOPTED.

**MATTERS HELD** - NUMBERS 26 through 31

26. 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** – **(This was Item 15 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBERS SANCHEZ, PARKER and QUAN)** – was presented.

Council Member Sanchez moved to postpone Item No. 26 one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0449 ADOPTED.

Council Member Boney requested that someone from the department visit with him as well.

27. 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** – **(This was Item 19 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBER**

**SANCHEZ**) – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0364 ADOPTED.

28. 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 – **(This was Item 20 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Members Boney, Castillo and Parker absent. ORDINANCE 2001-0365 ADOPTED.
29. 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 – **(This was Item 25 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** – was presented.

Council Member Keller stated that he wanted to invite Mr. Rolan to the back to finish the discussion they had on the disbursement amongst the subs and asked that he explain it to him on Item No. 29, that they did the same thing and why was \$170,000 not just taken off of the bottom line and out of the deal, and Mr. Rolan stated that the contractor planned on doing x amount of the work himself and then he was going to parcel out pieces of the work to different subs and he planned on those subs doing certain types and certain amounts of those types of work, that whenever he had to remove one of the MWBE's he still had to meet the goal so what he did was adjust the amount and types of work that the remaining subs were going to do. Council Member Boney absent.

Council Member Parker asked Mr. Rolan when they gave a contract to a contractor, whatever the bid price was they let the contract, and their relationship with their subcontractors was really up to them and how much they sub out, unless they had a specific Affirmative Action goal that they were trying to reach and asked Mr. Rolan if that was correct, and Mr. Rolan stated yes, and Council Member Parker stated that they did not care who they used as subcontractors and they did not even really care who they used as minority subcontractors just that they use some minority subcontractors and they were free and in fact they regularly submitted a list of subs and that list of subs may change after the contract was let and through the course of the project, and Mr. Rolan stated that the contractors submitted a list of firms that they intended to do business with and that was what Public Works assumed that they were going to be doing unless they notified them otherwise, and Council Member Parker stated that they assumed that and they submitted it as part of it, but their relationship was with the City and the City's relationship was not with their subcontractors, that the subcontractor was between them and they did have the right to move that around, and when Council Member Keller stated that if their subcontractor went away why did they not just pull that money out of the contract, that they had a contract with that contractor for a certain amount of money, they did not have a deal with the subcontractor, they never did, and Mr. Rolan stated that was

correct, and Council Member Parker stated that they had the right and the responsibility to make sure the work got done and that they meet their Affirmative Action goal and they needed to give them the discretion to do that.

Council Member Quan stated that he had a chance to meet with Ms. Link before the items came up on the agenda last week and asked if it was correct that Troy Construction had under bid the other companies on the three contracts by close to \$1.2 million dollars and Mr. Rolan stated yes, and Council Member Quan stated that they had left that on the table, that they had a fairly good deal and had a chance to meet with the Vice-President of Troy to make sure that they were able to perform the services to meet this, and he had some of the same concerns that Council Member Keller had brought as to their ability, that there were some severe penalties if they were not able to perform, and Ms. Link stated yes, that they were required to provide a performance bond which would guarantee their performance under the terms and conditions of the contract; and Council Member Quan stated that they also talked about the market, training and having crews available and stated that Ms. Link was telling him about the efforts they were making to try to get people trained in this area, and Ms. Link stated yes, that one of the problems they had in Public Works was trying to recruit qualified utility workers to perform on the various projects and because there were changes in the job market the City salaries were not as competitive as the job market so one of the things that they had been doing was working in partnership with Houston Community College to create a Utility Worker Program and part of what that program did was to provide 4 weeks of classroom training and then the individuals who successfully complete that program spent 4 weeks on a job training program in Utility Maintenance, that if they were successful in the on the job training program then they moved them into the entry level positions within the department, and Council Member Quan stated that he thought that was a good effort by the City to try to address a workforce need, that also just independent of their discussions he had also talked to some of the other contractors who bid on the work and asked if Troy could really do the work and how come they were able to bid over a million dollars less than the others and their answer was that they had perfect confidence in Troy and that Troy was more aggressive in the marketplace than other companies, so he thought they had a good deal here and was just trying to get the record on both sides. Council Member Tatro absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2001-0366 ADOPTED.

30. 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 – (**This was Item 27 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBERS TATRO and KELLER**) – was presented. All voting aye. Nays none. ORDINANCE 2001-0367 ADOPTED.
31. 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 – **(This was Item 28 on Agenda of April 18, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Bell asked Mr. Rolan and Ms. Link what the numbers were as of today on the sewer breaks and stoppages of sewers at homes, and Ms. Link stated that as of today 125 work orders or complaints on hand, that there were 55 sewage at homes, that with the number of sewer repairs one of the things that they were experiencing was the fact that they were going in and rehabbing a lot more of the lines, that in neighborhoods where they constantly had sewer problems what they were doing was going in and televising the lines and trying to make a determination of whether or not they needed to go in and replace a lot more of the line instead of just going in and making a point repair; and Mr. Rolan stated that they were experiencing 16 to 17 on average sewer repairs coming in daily, that those were actual reported repairs needed right now, that during the summer months last year those numbers dropped down to around 10 or 10.5 sewer repairs coming in, that they anticipate the number of repairs coming in to decrease just due to the way the system ran and with the weather and everything, that they were working to get that number down, that as they told them last week they were running out of the sewer repair and water leak contracts and this would give them some capacity, that they had their crews doing it, that as Ms. Link had indicated one of the things they ran into when they made the repairs was that some of them were a lot longer repairs than they thought so it took a little bit longer, that they were working deliberately to continue to get that number down and it was going down and thought that what he told him earlier was not correct that at the end of February they had 168 and so they were working to get that down, that best case scenario depended on the month, that for example when he stated that sewage stoppages were at 55, this weekend it was at 25 and then it rained and when it rains the number goes up and then they work on it and the number goes down, that it was a phenomenon of the system, that was just the way it worked, that the number was going to go up and down; that as to the water leaks they were going to go up, that they varied from month to month. Council Members Galloway, Keller, Castillo and Quan absent.

Council Member Boney stated that when they got ready to have either a budget workshop or a fuller report what was going to be needed was not only quantitative data but qualitative data, like what they attempted to share in terms of the extent of the kind of repairs that had been done and then they also needed some context, that they needed to know how they got historically to this point and time today, that the thought they were going to need some pie charts, bar charts, some video and quantitative and qualitative historical context. Council Member Galloway was absent.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0368 ADOPTED.

**Items received during meeting were considered as follows:**

19. ORDINANCE authorizing \$56,900,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0026, \$250,000.00 out of Airport System Special Facilities Taxable Revenue Bonds (CRCF), CIP A-0422 for compliance with the Civic Art Program, awarding construction contract to **THE MORGANTI GROUP, INC** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston (IAH), Project 444B - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Tatro. Council Member Galloway absent.
  
24. 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 – was presented.

Council Member Ellis moved to suspend the rules to hear from Dr. Phillip Scheps, Director, Finance & Administration, at this time, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0450 ADOPTED.

Council Member Ellis asked presently how much were they projecting to be over budget of what they budgeted back in June and Dr. Scheps stated that as he recalled it was \$15 million to \$16 million from their last MOFAR, and Council Member Ellis stated that he was referring to the letter that Dr. Scheps wrote to the Mayor on April 23, 2001, the subject was funds certification, that he did an overall summary of it and the required reduction of \$5.6 million General Fund Expenses would be accomplished as follows, expense reduction of \$2.1 million, reduction of the transfer to Fund 224 at \$3.4 million for a total of \$5.6 million and that it was not so much that it was a reduction in their expenses it was that they were going to limit the increase of their General Fund Expenses, and Dr. Scheps stated that if they were referring to budget that was right, that rather than being that \$15 million over budget they would be less over budget, that it was just a limit in the increase of expenses, and Council Member Ellis requested that they go to the backup of Item 24 and talk about other funds, that the health benefits were going to be a \$5 million expense to the General Fund and asked if that was not a complete expense to the General Fund, did they not have some Enterprise Funds that were picking up some of that cost, and Dr. Scheps stated absolutely, that he was not sure of the page Council Member Ellis was looking at and that Mr. Al Mays may want to comment, that he thought all they were doing was transferring money, that they were moving money from General Government, in many cases, to the departments, that in Item No. 24 they were talking about the General Fund only, that he would get Al to answer that; and Council Member Ellis stated that if they knew that the total amount was \$5 million they knew that C&E picked up their own health benefit costs, and that was an Enterprise Fund, and the Airports picked up their own employee health benefit costs, and Mr. Mays stated yes, but that Item No. 24 spoke to appropriation for all of the operating funds, General as well as Enterprise Fund and the health benefits. Council Member Galloway absent.

Council Member Robinson stated that he had a few questions and an amendment that he would like to lay out, that he understood that Legal had some points that they would like to raise, and stated that the certification number from the Controller was \$1,273,292,000 and asked how much more was that than what they budgeted originally at the beginning of this fiscal year, was she certifying more revenues than what they originally budgeted, and Dr. Scheps stated that she was, that he did not have the number in front of him but would assume

it was about \$10 million more than originally budgeted, that their projection was they were \$15 million more than originally budgeted and hers was about \$5 million less, that their projections were that they would still pick up \$5 million more than they would certify today, that her certification was binding, of course, but their projection show an additional \$5 million; and Council Member Robinson stated that in the backup information it showed that they were transferring about \$8 million out of General Government up to the Police and Fire Departments, about \$5 million to police and about \$3 million to fire, and he was trying to get a handle on why they kept carrying those funds in the General Government instead of the individual departments, because they relate to the Meet & Confer pay increases and they knew those were coming, and Dr. Scheps stated he would ask Mr. Mays why that was budgeted in General Government, that as he had mentioned it was just a transfer from one general fund to the other and was something that was always in the budget so there was nothing going on there other than what Council would approve, and asked Mr. Mays why it was originally put in General Government, and Mr. Mays stated that it was originally put into General Government because at that time it was an estimate and they did not know what the exact numbers would be, that now of course they knew that, that it went into affect July 1, 2000 and this transfer appropriates and transfers that \$8.3 to fire and police, and Council Member Robinson stated that it was a little confusing to carry it down in General Government; and a couple of weeks ago Dr. Scheps went to the Fiscal Affairs Committee meeting and talked about having a built in \$56 million to \$57 million in increases next year and wondered if any of that spoke to compensation to either police or fire and how much of it, and Dr. Scheps stated that the only thing in that number that he reported to them that had to do with compensation were Step Increases that were mandated and built in and that was about \$3.5 million of that roughly \$55 million to \$60 million in built in expenses, and Council Member Robinson asked if assuming that Dr. Scheps numbers were right, even though they would certify the Controller's numbers, they would have an additional \$5.5 million that would be unallocated money, and Dr. Scheps stated that he did not think he would agree with that, that he was already assuming that his numbers were correct when he produced the 2002 Budget, that number would go into his beginning balance, and Council Member Robinson asked if it was not allocated this year and ended up in year end fund balance and when they went into the next year he wanted to make sure that Dr. Scheps was saying that he would start budgeting out of the beginning fund balance, and Dr. Scheps stated that was correct, but he was already using his projection rather than the Controller's projection for fund balance, and Council Member Robinson stated that the reason he was asking was because his understanding, normally since he had been in Council, was that they did not start the fiscal year budgeting out of fund balance, so the money would still be unencumbered money unless they were changing to a new policy, but if it came in at his numbers at a minimum did he think they would have an additional \$5 million and then add that to what he thought would be about \$70 million now and they would have a beginning fund balance of about \$75 million or \$76 million and Dr. Scheps stated that was correct, and Council Member Robinson asked if Dr. Scheps was saying that he already had designated intentions for the \$76 million, and Dr. Scheps stated that it was not his intentions that counted, it was Council's intentions, but as he saw that \$75 million plus the projected revenue as he mentioned at Fiscal Affairs he could see that in order to budget to where they had an ending balance of about the \$75 million he guessed they could say there were intentions, that it was built in expenses basically. Council Member Galloway absent.

Council Member Boney asked presuming they got the revenue that was projected and \$5 million plus or so was left over at the end of the year what would happen to that money, would it roll into the General Fund, and Dr. Scheps stated that was correct, and would be used as a

resource for next years General Fund, that in point of fact that by taking the \$5.6 million out of the expense side and when they would know it was exactly to the penny would be probably late next summer, but they would be dealing with the budget process with an estimate in about three weeks, that they would not know for sure by June 30, 2001 that they would actually have \$5 million, that it could be \$3 million or more or less, that conservatively they should not spend that money and encumber it now when it was not even in yet, that since Council had not seen the budget yet it may be improper to make a prejudgment, even for a very high priority, that right now they had not seen enough information to make those priority decisions it seemed like that to him, that they were forced to do this because the Controller had projected from her side \$5 million less revenue than he anticipated, that he believed that they should handle the matter as soon as possible, that he could not tell them that a bill would not be paid within the next week, but he thought they ought to get this behind them, because of mainly the two departments that were over budget. Council Member Galloway and Goldberg absent.

Council Member Boney stated that he saw an amendment that Council Member Robinson had passed out at the Council table, and asked if they could legally dedicate the potential surplus that may occur, presuming their projections were right and the Controller's were wrong, to next year's budget, and Ms. Susan Taylor< Legal Department, stated that there were a couple of problems with it which she had discussed with Council Member Robinson, that one, it was not something that was a part of the appropriation process, that if they were doing a fund balance reservation it was really a part of the budget process and what he was really proposing was an amendment to the budget as opposed to an amendment to the appropriation ordinance, but as a part of that there was a very high standard as to when one can amend the budget and that required a grave public necessity that could not have been foreseen with the use of reasonably diligent thought and attention, but in addition to that they would not, as Dr. Scheps had indicated, know what the revenues actually were that came in, until September or October when the CAFR came out, and so while they would be working with estimates in order to calculate that number as proposed they would not be able to do it until they were several months into the 2002 Budget, and so they were talking about at some point in 2002 reserving money in 2001 for the 2002 Budget and it just logistically did not work, at least not in her mind, and Council Member Boney stated that it would seem to him that the direction that Council talked about, and in fact implemented last year, was that after they went through the budget process if there was any excess revenues there were priorities for those revenues, and there were four or five things that they should then collectively determine how to allocate because if a tornado came through Houston, although they needed more firefighters right now, they may need to do some extra repair somewhere, and Ms. Taylor stated that was correct in terms of reservation or prioritization of excess revenues in 2001 and what Council Member Robinson was proposing was actually a reservation of revenues in 2001 to be spent in 2002 which they would not know how much it was until some months from now. Council Members Galloway and Goldberg absent.

Council Member Tatro stated that he heard of the necessity to pass Item No. 24 today but acting on the continuing resolution he believed it would really not take effect or top out the expenses of last years budget until early June 2001 so he did not know if suggesting that it was crucial to pass today was a very valid statement with respect to what the Controller would almost certify, that it did concern him to hear the use of the word surplus at the table today and then designating it, that he certainly understood the thrust of Council Member Robinson's amendment and that was to fund the very crucial needs of the fire department, that last year they realized a significant decrease in their net current activity in the last three months when



expenses start to come in, and so he would caution anybody with the use of the word surplus; that he wanted to reiterate something that Council Member Ellis had said and that was that the wording of what had been proposed was not necessarily reduction in spending, it was a reduction in the increases of spending levels that they had and as they had seen spending levels went up and up especially in the Public Works side, and Dr. Scheps stated that even though the continuing resolution as a whole may go into June 2001 it was by department and two departments would have trouble before the end and those were the two departments that were over budget now, Fire and Solid Waste Departments. Council Member Boney absent.

Council Member Bell asked Dr. Scheps if he was aware of the Controller's memorandum that she issued yesterday and how would that impact what they were talking about today, and Dr. Scheps stated not at all, that what they were talking about today was fund certification and what he was going to have on the agenda a week from today was their cash model, and they would give them a preview of it and did not think that year end borrowing would be necessary but they would still ask for permission to do it, that the Controller's model talked about \$5 million to \$20 million in borrowing and what they expected to do was to ask a week from today to take her worse case, even though they did not think it would happen, and get permission to borrow from Any Lawful Purpose Fund for five to seven days, but that was unrelated to fund certification; and Council Member Bell asked if there was any chance that by June 2001 they would have any clearer picture as to whether they would have excess revenue, and Dr. Scheps stated that the picture cleared up every single day when they got sales tax checks, that if they were dealing with an excess come June there would be nothing to keep them from allocating those funds as Council would see fit at that time. Council Member Boney absent.

Upon questions by Council Member Robinson, Ms. Taylor stated that their multi year contracts were set up with the supplemental allocations that came to Council to add the second or third year money, but the original allocation was just for the current fiscal year, and Council Member Robinson asked Dr. Scheps if they were going to bust the cap on the continuing resolution, and Dr. Scheps stated that they were in certain departments, Fire and Solid Waste, the two that appeared to be over budget were those that they would bust sooner, that he thought they were okay for one more week, but there were contract payments that needed to be made in Solid Waste, and Council Member Robinson asked that someone send him that in writing. Council Member Boney absent.

Council Member Robinson presented and moved the following amendment:

"Amend Item 17 to dedicate the potential \$5.6 million "surplus" to funding the first year (FY 2002) of Chief Connealy's HFD staffing proposal with a modified Extraboard rate of time and a half should the Administration's Finance and Administration Department's General Fund revenue projection for FY 2001 meets or exceeds their projection of \$1,278,247,000.00 as documented in the February 28, 2001 Fiscal Year 2001 Monthly Financial And Operations Report.

Additionally, any General Fund Revenues in excess of the City Controller's certified revenue projection of \$1,273,292,000.00, even if less than F&A's projection, must be dedicated to funding the modified first year of the HFD staffing plan."

Council Member Robinson stated that what his amendment said was that if Dr. Scheps and the administration were right and they had an additional \$5.6 million, Chief Connealy had put a 6 year plan on the table, the first year of which was \$9 million, that his first year talked

about 4 cadet classes and straight time for overtime pay and his amendment said that they modify that and do the 4 classes and do Extraboard or overtime at time and a half so they would move from \$9 million to \$12 million and the \$5.6 million in excess funds, if it did come to fruition would be about a 48% down payment on that cost and he thought there was additional room in the budget, that if what the Legal Department was telling him today was that it was inappropriate what he was trying to get an understanding or feel for was that he wanted to see built into the base fire department budget the \$12 million for 4 cadet classes and time and a half extraboard; and Council Member Robinson asked Ms. Taylor to read the language again, and Ms. Taylor read "an amendment to the budget only in the case of a grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention", and Council Member Robinson stated that his question was if funding the fire department to have four firefighters a grave public necessity, and stated that he would withdraw his amendment off the table, but he wanted to make the point that it was a great public necessity and it ought to be built into the base budget.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0369 ADOPTED.

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

Council Member Keller stated that he was extremely impressed with the new lake at the zoo that the Friends of Hermann Park, the Zoological Society, the administration and the City had done and he invited everybody to go and check it out, that it was an unbelievable asset that they had now, MacGovern Lake, and they were going to stock it with small and large mouth bass. Council Member Boney absent.

Council Member Quan stated that he wanted to acknowledge all the people who participated in the Keep Five Alive Program this weekend in the Fifth Ward, that it was a wonderful turnout and the tenth anniversary of that program and also those who participated in the Asian American Health Coalition Health Fair in Chinatown, that they had at Fire Station 10 and it was the largest turnout of any of the health fairs at a fire station. Council Member Boney absent.

Council Member Quan stated that this weekend Ripley House would dedicate its new building. Council Member Boney absent.

Council Member Quan stated that for those of Vietnamese American ancestry this also marked the 31st anniversary of the fall of Viet Nam. Council Member Boney absent.

There being no further business before Council, the City Council adjourned at 10:40 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney 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