

City Council Chamber, City Hall, Tuesday, May 2, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 2, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, 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 Carol M. Galloway out of city on city business. Council Member Carroll Robinson absent on city business.

At 1:53 Mayor Brown stated there would be several Council presentations. Council Members Tatro, Goldberg, Boney, Todd, Ellis, Keller, Parker and Sanchez absent. (NO QUORUM PRESENT)

Council Member Quan stated that many things were celebrated in the month of May and one of those was Asian Pacific American Heritage Month begun under President Jimmy Carter, that he month had been a month where persons of Asian American Ancestry could celebrate their heritage with several activities, that they were proud to have with them today members of the Board of Directors and the Executive Director of the Asian Pacific American Heritage Committee, and invited Ms. Barbara Gallo to the podium. Council Members Tatro, Goldberg, Boney, Todd, Ellis, Keller, Parker and Sanchez absent. (NO QUORUM PRESENT)

Ms. Gallo stated that she wanted to invite the Council Members to come to their exciting month of May that they had planned this year and for the City of Houston, that there were events that they would like to invite the Mayor and Council Members to join them and the first being the Sixth Annual Heritage Parade that was going to be a Turtlewood and Bellaire and it would begin at 1:00 p.m., that they had Council Members Quan, Ellis and Sanchez signed on and Mayor Brown, that after the parade finished the festival would begin at Alief Community Park and that would be from 1:00 p.m. to 6:00 p.m., that there would be over 50 community and business booths and over 15 performances and two live bands on two stages, that they were cosponsoring the event with Fun Day in the Park and the office of Council Member Quan, that the last event was a big event of the month and it would be the Heritage Gala, where the Pakistan Ambassador to the United States would join them, that they wanted everyone to go out and join them in celebrating the Asian Pacific American Heritage Month. Council Members Tatro, Goldberg, Boney, Todd, Ellis, Keller, Parker and Sanchez absent. (NO QUORUM PRESENT)

Council Member Quan stated that another thing they would be celebrating in the month of May was Older Americans Month begun in 1965 under President Lyndon B. Johnson, that Older Americans Month recognized the contributions of the older Americans to Houston and invited Dr. Beng T. Ho to the podium; that Dr. Ho was the President of the Advisory Board for the Area Agency on Aging and they had several members of the board present in the audience, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed the Month of May 2001 as Older Americans Month in Houston, Texas. Council Members Tatro, Goldberg, Boney, Todd, Ellis, Keller, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Ho thanked Council for their recognition of the Older American Month and they needed their support for all the senior issues, may they make Houston a model city for all senior citizens, and Council Member Quan stated they had several activities planned during the month, that they had next Wednesday a summit on Older American issues such as housing, transportation, congregate meal sites and would also be having the first Ms. Senior Houston Pageant and the winner would then go to Dallas to compete in the State Pageant and then to the National Pageant, that they would also be having a Senior Fishing Tournament and also an old fashioned picnic at Sam Houston Park as well as various days at Enron Field for the Astros and museum and zoo days, that if people wanted information on it to call 713-247-2013 for information. Council Members Tatro, Goldberg and Sanchez absent.

Mayor Brown stated that he wanted to express his thanks to Council Member Quan for working very hard on this program, that all month they would recognize the older citizens, that he wanted to also recognize Carol Alvarado out of his office who had worked very hard as well in addition to Council Member Quan's staff's effort, that they would take this whole month to give recognition to those who had come before them and allowed them to be where they were now, that obviously the City of Houston was what it was because of those who had come before them; that he had created the Mayor Senior Citizens Advisory Committee and they were working every day with him to make sure that they do what they needed to do for the seniors; that today was also very important because they had another Mayor in the City of Houston, that they had a Senior Mayor for the Day, that it was the result of a competition all over the City and they picked one person that they thought would be best suited to serve as Mayor for the Day, and invited Ms. Dorothy Broussard to the podium, that she was the Senior Mayor of the Day and stated that the City of Houston commended Ms. Broussard and the Senior Advisory Council on this auspicious occasion and extended best wishes to all for a successful and rewarding National Older Americans Month observation and read a proclamation that proclaimed that Lee P. Brown proclaimed May 1, 2001 as Dorothy Broussard Day in Houston, Texas. Council Members Tatro, Goldberg and Sanchez absent.

Ms. Broussard stated that she wanted to assure Mayor Brown that she was not a candidate for his job, that she was very honored to have been selected as Mayor for the Day, that in recognition of Older Americans Month it allowed her an opportunity to represent seniors and advocate on the many issues they were faced with on a daily basis. Council Members Goldberg and Sanchez absent.

Council Member Vasquez stated that for the last couple of weeks his office in conjunction with the Mayor's office had been coordinating and working to meet the needs of one of his constituents, that there was a lot of cleaning and repair that was needed to Ms. Josephine Allen's house, that they were able to find a neighborhood partner out in the community and they were an outstanding example of neighborhood friendly business and also a good corporate citizen, and that organization was Anaheim Industries, that Anaheim Industries had been independently owned and operated in Houston, Texas since 1977, that their focus as a company was to provide van conversions built with a firm commitment to quality, safety and customer satisfaction, that they provided those services all over the world, that Ms. Crystal Singleton, in his office and Mr. Robert DeYoung in the Mayor's office coordinated and approached Anaheim Industries and asked them to be involved and to help and assist them in cleaning up Ms. Allen's home

and working with her to bring her home up to standard, that they immediately jumped to the task and included and incorporated some of their own relationships to make this work, that the Gulf Coast Community Services and ABC Pest Control volunteered, that he wanted to recognize each individual, Mr. Jeff Newcomer, Mr. David Barlow, Mr. Bradley Valid, Mr. James Romero, Mr. Mickey Call and Mr. Chris Banda, Mr. Glen Adams, Gulf Coast Community Services, Mr. Fred Blanchard and Mr. Raleigh Jenkins, ABC Pest Control. Council Members Boney, Parker and Sanchez absent.

Ms. Allen stated that she wanted to thank the great City of Houston and Mayor Brown and Council Member Vasquez. Council Members Boney, Keller and Sanchez absent.

Mayor Brown asked Mr. Jeff Newcomer to join him at the podium and presented him with a proclamation that stated that Lee P. Brown, Mayor of the City of Houston proclaimed May 1, 2001 Anaheim Industries, Inc. Day in Houston, Texas. Council Members Boney and Sanchez absent.

At 2:14 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Quan invited Ms. Dorothy Broussard to lead everyone in prayer and the pledge of allegiance. Council Members Boney and Sanchez absent.

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

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

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

Mr. Reggie Russell, 1325 Almeda Genoa, Houston, Texas 77047 (713-434-9999) had reserved time to speak, but was not present when his name was called. Council Members Boney and Sanchez absent.

Ms. Deborah E. Allen, 8800 Gustine Lane, Houston, Texas 77031 (no telephone) had reserved time to speak, but was not present when her name was called. Council Members Boney and Sanchez absent.

Ms. Dorothy Olmos, 6678 Sylvan St., Houston, Texas 77023 appeared and stated that last week she had taken it upon herself to send them the literature that was needed for the HUD Grant they were going to be applying for, that she would like to recognize the Board Members of the Hispanic Fine Arts who were present, Mr. A. B. Olmos, Vice President, Mr. Ben Solis, President and Mr. Percy Gonzales, Treasurer and the District Agent for the Marine Engineer Beneficial Association and Mr. Scott Libling, that they were present to give their support on the endeavor for the East End Community, that she had a copy of the agenda for the Council Members, that she would answer any questions they had about the HUD Grant, that it was a project that had been in place for the past 9

months, that she had brought it to their attention in September 2000, that she had gone to HUD with some specifics that they asked for on the application and it had been finished and was finalized and they were ready to submit the application, that she knew that the East End Zone 2 Enhanced Enterprise Community still needed some revitalization and they did have the opportunity for a resource technology center, that it was also going to be the technology center of the electronic engineering that Marine Engineers Beneficial Association would be bringing to collaborate with them in that endeavor, that they would like to reiterate that this project was not only needed for the economy but it was also needed for the generations to come. Council Members Boney and Sanchez absent.

Upon questions by Council Member Quan, Ms. Olmos stated that the location of the facility would be Texas Marine on Harrisburg where it met Navigation, the beginning of Broadway and the ending of Harrisburg, that it was a two story building and 127,000 square feet, that the building was being sold for \$3,750,000, that the union was willing to put up some money towards it and with the help from the HUD Grant they would also be utilizing Laredo Bank who was also tentatively committed for the allocations of the funds, that the Association for Hispanic Fine Arts was the collaborator and the Theater on Broadway and the Industrial Work Fore Training, that industrial training was one component which would be all the skill crafts that were needed for the Port of Houston skills, and then Theater on Broadway was a component of the Association for Hispanic Fine Arts that would be gearing towards the Media Arts Technology that was needed, that she was asking the Council to write a letter in support of the HUD Grant request. Council Members Boney, Vasquez and Sanchez absent.

Mr. Jack Terrence, 2808 Morrison, Houston, Texas 77009 (713-861-1991) appeared and stated that today was May Law Day proclaimed 43 years ago by President Eisenhower to emphasize the importance of law in the American Society, that he read in the Chronicle a few days ago in regard to Mayor Brown, regarding some potholes and that Mayor Brown had stated that he wanted to make sure that what they were reporting to the public was accurate, that later on in the Chronicle story, Mayor Brown was quoted to have said that if anyone was found to have violated the law he wanted that person prosecuted to the full extent of the law, no ifs, ands or buts, according to Mayor Brown, that there was a City election in process and he thought it was incumbent upon all candidates to follow the City and State election codes and they should also all abide by the City of Houston voluntary campaign limit, that Mayor Brown had a history, in his opinion, of violating the City election code and did not abide by the voluntary election limits of \$1.5 million for the Mayor's race and \$750,000 in case of a runoff election, that he had violated the State election code and he called upon him to set a better example for all candidates, that also since it was Law Day he invited everyone to go over to the City Jail and look and be concerned about the most helpless people in Houston the people who were in the Lee Brown Hotel, that no one should be put in jail unless the City of Houston guaranteed them safety and health and supervision, no matter what they had done, that a few people over there had not done anything, that he had filed a complaint against Mayor Brown for violating City Municipal Ordinances with the City Prosecutor's Office and he had also filed a complaint with the City Attorney's Office at City Hall and did not receive a response. Council Members Boney, Vasquez and Sanchez.

Mr. Damone Stewart, 841 Ponnell, Houston, Texas 77088 (281-448-6633) appeared and stated that he had been present previously about 4 months ago, that he was injured

on the job and was told that he would be placed on another job, that he had a letter that he read to Council that stated that he was injured in April 1999 and tore his MCL and also bruised his ACL, that on October 22, 1999 he underwent surgery, that he was released from the hospital on October 25, 1999 and the doctor sent him home to finish recovery, that on January 16, 2000 he started light duty under the supervision of Mr. Bert Tillery at 611 Walker in Accounts Payable, that on June 28, 2000 he was told that he was being sent home until they could find a place for him to work with his stipulations, that he had no choice but to do that since the City had no place at the time to place him, that he had been working for the City for 9 years, that it had been 10 months now since he had been waiting for the City to place him, that he had been filling out applications and talking to people such as Mr. Tom Rolen, Mr. Rod Newman, Ms. Joyce Moore, Mr. Jim Mitchell and also Mr. Nelson Marsh, that he had a pamphlet to pass out to the Council Members in order to see if they had any suggestions or see if there was anything that he was doing wrong, and Mayor Brown stated that he would ask Mr. Wes Johnson, Public Works and Engineering to meet with him and see if he could help him out. Council Members Boney, Vasquez and Sanchez absent.

Mr. David Allen Reed, 3736 Zephyr St., Houston, Texas 77021 (713-747-5776) appeared and stated that his Goliath was Republic Waste, that Republic Waste was a major dumpster service corporation who chose to service their dumpsters at 2:00 a.m., 3:00 a.m. and 4:00 a.m. three and four days a week, that the dumpsters and trucks were loud and should not be serviced at this time, that he had contacted the stores that used the dumpsters and could not get any help there, that he brought it to the attention of Republic Waste and made several calls to the company about the problem and they told him that the problem would be alleviated but nothing changed, that he took the problem to his Council Members office and the Mayor's office and was directed to the police department, that he filed a consumer complaint with the Attorney General and passed out a copy to Council, that the Attorney General contacted Republic Waste and advised them to put stickers on the dumpsters that stated not to violate a 7:00 a.m. time frame, that they were still violating it and it was now April 10, that he had a petition from the neighbors who hear the noise 10 houses down, that he brought this to Council in the hopes that they could show this Goliath that their neighborhood should be respected. Council Members Boney, Vasquez, Castillo and Sanchez absent.

Mayor Brown asked Mr. Reed if he was aware that the company picked up from the private section and it was not a City Department and asked Mr. Bibler to explain the law on that, and Mr. Bibler stated that it was two things, that he and Council Member Parker had a meeting with the police officers about it this morning and he stated that in situations such as this they would put a stake out on the property and wait for the man to come by with his machine and stated that he would have the Mayor suggest that Mr. Reed meet with the police departments representative today; that the second thing was that they had been working on a new noise ordinance and this had been one of the most common complaints and there was a provision for this in the new noise ordinance draft. Council Members Boney, Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that Assistant Chief Stewart was in the Council Chambers and asked that she meet with Mr. Reed right now. Council Members Boney, Vasquez, Castillo and Sanchez 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 Boney, Vasquez, Castillo and Sanchez absent.

Mr. Jim Harrison, 2500 S. Shore Blvd., Clear Lake, Texas 77573 (281-334-3873) appeared and stated that he was present concerning the same issue that he was present about a month ago concerning the grandfatherization of his Charter Sightseeing Permit to include the ability to continue buying 15 passenger vehicles, that after the last Council meeting he did receive immediate attention and was promised by a couple of people that it was being handled and that the ordinance was going to be rewritten and it would be taken care of, that he had waited a little while and called back and now that he had three vehicles on standby to purchase, he needed to make sure if he purchased these vehicles that he could get them under the Sightseeing Permit and would appreciate Council's attention on it. Council Members Boney, Vasquez, Castillo and Sanchez absent.

Council Member Todd moved to suspend the rules to hear from Mr. Ellis Milam, Finance & Administration, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of city on city business. Council Member Robinson absent on city business. Council Members Boney, Castillo and Sanchez absent. MOTION 2001-0451 ADOPTED.

Upon questions by Council Members, Mr. Milam stated that the question as he understood it was that Mr. Harrison wished to add additional 15 passenger vans to a business that he operated between Galveston and Houston under Charter Sightseeing and he presently had 10 that were listed now, that the City ordinance was amended recently with the change to the limousine ordinance to try to create a separation between the taxicab business and the limousine, that there was a category where he could place those vehicles in service, that 15 passenger vans were accepted in the limousine ordinance at an annual license fee of \$400 per year, that Mr. Harrison had that alternative, that all he had to do was acquire a stretch van to go into that business also, that as he understood it Mr. Harrison wanted to not only operate at the airports, which he could do so with a scheduled ground transportation license with those vans but he did not want that alternative because he said that he also wanted to operate at hotels and other locations in the City. Council Members Boney, Castillo and Sanchez absent.

Mr. Harrison stated that he never wanted to be in the limousine business, that all he was asking for was for the City to abide by the agreement they made with him 10 years ago, that he followed that ordinance for 10 years and built his business on this niche that was available to him, that he did apply for a scheduled ground transportation application, that if he got that it would resolve the issue for these particular vehicles at this point, but it was not the best position for his company. Council Members Boney, Castillo and Sanchez absent.

Mayor Brown stated that he was going to have someone work with him on this, that he thought they were going in the right direction, but the people who had worked with him resigned to take other jobs, that he would assign someone else to work with him and see if they could work through his problem. Council Members Boney, Castillo and Sanchez absent.

Council Member Parker stated that they did have public hearings and public discussion and was sorry that Mr. Harrison was not in the loop on that, and asked Mr. Harrison if he had a charter business why did he have to pick up at the airport, and Mr. Harrison stated that he was tourism based and picked up passengers and brought them into the Clear Lake community, that he had a reservation type shuttle for all the hotels, that it was carpooling people, that he was not strictly a sightseeing business; Council Member Parker asked if it was not working out in the airport was there a separate ordinance for charter sightseeing businesses where they were not really actually providing airport transportation or was it under the same ordinance and Mr. Bibler stated that Mr. Harrison had gone under a license that was originally written for buses and there was a loophole in that license for coordinates that did not have a minimum size and so they had people putting various small cars and vans under limousine and such and part of the tightening up process was trying to get things back to where they originally thought they ought to be, with the limousines being real limousines and the buses being real buses, and as far as the fees, Mr. Harrison paid a total of \$330 last year for 10 vehicles and that was \$33 per vehicle indicating that he had gross revenues of \$1,650 per vehicle in the City, that a taxicab or limousine would have paid \$400 minimum and he paid less than one tenth of that. Council Members Boney, Vasquez, Castillo and Sanchez.

After further questions by Council, Mr. Milam stated that Mr. Harrison had stated that he did not want to be limited to just dropping off at the airport, that he also wanted to be able to go to other places in the City such as hotels and what he was really taking about was a taxicab operation that he wanted to operate under a Charter Sightseeing license, and Council Member Parker asked Council Member Todd if he had anything scheduled in his committee on this and Council Member Todd stated no, that he was waiting for the new people to get their feet wet, that it was complicated and was going to take a while to get up to speed. Council Members Boney, Vasquez, Castillo and Sanchez.

Mr. John Shike, 9898 Bissonnet, Suite 120, Houston, Texas 77036 (713-776-9785) appeared and stated that he was president of Atlas Mortgage and innocent victim of the system and a member of the Southwest Houston community, that he had been working with the innocent victims of violent people, that while helping them he became a victim himself, that on or about April 29, 2001 about 8:00 p.m. from a gentlemen named Gulam Murdeza Durrani, that he called him and said that if he did not stop going to the police and complaining about what they were doing he was going to go to his home and rape his wife, mother and daughter and teach him a lesson, that as a citizen of the community he immediately picked up the telephone and called the Houston Police Department, that the police came and wrote up a report, that this man was a fugitive from Pakistan and had been wanted there for murders, rapes, kidnappings and arson, that he was surprised as to how he entered into the United States, that he asked the City Council to have Chief Bradford investigate this matter, that the immigration service had to be informed how this man entered into this country. Council Members Boney, Vasquez, Castillo and Sanchez.

Mayor Brown stated that after Council finished their questions he would have Chief Stewart meet with him on this matter. Council Members Boney, Vasquez, Castillo and Sanchez.

Council Member Ellis stated that he had heard what Mr. Shike had said and was sure that the police department was going to take some action on this, that he would hope that Mr. Shike would also contact the Harris County District Attorney office as well, and Council Member Quan stated that he was very disturbed by the comments that Mr. Shike had made, that he was not familiar with the actions of the gentleman that Mr. Shike had talked about, that those were grounds to begin removal proceedings through the immigration service, that if he had some substantiation on this he would be happy to work with him either with the Houston Police or with the INS to try to take action to remove these people from the community, and would be glad to talk to him further together with Council Member Ellis. Council Members Boney, Vasquez, Castillo and Sanchez.

Mayor Brown stated that they would use the full resources of his department plus any other law enforcement agency to get to the bottom of this. Council Members Boney, Vasquez, Castillo and Sanchez.

Mr. Tony Jones, 5625 DeSoto, Houston, Texas 77091 (713-680-9280) appeared and stated that he and his wife were new residents of the City, that they moved to Houston in October 1999, that his primary means of transportation was Metro, that they were having problems and it had become more than an isolated incident, that bus drivers did not allow dogs on buses, that he had talked to Ms. Barbara Adair's office and was told that it would be taken care of and it was for a while, but it happened again, and he talked to Ms. DeLibrio's office and was told that it would be taken care of and for a time it was, that on April 3, 2001 and April 5, 2001, Metro Lift, which uses the Yellow Cab contractors, stated that they did not allow dogs or cats in the cabs, and he told them that they did have to allow seeing eye dogs in the cab because they contracted Metro and State and Federal Law stated that they had to, that on Friday, while attempting to board a bus the driver shut the door on him and took off and he had to stand there and wait 30 minutes for another bus. Council Members Boney, Castillo and Sanchez.

Mayor Brown stated that what Mr. Jones had described was unacceptable and against the rules of Metro, that he would make contact with Ms. DeLibrio to send a message to her drivers and also to the contract services, that they were to abide by the rules if they were going to continue to do business with Metro.

Upon questions by Council, Mr. Jones stated that he had not gone to the Metro Board meetings because usually when they met he was at work, that the Texas Commission for the Blind puts out booklets and he had given the drivers booklets, that it was not just policy but under State and Federal Law, that it was under the Americans With Disabilities Act. Council Members Boney, Castillo and Sanchez.

Mr. Marvin Merritte, 10422 Caxton, Houston, Texas 77016 (713-631-7209) appeared and stated that he was an ex offender and got out of TDC in September 2000, that the offense that got him there was a misdemeanor theft enhanced because he did have some priors, that he committed the offense in July 14, 1993 and served 7 years and 2 months, that upon his release he was determined to do the right thing and become a productive citizen, that he went out within a week of his release got his drivers license and went to work as a limousine driver, that Mr. Milam was aware of his case and the department had been quite supportive as far as the law allowed, that because of his conviction he was not authorized to work as a limousine driver, that he worked from

September to January as a driver and when he was scheduled for a hearing with the City, and his employer accompanied him to the hearing and testified on his behalf, that because of the existing ordinance he was not allowed to work as a limousine driver, that he had tried to find work in many other areas, but it had been to no avail, that because he could not get a permit he could not work. Council Members Boney, Keller, Vasquez and Castillo absent.

Mayor Brown asked Mr. Bibler if State Law governed procedures for denial of licenses and also provided for an appeal process through the State District Court, and Mr. Bibler stated that was accurate and it was his understanding in this case that Mr. Merritte did not avail himself of the right to initiate that and believed that his opportunity to do so had expired, that after waiting a certain period of time he could again file for a limousine license, that he was entitled to bring perspective employers, his pastor, parole officer or anyone he wanted to the hearing, that the City Council had adopted an ordinance that set forth a list of violations that were related to the type of work that a person sought to engage in and the effort was to protect the public from the possibility that they might be hurt or abused in some way, that for most of the violations the waiting period was 7 years after his release from incarceration. Council Members Boney, Keller, Vasquez, Castillo and Parker absent.

After further discussion by Council, Mayor Brown asked Mr. Merritte to meet with Mr. Richard Cantu and he would determine how they could refer him to someone who could be helpful. Council Members Boney, Keller, Vasquez, Castillo and Parker absent.

Mr. John Florez, 524 Westheimer, Suite B, Houston, Texas 77006 (713-522-6549) had reserved time to speak, but was not present when his name was called. Council Members Boney, Keller, Vasquez, Castillo and Parker absent.

Mr. Steven Williams, no address, no phone, appeared and voiced his personal experiences until his time expired. Council Members Boney, Keller, Vasquez, Castillo and Parker absent.

Mr. Steven Veedell, 1607 Vermont St., Houston, Texas 77006 (713-529-4181) appeared and stated that he was present to discuss the pet ordinances that related to dog kennels, that there was a doggy daycare center that was operating at 1520 Dunlavy, that they had dogs that came in from 8:00 a.m. to 6:00 p.m. and cost about \$25 per day and they had anywhere from 20 to 30 dogs at any given time, that it was only about 3 blocks from his house and recently he found out that this person had purchased the lot right next door to his house and was planning on putting the doggy daycare center there, that he had been in touch with animal control and welfare and they faxed him a definition of what a dog kennel was and he read that a dog kennel was any lot, enclosure, premise, structure or building whereupon or wherein 4 or more dogs over the age of 6 months were kept or maintained for any purpose whatsoever, that the terms shall include shelter facilities operated by humane organizations and should exclude veterinary hospitals, that there were regulations, to get a kennel permit the enclosure could not be closer than 100 feet to the nearest residential dwelling and the enclosure that was in question would be four feet from his house, three feet from the house on the other side and only three feet from the eight-plex that was behind it, that the reason that they had been skirting the ordinance was that apparently there was not time limit that was written on the ordinance

and she claimed that the dogs were only there for eight hours a day and it could not be considered a kennel; that he had gotten a phone call from Officer Simmons who said that the City prosecutor had just determined that she was a kennel and would begin issuing her a citation, that the problem was that the citation amount must have been done twenty or thirty years ago because the fine was only \$250 a day and if she got 30 dogs at \$25 per day she would still clear \$500 per day and that was not much of an incentive to keep her from maintaining the doggy daycare center next door to his house, that what he would recommend was that the City ordinance ought to change to add to the definition of a dog kennel, the terms "regardless of duration" or to add "any facility which cares for dogs for a fee", and Mayor Brown stated that Ms. Gloria Moreno, Health Department, would meet with him and take all of the information from him including his ideas and see what they could do to correct the problem. Council Members Boney, Keller, Vasquez and Castillo absent.

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

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated www.galvan.org, that there were several things he wanted to say today, that (1) he wanted to mention that Mr. Jack Terrance forgot to mention that he was a candidate for Mayor of Houston so he wanted to mention that for him, that (2) Happy May Day 2001, that (3) what was the deal with Council Member Boney's sidekick Thomas Malonson applying for \$275,000 in City Grant Funds to make a movie on HIV/AIDS for Black children, that thousand of AIDS videos already existed so why this one, that the \$275,000 could be better spent on education, treatment and testing for Hepatitis C which was four times more prevalent than AIDS/HIV, that Hepatitis C was the silent killer and a blood borne virus striking all segments of society, that Hepatitis C, not AIDS, needed grants from the City since the Health Department was virtually doing nothings. Council Members Keller, Vasquez and Castillo absent.

At 3:25 p.m. upon motion by Council Member Quan and seconded by Council Member Vasquez, City Council recessed until 9:00 a.m., Wednesday, May 2, 2001.

City Council Chamber, City Hall, Wednesday, May 2, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, May 2, 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 9:12 a.m. Mayor Brown reconvened the meeting of the City Council. Council Members Tatro, Galloway and Sanchez absent.

MAYOR'S REPORT

At 9:12 a.m. Mayor Brown reconvened the meeting of the City Council and stated that he wanted to use the time set aside for the Mayor's Report to hear from the Houston Sports Authority and invited the Chairman, Mr. Billy Burge to the podium. Council Members Tatro, Galloway and Sanchez absent.

Mr. Burge stated that he wanted to introduce fellow board members who would be part of the presentation, Mr. Grover Jackson, Vice Chair, Mr. Larry Catuzzi, Mr. Gene Locke, Counsel and Mr. Bob Collie, that hopefully this would be the last time they would have to appear before Council and ask for their approval, that Council had graciously given it for two venues in the past and they were present to cleanup and say lets go on down the road and take credit for what was there, that as they all knew at the end of this month if they sold their bonds for the Arena the Sports Authority would be \$1 billion in debt and they would pretty much be out of soap, but they had reserved enough capacity for the Basketball Arena and for the garage, that having said that he thought that the dividends that Enron Field had brought downtown were tremendous, that if they looked at what it had done for baseball it had done equally as much for downtown Houston in terms of bringing alive their City, that they hoped to tell them today that just like Enron the football and rodeo stadium was on budget and was 50% complete to date and they had about 450 days before they opened and their contractors and everybody involved said they would meet that August opening of NFL football in Houston, Texas again, that with those two approvals Council had given them it had set the format for them to be present today to ask for their third and final approval which was the Downtown Arena, which really should be the jewel of all of the facilities, that it would be a multi purpose facility as they had informed them in the past and hopefully it would book as much as 250 event nights per year and he thought the most important thing was it would then allow them to glue together what they needed in downtown Houston with the groundbreaking of the hotel and the new convention center, that in terms of progress on the Arena they had moved graciously with the \$20 million that Council had allocated and had about 80% of the land under control and were moving forward with design, which was more than halfway complete, and would be selecting a construction manager at the end of the month, that they had a budget that they had worked with the architect and contractor in terms of consulting, that it was a \$175 million number and they felt that was a very achievable number and felt very comfortable with that, that today they were going to ask Council for approval on basically three sets of financing in terms of dollar amounts, that they were asking for a \$25 million approval on some bonds they would issue, which would be five year notes secured by the facility and would be a loan repaid by Mr. Bob McNair, that it was a called an RCM Loan and that was for the practice field and other additional scope changes that went out at the stadium, that the big approval they were requesting today would be for the Arena, they were asking that Council approve up to \$194 million in bonds which would cover the Arena, which was the \$175 million and up to another \$10 million of issuance cost and other garage related facilities, that in addition to they were also asking that Council approve the issuance of the SSFLP Loan Number Two, which would be up to \$30.4 million and those dollars would be used for the acquisition of the land and for the building of the garage, that they appreciated all of Council's support today and thought it

was especially fitting that the last facility they do really be an asset that would belong to the City of Houston, that as they knew it was on City land and when the bonds were paid off, with all the assets as they should be, it would belong to the City, that they thought they had done their homework and as they said they had been able to issue upwards of \$1 billion in bonds and had reserved capacity to build a first class Arena for downtown Houston. Council Member Galloway absent.

Mr. Jackson stated that last weekend he was in Washington, D.C. where the American Society of Civil Engineers gave out their Award of Merit, that it was sort of like the Academy Awards, but not pop culture so it was not on television, but it was a big deal in the engineering and construction community, that there were over 100 projects around the Country considered and it was whittled down to 15 and the finalists were present at the awards ceremony on Saturday, that it was the 41st Anniversary of the Outstanding Civil Engineering Achievement Award and was given for superior civil engineering skills and represented a significant contribution to civil engineering progress and to society, that they give an award for just being a finalist, and he displayed the award that was given for Enron Field, that it was something to be proud of that Enron Field was number 2 out of the 15, losing to The Whittier Access Project in Anchorage, Alaska. Council Member Galloway and Sanchez absent.

Council Member Boney asked, that with regard to Enron Field, if they had an estimate on the development impact of the certain amount of millions of dollars of investment and capital around Enron Field and asked if they had that number, and Mayor Brown stated that it had been estimated at around \$705 million, and Council Member Boney asked that in regard to Enron Field, the Arena and the NFL, generate the projected or actual development impact dollars to the City and also the job creation on each one of the those three venues and also if they would provide the diversity components, that he knew that Enron Field was not covered by the MWBE Ordinance but they met those benchmarks and goals and he would like to get the percentages on each one of those three venues and the names and contract amounts for the record. Council Members Tatro, Galloway and Sanchez absent.

Council Member Castillo stated that he was going to tag the item for a week in order to thoroughly understand the approvals they were giving, that he had noticed that in the Request for Council Action it said "to provide addition coverage for the venue project bonds secured by miscellaneous revenues and the current plan of finance also contemplates the pledge of up to \$4 million annually in sports corporation parking revenues relating to events held at Reliant Park or other revenues as may be determined by the sports corporation" and asked if that meant that if they were either substituting other revenues than the parking or if they were adding other revenues to this pledge that they would not have to come back to Council or make a presentation to City Council, and Mr. Catuzzi stated that their plan would be not to come back, that right now those additional revenues were added to the project to secure a portion of the NFL piece of the financing, that those were parking fees that they had originally contemplated using but they were using that as a rather interim type of revenue, but when they finally came down to the final structuring to assure that they had enough capacity for the Arena it was necessary for them to use the balance of the parking fees from the corporation, that they were all parking related and not any other type of revenue. Council Member Tatro, Galloway and Sanchez absent.

Council Member Quan stated that Mr. Burge had mentioned that 80% of the land was under their control at this point and asked what price was being paid, and Mr. Burge stated that it was averaging about \$70 to \$75 per square foot for the Arena, that the garage was less, that for the \$20 million the City was spending they were averaging \$70 to \$75, that they had several in condemnation but most of them they were able to work out arrangements on the land, and Council Member Quan asked if the Sales Tax generated in the Arena would not be designated to offset any of the costs of the bonds because he knew they had a special arrangement with Reliant Field that any Sales Tax generated there would be designated, and Mr. Locke stated that the Sales Tax stays with the City to be used by the City; and Council Member Quan asked if they could give him a timetable for when contracts would be let so that he could begin to notify people of opportunities they would have to bid on projects and Mr. Burge stated that in this particular situation the Sports Authority had enough lead time to work with the minority community and all of the community to give them a chance to bid this in a very broad base situation, that they would have their construction manager on board by the end of the month and were about 50% into their DB drawings and those were moving along, and Council Member Quan asked if they had designated a representative from the Sports Authority to reach out to the community, and Mr. Burge stated that Mr. Ruben Brown, who was very helpful in Enron Field, was working with one of the contractors who was doing consulting and they planned to bridge that into whoever the construction manager was and broaden his activities, and Council Member Quan asked if Mr. Burge could get that information to him and maybe set up a time for Mr. Brown to meet with him, and Council Member Boney suggested that they convene a meeting at City Hall with potential minority and women business enterprise owners and Mr. Burge could bring his staff and explain the process and answer questions on how they might get involved and Mr. Burge stated they would do that as soon as possible, that it would be nice to have their construction manager on board and they could introduce him and let them know who to contact for what type of work, that he would say the first or second week in June. Council Members Tatro, Todd and Sanchez absent.

Council Member Robinson asked if someone could give him what the actual revenue take had been since the Sports Authority had been created as compared to what they had forecasted when they originally started, and Mr. Burge stated that he thought that the original projections that they worked off when they were created was about \$27 million and thought they were up to \$31 million, so they were a good five million above the numbers they used to escalate their revenue stream, and Council Member Robinson stated that he had asked about the capacity of the authority, that he personally did not like the name Sports Authority because it was a venue authority and he asked about plans in light of commitments on the three stadiums and the Arena and if at some point in the out years there was going to be the ability to do anything else and he was still very much interested in that, and Mr. Burge stated that the simple answer was that in their projections of growth they had used a 3% growth factor, that if it exceeded that then everything above that would be money that could be leveraged at a future date, and Council Member Robinson stated that he would like for someone to meet with him so they could talk about it some more, and asked if the loan documents and commitments were consistent with the \$20 million cap that Council put into place for acquisition and Mr. Burge stated yes. Council Members Tatro, Boney, Todd and Sanchez absent.

Council Member Goldberg stated that in their April 23, 2001 letter to Commissioners Court and City Council they talked about miscellaneous revenues and if he understood correctly they had said that all of those miscellaneous revenues were parking related and asked if that was correct, and Mr. Locke stated that all of the revenues that were coming from the corporation, that Council Member Castillo asked on the \$4 million, were parking revenues, that the miscellaneous revenues, which were also used, did include ticket tax and so on, and Council Member Goldberg asked for a figure of exactly what the "miscellaneous revenues" represented and what type of anticipated income and asked if the Sports Authority planned to build any parking garages in the area, the Reliant Stadium area, and Mr. Locke stated that there was a lot of discussion about available parking and they should have a minimum 22,500 slots available at a maximum of 27,500, that the County continued to look at what its parking needs would be going forward and if there was a need for addition parking the County would look at that as a County project, and Council Member Goldberg asked for a figure exactly how much in Sales Tax would be anticipated in revenue and Mr. Locke stated that there was an agreement by the City and Metro, as part of the financing for Reliant Field, for an abatement of the Sales Taxes and the projection was \$800,000 annually for the life of the project which was 30 years, and Mr. Catuzzi stated just to finish what they were talking about earlier the additional miscellaneous revenues came to about \$5 million which would take in parking fees for other events and ticket surcharge and so on, that it did not include the \$4 million, so it was almost \$9 million. Council Members Tatro and Sanchez absent.

Mayor Brown stated that he wanted to thank each one of them for what they were doing for the City, that they were making great process and congratulated them for their award, that he knew they put a lot of their own time into this and on behalf of all of the citizens he thanked them. Council Member Tatro and Sanchez absent.

Council Member Bell recognized the students from Ms. Diane Jones second grade class from Briargrove Elementary School, and stated that the class was studying government and he invited them to Council so they could get an up close and personnel look at how government worked, and Mayor Brown welcomed them and stated they were happy that they were present. Council Members Tatro and Goldberg absent.

Council Member Keller recognized students from Paul Revere Middle School, and stated that Ms. Tracy Mowry and Ms. Carolyn Lewis were present to accompany the students, and Mayor Brown welcomed them and stated they were happy that they were present.

Council Member Sanchez recognized students from John Paul II Catholic School who were present with their teachers, Ms. Byers, Ms. Denton and Ms. Shapley and stated that the third grade class of the school had been attending a Council session once a year for the past 6 years and were very appreciative that Mayor Brown had stopped by and visited them at school, and he also recognized his niece, Bethany Voss who was in the grade, and Mayor Brown welcomed them and stated they were happy that they were present.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY
including but not limited to, a revenue, expenditure and encumbrance

report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Ms. Sylvia Garcia stated that she was pleased to present the Monthly Financial and Operations Report for the period ending March 31, 2001, that the General Fund revenue projections remained the same as their last report which meant that they were therefore projected at the \$1.273 billion that were certified and approved for appropriation by Council's action last week, that the department projections remained unchanged with the exception of the Health Department which they believed would be about \$1.2 million less and this was attributable to personnel costs, that the ending projected fund balance was 5.6% of projected expenditures minus debt service and operating transfers; that as to the Quarterly Investment Report, the combined value of all investments on March 31, 2001 was nearly \$2.3 billion, a record high for the City of Houston, that the increase from last quarter was mainly due to property tax receipts, that they were currently in a declining interest rate environment and that meant that the good news was that it resulted for most of their pools it was now equal, to, or higher than their costs, that the down side was that as these investments matured the reinvestment rates would be significantly lower than what they had experienced this last year, that the yield on the General Pool at cost March 31, 2001 was 5.9% down from 6.2% last quarter, that the yield would evidently drop over the next few months, and that completed both her Monthly Financial Report and Quarterly Investment Report. Council Members Goldberg and Bell absent.

Dr. Scheps stated that their revenue estimates were essentially unchanged, although there was some movement among categories and basically they were still showing that revenues for the City as a whole would be about \$16.4 million over the original plan, that on the expenditure side they made the changes that Council approved last Wednesday which was the certification to the Controller's standards, that their gap in revenue estimate, between them and the Controller's office, was down a little bit to about \$4.7 million, that presumably their expenditure gap, which was still showing large, would go away when Ms. Garcia recognizes those certification changes, so they should not have an expenditure gap in terms of their projection, that with their numbers they were now showing an ending balance of \$75.5 million which was about \$4.9 million over the original plan and they should end the year, if their projections were correct, about \$4.9 higher than what the budget originally called for; that he had some updates on the items that Council had requested, that the jointly managed Cash Management Audit was underway and they expected to have a preliminary report by mid June; that the Fee Study Revenue Enhancement proposals were received on Friday and they had two serious proposals and he hoped to make a quick decision and perhaps bring some of that to bear; that they did have two proposals on competitive bidding, which was something else they asked for, that they would be prepared to talk about that in either the June or July Fiscal Affairs Committee meeting so they were moving on that; that the management audit of F&A was underway and they would have some answers for Council and probably the best time to schedule that would be during the budget hearing or meeting; that the Cash Forecast, and the RCA was on the Agenda today, suggested that they may not need to borrow at all at year end, that Ms. Garcia's model showed some difference and some of that difference was just because they had different revenue and perhaps expenditure estimates in their two models, that what they were asking Council to do today was just approve the permission to borrow from ALP for the worst case, which

was Ms. Garcia's worst case and would be \$20 million; that Council Member Tatro had a question yesterday that had to do with the fact that he kept saying that they would only borrow for a few days and that was their intention, that they would borrow during the last week of the year, that there was a payroll on the last day of the fiscal year, and also in the material with Item No. 33 was a schedule for issuing the TRANS which would be issued and delivered the Tuesday after the beginning of the year in FY2002, and that money essentially would pay back the ALP so their plan was not to have that ALP borrowing out for more than a few days, although the ordinance gives them until July 15, 2001, just in case there was a problem with the issuance of the TRANS, that as far as the 2002 Budget presentation, the Mayor was having his meetings with each Council Member, and at the time they were working especially on trying to refine the budget hearing process to make it acceptable and try to refine it from last year and that would be finalized this week; that as the CIP they had produced the detail model of debt structure that Mr. Haines talked about yesterday and that process was ongoing and was discussed at Fiscal Affairs yesterday, and that concluded his remarks. Council Member Goldberg absent.

Council Member Robinson asked how much cash was in the Any Lawful Purpose Account, and Dr. Scheps stated that approximately \$90 million, and Council Member Robinson asked if they fell into that worst case scenario what projects, at the \$5 million or \$20 million end, would they have to put off, did they expect to spend down the total balance in the account or was the \$90 million money above what was obligated, and Dr. Scheps stated that there was \$90 million in cash and it was all obligated to something out in the future and committed to projects, that future could be as far as FY03, that the bank balance as of yesterday was \$146 million, that there was a \$35 million sales tax check that was due in at the 15th of the month, that there was a number of cash sources that had not arrived yet this year, and Ms. Garcia stated that she thought that both of them had sent him their schedules and spread sheets of the cash flows, that with the money they had in the bank as of yesterday plus revenues they would be receiving, and the first priority was that the TRANS must be paid off July 1, and secondly they had to make payroll, that the concern they had was that the last payroll of the fiscal year was the one where they may have trouble with cash on hand to pay it off, that to answer his question, yes they expected more revenues but obviously they had continuing obligations and they would not have in their view enough money to pay all their bills particularly to meet their final payroll and therefore they needed to do something and the administration had come forward with their proposal for the borrowing, that they would do it as needed only, they were not going to transfer \$20 million. Council Members Galloway, Goldberg and Keller absent.

Council Member Vasquez asked if the presentation yesterday on the debt refinancing, was that just an information presentation or where they going to come to Council based on that and ask for their approval on something for the future, and Mr. Scheps stated they needed their approval, that Council must approve the debt financing, that they would come back with another presentation more in depth, that Mr. Haines had promised a packet to Council which would have a lot of that depth in it and they would get it out within days and with a schedule attached, and Mr. Haines stated that typically that process had gone directly to Council and the one piece and element in the process that had to take place was a convening of the working group and believed that Dr. Scheps had initiated conversation with the Controller's office to do that and once there was satisfaction relative to that, especially with the financial advisors in it, it would come

directly to City Council, and Council Member Vasquez asked that in that packet he would like for Mr. Haines to include the Enterprise and Water and Sewer Accounts so they could look at that whole picture, and Mr. Haines stated they would be happy to do that. Council Member Galloway absent.

Council Member Tatro asked if there was a way to look at historically whether the TRANS money was used to pay for the previous years expenditures or the new years expenditures, that they were borrowing from the ALP fund and planned to use the TRANS to pay the ALP fund back so ostensibly they were taking money from the next period to cover June expenditures, at least cash, and Dr. Scheps stated that only last year for the first time \$6 million in an ALP was arranged, that the years before that he did not think it had ever been used before last year, and Ms. Garcia stated that this was only the second time that they had, at the end of the year, to borrow to meet all their obligations at the end of the year. Council Member Galloway and Sanchez absent.

Council Member Ellis asked if anybody talked about a tax increase in the Fiscal Affairs Committee meeting, and Mr. Haines stated that they made their presentation yesterday and there was no tax increase based on the refinancing of the debt structure. Council Members Galloway and Sanchez absent.

Council Member Tatro stated that his concern was if they could really, in this growing City, go out with a bare bones minimum bond election and that was why they wanted to get back that schedule they had been asking for to see how much of their current stream revenue would cover bonds in the upcoming years. Council Members Galloway and Sanchez absent.

Council Member Todd stated that one of the things that did not come up at yesterday's meeting was the possibility that they would be pushing the maturity dates back for some of their existing bonds, that he had asked yesterday if F&A could prepare a list of the bonds that might have their maturity date pushed out together with how far they would be pushed out, what the added cost would be, if any, of having those dates pushed out and whether there would be any ballooning payments associated with it, and Mr. Haines stated that the answers to his questions would be contained in the exact same presentation materials that were requested by Council Members Vasquez and Ellis, that it would be part of the package of the presentation that would come ultimately through the working group to the Council Members and would show where the bonds were and where maturity dates were being extended and that was the case, that it would also show relative to the fiscal prudence of this approach and it would show where the present value savings could be identified in the whole deal, that they thought they could put it together soon, that it was a matter of refining it, that it should be within the next two weeks, and Council Member Todd asked Ms. Garcia if her office was going to have any oversight on that and Ms. Garcia stated that it was all handled through the working group and the group was the Mayor, herself and their staffs working together through all of these issues. Council Member Quan absent.

Council Member Castillo stated that they all heard that it was a budget for capital improvements and required no new taxes, that the CIP budget was a continuation budget and was the same level of spending that they had for at least the last 6 years.

Council Member Boney stated that they needed to consider that flexibility was very important, that obviously they wanted to refinance the debt now while the market was saying it was time to do that and extend that out, but they had to create some flexibility in their financial affairs for not only unanticipated events, but they had to analyze the census data to understand how the City had grown and where it had grown and what kind of services were needed that would not be taken care out of the CIP, and Ms. Garcia stated he was correct that before they ventured off and talk about any increase or no increase they needed to first identify the needs and then determine how they get there, but they also had to understand that if the need was too great then they may not be able to do it all and then they should figure out how they could get it done and how many years and then they could get to what debt structure they may need to accomplish that need. Council Member Quan absent.

Council Member Keller stated that he appreciated the energy that they were putting into this, and certainly somebody was creatively trying to come up with some ideas on where they could not only smooth the debt and restructure debt, but different methods of cost cutting. Council Members Boney and Quan absent.

Council Member Bell stated that he wanted some clarification of what was discussed yesterday, and Mr. Haines stated that at that point they could not cut spending enough to avoid not raising taxes because the debt curve was based on projects that had been financed and bonds that had been issued over the last several years, and the answer was that the only way they could get through that curve was with an increase in taxes, without restructuring the 3 year significant spike that they see, that it begins in FY03, that the biggest jumps in debt service, based on the present schedules, begin in FY03, FY04, FY05 and peaked in FY06, that in the long term, in order to maintain a tax rate at 17.11, they would have to consider, if they were doing a five year CIP, at an average of \$100 million per year, that consistently what they had done over the last 20 years was about that amount,

Council Member Sanchez stated that he noticed that in 1996 the Public Works and Engineering budget was \$48 million and on the subsequent page the projection for Public Works and Engineering was \$54 million and if they added Building Services to that those two departments combined was \$79 million which was an increase over 1996 of a little over \$30 million and Dr. Scheps stated that half of the Building Services came out of the police department so he did not think he could count \$12 million in the analysis he just did, and Council Member Sanchez asked where they realized the savings for Public Works assuming the cost for those different services, and Dr. Scheps stated that they would leave that for the budget hearing, they were working on that now and Ms. McGilbra had a presentation for them on that. Council Members Goldberg and Quan absent.

Council Member Boney stated that when Building Services was created there was a realization that it would take some time for that department to get up to speed in order to show the savings; that the issue of CIP and General Fund was very critical and he was not sure that they could rationally justify more than \$100 million per year.

Council Member Parker stated that they knew their debt was going to be increasing over the next few years for projects that were completed or begun years before, that they

had been pushed out into the future and were not current spending that they were going to be paying off over the next few years, that if they did a bond election to do CIP projects spending more in CIP funds, which were bond funds, put pressure on the General Fund because they had to administer those bond funds and inspect and maintain later, and Mr. Haines stated that they were really very closely intertwined to each other and if they maintained a proportionate relationship between the amount of distribution they do property tax on the debt service CIP program as well as O&M was really what they were talking about. Council Members Goldberg, Todd, Vasquez, Quan and Bell absent.

After further discussion Council Members made several requests for information from Mr. Haines and he stated that the information would all be included in the packet that would be presented to Council. Council Members Vasquez and Robinson absent.

Council Member Ellis moved to call the question on the discussion on the financial and investment reports, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0452 ADOPTED.

Council Member Castillo moved to accept the reports, seconded by Council Member Boney. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0453 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item Numbers 33, 6, 31 and 51 out of order, seconded by Council Member Boney. All voting aye. Nays none Council Member Robinson absent. MOTION 2001-0454 ADOPTED.

33. ORDINANCE authorizing an interim borrowing from the Accumulated Unexpended Fund (Fund 754) by the General Fund of an amount not to exceed \$20 Million Dollars, declaring an intent to reimburse the Accumulated Unexpended Fund – was presented. All voting aye. Nays none. Council Members Ellis and Robinson absent. ORDINANCE 2001-0370 ADOPTED.
6. RECOMMENDATION from Director Parks & Recreation Department for approval to change the name of Yellowstone Park to **GEORGE T. NELSON PARK - DISTRICT D – BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Ellis and Robinson absent. MOTION 2001-0455 ADOPTED.

Council Member Boney stated that they went through a collaborative process with the neighborhood and the Parks Department on the renaming of the park after George T. Nelson and the community followed the process and therefore the recommendation was made to name the park after Mr. Nelson, that there was a distinguished history of public service extending over twenty years across the City and they were also encouraging members of that neighborhood to look at other neighborhood and civic leaders and citywide leaders that they also might name and duly noted who were worthy of having some City facility named after them and asked the people who worked on the George T. Nelson project who were present in the audience to stand and be recognized and thanked them for their good work. Council Member Robinson absent.

31. ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Vasquez. Council Member Robinson absent.

Upon questions by Council Member Boney, Council Member Vasquez stated that he was taking the item for Council Member Robinson, that some of the information requests that he made had not been received in his office and he was not now present in Council Chambers.

Council Member Boney moved to suspend the rules to hear from Chief C. O. Bradford at this time, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0456 ADOPTED.

Mayor Brown stated that the issue before Council was the curfew ordinance and asked Chief Bradford if he had any comments in terms of the police departments position on the ordinance, and Chief Bradford stated that there had been a tremendous amount of public support for the Juvenile Curfew Ordinance and literally all of the major cities throughout the State of Texas had a curfew ordinance in place, that it had been a very successful tool in assisting to prevent the juveniles from becoming the victims of crime as well as hampering the number of juveniles who had been perpetrators, that in addition to that, he thought when they took a look at the overall gang activity and the fact that parents have an additional tool also that they could utilize, that the juvenile curfew had been a tool which allowed law enforcement officers to confront young people during school hours and the wee hours of the morning with legitimate or law enforcement purposes if the curfew ordinance was to be carried on, that there was a question raised regarding the number of citations that were issued and a breakdown of the citations as they related to race of students, that it was very difficult to utilize population statistics before the census data was available, and that would not be available for another couple of months, as it related to breakdown or race and age of the juvenile population, which was reflective of the curfew guidelines, 10 to age 17, that in the last analysis they utilized the Houston Independent School District population and they did that again this time, that it was probably not the best population to utilize, but what they tried to do was go and get the population of the other schools that were in the City of Houston, which included Aldine, North Forest, Alief and several other school districts, that they had done that and the population comparison numbers varied a little bit having done that, but still the real problem lies in the fact that the juvenile population in the City limits of Houston was unknown because students came in from other areas and while they were in the City they were subjected to the City's curfew guidelines at that point and time; that the question popped up also as to where the citations were being issued, that most of the citations, as an example, last year they issued 6,557 citations as recorded by municipal courts, that police officers were required to make an offense report each time they issued a citation and they massaged the offense reports, which were just over 5,000 offense reports, because they issued multiple citations in instances where offense reports were recorded, but of that 5,000 plus citations they knew that more than 3,000 of those were issued on public streets and sidewalks, and almost 300 were issued around apartment complexes and around 180 in and around schools, that they knew also that the distribution of citations was throughout the City of Houston, that it was not that the officers wrote citations predominately in any given area, that as an example, that west

side of town, around 1,200 of the citations were written on the west side of Houston, about 900 in the north east section of the City, about 600 on the east side, on the southeast about 500, on the south central Third Ward about 400 and on the northside specific about 300, so it was not a predominate area where the officers issued citations, that it was all over the City of Houston; that there was a final question about the category of other and why it was that so many citations were categorized as other in the way of disposition code, that they had fines paid and there was a question that 57% of the tickets were classified as the other disposition code and municipal courts had indicated that the other disposition code included things such as defendants not showing up for court, not guilty verdict rendered by judges or juries and community service assignments, that having said that, the curfew ordinance had in fact been a very effective tool in the City and he would strongly recommend the Council to allow the parents and the police department a continued use of the curfew ordinance as a tool in the City. Council Members Goldberg, Todd, Ellis, Castillo and Robinson absent.

Upon questions by Council Member Boney relative to the activities in MacGregor Park, Chief Bradford stated that he had heard similar reports and was somewhat disappointed and somewhat saddened at the reports that someone needed to take the park back because police officers had run people from the park and there was simply no truth to those reports at all, that they had been out there and there was not reputing the fact that a police presence in and around the park was in fact requested by the folks who lived in the area, that they had a strategy and a plan of action that would allow traffic to the extent that the park could accommodate the vehicles to come into the parks and not drive the cars in the areas where it was prohibited, that the police were there to assist the individuals and families to enjoy the park, that there was no need to retake MacGregor Park because it had not been taken by the police; and Council Member Boney stated that he hoped they were clear on the sound ordinance and asked Chief Bradford if there were any tools they could use to address the volume of the cars and the music other than the sound ordinance, and Chief Bradford stated that currently the ordinance was under review by Council Member Parker's committee, that she recently received and he thought it was in need of revision, but he thought that was best addressed in the committee first, that secondly the police officers supervising that area would be equipped with sound meters to monitor the decibels that were emitted, that he thought they had become a populated area and were less tolerant and clearly the boom boxes in the cars, as they were called, presented a problem for them in the City, and Council Member Parker stated that they were going to discuss it in the committee Monday morning at 9:30 a.m., that there were some proposed changes to the ordinance that differentiated fixed sites from vehicle noise and thought they would be able to address some of the concerns of vehicle noise and there was a move to put some officer discretion back in there since they could not capture those bass signs from mobile, and Council Member Boney asked Chief Bradford that if there were any other revisions to that to please forward them back to the committee because he would very much like to consider them. Council Members Tatro, Goldberg, Todd, Ellis and Robinson absent.

Council Member Castillo stated that the City, up until 10 years ago, used a reasonable person standard, where a reasonable person judged that the sound exceeded the tolerable limit was enough to warrant taking action, that in view of the problems they had in number one getting decibel meters out and secondly capturing those bass noises, would going back to the reasonable person standard be something

that his officers live with and work with, and Chief Bradford stated that he was a supporter of the reasonable person standard and an advocate that Council would at some point go back and adopt that as a measure, and Mayor Brown stated that Item No. 31 had been tagged. Council Members Goldberg, Todd, Ellis and Robinson absent.

51. 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 – (This was Item 19 on Agenda of April 25, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Vasquez moved to postpone Item No. 51 for two weeks, seconded by Council Member Keller. All voting aye. Nays none. Council Members Goldberg, Todd, Ellis and Robinson absent. MOTION 2001-0457 ADOPTED.

Council Member Castillo stated that a couple of questions that needed to be addressed regarding the item concerned the enforcement of Affirmative Action principles that were part of the ordinance, that one of the principles was that they had goals that were attached to the construction contracts; that another principle was that the contractor, before the contract was awarded, had to specify who their contractors were and how they were going to meet or attempt to meet the goal that had been set for that contract, that where the problem arises was that contractors often, once they got the contract, go shopping for a better price, that it did not save the City any money because they were paying the same price, but it put more money in the pocket of the contractor, that there were several victims, that the minority contractor was victimized because he or she had spent a lot of money putting a bid together and may have put off accepting other work, that the system was a victim because they had less confidence in the integrity of the way the system worked, and thought that was the case in this particular item, although there was an unrelated contract that was causing this effect, that he would like the administration to work with the Affirmative Action office to insure that there had to be some reasonable cause to switch out a contractor other than to just put more money in their pocket, that number two, that the Council be advised of there being a substitution of subcontractors in a bid, and thirdly, if in fact a substitution happens that they still can meet the Affirmative Action goal that had been set for that contract, that he thought that in this particular instance there was a real cause for concern that with the substitution that was made the Affirmative Action goal would not be able to be met, and Council Member Parker stated that apparently Council Member Castillo was asking that they follow their own ordinance. Council Member Robinson absent.

Mayor Brown stated that he wanted to make sure that everyone involved in this process carry out their responsibilities so they were in compliance with their ordinance. Council Member Robinson absent.

Council Member Goldberg stated that he would like to have someone from Affirmative Action visit with him on the matter, and Mayor Brown stated that they would have someone visit with him.. Council Member Robinson absent.

Council Member Tatro stated that he distributed around the Council table some information that Council Members might want to digest over the next two weeks and he would be available for questions, that it was some ROCIP documentation on this project. Council Members Parker and Robinson absent.

Council Member Sanchez stated that along the long list of victims that Council Member Castillo talked about and referring back to the Monthly Financial Report, in 1996 the Office of Affirmative Action had a \$1.5 million and it had now increased to \$1.875 million, a difference of \$364,000, that it fell right in line with some of the inefficiencies that they were seeing in the Fire Department, Public Works and Engineering and now Affirmative Action and if they were not willing to uphold City ordinances why were they budgeting close to \$2 million for that department and that was a question that he would like to address with the director, and Mayor Brown stated that they would have him visit with him. Council Members Parker and Robinson absent.

Council Member Ellis stated that he would also request that the administration start an investigation of Affirmative Action Department, just because, or if the result of this dispute showed that there was something that had taken place in the MWBE Program that was not legal and or not just right, he hoped that the administration would take the time to complete an investigation, and he asked if there would be no payments to Morganti until they approved the contract and Mayor Brown stated that they had not awarded the contract therefore they could not pay them for anything. Council Members Parker and Robinson absent.

Council Member Bell stated that he would suggest that in the two week delay period that the MWBE Committee be convened to have a full hearing and perhaps everyone could present their side at such a committee meeting and get to the bottom of it, and Mayor Brown stated that he would ask Council Member Boney to do that, and stated that the item had been tagged. Council Members Boney and Robinson absent.

CONSENT AGENDA NUMBERS 1 through 46

MISCELLANEOUS – NUMBER 2

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**, for terms ending March 31, 2003:
 - Position One - **MR. L. S. BROWN**
 - Position Five - **MR. MARK KILKENNY**
 - Position Six - **MS. KAY CROOKER**
 - Position Ten - **MR. TALMADGE SHARP**
 - Position Twelve - **MS. ALGENITA SCOTT DAVIS**
 - Position Thirteen - **MS. KATHRYN GARCIA**
- was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0458 ADOPTED.

ACCEPT WORK - NUMBERS 8 through 10

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,264,050.88 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Bellfort from Kirby Drive to Alameda Road (FM 521), GFS N-584A01-3 (N-584A-01) - 00.35% over the original contract amount **DISTRICT D - BONEY**- was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0459 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$803,068.83 and acceptance or work on contract with **DURWOOD GREENE CONSTRUCTION, INC** for Construction of Neighborhoods to Standard Tier VI, Meadowcreek Overlay Project, GFS Q-1147-01-3, Project No. 247-98/Q-1147 - 02.63% under the original contract amount - **DISTRICT E – TODD** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0460 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,469,562.81 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Alameda Sims Sludge Facility Improvements, GFS R-0298-04-3 (4289-2) - 01.32% over the original contract amount - **DISTRICT D - BONEY** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0461 ADOPTED.

PROPERTY - NUMBERS 13 through 17A

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gary R. Coover, Carroll Consultants, on behalf of 610 Loop, L.P., [Freedman Properties, Inc. (Donald Freedman, president), general partner], for abandonment and sale of a 10-foot-wide water main and fire hydrant easement in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, located within the 3.529 acre tract at 1165 North Loop West, North Shepherd Terrace Apartments, Section One, Parcels SY1-027 and DY1-019 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0462 ADOPTED.
14. ORDINANCE appropriating \$16,180.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. A-K Texas Venture Capital, L.C., Trustee, et al., to acquire Parcel Number A99-10, for the **CONRAD SAUER STREET**

IMPROVEMENT PROJECT (Old Katy Road - Long Point), GFS/CIP N-0549B-00-1 **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0371 ADOPTED.

- 14a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. A-K Texas Venture Capital, L.C., Trustee, et al., Cause No. 737,090; for acquisition of Parcel A99-10 for the **CONRAD SAUER STREET IMPROVEMENT PROJECT (Old Katy Road - Long Point)**, GFS/CIP N-0549B-00-1 - **DISTRICT A - TATRO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0463 ADOPTED.
15. ORDINANCE appropriating \$140,374.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all cost of court in connection with the eminent domain proceeding styled City of Houston v. Lawson Land Company, Ltd. et al., to acquire Parcel Number EY1-065, for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0372 ADOPTED.
- 15a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Lawson Land Company, Ltd., et al., Cause No. 741,976; for acquisition of Parcel EY1-065 for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0464 ADOPTED.
16. ORDINANCE appropriating \$77,965.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Robert M. Atkinson, Jr., et al., to acquire Parcel Number EY1-066, for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0373 ADOPTED.
- 16a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Robert M. Atkinson, Jr., et al., Cause No. 741,979; for acquisition of Parcel EY1-066 for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 **DISTRICT**

B - GALLOWAY - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0465 ADOPTED.

17. ORDINANCE appropriating \$177,256.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Michael E. Riley, Joint Venture, et al., to acquire Parcel Number EY1-067, for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0374 ADOPTED.
- 17a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Michael E. Riley, Joint Venture, et al., Cause No. 741,679; for acquisition of Parcel Number EY1-067 for the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0466 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 25

18. **IAD SOLUTIONS, INC** for Internal Audit Management Software for Office of City Controller \$20,800.00 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0467 ADOPTED.
19. **OUTDOOR OUTFITS** for Rain Suits for Fire Department - \$160,610.14 - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0468 ADOPTED.
22. **G & Z CONTRACTING** for Roof and Wall Replacement at 8002 Airline for Department of Public Works & Engineering - \$128,095.00 and contingencies for a total amount not to exceed \$134,499.75 - Fleet Management Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0469 ADOPTED.
24. **WARREN ELECTRIC** for Electric, Non-Metallic Fittings, Part II for Various Departments \$45,000.00 - General, Enterprise and METRO Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0470 ADOPTED.

25. **DOOLEY TACKABERRY, INC** - \$45,000.00 and **ARAMSCO** - \$50,291.00 for Safety Equipment and Supplies Part IV for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0471 ADOPTED.

ORDINANCES - NUMBERS 29 through 45

29. ORDINANCE authorizing the acceptance of grant assistance from the Automobile Theft Prevention Authority (ATPA), **TEXAS DEPARTMENT OF TRANSPORTATION**, for funding the Major Accessory Shop Enforcement/10 Grant, and approving and authorizing Interlocal Agreements between the City and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** and the **HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE**; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's Representative in the application process and to accept such grant funds; authorizing the Chief of the Houston Police Department to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0375 ADOPTED.
30. ORDINANCE issuing a permit to **711 MAIN, L.L.C.** and the **CAPITOL LOFTS COUNCIL OF CO-OWNERS** for constructing, maintaining, using, occupying, operating and repairing a balcony 55 feet long and 13 feet wide, supported by three footings, as well as 8 additional balconies above the street level, across, along, under and upon the street at 711 Main, such area being within the public street right-of-way of the City of Houston, Texas, and abutting Block 80, S.S.B.B.; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0376 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City and **GARDEN CITY LIMITED** for Reimbursement of certain overtime expenses as awarded under the U. S. Housing and Urban Development Project for new approach Anti-Drug Program - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0377 ADOPTED.
40. ORDINANCE approving and authorizing agreement between the City of Houston, Texas, the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** and **HARRIS COUNTY, TEXAS** for the Reconstruction of Almeda Genoa Road from Almeda Road to State Highway 288, CIP N-0493-01-3, accepting \$4,000,000.00 from METRO in quarterly payments as provided in the agreement, depositing such funds upon receipt into a METRO Construction Fund and appropriating such funds; deappropriating \$4,000,000.00 of the funds appropriated under Ordinance No. 2000-579 from the Street & Bridge Consolidated Construction Fund; accepting

\$1,500,000.00 from Harris County, Texas and depositing such funds into the Harris County Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0378 ADOPTED.

41. ORDINANCE appropriating \$13,387.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **FEAGAN COURT, L.L.C.** for construction of a water line from Patterson Street east along Feagan, CIP S-0800-35-3 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0379 ADOPTED.
45. ORDINANCE appropriating \$59,774.00 out of the Fire Consolidated Construction Fund, determining that the formal taking of competitive bids is not required for the work described herein; approving and authorizing construction contract between the City of Houston and **GROUP, INC** for Asbestos/Lead Abatement Disposal and Demolition for Fire Station No. 33, C-0076-01-5; providing for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Members Boney and Robinson absent. ORDINANCE 2001-0380 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **ELECTRICAL BOARD**:
 - Position One - **MR. CHRIS J. FAHRENTHOLD**, reappointment, for a term ending 1/2/2003
 - Position Three **MR. A. W. BRINKMEYER**, reappointment, for a term ending 1/2/2003
 - Position Four - **MR. STEPHEN THORWEGEN, JR.**, appointment, to complete an unexpired term ending 1/2/2002
 - Position Five - **MR. LARRY NEAL**, reappointment, for a term ending 1/2/2003
 - Position Seven **MR. RUDOLPH SAUCILLO**, reappointment, for a term ending 1/2/2003
 - Position Nine - **MR. CHESTER BEARD**, reappointment, for a term ending 1/2/2003

- was presented, moved by Council Member Castillo, seconded by Council Member Quan. Council Members Boney and Robinson absent.

Council Member Sanchez stated that it had come to his attention that one of the divisions of Public Works and Engineering, the Street Lighting Division and Street

Signaling Division, there was some question about the accreditation of those individuals that were working on the street lights, that it was his understanding that it was part of the requirement that they have certified electricians working on City lighting and signaling, however there were a number of individuals working on these jobs that were not certified electricians, that it was his understanding that on two or three previous occasions the Electrical Board had issued opinions instructing the City that they must have certified electricians accomplishing the jobs and it had gone unattended and he would like to know if that was the case. Council Member Robinson absent.

Council Member Sanchez moved to postpone Item No. 1 to the end of the agenda, seconded by Council Member Quan. All voting aye. Nays none. Council Members Boney and Robinson absent. MOTION 2001-0472 ADOPTED.

3. ADOPT a motion approving the Harris County-Houston Sports Authority's issuance of bonds and obligations for the completion of the financing of Reliant Stadium and the development and financing of the new downtown multi-purpose arena – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Robinson absent. MOTION CARRIED. (Note: See discussion relative to Item No. 3 after Item No. 4 at which time Council Member Castillo tagged Item No. 3)
4. 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 Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0473 ADOPTED.

Council Member Castillo stated that he was carrying on an animated conversation with his neighbor and Item No. 3 was called, that he had signaled his intent to the Agenda Director that he wanted to tag, that he did not know what was appropriate, that there were a lot of questions and he did mention it when the speakers were at the podium, and Mayor Brown stated that he was right and had indicated that he wanted to tag it and so he could go right ahead and Council Member Castillo stated that he exercised his tag and Mayor Brown stated that the item was tagged by Council Member Castillo. Council Member Robinson absent.

Council Member Boney asked for a point of order and asked the City Attorney if they needed to take some legal action or was it at the discretion of the Chair, and Mr. Anthony Hall stated that he thought what they had done was the right course of action. Council Member Robinson absent.

5. ORDINANCE appropriating \$176,852.00 out of Fire Consolidated Construction Fund as an additional appropriation for construction of Fire Station 96 under construction contract with **PARALLAX SERVICES, INC**, CIP C-0080-01-3; approved by Ordinance No. 98-354 - **DISTRICT A – TATRO** – was presented.

Council Member Sanchez stated that he did not intend to tag the item but it pointed out a number of problems within the Public Works and Engineering Department and the Building Services Department, that obviously everybody knew about the media reports and the lack of accountability, that he received a number of complaints on a daily basis of work not getting done and it was obvious that the Office of Inspector General was investigating and Mr. Al Haines was also looking into some of the problems, that he was anticipating that at some point in time the administration would respond to the audit which cost the taxpayers \$660,000 and that particular audit had a lot of good information in it particularly for the section that was calling for the separation of the Streets and Right of Way and Construction and Utilities Divisions, that he thought that the carving out of 1,000 employees in a multi million dollar water operation, according to the suggestions of the audit, would save about \$15 to \$46 million a year, not to mention making things more manageable. Council Members Vasquez, Castillo and Robinson absent.

Council Member Tatro stated that this item was for a fire station in his district and they were first made aware of the problem by the contractor calling and saying that he had not been paid for work that was done on a project some time ago, that they had verbal change orders being given of which the contractor alerted Public Works to, and he hoped that the administration would pursue that if the design was in error then they should go back against the engineer in the design to recoup those costs, that obviously construction costs were something they had to bear, that he hoped the administration would review this. Council Members Vasquez, Castillo and Robinson absent.

After further discussion, Council Member Bell moved to suspend the rules to hear from Ms. Monique McGilbra, Director, Building Services, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Castillo and Robinson absent. MOTION 2001-0474 ADOPTED.

Upon questions by Council Member Bell, Ms. McGilbra stated that as she thought they were aware they did inherit several projects from Public Works, over 100, and they had been working very diligently to try to resolve many of the issues related to those projects, that in this particular case there was a claim with the subcontractor that they were working to resolve which alluded to part of the problems for the delay in bringing this item forward. Council Members Vasquez and Robinson absent.

Council Member Bell asked if any determination had been made as to the reason for the large number of change orders in connection with this particular project, and Ms. Ollie Schiller stated that based on their analysis, after getting it and was well into construction, it appeared as though there were inconsistencies between the drawings and specifications, which were a design error omission, that they had already written letters and contacted the architectural firm and were pursuing issues with that firm, that once they went through their initial analysis then they would work with the Legal Department on the errors, that omissions they did not have much luck pursuing because those were items that should have been in the job all along, but they did heavily pursue the errors and had been successful in some cases where the design firms had agreed to pay the City the money back, and Council Member Bell asked Ms. McGilbra if they should expect more of these types of situations and Ms. McGilbra stated that they had cleaned up about 60% of the items and this item and another item on the agenda were part of that

list and going forward they still had 10 to 12 remaining items that they still needed to close out and she would get some additional information for him. Council Members Vasquez and Robinson absent.

Upon further discussion a vote was called on Item No. 5. Council Member Keller voting no, balance voting aye. Council Members Vasquez and Robinson absent. ORDINANCE 2001-0381 ADOPTED.

- 5a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 15 in the amount of \$176,852.00 on contract with **PARALLAX SERVICES, INC** for Fire Station No. 96, GFS C-0080-01-3 - **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. Council Member Keller voting no, balance voting aye. Council Members Vasquez and Robinson absent. MOTION 2001-0475 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,706,758.51 and acceptance of work on contract with **MISSION CONSTRUCTORS, INC** for Construction of Clear Lake Police Station, GFS G-0056-01-3 - 03.35% over the original contract amount - **DISTRICT E – TODD** – was presented, and tagged by Council Member Sanchez. Council Members Vasquez and Robinson absent.

PROPERTY

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Cassandra M. Washington, on behalf of Thomas G. Richard, for encroachment of a two-story brick building into Wentworth Avenue and South Main Street and a one-story metal building into Wentworth Avenue, adjacent to Block 10, MacGregor's Blodgett Addition, Parcels ENY1-04A and ENY1-04B - **DISTRICT D – BONEY** – was presented, moved by Council Member Castillo, seconded by Council Member Quan, and tagged by Council Member Goldberg. Council Members Vasquez and Robinson absent.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ghulam Jilani, Panther Traders, Inc., on behalf of RCR TRT THREE, LLC (Jeffrey S. Ryan, president), for abandonment and sale of a portion of a 10-foot wide water line easement and a fire hydrant easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within Chelsea Row Apartments Replat, George Morris Survey, Abstract 593, Parcels SY1-036A, SY1-036B and KY1-023 - **STAFF APPRAISERS - DISTRICT F – ELLIS** – was presented, moved by Council Members Quan, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2001-0476 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 25

20. **AMEND MOTION #98-1536, 9/30/98, TO EXTEND** expiration date for an additional twelve months from September 16, 2001 to September 16, 2002, for Case Backhoe Replacement Parts and Repair Contract for Department of Public Works & Engineering, awarded to **CARRUTH-DOGGETT INDUSTRIES, INC** – was presented, moved by Council Members Quan, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Keller, Vasquez and Robinson absent. MOTION 2001-0477 ADOPTED.

21. ORDINANCE appropriating \$3,492,880.38 out of Water & Sewer System Consolidated Construction Fund for Plastic Meter Boxes for the Department of Public Works, CIP S-0960-01-4 – was presented. All voting aye. Nays none. Council Members Keller, Vasquez and Robinson absent. ORDINANCE 2001-0382 ADOPTED.

- 21a. **U. S. FILTER DISTRIBUTION** for Plastic Meter Boxes for Department of Public Works & Engineering - \$3,492,880.38 – was presented, moved by Council Member Boney, seconded by Council Member Tatro, and tagged by Council Member Sanchez. Council Members Keller, Vasquez and Robinson absent.

23. **ARROWLIFT SYSTEMS, INC** for One Forklift for Solid Waste Management Department \$15,541.00 - Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Quan. Council Members Keller, Vasquez and Robinson absent.

Council Member Quan stated that on this item they were making an effort to look for clean burning equipment, that they were doing a study regarding emissions testing on this gas engine versus a propane engine and stated that he wanted to tag it at this time for that study to be complete. Council Members Keller, Vasquez and Robinson absent.

Council Member Sanchez stated that he would like to have someone visit with him, that he noticed recently in construction contracts there had been a provision added under the Liquidated Damages Section in which a contractor that did not use approved equipment would be assessed about \$1,200 or \$1,500, that the question he had was that it was similar to an assessment, levy or tax, that he did not remember Council approving that assessment against contractors, and should it come to Council, since it was a sizable public policy change, and if it did not have to come to Council why not. Council Members Keller, Vasquez and Robinson absent.

Mr. Hall stated that he would have to check the facts that he did not know the answer to his question specifically about this instance, that Liquidated Damages, he was right, had to be reasonably calculated to make one hold, that was the theory of them, that if the contract had such a provision in it, it obviously had to be approved by Council, and Mayor Brown stated that to date no contract with that clause had been before the Council at this point, and Council Member Sanchez stated that it was out in the street and when contracts were bid the contract language now included a section under Liquidated Damages with a substantial assessment for every piece of equipment that did not comply, and Ms. Jo Wiginton, Legal Department, stated that the requirement for use of

clean diesel was part of their emissions reduction plan that had gone to the TNRCC and was something that they had to do, it was only Liquidated Damages and not a tax, it simply said that they must use these things and if they failed to comply they would be responsible for Liquidated Damages just as they would be if they delayed a project in getting it done or any of the other things, that she would be glad to visit with him about how the amount was calculated. Council Members Keller, Vasquez and Robinson absent.

ORDINANCES

26. ORDINANCE approving and authorizing a special warranty deed conveying to James S. Walker a parcel of land containing 6,250 square feet, more or less, Parcel S97-027, out of Lot 25 and Lot 26, Block 8, Winlow Place, located at 1810 Kipling Street, Houston, Harris County, Texas, in consideration of James S. Walker's payment of \$161,501.00 and other consideration to the City Revenue - **DISTRICT D- BONEY** – was presented. All voting aye. Nays none. Council Members Goldberg, Keller, Vasquez and Robinson absent. ORDINANCE 2001-0383 ADOPTED.
27. ORDINANCE consenting to the addition of 142.7339 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Goldberg, Keller, Vasquez and Robinson absent. ORDINANCE 2001-0384 ADOPTED.
28. ORDINANCE consenting to the addition of 205.903 acres of land to **SPRING CREEK UTILITY DISTRICT OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Goldberg, Keller, Vasquez and Robinson absent. ORDINANCE 2001-0385 ADOPTED.
32. ORDINANCE adopting an additional fifteen percent (15%) penalty for all property taxes that remain delinquent on July 1, 2001, pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2001 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Goldberg, Keller, Vasquez and Robinson absent. ORDINANCE 2001-0386 ADOPTED.
34. ORDINANCE approving and authorizing an application for grant assistance from the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, for the establishment of a Distance Learning Center as part of the Campus Park Development in the Stella Link Community; declaring the City's eligibility for such grant; authorizing the Director of the Houston Public Library to act as the City's representative in the application process; authorizing the Director of the Houston Public Library to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, and tagged by Council Member Ellis. Council Members Keller, Vasquez and Robinson absent.

Council Member Ellis requested that someone from Building Services, from Ms. Margie Bingham's office as well as someone from the Library Department visit with him before next week and Mayor Brown stated they would have someone visit with him. Council Members Keller, Vasquez and Robinson absent.

36. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, the **GULFGATE REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)** in connection with the City's Reinvestment Zone Number Eight over the Gulfgate Area - **DISTRICT I- CASTILLO** – was presented, and tagged by Council Member Sanchez. Council Members Keller, Vasquez and Robinson absent.
37. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON (College of Optometry)** for Vision Screening Services; providing a maximum contract amount - 5 Years - \$90,000.00 - General Fund – was presented, and tagged by Council Member Ellis. Council Members Keller, Vasquez and Robinson absent.
38. ORDINANCE approving and authorizing amendment No.1 to a Duty Free Concession Agreement between the City of Houston and **HOUSTON DUTY FREE VENTURERS (formerly WEITNAUER AMERICA, INC)** at George Bush Intercontinental Airport/Houston - Revenue **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Keller, Vasquez and Robinson absent. ORDINANCE 2001-0387 ADOPTED.
39. ORDINANCE appropriating \$2,000,000.00 out of Airport System Bonds 1998C NON-AMT Construction Fund and approving and authorizing amendment No. 1 to contract between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for construction of Terminal A/B Parking Garage at George Bush Intercontinental Airport/Houston, Project No. 533B; CIP A-0351; authorizing the Director of Aviation to approve subsequent change orders - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Tatro. Council Members Keller, Vasquez and Robinson absent.
42. ORDINANCE appropriating \$21,615.00 out of General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PERSOHN/HAHN ASSOCIATES, INC** for the Modernization of Four (4) Elevators at City Hall, CIP D-0103-02-3; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I- CASTILLO** – was presented, and tagged by Council Member Goldberg. Council Members Keller, Vasquez and Robinson absent. (Note: Council Member Goldberg removed his tag later in the meeting.)
43. ORDINANCE appropriating \$1,400,000.00 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing professional

services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Construction Inspection Services for various Water and Wastewater Projects, CIP S-0517-03-2; providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2001-0388 ADOPTED.

44. ORDINANCE appropriating \$448,000.00 out of Public Library Consolidated Construction Fund and awarding construction contract to **R.T.G. BUILDING COMPANY** on bid of \$1,296,882.00 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING AND TESTING, INC** in the amount of \$40,000.00 for Renovation of Kashmere Gardens Branch Library, CIP E-0056-01-3; providing funding for construction management and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Ellis and Castillo. Council Members Keller and Robinson absent.
46. ORDINANCE appropriating \$1,122,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$983,000.00 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$30,000.00 for 69th Street Wastewater Treatment Plant Improvements, GFS R-0265-14-3 (WW4760-01); providing for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2001-0389 ADOPTED.

NON CONSENT AGENDA - NUMBER 47

PROPERTY

47. RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the ±11,454 square foot former Westpark No. 1 Lift Station site, located at the Southwest Freeway and Newcastle Drive, M. B. Gray Survey, Abstract 284, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount, Parcel SYO-051 - **APPRAISERS - DISTRICT C– GOLDBERG** – was presented.

Council Member Goldberg named Mr. Michael Copeland and Mr. Rayburn Corbitt as the appraisers and moved approval of the recommendation, seconded by Council Member Tatrow. All voting aye. Nays none. Council Members Keller and Robinson absent.

MATTERS HELD - NUMBERS 48 through 52

48. 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** – (**This was Item 13 on Agenda of April 25, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ**) – was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2001-0390 ADOPTED.
49. ORDINANCE approving and authorizing second amendment to contract between the City and **HOUSTON COMMUNITY COLLEGE** (Contract #36322) for a Basic Firefighter Training Program – (**This was Item 14 on Agenda of April 25, 2001, TAGGED BY COUNCIL MEMBER BONEY**) – was presented. All voting aye. Nays none. Council Members Keller and Robinson absent. ORDINANCE 2001-0391 ADOPTED.
50. 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** – (**This was Item 18 on Agenda of April 25, 2001, TAGGED BY COUNCIL MEMBER TATRO**) was presented.

Council Member Tatro stated that he had passed out at the table information on Item No. 50 a contract with Champagne Webber for an Aviation contract to be entered into the insurance program, that this particular contract was using, what they referred to as, the 2.29 number and under the City ordinance when they passed ROCIP the contractor was supposed to supply his insurance cost but the administration had the bid process in such a way that they allowed the contractor not to submit his insurance bid cost which he states was not in compliance with the City ordinance, that the ordinance clearly stated that they would take the lower of the contractor insurance cost or the ROCIP, that according to the 2.29% number the contractor's insurance cost would be about \$364,000 but under this contractor his insurance cost had been typically running about 1.1% or 1%, so what they had done was artificially inflated the cost of this project and artificially inflated the cost of his insurance, that in this case his insurance cost would have been \$173,000 and they had plugged it at \$364,000 so by entering this into the ROCIP program they would lose at least \$20,000, that it was clearly a violation, in his opinion, of the City ordinance which required them to have the contractor bid his insurance cost as the starting point for determining whether they would enroll this project in ROCIP, that he would not be supporting the item as being enrolled in ROCIP. Council Members Keller and Robinson absent.

A vote was called on Item No. 50. Council Members Tatro, Sanchez and Ellis voting no, balance voting aye. Council Members Galloway, Boney, Keller and Robinson absent.

52. 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 26 on Agenda of April 25, 2001, POSTPONED BY MOTION #2001-449)** - was presented. All voting aye. Nays none. Council Members Galloway, Boney, Keller and Robinson absent. ORDINANCE 2001-0393 ADOPTED.
42. ORDINANCE appropriating \$21,615.00 out of General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PERSOHN/HAHN ASSOCIATES, INC** for the Modernization of Four (4) Elevators at City Hall, CIP D-0103-02-3; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - CASTILLO** - was again presented. All voting aye. Nays none. Council Members Galloway, Boney, Keller and Robinson absent. ORDINANCE 2001-0394 ADOPTED.
1. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **ELECTRICAL BOARD**:
- Position One - **MR. CHRIS J. FAHRENTHOLD**, reappointment, for a term ending 1/2/2003
 - Position Three **MR. A. W. BRINKMEYER**, reappointment, for a term ending 1/2/2003
 - Position Four - **MR. STEPHEN THORWEGEN, JR.**, appointment, to complete an unexpired term ending 1/2/2002
 - Position Five - **MR. LARRY NEAL**, reappointment, for a term ending 1/2/2003
 - Position Seven **MR. RUDOLPH SAUCILLO**, reappointment, for a term ending 1/2/2003
 - Position Nine - **MR. CHESTER BEARD**, reappointment, for a term ending 1/2/2003

- was again presented.

Upon questions by Council Member Sanchez, Mr. Rolan stated that he was assuming that Council Member Sanchez was referring to Master Electricians, and Council Member Sanchez stated that he thought it called for a Certified Electrician, and Mr. Rolan stated that previously the way things worked and it was acceptable was that there was a Master Electrician that oversaw the work of the entire Public Works Department, that there were many different groups that had electricians and whenever they had to pull permits for various types of work or when the time came annually to renew the electricians license the master would have to sign off on that and the master would need to file for the permit, when they were getting an electrical permit, that he was told that approximately a year ago the Electrical Board indicated that they wanted the City to move to try to get a Master Electrician, not for the department, but for each functional

group that employed electricians, that they had been working on fulfilling that requirement of getting a Master Electrician, that they had posted several times using various positions to get that and he was told that now they had in Human Resources a recommendation for an individual to be promoted who would have a Master License; that the work was supposed to be overseen by a master.

Mr. Hall stated that in the Street Lighting Division itself, he was advised, that until it was revised last year street lights were exempted from the code altogether so they did not need the certification, that he thought Council Member Sanchez had been misinformed, that they did not need a Master Electricians license to do electrical work, that the person who pulled the permit and responsible under the code to supervise and direct the work had to be a Master Electrician, that it was an interpretation issue, which Mr. Rolen was trying to explain, that it was acceptable to have the department have a Master Electrician to do that, prior to the opinion of the Electrical Board. Council Members Galloway, Goldberg, Boney, Todd, Keller, Castillo and Robinson absent.

After further discussion a vote was called on Item No. 1. All voting aye. Nays none. Council Members Galloway, Goldberg, Boney, Keller, Castillo and Robinson absent. MOTION 2001-0479 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that this weekend was Cinco de Mayo and there would be a big parade downtown, but there would also be some individual festivals throughout the district and this Saturday they would have one at the Heights Library at 2:00 p.m. and invited everyone to attend. Council Members Goldberg, Keller, Parker and Robinson absent.

Council Member Vasquez stated that they recently passed some of the contracts for the Northside Redevelopment Effort and that visioning process was already starting and the first event would be May 19, 2001 and he invited everyone to attend. Council Members Goldberg, Keller, Parker and Robinson absent.

Council Member Vasquez stated that he wanted to thank Mr. Robert DeYoung in the Mayor's office and Ms. Crystal Singleton in his office for their work in coordinating and bringing services to Ms. Josephine Allen, who they recognized yesterday in the Public Session, and wanted to thank everybody involved for their effort with that. Council Members Goldberg, Keller, Parker and Robinson absent.

Council Member Sanchez stated that this was the fourth week he had asked for a copy of the submission by the fire chief of how much money he requested to operate his department, that he had not heard from the fire department and did not know what the reason was. Council Members Goldberg, Keller, Parker and Robinson absent.

Council Member Boney stated that the submission might not be ready yet since budget workshops were not scheduled until mid May. Council Members Keller, Parker, Sanchez and Robinson absent.

Council Member Castillo stated that whether they liked it or not the budget that was presented to Council was the Mayor's budget and they could get to tear it up once it was on the table, that prior to that it was staff work that was incomplete and would be a fractional part of the work that would eventually wind up coming to Council and it would just create utter confusion to be dealing with 22 singular budgets individually instead of as a whole and for that reason he wanted to see the budget when it was totally ready and they could compare priorities, and Council Member Boney stated that they were still in the middle of Meet and Confer with the fire department so he did not know how they could have a budget. Council Members Keller, Parker, Sanchez and Robinson absent.

Council Member Goldberg stated that he wanted to remove his tag on Item No. 42. Council Members Keller, Parker, Sanchez and Robinson absent.

42. ORDINANCE appropriating \$21,615.00 out of General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PERSOHN/HAHN ASSOCIATES, INC** for the Modernization of Four (4) Elevators at City Hall, CIP D-0103-02-3; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was again presented. All voting aye. Nays none. Council Members Keller, Parker, Sanchez and Robinson absent. ORDINANCE 2001-0480 ADOPTED.

Council Member Goldberg stated that this was a contract that had originally been brought to Council at \$90,000, that he thought it was a little outrageous to prepare a bid package and they came back with a \$21,000 figure, that he wanted to thank Building Services, particularly Ms. Ollie Schiller for working with them to try to cut that down. Council Members Keller, Parker, Sanchez and Robinson absent.

Council Member Todd stated that he wanted to remind Council that in two weeks there would be a group going up to Washington, D.C. on the annual National Keep It Sole Mission which advocated for continued funding for the International Space Station as well as other NASA ventures, that it was important for Houston for a number of reasons, certainly on the technology side and the quality of life side, that it was also important for them in terms of jobs and he would encourage all of the Council Members and the administration to participate in that trip, and for the citizens who were interested they could call the Clear Lake Area Economic Development Foundation which was the local coordinating agency for it. Council Members Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Galloway stated that she wanted to compliment Chief Bradford and his staff on their monitoring the situation on Homestead Street and as they knew it had been an ongoing situation for the past three Sundays where the young people were out cruising, that they were doing a fantastic job. Council Members Keller, Vasquez, Parker, Sanchez and Robinson absent.

Council Member Galloway stated that she was in Austin yesterday checking on some bills that they had pending and she noticed that one in particular dealt with the Aqua Source Water and that bill never made it to the House Committee, but she did speak with the representative who wrote the bill, Representative Turner, and he stated he was going

to work diligently and try to get that bill tacked on with another bill and get it passed so they could go ahead and give some relief to those people living in the Acres Homes Community. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Quan stated that May was Older Americans Month and the City of Houston had made an effort to celebrate that this year, that next Wednesday they would be having a summit at the George R. Brown Convention Center on issues affecting older Americans, that they would also have their first Miss Senior Houston Pageant, a senior picnic at Sam Houston Park as well as a fishing tournament and if anyone would like information on these events they could contact his office at 713-247-2013. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Quan invited all Council Members to the Asian Pacific American Heritage Parade this coming Sunday that would start at Turtlecreek and Bellaire and proceed to Bellaire and Kirkwood where there would be a Fun Day in the Park at Alief Community Park. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that he would appreciate if Council Member Robinson would hold a review of the Street Cut Ordinance, that he would appreciate it if the TTI could have a briefing and probably input from the private sector as they worked through those complicated rules and regulations. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that he had also asked for the budgets and supplemental budgets from each of the Department Directors for this year and also for the Fire Department and Solid Waste Department for last year, that he thought it was important for Council Members to have those. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that while Acting Chief Connealy had been in place he believed Council and the Union had gained a level of comfort and satisfaction over Acting Chief Connealy's abilities, but obviously as they continued to act with only an acting chief it fostered problems, that he understood that the command staff had not been solidified and was still in limbo so to speak, that he understood that they had a panel out there that was looking for a replacement and thought it was important to close that issue up and to firm up the command staff and chief, that they still had the Meet and Confer out there and thought the longer they procrastinated in solidifying that and solidifying the command staff, especially into the new budget cycle, would cause significant problems, that he would recommend that the administration move forward with bringing Acting Chief Conneally as the recommendation to Council, that he thought he had the support of many Council Members and the firefighters and thought the City would be served well in moving forward with appointing a chief and the command staff under him. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:48 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Tatro. All

voting aye. Nays none. Council Members Todd, Keller, Vasquez, Parker, Sanchez, Bell and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary