

City Council Chamber, City Hall, Tuesday, June 12, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Tuesday, June 12, 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 Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Ms. Susan Taylor, Senior First Assistant City Attorney, City Attorney's Office, Mr. Paul Bibler, Senior Assistant City Attorney, City Attorney's Office; Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:57 p.m. Mayor Brown convened the meeting of the City Council and stated that normally they had a Member of the City Council lead them in the prayer and pledge of allegiance, but there had been some unusual and very devastating circumstances in the City and yesterday he had declared a day of recovery and asked everyone to help each other recover from the storm and today he had declared a day of prayer and asked that all of them in their own way pray for the twenty people who lost their lives and their families and loved ones and also to pray for the thousands of other people who were suffering from the worst storm there had ever been in our City and it was in that context that he was going to deviate from the Council tradition and had four religious leaders present that were going to pray based upon their own belief and faith and invited Monsignor Frank Rossi, Roman Catholic Diocese, Rabbi Matt Michaels, Hillel, Moulana Syed Zak-I, Muslim Bishop and Reverend Donald Bergs, Alief Baptist Church to lead the prayers, and Mayor Brown stated that he wanted to thank the religious leaders for taking time out of their schedule to be present and asked all Houstonians to pray in their own way to remember the people who suffered in the City and pray for them throughout this. Council Member Sanchez absent.

Council Member Vasquez led everyone in the pledge of allegiance. Council Member Sanchez absent.

Council Member Quan stated that he knew that various faiths had been represented today and wanted to acknowledge the head of the Jade Budist Temple, Reverend Rong Tong and the head of the Zoroastrian Association of Houston, Kaemerz Dotiwala, who were present today. Council Member Sanchez absent.

Council Member Robinson stated that he wanted to thank the opportunity to thank the City employees for all of the hard work they had done over the last several days, that men and women of the Police and Fire Department and the entire civilian workforce and asked that they keep them in their prayers also as they went about the business of helping the City to recover. Council Member Sanchez absent.

Council Member Galloway stated that she wanted to thank the Mayor and his administrative staff for coming out and assisting in setting up the shelter at the Kashmere Gardens Library as well as all of the communities that came and brought supplies and food, that they had the Woodlands, Pearland and Texas City communities came and brought supplies and necessities for the needy at the shelter and wanted those communities to know that the City and she appreciated what they had done for them. Council Member Sanchez absent.

Council Member Boney stated that he wanted to commend the Mayor, his administration and all of the City staff and in fact the outstanding response of the City in such an awesome scope of disaster was something they could all be proud of so he wanted to salute the Mayor and all of the City staff with a round of applause. Council Member Sanchez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Sanchez absent.

Council Member Keller and Castillo moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Sanchez absent.

Council Member Boney stated that they had a distinguished delegation of officials from Nigeria in the audience and asked that they stand and be recognized, that they had arrived yesterday and were interested in building economic and cultural ties while learning about the local government, that he wanted to welcome them and was delighted they were present and they could call on them if they could help make their visit even more productive.

## **HEARINGS**

### **1. PUBLIC HEARING** on the City Budgets for the time period July 1, 2001 through June 30, 2002 **1:30 P. M.**

At 2:15 p.m. Mayor Brown stated that the next item of business would be a hearing on the City budget covering the time period of July 1, 2001 to June 30, 2002, and requested the City Secretary to call the list of speakers who had shown up to speak on the budget.

Ms. Barbara McCormick, 2600 Southwest Freeway, Houston, Texas 77098 (713-869-7740) appeared and stated that she was the Acting President and CEO of Children at Risk a local child advocacy organization, that she was present to support the After School Achievement Program, that Children at Risk believes that the proposed funds were an appropriate use of City dollars and should be continued in the 2002 Budget, why, because the ASAP program produces and exemplifies the values they support and work for in the City, values like doing well in the school, fostering a productive work force, providing quality cost effective services for children, building public private relationships and partnerships and increasing public safety and citizenship, and urged consideration and continuation of the ASAP program at the proposed level of funding, that in addition she wanted to say that Children at Risk was gravely concerned about the proposed level of funding for the Health and Human Services Department, that they believed it was too low to address the public health priorities including immunization, that doubling the waiting time for clinic appointments to 29 days was not the way to increase access to health care and immunizations, that they believed that additional support for the immunization registry as well as additional staffed process and administered shots were needed, that how long was the community and they the elected officials going to put up with being last in urban areas in the rate of childhood immunization. Council Members Castillo and Sanchez absent.

Father Bill Davis, 5539 Avenue K, Houston, Texas 77012 (713-923-2394) appeared and stated that he was present with a group from TMO, that he was from Immaculate Heart of Mary Church and represented TMO, that his church was in the Magnolia area right by the Turning Basin, that in his parish there were four elementary schools and one junior high and it was a totally Hispanic area, that they called from 3:00 p.m. to 5:30 p.m. crime time in the neighborhood, that they had their house meetings in the neighborhood and everybody was asking the TMO group to speak up for the After School Enrichment Program, that the Mayor was with them on May 6, 2001 and he challenged them, when they brought up the idea of an after school enrichment, to come to the budget hearing and speak to the budget so that was why they were present, that last year one of the Council Members asked for an evaluation of the program and the University of Houston did a wonderful job, that they wanted to say they wanted quantity but were really working at quality and these programs were wonderful and were asking that they continue in the City budget to back their program. Council Members Vasquez, Castillo and Sanchez absent.

Ms. Carmelita Jacobs Jones, 3240 Reeves, Houston, Texas 77004 (713-658-8329) appeared and stated that she was present to tell them how successful the ASAP program had been, just to give them one example, and it was one of many, there was a little boy in the neighborhood who was a bully, that Erin would beat up everybody who passed down the street, that her grandson was being beaten daily but would never tell her who would beat him because he was afraid of being beaten again, that one day a store owner told her who Erin was, that she found Erin and brought him to Blackshear Elementary School and got him enrolled in the after school program and now Erin has earned his Angler Education pin, which he knows how to teach fishing and it has made a tremendous change in his life, that his grades had changed and he aced the TAAS Test, that Erin was just a different person and she wanted to thank them all for that. Council Members Boney, Vasquez, Castillo and Sanchez absent.

Council Member Quan moved to suspend the rules to add Ms. Martha De La Paz to the speakers list, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2001-0615 ADOPTED.

Ms. Martha De La Paz, 7016 San Angelo, Houston, Texas (713-851-1579) appeared and stated that she was present on behalf of the after school program, that she was a bilingual teacher at Mario Gallegos Elementary School which was in the Magnolia barrio, that she was also present as a parent and on behalf of the after school program she would like to share that she had personally seen the success stories in their school, that they had approximately more than 120 students who participated in the program and their teachers stay after school to help those students who need academic growth as well as personal enrichment, that what they do with the personal enrichment was offer arts, which was dancing through ballet folkloriko, martial arts and guitar playing, that not only did they offer academic growth but also personal growth, which she thought was very important in a child's life, that it only enhances their self esteem which was a very important thing in their children's lives, so as a parent she would also like to thank Mayor Brown for being at their school at one time, that the children appreciated it and they did to. Council Members Boney and Sanchez absent.

Mr. Alfred Zustovich, 13422 Tosca, Houston, Texas 77079 (713-468-8446)

appeared and stated that he was a member of the metropolitan organization from the Spring Branch Memorial area, that Mayor Brown and seven City Council Member's participated in TMO's May 6, 2001 gathering in which 2,000 leaders from across the Houston area strongly advocated continuing the After School Achievement Program at the current \$2.3 million level, that they believe there was good justification for continuing this funding, that first, Houston was seen nationally as a model for after school programs, that the joint City and County Commission on Children would soon speak in Washington, D.C. about the City's after school initiative, that it could be harmful to Houston's national image if this program was cut back, that second, the ASAP had obtained a \$500,000 Department of Justice Grant but it was dependent upon maintaining current funding levels, that third, the ASAP improves public safety and helps to lower the cost of crime prevention, that research showed that juvenile crime increased from 3:00 p.m. to 6:00 p.m. when children were often unsupervised, that middle school children were especially at risk, that finally, it should be emphasized that the schools had a major roles in funding with matching cash and in kind requirements of up to 60%, that in affect the City gains use of 95 schools and playgrounds from its outlay, that the City was achieving an excellent return on its investment, that they believed that ASAP makes a significant contribution to the quality of life of Houston's children and the Metropolitan Organization urges them to maintain the current funding level in the 2002 Budget. Council Members Boney and Sanchez absent.

Mayor Brown thanked them for being present and being supportive of the program. Council Members Boney and Sanchez absent.

Ms. Lady Byrd, (713-779-6638) advised that she declined to speak at this time. Council Members Boney and Sanchez absent.

Council Member Tatro moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Sanchez absent. MOTION 2001-0616 ADOPTED.

At 2:14 p.m. Mayor Brown stated that they would now move into the regular public session and requested the City Secretary to call the list of speakers.

Council Member Vasquez moved to suspend the rules to hear Mr. Mack Fowler and Ms. Cece Fowler out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney and Sanchez absent. MOTION 2001-0617 ADOPTED.

Mr. Mack Fowler, 1411 North Blvd., Houston, Texas 77006 (713-223-5730) appeared and stated that he was representing the Quality of Life Coalition, that he wanted to thank Mayor Brown for attending the Quality of Life Coalition's press conference and all of the other attendees, that he wanted to speak briefly about the City sponsoring of the TEA 21 or the T21 Step Grants, that he understood that tomorrow Council would vote on the Public Works sponsoring of a series of step grants, that first he wanted to say that when the Quality of Life Coalition identified funding sources for a variety of things they believed in the step grants were one of the primary funding sources, that under the Transportation Equity Act of the 21<sup>st</sup> Century that was passed in 1996 the State was awarded \$300 million and \$40 million went off the top in Austin and that left \$260 million

that was going to be distributed essentially by the governor and the TXDOT commissioners to the various TXDOT districts, that in the first step grant award the Houston district got \$15.4 million and if they looked at what they should have gotten on a pro rata basis they would have gotten about \$28 million, so one of the things that the Quality of Life Coalition had done was one, they had gone to all of the various groups and urged them to put forward step grant applications because the numbers he was saying, and a \$130 million was at stake this time and that was 100% money that the City or the project would get and would be matched by only 20% of local funds or services and if Houston got its pro rata share that was \$26 million worth of projects in this TXDOT district and a substantial portion of that would go to Houston, that the Quality of Life Coalition was going to bundle as many of these as they could and go to Austin and argue with the governor and the TXDOT commissioners to not only make sure that this district gets its \$26 million and try to get makeup money for what they did not get last time, so they were going to try to get about \$40 million of base money for these kind of grants, that he knew that there was some controversy about what happened to the previous Transportation Act Program, and where those projects had gone and all he could say from the Quality of Life Coalition's point of view was that they thought it was like picking up four dollar bills and that they had to match with a one dollar bill, that they certainly believed that the projects had to be administered in an efficient manner and they would do everything they could to make sure there was plenty of sunshine and follow up from the citizens point of view, that there was a lot of money at stake and the only way to fund many of these projects, that they needed to make sure they had sponsors and City's and County's were the only sponsors that they could have in this program. Council Members Galloway, Boney and Sanchez absent.

Upon questions by Council, Mr. Fowler stated that the Greater Houston Partnership was a member of the Quality of Life Coalition and certainly they had agreed to work together on the various 1% sort of programs that represented enhancements to freeways, etc., that yes they were on the same page, but this was a little more specific in terms of the enhancement grants that came out of the Transportation Equity Act of the 21<sup>st</sup> Century, that they would end up with about \$40 million of base money and divided by .8, that they would try to get about \$50 million of total projects and \$8 million to \$10 million of that would be local and the balance would be coming out of the State, that in the last step call they got \$15.4 million in this area and they should have gotten \$28.5 million, so they were \$13 million to \$14 million short on the last round which occurred about a year and a half ago, that he thought that Houston needed to get its piece of the federal money; that this was in addition to anything that TXDOT did as part of a construction project, like the expansion of Interstate 10 or the work on Hwy 59 or Hwy 59 north etc., that this was for what they called enhancement projects, of which there were 12 category's and the most famous of which was the hike and bike trails and the beautification along the bayous, the restoration of the Dickenson train station, etc., that it was separate and apart from the landscaping, that it was a special slice of the Federal Transportation Act which funded over six years and which then goes to the States and Texas got \$260 million during the six year period, which ends in 2003. Council Members Galloway, Boney, Todd and Sanchez absent.

Ms. Cece Fowler, 1411 North Blvd., Houston, Texas 77006 (629-0481) appeared and stated that she was Executive Director of Scenic Houston and Scenic Texas, that she was present regarding the Sign Abatement Fund which they heard today might be

moved to the General Fund, that it was the Sign Abatement Fund and Community Beautification Fund designed for the removal of signs, that was what the original ordinance says, that it may not seem so important and she did not mean on premise signs she meant off premise signs, billboards, that last week Mayor Brown committed at the Greater Houston Partnership Quality of Life Coalition to beautify the City and they really took it on the chin in the last election and the Greater Houston Partnership was putting its weight behind this cost and there was almost \$2 million in the fund and it was important that they keep it for this fund, that Dallas recently paid for the removal of one sign, and Fort Worth over \$600,000, that when they get neighborhoods like Meyerland up in arms about signs or if a sign goes up in front of their new \$250 million Enron Field they may not have the money to take it down so people could see the baseball field, that she urged them not to commingle the funds, that they were going to need them in the future. Council Members Galloway, Todd and Sanchez.

Council Member Parker stated that she was concerned when she the item and raised the issue with the administration and while she shared Ms. Fowler's concerns, that once the funds get commingled may go away her understanding was and the commitment from the administration was that the funds were there and it was simply an accounting transfer and they were trying to consolidate the number of special funds they had, that this was not the only special fund that had been consolidated, that in fact if anyone watched their budget presentation on Public Works they spent an inordinate amount of time explaining about folding Fund 227 into the Public Works budget, that this was part of their compliance with the new federal accounting codes, that she was glad that Ms. Fowler brought the issue up and thought it should be stated at the table that the monies that were set aside for sign abatement were still there and agreed with her that they needed to be spent and this transfer would not preclude that. Mayor Brown, Council Members Galloway and Sanchez absent. Mayor Pro Tem Boney presiding.

Mr. Joseph Melchiode, 1815 Banks, Houston, Texas 77098 (713-722-3855) appeared and stated that he was Vice President of Operations at Spring Branch Medical Center and was present on behalf of the hospital and to voice support of the Spring Branch communities in their quest not to be divided into multiple City Council districts, that the hospital had been involved with the Super Neighborhood Associations and witnessed first hand the cohesiveness and effectiveness of these groups in the community and there was a tremendous level of organization, commitment and energy that was focused on the Spring Branch Community and he felt that any division through redistricting would dilute the voice and impede the progress of the super neighborhoods. Mayor Brown, Council Members Galloway and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Bell asked what would be his argument as to why the affected precincts would have more in common with District A than they would with District H, and Mr. Melchiode stated that he thought just the identity of that Spring Branch neighborhood, that it was a community with a long history and people had been there for a great deal of time and there had been generations of families that had grown up there and remained there. Mayor Brown, Council Members Galloway and Sanchez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked Mr. Bibler if Jerry Wood or anybody present with

comparable maps for these two different plans, and Mr. Bibler stated that they were trying to find out, and Mayor Pro Tem Boney stated that he did not know if it was possible today, but it would be helpful if they had the two different maps and they could see what the differentiation was. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Ms. Mary Bentley, 1718 Story, Houston, Texas 77055 (713-681-8029) appeared and stated that she wanted to thank the Spring Branch Memorial Hospital for providing them with a bus, that the one thing she hoped to call to Council's mind was how long it took and how much effort was put into developing a spirit of community and they had such a splendid spirit of community already in Spring Branch and if they take that away from them then they had lost their greatest accommodation, that they all solve their problems pretty much the same way, and the first step was to call each other and it had worked splendidly for the two decades that she had been a leader in her community. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Upon questions by Council, Ms. Bentley stated that as far as she knew the super neighborhoods for Spring Branch were all in District A, that the first time she knew about the possible movement of the precincts was when she got her first e-mail which was last Thursday, that she had no idea that it was expected of them to submit a plan to the City's Planning Department as they were preparing maps relative to moving any of the precincts to a different City Council district other than District A. Council Member Galloway and Ellis absent.

Council Member Vasquez stated that a point of information, there were a couple of super neighborhoods in the City that were actually split between Council Districts so whether or not a super neighborhood was in one entire Council District or not was really a moot issue in terms of redistricting. Council Member Galloway and Ellis absent.

Upon further question by Council, Ms. Bentley stated that she was in Precinct 179, that she received an e-mail about the potential move from Council Member Tatro and Mr. Ray Shasteen, that all the people present with her opposed the proposal, that she lived in one of the affected precincts, that they all represented almost the entire Spring Branch area in one way or the other, all three super neighborhoods, that they felt a greater community of interest with District A than they did with District H. Council Member Galloway, Ellis and Robinson absent.

Council Member Tatro stated that they had passed out a copy of the amendment, which people were present to talk about, and a map which showed the affect of that amendment on Spring Branch and the nature of it and how it did cut into Spring Branch significantly up Hempstead Highway. Council Member Galloway, Ellis and Robinson absent.

Council Member Vasquez stated that he wanted to point out that the City of Houston encroaches into Ft. Bend County, Aldine and any number of other school districts and jurisdictions and Precinct 179 was 61% Hispanic. Council Member Galloway, Ellis and Robinson absent.

Ms. Joy Jackson, 6530 Corbin, Houston, Texas 77055 (713-686-6565) appeared

and stated that she had lived in Westview Terrace subdivision since 1949, that she had worked with the civic clubs and schools, that she worked for the school district for 20 years, that they had seen lots of change and definitely wanted to stay in District A, that they had worked for the community all of these years and would like to keep it the same. Council Member Galloway, Ellis and Robinson absent.

Mr. David Hart, 8001 Hammerly, Houston, Texas 77055 (713-461-4299) appeared and stated that he lived in the Ridgecrest subdivision, Precinct 043, that he was against the redistricting and thought it was more prudent to keep Spring Branch together as one community, they were an established community and had a network where they all worked together, that this was a pretty profound change and did not see the wisdom in it and hoped that City Council would rethink it and let District A stay as it was. Council Member Galloway, Ellis and Parker absent.

Council Member Tatro asked Mr. Hart if Council Members Vasquez, Castillo or Galloway contacted anybody in Ridgecrest to inform them that they preferred to have Ridgecrest split up and moved into District H, and Mr. Hart stated that he did not received any communications from any of those individuals and he sent e-mails to those individuals voicing his opinion to the redistricting, and Council Member Tatro stated that he wanted to know from any of the speakers present if other than his office if anybody from the administration or anybody from the other three Council Members who proposed the amendment called or contacted their area to suggest that they were best moved from Council District A. Council Member Galloway, Ellis, Parker and Robinson absent.

Council Member Castillo asked what precinct was Ridgecrest in, and Mr. Hart stated that Ridgecrest was in two precincts and he was in Precinct 043 and the other was Precinct 577, and Council Member Castillo stated that in Precinct 043 there was a little over 5,000 people and the makeup of it was 2,838 Hispanics, which would make it a little over 56% and asked if Mr. Hart knew anything about that population and asked if they belonged to their civic club and did they participate in inter neighborhood activities like the super neighborhoods, and Mr. Hart stated that they did have Hispanics in the civic clubs and neighbors who were Hispanic, that they had cleanups in the neighborhoods and they had everybody, Hispanic, Caucasian, Black, etc., helping with the cleanups, that he did not know if they received an e-mail to be present. Council Member Galloway absent.

Ms. Doris Hinson, 1929 Ridgecrest Dr., Houston, Texas 77055 (713-461-4160) appeared and stated that the citizens of Spring Branch did not intend to let this happen to them, that she was President of Ridgecrest Civic Club and Secretary of Super Neighborhood East, that to think of dividing Spring Branch was unthinkable, that if Spring Branch was divided she hated to think what would happen to their neighborhood, that Ridgecrest was deeply affected by the redistricting and their residents did not want to be divided and thrown away like yesterday's newspapers, that they had always been a community that was above reproach and wanted to and would stay that way. Council Member Galloway absent.

Upon questions by Council Member Tatro, Ms. Hinson stated she was in Precinct 043, that she had lived in Ridgecrest since 1958, that she thought the Hispanics in the Ridgecrest neighborhood were very active and loyal and did support the City of Houston, that know one else had contacted them informing them of the split of Ridgecrest.



Council Members Galloway and Castillo absent.

Ms. Catherine Barchfeld, 2108 Peppermill, Houston, Texas 77080 (713-683-1238) appeared and stated that she was the President of Spring Branch East and Spring Branch Central Super Neighborhood, that she had lived in Spring Branch since 1977, that the redistricting of District A and the proposed passing of a \$3.8 million Hollister Road Investments LTD to fund Summer Crest Apartments to a low and lower income apartment complex she found extremely revolting, and asked if anyone from the City bothered to notify any of the civic associations or the super neighborhoods, no, that she as well as the citizens of Spring Branch were appalled that they were not made aware of these two important issues until June 4, 2001, two days prior to the votes, that in this day and age of e-mail, faxes, newspapers, civic association news letters and not to mention the telephone, there was no excuse not to provide all citizens of their district on issues involving their livelihood. Council Members Galloway, Vasquez and Castillo absent.

Council Member Bell stated that he wanted to make sure everybody understood, that this proposal was brought forth and discussed at length last week at the Council meeting and Council Member Tatro strongly opposed it and spoke out against it and it was delayed on his motion and they were all present to speak against it so he was confused as to why they felt they were not notified, and Ms. Barchfeld stated that they had heard nothing about the redistricting of their district, that they were not notified through their voting precincts, their Council Member or anyone they knew at the City. Council Member Galloway absent.

Mr. David Webb, 7215 Blandford, Houston, Texas 77055 (713-957-4460) had reserved time to speak, but was not present when his name was called. Council Member Galloway absent.

Mayor Brown stated that he wanted to acknowledge Dr. Alfredo Nuno, Vice President of the Houston Police Department Hispanic Ministers Against Crime, who was present in the audience, that he was asked to come and join them in their prayer services as well. Council Member Galloway absent.

Ms. Linda Richey, 2226 Silver Bonnet, Houston, Texas 77055 (713-688-8199) appeared and stated that she was President of the Old Spring Branch Civic Association, that she was present to let them know that the Old Spring Branch Board of Directors were opposed to any redistricting of any part of Spring Branch, that the Spring Branch area as a whole had a continuity and a history that most neighborhoods could not claim, that there was a history behind Spring Branch that did tie them together, that they had a portion in the civic club area that was called Hillendahl Acres and that was the name of the family that lived in the Spring Branch area and they had a family cemetery that was approximately three quarters of a mile from their boundary and was located in the Ridgecrest Civic Club boundaries, that the new school that was built a couple of years back was called Treasure Forest because there was a rumor that one of the Hillendahl's used to hide money on the property because he did not trust banks, that there were things like these they all shared in common and that they held very dear to them. Council Members Galloway, Vasquez and Sanchez absent.

Upon questions by Council Member Tatro, Ms. Richey stated she lived in Precinct

299, that their neighborhood was solely contained in Precinct 299. Council Members Galloway, Vasquez and Sanchez absent.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and asked that Council please not change Precinct numbers 043, 179, 610 and 299, that all of these precincts had been in District A for a long time, that he lived in Precinct 179 and if it did change he may file a lawsuit against the City. Council Members Galloway, Keller and Sanchez absent.

Ms. Brenda Flores, 2041 Marnel Rd., Houston, Texas 77055 (713-722-9258) appeared and stated that as she watched the City Council meeting last Wednesday she was appalled to see that Council Member Vasquez thought that Hispanics in her area belonged in his district, that she kept hearing over and over again community interest, that in their Spring Branch area every one of the precincts that he wanted to take out fell in the Spring Branch Independent School District, that according to their demographics they were 48% Hispanic, 39% Anglo, 7% Asian and 6% African American, that more than half of their students were socio economically disadvantaged and on free lunch, that 16% of them were receiving a reduced lunch, that the minorities in Spring Branch were the majority, that District H could not offer them anything that they did not have or had not worked for, that they liked the community just like it was, that they worked together, that she was not a member of the civic association, that she raised 10 kids and put them through Ridgecrest Elementary School, that how could they do this to their community and what gave them the right. Council Members Galloway, Boney, Todd and Sanchez absent.

Upon questions by Council Member Tatro, Ms. Flores stated that she lived in Precinct 577, but worked Precinct 610 and always had. Council Members Galloway, Boney, Todd and Sanchez absent.

Ms. Judy Gentry, 2056 Thonig, Houston, Texas 77055 (713-682-3908) appeared and stated that she was with the Old Spring Branch Civic Association, that she was a street representative and had been heavily involved with the COP, that she was the coordinator for two and a half years, that she had lived in the area for fifty years and had seen it go down over the years, that they formed their association in June 1991 with the help of concerned neighbors and were now trying to build their community back, that they were involved real close with the Ridgecrest area and the Monarch Oaks area and participated in a lot of things with these communities, that they work very hard in their area and felt that it would not be to their benefit for them to be redistricted at this time. Council Members Galloway, Boney, Todd, Keller, Castillo, Parker and Sanchez absent.

Upon questions by Council Member Tatro, Ms. Gentry stated she was in Precinct 299. Council Members Galloway, Boney, Todd, Keller, Castillo, Parker and Sanchez absent.

Mr. Dan Richey, 2226 Silverbonnet, Houston, Texas 77055 (713-688-8199) appeared and stated that not only did he live in Old Spring Branch but he ran a family business there, that he became very concerned when he learned last Thursday that his neighborhood might be taken out of District A, that he believed that it would be a serious mistake to separate this or any part of Spring Branch, that Spring Branch in reality was

one large neighborhood, that they worked together to stop a waste transfer station from being put up in a residential area and they worked together to stop a grease and sludge disposal plant from being put in the neighborhood, that he realized that these were politically tough decisions for Council but there had to be a better way than splitting up Spring Branch. Council Members Galloway, Boney, Todd and Sanchez absent.

Mr. Scott Williams, 1606 Turnpike Rd., Houston, Texas 77008 (713-525-4097) appeared and stated that he addressed them today in two capacities, that one as a native Houstonian and property owner in Timbergrove Manor, which was in Precinct 82 and currently within the boundaries of City Council District A, and two, as the President of the Timbergrove Manor Neighborhood Association, TMA, representing 424 property owners, that he was present regarding the proposed amendment to the 2001 staff redistricting plan, that the TMA Executive Board met June 6, 2001 and unanimously resolved to voice their opposition to the amendment and request that Council cast their vote against the amendment's passage tomorrow; that he wanted to express his sincere appreciation for two of the hundreds of dedicated City of Houston employees who served the City during the devastating storm that ravaged the Houston area and their neighborhood this weekend, that Mr. John Wespie and Mr. Long Pham of the Public Works Department performed admirably in their neighborhood last Saturday morning, that they were driving a dump truck through the flooded streets in the neighborhood and just going around and essentially offering any assistance that they could to anybody in the neighborhood who needed it, that he knew that it was just one of hundreds of similar stores but since he had the opportunity to address Council today he wanted to publicly acknowledge the job that these two men did for them, that anybody associated with City government could be very proud of the way the City coped with this weekends tragedy. Council Members Galloway, Boney, Todd and Sanchez absent.

Ms. Lois Stromberg, 9205 Campbell Rd., Houston, Texas 77080 (713-722-9258) appeared and stated that she was Executive Vice President of the Spring Branch Super Neighborhood and President of Spring Branch Oaks Civic Association, that several years before the Allen Brothers founded Houston in 1836 a German immigrant named Karl Kolbe raised his log cabin along a small stream flowing into Buffalo Bayou, that he was the earliest known settler in the area, that he called the area Spring Branch, that although Spring Branch had gone through many changes it was still a destination for families looking for a new life, that surely no area was more diversified, that Spring Branch had a history older than the City of Houston, and she asked that they please not make a choice that would bring division into a community that for more than a hundred years had been blessed with unity, that the three super neighborhoods working together were doing a great job of unifying and also communicating with City officials and departments. Council Members Galloway, Boney, Todd and Sanchez absent.

Mr. Ray Shasteen, 10128 Birmwood, Houston, Texas 77043 (713-465-7084) appeared and stated that he wanted to emphasize that Spring Branch had three super neighborhoods, that he lived in Precinct 165 in the far west end, that in the elementary school in his neighborhood, 1<sup>st</sup> grade next year, 81% of the children did not speak English, so if the Hispanic heredity was the basis for breaking apart Spring Branch they needed to get a lot more precincts, that right now all of Spring Branch was about 45% or 50% Hispanic, so using the Hispanic race card to take away part of Spring Branch was not the right thing to do. Council Members Galloway and Sanchez absent.

Upon questions by Council Member Tatro, Mr. Shasteen stated that Shadow Oaks Elementary's projections for 1<sup>st</sup> grade next year were 9% English speaking and 8% English second language, and 81% additionally that did not speak any English. Council Members Galloway, Boney and Sanchez absent.

Mr. Roy Ruffin, 1905 Antoine, Houston, Texas 77005 (713-656-7277) appeared and stated that he did not know anything about politics, but he did know that he did not like taking part of Spring Branch and other precincts, that he had lived in Spring Branch for 40 years and had seen good times and bad times, that they could not keep going if they start nibbling at their boundaries, that he believed in the old saying, "if it's not broke don't fix it", and as far as he could see Spring Branch was not broke yet, that it may be badly bent but it was not broke. Council Members Galloway, Boney and Sanchez absent.

Upon questions by Council Member Tatro, Mr. Ruffin stated that he was in Precinct 299. Council Members Galloway and Sanchez absent.

Ms. Brenda Stardig, 10615 Birnwood, Houston, Texas 77043 (832-969-7044) appeared and stated that she was representing the Chamber of Commerce for Houston West, that she was a native of Spring Branch and grew up in Spring Branch, that her family had been there since 1929, that Spring Branch was a community and a small town within a large City, that she could not stress today the importance of keeping the community together, that she would like to emphasize that they did not see race or ethnicity, they saw good neighbors leading their community, that as an example of that she had the opportunity to support the Houston Police Department in their effort in raising the funds to enhance the bike patrol in Spring Branch, that this was a great example of how the Spring Branch community came together in a positive way, that they raised in four weeks \$10,000 for the Houston Police Department Storefront on Long Point to enhance the bike patrol within their neighborhood, that she felt very strongly that if they divided Spring Branch they were undermining every thing they worked for within the Spring Branch community. Council Members Galloway, Castillo and Sanchez absent.

Ms. Linda Williams, 7107 Jalna, Houston, Texas 77055 (713-956-6751) appeared and stated that she was the past President of the Pine Terrace Civic Association, that she had lived in Spring Branch her entire life and lived on the same street her entire life, that the precincts they were wanted to move to District H she did not see it as a race issue at all, that she had Hispanic neighbors that she got along with, that they pulled together and did not need to be divided. Council Members Galloway, Castillo and Sanchez absent.

Upon questions by Council Member Tatro, Ms. Williams stated that she lived in Precinct 179, that the proposal did not split her neighborhood, and she asked how the Heights would like to be split. Council Members Galloway, Castillo and Sanchez absent.

Council Member Vasquez stated that there were lots of neighborhoods in the City that were "split" but that had remained together because of the true spirit of the community, that if people wanted to be present and personally attack that was fine and they were welcome to, but that would not weigh the discussion in one way or another, that there were lots of issues that had been brought to the table, that whether or not the

super neighborhood was a designated boundary, that there were a lot of super neighborhoods in the districts that were actually split amongst Council districts because they were so large, that obligation to notify, actually this had been on the agenda for about three weeks and stated to Council Member Tatro that they all shared equally the obligation to notify and when he put forth his amendments last week, which he tagged, he did not go through any of the efforts to notify members of District H or District B, that in terms of the split of Spring Branch it did not actually split Spring Branch, that there were lots of neighborhoods in Spring Branch and if anything these neighborhoods were in the peripheral boundaries of Spring Branch and consisted primarily of warehouse areas and also apartment complexes, that he appreciated everyone being present today and in fact the other issue was whether or not this was jointly developed, there was no obligation to jointly develop and their Council Member in terms of District A was approached, however he refused to engage in any discussion that was practical or meaningful, that in terms of the split of schools, there was Aldine, North Forest or any number of schools that were already split within the City of Houston because the City of Houston was so big in that regard, that while these issues were important to individuals and to Council Members as well at the same time they needed to recognize and put them in context and place them in the proper perspective. Council Members Galloway, Todd and Sanchez absent.

Mr. Alfred Zustovich, 13422 Tosca, Houston, Texas 77079 (713-468-8446) had reserved time to speak, but spoke at the public hearing instead. Council Members Galloway, Todd and Sanchez absent.

Ms. Martha De La Paz, 7016 San Angelo, Houston, Texas (713-851-1579) had reserved time to speak, but spoke at the public hearing instead. Council Members Galloway, Todd and Sanchez absent.

Mr. Jim Harrison, 2500 South Shore Blvd., League City, Texas 77573 (281-334-3873) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd and Sanchez absent.

Ms. Paulette Hollins, P. O. Box 11956, Houston, Texas 77293-1956 (713-747-1556) appeared and stated that she was present because of things that needed to change in America and right here in Houston, that the American dream must be accessible to everyone, that her concerns about the Children's Expo started with the Houston Parks and Recreation Department, that they received a letter from Ms. Susan Christian dated March 30, 2001, stating that the City would not co-sponsor the Children's Expo Back to School Bash, which was the final competition of the Children's Expo awards that would take place this year, that the event was scheduled for Saturday, August 4, 2001 at Herman Square Park from 11:00 a.m. to 7:00 p.m., that somewhere the lines of communication had broken down from the Mayor's office to Ms. Christian's office, that they needed the following fees waived at Herman Square Park, the users fee, the grounds deposit, the Health Department permit and Sound permit, and also for the mobile sound stage to be brought in from the Houston Parks and Recreation Department and for that fee to be waived, that plus they needed HPD to provide security for them, that number three on their agenda was a self survey, that she was not looking for a handout but what she was asking for was a hand up, that she wanted to be self sufficient and did not want to be in bondage to poverty, make the American dream available to her, that they were so willing to allow her to accept welfare on a monthly basis all the way to 50 to

60 years until she died, well she preferred a better life for her children and herself, that number four was funding, that they had funding that was available out there, but they had made it so that a person who was low income could not access, that they had to actually give up their dream in order to receive any type of funding, and that was not fair, that she was just asking for a start. Council Members Tatro, Galloway, Todd, Sanchez and Robinson.

Upon questions by Council Member Parker, Ms. Hollins stated that the new event was all together, that the awards part of the program started this year, that they had already started it May 5, 2001 when they had the After School Extravaganza and that was when the kids competed for the semi finals, that the Children's Expo would like to be a non profit organization, but she was the founder and low income and there were monies involved in order to become non profit, and Council Member Parker stated that there were organizations that helped in filing papers, that she realized that the City had rules on how and when they co sponsor with organizations, and Ms. Christian was only following the rules of the City and if the Children's Expo was not an official non profit organization she did not think they could accommodate her request. Council Members Tatro, Galloway, Todd, Sanchez and Robinson absent.

Council Member Boney stated that if she was going to be able to receive donations from the City or from others she needed to have a 501C3 Structure, that they were not allowed to give away the City's assets by law, because they belonged to all of the taxpayers, that if she contacted the NAACP on Wheeler Avenue they had a free legal clinic every Saturday and they had lawyers that were there and there were very simple papers to draw up in order to file for a 501C3 and it would allow her to have a legal structure set up so that people could legally donate to her organization, that he supported her goals, that it sounded like a positive organization and really liked what she was doing, and Ms. Hollins stated that she would send a letter to each Council Member asking for a donation. Council Members Tatro, Galloway, Todd, Sanchez and Robinson absent.

Ms. Martha Jones, 4231 Magnolia Lane, Sugarland, Texas 77478 (713-792-3505) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Todd, Sanchez and Robinson absent.

Ms. Lue Williams, 3301 Charleston, Houston, Texas 77021 (713-747-7814) appeared and stated that she was a member of the Houston League of Business and Professional Women, Inc., an organization that was organized 38 years ago by Mrs. Lualia W. Harrison, a pioneer and courageous lady who felt that women working together could make a difference in the business and professional world, that part of their mission was to promote and protect the interest of business and professional women with united efforts for improving economic, social and civic conditions, that in accordance with their mission she was present today to present to the City of Houston books in observance of the Day of the African Child, that the Day of the African Child was a day that commemorates the June 16, 1976 massacre of school children in Soweto, South Africa, that since it was first observed in 1991, the Day of the African Child had mobilized communities around the world to look at the needs of all African children and to celebrate the diversity of culture and tradition of the continent, that their organization had chosen to focus on the African culture by reading and donating to various institutions books that address the rich and diverse culture of Africa and African American Children, that they

know that knowledge is power and felt that their books would empower the reading community of the City of Houston, therefore on behalf of the Houston League of Business and Professional Women she would like to present some books to the City of Houston. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Mayor Brown thanked Ms. Williams for being present and giving them a little bit of history and appreciated the books. Council Members Tatro, Galloway, Todd, Sanchez and Robinson absent. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Mr. Christopher Cato, 7710 Boggess Rd., Houston, Texas 77016 (713-633-3200) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Mr. John Houston, 4645 Mallow, Houston, Texas 77051 (713-733-8347) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Ms. Debra Thomas, 1516 Bayou, Houston, Texas 77020 (713-225-5803) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Todd, Keller, Sanchez and Robinson absent.

Mr. David Hutvelman, 12415 Woodthorp, Houston, Texas 77024 (713-464-6603) appeared and stated that he was present in his capacity as a volunteer Director of Buscar, a political action committee, which collected the petition signatures for a referendum on light rail, that as they may know the petition was currently in active litigation, a voting rights case in front of the Texas Supreme Court awaiting a response from that court, that he was present to update them on some current aspects of the light rail project and to ask their support in preventing a potential miscarriage of justice, that there was some favorable and some unfavorable news regarding light rail, first the unfavorable, and he asked them to take note that according to Metro's own studies light rail could not safely operate in more than 3 inches of water, that by removing 1,200 bus runs from the City of Houston, buses which could be diverted around flooded areas, light rail again demonstrates that it would provide a lower level of service to transient dependent Houston commuters, that it was a project which only addressed public relations concerns and not the need of Houstonians that needed to get to work, that favorable aspects came from the political arena, that he would note that two of three mayoral candidates had already endorsed a referendum on light rail and he would like to thank Council Members Bell and Sanchez for doing that, that they were simply reflecting the fact that 78% of Houstonians already favored a referendum of light rail, as taken by the only scientific poll by the Chronicle to date, that secondly he would like to tell them that House Bill 1061 had recently passed the Texas Legislature and was on Governor Perry's desk and would become law this Sunday, even if he did not sign it, that what it did was move the restriction from Metro that they had to issue debt in order to call an election, that this meant that Metro would be free next week to call an election regardless

of whether there was a bonding issue pending or not, and Mayor Brown could live up to his commitments to have an election by simply encouraging his members on that board to endorse such a policy, that the other good news was that it was not too late to have a vote on light rail, that at the temporary injunction hearing, where Metro's project was originally stopped, Metro testified that all the initial construction would simply be utility upgrades, which were going to be necessary in any case, regardless of whether light rail ever became a finality, that Metro had widely provided an opt out provision in their contract with Siemens for the light rail cars and light rail construction systems, which allowed them to opt out of the contract for that equipment as of July 2, 2001, so it was not too late to have an election on light rail with no lose of major public funds to the Houston community. Council Members Galloway, Boney, Vasquez, Sanchez and Robinson absent.

Mr. Dexter Norris, 5846 Southville, Houston, Texas 77033 (713-643-7023) appeared and stated that he was a flood victim and had some pictures explaining the reason why, that the City of Houston came out and reconstructed the street in front of his house and the way they reconstructed the street they got the street higher than his yard and when it rains the water could not go toward the streets and it caused the water to backup inside his house and he was present to see if they could fix the problem before he gets flooded out again, that he talked to Mr. Wes Johnson on Friday and talked to Tracey Wingate and tried to bring this to their attention before this problem happened and they put it on the back burner and now he had to pay for it now by replacing carpet and stuff in his house and it was still going to cause a problem for him every time it rains or even if the water main or something breaks on his side the water was not going to go towards the street it was going to go inside his house, that he had pictures that showed that his driveway was sitting up towards the street instead of down towards the street, that it had been going on for about six months. Council Members Galloway, Boney, Vasquez, Keller, Sanchez and Robinson absent.

Mayor Brown stated that Mr. Gary Norman, who was present, would meet with him and see what could be done to address his problem. Council Members Galloway, Boney, Vasquez, Keller, Sanchez and Robinson absent.

Council Member Quan moved to suspend the rules to hear from Mr. Jim Harrison at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Boney, Keller, Vasquez, Sanchez and Robinson absent. MOTION 2001-0618 ADOPTED.

Mr. Jim Harrison, 2500 South Shore Blvd., League City, Texas 77573 (281-334-3873) appeared and stated that he had raised a couple of issues previously about grandfathering his company for Charter Site Seeing Permit, that he was still continuing to seek that because it was a key way that they had done business over the last 10 years and would appreciate any Council Members who agreed with him on that topic to contact him and they could further push this through to change the Sight Seeing Permit to make it grandfather the company in and not be vehicles, that he also wanted to update them, that with the City of Houston Aviation Department they were in the process of receiving a scheduled ground transfer permit and looked forward to providing a continuous shuttle back and forth to Hobby Airport and their community, that they had gotten some justification on and he appreciated their efforts in listening to him previously.



Council Members Galloway, Boney, Keller, Sanchez and Robinson absent.

Mr. Joseph Omo Omuar, 15 Charleston Park #1107, Houston, Texas 77025 (713-664-8256) appeared and stated that the proposed business grant that he was proposing the City of Houston attempt to do, that the program would be beneficial for the whole entire Houston community, not only for low income people, but for all people, that what the grant was supposed to do it could be based upon a \$20,000 to \$40,000 business grant and at this particular time what the business grant would do was be accessed to everybody in the community and that included all ethnicity and all racial backgrounds, but that he had to rethink that, that he was up there talking about getting something for all of the people in Houston and in the interval he was probably going to be the only race or nationality to be fighting for the program so it was not fair that he be lobbying and talking to them about a program that was going to benefit all of the people. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

Mayor Brown stated that someone from the Mayor's Citizens Assistance Office would meet with him and if he had a proposal to give it to them and see what they could do. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

Council Member Boney stated that one of the things that a lot of the citizens do not understand was how the City budget operates, that there were certain things called enterprise funds which could only be used in those areas, for example the Airport System was part of the Aviation Fund so even though they might have a great need in the Police and Fire Department they could only use those funds for the Airport System and it was the same thing for the Convention Center and Entertainment, and so they really did not even have the legal authority, should they want to, to distribute those funds for any other things; that the Mayor's staff will try to help him see if there were some funds that he may be directed toward. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

Ms. Genelia Smith, 3232 Francis, Houston, Texas 77004 (713-751-0072) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.galvan.org](http://www.galvan.org), that he knew that Mayor Brown had worked hard during the flood and thought that the people who needed the most help right now were the families of those twenty people who had died, so he should make it to as many of those funerals as he could, that he knew that he probably could not make it to all of them but he thought that the City of Houston needed to insure that all of those families had the resources to have a decent burial for those people who had passed away, that today listening to all of those people from Spring Branch it was real interesting that he noticed that there were no Latinos, that Spring Branch was a majority Latino area and the City of Houston was majority Latino so he did not think that switching these people to District H was dividing Spring Branch, that as a matter of fact it was uniting a community so he supporting switching those people to District H, that he was present as a Latino because he was very upset that there were not Latinos present, that all of those people were all White and he thought it was very sad and thought it said something. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

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

At 4:05 p.m. upon motion by Council Member Boney and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, June 13, 2001. Council Members Galloway, Todd, Keller, Sanchez and Robinson absent.

City Council Chamber, City Hall, Wednesday, June 13, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, June 13, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Anthony Hall, City Attorney, Ms. Susan Taylor, Senior First Assistant City Attorney, City Attorney's Office; Ms. Sara Culbreth, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:18 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 Mayor Brown reconvened the meeting of the City Council and stated that he wanted to take the time that was allocated to the Mayor's Report today to give an update on their recent tragedy as a result of the storm that had been around the City far too long and stated that he would briefly give a chronology of what had transpired.

## **MAYOR'S REPORT**

Mayor Brown presented the following statement:

"About 3 p.m. on Friday, June 8, the National Weather Service radar indicated very heavy rainfall developing over the coastal counties and expected to shift around into Harris County by evening. The remnants of Tropical Storm Allison, a system that hit the region just a few days earlier, was making its way back into the area.

Heavy rains hit the city around 6 p.m. that evening and widespread flooding began to occur just a few hours after that. The Emergency Operations Center was activated and department heads made their way to the EOC, located at Houston TranStar, to monitor the storm and execute the needed action.

By 10 p.m. I was at the EOC to meet with our department heads and get a clear picture of what needed to be done. As the storm worsened, the plan of action strengthened. Our Police and Fire Departments were already out in full force. Every Public Works and Solid Waste Vehicle was available for rescue assistance. Shelters were opened and people began receiving the help they needed - and all just a few hours after the rains first hit.

Clearly we were in a major storm. 12 to 24 inches of rain fell over the eastern half

of the region. After frequent and in-depth updates from EOC personnel, I realized that while Houston had the vehicles and resources available to make it through the storm, a number of those vehicles and a number of those resources were going to be rendered immobile and useless by the rising waters. Further, the rising flood waters would over tax our capacity to manage this emergency on our own. Additional resources were going to be required.

At 2:30 a.m. Saturday, after issuing a Local Disaster Proclamation, I contacted the office of Governor Rick Perry and urged him to declare a state of emergency for the City of Houston. He did, and immediately, the resources we would need - the extra boats, high water vehicles and rescue teams - arrived in Houston. The president approved our state of emergency by noon on Saturday, clearing the way for the Federal Emergency Management Agency to mobilize to help. FEMA's advance team arrived early Sunday morning, to begin to assess and assist our City in our recovery efforts.

At this time we have over 450 members of FEMA in the area to assess the damage left in the aftermath of the floods.

It is proving to be the most expensive tropical storm in our history. We are looking at 1 to 2 billion dollars in damage. Moreover, the storm destroyed homes, families and memorabilia that cannot be replaced.

We estimate at this point in time that 24,000 homes have sustained damage. That number will most certainly become larger.

At least 20 people died because of the storm.

The shelter population on Tuesday evening was 636, in 12 shelters. Tuesday morning, that population was 2,666. At the height of displacement, 6,000-7,000 people were in the shelters.

Through this morning, approximately 16,700 people had registered with FEMA.

Two intensive care units – one at the VA Medical Center and Ben Taub – have been added to our current three ambulatory care centers we already have open.

The region was hit with over 36 inches of rain. Joe Allbaugh, Director of FEMA, stated that no one could prepare for a storm of that magnitude. But the actions of the City and the immediate help delivered from state and federal outlets demonstrated that we were prepared to make it through the worst of the storm. The emergency response phase of the disaster is over. We are now moving through the process of recovery and we will continue through this phase until we account for all that Houston has lost.

We are now intent on getting our City back to what it was before the storm. We are committed to a complete recovery. It will be efficient with a minimum of bureaucracy.

I will now outline some of the recovery issues in the individual City departments. We are still in the initial assessment stage. Each day, our assessment of the departments will become clearer. I will report again to you next week, and by that time

we will also have the initial FEMA assessments.

I have distributed a summary of our first initial assessment report. Mr. Haines is coordinating this effort and is available to answer more detailed questions that you may have.

Mayor Brown presented to Council a Departmental Operations Report and an Initial Assessment of Tropical Storm Allison Recovery which will be on file in the City Secretary's Office.

Mayor Brown further stated, "again, these are just some of the issues in our initial assessment. The departments continue to look at their operations and inventory. Your questions and comments are welcome.

In conclusion, I want to express my heartfelt appreciation to the City employees who worked so hard during this difficult period – the men and women in the Police Department, Fire Department, Solid Waste Department and the Public Works and Engineering Department. Other departments also "went the extra distance."

I have absolute confidence that the City departments will bring about order as we recover.

I also want to salute the volunteers who have been so critical to the thousands of people in need: the American Red Cross, the Salvation Army, so many area churches and the neighbor next door.

Also, the federal, state and county agencies were extremely responsive and are going to be vital during our recovery. I especially thank the Congressional leaders from our area. They spoke in unison, and they also continue to work for their constituents' needs during the recovery.

I know each Council member has been active in their District and throughout the City. Thank you for your help as we recover."

Council Member Bell stated that Mayor Brown referenced in his inventory the Building Services Department and the fact that a number of buildings took on a great deal of water and experienced quite a bit of damage and was curious as to what the time table was for assessing the dollar amount and analyzing any structural damage and what the cost to the City might be for that, and Mr. Haines stated that their plan was to have a dollar assessment of that within the next 10 days completed, that was under way, that they did have, not just in the Building Services facilities but throughout all of the facilities, teams in place that were doing on sight inspections and developing their appraisals, that the process would require documentation that could be justified to both the insurance carriers as well as FEMA and that documentation had been established and those teams were in the field, so in terms of assessing that was under way, that there had been some initial estimates that had been coming forth, but he did not expect they were going to have dollars really to start to pin down in a comprehensive way before next Wednesday, and they would have it by building, and Council Member Bell asked if Mr. Haines could talk a little bit about the budgetary impact and how that would work, would it come out of this fiscal years budget, the payments for the damage that

were out of pocket expenses, how would that work, and Mr. Haines stated that briefly stated they were prepared to discuss that in some detail as some items come up on the agenda relative to emergency action by Council that they were recommending for debris removal, that the plan would be to set up a special fund to fund that out of FY01 and to minimize as much as possible the FY02 Budget as it had been established, that Dr. Scheps would be discussing that as part of that agenda item, the process that they were recommending going through, that the amount of that budget, while there was a preliminary number that they were identifying and would present later this morning, the amount of that budget he was not sure they could determine again for several days to the FY02 Budget, but to FY01, which would give them the immediate capacity to move forward on the first phase of recovery they were comfortable at this point that they had a strategy for identifying it out of FY01.

Mayor Brown stated that Friday morning at 9:00 a.m. they would give a complete briefing and their effort was not to impact the FY02 Budget at all in dealing with this issue.

Council Member Bell stated that he knew that the administration had been working on an emergency management plan that involved the medical center and in light of the damage sustained in that area asked what were the plans going forward to address that situation for any future types of disasters, would they be setting up any type of special committee or anything like that, and Mayor Brown stated that he was working with Judge Eckels in looking at all of this, but the medical center they did have a plan to deal with that, that there had been an ongoing task force activity at the medical center dealing with their flooding problem there, that it almost always flooded there as they knew, that their biggest problem was they had their transmitters and transformers in the basement, that as he and Judge Eckels pull everyone together they would look at that as a major issue as well. Council Members Keller and Parker absent.

Council Member Robinson stated that he wanted to thank Ms. Stien and Mr. Tollett, Chief of Staff, for keeping in communication with him over the past several days as well as Assistant Chief Ferguson out of the Fire Department, that he also again wanted to thank all of the City employees, that interestingly he also wanted to thank the media, that he thought they did an outstanding job keeping the public aware of what was going on; that he would ask Dr. Scheps to ask the franchise administration department to maybe look at working with the Houston Media Source to try to get their three or four stations back on line, and he thanked Mayor Brown and everybody in the administration for a job well done, and Mayor Brown stated that he wanted to express his thanks to the media also, that they did a very good job in educating the public of what to do and what not to do during the course of their emergency, and expressed his sincere thanks and appreciation to the media for stepping up to the plate and helping out during the time of difficulty.

Council Member Boney stated that he wanted to express and really urge the media and the leadership to express to the victims was to give them hope, that a lot of people that had lost so much, and whenever they had an experience of losing all of your life's possessions and of not quite knowing where or how much assistance they would get to be able to restart again they become hopeless and desperate and they did have a plan in place and were getting resources from all over the Country, the sports teams had stepped up and Channel 11 had raised something like \$3.5 million and was sure that some of the foundations would also come in, that Houstonians had come together around this issue in a way that really made them proud to be a Houstonian, that he got a call today from a constituent who just said that if someone

would just ask the people to have hope, patience and do not give up, that they were not going to leave anybody behind in this City, that they were all Houstonians, that corporate leadership, the civic clubs and the churches had done some remarkable things and would do more, so he would just like the leadership, public officials and the media to give the people some hope, that they were going to work together on this issue and thought that all of Council was united to help everyone in the City get into a position of recovery so he just wanted to urge and ask that they give the people hope, and Mayor Brown stated that they could also be helpful individually, that he had suggested and his adopt a family program was working extremely well right now, that he adopted a family and each Council Member and elected official could do the same thing, adopt a family and help that family from the shelter back to their home, and Council Member Boney asked the Mayor who on his staff was the point person in terms of information, that people had asked him about FEMA and what documentation they needed, and Mayor Brown stated that Mr. Richard Cantu, Mayor Citizens Assistance, was the point person.

Council Member Robinson stated that the Prince Complex at 3000 Jensen Drive and Mosque 45 at 4433 Old Spanish Trail were also collecting supplies for families in their respective areas.

Council Member Keller stated that he had some e-mails and the program was well received in west Houston, the adopt a family, and asked who would he tell them to get in contact with to adopt a family, and Mayor Brown stated they would get a couple of numbers, that the two major sources were Second Baptist Church, Reverend Young and Lakewood Church, Pastor Olsteen, that there was a little difference between the two, that at Second Baptist they were asking corporations to adopt a whole block, that Mattress Mack was selling mattresses at his cost, that corporations that were adopting a block were going in and doing what was necessary to get that block back to normal, that at Lakewood they were adopting individual families and helping them with transportation, filling out forms and all of the things that a person in stress needed at this point and time, that they would get those phone numbers.

Council Member Galloway stated that she first wanted to thank Tom and Jerry from the Cypress Community who came out and donated some supplies for the people in the shelters, that she really wanted to thank the Mayor because she knew he worked tireless and hard and was out visiting all the shelters and wanted to commend him for what he had done for the Houston community, that she did not think that sometimes people realized what a Mayor who was committed and concerned about the citizens in Houston took out their time 24 hours to work for the people, and stated that they should give the Mayor a big round of applause.

Mayor Brown stated that he wanted to thank a group of medical students from the medical school in Galveston, that about a dozen of them came down and joined his wife who was volunteering at the hospital.

At 9:46 a.m. Mayor Brown stated they would move to the consent agenda.

### **CONSENT AGENDA NUMBERS 2 through 61**

#### **MISCELLANEOUS** - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$60,550.00 Enterprise Water & Sewer Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-0619 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 71, 62 and 68 out of order, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0620 ADOPTED.

71. ORDINANCE approving and authorizing Loan Agreement between City of Houston and **HOLLISTER ROAD INVESTMENTS, LTD** to provide \$3,528,000.00 in Community Development Block Grant Funds to be used for the acquisition of a 588 Unit Multi-Family Apartment Complex known as the Summercrest Apartments located at 3950 Hollister Road and 8655 Pitner Road **DISTRICT A - TATRO** - (This was Item 35 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER TATRO) - was presented. All voting aye. Nays none. ORDINANCE 2001-0527 ADOPTED.

62. RECEIVE nominations for Positions One and Two, and Alternate Positions One and Two of the Houston-Galveston Area Council Board of Directors, the one year terms to expire December 31, 2001 - was presented.

Council Member Keller stated that wanted to nominate Council Member Robinson for Position 1 on the Houston Galveston Area Council, and Council Member Tatro stated that he wanted to nominate Council Member Keller for Position 2 on the Houston Galveston Area Council.

Council Member Robinson moved to close the nomination on Position 1 and Position 2, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0621 ADOPTED.

Council Member Robinson stated that wanted to nominate Council Member Tatro alternate for Position 1 on the Houston Galveston Area Council, and Council Member Keller stated that he wanted to nominate Council Member Vasquez alternate for Position 2 on the Houston Galveston Area Council.

Council Member Boney moved to close the nomination on Position 1 alternate and Position 2 alternate, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-0622 ADOPTED.

68. RESOLUTION authorizing submittal of the Public Works and Engineering Department's Candidate Projects listed on Exhibit "A" attached hereto to the Texas Department of Transportation ("TXDOT") for nomination under the Statewide Transportation Enhancement Program and Federal Funding under the Transportation Equity Act for the 21st Century to be administered by TXDOT and approving local matching funds for such projects - (This was Item 25 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER TATRO) - was presented.

Council Member Tatro stated that he just wanted a point of clarification and asked if these were application efforts and application commitments much like they passed the CIP in effect and asked if somebody could speak to that, and Mayor Brown stated that he was absolutely correct and Council Member Tatro stated that he looked forward to supporting it. Council Member Boney absent.

A vote was called on Item No. 68. All voting aye. Nays none. Council Member Boney absent. RESOLUTION 2001-0028 ADOPTED.

**ACCEPT WORK** - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$627,235.41 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Main Replacement in Haden Subdivision, Sections 1 and 2, Southwood Subdivision and Sutton Place Subdivision, GFS S-0035-42-3 (10542) - 08.21% under 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 Member Boney absent. MOTION 2001-0623 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,007,733.00 and acceptance of work on contract with **B. L. TECHNOLOGY, INC** for Construction of East Water Purification Plants I and II Control System Additions, GFS S-0522-03-3 (10445-3) - 01.71% under the original contract amount – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0624 ADOPTED.

**PROPERTY** - NUMBERS 10 through 13

10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-338, located at 7442 Ley Road, owned by Shelby R. Johnson, Jr., and Norlan J. Johnson, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0625 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel C99-3, located at 3601 Telephone Road, owned by Doris J. Neely, deceased, for the **TELEPHONE LIFT STATION PROJECT**, CIP R-0267-00-1 - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0626 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A95-74, located at 1084 South Lane, owned by Curley Randle (an undivided one-half interest) and Velma Randle (an undivided one-half interest), for



the **ELLA (WHEATLEY) BOULEVARD PAVING PROJECT from West Little York Road to West Gulf Bank Road**, CIP N-0533-33-1 - \$31,026.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0627 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 18

18. **INDUSTRIAL AIR TOOL** - \$392,808.79, **TRICON TOOL & SUPPLY** - \$47,181.69, **COLONIAL HARDWARE CORP.** - \$303,335.69, **CMC dba SHEPLER'S** - \$87,860.69 and **HILTI, INC** \$49,712.69 for Tools, Hand, Electric and Pneumatic Contract for Various Departments \$80,889.55 - General, Enterprise, ROW Maintenance and Street & Drainage Funds – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0628 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 59

21. ORDINANCE consenting to the addition of 54.9140 acres of land to **KLEINWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0528 ADOPTED.
22. ORDINANCE consenting to the addition of 2.7556 acres of land to **PRESTONWOOD FOREST UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0529 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** for a Utility Service Contract - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0530 ADOPTED.
26. ORDINANCE approving and authorizing the execution of Airport Use and Lease Agreements at George Bush Intercontinental Airport/Houston with **AMERICA WEST AIRLINES, INC** and **AIR CANADA** - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0531 ADOPTED.
27. ORDINANCE approving and authorizing the execution of Airport Use and Lease Agreements at George Bush Intercontinental Airport/Houston with **UNITED AIR LINES, INC** and **US AIRWAYS, INC** - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0532 ADOPTED.
28. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Airport System Special Facilities Revenue Bonds (Continental Airlines, Inc, Terminal E

- Project), Series 2001; including authorizing the Finance Working Group to proceed with the sale of such bonds, approving and authorizing distribution of the Preliminary Official Statement related to such bonds, authorizing a public hearing with respect to such sale, approving other matters incidental to the issuance and sale and making various findings and provisions related thereto; and declaring an emergency had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
30. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **SAN JACINTO RIVER AUTHORITY** for Aquatic Plant Control in Lake Houston; providing a maximum contract amount - \$450,000.00 - Enterprise Fund - **DISTRICT E – TODD** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
38. ORDINANCE appropriating and transferring \$4,017,189.50 out of the Accumulated Unexpended Fund to the Storm Sewer Control Fund; appropriating \$4,017,189.50 from the Storm Sewer Control Fund and appropriating \$1,399,810.50 from the Water and Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, INC** on low bid of \$4,590,426.40 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$138,000.00 for construction of Central Park Subdivision Storm Sewer Improvements, GFS M 0186-01-3 (M-0186-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Control Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT I - CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
42. ORDINANCE appropriating and transferring \$1,136,000.00 out of the Accumulated Unexpended Fund to the Storm Sewer Control Fund; appropriating \$1,136,000.00 from the Storm Sewer Control Fund and appropriating \$85,000.00 from the Water and Sewer System Consolidated Construction Fund, awarding contract to **INTRA CONSTRUCTION CORPORATION** on low bid of \$1,034,377.30 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$31,000.00 for construction of Spring Lea Storm Sewer Facilities, GFS M-0367-01-3 (M-0367-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Control Fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
47. ORDINANCE appropriating and transferring \$1,447,500.00 from Accumulated Unexpended Fund to the Street and Bridge Construction Fund; appropriating \$1,447,500.00 out of the Street and Bridge Construction Fund, awarding contract to **SILVA, INC** on low bid of \$1,180,455.40 and approving and authorizing professional

- services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$90,000.00 for construction of Neighborhoods to Standards Street Overlay Project Generic (Package I), GFS N-1037-22-3 (OL2022); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Construction Fund - **DISTRICT C - GOLDBERG** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
48. ORDINANCE appropriating and transferring \$1,608,600.00 from Accumulated Unexpended Fund to the Street and Bridge Construction Fund; appropriating \$1,608,600.00 out of the Street and Bridge Construction Fund awarding contract to **DURWOOD GREENE CONSTRUCTION CO** on low bid of \$1,311,868.55 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$100,000.00 for construction of Generic Overlay Project (Package II), GFS N-1037-26-3 (OL-2026); providing funding for construction management contingencies relating to construction of facilities financed by the Street and Bridge Construction Fund - **DISTRICTS F - ELLIS and G - KELLER** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
49. ORDINANCE appropriating and transferring \$1,601,600.00 from Accumulated Unexpended Fund to the Street and Bridge Construction Fund; appropriating \$1,601,600.00 out of the Street and Bridge Construction Fund awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD** on low bid of \$1,308,383.50 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$97,000.00 for construction of Street Overlay Project Generic Package III - Council District D, GFS N-1037-28-3 (OL2028); providing funding for construction management contingencies relating to construction of facilities financed by the Street and Bridge Construction Fund - **DISTRICT D - BONEY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
50. ORDINANCE appropriating and transferring \$2,264,600.00 from Accumulated Unexpended Fund to the Street and Bridge Construction Fund; appropriating \$2,264,600.00 out of Street and Bridge Construction Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD** on low bid of \$1,851,788.20 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING and TESTING, INC** in the amount of \$135,000.00 for construction of Asphalt Overlay Project in Council District B - Neighborhoods, GFS N1037-31-3 (OL2031); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Construction Fund - **DISTRICT B - GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.

56. ORDINANCE awarding contract to **CYRUS DIVERSIFIED, INC dba BONTERRE CONSTRUCTION CO.** on low bid of \$669,851.00 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$20,000.00 for construction of **CITY OF HOUSTON'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM - STORM WATER POLLUTION MINIMIZATION PLAN - 8002 AIRLINE**, GFS M-0126-48-3 (SM-5020); providing funding for contingencies relating to construction of facilities financed by the Street and Drainage Maintenance Fund - Total \$791,000.00 Street & Drainage Fund No. 227 - **DISTRICT B - GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
59. ORDINANCE No. 2001-520, passed first reading June 6, 2001 ORDINANCE granting to **ETS CABLEVISION, INC**, a Texas Corporation, the right, privilege, and franchise to erect, maintain, and operate a cable television system in the City of Houston, Texas, containing other provisions relating to the foregoing subject; and providing for severability – was presented. All voting aye. Nays none. Council Member Robinson absent. **SECOND READING IN FULL**

#### **BUDGET MATTERS**

60. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2002 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund balances; amending the Code of Ordinances to increase Ambulance Fees and authorize an increase in Platting Fees; making various amendments to the proposed budgets; designating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.
61. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making appropriations from the Public Works & Engineering/Accumulated Unexpended Fund and the Housing Special Revenue Fund; making other provisions related to the subject; containing a severability clause had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Robinson absent.

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

##### **ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$508,445.49 and acceptance of work on

contract with **HUBCO, INC** for Construction of Neighborhoods to Standard Tier V, Second Ward, Phase I Overlay Project, GFS Q-1134-01-3 (Q-1134) - 24.77% under the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Quan stated that he was disturbed on this item, that they had received no response from Hubco to their letter concerning their Affirmative Action failure to perform and that letter was sent in January and it was now June, that he did not necessarily want to hold up their payment, but would like the administration to follow up on what happened with that and get a response from Hubco, and Mayor Brown stated that they were working on it and would make sure they got back to him on it. Council Member Robinson absent.

Council Member Boney stated that Hubco was the organization that spurred a lot of discussion around the table about the ability to debar contractors that did not perform satisfactory work and it was his understanding that they had completed the necessary legal action to be able to debar and thought Hubco was the first candidate, and asked Mr. Hall if he could give them a short briefing on it. Council Member Robinson absent.

Mr. Hall stated that Council had adopted a procedure that allowed for debarment of contractors for several reasons, that inability to perform or past deficiencies were the ones that was most often came to mind, that the process required either the initiation of that on the part of the department head or Council could refer it, that ultimately Council would decide the issue, that they needed Building Services who was responsible for that process to tell them whether or not there was a process underway presently for Hubco, that he was not aware of that but it may be, and Council Member Boney stated that it was his feeling that the sense of Council was that perhaps they ought to start with Hubco, and if they had now performed better and were doing a better job he would appreciate a briefing before Council so they would know how they were doing now. Council Member Robinson absent.

Mayor Brown stated that he would get everybody briefed on this issue, and wanted to point out that they were not doing any business with the City at this point and time, and Council Member Quan stated that on second thought he would like to tag the item to get that briefing done. Council Member Robinson absent.

Council Member Keller stated that he was going to tag the item also, that he wanted to suspend the rules and hear from Ms. McGilbra, that the debarment program was set up, in his opinion, in a very simple manner and she chairs the committee which would decide if that goes to Council to actually follow through on the actual debarment and asked if that had been submitted to her in any form or fashion, and Ms. McGilbra stated that at this time no, they had not received any referral for debarment. Council Members Tatro and Robinson absent.

Council Member Sanchez stated that the concern expressed at the table was the failure to meet the MWBE goals and asked if within that particular ordinance was there no recourse for the City, and Mr. Hall stated that they had interpreted a provision in the contracts that the MWBE Program itself had remedies for failure to comply with a term or provision of the contract itself, which was a separate issue from debarment, that one

could in fact refer gross or habitual cases over to the Building Services Department for consideration for debarment for the same reasons, but there was a more immediate remedy available if one did not comply with the MWBE requirements of a contract; and Council Member Sanchez asked if the money they were allocating every year to fund the department of MWBE doing the work necessary or was Council having to step in and perform that work, and Mr. Hall stated that the answer was no, that they were not having to step in and do that, that they were actually mixing together two issues because the debarment issue was completely separate from enforcement, that he was aware that the Affirmative Action Division was in fact investigating the issues and were in fact proceeding to examine what they could do, that part of the problem for action was a very difficult factual investigation process that had to be done, and Council Member Sanchez asked what was the department doing and Mr. Hall stated that he would have to get the department to respond to that. Council Members Goldberg, Castillo and Quan.

Council Member Boney stated that he would strongly suggest to Members of Council that as the City turns to this to clearly separate the issues of debarment and MWBE, that when they amended the MWBE ordinance they put in a binding arbitration policy and program so if there was a question about the good faith effort of the contractor to meet the goals they had the remedy of seeking binding arbitration and thought that to date no contractor has asked for that process, that he really thought that they may not want to be down the road of using the debarment procedure over MWBE goals, that he thought those were separate matters that should be handled separately, that his question about Hubco was if they were doing the job that they were contracted to do and in the appropriate time and in a professional manner. Council Members Goldberg, Castillo and Quan.

Council Member Robinson moved to suspend the rules to consider Item Numbers 78 and 79 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Castillo and Quan absent. MOTION 2001-0629 ADOPTED.

78. ORDINANCE authorizing the Mayor of Houston to extend or continue a proclamation of a local state of disaster for the City of Houston beyond the seven day period after the proclamation was issued; making certain findings related thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2001-0533 ADOPTED.

79. ORDINANCE authorizing the creation of the Disaster Recovery Fund; appropriating and transferring \$25,000,000.00 out of the Accumulated Unexpended Fund into the Disaster Recovery Fund; and appropriating \$25,000,000.00 out of the Disaster Recovery Fund in order to fund a Disaster Recovery Management Contract (previously approved by City Council) with DEWBERRY & DAVIS, LLC; and Debris Removal contracts with KINSEL INDUSTRIES, INC/GULF EQUIPMENT COMPANY, INC; DRC, INC; and OMNI CONSTRUCTION, INC, passed by Ordinance Nos. 99-0902, 99-0904 and 99-0905 respectively; making various findings and provisions related thereto; and declaring an emergency – was presented.

Council Member Tatro stated that he wanted to thank the administration for moving so quickly to bring this item before Council, that he had heard Mr. Buchanan on the radio

talking about the convoy that was heading to Houston to help and that was a positive step, that this was the use of ALP money out of the Water and Sewer Enterprise Fund and while he had been a staunch advocate for not using ALP for non water and sewer uses this was clearly the appropriate, time, place and use for ALP money.

Council Member Sanchez asked if after they take out \$25 million for the emergency cleanup would there be sufficient money in the fund for Item Numbers 41, 42, 47, 48 and 49 which all come out of the ALP and had all the funds been certified by the Controller, and Mayor Brown stated that they were working with the Controller's office and she would not be certifying some of these projects because of what they were doing today, that the ones that were not in were the ones that she was not certifying, that it had been worked out with the Controller's office.

Upon questions by Council Member Sanchez, Mr. Scheps stated that they were depleting the ALP temporarily, that they had very good insurance and FEMA would pay a minimum of 75% back and they were going to begin making the claims and there were advances and that money would go right back into the fund, that at the end they would send the money back to the ALP, that this was the gross cost of the disaster, but the net cost would be far less after their insurance pays off, and Council Member Sanchez stated that there was nothing in the backup that indicated where the insurance money or the FEMA money would go, that it said just to pay the appropriate fund, and asked if it was his contention that they would match 75%, whether it came from Aviation Enterprise, Entertainment & Convention or ALP, and Mr. Scheps said absolutely, that they should be fair about reimbursement, and Council Member Sanchez asked if in the fund he would create he would have an appropriate accounting knowing which account needed to be reimbursed with those dollars and Dr. Scheps stated yes, and Council Member Sanchez asked if they had his word that the money would go there and not into the General Fund of the City to be used some where else, and Dr. Scheps stated that it would probably be Council's choice as a body, but it would be his recommendation though that it go back to the fund, that incidentally, Aviation, in talking with Mr. Vacar, there would be a very small fiscal impact to Aviation, that C&E was different, they had some big problems at Jones Hall, but that amount C&E should ultimately bear the net cost after reimbursement of its disaster, and Council Member Sanchez asked what C&E's available resources were, and Dr. Scheps stated that they would like to talk about that Friday morning, that he thought they had balances sufficient to cover the gross cost of getting Jones Hall back in order, that was the main cost, but he did not have the number in front of him, that the parking facilities at Tranquility Park would have to come out of C&E, and Mayor Brown stated that they would have a complete briefing on this on Friday. Council Member Ellis absent.

Council Member Goldberg asked if whatever the amount of the contract, would FEMA reimburse the City for up to 75%, and Dr. Scheps stated that it was actually a minimum of 75%, that they could not count on 100% reimbursement but were legally empowered to do that if they had the funding and if they met the criteria, all of which they had to wait and see, and Mayor Brown stated that what was important was documentation, that they had to carefully and clearly document what was lost, and Dr. Scheps stated that the major aspects of the criteria were the documentation, that they had to prove, that in the case of Mr. Buchanan's contracts he did not think there would be any question whatsoever about the fact that this was mitigation of storm damage, that

was what the contract was all about and the paperwork would be clear, so his assessment of that was that they would be very likely, and incidentally when they talked to Mr. Buchanan about this they were going to find out that this was going to get done very quickly so they would be able to show documentation of the payments from this fund probably within a matter of weeks and they could begin getting cash flow back into the fund within a matter of weeks from FEMA, that the State people were here and if they had technical questions about that he had asked them to be present as well. Council Members Boney and Vasquez absent.

Council Member Robinson stated that he wanted to thank Dr. Scheps, Mr. Haines and whoever else in the administration had worked on this, that he thought it was a fiscally responsible way to handle this emergency and it spoke to the conversation they had been having for several months as they prepare to build that rainy day fund, what would happen and God forbid it did happen, but they had that kind of conversation and luckily they had the resources on hand so he wanted to make sure they were clear and as Dr. Scheps pointed out they were not doing anything fiscally irresponsible and that fund was refunding itself on top of what would come back in either from the City insurance or the FEMA coverage so he thought they would be in good shape and it was the best avenue right now and was better than going out and borrowing that money in the market place and incurring that interest. Council Member Boney and Vasquez absent.

A vote was called on Item No. 79. All voting aye. Nays none. Council Members Boney and Vasquez absent. ORDINANCE 2001-0534 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$392,237.86 and acceptance of work on contract with **SCI CONTRACTOR, INC** for Construction of Neighborhoods to Standard Tier VI, Westiew/Pine Terrace Overlay Project, GFS Q-1156-01-3 (256-98/Q-1156) - 10.01% under the original contract amount - **DISTRICT A – TATRO** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Boney and Vasquez absent. MOTION 2001-0630 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$367,201.21 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, INC** for Construction of Neighborhoods to Standard Tier VII, Sunnyland and East Lawndale Neighborhoods, GFS Q-1200-01-3 (OL2000) - 13.62% under the original contract amount - **DISTRICT I- CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan, and tagged by Council Member Castillo.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,080,924.00 and acceptance of work on contract with **R. P. CONSTRUCTORS, INC** for Westway Wastewater Treatment Plant Expansion, GFS R-0015-92-3 (4286-3) - 01.58% over the original contract amount - **DISTRICT A - TATRO** – was presented, moved by Council Member Sanchez, seconded by Council Member Parker, and tagged by Council Member Vasquez. Council Member Boney absent.



## PROPERTY

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sue Darcy of Knudson & Associates, on behalf of Rudyard's Inc., a Texas corporation (Michael Holliday, president), declining the acceptance of, rejecting, and refusing the dedication to the City of a 5-foot wide ( $\pm 612$  square foot) strip of right of way for the widening of West Alabama Street, A. C. Reynolds Survey, A-61, as recorded under Harris County File Number 073-79-1499 - **DISTRICT D - BONEY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0631 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel C99-12, located in the 100 block of Cordes Street, owned by Edmond D. Lorts, for the **HIDDEN ECHO LIFT STATION PROJECT**, CIP R-0267-36-3 - **DISTRICT E - TODD** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0632 ADOPTED.

## PURCHASING AND TABULATION OF BIDS

14. **PERKIN-ELMER INSTRUMENTS, LLC** for Purchase of One Gas Chromatograph System from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$50,360.80 - Police Special Services Fund – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0633 ADOPTED.
15. **HOUSTON-GALVESTON AREA COUNCIL** for One 15-Passenger Van through the Interlocal Agreement for Cooperative Purchasing for the Mayor's Anti-Gang Office - \$21,528.63 - Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0634 ADOPTED.
16. **NB BUSINESS SYSTEMS, INC** to Furnish and Install a Power Filing System for Police Department - \$19,767.50 - Police Special Service Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0635 ADOPTED.
17. **AGILENT TECHNOLOGIES, INC** for One Gas Chromatograph System from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$44,567.15 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Robinson stated that he did not get a chance to make an inquiry, that he noticed a price differential between Item No. 14 and Item No. 17 of about \$6,000 and was just wondering why that was, and Mayor Brown stated that the reason was that

they were two different systems and the configuration was different from one system to another.

A vote was called on Item No. 17. All voting aye. Nays none. MOTION 2001-0636 ADOPTED.

### **ORDINANCES**

19. ORDINANCE amending **SECTION 6-14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the keeping of Swine, Goats, Sheep, Bovines, and Equines; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2001-0535 ADOPTED.
20. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2000-788 by adding one (1) Identification Officer Position and deleting one Deputy Administrator, Identification Division Position and deleting one Police Communication Specialist II Position; substituting the amended exhibit as part of the current Police Department classified personnel ordinance; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2001-0536 ADOPTED.
24. ORDINANCE approving and authorizing the Mayor to Execute and the City Secretary to attest a lease agreement between **L.S. DECKER INVESTMENTS, INC** as landlord, and the City of Houston, Texas as tenant, for office space at 1702 Seamist Drive for use by the Department of Public Works and Engineering - **DISTRICT A – TATRO** – was presented, and tagged by Council Member Vasquez.
25. ORDINANCE establishing the north and south sides of the 4400 Block of Gibson Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas, making findings and containing other provisions related thereto; providing for severability - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2001-0537 ADOPTED.
29. ORDINANCE approving and authorizing lease agreement between the City of Houston and **JUNETEENTH U S A**, providing 9.85 acres out of the Holmes Road Incinerator Site to be used for a Monument and Educational, Cultural and Historical purposes; subject to the terms and conditions of the lease agreement – was presented, and tagged by Council Member Bell.

Council Member Vasquez stated that Item Numbers 34 and 29 were related in the sense that Item 34 dealt with the site contamination assessment for Item 29 and Item 29 dealt with the lease contingent upon the site contamination assessment, that he thought by passing both they were putting the cart before the horse and strongly believed they needed a site assessment first prior to any discussion about leasing the property or building a park or a monument on this particular property, that he knew Council Member Bell had tagged the item and he was going to make a motion that this be sent back to the administration until after the site had been assessed before it could be brought back, and

Council Member Bell stated that he would remove his tag so that Council Member Vasquez could make his motion.

Council Member Vasquez moved to refer Item No. 29 back to the administration and be brought back to Council after the property was in a leaseable condition after it had been assessed and remediated.

Council Member Boney stated that he wanted to offer a substitute motion and did not think it was in conflict with Council Member Vasquez's issue.

Council Member Boney moved to suspend the rules to have Mr. Buchanan, Director, Solid Waste Management brief them on the project, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0637 ADOPTED.

Council Member Robinson stated that he wanted to acknowledge that they were joined by State Representative Al Edwards.

Council Member Boney stated that he understood that there had already been some environmental investigation of the properties and some judgments made and some further due diligence was being done and asked Mr. Buchanan to sort of brief them on where they were.

Mr. Buchanan stated that he was informed just this morning that results of an assessment had come in and the majority, more than 7 of the 9 acres, were cleared for residential use, which as he understood it they could eat the dirt and would be okay, that there was a small area about 15 feet square that was cleared for industrial but not residential use because there was a transformer there and there were a couple of inches of contaminated soil and there was an area, which he did not recall the width of, that ran along the fence line along Highway 288 which was not cleared for residential use, but the remainder of the property, he was told, was safe for residential use, and Council Member Boney asked what was the timeline for the other further evaluation of the property that had not been cleared for residential use, and Mr. Buchanan stated that he did not believe that another evaluation was required, but some restriction on the use of that portion of the property was appropriate, for instance they could put flagpoles and a monument in that portion, but no picnic tables, and Council Member Boney asked if it was possible that the area that had not been cleared for residential use could be fenced off, not at the City cost, and therefore avoid any issues of liability and had Legal looked over it, that had been their primary challenge to make sure the City was not liable for anyone who climbed over the fence and gets into the area that had only been evaluated for industrial use, and Mr. Buchanan stated that it certainly could be and believed that the foundation was prepared to do that.

Council Member Boney moved to suspend the rules to allow State Representative Al Edwards, who was with Juneteenth USA to speak to that, and Council Member Vasquez stated that he also had some questions of Mr. Buchanan. Council Member Robinson absent.

Mr. Buchanan stated that he wanted to make a correction, that the area along the fence line, that he indicated was only cleared for industrial, was cleared for commercial

or industrial so it was the same standard that they could put a Stop N Go on, but not a single family residence.

Council Member Vasquez asked if the entire area had been remediated, and Mr. Buchanan stated no, that the only remediation was done on the site of the structures that were demolished, that in his opinion there was no need for remediation, and Council Member Vasquez asked then why did they have another agenda item for another study, and Mr. Buchanan stated that he could not answer that, it was not his item, and Council Member Vasquez asked what was the contamination that was out there, and Mr. Buchanan stated that he could not give them the specifics, that he got a report that came in, but along the fence line there was some minor amount of lead contamination, that the contaminant was pot ash from the incinerator, that a 15 by 15 area had some transformer oils which had PCB's in it.

Council Member Vasquez asked that in terms of the liability was there not always a third party liability as long as the City owned the property, and Mr. Stephen Lewis, stated that there was always a third party liability regardless of who owned it in the future, that once they were in the chain of title there was the potential for liability, however if they leased the property, as they proposed to do here, rather than selling it, as the landlord they could put meaningful restrictions on the use of the property and better control the use made of the property and thereby minimize the risk, that also on this particular lease they had included requirements for complete indemnification of the City and also requiring that the tenant maintain property insurance, so he thought that probably this method of making the property available actually afforded the City more protection that they would get if they just sold the property, whereupon they would use control over its future use; that it was his understanding that after the demolition was done studies were conducted to certify that the property was clear for useful industrial purposes, whether they remediated depended on what the intended use was, that it was correct that a park and a monument were not industrial purposes and that was why the follow up study was ordered, that he had not seen it yet because he was just advised this morning that this preliminary report had come out, but from all indications they had now determined that a substantial portion of the 9 acres could be certified for use as residential, which meant that the site had very low levels of contamination.

Mayor Pro Tem Boney stated that the property had been remediated and there was a long history that went back with it, that at one time there was almost a pattern and practice of locating landfills and dumps in minority areas and this was one area, in Sunnyside, that had far more than their share of landfills and dumps, that they finally closed the landfill and moved it and it remained an eyesore for the community, that before Mr. Bass left Solid Waste they were able to find some money from the State that demolished and remediated that dangerous pit that was there, so that was the remediation that was done which allowed that land to potentially be used for a park, that the community got very involved in the Sunnyside community because they had been inundated also by a concrete manufacturing facility and other facilities such as the landfill itself, so what they actually had been able to do was to restore that land for its availability for public use using State not City monies, that they were just kind of finishing up what was a long ball that actually started 10 to 20 years ago, that they were not obligated to continue the lease and it was not a conveyance of property, that what they were subject to get out of this was an improvement of the property not at City expense and a fulfillment

of a long time commitment to the neighborhood, that Juneteenth had a big history and part of this being on the agenda today and the way it was structured was that they were coming up on the statewide Juneteenth Holiday so it was an excellent time to celebrate the City and a community coming together as one and getting something positive done and reversing a negative in that neighborhood. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he to was confused by the sequence of the contract for the remediation and apparently, listening to Mr. Buchanan, some of it had been remediated to a level where commercial and industrial use was appropriate, and Mr. Buchanan stated that was correct and it was done when the facility was demolished, that they did not expect to find contamination where the building was not, but given the use of that property they believed it wise to check it, and Council Member Castillo stated that if they were looking at a monument and a place for having a celebration some of it could still be used for residential use, particularly in that area of town where affordable housing was in need, and Mr. Buchanan stated that he supposed it was possible but it abutted a landfill and suspected that it would not be a hot property for developing residential units, and Council Member Castillo stated that they had a property out in the east end that was remediated to probably the same level, that it used to be called the Milby Bus Barn, and they had not been able to get the Legal Department to agree that it could be used for anything other than staring at it and he wished they could get the same creative reasoning out of the department that they seemed to be getting today, and they also had one on Velasco Street and asked Mr. Buchanan what he intended to do with it, and Mr. Buchanan stated that he did not have a copy of his CIP with him but they did have funding in their CIP and could not tell him which year it was, that they had already dealt with the building, but there was contamination on the site from a neighbor, that the remediation was in the CIP plan. Council Members Parker and Quan.

Council Member Keller asked how much had they expended to date on the evaluation of the environmental analysis of this subject property, and Mr. Buchanan stated that the study that was just completed cost \$50,000, and Council Member Keller asked what was the justification for them to expend another \$50,000 on the site when he had just said that an evaluation was not required, and Mr. Buchanan stated that he did not know that he said another evaluation was not required, that remediation, he believed, was what he was talking about, if he said evaluation he apologized, that he misspoke, that he believed that the site could be used for the intent that Juneteenth USA proposed to use it for without remediation.

Council Member Keller stated that he had heard Mr. Lewis and a couple of others say that they legally felt that the City had the information required to go forward with this project and asked if he was incorrect in assessing that the heard that, and Mr. Lewis stated that it was his understanding, yes, that the preliminary report, that they just found out about this morning, indicated yes, that the \$50,000 item that he was referring to was a routine reimbursement of the fund, that what he understood was that the study had already been conducted and at this point maybe they were stating what the money was used for, and Council Member Keller stated that at this time he was going to remove his concerns on Item No. 29 and when they got to Item No. 34 he would probably put a tag on it, and Mayor Brown stated that it was a reimbursement of the fund. Council Member Castillo absent.

Council Member Todd asked from the aspect of the environmental side of this, was the leasee aware of their inquiry of the environmental status of the property, and Mr. Lewis stated yes, that in fact they had listed all the prior environmental studies that had been done and the work that had been done and provided them with copies of the reports, that they were well aware of all of the prior history of the property, that they had a special provision in the lease providing that the City was completing some environmental studies and had the right to make restrictions on the use of the property or in fact even terminate the lease if they were not satisfied with the outcome of the environmental and until those determinations were made they were not permitted to use the property, so they built in lots of safeguards and protections for the City; that from a superfund perspective if there were problems with the land those would stay with the City regardless of whether or not they sell or lease the land out, that once they owned the land and were in the chain of title they had the liability forever and there was no way to deed away in the current federal law, that as he said earlier, by leasing it the City actually retained control over its use so they afforded the City with more protection than if they sold it in loss control, and Council Member Todd stated that his question was that he did not know what sending it back would accomplish if that was the environmental reality of it that the potential leasee was aware of the potential problems on it and the City's liability at a minimum would remain the same and in reality diminish if they did the deal. Council Members Castillo and Robinson absent.

Council Member Boney stated that he had an amendment that he thought would resolve any problems with regard to concerns of liability on the City and was just cognizant that everybody was not present when they did this, that they actually went to the site and had a celebration where they demolished it and cleaned it up using the State's money.

Council Member Boney moved that they limit the lease to the seven or so acres that had been cleared for residential property which would give them the greatest immunity property, that the Legal Department had been very cognizant about involving them in property that had been potentially contaminated, that the same thing happened in Kennedy Heights, that they would not do anything in Kennedy Heights until it proceeded through the legal course and they came out of that alright, that since the evaluation of environmental issues had already been done and had been certified to the greatest degree, which was residential why did they not limit the amount of area to that where a residential assessment had been done and that would protect them to the greatest degree and the other matter they could take up at a later date. Council Member Robinson absent.

After further discussion Council Member Vasquez moved for a two week postponement, seconded by Council Member Castillo. Council Member Robinson absent.

Council Member Tatro asked if they planned to keep the property for the foreseeable future, and Mr. Buchanan stated that the Solid Waste Department had no plans for use of that property at all, that they did not anticipate a sale, that they planned to retain the property, and Council Member Tatro asked if on Item No. 34 did it pertain to the same tract of land, and Mr. Lewis stated that it did, that apparently the City had set up a

fund for environmental studies and they utilized that fund to do this work and the \$50,000 item was to reimburse that fund for the money that was expended, and Council Member Tatro stated that his concern was when they had people come to the City requesting either to purchase or lease City property that the City incur the expenses as opposed to their incurring the expenses for the preparation of the property for their use, and Mr. Lewis stated that it really depended upon the situation, that a prudent landowner, which they hoped the City was a prudent landowner, if they had a site with potential environmental problems that owner needed to conduct their own study and then when they sell it they tell the buyer that they would give them copies of what they had but they were going to have to satisfy themselves that it was okay and then they often commission their own independent studies. Council Member Galloway absent.

Upon questions by Council Member Todd, Mr. Buchanan stated that it was his understanding that there were no problems to use the property this Juneteenth but to be able to have an announcement so that the community could have a win in that area for this Juneteenth. Council Members Galloway and Ellis absent.

After further discussion by Council, Council Member Sanchez moved to hear from State Representative Al Edwards at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2001-0638 ADOPTED.

Upon questions by Council Sanchez, Representative Edwards stated that they would have to live by what ever decision Council made, but he would appreciate it along with the community that they would make the announcement that there was a tentative contract and that the results had been positive, that the ground was clean enough to eat off of at that majority of the property and that there was some that they would have to restrict to where they would put the monument and maybe some other structure; that secondly he thought it would be well at a time where he had been out at the multi purpose center for the last two or three days, and he would like to commend the Mayor and all of them for what a great job they had done in working with the State during the flood, that he had been out there, both the north and south side, with those folks who were homeless, clothesless, foodless and all of that, so it would be an asset, that they were not planning on having a function, naturally they could not do anything like that now; that he was in total support of it being sound to, that the seven day delay would not be fatal, but it would not be nearly as desirable if they would do it today, that in the contract, and he had read it closely, it stated clearly that if anything came up at any point then the contract was null and void and if not then they moved on as is, so he thought the City was protected if they did it today or at another time. Council Member Ellis absent.

Mayor Brown asked Representative Edwards if his interest was having this done, number one, and number two, the time factor was to have some good news for the community when they celebrate Juneteenth, and Representative Edwards stated yes, that he would have to abide by the decision and follow whatever instructions they gave them, that he was appealing that there be a way, even if it was at the end of the agenda, that it be approved, but if not he would follow whatever decision the Council made. Council Member Ellis absent.

Council Member Goldberg stated that there had been some talk that the City was indemnified and asked up to what amount of money the City was indemnified through the contract, and Mr. Lewis stated that the indemnification was unlimited, however it was a non profit organization so they would probably look to their insurance coverage and believed that the general liability requirement was \$2 million, that if there were any sort of claims or class claims over \$2 million the City could certainly be liable if the non profit was unable to live up to the indemnity beyond the insurance, and Council Member Goldberg asked if the non profit could pay any sort of claims after \$2 million, and Representative Edwards stated that it would depend, that this was a new project, that they would be responsible for whatever damages there were and incidentally this piece of property some of them helped close that dump down thirty years ago and since that time there had been dog trainings, administrative offices out there for the last thirty years and a number of them had been out there many times since the incinerator was closed and he had not heard of anything that had happened off of it, and Council Member Goldberg stated that \$2 million dollars was the maximum amount that the insurance policy covered and he had concerns that it was even enough. Council Member Ellis absent.

Council Member Bell asked how long had the project been in the offering and negotiated, and Representative Edwards stated that in August it would be two years, that in fact it was before that because they were working with the demolition and the cleaning up of the property and Council Member Boney and the Mayor were able to find funds and get support through the State to clean it up, that the community had been meeting on this over two years, that when the building was torn down last year they made the request to the Solid Waste Department and through the Mayor and Council Member and with a number of community organizations, about twenty or thirty of them, who were in support of doing that so it did not just start, that he respected the Department because they had taken a firm position that they would do nothing until they got the study back, and the preliminary studies showed that it was clear and safe, that he was not sure when the preliminary studies came back, but he knew that the contract indicated that there had been some and then there were some final ones. Council Member Ellis absent.

Council Member Bell asked Mr. Buchanan why this item was just coming to Council a week before Juneteenth, and Mr. Buchanan stated that as Representative Edwards indicated they just had preliminary indications from the soil evaluations two weeks ago and what appeared to be final this morning that the site would be suitable for the use that Juneteenth USA intended, that they did not want to bring it forward before they had some strong reassurance that the land could be used for the purpose intended so it just kept backing up to Juneteenth, that it was a Building Service soil analysis and he received a copy of it this morning right before the Council meeting, that Building Services informed him that they received it late yesterday afternoon, that he had a page with a date of June 1, 2001, that he could not respond definitively to the question, and Council Member Bell asked if there was anyone present who could respond definitively as to what was the date on the report he would greatly appreciate it. Council Member Ellis absent.

Council Member Boney stated that in due consideration of his colleagues comments if Council Member Vasquez would remove his tag he would offer a substitute amendment, that he appreciated the concerns that had been raised by various Council Members, that the City was never totally indemnified from being suit they just knew



whether they were in a good position to prevail in the lawsuit. Council Member Ellis absent.

Council Member Vasquez stated that he believed he made a motion and stated that he rescinded his motion. Council Member Ellis absent.

Council Member Boney moved to limit the leased area to the area that had been approved for residential use, seconded by Council Member Robinson. Council Member Ellis absent.

Council Member Boney stated that it would eliminate them from those areas that had not yet come up to the higher environmental standards. Council Member Ellis absent.

Council Member Todd stated that if they approved the item today they gained insurance coverage through the leasee of the property for \$2 million and it was an immediate benefit, so if the concern was liability he urged them to support the motion that was on the table.

Council Member Castillo asked if Council Member Boney's amendment gave the City the degree of protection alluded to or did they need to have a more definitive and comprehensive response or review of the environmental report, and Mr. Lewis stated that based on the protection that was already built into the lease and then the additional amendment limiting it to the areas cleared for residential use he was quite comfortable that the City was in a good position legally.

Council Member Sanchez asked Mr. Buchanan if he was going to distribute the documentation, and Mr. Buchanan stated that he had a copy of the report and had asked Building Services to make copies of it available to all Council Members.

Council Member Sanchez moved to postpone consideration of Item No. 29 to the end of the agenda, seconded by Council Member Boney. All voting aye. Nays none. Council Member Tatro absent. MOTION 2001-0639 ADOPTED.

Mayor Brown stated that he wanted to express on behalf of all City Council and the citizens the tremendous help that Representative Edwards was to Houston in the legislative session, that some of his actions helped them save the taxpayers literally millions of dollars with bills that were passed, and thanked him for looking out for the City, and Representative Edwards stated that the City of Houston had now developed a relationship with the Legislature that was far better than they had seen in years passed and they worked through that agreement type thing and thought they had developed a stronger relationship with the Legislature and Houston came out quite well during that last Legislative session, and Council Member Galloway stated that she too wanted to thank him for supporting the bills they had of interest in Houston. Council Member Boney absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 28 and 60 out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-0640 ADOPTED.

28. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Airport System Special Facilities Revenue Bonds (Continental Airlines, Inc, Terminal E Project), Series 2001; including authorizing the Finance Working Group to proceed with the sale of such bonds, approving and authorizing distribution of the Preliminary Official Statement related to such bonds, authorizing a public hearing with respect to such sale, approving other matters incidental to the issuance and sale and making various findings and provisions related thereto; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0538 ADOPTED.
  
60. ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2002 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund balances; amending the Code of Ordinances to increase Ambulance Fees and authorize an increase in Platting Fees; making various amendments to the proposed budgets; designating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making certain findings related thereto; providing a repealing clause; providing for severability – was presented. Council Member Boney absent.

Council Member Castillo stated that there had been other amendments that had been offered to the budget and they were going to review them on Friday and stated that he wanted to tag the item.

Council Member Robinson stated that as a point of procedure could they lay the items out now and if they were going to tag them to tag them with the main item because if they do not they would be off the timeline, and Council Member Castillo stated that he would remove his tag for that purpose.

Council Member Castillo stated that he had circulated to the Council Members the amendments that had been offered up until June 8, 2001, and they were as follows, that there was an amendment in four parts from Council Member Robinson related to Public Safety and employee compensations.

Council Member Robinson stated that he would like to withdraw his amendment.

Council Member Castillo stated that there was an amendment in five parts by Council Members Ellis, Keller, Robinson and Vasquez relating to Public Safety and Performance Pay and that was reviewed and recommended by the Fiscal Affairs Committee on Tuesday, last, and had been incorporated into the version of the budget that was now on the agenda.

Mayor Brown stated that it was already in the budget so they withdraw their amendment, that it was taken care of, and Council Member Castillo stated it was moot.

Council Member Robinson stated that the four of them would like to withdraw the amendment, but they also wanted to thank Mayor Brown and the folks in the

administration for incorporating the suggestion and for the support of all of the Members of Council.

Council Member Keller stated that he would also like to thank the other Members of Council who took the time to look through it so that it could go through so expeditiously.

Council Member Castillo stated that he was explaining to the City Attorney that the Mayor's budget, which was now on the table, the Mayor had accepted the recommendations that were laid out by the four Council Members.

Council Member Boney stated that he also wanted to thank the four Council Members who worked together on this, that he thought it was a big help toward consensus, and appreciated their working with the administration and other Council Members because it was always better to try to reach consensus rather than sometimes get a 51 to 49 split.

Council Member Vasquez stated that he also wanted to thank the other Council Members, that it was a good effort and discussion on it, that he also wanted to thank the Mayor and Mr. Tollett, from the administration, and Dr. Scheps also for answering questions and comments, that he wanted to recognize their positive contributions also.

Council Member Galloway stated that she wanted a point of personnel privilege to recognize a group of students from Northbrook High School, from Spring Branch, who were visiting Council.

Council Member Castillo stated that Amendment No. 3 by Council Member Boney was (1) relating to cost savings and his recommendation was to put the newsletters from the various departments on the City's network and thereby save the printing cost; and (2) proposing that all fleet operated vehicles be equipped with global positioning equipment devices, that these two amendment were subject to a tag so that they could be brought up at the same time.

Council Member Boney stated that what he understood from the budget workshops was that there may be some savings represented in an effort to take some of the newsletters that were currently printed and put those on the City's e-mail network system so they would not have to be printed, that there may be others that still needed to be printed, but he was going to leave that judgment to Finance and Administration, that if there were some significant savings represented by that he recommended that those go to Health and Human Services primarily in the area of STD's and HIV, still leaving flexibility; that on the second, Building Services or the Health Department had indicated that they had received significant reductions in energy costs in fuel by use of the positioning system of their City vehicles, and he wanted that explored citywide and see if savings could be represented there and then they take appropriate action.

Council Member Castillo stated that he had been advised that they were in a position legally to adopt the budget today and asked if he would care to have a vote on the first part of his amendment.

Council Member Tatro asked for a point of order and stated that he was just

concerned about getting these into the record and getting them in paper, that he knew that they had distributed them earlier and obviously the Ellis, Keller, Robinson and Vasquez amendment they did not need to have at the table, but he was concerned about just at least presenting them at the Council table, as Council Member Vasquez had presented his, to have that document at the table for the record and asked if they had a copy of it, and Council Member Robinson stated that he was having copies made, that it was the same package that had been distributed by Council Member Castillo.

Council Member Boney stated that if Council were more comfortable to have a week to flesh his amendment more on paper he would not mind that and they could pass the budget today, that he thought his amendments were innocuous enough that they would get support.

Council Member Tatro stated that he had an opportunity to read all of the amendments but thought for the record that it was appropriate to have them at the table, and Council Member Castillo stated that they could have the makers at the table read them, and Council Member Tatro stated that would be a fine substitute.

Council Member Castillo asked Council Member Boney if he was removing his amendments as budget amendments, that they were administrative in nature and asked if he felt they could be handled administratively, and Council Member Boney stated that he kind of wanted to put them in the budget, and Council Member Castillo requested that he go ahead and read them.

Council Member Boney stated that the first amendment dealt in regard to the number of publications that were published, newsletters and so forth, by various departments and the administration and his amendment was as follows:

“That those publications be reviewed to see if all of them need to be published and printed and distributed citywide and where possible those be reduced and put on our electronic system so they could be downloaded by departments that choose to use them and that any savings resulted from that be allocated to Health and Human Services, primarily in the areas of STD’s and HIV”, seconded by Council Member Ellis, and tagged by Council Member Sanchez. Council Member Keller absent.

Council Member Boney stated that the second amendment dealt with the use of the mobile system of identifying where City vehicles go and in the budget workshops it was identified that Health and Human Services had used such a system and recognized significant savings and stated that his amendment proposed the following:

“That F&A direct the administration to conduct a citywide review as to whether or not they could recognize significant savings if the mobile system of identifying where City vehicles go were placed upon other City vehicles or all City vehicles and therefore save monies there”, seconded by Council Member Ellis, and tagged by Council Members Sanchez and Tatro.

Council Member Boney asked for a point of order and asked the reason why for the tag, was there a problem with the amendment or did they just want to see it in writing, and Council Member Tatro stated that he believed he would be supporting both of the

amendments but thought it was proper to have the amendments separate and approved with the budget, but he planned to tag the budget also, so each of the amendments that came before Council today he planned to tag also.

Council Member Castillo stated that the fourth amendment was an amendment by him relating to funds being made available for unclassified employee pay raises and that was by reducing the overlay program in the General Fund by \$3 million and substituting the \$3 million in Community Development, in other words taking whatever savings were made and putting them in a fund for employee pay raises.

Council Member Castillo presented the following amendment:

"I recommend that the \$3 million budgeted in the CDBG annual budget for NTS Neighborhood Street Overlays be counted as part of the \$50 million for Street Overlay Programs and that the \$3 million be reduced from that portion of the General Fund and applied toward a reserve in the General Government line item which together with other savings from the general fund can be used for employee pay increases."

Council Member Castillo stated that he would tag his amendment, and Council Member Boney asked if he would accept a friendly amendment and stated that he would suggest that before incentive pay increases for municipal employees or performance pay, and Council Member Castillo stated that he would accept his amendment.

Amended amendment to include the friendly amendment by Council Member Boney.

"I recommend that the \$3 million budgeted in the CDBG annual budget for NTS Neighborhood Street Overlays be counted as part of the \$50 million for Street Overlay Programs and that the \$3 million be reduced from that portion of the General Fund and applied toward a reserve in the General Government line item which together with other savings from the general fund can be used for employee performance pay increases."

Mayor Brown stated the amendment was tagged by Council Member Castillo.

Council Member Castillo stated that the fifth amendment was four distinct amendments by Council Member Vasquez relating to the following.

Council Member Vasquez stated that he distributed the following amendments to Item No. 60:

"The Director of Planning and Development will direct a comprehensive staff review of the City's current computerized GIS/mapping systems and the utilization of such systems by City departments with the objective of improving inter-departmental sharing of geographic data and increase the use of GIS/mapping systems to improve departmental efficiencies and effectiveness. The study should be completed by March 1, 2002", seconded by Council Member Boney, and tagged by Council Member Tatro.

"Relocation of 311 Program to the Mayor's Office. The 311 Program will be removed from the budget and management structure of the Finance and Administration Department and will be placed within the budget and management structure of the Mayor's Citizens Assistance Office.", seconded by Council Member Keller, and tagged by

Council Member Tatro.

“Relocation of the Emergency Management Program to the Mayor’s Office. The Emergency Management Program will be removed from the budget and management structure of the Finance and Administration Department and will be placed within the budget and management structure of the Mayor’s Office of Public Safety and Drug Policy.”, seconded by Council Member Quan, and tagged by Council Member Tatro.

“Consolidation of Public Information Officers. The director of Finance and Administration will conduct a study to evaluate the potential cost-savings associated with a consolidation of all departments’ Public Information Officers (PIO’s) into a single organization. The study shall also include an analysis of operational benefits or drawbacks to be achieved through such a consolidation. The study shall be completed by March 1, 2002.”, seconded by Council Member Quan, and tagged by Council Member Tatro.

Council Member Castillo stated that there were two amendments by Council Member Quan, with the first one relating to limiting the funding to the Municipal Channel to the revenues generated by cable television providers:

“Eliminate line item 208 / 65 / 9100 ‘Transfers from General Fund of \$228,313 and reduce the total budget of the Municipal Channel by the same amount. Reductions in service are to be determined by Division Director, but one suggestion is a reduction of hours of broadcast.”, seconded by Council Member Robinson, and tagged by Council Members Boney and Tatro.

Council Member Boney stated that first of all the Municipal Channel had suffered a tremendous amount of damage in the water and did not think that this particular reduction of \$225,000 was really timely for the current situation, and secondly the Municipal Channel really did provide the citizens a, as Council Member Bell would say, transparency in government and a lot of information comes through the Municipal Channel, that he would prefer a review by F&A to see where cost reductions could occur and move it at a more planned and theorized way to see if they could not bring it down, that he was not sure that they could so he just wanted him to know that and they could discuss it during the week.

Mayor Brown stated that the matter had been tagged.

Council Member Castillo stated that the second amendment by Council Member Quan related to the funding and cash of the Rainy Day Fund in the amount of \$5 million.

“Transfer \$5 million from Any Lawful Purpose Fund to a cash “rainy day” fund. Spending guidelines for rainy day fund shall be proposed by Mayor and approved by City Council.”, seconded by Council Member Robinson.

Council Member Vasquez asked Council Member Quan that just for clarity purposes was his amendment in any way in conflict with the amendment proposed by the four Council Members, and Council Member Quan stated no, that basically in fact what action they had already taken today in addressing the catastrophe showed that this

was in the fact the purpose of that fund, that what he was looking for was the reimbursement that they received back from FEMA and other entities to help set aside this money specifically into that rainy day fund as opposed to continuing to raid Any Lawful Purpose Fund when things like these happen. Council Member Todd absent.

Council Member Vasquez stated that obviously he agreed with the purpose, and asked if it was in addition to, and Council Member Quan stated that he was not asking that it be in addition to the \$25 million, that if it had been accomplished and the money would be designated for the rainy day fund when it comes back then he was happy with that and was willing to withdraw his amendment. Council Member Todd absent.

Mayor Brown stated that Council Member Quan withdrew his amendment. Council Member Todd absent.

Council Member Sanchez stated that he thought that the administration had represented that the money that came back from FEMA would go directly back into the funds that funded it and not into the Rainy Day Fund, and Dr. Scheps stated that it would be Council's decision at the time, and Council Member Sanchez stated that they did have a conflict, that Dr. Scheps verbal statement was that his recommendation would be to go back to the funds it came from, and Dr. Scheps stated that the amendment that Council Member Quan put together was before the flood, so he did not think it had anything to do with FEMA dollars whatsoever, it was just a way of funding the \$5 million Rainy Day Fund so perhaps he did not understand.

Council Member Quan stated that was correct that it did come before that and stated to Mr. Haines that he was seeing that they were in fact establishing a Rainy Day Fund with the proceeds that come back and if that was not true then he would like to keep his amendment on, and Mr. Haines stated that he thought the intent as they had discussed it was that with the establishment of the separate fund, dealing with the storm disaster recovery, there was no capacity to generate an additional \$5 million out of ALP for anything else, that it was all going in to this special set aside, that if he understood the Council Member's intent, the intent would be that if and when there was a recapturing, either through reimbursements or not having been all spent, that the intent would be to maintain that, at least to a certain level of integrity, and of course the Council would have to deal with that as the year went along. Council Member Todd absent.

Mayor Pro Tem Boney stated that first of all with regard to the establishment of a \$5 million Rainy Day Fund the agreement to accept, by the administration and other Council Members, the initiative of the four Council Members, that established the \$5 million Rainy Day Fund at that time in this year's budget, that this matter with regard to reimbursement from FEMA what Dr. Scheps said and what had basically been agreed to was that some of those reimbursements may come out of different pots, Convention & Entertainment may spend some money out of their pot for the garages, Aviation may spend some money out of their pot, and Rainy Day may spend some money out of their pot, that when that money was reimbursed it would go back to the same pots, that was what had been represented by the administration and thought that was the consensus of Council, which would reestablish the Rainy Day Fund at the \$5 million to whatever degree it was depleted. Mayor Brown, Council Members Todd and Vasquez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that the money they moved from ALP earlier when they start being reimbursed it would ultimately go back to ALP, Convention or Aviation and if they were to adopt the amendment they would simply be after reimbursement taking an additional \$5 million, that during the course of the discussion they had revolving around the agreed to amendments, one of the commitments that the administration made and thought that everybody at the table agreed, was that as they went forward, in 2002 and 2003, as they could add additional dollars they would be able to do that, so once they reimburse the ALP they always had that as a point of discussion and point of option, so he wanted to be clear that Council Member Quan's amendment was addressed in terms of the additional commitments they were looking at, that they also, if they read the amendment, speak to the fact that any fee adjustments above the initial four set aside for civilian performance pay would be routed to the Rainy Day Fund so by the time they close out FY02 they should see a Rainy Day Fund somewhere north of \$5 million. Council Members Todd and Vasquez absent.

Council Member Castillo stated that there was a final table amendment by Council Member Goldberg. Council Members Todd and Vasquez absent.

Council Member Goldberg stated that this amendment had to do with some cost savings he thought they would realize once the 311 System came online and distributed the following proposed amendment:

"To eliminate the water customer service center once the 311 System is online", seconded by Council Member Ellis, and tagged by Council Member Castillo.

Council Member Goldberg stated that he had been out there and it had been used very infrequently and was certainly not cost effective, that people would now be able to get their questions answered simply by making a telephone call, that it would eliminate the need for cashiers, security for the cash and checks and it was a modernization and technology amendment.

Council Member Castillo stated that completed the amendments. Council Member Todd absent.

Council Member Boney stated that the only point relating to Council Member Goldberg's amendment was that everybody was not online so he was wondering how he saw the water customer service center eliminating itself, and Council Member Goldberg stated that 311 was by telephone so they had access either by a phone in the home or a pay phone and most people buy groceries and a lot of the grocery stores do collect the water payments, that he was not seeing a need for some face to face interaction for water bills, not for the amount of money it costs. Council Member Todd absent.

Council Member Castillo stated that in many cases the most frequent use of that service center was when poor working people, who could not afford the water bills, went to make the payment arrangements, that it required a face to face consultation and signing of a contract agreement agreeing to the terms of the repayment and so they dealt with that, and Council Member Goldberg stated that he still thought that these could be made over the phone, that the Water Department still had personnel down there that



would be able to handle this without staffing it as much as they did at this time. Council Member Todd absent.

Council Member Parker asked Council Member Goldberg if it was his intention to close the customer service window and not the function, and he stated not the function, that the savings would be realized by not having tellers, security for cash and not having to have the services of an armored car to pickup the cash, that he was not trying to eliminate the face to face interaction if necessary, that they had personnel there but there was not a big demand, and Council Member Parker stated that this item had been tagged and asked if by next week he could tell them exactly how much was exactly spent by having a teller window open as opposed to the rest of the function, and Council Member Goldberg stated that he would have those figures for them, and Council Member Boney stated that he would really want the Water Department to be able to speak to that thoroughly as well as Council Member Goldberg's research, that he really understood the impact of that, that it did not feel right, but maybe it was and if there was money there that could be saved he was open to it, but he really wanted to make sure they did not diminish customer service. Council Member Castillo absent.

Council Member Galloway stated that was her sentiments as well because she had a lot of constituents who dealt directly with the customer service center, so she would really like a thorough study of this to see that it was feasible. Council Member Castillo absent. Council Member Castillo absent.

Council Member Bell stated that he did not disagree strongly with anything that had been said and thought that the whole question of bill collection was an evolving process, that years ago supermarkets did not allow people to pay bills there and there was not telephone payment and that sort of thing and probably more in a person type of payment but obviously they had evolved from that point and many more people take advantage of the mail and phone and that sort of thing and thought that the City needed to be a part of that as well, that he did look forward to seeing any information that the Water Department could provide as to the number of people who were actually coming in to pay their bill in person, that he thought the Legal Department could help them out to, that Council Member Castillo raised the question on whether the contractual relationships when people worked out payment plans would have to be signed, that he did not think that was necessarily the case and if Legal could look into it. Council Member Boney absent.

Council Member Robinson stated that he was not in disagreement with the amendment or anything that had been said, but he did not want to rush too fast and not be clear because if they passed the amendment they had a couple of things that were going to be contingent until they brought 311 up, then they had to have shake down crews on 311 and how long would they run the shake down crews and maintain the existing water customer services so they could deal with any glitches in the 311 System as it became operational, that he would probably feel more comfortable if they took the approach that Council Member Vasquez had used in some of his amendments where they ask the administration to look at and evaluate as they bring the 311 System on line.

Council Member Goldberg stated that he had given it some consideration, that originally his amendment was to eliminate it all together because they did not really need 311, that people could make the phone calls right now as it was, but to allow time to

phase it in he made it contingent on 311 coming online to allow an extra amount of time, and Council Member Robinson stated that was his only concern, that what did they mean by online, that he was not trying to be picky but wanted to make sure that there was some period of time that constituted online to get a real feel for it, and Council Member Goldberg stated that he would take a friendly amendment and delete "online" and substitute the words "is fully operational". Council Member Boney absent.

Council Member Sanchez stated that he needed to go back to the transfer of the \$25 million from the ALP that he wanted to get it correct, that the amendment to create the \$5 million Rainy Day Fund would come from where, and Council Member Quan stated that he anticipated the dollars coming from the balance that they had in the ALP. Council Member Boney absent.

Council Member Castillo stated that he would like to be sure that they include the last amendment, the table amendment by Council Member Goldberg so any tags or other impediments to it were not in place, so he accepted it into the table of amendments and stated that it had been tagged.

Mayor Brown stated that now they were on the main item and Council Members Tatro and Castillo tagged Item No. 60. Council Member Boney absent.

Council Member Tatro moved to suspend the rules to consider Item Numbers 77 and 77a out of order, seconded by Council Member Robinson.

Council Member Boney requested a point of personal privilege and stated that he would like to say to his colleagues on Council that he appreciated everybody working together on the budget and if they did not have to delay it for another week or two to try and get it passed next week.

A vote was called on Council Member Tatro's motion to consider Item Numbers 77 and 77a out of order. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0641 ADOPTED.

77. Written motion co-signed by Council Members Vasquez, Galloway and Castillo to amend Item 77a below relating to Precincts in Districts A, B, H and I - (**TAGGED BY COUNCIL MEMBERS BELL and TATRO**) – was presented.

Council Member Tatro stated that he would like to have a vote on the item.

Council Member Castillo stated this motion was originally cosponsored by himself and Council Members Vasquez and Galloway, that Council Member Galloway had an amendment that she would lay out later and did not know what the status of her support was of the amendment that they all three put out, and Council Member Galloway stated that she supported the amendment that they originally put in, and Council Member Castillo stated that amendment was the subject that they had a discussion on yesterday when they had speakers from the Spring Branch present, that he knew he might not have the votes to see it pass, but he did know that there was about 31,000 people, of which 80% were Hispanic and lived in apartments, mostly immigrants and had very many needs and were people who were really going to be calling on services, that he also

believed that there was more in common with the residents of these areas to District H than to District A, that he knew that much was made by the speakers yesterday about how they needed to stay together and so forth and thought a lot of that was exacerbated by the email that went out from Council Member Tatro's office speaking about the splitting up of Spring Branch Independent School District, that the redistricting did not affect Spring Branch ISD they just had two City Council Members instead of one, that number two, they spoke about the splitting up of the super neighborhood councils and that was one of the reasons why he never liked the idea of super neighborhood councils because then they had an artificial device that gave people the illusion that they had some extraordinary rights over and above those that the other citizens of the City had, and number three, he knew that he might not have the votes but thought it was the right thing to do and knew it was the courageous thing to do and it may not be the most convenient thing to do. Council Member Parker absent.

Council Member Galloway stated that she concurred with Council Member Castillo on this item because the area that she was going to propose from Council Member Vasquez's district she had already represented that district in the past on the school board and they did have quite a bit of commonalities, and for the other portion of her district as well as the people who were in Council Member Tatro's district who came and testified that they wanted to remain because they were being split in the Inwood Forest area and they wanted to remain, that was a win win for that situation, and Council Member Vasquez as well could represent the popularity that had been kind of disenfranchised and she represented, as well as other Council Members, cross sections of super neighborhood councils anyway and she always told them when they had two representatives that was okay that it meant that they were going to get a double portion and was helpful to them, that she had no problem with them since it had already been established in many areas so she did not see anything wrong with that, that as far as school districts were concerned, her district crossed over with other school districts and other Council Members and that did not have any validity as far as she was concerned, that she was mostly concerned about was the commonality and community of interests more so than anything, that she wholeheartedly supported the plan and urged her colleagues to do the same. Council Members Boney and Parker absent.

Council Member Vasquez stated that he also would like to comment about the email that was sent out, that it was inaccurate and it was unfortunate that Council Members were being manipulated by, quite frankly, this non facts that were put out yesterday, that in deference to the people that did show up he did not think it was appropriate to engage them in an argument or discussion at that point and time, that clearly it was Council Member Tatro's intent to basically muddy the water and muddy the facts in that regard, that it was unfortunate that Council Members had made up their minds without ascertaining the correct facts in the situation but clearly Council Members had decided on what course of action they wanted to take, that it was unfortunate that the silent majority in those areas were not present to speak. Council Member Boney absent.

Council Member Vasquez moved to call the question on Item No. 77, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2001-0642 ADOPTED.

A roll call vote was called for Item No. 77.

ROLL CALL VOTE:

Mayor Brown voting aye.  
Council Member Tatro voting no  
Council Member Galloway aye  
Council Member Goldberg voting no  
Council Member Boney voting aye  
Council Member Todd no  
Council Member Ellis no  
Council Member Keller no

Council Member Vasquez aye  
Council Member Castillo voting aye  
Council Member Parker voting no  
Council Member Quan no  
Council Member Sanchez voting no.  
Council Member Bell voting no  
Council Member Robinson voting no.  
ORDINANCE 2001-0643 FAILED

- 77a. ORDINANCE establishing the boundaries of Single Member Districts from which District Council Members are elected under the provisions of Article V, Section 3 of the City Charter; making other provisions related to the subject; containing a severability provision; and declaring an emergency - (This was Item 64d on Agenda of June 6, 2001, **POSTPONED BY MOTION #2001-606, 6/6/2001**) – was presented.

Council Member Galloway moved to amend Item No. 77a with the following motion:

<u>Transfer from H to B</u>	
<u>Precinct</u>	<u>Total Population</u>
870	12
544	464
344	2133
<hr/>	<hr/>
Total	<b>2609</b>

<u>Transfer from B to A</u>	
<u>Precinct</u>	<u>Total Population</u>
322	<b>6845</b>

<u>Transfer from A to B</u>	
<u>Precinct</u>	<u>Total Population</u>
147	5083
934	1980
<hr/>	<hr/>
Total	<b>7063</b>

Council Member Galloway moved to hear Mr. Jerry Wood regarding her amendment, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0644 ADOPTED.

Mr. Wood stated that the Council Members were getting a single sheet of paper that included his analysis of the population and demographic affects of the Council Member's proposed amendment, that as they could see the total population of his district affected by the amendment remained within the range of population that was allowable, that it did lower the population of District H to 4.85% below the average district population, that the

affects of the ethnicity of the districts was very small and believed it raised the Hispanic population in District H by a small percentage and raised the African American percentage in District B by a small percentage, that the areas in question, just for reference to the past speakers they had, Precinct 450 was one of the areas they had speakers before and it was not going back into District A but Precinct 322 was an area in the Inwood area that they had speakers from and did return to District A, that Precincts 934 and 147, which would be going into District B instead of District A were also in the Inwood Pines and Oaks of Inwood area, that the two precincts 344 and 544 and 870 that would be transferred from H to B were in the Jensen Drive 610 area and it was located just west of the Eastex Freeway on both sides of 610 and Jensen Drive, that the boundaries that were established by that transfer were a series of railroad tracks which were good manmade boundaries for the districts in that area. Council Members Goldberg, Quan and Robinson absent.

Council Member Galloway stated that Precinct 544 was already incorporated in Kashmere Gardens Super Neighborhood Council and had been working with her district anyway on their issues and were in the same geographical area and this was one instance where the super neighborhood was split, but if they were incorporated they would have one district representative. Council Members Quan and Robinson absent.

Council Member Tatro stated that he wanted to thank Council Member Galloway for working late into the night on the amendment, that she contacted them and the simple fact was that District A did need to give up population and believed that this amendment better squared the district and did not cut across Antoine so much and did not cut across Inwood Forest so much, that it did shift the population up and had a net effect of 216 more people, that he was in support of the amendment.

Council Member Vasquez stated that in light of what took place yesterday and the misinformation he would like to hold Council Members Galloway and Tatro accountable to the criteria for decision that they held Council accountable to yesterday, that first of all they asked did they notify the affected precincts, civic clubs and community leaders and in this case the answer was no, did it split an area, was there a super neighborhood, was it jointly developed with all Council Members involved, again the answer was no, did it split a school district, was it gerrymandering, did it violate the spirit of the community, did it violate the spirit of the community, were they diluting the voice of the residents, were they having appropriate representation, and the fact that they were posting at the last minute, that he would urge Council Members to keep the same standards and vote against it. Council Members Quan and Robinson absent.

Council Member Galloway stated that it was on the original plan when they had the past amendment, if he would recall those precincts were listed, and Council Member Vasquez stated that with all due respect he objected to these precincts being moved from District H. Council Members Quan and Robinson absent.

Council Member Castillo stated that he would regrettably vote against for the reasons that Council Member Vasquez had enunciated, and that was that there was a higher standard set yesterday, which Council Member Tatro today conveniently ignored, that the other thing was that Council Member Vasquez's precincts were being reduced by some 2,600 people and nothing was being put in its stead, that what it did was put

District H at the bottom of the population range almost over the border in a district that had as its core the fastest growing population in the City, that it was unthinkable that a district that was over 60% and had contributed to most of the growth in the City was going to be under populated almost to the point of being beyond the legal limit, that he thought it was a gratuitous taking that served no purpose.

Council Member Parker asked how this plan related to his original plan that was pulled down week ago, and Council Member Tatro stated that actually these were the precincts that were in the original amendments, not totally unchanged, but the precincts that were going into Council Member Galloway's district were part of the original amendment, but of the two that were in the proposed plan they were just giving back one of those, that the changes to the plan were part of the original amendment, that the impact on District H was an impact between H and B and their plan did not address anything but A and another Council district, that Council Member Galloway could better speak to the swap between H and B. Council Member Quan absent.

Council Member Parker asked Council Member Galloway to give an explanation of the change to the plan between District H and B, and Council Member Galloway stated that she had just got some more information and wanted to question Mr. Wood about, that she could remove Council Member Vasquez's precincts and she could still stay in compliance, that she was going to eliminate H to B and they would just go with A to B and B to A, that they could amend it that way. Council Member Quan absent.

Mr. Wood stated that looking at it, yes, that what happened that Precinct 322 and the 934 and 147 combination had almost the same population and so they were almost swapping one for one.

Council Member Galloway stated she would revise her amendment and moved to amend Item No. 77a as follows:

<u>Transfer from B to A</u>	
<u>Precinct</u>	<u>Total Population</u>
323	<b>6845</b>

<u>Transfer from A to B</u>	
<u>Precinct</u>	<u>Total Population</u>
148	5083
934	1980
<u>Total</u>	<b>7063</b>

seconded by Council Member Robinson.

Mayor Brown stated what they were discussing now and considering was the revised amendment put forth by Council Member Galloway.

Council Member Todd stated that there were strong federal civil rights implications to the changes that were being made today and stated that he intended not to support the proposed amendment for the reason that he did not think that a case had been made to

any extent that these changes complied with the voting rights act, that the only explanation he heard today was race. Council Members Quan and Robinson absent.

Council Member Bell moved to suspend the rules to remain in session beyond the scheduled noon recess to complete the Agenda, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2001-0645 ADOPTED.

Council Member Boney stated that without looking at a map it was very difficult to determine what the impact of these changes were and asked Mr. Wood if his evaluation of the revised amendment by Council Member Galloway that would eliminate the transfer from H to B legally allowable, and Mr. Wood stated that at this point what they had before them was the staff plan with the amendments that were adopted last week, which as they testified at that time were acceptable from a legal standpoint, that now they had a staff plan and Council Member Galloway had proposed an additional amendment, that with the changes to District H removed they had the District H that was proposed in the staff plan and therefore they could endorse it wholeheartedly because it was the original District H that they had proposed, understanding that it did not take care of some of the issues that were raised by citizens, but it was still a legal proposal, that the changes that Council Member Galloway was proposing essentially the staff plan proposed to move a certain amount of people from District A to District B and in doing so it took population out of the greater Inwood Super Neighborhood Council area, that this was simply a different group of people in the Inwood Forest Super Neighborhood Council area, that in other words they had not broken a new super neighborhood it was just a different boundary established in that area. Council Members Quan, Robinson and Bell absent.

Council Member Vasquez stated that he was going to tag Council Member Galloway's amendment.

Council Member Galloway moved to postpone Item No. 77a one week, seconded by Council Member Parker.

Upon questions by Council Member Parker, Mr. Heath stated that as they delayed further they were pushing getting a decision by the filing deadline, that if they passed it on June 20, 2001 it was going to take some time to get the material together and get it submitted and they were adding another two or three weeks so they were getting pretty close to the filing deadline at that time, that they were getting where time became a factor, that if there was any question by the Department of Justice which extends then that becomes a problem, and Mr. Hall stated that a question could in deed be precipitated for the Justice Department by a Member of the Council so it was not inconceivable that a question could not be raised, that they thought they could overcome it but it took time and would thus imperil the filing time.

Mayor Brown stated that the matter before them was a week delay, and Mr. Hall stated that they would strongly advise against it for the sake of maintaining the schedule of the election that the City had established.

After further discussion, Council Member Keller moved to call the question on the motion to delay a week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2001-0646 ADOPTED.

A roll call vote was called on the motion to postpone Item No. 77a for one week.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez no
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan absent.
Council Member Boney voting no	Council Member Sanchez voting no.
Council Member Todd no	Council Member Bell voting no
Council Member Ellis no	Council Member Robinson voting no.
Council Member Keller no	MOTION 2001-0647 FAILED

Council Member Robinson stated that he wanted to put on the record that he was going to vote for the main item because of Council Member Galloway's past political presentation of the area was being transferred and Precinct 322 that was being moved out to the other Council district had a relation in terms of community and interest to the district in which it was being moved to so he was on the record to be clear why he was voting for it. Council Member Quan absent.

Council Member Bell stated that he wanted to raise one point that had not come up and he had forgotten about it, if they voted on the main item today it would render her amendment moot and the tag rule said that if the tag would render an item moot then they could not tag it, and Mr. Hall stated that this was not a new question, that it had long since been consistently been the ruling of the City Attorney's office that amendments to main items that were in fact not offered concurrent with consideration of the main item ran the risk of being eliminated if the main item should pass at a later time, and Mayor Brown stated that there were no problems doing this, and Mr. Hall stated no, that it was history.

A roll call vote was called on Item No. 77a as amended.

Council Member Boney asked if they were saying if they passed the main item as amended that the opportunity to amend it by the motion that had been postponed still existed, and Mr. Hall stated no, that they were saying it was history and dead.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez aye
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan absent.
Council Member Boney voting aye	Council Member Sanchez voting no.
Council Member Todd no	Council Member Bell voting aye
Council Member Ellis aye	Council Member Robinson voting aye



Council Member Keller aye

ORDINANCE 2001-0539 ADOPTED

Council Member Ellis moved to suspend the rules so they could consider Item No. 55 on the May 23, 2001 agenda, that he was on the prevailing side and there had been new information that had been brought to his attention and he would like to reconsider that item, seconded by Council Member Castillo. Council Member Quan absent.

Mayor Brown stated what they were doing at this time was suspending the rules to consider an item that was on a past agenda, May 23, 2001, and put it on next weeks agenda, that it could not be voted on today, that it had to be posted for next weeks agenda. Council Members Galloway and Quan absent.

Upon questions by Council Member Goldberg, Mr. Hall stated that if the rules were not suspended it could not be considered for a period of 90 days, however, if a member of the prevailing side offered a motion, and he was a member of the prevailing side and the rules were suspended, they could consider it right away after it was posted, that it was a Council rule, that he was doing two things, he was moving to have posted a suspension of the rules and the motion to have the item back up, that it required 10 votes to pass. Council Members Galloway and Quan absent.

Upon questions by Council Member Tatro, Mayor Brown stated that it was a small easement that already existed and they were asking for a two year extension of the encroachment. Council Members Galloway and Quan absent.

After discussion by Council, Council Member Boney asked if next week, should the Mayor decide to put this on the agenda would they need eight or ten votes, and Mr. Hall stated that they would need ten votes to suspend the rules because they could not discuss suspending the rules without discussing what it was they were talking about suspending them for, that was deliberation and they had to in fact post that. Council Members Galloway, Quan and Robinson absent.

Mayor Brown stated that he ruled they were going to take a vote on suspending the rules and bringing it back up and posting it for next week, that he did not know of any prohibition for doing that, and Mr. Hall stated that it was a State law and that was the prohibition, that under the open meetings act they were required to post with requisite time intervals any matter of public business that was to be acted on by the Council, that if they were going to suspend the rules they had to suspend the rules for something and he assumed they were going to disclose what it was they were going to suspend the rules for and he would have then violated that provision if he started doing that, that it was to suspend the rules to bring it back up, and Mayor Brown stated that it was a Council rule and how did the State law impact the Council rule, and Mr. Hall stated they could not vote to change the Council rules unless they posted it, and Mayor Brown stated that listening to the City Attorney and not wanting to violate the law he was not going to do anything. Council Members Galloway, Todd, Keller and Quan absent.

Council Member Ellis stated that he would withdraw his motion, and would write him a request, and Mayor Brown stated that they would put the item on next weeks agenda. Council Member Galloway, Todd and Quan absent.

Mayor Brown stated that the matter would be, at the request of several Council Members, posted next week for reconsideration. Council Member Galloway, Todd, Keller and Quan absent.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 33, 36 and 44 out of order, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Todd, Keller and Quan absent. MOTION 2001-0648 ADOPTED.

33. ORDINANCE appropriating \$200,000.00 Airport System Consolidated 2000 AMT Construction Fund, CIP A-0422, \$14,308,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-0322, \$77,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-131, \$688,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A-322, and \$4,526,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, CIP A0335, awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** on bid of \$17,985,511.37 and approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** in the amount of \$175,000.00 for Terminal "C" New Pedestrian Bridge and West Facade Expansion at George Bush Intercontinental Airport/Houston (IAH), Project No. 490F - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Vasquez. Council Members Galloway, Todd and Quan absent.
36. ORDINANCE appropriating \$4,134,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RAMOS INDUSTRIES, INC** on low bid of \$3,563,827.90 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$107,000.00 for 30-inch and 36-inch waterline along Campbell Road and Kempwood Drive, GFS S-0900-75-3 (WA10648); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented, and tagged by Council Member Vasquez. Council Members Galloway, Todd and Quan absent.

Council Member Keller stated that Ramos Industries, who he was tough on to do a project in his district, had done an A+ job. Council Members Galloway, Todd and Quan absent.

44. ORDINANCE appropriating \$2,842,000.00 out of the Street and Bridge Consolidated Construction Fund and \$612,000.00 from Water and Sewer System Consolidated Construction Fund, awarding a contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$2,916,497.80 and approving and authorizing a professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$100,000.00 for construction of Westview Drive Paving; Shadowdale to Gessner Road, GFS N-0549-03-3 (SB9022); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer System

Consolidated Construction Fund **DISTRICT A - TATRO** – was presented, and tagged by Council Member Vasquez. Council Members Galloway, Todd and Quan absent.

31. ORDINANCE appropriating \$54,275.00 out of Homeless & Housing Consolidated Bond Fund and approving and authorizing City of Houston to enter into first amendment with **RE-WARD THIRD WARD, INC** to provide additional funds for the acquisition and improvement of eleven (11) Residential Lots in the Third Ward Area to be developed as single-family affordable housing **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0540 ADOPTED.
32. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract for Litter Removal Services for Public Works & Engineering Department to **ON OUR OWN SERVICES, INC - 5 Years - \$8,125,000.00 - Street & Drainage Maintenance Fund** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0541 ADOPTED.
34. ORDINANCE appropriating \$50,000.00 out of Petroleum Storage Tank Reimbursement Fund and approving and authorizing amendment to Professional Environmental Consulting Services contract (Approved by Ord. No. 99-0513) between the City of Houston and **CORRIGAN CONSULTING, INC** for General Environmental Services, CIP D-0076-01-2; providing funding for contingencies relating to construction of facilities financed by the Petroleum Storage Tank Reimbursement Fund – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0542 ADOPTED.
35. ORDINANCE appropriating \$411,000.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$343,739.00 and approving and authorizing professional services contract for engineering testing services with **BANDY AND ASSOCIATES, INC** in the amount \$12,000.00 for Safe Sidewalk Program GFS N-0610A-S7-3 (SB9048-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0543 ADOPTED.
37. ORDINANCE awarding construction contract to **CONRAD CONSTRUCTION CO, INC** on low bid of \$604,650.00 and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$18,000.00 for construction of Briarcroft Subdivision Relief Storm Sewers, GFS M-0126-04-3; providing funding for contingencies relating to facilities financed by the Street & Drainage Maintenance Fund - Total \$714,000.00 - Street & Drainage Maintenance Fund No. 227 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0544 ADOPTED.

39. ORDINANCE appropriating \$5,141,000.00 out of Storm Sewer Consolidated Construction Fund, awarding contract to **COLT UTILITIES, INC** on low bid of \$4,321,918.57 approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** in the amount of \$130,000.00 and approving and authorizing professional services contract for construction management and inspection services with **CLAUNCH AND MILLER, INC** in the amount of \$343,300.00 for construction of Dunvale-Lipan Relief Storm Sewer from Westpark to Buffalo Bayou, GFS M-0189-01-3 (M-0189-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0545 ADOPTED.
40. ORDINANCE accepting \$400,000.00 in funds from Harris County and depositing such funds into the Harris County Construction Fund appropriating \$400,000.00 out of the Harris County Construction Fund, \$604,790.00 out of Storm Sewer Consolidated Construction Fund, \$43,210.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION CO., INC** on low bid of \$887,353.80 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$27,000.00 for construction of Lakeview Relief Storm Sewer - Phase 2, GFS M0231-04-3 (M-0231-04); providing funding for contingencies relating to construction of facilities financed by the Harris County Construction Fund, Storm Sewer Consolidated Construction Fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Todd and Quan absent. ORDINANCE 2001-0546 ADOPTED.
41. ORDINANCE appropriating and transferring \$10,060,069.54 from Accumulated Unexpended Fund to the Storm Sewer Control Fund; appropriating \$10,060,069.54 out of the Storm Sewer Control Fund, and \$1,798,530.46 out of Water and Sewer System Consolidated Construction Fund; awarding contract to **GARVER CONSTRUCTION LTD** on low bid of \$10,061,889.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$300,000.00 for Austin Street Paving and Drainage Improvements, Contract 3, GFS M-0244-03-3 (N-0671-03); providing funding for construction management and contingencies relating to construction of facilities financed by the Storm Sewer Control Fund and Water and Sewer System Consolidated Construction Fund - **DISTRICT I – CASTILLO** – was presented, and tagged by Council Members Tatro, Sanchez and Parker. Council Members Galloway, Todd and Quan absent.

Council Member Sanchez stated that he was going to tag the item because they had transferred \$25 million out of the ALP and there were a number of projects that were coming out of the ALP and they were not sure how much money they were going to need

for the cleanup and if these items passed they ran the risk of deleting the ALP and stated that he would rather hear from the Controller. Council Members Galloway, Todd and Quan absent.

Mayor Brown stated that the matter had been tagged, but the Controller had already certified this item, and that Item 41 was tagged by Council Members Tatro, Sanche and Parker. Council Members Galloway, Todd and Quan absent.

43. ORDINANCE appropriating \$4,632,264.74 out of the Street and Bridge Consolidated Construction Fund and \$581,795.26 out of the Water and Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$4,355,613.00 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$150,000.00 and approving and authorizing professional services contract for Construction Management and Inspection Services with **JNS CONSULTING ENGINEERS, INC** in the amount of \$360,000.00 for Neighborhood Street Reconstruction No. 440, GFS N-0373-01-3 (N-0373-01); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Sanchez. Council Members Galloway, Todd, Keller, Vasquez and Quan absent. (Note: Council Member Sanchez released his tag later in the meeting.)
45. ORDINANCE appropriating \$663,100.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to **CURB PLANET, INC** on low bid of \$556,173.50 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES, INC** in the amount of \$18,000.00 for Safe Sidewalk Program, GFS N-0610A-07-3 (SB9008-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer Consolidated Construction Fund - **DISTRICTS E - TODD and I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Keller, Vasquez and Quan absent. ORDINANCE 2001-0547 ADOPTED.
46. ORDINANCE appropriating \$2,366,000.00 out of Street and Bridge Consolidated Construction Fund, \$936,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$2,786,491.60 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$97,500.00 for construction of Lyons Avenue Paving from Waco Street to Railroad East of Sakowitz, GFS N0719-01-3 (SB9015); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members

Galloway, Todd, Keller, Vasquez and Quan absent. ORDINANCE 2001-0548 ADOPTED.

51. ORDINANCE appropriating \$4,002,828.28 out of Water and Sewer System Consolidated Construction Fund, awarding construction contract to **KINSEL INDUSTRIES, INC** on low bid of \$3,393,764.00 and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** in the amount of \$100,000.00 for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-18-3 (4257-28); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0549 ADOPTED.
52. ORDINANCE appropriating \$802,426.97 out of the Water and Sewer System Consolidated Construction Fund, awarding construction contract to **PHOCO, INC dba TELEPHONE COMPANY of HOUSTON** on low bid of \$729,371.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$22,000.00 for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-22-3 (4235-11); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Goldberg. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.
53. ORDINANCE appropriating \$17,035,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$14,180,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$285,000.00 for East Water Purification Plant (EWPP) Upgrade and Optimization, GFS S-0056-29-3 (10594-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Goldberg. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.
54. ORDINANCE appropriating \$2,234,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$1,887,000.00 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$56,000.00 for East Water Purification Plant III Administration Building Renovations, GFS S-0056-Y8-3 (10536-4); providing funding for construction management and 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 Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0550 ADOPTED.

55. ORDINANCE appropriating \$766,000.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** on low bid of \$628,000.00 and approving and authorizing professional services contract for engineering testing services with **McBRIDE-RATCLIFF & ASSOCIATES, INC** in the amount of \$20,000.00 for East Water Purification Plant 1 Sedimentation Basins A and B Drive Replacements, GFS S-0056-Y9-3 (10536-3); providing funding for construction management and 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 Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0551 ADOPTED.
57. ORDINANCE appropriating \$1,462,000.00 out of Water and Sewer System Consolidated Construction Fund 755 (Number R-0018-RE-1, \$610,500.00 and Number S-0517-RE-1, \$851,500.00), and approving and authorizing the purchase of easements and other interests in real property and the payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with Capital Improvement Projects – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0552 ADOPTED.
58. ORDINANCE appropriating \$1,305,300.00 out of Street and Bridge Consolidated Construction Fund 437 (Number N-0663-RE-1), and approving and authorizing the purchase of easements and other interests in Real Property and Pavement of the costs of such purchases and/or condemnations of such Real Property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with the Capital Improvement Projects – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0553 ADOPTED.

Council Member Tatro stated that on Item No. 52 Council Member Quan had asked if Public Works could also get some information to him, and Mayor Brown stated that on Item No. 52 they would ask Public Works to meet with Council Member Quan. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

**NON CONSENT AGENDA** - NUMBERS 63 through 64

**MISCELLANEOUS**

63. MOTION to set a date not less than seven (7) days from June 13, 2001 to receive nominations for Positions Four and Five to the Board of **REINVESTMENT ZONE NUMBER ONE**, with terms to expire December 31, 2002 – was presented. Council Member Boney moved to set June 20, 2001 to receive nominations, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. MOTION 2001-0649 ADOPTED.

64. **SET HEARING DATE** to consider the creation of a Reinvestment Zone for **LIEBHERR-AMERICA, INC - DISTRICT B - GALLOWAY** **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE** – was presented. Council Member Castillo moved to set a hearing for June 27, 2001, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. MOTION 2001-0650 ADOPTED.

Council Member Robinson requested that someone come and visit with him from the Planning Department. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

**MATTERS HELD** - NUMBERS 65 through 76

65. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department, to award to **IDEXX DISTRIBUTION CORPORATION** - \$565,777.00 and **QUALITY AEROSPACE INTERIOR, INC** - \$29,601.00 for Water Kits, Colilert for Health and Human Services and Public Works and Engineering Departments - General and Enterprise Funds - **(This was Item 21 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. MOTION 2001-0651 ADOPTED.

66. RESOLUTION designating certain properties in the City of Houston as Historic Landmarks (Henke's Fifth Ward Grocery Building, The Building at 1204 Nance Street and the Fifth Ward Hotel Building) - **DISTRICT H - VASQUEZ** - **(This was Item 22 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. RESOLUTION 2001-0029 ADOPTED.

Council Member Castillo stated that he had asked the Planning Department to give him an idea of what the potential cost would be of a historic tax abatement because he knew that was where they were going, and Mayor Brown stated that he would make sure they would get that to him right away. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Boney stated that he requested some information regarding what were the requirements for getting a banner district and he had not received that for several weeks, and Mayor Brown stated that he would make sure he received that information right away. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

67. RESOLUTION urging the Harris County Commissioner's Court to adopt new voting Precinct Boundaries using major thoroughfares, bayous, railroads and other natural or manmade geographic features; providing for severability - **(This was Item 23 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBERS**



**TATRO, TODD and BONEY)** – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. RESOLUTION 2001-0030 ADOPTED.

69. ORDINANCE approving and authorizing special warranty deed conveying to **GEORGE POLYDOROS CO., INC**, a parcel of land containing 54,213 square feet, more or less Parcel S98-023, located at 1200 Enclave Parkway, Houston, Texas in consideration of George Polydoros Co., Inc's payment of \$273,784.00 and other consideration to the City - **DISTRICT G - KELLER** - (**This was Item 32 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER KELLER**) – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0554 ADOPTED.
70. ORDINANCE approving and authorizing the City of Houston to Submit the 2001 Consolidated Annual Plan to the United States Department of Housing and Urban Development, including the following 2001-2002 Grant Applications: 1) **27th YEAR COMMUNITY DEVELOPMENT BLOCK GRANT** in the amount of \$38,421,000.00; 2) **HOME INVESTMENT PARTNERSHIPS** in the amount of \$13,690,000.00; 3) **HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS** in the amount of \$4,393,000.00; and 4) **EMERGENCY SHELTER GRANTS** in the amount of \$1,234,000.00; and to accept the aforementioned grant funds, if awarded - (**This was Item 33 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER SANCHEZ**) – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0555 ADOPTED.
72. ORDINANCE approving and authorizing Engagement Letter between City of Houston and **MAYOR, DAY, CALDWELL & KEETON, L.L.P.**, to provide Environmental Legal Services for the Department of Aviation; providing a maximum contract amount - \$450,000.00 - Enterprise Fund **DISTRICTS B - GALLOWAY and E - TODD** - (**This was Item 36 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBERS BELL and ROBINSON**) – was presented.

Council Member Bell stated that he had tagged the item last week as a result of questions regarding why they were relying on an RFQ conducted in 1997 instead of going out with a new one and requested more information, that basically he was provided with a copy of a memorandum at the table that explained it in detail, but basically explained in detail what he had already been told and that was that the firm involved participated in 1997 and another one of the firms that had participate in 1997 had dissolved and not much had changed in this area supposedly and so they would just go back and rely on 1997 and hire this firm again, that he had no problems with the firm whatsoever, that they were an excellent firm and had a great reputation in this area, but he did think it was a very bad precedent and nothing he had been shown convinced him otherwise because they could carry this over to other liens of work, that he planned to vote against it. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

A roll call vote was called for Item No. 72.

ROLL CALL VOTE:

Mayor Brown voting aye.  
Council Member Tatro voting no  
Council Member Galloway absent.  
Council Member Goldberg voting aye.  
Council Member Boney voting aye.  
Council Member Todd absent  
Council Member Ellis absent.  
Council Member Keller absent.

Council Member Vasquez absent.  
Council Member Castillo voting aye.  
Council Member Parker voting aye.  
Council Member Quan absent.  
Council Member Sanchez voting no.  
Council Member Bell voting no  
Council Member Robinson voting no.  
ORDINANCE 2001-0556 ADOPTED.

73. ORDINANCE approving and authorizing acceptance of Grant Agreement No. 3-48-0110-22 in the amount of \$1,875,000.00 by and between the City of Houston, Texas and the **FEDERAL AVIATION ADMINISTRATION** for Preparation of an Airport Masterplan at William P. Hobby Airport, CIP A-0442 - **DISTRICT E - TODD** - (This was Item 38 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBERS QUAN, GOLDBERG and KELLER) - was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0557 ADOPTED.
74. ORDINANCE appropriating \$1,622,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing second amendment to professional services contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INC** for Design of Sludge Facilities Improvements and Expansion at the East Water Purification Plant (EWPP) Complex, CIP S-0056-Y8-2 (10536); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (This was Item 41 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER KELLER) – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0558 ADOPTED.
75. ORDINANCE appropriating \$3,821,600.00 out of Street & Bridge Consolidated Construction Fund, \$674,400.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **COLT UTILITIES, INC** on low bid of \$3,748,246.30 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$185,000.00 and approving and authorizing professional services contract for Construction Management and Inspection Services with **EMPIRE CONSTRUCTION SERVICES, INC** in the amount of \$300,000.00 for construction of NSR 434-02 and NSR 432A, Phase IV - Ford Street, GFS N-0366-02-3 (N-0366-02 & N-0366-04); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and I - CASTILLO** - (This was Item 42 on Agenda of June 6, 2001, TAGGED BY COUNCIL MEMBER TATRO) – was presented. All voting aye. Nays none. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent. ORDINANCE 2001-0559 ADOPTED.

76. ORDINANCE appropriating \$550,000.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing second amendment to the professional services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Houston Bikeway Program Project, CIP N-0420-99-2 (SB9017); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund - (This was Item 63 on Agenda of June 6, 2001, **POSTPONED BY MOTION #2001-613**) - was presented. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Tatro stated that this was an engineering contract on the bikeway program and they had brought it up last week and presented some information to Council Members and hoped they had enough time to look at it about the escalating cost of the bikeway program, that he used it as an opportunity also to suggest that it was time they revisited this program and if they were to proceed with it that they give a reaffirmation of their commitment to it, cost versus the regular estimates were coming back four to five times the original amount so he thought that in light of the current CIP, the CIP that was proposed and the bond referendum he thought it was time to take a re-look at it and again decide on the criteria with which they were going to proceed, if they were going to follow TXDOT's guidelines or if they needed to seek variances or amendments to the criteria, because it was that criteria that was escalating the costs so high along with the original estimates, and Council Member Tatro moved to refer Item No. 76 back to the administration. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Boney stated that he understood that there was going to be a review of the cost and the program to see if they might cherry pick the projects that made sense or see if they could negotiate something with the federal government and asked if they had not done that, and Mayor Brown stated that no, there was a delay because of the storm. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Sanchez asked if they ran a risk of losing federal funding and State matching moneys if they seemed to start and stop on the bikeway program, that it was an alternative mode of transportation and presumably they had been funded because they agreed and now for them to cherry pick these projects as they came through sort of sends a bad message, that he knew there were other cities that would love to have this money and if they were not organized or wholeheartedly behind the program and when they come to Council they all of a sudden hesitate he was afraid that next funding cycle they might be overlooked for being the City that did not enthusiastically embrace alternative modes of transportation. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Robinson stated that he was an enthusiastic supporter, but what he was hearing was that they had some practical on the ground considerations and for instance if they go down Washington Avenue coming into downtown the bike lane was in the Metro bus lane, that they also had concerns that where the lanes were in some instances they had become a mobility hazard, not just in terms of movement but dangerous to the people on the bicycle because of the narrowness of the lanes for the

automobile traffic once they insert the bike lanes, that he had some serious concerns about people's safety and it was not about not implementing the program and it was not a disrespect or distrust in the engineers, he was just telling them that on the ground out there were some problems with what had been painted on the streets and they ought to be cognizant of it. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Mayor Brown stated that they had Public Works looking at that issue right now. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

After further discussion by Council, Council Member Bell moved to postpone Item No. 76 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Boney, Todd, Ellis, Keller, Vasquez and Quan absent. MOTION 2001-0652 ADOPTED.

### **Matters postponed to the end of the Agenda**

29. ORDINANCE approving and authorizing lease agreement between the City of Houston and **JUNETEENTH U S A**, providing 9.85 acres out of the Holmes Road Incinerator Site to be used for a Monument and Educational, Cultural and Historical purposes; subject to the terms and conditions of the lease agreement – was again presented.

Mayor Brown stated that on Item No. 29 that was now before them, they had received the handouts. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Sanchez stated that he had just been handed the consultants letter and it left some unanswered questions, that it stated that removal of four 55 gallon drums of investigation derived waste was not completed at this time, that analytical results from the surface water samples were not received at the time that the report was prepared, that it said that based on the results of the site investigation to date the following observations and recommendations were presented below as they discussed the initial testing and analysis underway and minor modifications and recommendations were possible upon receipt of the final results, that it also said in one of the draft copies that the concentrations of PCB's that were detected was greater than Tier 1 residential PCL and the EPA cleanup level, so he thought that the letter sort of left itself open, that this was not 100% conclusive and that left him some room for concern. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Boney stated that he did speak to Mr. Lewis in the Legal Department and probably read a little faster than Council Member Sanchez, that the key paragraph was based on the results of this investigation the property would meet standards established by the TNRCC for residential use and could be used for purposes such as a park, and again as they said there was a little more to be done but the Legal Department felt comfortable with this language and this paragraph, that they should go ahead and pass it today with his amendment that restricted it only to areas which had been cleared for residential use which would buy them the extra bulletproof to make sure

they were not hurt. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Robinson asked if there was any idea of what the cost was related to the preparations to deal with the recommendations was going to be or could someone come and visit with him, and Mayor Brown stated they would have someone come and visit with him. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Mayor Brown stated that what they had on the table right now was Council Member Boney's amendment, which restricted the lease of the property to that which was designated as okay for residential. Council Members Galloway, Todd, Ellis, Keller, Vasquez and Quan absent.

Council Member Castillo asked if the lease term was still 30 years, and Mr. Hall stated yes, that as he understood Council Member Boney's amendment, because of the concerns expressed by Council, this would be consummated and what would be included in the lease would be only that portion of the property that had been approved for residential or construction, even though that was not what was going to be done on it.

A vote was called on Council Member Boney's amendment. All voting aye. Nays none. Council Members Todd, Ellis, Keller, Vasquez and Quan absent. MOTION 2001-0653 ADOPTED.

A vote was called on Item No. 29 as amended. Council Member Goldberg voting no, balance voting aye. Council Members Todd, Ellis, Keller, Vasquez, Quan and Robinson absent. ORDINANCE 2001-0560 ADOPTED.

Council Member Sanchez stated that he wanted to remove his tag on Item No. 43. Council Members Todd, Ellis, Keller, Vasquez, Quan and Robinson absent.

Mayor Brown stated that Council Member Sanchez removed his tag on Item No. 43, and Council Member Sanchez asked if Item No. 42 had been received and Mayor Brown stated no. Council Members Todd, Ellis, Keller, Vasquez, Quan and Robinson absent.

43. ORDINANCE appropriating \$4,632,264.74 out of the Street and Bridge Consolidated Construction Fund and \$581,795.26 out of the Water and Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** on low bid of \$4,355,613.00 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$150,000.00 and approving and authorizing professional services contract for Construction Management and Inspection Services with **JNS CONSULTING ENGINEERS, INC** in the amount of \$360,000.00 for Neighborhood Street Reconstruction No. 440, GFS N-0373-01-3 (N-0373-01); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and Water and Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was again presented. All voting aye. Nays none. Council Members Todd, Ellis, Keller, Vasquez, Quan and Robinson absent. ORDINANCE 2001-0561 ADOPTED.

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

Council Member Bell stated that he wanted to thank the administration for its earlier statement regarding an emergency preparedness plan and trying to learn from what they had experienced over the last few days, that just as the water receded very soon in the coming days or weeks the news about Tropical Storm Allison and the resulting flood would move off of the front page of the newspaper and would no longer dominate the television and radio broadcasts, but the memory would burn rather brightly for those who had been devastated by the flooding and he thought they owed it to them to not forget what had transpired and to learn from this incident just as they could always learn from a natural disaster and make sure they were better prepared the next time something of this nature occurs, that he was glad to hear the report this morning that the plan that was in effect worked and was followed but he thought they saw some situations occurring during the last couple of days, especially in regard to the medical center, that could have led to far greater problems if they were talking about a hurricane where they would be experiencing thousands of injuries and people in need of medical care and how would they get to those facilities if that kind of flooding were to occur again in the future, that he hoped a committee would be formed that involved engineering expertise as well as people skilled at emergency management and representatives of both the City and the County, that yes they did have the Harris County Flood Control District, but it was our problem to and they needed to be working with them to make sure they were prepared in the future and he hoped that would prove to be the silver lining in this dark cloud that had come over the City in recent days. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Mayor Brown stated that just as he said earlier, he and Judge Eckels had been discussing this and there was a process in place and standard procedure was when they had an event like this they critiqued what happened so they could improve on the plan if it was needed in the future. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Goldberg stated that he also thought that the City functioned very well and all the departments that were handling the emergency services did an excellent job, that he also wanted to commend the Red Cross, that he thought they had one of the best Red Cross departments and volunteers anywhere in the Country and around the World, that while a lot of the media attention focused on the east side and north east side of town, District C did suffer tremendous losses, that there was not a lot of coverage on it however he could tell them that all the subdivisions along Braes Bayous flooded with many homes getting three, four and five feet of water in them, that among the subdivisions were Linkwood, Braeswood Place, Larchmont, Willow Meadows, Meyerland, South Hampton and in Braeswood Place they had a fire, that he did visit all of the neighborhoods and people were glad to see that at least someone from the City knew about it, that they were going to try to help and assist in anyway the people who did not have insurance, that fortunately a lot of the people he talked to did have insurance. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Goldberg stated that they took care of redistricting, that he was honored to be on the Council during this time and none of them obviously would be on the

Council next time it happened, that he wanted to commend Jerry Wood for the work he did, that it was an outstanding job, and asked that they take this time to applaud Mr. Wood. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Galloway stated that she wanted to commend Congresswoman Shiela Jackson Lee during the disaster, that she was most accessible to the community and toured all of the areas, that she was concerned about all of Houston, that she wanted to commend her for her diligent effort in order to have FEMA to try to support the community and get satellite offices located in the area so people could have easy access to FEMA, that she also wanted to thank the Houston community for their support, that she had never seen so many people turn up at shelters bringing goods, that she knew they still had a lot to do, that she herself was a victim and understood everyone who was victimized by the storm. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Robinson stated that he wanted to let folks know about the Prince Complex at 3000 Jensen Drive and Mosque 45 at 4433 Old Spanish Trail as two additional facilities that were also involved in the effort and if folks wanted to drop off perishable goods or wanted to call them for assistance at the Prince center it was 713-229-0535 and at the Mosque it was 713-741-2747; that Reverend Collins at the Sweet Home Baptist Church also opened up his facilities as a shelter during this time of emergency. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Robinson stated that even though they did not pass the budget this Wednesday he wanted to say that this had been the most informative, and had been very appreciative that the discussion between him and Dr. Scheps had been so very positive, that he also wanted to thank Mr. Haines, and would hope that they would consider doing a mini citywide budget workshop somewhere mid year into the FY02 Budget and keep Council actively involved in the process, that in the four budgets he had gone through, this had been the calmest and least number of amendments that they had seen and thought that came as a result of Council being actively engaged in the process. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Robinson stated that there had been a lot of discussion on what he called a short term getting out of the hole they now found themselves in as a result of the flood, that he thought they were doing a great job and thanked the Mayor for the report this morning and the evaluation process they were going to go through, but thought that as Council they had an obligation and responsibility to look out at that long term process and was glad that they were now talking about a November bond referendum. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Boney stated that all over the City people had commented on the Mayor's leadership during the crisis and the fact that there was clear direction and coordination with other governmental agencies, elected officials and so forth, and also wanted to extend a thanks to Governor Perry, Judge Eckels and President Bush for responding so quickly, that he thought that was one of the things that gave Houston's citizens hope, that clarity that nobody was being left out, that all people's issues were being addressed, that people did not realize yet the scope of what happened to the City, that it was indeed the worst disaster they had to date, that he was interested in an

evaluation and some training, that he was surprised at how much he did not know as a homeowner about how FEMA operates, that flood insurance and home owners insurance were two different things, and he thought they needed to get as much of that kind of information to the citizens as possible so they could be prepared. Council Members Todd, Ellis, Keller, Vasquez, Parker and Quan absent.

Council Member Boney stated that he had read the memorandum that Mr. Hall had sent the Mayor regarding City employees running for City office and knew that had been raised by one of the Council Members, that he noted in the memo on the third paragraph that Ms. Silvia Garcia campaigned for office while serving as a presiding judge and Mr. W. R. Morris of the Citizens Assistance Office had run, that he was interested in also knowing under what circumstances and guidelines, that he understood the guidelines listed but was wondering about any historical reference to challenges, issues or burdens they had to overcome while trying to do that and while serving in office at the same time and if there was an appropriate way, and did not need to be now, that he could share with him in an additional memorandum, how they did it and what they did not need to do, because he was not sure that it resolved all of the questions that had been raised around the table, and Mr. Hall stated that was just an example, that Ms. Kim Ogg ran for office while working here and there was a long and exhausting list of people who had done that, that they could certainly try to give him some more details about what could constitute conflicts, but what they had tried to show was that the City already had a forum established under an ordinance for dealing with that, and that was for the Ethics Committee to issue an advisory opinion on an individual circumstance and render that judgment, and Council Member Boney stated that what he was asking was if there was an opportunity for Mr. Hall to further illuminate and clarify so that any citizen who happened to work for the City and wanted to run for office could not say they were confused or did not know, that the more clarity they had and the less questions they had and to be clear that people knew the rules and how to follow them. Council Members Todd, Ellis, Keller, Vasquez, Parker, Quan and Robinson absent.

Council Member Sanchez stated that a couple of suggestions that had come out of the community over the last couple of days, and he would pass them on to him, some people were obviously experiencing some substantial frustration in having to drive to different locations and one of the questions they brought up was perhaps they could consolidate a lot of the activities and try to do one stop shopping where people could apply for low interest loans through federal agencies such as FEMA, perhaps where the Red Cross could be or perhaps where the City Health Department could be issuing out advisories or immunizations, and where small business administration could be available and try to eliminate the driving that folks were having to do, so if they could try to serve as a clearing house and coordination point. Council Members Todd, Ellis, Keller, Vasquez, Parker, Quan and Robinson absent.

There being no further business before Council, the City Council adjourned at 1:09 p.m. upon MOTION by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Todd, Ellis, Keller, Vasquez, Parker, Quan and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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



MINUTES READ AND APPROVED

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Anna Russell, City Secretary