

City Council Chamber, City Hall, Tuesday, May 8, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, May 8, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debbra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Jew Don Boney absent on city business. Council Member Rob Todd absent on personal business.

At 2:02 Mayor Brown stated that there would be several Council presentations and the first one was Council Member Bell. Council Members Tatro, Galloway, Ellis, Keller and Castillo absent.

Council Member Bell invited Houston Fire Department Assistant Chief Rick Flannigan to join him at the podium to receive the proclamation in recognition of National Arson Awareness Week, and stated that the week of May 6 to 12, 2001 had been designated to increase awareness of the danger of fires for the children of the Nation and the City, that the Houston Fire Departments effort to create greater awareness about the problem of juvenile arson and children playing with fire was greatly needed and appreciated, that this years observance would focus on the theme "Teach Children Lighters and Matches Are Tools Not Toys; that Lee P. Brown, Mayor of the City of Houston proclaimed the week of May 6 to 12, 2001 as Arson Awareness Week. Council Members Tatro, Galloway, Ellis, Keller and Castillo absent.

Assistant Chief Flannigan stated that he wanted to thank Mayor Brown and Council Member Bell for the proclamation, that this was a big step in the right direction and they could make a consistent effort and gain some ground in correcting the lives and support of the family members of Houston. Council Members Tatro, Galloway, Ellis, Keller and Castillo absent.

Council Member Goldberg invited members of the Houston Food Bank, Ms. Lisa Whitlock, KRIV Fox Channel 26, and representatives from the National Association of Letter Carriers, to join him at the podium and stated that they had three great organizations present, Food Bank, Channel 26 and the National Association of Letter Carriers for a really terrific effort, that this Saturday they needed to raise a lot of food for the community, that approximately 50,000 go hungry just in Harris County alone, that it did not get any easier all they had to do was to leave the food (canned goods) at their mail box, they did not have to take it anywhere, and the representatives of the letter carriers would come by and pick it up, and they would be present at KRIV Fox 26 Station on Monday, that it was a food drive, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed Monday, May 14, 2001 as Houston Food Bank, KRIV Fox 26 and National Association of Letter Carriers Annual Food Drive Day. Council Members Tatro, Galloway, Keller, Castillo and Parker absent.

Council Member Robinson invited representatives from AAA Texas to join him at the podium and stated that when they got involved in the highway and traffic safety issue one of the folks that worked with them on the demonstration project on I10, The No Trucks in the Left Hand Lane, was AAA Texas and they had continued to try to focus on the effort;

that they had a proclamation acknowledging the Texas Graduated Drivers License Day, that the entire effort was to try and work with the young people in the streets and highways in the City and across the State to enhance their ability to be behind the wheel and to encourage greater safety and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, proclaimed May 9, 2001 as Texas Graduated Drivers License Day in Houston, Texas. Council Members Tatro, Keller, Parker and Sanchez absent.

Mr. Mark Bell, Managing Director of Operations for AAA Texas, accepted the proclamation and stated that on behalf of AAA Texas he wanted to thank Mayor Brown and Council Member Robinson, that Graduated Drive Licensing was a safety program which among other things called for teenage drivers to have more behind the wheel experience before they receive an unrestricted license, that such a system was desperately needed in Texas, the State that leads the Nation in teenage deaths as a result of automobile accidents, that legislation had recently passed the House and was now in the Senate and through the proclamation the City of Houston had taken a step to see that this legislation becomes law. Council Members Tatro, Parker and Sanchez absent.

Mayor Brown invited Council Member Quan to join him at the podium and stated that he wanted to take a moment to recognize the achievement of Council Member Quan and the Quan, Burdette & Perez Law Firm, and stated that their firm was recently honored for their outstanding contributions to the Houston Volunteer Lawyers Program of the Houston Bar Association and the Houston Bar Foundation, that their group handled more than 30 immigration and naturalization cases *pro bono*, that they donated their time, services, energy and their resources and did this over the past three years, and read a proclamation that stated that on this day the City of Houston commends Quan, Burdett & Perez for their contributions to the community and extended best wishes for many more years of continued success and therefore Lee P. Brown, Mayor of the City of Houston, proclaimed May 8, 2001 as Quan, Burdett & Perez Day in Houston, Texas. Council Members Tatro and Sanchez.

Council Member Quan stated that of course it was just not him, that he was thrilled that the Houston Bar Association did select their firm because he was at City Hall, but it was the other lawyers back at the firm who were back there taking those cases and trying to do their best as professionals serving the community, that he was especially pleased that many of the cases dealt with violence against women, some of the most vulnerable people in our society, who otherwise could not afford legal representations and also cases in the area of political asylum, that this kind of topped of their day, that tonight he would get to throw out the first pitch at Enron Field and hoped to see them all there. Council Members Tatro, Castillo, Parker and Sanchez absent.

At 2:15 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Bell stated that in memory of Jennifer Rodriguez, the nine year old girl who was killed yesterday in the Metro accident and the eleven others who were injured in that traffic accident, he would ask that everyone please bow their heads for a moment of silence and then led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Boney absent on city business. Council Member Todd absent on personal business. Council Member Sanchez absent.

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

Mayor Brown stated that they would now move to the Public Session.

Council Member Keller moved to suspend the rules to add Mr. Bryant Osborne to the speakers list at the end of the 3 minute speakers. All voting aye. Nays none. Council Member Boney absent on city business. Council Member Todd absent on personal business. Council Member Sanchez absent. MOTION 2001-0480 ADOPTED.

Mr. Chase Grasty, 1843 Libbey Dr., Houston, Texas 77018 (713-680-3384) appeared and stated that he was present about two pedestrian crosswalks which were his concern and asked that they visualize and focus with him for a moment on McKinney Street, between Bagby and Smith, that midway on that part of the street from the Library to the walk between the refecton pool and City Hall there were stripes across the street, that on Walker between Smith and Bagby midway there were stripes from Tranquility Park to the walk between the reflection pool and City Hall, that drivers did not tend to yield because of sign visibility and in street stripping that was dull and covered over by asphalt repair, such as was on Walker, that drivers do not have clear information to know what to do, that pedestrian signs on McKinney were above average visibility but blended into buildings and trees and at the crosswalk one sign could be partially or totally blocked by parked delivery trucks, that it was plus or minus 7 ft. tall, that pedestrian signs on Walker, one was partially blocked by trees and limbs and one was visible but blended into trees and filtered sunlight distorted the visibility or it could be partially or totally blocked by delivery trucks and or school buses, and school buses tended to mean that children were nearby, that one was scratched and was almost totally facing Tranquility Park, obviously hit by a tall vehicle and could not be read from the street easily, that one was okay but below 7 ft. and could be partially or totally blocked, that his recommendations were overhead blinking sign or paint in the street saying yield to pedestrians or yield to the crosswalk. Council Members Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that he was going to assign someone from Public Works to take care of this issue immediately and thanked Mr. Grusty for being present and bringing it to their attention. Council Members Vasquez, Castillo and Sanchez absent.

Council Member Tatro asked the administration if there was anyone present in Council Chambers who could tell him what the actual rules were for the crosswalks, and Mr. Grusty stated that he polled at random three police officers this morning, that two rendered a decision with frowned foreheads saying that they thought that pedestrians needed to yield in that situation to cars, and the last police officer he talked to was more firm and said no, that was an area that cars must yield to pedestrians, that he visit with Ms. Anna Russell, the City Secretary, and she pulled out a big thick book and found in there language to the affect, as he heard her reading it, that it was a valid crosswalk for

pedestrians, which tended to make him think that cars should slow down. Council Members Vasquez and Castillo absent.

Mayor Brown stated that generally, unless there was some exception to the rule, pedestrians had the right of way in a pedestrian crosswalk, that was the law, and stated that Mr. Gary Norman was present in Council Chambers and would meet with Mr. Grusty once he was finished with the Council questions. Council Members Vasquez and Castillo absent.

Council Member Sanchez stated that in Austin there was an area not too far from downtown which was heavily trafficked by pedestrian activity and what they had done was have some electronic cat eyes that when there were pedestrians in the crosswalks they automatically began to blink all along the street warning vehicles that there was a pedestrian in the crosswalk, that he had never seen that before but it certainly was helpful and caught their attention to look both ways for pedestrians, that it was a system that seemed to be affective and maybe one that Public Works could take a look at. Council Members Goldberg, Vasquez and Castillo absent.

Ms. Delores Haynes, 2502 Alexander Ln., No. 110, Pearland, Texas 77581 (281-997-9732) appeared and stated that contrary to what she had been advised to do by someone in the Mayor's Public Relations Department, she was present along with her six year old daughter, to make a complaint against a Houston Police Officer. The City Secretary administered the oath to Ms. Haynes, and Ms. Haynes stated that on Saturday April 21, 2001, at approximately 12:00 p.m., she was stopped at the red light at the intersection of Cullen and Beltway 8 West, that there was a funeral procession headed south towards Houston Memorial Gardens Cemetery, that the procession was not in her direct view and when the light changed she proceeded through the intersection as well as the car to her right, that apparently the other driver saw the procession before she did and it was not until she was in the middle of the intersection that she heard the siren and looked to her right and saw the motorcycle cop coming, that she admitted very sadly that she came very close to hitting that officer because in all honesty she did not see him, that she came to a complete stop without losing control because she was not at full speed, that the officer that she almost hit was Caucasian and wearing a brown uniform, that he maintained his composure and proceeded through the intersection and because she was in the middle of the street she had no choice but to go through, that a short distance down the road she saw a motorcycle with flashing lights coming behind her and the officer was African American and wearing a City of Houston Police Uniform, that he pulled beside her and stuck his right arm out and shouted obscene language to pull that blank, blank car over and she did, he then drove up to her car and shouted more obscenities to her and said "lady your blank, blank, blank needs to pay more attention to what you were doing your blank almost killed that blank, blank man back there", that she tried to tell him that she did not see the man until she was in the middle of the intersection but he cut her off with more profanity, that at that point she feared for her child's and her safety because it was obvious that he was not going to give her a ticket, that she never saw his badge name and she was too afraid to take her eyes off of him to look for any form of identification or ask him for some, that she did not want to anger him any further, that he acted as if he was possessed by a demon, that his eyes seemed to shine of blood and he had saliva forming in the corner of his mouth, that all she could do was pray that he would give her a ticket and let them go, that she attempted again to say

that she was very sorry, but then he called her a stupid "B" and drove off, that she had telephoned the Mayor's office the following Monday morning and asked for a returned call from the Mayor or to meet with the Mayor and let him hear what she and her daughter had to say, that she was discouraged by a Public Relations person in his office and she should just forget about this because it would be the officers word against hers and no one would believe her over the officer and certainly would not believe her daughter, simply because she would be speaking from her mother and that the only way she could prove that it really happened was to have recorded it, that she was asked by another person in the Mayor's office about taking it to Internal Affairs but she replied no because more than likely her complaint would go into file 13, the trash can, that it seemed she was being discouraged from making a complaint against a policeman but she was not to give up that easily, that she brought her six year old to see what recourse there was when she had been treated by disrespect by someone that she had been taught to respect, who should also respect her, that her daughter wrote in her diary these chain of events and lastly she wrote that life was so bad and asked Mayor Brown and the Council how it made them feel. Council Members Tatro, Goldberg, Vasquez and Castillo absent.

Mayor Brown stated that Assistant Police Chief Stewart was present in the Council Chambers and would meet with her and would give her all the steps necessary to file a complaint and they would conduct an investigation, and also to give her the number, time and dated, that she called in his office, that anyone anywhere in City Hall or in government were there to help and not to persuade her not do to what she had called in to do, and Council Member Keller apologized that she and her daughter had to go through that and stated that if she did not get any rectification to come back to Council and talk to them again. Council Members Goldberg, Vasquez and Castillo 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 Goldberg, Vasquez and Castillo absent.

Ms. Rhonda Middleton, 12229 Ormandy, Houston, Texas 77085 (713-723-5586) appeared and the City Secretary administered the oath to Ms. Middleton. Ms. Middleton stated that she was born and raised in Houston, Texas and grew up in Sunnyside, that the incident she was bringing today happened October 20, 2000 and she did go through all of the right procedures that she was told to go through to handle the situation and even talked to the Chief of Police personally who told her to go through the right procedures until it got to his desk and did not know if it ever made it to his desk, that she worked for Houston Independent School District and was out on Workmans Comp because she had to have surgery on her lower back and neck, that on October 20, 2000 she was at home in bed, because she was on medication for her back and was getting ready to have surgery, and her children came in the house and said that there was a man outside throwing things at them, that she got up and went outside, and as she was going out her sister came in, that she pajamas on because she was getting out of bed, that it was about 5:00 p.m., that she had no shoes on only footie socks, that her sister came up and gave her some money and she stuck it in her socks and went outside to see what was going on and there was a man throwing stuff and cursing everyone and there was a problem outside, that her sister ran in her house and called the police, that by then the man was at the dead end of the street and away from them but still throwing stuff as people came outside, that about eight cars of police came and by then she was at the

opposite side of the street, that she stayed on one side but she had walked to the opposite side where the other children were standing, that after the eight cars of police arrived everybody of course got out of the street, common sense, that they did not have sidewalks so they stood up on the sides, that after the police were there, and she had just taken medication and she was going back to her home because the officer said everyone go back into their homes, and she guessed that they assumed she lived on that side, that she could only assume, but when she stepped off the curb to go to her home she was immediately brought down, that she had not had any words with the officer and the officer had not had any words with her, and she could only scream for her arm, because by the disc being torn in her neck, and she had just come from the doctor about her arm and she could not use her arm, that the officer took her arm back and took her to the ground, that the only thing she could do was scream because she was in pain, that she asked why she was being arrested but he did not say anything just put her in the car, that she asked him if she could be taken to the hospital and he said yes that he would take her to the hospital, that she asked to let her son go into her home for her medication, that her son went and got the medication and gave it to the officer and the officer took her to Mykawa, that she still had on her pajamas, no shoes just socks, that when she got there she asked again if she could see a doctor, that they made jokes and said yes she could see a doctor, that she was not even searched and she still had money in her socks, that the whole time her only complaint was that she was in pain, that they put her in a cell and they still did not let her see a doctor and she was in a lot of pain, that she tore a strip of her pajamas, making sure that she was still covered, and she started to make herself a thing to put around her arm and the next thing she knew officers hit her from the back and knocked her down, that one was standing on her neck and one with her knees on her back and she only weighed 100 pounds, and one was trying to pull the arm from under her because they knocked her down, that she had four of them on her, that one of them said "I am going to bite this 'B' " and bit her and she still had a scar from October, that she had scars all over her body, and still did not see a doctor, that when they let her see a doctor the next morning he took her medicine and looked at it and made jokes about it; that they were constantly beating women over at the Mykawa Jail, that after she was released she went to the hospital and then she went and filed her report, that night another man called her and said his sister came out of the jail with a black eye, that during the investigation she would talk to the investigator to see where he was with the investigation, that she still did not know why she was arrested, that they said she disobeyed a police officer, that they could not tell her what order she disobeyed even though she had no words with the officer whatsoever, that she had pictures, that the Internal Affairs had just finished the investigation and everything came out not sustained, meaning they did not have enough evidence, that she had her evidence, that right now women were being beat up in that jail, that there were no cameras, and she asked if there were no cameras in the jail and was told that there was a still shot of her coming in the jail as she was entering, and yes she was holding her arm, and she said there had to be a facial expression on her face, and they said that yes she was in pain, but yet she received a letter saying not substantial, that she had pictures of where she was beaten and had hospital reports of what kind of shape she was in and the jailer took her arm and said he was going to bite her like on animal and standing on her back and neck, that she was going to do her part where somebody was going to pay for this, that she did not even know who the people were who did this to her, that they would not give her any answers, that when she was called to find out why she was arrested they said they could not give her no answers. Council Members Goldberg and Vasquez absent.

Council Member Robinson asked if they kept a record if somebody was arrested of what they were charged with and was that available to them, and Mayor Brown stated that anytime there was an arrest there was a record of it, that a police report was made, that it was available to them, that the Internal Affairs record was not available to the public; and Ms. Middleton stated that there should be cameras and recording equipment in certain areas where officers were dispatched out to because they were misusing their badges, and Council Member Robinson stated that this incident may bring to light the need to do some additional things, but he did not want the action of a few to spread to the rest, but he certainly wanted to find out what the people were doing and see if there was something they could do if somebody was making allegations. Council Members Goldberg and Vasquez absent.

Council Member Castillo stated that he was simply going to request that they get a thorough investigation of this, that when he was in the constable's office he learned one thing, that there was always two sides to every story and could not believe that anybody could make up a story like this one, that he believed that it begged for an explanation and also believed that it maybe time to put some safeguards in the jails, that there was no accountability like knowing they were being watched and thought that would be a cheap price to pay to reinforce the confidence in their judicial system. Council Members Goldberg, Vasquez and Castillo absent.

Council Member Sanchez stated there was a number of municipalities that did have cameras in their holding and jail facilities and asked if the police department had any, and Chief Stewart stated that they had cameras in the intake area. Council Members Goldberg, Vasquez and Castillo absent.

Mayor Brown stated that they could find out for him, and stated that Assistant Chief Stewart was in the Council Chambers and would meet with Ms. Middleton, that she was not in the Chambers when Ms. Middleton made her presentation and asked her to give Chief Stewart all the details, that he wanted the Police Chief to personally look into this, and see what needed to be done, not only in terms of her complaint, but if there were problems in the jail to take care of those as well. Council Members Goldberg, Vasquez and Castillo absent.

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

Mr. Roland Curry, 5519 Caplin, Houston, Texas 77026 (713-633-3829) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Vasquez and Castillo absent.

Mr. Joe Jennings, 9111 Imogene, Houston, Texas 77036 (713-541-2907) appeared and stated that he represented LaRouche Democrats and the Franklin Delano Roosevelt Pack and also a coalition of forces that had come together to save the only public hospital in the Nations capital which was D.C. General Hospital which was imminently threatened with being shut down and demolished, that the hospital was built in 1806 and serviced about 150,000 of the poorest residents of Washington, D.C., that he had passed

out to Council copies of a newspaper that he had brought with him where the entire and unanimous City Council of Washington, D.C., Republican, Democrat, White, Black and Hispanic voted to save the hospital, that subsequent to that vote the D.C. City Council was overridden by the Congressionally appointed Financial Control Board and they had privatized the hospital, fired the staff and turned the hospital over to an outfit called Doctors Community Health Corporation, which was facing indictment for embezzlement and fraud in several communities around the Country, including Boston and Louisville, for looting and embezzling from community hospitals, that he would like the Members of Council to consider what Houston would be like without the services of Ben Taub, Riverside General or LBJ, that since the Congress had to finally reject the transfer within the next two weeks to do what the Detroit City Council had already done, Cleveland and Alabama had considered to memorialize to the Congress that this was actually a matter of National importance that there be a public hospital in Washington, D.C. and it not be torn down; that the second matter that he wanted to call to their attention was that everybody knew that come January 1, 2002 electricity deregulation was going to totally kick-in in Texas and LaRouche, The FDR PAC and his movement knew and were informing them now that deregulation cannot and will not work, that in California, where municipal budgets, County Budgets and State budgets were being blown out, the State was spending \$80 million a day in tax revenue trying to pay its electricity bills, that people in Texas should not believe that somehow since Texas was the center of the energy industry they were going to prosper from the impoverishment of the rest of the Nation to electricity deregulation, that he wanted Council to say no to deregulation; that for anyone who wanted to discuss or wanted documentation on this further there would be a public town meeting Thursday night at 7:30 p.m. at the Holiday Inn at Kirby and Old Spanish Trail and everyone was invited, and he had copies of the resolutions that passed through Detroit and Alabama that they might consider on the hospital question. Council Members Goldberg, Vasquez and Castillo absent.

Upon questions by Council Member Sanchez, Mr. Jennings stated that he was saying that Council should pass a resolution as the Detroit and Cleveland City Council, and certain other locals, had done, that the Congress could not overrule the elected City Council of Washington, D.C. Council Members Goldberg, Vasquez and Castillo absent.

Mr. Lee Mercer, 4928 Winnetka Street, Houston, Texas 77021 (713-741-9656) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Vasquez and Castillo absent.

Ms. Denise Kleypas, 402 Mignon, Houston, Texas 77024 (713-461-2713) appeared and stated that she was from the Memorial Bend subdivision and just wanted to bring something to their attention and hoped that they could help out, that she was present to ask Council to change Subdivision Ordinance 42 so that it would take into consideration, among other things, the impact of traffic into the neighborhood and the adverse effect on children and the elderly and causing a health and safety issue, that Trammel Crowe had purchased a multi family property and a commercial reserve adjacent to their neighborhood in Memorial Bend Section 3, that Trammel Crowe had removed all restricted covenants from the property and were able to have free rein, that they were removing a 9 ft. wall along Boheme that was built by their neighborhood 40 years ago so as to keep traffic out of their neighborhood, that Trammel Crowe would be putting a 50 ft. driveway directed into her neighborhood and put about 800 cars a day down her street,

that they had a pool and tennis club on Boheme that families used to walk to, that the word devastating was the word that Kay Crooker of the Planning Commission used to ask Trammel Crowe why would they devastate that neighborhood, that they had looked for anything legal that would protect them from Trammel Crowe, but Trammel Crowe had submitted their paperwork with Subdivision Ordinance 42 and crossed every T and dotted every I, that the City had a bad image and had neighborhood protection agencies, that they had a problem with flight to the north to the Woodlands and west to Katy, that the City lets developers ruin neighborhoods, that the homeowners had no rights, that there were only a few nice pockets of Houston and urged the Council to Change Subdivision Ordinance 42 so they would have some protection against a \$5 billion company. Galloway, Goldberg and Vasquez absent.

Upon questions by Council, Ms. Kleypas stated that the Planning Commission just approved Trammel Crowe's general plan last Thursday, May 3, 2001, that they would like to thank Council Member Keller, that he and his office had been very gracious to go down and help speak for them and try to give them more time to work with Trammel Crowe, that the property currently was a multi family apartment complex and they would be tearing down that property and building the same there, that they presently had two entrances and exists that they did not like and they had taken out all of the restricted covenants on that piece of property and were building the driveway out into the neighborhood and building their property so that it faced onto their neighborhood, that from what they understood the City Council was the only one who could change Subdivision Ordinance 42 and it did not take traffic into consideration, that after about three weeks of Trammel Crowe saying no, she thought they were edging maybe the driveway and straightening it a little bit so that it pushed traffic to the east a little bit, that Trammel Crowe and representatives from the neighborhood had sat down and discussed putting in a traffic light and knew that was a very big issue for Council Member Keller's office to try to get that light at the corner, that a lot of people thought it would just backup traffic down Boheme into the neighborhood and cause more congestion, that the ideal thing would be for Trammel Crowe to keep their driveway from the apartments heading out to Memorial through the place they have now out onto Boheme and putting a light at their driveway out on Memorial, that the vote of the Planning Commission was unanimous, but they did have a problem getting a second and Mr. Litke had to charge the Commissioners with their duties for their vote. Council Members Galloway, Vasquez and Castillo absent.

Mayor Brown stated that he would ask the Planning Department to look at Chapter 42 and see if there was a need for modification. Council Members Galloway, Vasquez and Castillo absent.

Council Member Quan moved to suspend the rules to add Mr. Robert Horton to the speakers list, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Boney absent on city business. Council Member Todd absent on personal business. Council Members Galloway, Vasquez and Castillo absent. MOTION 2001-0481 ADOPTED.

The City Secretary announced that Ms. Joan Spry should have been on the list and Council Member Quan stated they would add Ms. Spry and put Mr. Horton to the end of the list.

Mr. Bryant Osborne, 407 Mignon Lane, Houston, Texas 77024, appeared and stated that he was present on the same issue as the previous speaker, that last Thursday, May 3, 2001 the Houston City Planning Commission voted on a re-plat of a Trammel Crowe property called Alexia in Memorial Bend, that his neighborhood, Memorial Bend, supported this new development and an adjacent commercial reserve until they found out that the developer was planning to do away with the wall that had separated his neighborhood from the commercial reserve for 40 years, and worse they placed their main entrance directly across from a residential street dumping hundreds of cars into a once peaceful neighborhood, that the plat and the history of the struggle since February was a testament to the caring of the City of Houston and their thanks went to the many people who helped them within the City, in particular Council Member Keller, that he was present to ask for their help again, that the plat was approved, not because of a lack of care on the part of the City, but because of an antiquated and toothless City ordinance, the City's subdivision ordinance, that it was that ordinance that betrayed their attempts and it was that ordinance that left the Planning Commission unable to help, that the Planning Commission's desire to help was so strong that when the motion to plat was made no second was heard, and that was a strong statement, that everyone helped and did all that was humanly and legally possible, but they were all betrayed by the ordinance, they were not betrayed by City Council, but by their allowing the reprehensible ordinance to remain as written, that it was time for the ordinance to change, a change that would allow for City Planning to have some oversight in these kind of egregious cases, that the change was fundamentally needed to allow for the redress of an inequity between a huge developer and a small peaceful neighborhood, that the changes should allow commercial development but finally allow the City of Houston to be truly neighborhood friendly and he implored them to make the changes now before another subdivision was served up like a piece of cold meat to a voracious developer. Council Members Galloway, Vasquez, Castillo, Sanchez and Robinson absent.

Mayor Brown stated that he would have the Planning Department take a look at the issue. Council Members Galloway, Vasquez, Castillo, Sanchez and Robinson absent.

Ms. Joan Spry appeared and stated that she wanted to invite them to Kids Day America, that it was a national and international event that was dedicated to the health and safety and environmental concerns and awareness for children, that it was being hosted at Direct Chiropractic Clinic at 736 FM 1960, that they would have the fire department there doing fire safety and the police would be there doing finger printing and there would be a photographer there for pictures to create ID cards for the parents, that it was all free for all of the children involved and for parents, and she would like to ask for a proclamation be made for May 19, 2001 to be Kids Day America, that there were 1,300 offices throughout the United States and internationally that were participating in this event and other cities and other States had made proclamations and she would ask that Houston do that to, and Mayor Brown stated that Mr. Cantu, Mayor's Citizens Assistance, would meet with her and get all the information. Council Members Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

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

Members Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Birchwood Street, Houston Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

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 Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, appeared and voiced his personal experiences until his time expired. Council Members Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his website address was www.galvan.org, that they were still under the effects of the full moon in Scorpio, that there needed to be more parking spaces at the Annex, especially for the handicap, that he had to park at Elizabeth Spates Park formerly Eleanor Tinsley Park, that he did not attend the Westheimer Street Festival this year because it was not the same, that those Council Members who voted to move it destroyed it, that he wanted it back on Westheimer, that there did need to be cameras in the City Jail, and today when he analyzed this meeting today when Ms. Delores Haynes came up with her little kid, the Mayor should have taken the leadership, that she said that she felt that somebody should have apologized to her little daughter and the person who took the leadership was Council Member Keller, that it should have been the Mayor instead of Council Member Keller, that actually it should have been all of the Council Members, but she said that she felt that somebody needed to apologize, that Council Member Keller apologized and that was fantastic, but Mayor Brown should have apologized to that little girl.

At 3:13 p.m. upon motion by Council Member Quan and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, May 9, 2001. Council Members Galloway, Vasquez, Castillo, Parker, Sanchez and Robinson absent.

City Council Chamber, City Hall, Wednesday, May 9, 2001

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

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Brown reconvened the meeting of the City Council and stated that the first item of business would be a public hearing regarding the district boundaries for the City Council. Council Members Tatro, Galloway, Goldberg, Keller and Vasquez absent.

HEARINGS

1. **PUBLIC HEARING** relative to establishment of Council Member district boundaries as required by Article V, Section 3 of the Charter of the City of Houston, Texas was called.

NOTE: The Public Hearing was recorded by Continental Court Reporters. No one had reserved time to appear and upon inquiry by Mayor Brown, Mr. Scott Harbers appeared and offered testimony in support of the staff plan.

Council Member Boney moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg, Todd, Castillo and Sanchez absent. MOTION 2001-0482 ADOPTED.

Mayor Brown stated that the next Public Hearing on redistricting was scheduled for May 23, 2001 at 9:00 a.m. and 7:00 p.m. in City Council Chamber. Council Members Galloway, Goldberg, Todd, Castillo and Sanchez absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 29

MISCELLANEOUS – NUMBER 5

5. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **J. F. DELACERDA, JR.** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg and Castillo absent. MOTION 2001-0483 ADOPTED.

ACCEPT WORK – NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,126,371.67 and acceptance of work on contract with **C AND C SERVICES** for Construction of Kashmere Gardens Water Main Replacement, GFS S-0469-01-3 (10399) - 12.87% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2001-0484 ADOPTED.

PROPERTY - NUMBER 11

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Megan R. Sigler, Perry Homes, on behalf of Perry Homes, a Joint Venture {Perry-Houston Interests, Ltd., a Texas limited partnership [PH Financial, L.L.C., a Texas Limited Liability Company (Gerald W. Noteboom, executive vice president), general partner], managing venturer}, for abandonment and sale of three 5-foot wide utility easements and a 10-foot-wide utility easement in exchange for the conveyance to the City of a 20-foot-wide utility easement and a utility easement that transitions from 20 to 5 feet wide, all located within the Obedience Smith Survey, South Side Buffalo Bayou, Parcel SY1-058A, SY1-058B, SY1-058C, SY1-058D, VY1-002A and VY1-002B - **STAFF APPRAISERS - DISTRICT D - BONEY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0485 ADOPTED.

PURCHASING AND TABULATION OF BIDS

14. Omitted

RESOLUTIONS AND ORDINANCES - NUMBERS 25 through 29

25. ORDINANCE approving and authorizing a Treated Water Sales Contract between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENTS DISTRICT NO. 96** – was presented. All voting aye. Nays none. ORDINANCE 2001-0395 ADOPTED.
26. ORDINANCE appropriating \$17,274.35 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **STEPHENS/TINGLEY, L.P.**, for the construction of sanitary sewer line in Briargate, Section 18, CIP R-0800-36-3 - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0396 ADOPTED.
27. ORDINANCE appropriating \$77,518.35 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **CYPRESS-INDUSTRIAL CO-INVESTMENT, L.P.**, for the construction of sanitary sewer lines along Homestead Road, CIP R-0800-37-3 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0397 ADOPTED.
29. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DEMOPULOS AND FERGUSON, INC** for Design of Lift Station Renewal/Replacements, CIP R-0267-65-2 (WW4816); providing funding for contingencies relating to construction of

facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2001-0398 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Finance & Administration Department for approval of Individual Fidelity Bond Form for **PHILIP B. SCHEPS, PhD, DIRECTOR OF FINANCE AND ADMINISTRATION** in the amount of \$25,000.00 as required by the City Charter and the Code of Ordinances - \$87.50 - Insurance Management Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0486 ADOPTED.
3. RECOMMENDATION from Director Finance & Administration to establish a taxicab permit application filing fee of \$105.00 – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0487 ADOPTED.
4. ORDINANCE appropriating \$376,382.23 out of General Improvements Consolidated Construction Fund as an additional appropriation for Construction of Denver Harbor Multi-Service Center under construction contract with **CONSTRUCTION, LTD**, GFS D-0077-01-3; approved by Ordinance No. 99-668 - **DISTRICT I – CASTILLO** – was presented

Council Member Keller moved to suspend the rules to hear a representative of Building Services. All voting aye. Nays none. MOTION 2001-0488 ADOPTED.

Upon questions by Council Member Keller, Mr. Issa Dadoush, Acting Assistant Director, Building Services Department, stated that Building Services was organized July 1, 1999, that this was not a completed job, that it was correct that they had not determined all the possible damages that they might see to this because of design, that when it was completed they would let Council Member Keller know when and how much reimbursement they were going to be, and Council Member Keller stated that he agreed with every step they took. Council Members Boney, Ellis and Vasquez absent.

Council Member Castillo stated that he wanted to point out that the building was almost complete and the changes that needed to be made were still substantial in terms of reinforcing the load bearing structures for the building and hopefully they would be ready for occupancy and servicing the people in that area soon, that he did want to recognize and appreciate the work of Building Services Department in not slowing the project up while it investigated these things and keeping it on track, that they did a good job. Council Members Boney and Vasquez absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0399 ADOPTED.

- 4a RECOMMENDATION from Director Building Services Department for approval of Change Order No. 10 in the amount of \$392,292.76 on contract with **CONSTRUCTION, LTD** for Denver Harbor Multi-Service Center, GFS D-0077-01-3 - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Castillo, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0489 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,220,917.29 and acceptance of work on contract with **CONRAD CONSTRUCTION COMPANY, INC** for Reconstruction of South Post Oak from Allum to West Orem, GFS N-0636-03-3 (N-0636-3) - 04.07% over the original contract amount - **DISTRICT D- BONEY** – was presented, moved by Council Member Sanchez, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0490 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,729,062.02 and acceptance of work on contract with **PAS-KEY CONSTRUCTION SERVICES, INC** for Construction of Water Services for the Moonshine Hill Area, GFS S-0531-MH-3 (10300-2) - 00.62% under the original contract amount - **DISTRICT E - TODD** – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0491 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,101,416.32 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Demolition and Replacement of Four Ground Storage Tanks at Four Pumping Stations, GFS S-0600-19-3 (10521-19) - 02.74% under the original contract amount - **DISTRICTS B - GALLOWAY; F - ELLIS and G - KELLER** – was presented, moved by Council Member Sanchez, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0492 ADOPTED.

PROPERTY

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest Roth of Terra Surveying Company, Inc, on behalf of Houston Independent School District (HISD), for abandonment and sale of a 5-foot wide utility easement, located within Lots 5 and 6, Block 4, Subdivision of Tract 5, Dixieland Subdivision, and a right of entry for Houston Independent School District, Parcel SY1-060 - **STAFF APPRAISERS - DISTRICT I - CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0493 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **DTC COMMUNICATIONS, INC** for Surveillance Equipment for Houston Police Department \$23,120.00 - Asset Forfeiture Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0494 ADOPTED.
13. **PHILPOTT FORD SALES** for One Cab and Chassis with Service Body for Police Department \$37,654.00 - Grant Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0495 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2001 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2001, and ending June 30, 2002; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of the Preliminary Official Statement to provide for the competitive sale of the Notes; authorizing Paying Agent/Registrar Agreement and other agreements relating thereto; approving Co-Bond Counsel, and Paying Agent/Registrar for such Notes; making other provisions relating to such Notes including use of the proceeds thereof, and matters incident thereto – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0400 ADOPTED.
- 15a. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas, Tax and Revenue Anticipation Note, Series 2001A to provide for payment of current expenses of the City for a portion of Fiscal Year 2002; authorizing repayment of the principal and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note as evidenced by Note Purchase Agreement; authorizing execution of a Co-Bond Counsel Agreement; making other findings and provisions related to the subject – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0401 ADOPTED.
16. ORDINANCE approving and authorizing an Occupancy Agreement between the **HOUSTON AREA PARKINSON SOCIETY**, as occupant, and the City of Houston, Texas, as owner, for space in the Metropolitan Multi-Service Center - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0402 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City and **HEIGHTS AUDIOLOGY & HEARING AIDS** for Hearing Services for the Elderly; providing a maximum contract amount \$62,500.00 - Grant Fund – was presented. All voting

aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0403 ADOPTED.

18. ORDINANCE relating to boundaries of **REINVESTMENT ZONE NUMBER EIGHTEEN CITY OF HOUSTON, TEXAS (FIFTH WARD)** amending Ordinance No. 1999-766 to clarify the boundary description; reducing the boundaries of the zone - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented.

Council Member Robinson stated that he wanted to tag Item No. 18 and would also tag Item No. 18a, that his only issue was that three of the folks terms had expired, and Ms. Stein stated they had been re-appointed, and Council Member Robinson stated that he had not seen the correction, that the document that came out was that three of the terms had expired and if that was the case he would be more than happy to remove his tag, and Mayor Brown stated that Council Member Robinson removed his tag. Council Members Boney and Vasquez absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0404 ADOPTED.

- 18a. RESOLUTION approving the creation of the **FIFTH WARD REDEVELOPMENT AUTHORITY**; approving the articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. RESOLUTION 2001-0023 ADOPTED.

19. ORDINANCE approving and authorizing contracts between the City and **REGAL FOOD SERVICE, INC** in the estimated amount not to exceed \$1,452,204.04 and the City and **EDUCATIONAL CATERING, INC** in the estimated amount not to exceed \$382,842.31 for the 2001 Summer Food Service Program - Grant Fund – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0405 ADOPTED.

Council Member Castillo stated that he voted aye on this item and he just wanted to point out that he had a discussion with Mr. Spellman, Director, Parks and Recreation Department, that he had some concerns about the list of sites because some of them were misplaced and they really belonged in other districts but they had talked and Mr. Spellman agreed to replace the sites that were in the wrong Council district, that he told him that he had confidence in his ability to follow through. Council Members Boney and Vasquez absent.

20. ORDINANCE approving and authorizing lease agreement between the City of Houston, Texas, as landlord, and **MCDONALD'S CORPORATION**, as tenant, for space in the Houston Police Department Building located at 1200 Travis - **DISTRICT A – TATRO** – was present, and tagged by Council Member Robinson. Council Members Boney and Vasquez absent. (Note: Council Member Robinson removed his tag later in the meeting.)

Council Member Robinson stated that he was just waiting for some information and was not necessarily opposed. Council Members Boney and Vasquez absent.

21. ORDINANCE appropriating \$7,486,923.00 out of Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing a Pipeline Reimbursement Agreement and an easement by and between the City of Houston and **SEAWAY PRODUCTS PIPELINE COMPANY** at George Bush Intercontinental Airport/Houston, Project No. 999, CIP A-0024-30 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0406 ADOPTED.
22. ORDINANCE approving and authorizing settlement agreement between the City of Houston and the **SHAW GROUP, INC; SWINK ACQUISITION FOUR, INC., STONE & WEBSTER INCORPORATED** and **ENCLAVE PARKWAY REALTY, INC** settling a lawsuit and terminating a tax abatement agreement - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0407 ADOPTED.
23. ORDINANCE approving and authorizing first amendment to Ordinance No. 96-506 to contract between the City of Houston and **STOCKHAUSEN, INC** for purchase of Liquid Polymer Flocculent and related chemicals for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0408 ADOPTED.
24. ORDINANCE approving and authorizing the restated and amended Cost Sharing agreement for the Southeast Water Purification Plant between the City of Houston and **THE GULF COAST WATER AUTHORITY, THE CLEAR LAKE CITY WATER AUTHORITY, THE CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT, THE LA PORTE AREA WATER AUTHORITY, THE HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55, THE CITY OF PASADENA, THE CITY OF SOUTH HOUSTON, THE CITY OF WEBSTER, THE CITY OF FRIENDSWOOD** and the **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** – was presented, and tagged by Council Members Robinson and Keller. Council Members Boney and Vasquez absent.

Council Members Robinson asked that someone come and visit with him, that he was not opposed to the ordinance and had some discussions with folks in Public Works about the possibility of an analysis of going up to 240 MGDs and this only talked about 120 and he wanted to see if they were going to have to amend it at some point, and also the financing issues, and Council Member Keller asked that his tag be added to the item and asked that Council Member Robinson's office notify him and he would be at that meeting, and Mayor Brown stated that Council Member Keller also tagged the item. Council Members Boney and Vasquez absent.

28. ORDINANCE appropriating \$1,890,924.00 out of Fund No. 49F; C. O. Series 2001A; \$386,897.00 out of Water & Sewer System Consolidated Construction Fund; \$215,059.00 out of Storm Sewer Consolidated Construction Fund; and \$129,800.00 out of Street & Bridge Consolidated Construction Fund; approving and

authorizing third amendment to contract between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for Phase II Design of the Cotswold Project, GFS I-2000-01-2 – was presented, and tagged by Council Member Tatro. Council Members Boney and Vasquez absent.

NON CONSENT AGENDA - NUMBERS 30 through 33

MISCELLANEOUS

30. MOTION to set a date not less than seven (7) days from May 9, 2001 to receive nominations for Positions Nine and Eleven of the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION** with terms to expire two years from date of appointment had been pulled from the Agenda by the Administration, and was not considered. Council Members Boney and Vasquez absent.
31. MOTION to set a date not less than seven (7) days from May 9, 2001 to receive nominations for Position 20 of the **HOUSTON READ COMMISSION**, the three year term to expire January 1, 2004 – was presented. Council Member Sanchez moved to set May 16, 2001 to receive nominations for Position 20 of the Houston Read Commission, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0496 ADOPTED.
32. MOTION to set a date not less than seven (7) days from May 9, 2001 to receive nominations for Position Five of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD** with terms to expire two years from the date of the appointment had been pulled from the Agenda by the Administration, and was not considered. Council Members Boney and Vasquez absent.

PURCHASING AND TABULATION OF BIDS

33. RECOMMENDATION from Department of Finance & Administration to make the following awards for Traffic Safety Devices for Various Departments - \$820,232.14 - General, Enterprise and METRO Funds:
SECURITY SAFETY & SUPPLY - \$268,625.37
WATER FILLED BARRIER SYSTEMS OF HOUSTON, INC, Bid No. 2 - \$260,500.00
TRANTEX, INC - \$155,935.37 and
CM TRAFFIC SYSTEMS - \$131,971.40
COUNCIL DRAW LOTS
ITEM NO. 20 due to receiving identical bids from **CM TRAFFIC SYSTEMS** and **SECURITY SAFETY & SUPPLY** in the amount of \$3,200.00 - was presented, and Council Member Keller drew Security Safety & Supply as the successful bidder.

Council Member Keller moved that the recommendation be adopted and awarded as drawn, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0497 ADOPTED.

MATTERS HELD - NUMBERS 34 through 44

34. MOTION by Council Member Boney/Seconded by Council Member Sanchez to 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 – **(This was Item 3 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER CASTILLO)** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0498 ADOPTED.
35. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt 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** – **(This was Item 7 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** - was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0499 ADOPTED.
36. MOTION by Council Member Castillo/Seconded by Council Member Quan to adopt 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** - **(This was Item 11 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented.

Council Member Goldberg stated that this was to allow an encroachment into a street called Wentworth, that he had gone back and done some research and found out that TXDOT planned to have an exit off of the Southwest Freeway onto South Main in District C and Wentworth was the street that the exit would go onto, that it would probably happen in 5 years and imagined that there would be a lot of traffic there, that he understood that the businesses were asking for an encroachment in order to do some improvements, when he thought in fact, that some of this property may eventually be condemned for the exit, and moved to send Item No. 36 back to the administration, seconded by Council Member Sanchez. Council Member Boney and Vasquez.

Mayor Brown stated that there was a need to correct some of the information they had on the item and would request that he would just ask for a delay and they could give him the correct information to answer all his questions and if his motion would be for a weeks delay they could probably answer all his questions. Council Member Boney and Vasquez absent.

Council Member Goldberg stated that he would withdraw his motion to refer back to the administration, and moved to postpone Item No. 36 for two weeks, seconded by

Council Member Sanchez. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0500 ADOPTED.

Mayor Brown stated that Item No.36 would be delayed for two weeks and stated that they would get with Council Member Goldberg and give him all the information that was necessary. Council Members Boney and Vasquez absent.

37. MOTION by Council Member Boney/Seconded by Council Member Tatro to adopt recommendation to award to **U. S. FILTER DISTRIBUTION** for Plastic Meter Boxes for Department of Public Works & Engineering - \$3,492,880.38 – **(This was Item 21a on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0501 ADOPTED.

38. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation to award to **ARROWLIFT SYSTEMS, INC** for One Forklift for Solid Waste Management Department \$15,541.00 - Grant Fund – **(This was Item 23 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER QUAN)** – was presented.

Council Member Quan stated that last week he had tagged the item because he wanted to just again emphasize the importance of looking for equipment that was most efficient as far as pollution and environmentally friendly, that he understood that the monies for this came from a grant from the Houston Galveston Area Council and they needed to take action on this or else they would lose the opportunity, that he wanted to remind Purchasing that as they looked at these items that they certainly take that into consideration that they needed to be a leader in this area for the rest of the City. Council Members Boney, Vasquez and Castillo absent.

A vote was called on Item No. 38. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0502 ADOPTED.

39. ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 31 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Robinson stated that he was not going to ask for a tag on the item, but he was not going to be able to cast a vote for it, that he requested certain information and got a thick pile yesterday evening about 5:00 p.m. and was not even the format that directly responded to some of his concerns, so he was not comfortable saying he was ready to vote and would be casting a no vote, but it was for a lack of information. Council Members Boney, Vasquez and Castillo absent.

A vote was called on Item No. 39. Council Member Robinson voting no, balance voting aye. Council Members Boney, Vasquez and Castillo absent. ORDINANCE 2001-0409.

40. 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 – (This was Item 34 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Council Members Boney, Ellis, Vasquez and Castillo absent. ORDINANCE 2001-0410.
41. 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 – (This was Item 36 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ) – was presented. All voting aye. Nays none. Council Members Boney, Ellis and Castillo absent. ORDINANCE 2001-0411.
42. 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 – (This was Item 37 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Council Members Boney, Ellis and Castillo absent. ORDINANCE 2001-0412.
43. 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 – (This was Item 39 on Agenda of May 2, 2001, TAGGED BY COUNCIL MEMBER TATRO) – was presented. Council Member Tatro voting no, balance voting aye. Council Members Boney and Ellis absent. ORDINANCE 2001-0413.
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 – (This was Item 44 on Agenda of May 2, 2001, TAGGED BY

COUNCIL MEMBERS ELLIS and CASTILLO) - was presented. Council Member Tatro voting no, balance voting aye. Council Members Boney and Ellis absent. ORDINANCE 2001-0414.

Council Member Robinson stated that he would like to remove his tag on Item No. 20, and stated that he had gotten the information and thanked Ms. Stein. Council Members Boney and Ellis absent.

20. ORDINANCE approving and authorizing lease agreement between the City of Houston, Texas, as landlord, and **MCDONALD'S CORPORATION**, as tenant, for space in the Houston Police Department Building located at 1200 Travis - **DISTRICT A – TATRO** – was again present. All voting aye. Nays none. Council Members Boney and Ellis absent. ORDINANCE 2001-0415.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sanchez stated that a couple of weeks ago he took it upon himself to visit the Water Meter Division at Belton St., that on the date that he was present there were a number of disturbing allegations that were made particularly in the hiring and promotion practices within the department, that he requested some information from the personnel director and would probably be sharing some of that information with the Mayor and Members of Council as soon as they had it all, but on his visit there that particular day he noticed that there were hundreds of meters that they recently purchased, the electronic meters that emit the reading on the dial and he was told that they were getting back a rate of about 350 or 400 meters that were either not in working condition or that citizens had complained about, that he found out that the meters were being installed and the ones that had to be removed were being removed on overtime which he thought was somewhat interesting and rather an expensive process, that what he wanted to share and the most disturbing thing of all was that after his visit they called a meeting and the supervisor out there instructed the staff that they were not to talk to Members of Council who were inquiring about issues out there, that he wanted the Mayor to know that and asked him to look into it and see if that was the policy of the Water Meter Department and if so why were they not allowed to visit with Members of Council, particularly when there were issues that affected them and the taxpayers of the City of Houston, that he wanted the Mayor to find out who made that request and why and then let him know, and Mayor Brown stated that he would look into it. Council Members Goldberg and Boney absent.

Council Member Castillo stated that he would like to request, in light of the several accidents that had involved Metro buses, from the City's representatives on that board to communicate to Council the steps they were taking to insure the greater safety of the public, that once they get those people approved they never have any more communication with them, that he knew they were working on something and it would be great if they could find out, that he knew that several concerns had been expressed including the number of hours worked by bus drivers, that he knew it was hard to recruit bus drivers in a tight employment market and so many of them work a lot of overtime to cover all of the routes but there was a limit to what could safely be done; that the other question that had come up was the amount of training the drivers received before they were put on more complicated equipment and whether they had the absolute minimum

or the required minimum of training in order to handle those large buses, that he knew there were other issues involved and he did not want to second guess anybody but he would just like to know what steps were being taken to address that situation, and Mayor Brown stated that he had been in communication with Robert Miller who was the Chair of Metro and would ask them to give a full Council update on what they were doing. Council Members Goldberg and Boney absent.

Council Member Bell stated that he wanted to take the opportunity to thank the Parks Director, Mr. Oliver Spellman, that he saw Mr. Spellman in the hall last week and asked him to look into Baldwin Park, that many of them had heard him talk about Baldwin Park, a park that was located at the corner of Chenevert and Elgin, between Districts D and I which a couple of years ago really had next to nothing and had basically just become green space for drug trafficking, that he took part in a Leadership Houston Revitalization Project for the park and it was quite successful, that they added playground equipment and a new soccer field and it got to be a sort of focal point for the neighborhood and they would drive by and see kids playing soccer almost everyday of the week, that it became so popular that all of the grass was dead on the soccer field and the nets had been rearranged and he asked Mr. Spellman to look into it and Mr. Spellman called him yesterday and said they had gone out and tried a new technique turning the soccer field into a European style soccer field where they actually turn the dirt and it was a dirt soccer field, that it worked in Europe and they wanted to see if it could work in Houston in the most popular areas where the grass got heavily worn and was hard to keep in place, that he wanted to commend Mr. Spell for his quick response and the creativity. Council Members Goldberg, Boney and Castillo absent.

Council Member Todd stated that he too wanted to talk about the two accidents that had come up in the last few days involving Metro buses and wanted to echo the comments that Council Member Castillo had made, that additionally what he wanted to note was that he was not sure if it was the Metro Police Department that did the accident reports involving Metro buses or if it was HPD or some other authority, but he wanted to request that a copy of that incident report on both of the accidents be sent to him, and additionally, he recalled that about a month or so ago he had read an article about the highest paid employees at Metro and how some of the highest paid employees were bus drivers who were driving overtime, that he would be curious to know if the drivers of the two buses were people who had been working a lot of overtime driving, that the relationship between a persons driving ability and how much time they were on the road had been fairly documented in the case of long haul truck drivers and he was sure it was a similar phenomena involving bus drivers, that he wanted to know what Metro was going to do to address the problem. Council Members Boney and Castillo absent.

Council Member Goldberg stated that on May 18, 2001 they would have a Bike to Work Day, especially for public officials, that it was a Friday and would start at Rice University and go to City Hall, that it would start at 8:30 a.m. at Rice University Campus Exit 12 and would finish on McKinney St., that along the way they would have various sponsors with refreshments and so forth and would be a lot of fun, that it would be a casual ride and was about 6 miles, that he would encourage all of his colleagues to either bring their bike, or if they needed to they could make arrangements to have a bike provided for them there. Council Members Boney and Castillo absent.

Council Member Quan stated that he wanted to thank Mayor Brown for his support of Older Americans Month, that they had their summit yesterday at the George R. Brown Convention Center, that Ms. Carol Alvarado and Ms. Paula Rodriguez from the Mayor's office were most helpful as well as the staff of AAA Texas and the Visitor and Convention Center, that they had over 600 seniors attend that conference and Constable Victor Trevino and Ms. Emily Akin from Channel 2 News were very instrumental in providing information on how to avoid scams and protect people in their homes; that they had several more events coming up, the Seniors Picnic at Sam Houston Park on May 17, 2001, the Miss Senior Houston Pageant on May 19, 2001, and the fishing tournament on May 29, 2001, if anyone was interested in attending these events or if anyone would like to be a sponsor to call his office at 713-247-2013. Council Members Boney and Castillo absent.

Council Member Vasquez stated that he wanted to bring to the Mayor's attention that the Debt Service Packet promised by Mr. Haines last week had still not been received, that he had said he would get that to the Council Members at the end of last week, that he also requested a meeting and he had not been forthcoming with that either. Council Members Boney and Castillo absent.

Council Member Vasquez stated that he wanted to announce the reopening of the Carnegie Regional Branch Library on Saturday, 11:00 a.m. to 3:00 p.m., that it was a big regional library that had been closed for a while and the community was very happy and excited about it being open and invited all the Council Members to attend. Council Members Boney and Castillo absent.

Council Member Vasquez stated that he wanted to wish all the mothers a Happy Mothers Day. Council Members Boney and Castillo absent.

There being no further business before Council, the City Council adjourned at 9:48 a.m. upon MOTION by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney and Ellis absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary